SUPPLEMENTAL INFORMATION REPORT FOR THE
SOUTH SAN FRANCISCO BAY SHORELINE PROJECT
Santa Clara County, California
Pursuant to the National Environmental Policy Act of 1970 (42 U.S.C. § 4321)
U.S. Army Corps of Engineers
February 2023

U.S Army Corps of Engineers
San Francisco District

U.S. Fish and Wildlife Service

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Acronyms

AMM – Avoidance and Minimization Measures

BAAQMD – Bay Area Air Quality Management District

CA – California

CAA – Clean Air Act

CEQ – Council on Environmental Quality

CEQA – California Environmental Quality Act

CO – carbon monoxide

CWA – Clean Water Act

EIR – Environmental Impact Report

EIS – Environmental Impact Statement

IFR – Integrated Feasibility Report (with EIS/EIR)

NEPA – National Environmental Policy Act

NO_2 – nitrous dioxide

NO_x – oxides of nitrogen, NO or NO_2

$PM_{2.5}$ – particulate matter, 2.5 micron size

PM_{10} – particulate matter, 10 micron size

PED – Pre-construction Engineering and Design

Project – South San Francisco Bay Shoreline Project

Refuge – Don Edwards San Francisco Bay National Wildlife Refuge

ROG – reactive organic gases

SIR – Supplemental Information Report

SMHM – Salt Marsh Harvest Mouse

SO_2 – sulfur dioxide

UPRR – Union Pacific Railroad

USACE – US Army Corps of Engineers

USFWS – US Fish and Wildlife Service

Figures

1.0 Introduction

The South San Francisco Bay Shoreline Project (project) is a multi-purpose flood risk management, ecosystem restoration and recreation project located in the Alviso neighborhood of San Jose, California (CA). The lead agency under the National Environmental Policy Act (NEPA) is the U.S. Army Corps of Engineers, San Francisco District (USACE), with the U.S. Fish and Wildlife Service (USFWS) as the co-lead agency. The joint non-Federal sponsors include the Santa Clara Valley Water District (Valley Water) and the California State Coastal Conservancy (State Coastal Conservancy). Valley Water is the lead agency under the California Environmental Quality Act (CEQA). The December 2015 Final Integrated Feasibility Study and NEPA Environmental Impact Statement (EIS)/ CEQA Environmental Impact Report (EIR), combined into a Final Integrated Report (IFR) for the project (USACE 2015). The IFR and its accompanying Clean Water Act (CWA) § 404(b)(l) alternatives analysis describes the selected plan and its environmental impacts along with the previous Supplemental Information Reports (SIRs) that were completed in November 2020 and May 2021. The SIR completed in November 2020 included changes to the project description for slight changes to the levee alignment in Reach 1, air quality, and others. While the SIR completed in May 2021 included consideration for an additional haul route to take fill material from Reaches 2&3 to Reach 1, it was a different route than what is considered in this document. To this end, this document is a NEPA Supplemental Information Report (SIR), and its purpose is to provide updates and clarifications on changes that have been made to the project since the publication of the IFR and prior SIRs and the environmental effects of those changes.

2.0 Supplemental Information Report

This SIR is being produced to ensure, through a revised impact analysis, that the individual and cumulative effects from the changes to the proposed action that are described herein are in compliance with NEPA. The changes to the proposed action have largely resulted from design refinements and consideration of factors that were unknown at the time of publication of the IFR and prior SIRs. The Council on Environmental Quality (CEQ) regulations provide direction regarding the review of an EIS and preparation of a Supplemental EIS (SEIS). The CEQ regulations Section 1502.9(c) states: "Agencies: (1) Shall prepare supplements to either draft or final environmental impact statements if:

i. The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or
ii. There are significant new circumstances or information relevant to environmental concerns and bearing upon the proposed action or its impacts."

None of the supplemental information presented in this report reveals significant environmental impacts not already identified in the EIS. As described below, USACE has determined that the changes to the proposed action are not substantial relative to the originally proposed action or associated environmental concerns and do not constitute significant new circumstances or

information bearing upon the proposed action or its impacts. Therefore, USACE has concluded that a SEIS is not necessary, and this SIR is sufficient.

Section 3.0 of this SIR describes the updates to the proposed action in greater detail and Section 4.0 presents the revised impact analysis. Section 5.0 provides USACE's conclusions.

3.0 Changes to the Proposed Action (Recommended Plan)

The following comprise the known changes-to-date to the project description for the proposed action from how it was described in the IFR and the SIRs that were completed in November 2020 and May 2021. Some are specific to individual portions of the project, while others apply to the entire project.

In order to simplify how different parts of the project are referenced, the concept of reaches was introduced starting in the Pre-construction Engineering and Design (PED) phase. There are five project reaches in total and Reaches 1, 2, & 3 and Reaches 4 & 5 will be grouped together into two separate construction contracts. The below map shows the reaches, with Reaches 2 & 3 and Reaches 4 & 5 grouped together, as they correspond across the project footprint.

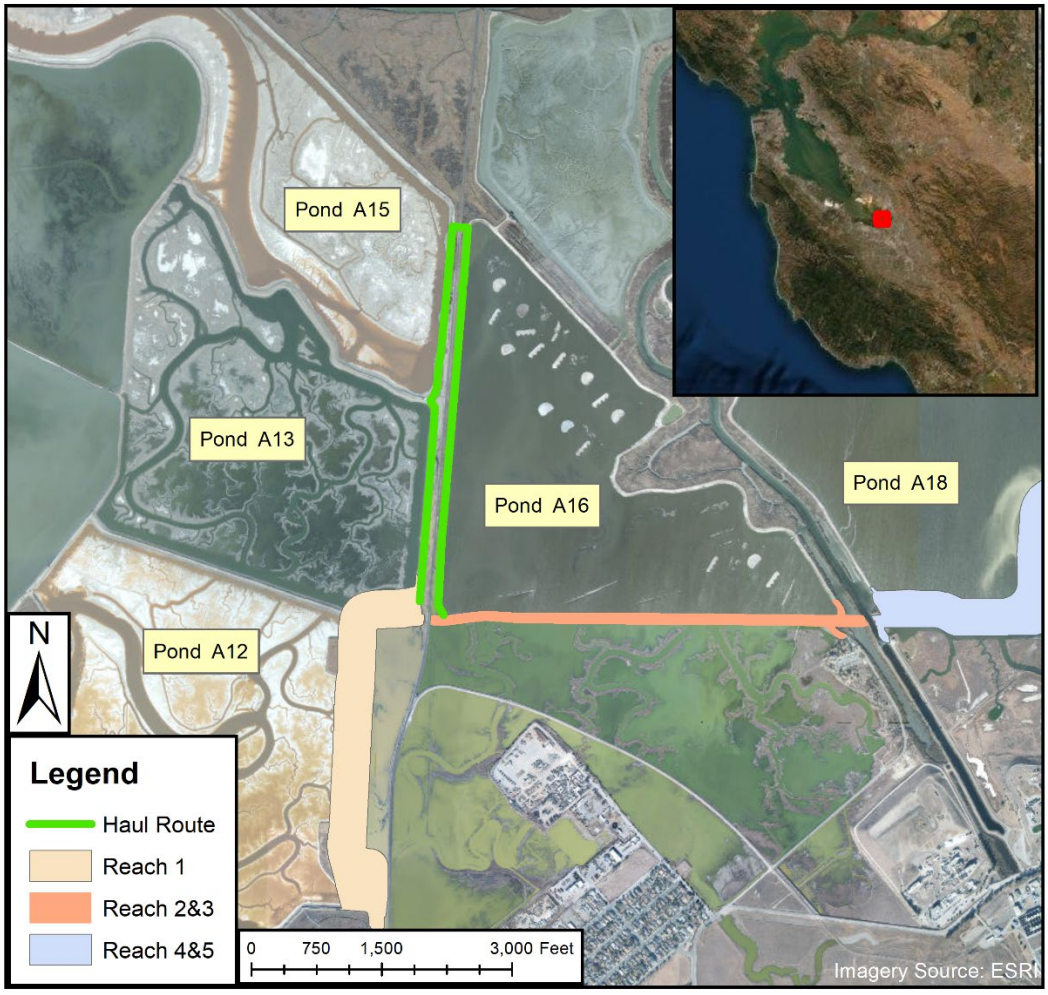

Figure 1. Project Reaches and Proposed Haul Route

3.1 Haul Route

In the IFR and subsequent SIRs, the proposed action included earth moving activities, such as movement of fill material within the project area. Hauling Reach 2 & 3 fill to Reach 1 via a haul route outside of the project area along Grand Boulevard was previously analyzed in the SIR from May 2021. This SIR includes an additional haul route (route) within the project area that may also be needed and would follow the path shown in Figure 1 which uses solely USFWS' Don Edwards Refuge (refuge) levee roads. The route extends along the western edge of Pond A16, crosses the Union Pacific Rail Road (UPRR) at-grade crossing near the Pond A16 northwest corner, then extends south along the eastern edge of Pond A15 and A13, until reaching the construction area along the eastern edge of Pond A12.

4.0 Revised Impact Analysis

The IFR and subsequent SIRs describe in detail the environmental baseline for each resource type potentially affected by the proposed action, and the proposed action's effects on that resource. For this SIR, only resources with potentially changed impacts due to the changes to the proposed action described herein are evaluated below. Resource categories with no anticipated potential changes to the effects already described in the 2015 IFR's EIS, the 2020 SIR, and the 2021 SIR include: Geology, Soils, and Seismicity; Hydrology and Flood Risk Management; Surface Water and Sediment Quality; Land Use and Planning; Aesthetics; Public Health; Public Safety and Aviation; Cultural Resources; Recreation; Growth Inducement; Public Utilities and Service Systems; Transportation; and cumulative impacts.

Potential impacts from implementing the additional route to aquatic biological resources, terrestrial biological resources, air quality, and noise are further analyzed below.

4.1 Aquatic Biological Resources

The conclusion reached in the IFR was that the proposed action would have short-term impacts on wetlands and other waters of the United States, but, over time, marsh restoration activities would result in large increases in tidal wetland area. This conclusion remains unchanged as a result of the changes to the proposed action described in this document.

Hauling of fill via the proposed route would utilize the pre-existing levee crest roads and would not require construction in nor augmentation to aquatic habitat in order to be used. The contractor will use appropriate avoidance and minimization measures (AMMs) to reduce dust created, and also the route is located far enough away from water bodies that any dust generated would not result in any appreciable increase in turbidity to the nearby ponds. Dust control will be accomplished by applying water, presoaking, or applying a dust palliative. All haul trucks transporting soil, sand, or other loose material will be covered. All exposed surfaces such as parking and staging areas, soil piles, and unpaved access roads will be watered twice daily. For more information on dust control see Section 01 57 19 Par 3.5.4 of the Reach 1-3 Technical Specifications. If the required controls are implemented during a project, then short-term construction emissions, including dust, would be reduced to a less-than-significant level. The proposed additional haul route would therefore not result in new or significant impacts to the aquatic environment in Ponds A16, A15, A13, nor A12 which the route borders.

Determination

Based on this analysis, the proposed addition of a haul route along the levee crest roads bordering Ponds A16, A15, A13, and A12 between Reach 1 and Reaches 2 & 3 would not be substantially similar in terms of nature, location, and duration of the hauling activities to that described in the 2015 IFR, and 2020 SIR, and therefore, would not result in any substantially changed effects to aquatic biological resources beyond those already evaluated in the 2015 IFR and 2020 SIR. The determinations of the level of significance of these effects made in the 2015 IFR, and 2020 SIR would remain unchanged with the proposed addition of the hauling route. Please note, the May 2021 SIR was not included in this consideration for aquatic biological resources since only transportation, air quality, and noise were considered in the May 2021 SAR.

4.2 Terrestrial Biological Resources

The conclusion in the IFR was that the proposed action would have short-term impacts on terrestrial lands and biological resources, but, over time, restoration activities would result in increases in terrestrial habitat area. This conclusion remains unchanged as a result of the changes to the proposed action described in this document.

The route would border existing known low-quality habitat for the Salt Marsh Harvest Mouse (SMHM), which is comprised mostly of the pickleweed (*Salicornia sp.*) that grows in a narrow band at the edge of the ponds. Although the proposed route in this SIR would utilize the crest roads along Pond A16, A15, and A13, which were route areas not previously identified in the IFR, trucks would stay on the levee crest road and not venture to the ponds edge where the pickleweed grows. Thus, no significant effect to SMHM habitat created by traffic is expected.

Bird surveys for California Ridgeways rails and California black rails will start January 15 and 30 of the year in which construction will occur. If breeding Ridgway's rails or black rails are determined to be present, activities shall not occur within 700 feet of an identified calling center. Only inspection, maintenance, research, or monitoring activities may be performed during the Ridgway's rail/black rail breeding season in areas within or adjacent to these species' breeding habitat with approval of the Contracting Officer under the supervision of a qualified biologist provided by the Contractor. For more information refer to part 3.1.2.3 c. in section 01 57 19 of the technical specifications.

The route would include haul trucks driving closer to potential snowy plover (*Charadrius nivosus*) habitat in Ponds A15 and A13, which are locations previously unidentified in the IFR for where impacts may occur though do not change the nature of the impacts expected. Since the haul route would use levee crest roads alongside ponds that could potentially serve as snowy plover habitat, several AMMs to prevent mortality would be used such as surveys by a qualified on-site biologist (please see MM-TBR-2b from page 4-379 of the IFR and MM-TBR-2f from page 4-381 of the IFR) as well as implementing a USFWS approved training course that would be completed by all workers which includes information for recognizing snowy plovers and what to do if there are any interactions. Additional AMMs have been included in the USFWS approved training specifically for drivers hauling fill, instructing them not to exit their vehicles

while en route unless absolutely necessary, so as to not create a disturbance to habitat by presenting a human silhouette to any potential plovers that are in the area.

Apart from the physical danger of trucks which could cause mortality, disturbance from the sound and presence of haul trucks themselves is not expected, as plovers have been documented nesting close to heavy machinery and are considered habituated to similar sound levels being produced in the area from the Capitol Corridor Train which passes by each hour.

Determination
Based on this analysis, the proposed addition of a haul route would be substantially similar in terms of nature, location, and duration of the hauling activities which are already described in the 2015 IFR, and 2020 SIR, which after the use of the mitigation measures concluded that the project would create less than significant impacts to snowy plovers. Given that these same measures would continue to be used, and there would not be any new or unique aspects for how the additional area would cause interactions with snowy plovers, the project changes from this SIR would not result in any substantially changed effects to terrestrial biological resources beyond those already evaluated in the 2015 IFR, and 2020 SIR. Therefore, the determinations of the level of significance of these effects made in the 2015 IFR, and 2020 SIR would remain unchanged with the proposed addition of the hauling route. Please note, the May 2021 SIR was not included in this consideration for terrestrial biological resources since only transportation, air quality, and noise were considered in the May 2021 SIR.

4.3 Air Quality
As part of the IFR an air quality assessment was conducted in order to ensure the project was in compliance with the Clean Air Act (CAA) and it concluded that temporary impacts to air quality would result from the proposed project, this conclusion was unchanged by subsequent SIRs and remains unchanged with the addition of the proposed haul route documented in this SIR.

The air quality analysis from the IFR was performed according to 40 CFR 93 which ensures that *de minimis* thresholds for Federal actions are not exceeded for criteria air pollutants. Particulate matter (PM) which has categories for 2.5 and 10 micron sizes, reactive organic gases (ROG) or nitrogen dioxide (NO_2), sulfur dioxide (SO_2), and carbon monoxide (CO) all have thresholds of 100 tons per year. See Table 1 below for the estimated annual construction emissions from the IFR. In addition, there are also thresholds set by regional air quality management districts, such as the Bay Area Air Quality Management District (BAAQMD). The BAAQMD daily thresholds for air quality are presented in Table 3, in addition to the estimated maximum daily construction emissions from the IFR.

The alternative route using the levee crest roads bordering Ponds A16, A15, A13, and A12 would not add new construction or project activities beyond those already evaluated in the 2015 IFR and 2020 SIR, and no additional truck trips are proposed. Thus, no change in emissions from equipment or associated with the number of truck trips during construction would occur if the alternative route is used. However, the proposed alternative route would reduce the distance construction vehicles travel to access each site during the decommissioning of the existing Reaches 2 & 3 levee, which would reduce the overall amount of vehicle emissions during the

approximately 4 months the decommissioning is expected to take. The alternative haul route is approximately 0.15 miles shorter than the haul route evaluated in the May 2021 SIR and approximately 4.85 miles shorter than the route evaluated in the 2015 IFR. Therefore, overall air quality emissions associated with truck hauling activities would be less than the amount estimated in the 2015 IFR, 2020 SIR, and 2021 SIR.

Determination
Based on this analysis, the proposed addition of a haul route along the levee crest roads bordering Ponds A16, A15, A13, and A12 between Reach 1 and Reaches 2 & 3 would be substantially similar in terms of nature, location, and duration of the hauling activities to that described in the 2015 IFR, 2020 SIR, and 2021 SIR and therefore, would not result in any substantially changed air quality effects or odors beyond those already evaluated in the 2015 IFR, 2020 SIR, and 2021 SIR. The determinations of the level of significance of these effects made in the 2015 IFR, 2020 SIR, and 2021 SIR would remain unchanged with the proposed addition of the hauling route.

4.4 Noise
The 2015 IFR concluded that project construction would result in temporary increases in ambient noise and that truck hauling activities would result in potential noise impacts on nearby noise-sensitive land uses along the haul routes (p. 4-597). The 2015 IFR concluded that the impact from haul route traffic would be less than significant. Although the proposed route does include levee crest roads that were not included in the 2015 IFR, there is a similar soundscape as that of the rest of the project area and additionally the change to the proposed action described in this SIR does not include additional truck trips, construction activities, or equipment and therefore would not substantially change the effects described in the 2015 IFR nor the conclusion that those effects are less than significant.

The noise generated from the sheet pile installation was included in the EIS/EIR and the effects were found to be less than significant. Vibratory driving of piles is generally considered less harmful to aquatic organisms and is the method of pile installation preferred by the NMFS and the USFWS (WSDOT 2013). In a recent FESA consultation involving vibratory driving of piles in the marine environment, the NMFS (2012) stated that "the direct effects of elevated sounds resulting from vibratory pile driving are not known to adversely affect fish or fish habitat." No further attenuation measures (i.e., bubble curtains) are proposed. Underwater noise impacts associated with the Artesian Slough pedestrian bridge construction would be less than significant. For further information see the Underwater Noise Section in the Construction of Recreation Elements section in the EIS/EIR.

Determination
Based on this analysis, the proposed addition of an alternative route along the levee crest roads bordering Ponds A16, A15, A13, and A12 between Reach 1 and Reaches 2 & 3 would be substantially similar in terms of nature, location, and duration of the hauling activities to that described in the 2015 IFR, 2020 SIR, and 2021 SIR and therefore, this change to the proposed action would not result in any substantially changed noise effects beyond those already evaluated. Noise impacts associated with the project would remain less than significant.

4.5 Roadway Hazards From Hauling Traffic

Although hazards from roadways are not expected to be encountered along the haul route, potential hazards from using the haul route were evaluated for their potential to cause unsafe road conditions when hauling on the top of the levee roads which are constructed from fill material derived from dredging nearby bay soils. After consideration of what could make for hazardous conditions, it is noted that the fill material used for the levee roads on the refuge is not the ideal for building a levee road and could degrade with use at a faster rate than other soil types which are less silty. Although the soil type for the fill material for refuge levee roads is not ideal and may require more frequent repair measures to remain safe to use, the road does not create any additional risks for use. With the understanding that the road conditions will be assessed before starting to use the haul route, a written report will be prepared and that repairs will be made as needed to ensure safe conditions and the road would be restored to its pre-construction condition, no significant impact for roadway hazards are anticipated from the project. Please see Section 4.9 of the IFR, which includes evaluation of "Impact TRN-2" for safety from using roadways, including levee roads on the refuge.

Determination

Based on the analysis originally prepared for the IFR and subsequent SIRs, the proposed addition of an alternative haul route would create less than significant impacts for roadway hazards and therefore would not change the effect analysis from the IFR nor any subsequent SIRs. Roadway hazard impacts associated with the project would remain less than significant.

5.0 Conclusions

The revised impact analysis conducted in this SIR supports the USACE determination that the change to the proposed action to add an alternative haul route between Reaches 2 & 3 and Reach 1 within the project area along the edge of ponds A16, A15, and A13 is not substantial relative to the originally proposed action and does not constitute significant new circumstances or information bearing upon the proposed action or its impacts. The results of the revised impact analyses from section 4 have shown that the change to the proposed action described in this SIR would not result in substantially changed effects, either individually or cumulatively, which are not already identified in the 2015 IFR, 2020 SIR, and 2021 SIR, nor entail significant new circumstances or information relevant to environmental concerns. These findings support the determination that an SIR is appropriate to document this project change instead of an SEIS.

Should future, currently unforeseen changes to the proposed action be necessary, those changes would require additional evaluation to determine if a subsequent SIR or SEIS would be necessary. Any such evaluation would also consider the information contained in this report to ensure that any future impacts analyses are performed while considering the entirety of information as it pertains to this project.

6.0 References

USFWS, 2015a. South Bay Shoreline Flood Risk Management Project Biological Opinion for USACE. April 15, 2015.

7.0 Appendix A: Public Comments and Responses

Responses to Comments:

Dear Mr. Pearl,

Thank you for your comments on the recent South Bay Shoreline Phase I Project Supplemental Information Report, published in November, 2022. The USACE and USFWS appreciate your insights into how the proposed haul route would potentially impact the federally listed western snowy plover species. To ensure mutual understanding we have included responses for each of your underlined comments corresponding in sequential order to the numbered list below.

Responses to Comments:

1) Construction Avoidance and Minimization Measure (AMM) TBR-2B for western snowy plovers requires individuals to stay outside a 300[1] foot buffer for nests and broods when stopped on a haul route, but does not specify an amount of time individuals can be outside their vehicle before taking cover behind a blind. There is no need for a time limit on individuals outside their vehicles because AMM TBR-2B requires individuals to stay outside of the 300 foot buffer distance when stopped. The only reason individuals would need to encroach on the 300 foot buffer is for inspection, maintenance, research, and monitoring activities which AMM TBR-2B includes may only be performed within the buffer distance while under the supervision of a qualified biologist. Therefore due to the buffer distance and biological monitoring, project activities are not expected to cause a disturbance such as flushing or nest abandonment. Please see Minimization Measure TBR-2b on page 4-379 of the Integrated Feasibility Report (IFR) for construction avoidance measures for western snowy plovers.
   1: Please see the SIR published in November, 2020 which modified the 600-foot buffer distance for plover nests and broods originally included in the IFR to 300- feet.

2) The IFR requires onsite biological monitoring for construction activities that occur adjacent to western snowy plover habitat. The qualified biologist will monitor across the entire project site in any place they believe interactions with endangered species will likely occur, including haul routes. For this reason, there is no specification in the IFR that one construction area will take priority over another area.

3) The project sponsors recognize the value that SFBBO scientists provide by conducting western snowy plover monitoring in the South Bay Salt Ponds and will provide access to the levee east of Pond A15 for scientists to continue their monitoring for western snowy plover. However, access may be limited or modified so that monitoring can be done safely. Please contact USACE Environmental Branch personnel at least two weeks before any monitoring activities resume to ensure you have current procedures from construction safety personnel, which will include

verifying ingress and egress procedures for accessing and crossing any construction sites for the project.

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Jason D. Emmons
Environmental Manager
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December 20, 2022

Justin Yee
Acting Chief, Navigation and Operations Section Chief
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Mr. Yee:

I am contacting you regarding the Supplemental Information Report (SIR) for the South San Francisco Bay Shoreline Project published in November 2022. Specifically, I would like to provide two comments regarding the proposed alternate haul route that would extend along the western edge of pond A16, cross the Union Pacific Rail Road crossing near the A16 northwest corner, extend south along the eastern edge of ponds A15 and A13, and eventually reach the construction area along the eastern edge of A12.

My first comment is in regards to the impact that this alternate haul route could have upon breeding Western snowy plovers (snowy plovers) in pond A15. During the 2022 breeding season the San Francisco Bay Bird Observatory (SFBBO) documented pond A15 as supporting the second largest amount of plover breeding activity in all of USFWS Recovery Unit 3 (the San Francisco Bay estuary), with 39 nests monitored to fate and at least 4 additional nests detected at the brood stage (Pearl et al. In Progress). Of these 39 monitored nests, 2 were located within 300ft of the levee east of A15 where the proposed alternate route would be. Snowy plovers are habituated to the noise of trains in this area, and it is not anticipated that haul trucks along this levee would cause significant disturbance to incubating snowy plovers. However, they are not habituated to pedestrians in this area, particularly since public access to this area has been limited for multiple years now. If construction crew or truck drivers were to stand on this stretch of the levee it could cause incubating snowy plovers within 300ft to flush off their nests, and if this disturbance were to occur for an extended period of time, could cause nest abandonment. To eliminate this issue, no individuals should be standing on this stretch of levee during the breeding season (March 1-September 15) for more than ten minutes. If there is a

need for an individual to stand on this stretch of levee for more than ten minutes, they should be within or behind a vehicle, which acts as a blind. Additionally, snowy plover broods have been observed foraging both along the eastern edge of pond A15 and along the shoreline of the levee east of pond A15 where the proposed haul route is located. As such, hauling activities could cause take of snowy plover broods. To eliminate this issue, the levee and shoreline along the east side of A15 must be visually cleared each day by a qualified biologist using a spotting scope before any hauling activities begin.

My second comment is in regards to SFBBO's access to conduct snowy plover surveys at A15. SFBBO conducts the majority of snowy plover research in the South San Francisco Bay, where most snowy plovers in Recovery Unit 3 are found, including all units of the Don Edwards San Francisco Bay National Wildlife Refuge, Eden Landing Ecological Reserve, Hayward Regional Shoreline, Coyote Hills Regional Park, and Steven Creek Shoreline Nature Study Area. SFBBO's work provides critical data to USFWS to assess plover recovery in Recovery Unit 3, where over 10% of the entire Pacific coast distinct population segment is found. Considering the large amount of snowy plover breeding activity documented at pond A15 in recent years (Pearl et al. 2022, Pearl et al. in progress), it is imperative that SFBBO is able to continue our weekly surveys and nest monitoring at this pond. In order to provide comprehensive and accurate data to USFWS so that progress towards recovery goals can be assessed, SFBBO staff must be able to conduct surveys in a vehicle from all levees surrounding pond A15, including the east levee. SFBBO conducts all surveys from a vehicle to reduce disturbance to breeding snowy plovers and allow for the most accurate data collection. Of the 39 nests located at A15 in 2022, nine were first observed from this levee, and considering the large and varied pond terrain it is unlikely that SFBBO would have been able to detect these nests from the levees north or south of A15. If the proposed alternative haul route is used, we request access to conduct surveys in a vehicle from the levee east of pond A15. SFBBO will need approximately 90 minutes each week to survey from this levee, and potentially an additional 30-60 minutes to conduct nest searches with someone observing/leading from the levee. During surveys and nest searches, SFBBO vehicles could park with the left side of the vehicle on the levee slope and right side on the levee top in order to provide room for haul trucks to get by.

Thank you very much for your responses and consideration.

Regards,

Benjamin Pearl
Plover and Tern Program Director
San Francisco Bay Bird Observatory

References

Pearl., B., A. Chen, P. Kaye, and Y. Wang. 2022. Western Snowy Plover Monitoring in the San Francisco Bay Annual Report 2021. Unpublished report. San Francisco Bay Bird Observatory, Milpitas, CA.

Pearl., B., P. Kaye, and J. Scullen. In Progress. Western Snowy Plover Monitoring in the San Francisco Bay Annual Report 2022. Unpublished report. San Francisco Bay Bird Observatory, Milpitas, CA.