

Coyote Creek – Singleton Road Fish Barrier, Stream Restoration, and Pedestrian Bridge Project Initial Environmental Assessment

TO: Morgan Loatfi, City of San José
FROM: Danielle Tannourji, CH2M
DATE: February 6th, 2015
PROJECT NUMBER: 478688 Service Order 05

1.1 Introduction

The City of San José (City) has retained CH2M to prepare an initial environmental assessment for the Fish Barrier, Stream Restoration, and Pedestrian Bridge at Singleton Road crossing Coyote Creek in San José (Project). This initial assessment reviews the potential impacts to biological resources and water quality. This assessment also describes several standard project conditions (i.e., avoidance/minimization actions) and mitigation measures applicable to the Project to reduce potential impacts to these environmental factors below a level of significance in addition to summarizing the regulatory permits required for the Project. The remaining 16 environmental factors covered under CEQA will be explored further in a proceeding memorandum after the completion of the preliminary engineering study as they are not expected to be significantly impacted by the proposed Project.

1.2 Project Description

The Project site is located in south San José, southeast of downtown, in between Capitol Expressway and Yerba Buena Road along the Coyote Creek Trail, a multi-use, Class I pedestrian and bicycle trail located adjacent to the Coyote Creek riparian corridor through San José. Project improvements include the development of a fish obstruction removal plan for the existing in-channel crossing and other nearby obstructions, an associated creek restoration plan, and a new pedestrian bridge that will generally align with Singleton Road. The alignment will include ramps to connect to the existing trail system and a gateway at Tuers Road. Below are preferred site criteria that shall be taken into consideration during this initial planning phase of the Project.

1.2.1 Preferred Site Criteria

For this initial environmental assessment, it is assumed that the following preferred site criteria would be included in the final Project description:

- Bridge location alternatives considered shall be within open riparian areas with low forest canopy density to reduce impacts to the existing riparian corridor.
- Bridge piers shall be installed outside of the ordinary high water mark, near the top of bank, in disturbed habitat, if possible.

- Avoid removal of large-diameter native trees.
- Restrict construction to June 15 to October 15 which occurs outside the salmonid fish migration/spawning season.
- Minimize vegetation removal and plan to conduct removal outside of the bird nesting season (Feb 15-Aug 31), if possible.
- Follow the Reasonable and Prudent Measures listed in the Programmatic Biological Opinion for USACE Fishery Restoration Projects (NMFS, 2006) including parameters for temporary creek diversions, fish relocation planning, and biological monitoring.
- Project design features, construction methods, and mitigation measures shall be consistent with the provisions of the Santa Clara Valley Habitat Plan, adopted by the City of San José in January 2013 including Conditions 1, 3 through 6, 15 through 18, and Table 6-2 requirements for avoidance and minimization of aquatic habitat.

1.3 Environmental Assessment Methods

Prior to visiting the Project site, analyses of the California Department of Fish and Wildlife (CDFW) Natural Diversity Database (CNDDDB), the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Plants, and the U.S. Fish and Wildlife Service (USFWS) Online Federal Endangered and Threatened Species Database were conducted for the San Jose East quadrangle (see Attachment 1). Review of the existing literature from recent City trail projects in the region along Coyote Creek (City of San Jose, 2014; 2007; 2004) were conducted including the National Marine Fisheries Service (NMFS) Programmatic Biological Opinion regarding in-stream fish habitat restoration projects (NMFS, 2006).

A site reconnaissance was conducted on February 4, 2015 by CH2M biologist, Danielle Tannourji, and CH2M engineer, Michelle Cheung. The entire Project area was visited on foot utilizing the existing trails adjacent to the creek. Vegetation communities were mapped using a 1 inch = 100 foot aerial map of the Project area and observed flora and fauna were recorded. Representative photographs were also taken of the Project area. Several alternatives for the potential bridge and trail tie-in locations were discussed and analyzed on site during the reconnaissance and are included in the assessments below.

1.4 California Environmental Quality Act (CEQA) Documentation

Based on the City's Environmental Clearance Ordinance (Title 21 of the San Jose Municipal Code) and Sections 15060-15065 of the CEQA guidelines, an Initial Study would be required as formal documentation to analyze the potential Project impacts to all 18 environmental factors covered by the CEQA checklist. Based on the preliminary Project description, the environmental factors checked below may be potentially affected by this Project; that is, they would likely involve at least one impact that is a "Less-Than-Significant Impact with Mitigation Incorporated" as indicated by the checklist. To be approved as a mitigated negative declaration, the Project would be required to administer mitigation measures that reduce potentially significant impacts during and/or after Project construction to below a level of significance.

Environmental Factors Potentially Affected

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture Resources	<input type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input checked="" type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology/Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards & Hazardous Materials	<input checked="" type="checkbox"/>	Hydrology/Water Quality
<input type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources	<input checked="" type="checkbox"/>	Noise
<input type="checkbox"/>	Population/Housing	<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Energy

Details on the existing onsite conditions, the anticipated impacts from construction and bridge operations, recommended avoidance and mitigation measures, and a list a regulatory permits required by state and federal agencies are included herein for biological resources and water quality. The remaining 16 environmental factors covered under CEQA will be explored further in a proceeding memorandum after the completion of the preliminary engineering study as they are not expected to be significantly impacted by the proposed Project.

1.4.1 Biological Resources

Natural Communities and Associated Plant and Wildlife Species

Two biotic habitats are known within the Project area: mixed riparian forest and annual grassland. Aquatic habitat occurs within the active flow channel of Coyote Creek. Mixed riparian forest and aquatic habitat are considered sensitive communities by the resource agencies. Below is a brief description of each community noted during the February 2015 reconnaissance survey.

Mixed Riparian Forest. The riparian vegetation that characterizes the Coyote Creek corridor within the project area consists of native trees, including Fremont's cottonwood (*Populus fremontii*), red willow (*Salix laevigata*), arroyo willow (*S. lasiolepis*), coast live oak (*Quercus agrifolia*), blue elderberry (*Sambucus cerulea*), California black walnut (*Juglans hindsii*), California buckeye (*Aesculus californica*), western sycamore (*Platanus racemosa*), and box elder (*Acer negundo*). In addition, nonnative trees such as palm (*Phoenix* sp.), pine (*Pinus* sp.), and privet (*Ligustrum* sp.) were observed. On average, native and nonnative tree sizes range from 15 to 125 inches in circumference 24 inches above natural grade. The understory and groundcover is dominated by young trees and shrubs, including California blackberry (*Rubus ursinus*), coyote brush (*Baccharis pilularis*), and poison oak (*Toxicodendron diversilobum*). The outer edges of the corridor are dominated by native forbs, including mugwort (*Artemisia douglasiana*) and wild cucumber (*Marah fabaceus*), and nonnative species, including Smilo grass (*Stipa milacea*), wild oat (*Avena fatua*), ripgut brome (*Bromus diandrus*), black mustard (*Brassica nigra*), and poison hemlock (*Conium maculatum*). A patch of giant reed (*Arundo donax*), an invasive plant species, was noted on the east bank of the creek. This riparian habitat is considered sensitive and subject to the regulatory jurisdiction of CDFW.

Year-round water and abundant invertebrate fauna provide foraging opportunities for wildlife, while the diverse habitat structure provides cover and nesting opportunities for birds. The riparian vegetation within the project area provides habitat for wintering and migrating birds, such as the ruby-crowned kinglet (*Regulus calendula*) and yellow-rumped warbler (*Dendroica coronata*), and breeding habitat for migrants, such as warbling vireo (*Vireo gilvus*), orange-crowned warbler (*Vermivora celata*), Wilson's warbler (*Wilsonia pusilla*), and black-headed grosbeak (*Pheucticus melanocephalus*). Other birds within riparian areas of San José are the tricolored blackbird, black phoebe (*Sayornis nigricans*), spotted towhee (*Pipilo maculatus*), Swainson's thrush (*Catharus ustulatus*), and red-tailed hawk (*Buteo jamaicensis*). The mixed understory in this habitat likely supports mammals, reptiles, and amphibians, including raccoons (*Procyon lotor*), garter snakes (*Thamnophis* spp.), and Pacific tree frogs (*Pseudacris regilla*).

Annual Grassland. The grasslands west of the riparian corridor within the project area are characterized by nonnative annual grasses, including wild oat, ripgut brome, and foxtail barley (*Hordeum murinum* ssp. *leporinum*), and nonnative forbs, including red-stem filaree (*Erodium botrys*), crane's bill (*Geranium molle*), black mustard, wild radish (*Raphanus sativus*), curly dock (*Rumex crispus*), Italian thistle (*Carduus pycnocephalus*), and milk thistle (*Silybum marianum*). Grasses and forbs produce an abundance of seeds and attract insects that provide food for wildlife, such as sparrows and rodents, and therefore provide foraging sites for raptors, such as hawks and owls, and other predators, such as coyote, fox, skunk, and snakes. Aerial foraging species over grasslands include bats and swallows. Common wildlife species observed in this habitat include Botta's pocket gopher (*Thomomys bottae*), European starling (*Sturnus vulgaris*), house sparrow (*Passer domesticus*), house finch (*Carpodacus mexicanus*), and northern rough-winged swallow (*Stelgidopteryx serripennis*).

Aquatic Habitat. Aquatic habitat is considered to have significant value to wildlife resources. The project area overlaps with the aquatic habitat of Coyote Creek at the existing low-water trail crossing. Coyote Creek provides habitat for the following native species: hitch (*Lavinia exilicauda*), Sacramento sucker (*Catostomus occidentalis*), Central California Coast steelhead (*Oncorhynchus mykiss*) (a federally protected species with threatened status), and Central Valley Chinook salmon (*Oncorhynchus tshawytscha*) (a species of federal concern). The relatively dense riparian forest provides Shaded Riverine Aquatic (SRA) habitat, which cools water temperatures for cold-water fishes such as steelhead and salmon. This aquatic habitat is considered sensitive and subject to the regulatory jurisdiction of CDFW, San Francisco Bay Regional Water Quality Control Board (RWQCB), and U.S. Army Corps of Engineers (USACE).

Wetlands and Other Waters. Coyote Creek is the largest watershed in the Santa Clara Valley and covers approximately 320 square miles of area from the Diablo Range on the east side of the watershed to the valley floor. Coyote Creek originates in the mountains northeast of the city of Morgan Hill and flows northwest for approximately 42 miles before entering the South San Francisco Bay. At the base of the Diablo Range, the creek is impounded by two dams, which form Coyote and Anderson Reservoirs. The Project area spans the Coyote Creek riparian corridor just upstream of Capitol Expressway and is characterized primarily by the low flow channel with a raised terrace and moderately steep-sloped banks to the east

and west. The ordinary high water mark of the active flow channel in the Project area is approximately 60 feet in width with an average depth of 5 feet. The ordinary high water mark comprises the USACE/RWQCB-jurisdictional boundaries of the waterway, whereas the edge of the riparian canopy characterizes the CDFW boundaries. Federally protected wetlands adjacent to the ordinary high water mark within the Project area, as defined by Section 404 of the Clean Water Act, were not observed during the 2015 reconnaissance survey; therefore, permanent or temporary impacts to wetlands are not anticipated as a result of Project construction.

Special-Status Species

Plants. Plant species of concern include those listed by federal or state resource agencies and those identified as rare by the CNPS. Based on a search of the CNPS and CNDDDB inventories for the San José East quadrangle (CDFW, 2015), literature review, and the February 2015 reconnaissance survey of the habitat types in the Project area, special-status plant species have a low potential to occur in the Project vicinity. No special-status plant species have been recorded within the boundaries of the Project and visual observations of the site during site visit in 2015 indicate that the potential for plant species of concern is low. This conclusion is based on the lack of suitable habitat for sensitive plant species (e.g., absence of serpentine grassland, coastal prairie, chaparral, and vernal pools) and disturbed nature of the Project area. No special-status species were observed in the Project area during the site visit, and none are expected on the site based on the site's habitat features. Therefore, no permanent or temporary impacts would occur as a result of Project construction.

Wildlife. Sensitive wildlife species are defined as follows: (1) animals listed as threatened or endangered by federal or state resource agencies; (2) animals identified as federal or state species of special concern; or (3) migratory birds, protected by the federal Migratory Bird Treaty Act. The following special-status wildlife species were identified as occurring or potentially occurring within the Project area: the Central California Coast steelhead, Central Valley Chinook salmon (fall and late-fall run), western pond turtle (*Emys marmorata*), peregrine falcon (*Falco peregrinus anatum*), Cooper's hawk (*Accipiter cooperii*), white-tailed kite (*Elanus leucurus*), burrowing owl (*Athene cunicularia*), loggerhead shrike (*Lanius ludovicianus*), California yellow-warbler (*Dendroica petechia*), pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), and the tricolored blackbird (*Agelaius tricolor*) (CDFW, 2015; U.S. Fish and Wildlife Service, 2015).

Special-Status Birds (Including Migratory Birds). The Coyote Creek riparian corridor within the Project area supports suitable foraging habitat for the six special-status species known from the region, as well as other migratory and resident birds including common raptors. During the field visit, several resident bird species were observed foraging throughout the project area including Anna's hummingbird (*Calypte anna*), house finch, and black phoebe; however, no songbird nests, raptor stick nests, nor suitable burrows were observed. Suitable nesting habitat for common resident bird and migratory birds does exist within and adjacent to the Project area.

Special-Status Fish Species and Essential Fish Habitat. The Central California Coast steelhead distinct population segment is known to migrate and spawn in the Coyote Creek watershed. In addition, critical habitat for this species is designated throughout Coyote Creek. During the February 2015 field visit, only potential migration habitat was observed; whereas, no spawning habitat was evident in the Project area.

The Central Valley Chinook late-fall run is occasionally seen migrating into the tributaries of the South San Francisco Bay (SCVWD, 2009) including Coyote Creek. Therefore, Chinook salmon may be present during Project activities. It is important to note that recent genetic testing on South Bay fall-run populations has demonstrated that a majority of the fish tested do not belong to naturally spawned populations, but derive from hatchery stock, and it is not known if populations have naturalized; therefore, their special-status designation may not apply (SCVWD, 2009). During the February 2015 field visit, only potential migration habitat was observed; whereas, no spawning habitat was evident in the Project area.

Essential Fish Habitat (EFH) is defined as “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity” (PSFMC, 2013). Potential habitat for Pacific Chinook salmon within the project area is designated as freshwater EFH for Pacific Chinook salmon. The Project effects on Pacific Chinook salmon are covered under provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) (Public Law 94-265). Despite the evidence that Chinook salmon may not be native to the Coyote Creek watershed, under the MSFCMA, the Project area would be considered historical Chinook salmon freshwater EFH. Freshwater EFH for Chinook salmon consists of four major components: (1) spawning and incubation, (2) juvenile rearing, (3) juvenile migration corridors, and (4) adult migration corridors and adult holding habitat (Pacific States Marine Fisheries Commission, 1996). Important features of essential habitat for spawning, rearing, and migration include adequate substrate composition; water quality; water quantity, depth, and velocity; channel gradient and stability; food, cover, and habitat complexity; space; access and passage; and floodplain and habitat conductivity (Pacific States Marine Fisheries Commission, 1996). Chinook salmon essential freshwater habitat includes all those streams, lakes, ponds, wetlands, tributaries, and other water bodies currently viable, and most of the habitat historically accessible to Chinook salmon within Washington, Oregon, Idaho, and California. Open-water habitats of Coyote Creek within the Project area falls under that definition.

Santa Clara Valley Habitat Conservation Plan. The Project area is within the Santa Clara Valley Habitat Conservation Plan area and is subject to the conditions and fees contained in the HCP. The Project region is located in areas designated by the HCP as Golf Course/Urban Parks and Willow Riparian Forest and Scrub. The HCP’s wildlife survey of covered animal species identified tricolored blackbird on the Project site. The Project site is within Land Cover Fee Zone B and Land Cover Fee Zone - Urban Area (which has no land cover fee).

1.4.1.1 Potential Construction Impacts, Standard Project Conditions, and Mitigation
Natural Communities (Mixed Riparian Forest, Shaded Riverine Aquatic Habitat [SRA], and Aquatic Habitat). Construction of the proposed Project could cause adverse effects on the existing natural communities such as mixed riparian forest and aquatic habitat in the Project area. The proposed project would result in permanent and temporary disturbances of mixed

riparian forest including SRA habitat in the form of removing and pruning mature trees and understory herbaceous vegetation. Additionally, the active creek channel would need to be dewatered in the Project area by installing a temporary creek diversion prior to construction, temporarily impacting aquatic habitat, in order to remove the low-water trail crossing. Prior to dewatering the stream channel, native fish would be captured by seining and dipnet, and relocated to suitable habitat. Once the diversion is in place, clean gravel may be placed over geotextile fabric in the dry streambed to provide a level work platform for construction.

The anticipated temporary impacts would not be considered significant because the site would be restored upon the end of construction or shortly thereafter. The temporary diversion would be removed, and the active flow channel would be restored to its natural condition at the end of construction. In addition, invasive species would be removed, and the understory would be planted and hydroseeded with fast-growing natives local to the watershed. Within the following growing season, the majority of the understory and pruned riparian canopy would be restored to pre-project conditions.

Standard Project Conditions, such as tree protection measures, water quality Best Management Practices (BMPs), Santa Clara Valley Habitat Plan conditions pertaining to aquatic habitat, delineation of environmentally sensitive areas including tree canopies, environmental awareness training for construction workers, biological monitoring, invasive species removal, and restoration of the site, shall be implemented to minimize impacts on the riparian corridor during and after construction to reduce impacts to below a level of significance.

Permanent disturbances to mixed riparian forest and SRA habitat in the form of mature tree removal would require additional mitigation measures to reduce impacts to below a level of significance. Mitigation would include but not be limited to an onsite riparian tree mitigation and monitoring plan. However, because the active stream channel will be restored to natural conditions after the low-water trail crossing is removed, additional compensatory mitigation measures are not expected.

Federally Protected Wetlands. Federally protected wetlands, as defined by Section 404 of the Clean Water Act, do not occur within the Project area; therefore, no permanent or temporary impacts would occur as a result of construction. The active flow channel of Coyote Creek would be considered a waters of the United States within the Project area. With the implementation of a temporary diversion, all construction would occur in dry conditions. No permanent impacts on aquatic resources or other waters would be expected as long permanent structures associated with the bridge are located outside of the ordinary high water mark. Water quality BMPs, as well as provisions set forth in USACE Nationwide Permit and RWQCB Section 401 Water Quality certification, would be included in the contractor's stormwater pollution prevention plan (SWPPP) and would be employed to further avoid affecting aquatic resources during and after construction. By following these measures, impacts on waters of the United States and aquatic resources would be less than significant.

Special-Status Plants. The Project area is deemed to be unsuitable habitat for special-status plants. In addition, none of these species is known from past occurrences to be within or immediately adjacent to the Project site within the Coyote Creek riparian corridor (CDFW,

2015). Therefore, special-status plant species are presumed to be absent, and no further surveys are warranted. Potential impacts on these species would be less than significant.

Special-Status Birds. Several special-status wildlife species have the potential to occur in the project area. Cooper's hawk, white-tailed kite, loggerhead shrike, and California yellow-warbler may occur as potential nesters during the breeding season. Therefore, construction activities could result in significant impacts. In addition, peregrine falcon and tricolored blackbird may occur as occasional foragers. Mitigation measures, including biological monitoring and establishing construction-free buffer zones would be required during the nesting season (February through August) to protect these special-status birds and migratory birds covered by the Migratory Bird Treaty Act (MBTA) that may nest or forage within the Project area. Implementation of these mitigation measures would result in a less-than-significant impact on special-status birds and migratory birds covered under the MBTA.

Special-Status Reptiles. The western pond turtle has not been recorded in the project reach of Coyote Creek, but suitable habitat for this species is present. The project would require work within the creek banks or removal of the low-water trail crossing and riparian trees and therefore may result in significant temporary impacts on the western pond turtle. Mitigation measures including biological monitoring and preconstruction surveys for the western pond turtle would be required 24 to 48 hours before work begins. Any western pond turtle found within the construction zone would be safely relocated to keep the work area clear of special-status reptiles. Implementation of the proposed mitigation measures would result in a less-than-significant impact on the western pond turtle.

Special-Status Bats. A number of bat species, including the pallid bat and Townsend's big-eared bat, may forage on the project site year-round or during migration. Old trees existing on the project site provide potential nesting habitat for many bat species. Bats may be particularly vulnerable to harm or mortality during project construction activities requiring tree removal during the winter hibernation period, mid-October through the end of February, or during the maternity season, mid-April through the end of August. Mitigation measures including biological monitoring and preconstruction surveys for bats would be required 30 days before work begins. Any day roosts found within 300 feet would be avoided, and a designated construction-free buffer zone would be established until the roosts are no longer active. Implementation of the proposed mitigation measures would result in a less-than-significant impact on bats, including the pallid bat and Townsend's big-eared bat.

Special-Status Fish and EFH. The Central California Coast steelhead (federally listed as threatened) and Central Valley Chinook salmon (fall and late-fall run) (federal candidate for listing and California species of special concern) are known to occur in Coyote Creek. A variety of favorable stream conditions are found in the Project area, including suitable rearing and overwintering habitat for salmonid juveniles. In addition, Coyote Creek is regarded as EFH for Pacific salmonids. Although the proposed Project would not result in long-term negative impacts on salmonids, construction of the project could result in short-term impacts on these species and their associated EFH. In addition, impacts on water quality during construction would also affect salmonids. Standard Project Conditions that would be incorporated into the Project description including water quality BMPs, Santa Clara Valley Habitat Plan conditions, NMFS Programmatic BO reasonable and prudent

measures, as well as provisions set forth in USACE Nationwide Permit and RWQCB Section 401 Water Quality certification, would be included in the contractor’s stormwater pollution prevention plan (SWPPP) and would be employed to reduce potential impacts on salmonid species. Therefore, short-term impacts would be less than significant.

Moreover, the removal of the low-water trail crossing in the streambed would be viewed as a long-term benefit to salmonids and their associated EFH allowing individuals to swim upstream unobstructed to potential spawning habitat in the watershed. In addition, large, woody debris would naturally transport downstream, creating additional suitable habitat for steelhead and other aquatic organisms.

Migratory Wildlife Corridors. The Project would have short-term disturbance to riparian and aquatic habitats used by local wildlife species during construction. However, the temporary creek diversion would allow for continued fish movement through the project area during construction. Standard Project Conditions would include BMPs that would be implemented before and during construction to avoid impacts on aquatic habitat and water quality. As a result, the proposed Project would not substantially interfere with the movement of native resident or migratory fish, wildlife species, or native resident or migratory wildlife corridors. Additionally, due to the lack of wildlife nursery sites within the Project area, the proposed Project would not impede the use of native wildlife nursery. Changes in vegetation due to the removal of herbaceous species would not present significant barriers to movement of fish or wildlife. Therefore, the proposed short- and long-term impacts on migratory corridors would be less than significant.

Ordinance-Sized Trees. Tree removal of ordinance-size and non-ordinance-size native and nonnative trees would likely be required for Project implementation. Table 1 lists the tree replacement ratios according to City of San José standards. Compliance with these tree replacement guidelines, as proposed by the project, would reduce impacts on the ordinance-size trees to a less-than-significant level.

TABLE 1
Tree Replacement Ratios

Circumference of Tree to Be Removed	Type of Tree to Be Removed			Minimum Size of Each Replacement Tree
	Native	Non-native	Orchard	
56 inches or more	5:1	4:1	3:1	24-inch box
38 to 56 inches	3:1	2:1	None	24-inch box
Less than 38 inches	1:1	1:1	None	15-gal. container

Notes:

x:x = tree replacement to tree loss ratio

Trees greater than or equal to 56-inch circumference shall not be removed unless a tree removal permit, or equivalent, has been approved for the removal of such trees.

Native riparian plant species planted onsite adjacent to the riparian canopy would be required. Native riparian plant species recommended for the replacement plantings may include Fremont’s cottonwood, arroyo willow, red willow, coast live oak, and blue elderberry. Plant species used for revegetation would be native to the Coyote Creek watershed and grown from local planting stock. The City would implement monitoring and maintenance activities as needed to achieve successful replacement plantings.

Implementation of the tree replacement measures described above would follow the City of San José Tree Ordinance and City Council Policy based on the City's Riparian Corridor Policy Study and would not conflict with the riparian goals and policies of the *City of San José 2040 General Plan*.

Santa Clara Valley Habitat Conservation Plan. The proposed project would be designed to be consistent with the provisions of the Santa Clara Valley Habitat Plan, adopted by the City of San José in January 2013. Specifically, project design features, construction methods, and the mitigation measures listed above are consistent with the following Santa Clara Valley Habitat Plan conditions (County of Santa Clara, et al., 2012):

- Condition 1: Avoid Direct Impacts on Protected Plant and Wildlife Species
- Condition 3: Maintain Hydrologic Conditions
- Condition 4: Avoidance and Minimization for In-Stream Projects
- Condition 5: Avoidance and Minimization for In-Stream Operations and Maintenance
- Condition 6: Transportation Projects
- Conditions 15-18: Wildlife Surveys and Avoidance
- Table 6-2 requirements for avoidance and minimization of aquatic habitat

With the Standard Project Conditions, mitigation measures, Santa Clara Valley Habitat Plan conditions, and fee payment, the proposed Project would have no significant impact on the Santa Clara Valley Habitat Plan.

1.4.1.2 Potential Post-Construction Impacts

Wildlife using the Coyote Creek corridor in and around the Project area is likely tolerant to levels of disturbance typically associated with roadway traffic along Capitol Expressway and surrounding commercial and residential development. The visual and acoustic disturbance to wildlife associated with the proposed project is not expected to be significantly higher than what currently exists, and wildlife along the channel is expected to habituate to these new levels of disturbance. The creek trail is closed at sunset; therefore, impacts on nocturnal wildlife would not be expected.

Moreover, the removal of the low-water trail crossing in the streambed would be viewed as a long-term benefit to aquatic wildlife such as salmonids and their associated EFH allowing individuals to swim upstream unobstructed to potential spawning habitat in the watershed. In addition, large, woody debris would naturally transport downstream, creating additional suitable habitat for steelhead and other aquatic organisms.

1.4.1.3 Regulatory Permitting

Below is a list of the regulatory permits required for the proposed Project for potential impacts to biological resources:

- **USACE Section 404 Nationwide Permit** for impacts to Waters of the U.S. Submit Pre-Construction Notification (PCN) as soon as footprint is approved – estimate 30-60 percent design.
- **NMFS Federal Endangered Species Act Permit** (special-status fish species) will be covered under USACE Nationwide Permit process. Because this Project is a fisheries restoration project, the Programmatic Biological Opinion for USACE Fishery Restoration Projects (NMFS, 2006) would be applicable to this Project and would

save time during the permitting process with USACE and NMFS. NMFS is currently working with USACE to update this Programmatic Biological Opinion so depending on Project Schedule, an updated document may be in circulation and will need to be reviewed prior to Project approval.

- USFWS and CDFW Federal and State Endangered Species Act Permits (terrestrial listed species) will be addressed by complying with the *Santa Clara Valley Habitat Conservation Plan*, including required avoidance and minimization measures and fee payment for offsite compensatory habitat mitigation. Filing needed prior to construction.
- California Department of Fish & Wildlife Streambed Alteration Agreement. Submit application as soon as footprint is approved and a conceptual riparian tree mitigation and monitoring plan is drafted – estimate 30-60 percent design.
- California Regional Water Quality Control Board Section 401 Water Quality Certification. Timing follows USACE Nationwide Permit PCN.
- California Regional Water Quality Control Board Notice(s) of Intent for coverage under statewide water pollution control permits (e.g., construction stormwater). Filing needed prior to construction and this is fairly administrative.

1.4.2 Hydrology and Water Quality

Coyote Creek is the largest watershed in the Santa Clara Valley and covers approximately 320 square miles of area from the Diablo Range on the east side of the watershed to the valley floor. Coyote Creek originates in the mountains northeast of the city of Morgan Hill and flows northwest for approximately 42 miles before entering the South San Francisco Bay. At the base of the Diablo Range, the creek is impounded by two dams, which form Coyote and Anderson Reservoirs. The Project area spans the Coyote Creek riparian corridor just upstream of Capitol Expressway and is characterized primarily by the low flow channel with a raised terrace and moderately steep-sloped banks to the east and west. The ordinary high water mark of the active flow channel in the Project area is approximately 60 feet in width with an average depth of 5 feet. The ordinary high water mark comprises the USACE/RWQCB-jurisdictional boundaries of the waterway, whereas the edge of the riparian canopy characterizes the CDFW boundaries.

Santa Clara Valley Water District manages Coyote Creek as a flood control channel. In the lower watershed, Coyote Creek passes through urban areas of San José, and much of the riparian corridor has been fragmented by bank stabilization for flood protection purposes. Within the Project area, Santa Clara Valley Water District is able to perform annual maintenance activities as there are several access points.

In the Project area, the centerline of the low flow channel appears to be located approximately 100 feet from the east bank of the channel. Debris buildup on the upstream side of the low-water trail crossing was observed during field reconnaissance in addition to local scouring on the downstream portion. There is a portion of the low flow channel just downstream of the crossing along the west bank of the creek that is held up by a sand bag wall. Other conditions noted included debris such as downed tree branches and vegetation as well as garbage.

The National Flood Insurance Program provides flood hazard information within the Project area. The current mapping of the floodplain shows 100-year floodwaters to be relatively well contained in the Coyote Creek channel in and around the Project area.

Coyote Creek is designated as Zone AE. Zone AE includes areas that are subject to inundation by a 100-year flood event and all adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights. The Project area is characterized by a base flood elevation of 145 feet above mean sea level.

1.4.2.1 Potential Construction Impacts, Standard Project Conditions, and Mitigation

There is the potential for surface water impacts to occur, such as sedimentation from erosion as a result of ground-disturbing activities during construction (i.e., dewatering, asphalt removal, and presence of construction equipment in general). There is also the potential for surface water impacts from other pollutants in runoff sourced from construction equipment (such as petroleum fuels and lubricants), and construction materials could contaminate runoff or groundwater if not properly stored and used.

The proposed project would likely result in disturbance of approximately 1 acre of soil and would have to comply with the Construction General Permit, administered by the State Water Resources Control Board. Therefore, as described above under Biological Resources, Standard Project Conditions, the development and implementation of an SWPPP would be implemented. The SWPPP would include BMPs to control erosion from disturbed areas and reduce runoff. Compliance with engineering and construction specifications and adhering to proper material handling procedures would minimize these short-term impacts. Additionally, all development projects, whether subject to the Construction General Permit or not, shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation, and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

Excavation for the new bridge abutments would occur during the dry season along the slope of the stream bank. Therefore, it is not anticipated that groundwater would be encountered. However, installation of appropriate BMPs at the surface would avoid and minimize the potential for subsurface seepage of pollutants. Additionally, the City of San José has obtained and would comply with provisions set forth in the USACE Nationwide Permit and RWQCB Section 401 Water Quality certification.

Compliance with the SWPPP and other Standard Project Conditions mentioned above, as well as the City of San José Zoning Ordinance, would minimize discharges to stormwater or water runoff. Therefore, potential impacts on water quality or waste discharge requirements would be less than significant.

1.4.2.2 Potential Post-Construction Impacts

After the low-water trail crossing is removed and the pedestrian bridge is installed, the proposed Project would result in a free-flowing channel. The upstream water surface profile would be improved resulting in a uniform water surface elevation through the study area. A smoother and lowered water surface profile would increase the stormwater system efficiency by increasing the channel capacity and allowing existing storm outfalls to drain surface streets during storm events.

Additionally, the proposed Project shall be designed so that flow changes downstream of the bridge would be less than significant. Once the crossing is removed, additional flow that

could occur under a 100-year flood that would otherwise be detained under existing conditions would be designed not to cause raised water surface elevations downstream. Therefore, hydraulic changes and flooding upstream or downstream of the project site would be less than significant.

1.4.2.3 Regulatory Permitting

The City of San José is required to operate under a Municipal Stormwater National Pollutant Discharge Elimination System Permit to discharge stormwater from the City's storm drain system to surface waters. The Municipal Regional Permit (National Pollutant Discharge Elimination System Permit No. CAS612008) mandates the City of San José use its planning and development review authority to require that stormwater management measures such as site design, pollutant source control, and treatment measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the permit regulates development projects that create or replace 10,000 square feet or more of impervious surface and special land use categories that create or replace 5,000 square feet or more of impervious surface. The proposed Project would not create an impervious surface greater than 5,000 square feet. Additionally, in accordance with Table 2-2 in the Santa Clara Valley Urban Runoff Pollution Prevention Program, the proposed project involves the construction of bicycle lanes and trails that are not part of a new development; therefore, the proposed project is excluded from Provision C.3.

1.4.3 Literature Cited

California Department of Fish and Wildlife (CDFW). 2015. *Rarefind 5*. California Natural Diversity Database. <http://www.dfg.ca.gov/biogeodata/cnddb/mapsanddata.asp>. Accessed on February 3, 2015.

California Native Plant Society (CNPS). 2015. *Inventory of Rare and Endangered Plants*. Accessed on February 3, 2015.

City of San José. 2014. *Coyote Creek Trail Project: Story Road to Phelan Avenue, Initial Study/Mitigated Negative Declaration*. October.

City of San José. 2011. *City of San José 2040 General Plan*. <http://www.sanjoseca.gov/DocumentCenter/Home/View/474>. Accessed February 2015.

City of San José. 2007. *Happy Hollow Park & Zoo Renovation Project, Initial Study/Mitigated Negative Declaration*. February.

City of San José. 2004. *Los Gatos Creek Trail, Reach 4 – Coe Avenue to Auzerais Avenue, Initial Study/Mitigated Negative Declaration*. June.

County of Santa Clara, City of San José, City of Morgan Hill, City of Gilroy, Santa Clara Valley Water District, and Santa Clara Valley Transportation Authority. 2012. *Santa Clara Valley Habitat Conservation Plan*. August. Adopted in January 2013.

National Marine Fisheries Service. 2006. *Programmatic Biological Opinion for USACE Fishery Restoration Projects*. June 2006.

Pacific States Fishery Management Council (PSFMC). 1996. *Chinook Salmon Facts*. http://www.psmfc.org/habitat/edu_chinook_facts.html. Portland, Oregon. Accessed on November 21, 2014.

Pacific States Fishery Management Council (PSFMC). 2013. Pacific Salmon EFH. http://www.psmfc.org/efh/salmon_efh.html. Accessed on July 30, 2013.

Regional Water Quality Control Board (RWQCB). 2009. Order No. R2-2009-0074. Municipal Regional Stormwater NPDES Permit No. CAS612008. San Francisco Bay Region. October.

Santa Clara Valley Water District (SCVWD). 2009. *Final Environmental Impact Report, Alviso Slough Restoration Project*. May. For document visit:

<http://www.valleywater.org/services/alvisoslough.aspx>

United States Fish & Wildlife Service (USFWS). 2015. *Official Online Species List*. Endangered Species Program, Sacramento, CA. Accessed on February 3, 2015.