



Santa Clara Valley Water District

Tularcitos Creek Downstream North Hillview Drive Levee Repair

Draft Initial Study and Mitigated Negative Declaration

August 2026

Prepared for:

Santa Clara Valley Water District
5750 Almaden Expressway
San José, California 95118-3614

Prepared by:

Panorama Environmental, Inc.
717 Market Street, Suite 400
San Francisco, CA 94103

Valley Water Board of Directors

John Varela	District 1
Shiloh Ballard	District 2
Richard Santos	District 3
Jim Beall	District 4
Nai Hsueh	District 5
Tony Estremera	District 6
Rebecca Eisenberg	District 7

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- Appendix B: Noise Technical Report
- Appendix C: Special-Status Species Potential to Occur
- Appendix D: Mitigation Monitoring and Reporting Program

Acronyms and Abbreviations

Acronyms and Abbreviations

Avoidance and Minimization Measures	AMMs
Bay Area Air District	Air District
Bay Area Air Quality Management District	BAAQMD
San Francisco Bay Basin Water Quality Control Plan	Basin Plan
Best Management Practices	BMPs
Clean Air Act	CAA
California Emissions Estimator Model	CalEEMod
California Department of Forestry and Fire Protection	CAL FIRE
California Division of Occupational Safety and Health	Cal/OSHA
California Department of Transportation	Caltrans
California Air Resources Board	CARB
Climate Change Action Plan	CCAP
California Code of Regulations	CCR
California Department of Fish and Wildlife	CDFW
California Department of Conservation	CDOC
California Environmental Quality Act	CEQA
California Natural Diversity Database	CNDDB
California Native Plant Society	CNPS
Carbon Monoxide	CO
Carbon Dioxide Equivalent	CO ₂ e
California Register of Historical Resources	CRHR
Clean Water Act	CWA
A-weighted Decibels	dBA
Diesel Particulate Matter	DPM
Department of Toxic Substances Control	DTSC
Environmental Impact Report	EIR
Environmental Protection Agency	EPA
Federal Emergency Management Agency	FEMA
Fire Hazard Severity Zone	FHSZ
Flood Insurance Rate Map	FIRM
Federal Transit Administration	FTA
Greenhouse Gas	GHG
Interstate	I
Inches Per Second	in/sec
Information for Planning and Consultation	IPaC
Initial Study	IS
Equivalent Continuous Sound Level	L _{eq}
Linear Feet	LF
Maximum Sound Level	L _{max}
Letter of Map Revision	LOMR
Local Responsibility Area	LRA
Mitigation Measures	MMs
Mitigated Negative Declaration	MND
Miles Per Hour	mph

Acronyms and Abbreviations

National Marine Fisheries Service	NMFS
Natural Resources Conservation Service	NRCS
National Pollutant Discharge Elimination System	NPDES
National Register of Historic Places	NRHP
Nitrogen Oxides	NO _x
Nephelometric Turbidity Units	NTU
National Wetlands Inventory	NWI
Office of Environmental Health Hazard Assessment	OEHHA
Ordinary High Water Mark	OHWM
Pacific Gas & Electric Company	PG&E
Particulate Matter Less Than 2.5 Micrometers	PM _{2.5}
Particulate Matter Less Than 10 Micrometers	PM ₁₀
Peak Particle Velocity	PPV
Reactive Organic Gases	ROG
Regional Water Quality Control Board	RWQCB
San Francisco Bay Area Air Basin	SFBAAB
Stream Maintenance Program	SMP
Sulfur Dioxide	SO ₂
State Route	SR
State Responsibility Area	SRA
State Transportation Network	STN
U.S. Army Corps of Engineers	USACE
U.S. Fish and Wildlife Service	USFWS
Santa Clara Valley Water District	Valley Water
Vehicle Miles Traveled	VMT
Waste Discharge Requirements	WDR
Wildland-Urban Interface	WUI

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1 Introduction

1.1 Purpose of the Initial Study/Mitigated Negative Declaration

The Santa Clara Valley Water District (Valley Water), acting as the Lead Agency under the California Environmental Quality Act (CEQA), prepared this Initial Study (IS) and Draft Mitigated Negative Declaration (MND) to provide the public, responsible agencies, and trustee agencies with information regarding the potential environmental effects of the Tularcitos Creek Downstream North Hillview Drive Levee Repair Project (Project).

This IS/MND was prepared consistent with CEQA, the CEQA Guidelines (Title 14, California Code of Regulations [CCR] § 15000 et seq.), and Valley Water's procedures for implementation of CEQA (Environmental Management System - Environmental Planning Q520D01).

CEQA requires that public agencies, such as Valley Water, identify the significant adverse impacts and beneficial environmental effects of their actions. Beneficial effects shall be encouraged and expanded where feasible, and adverse impacts shall be avoided or minimized or, where avoidance and minimization are not feasible, mitigated. In addition to acting as the CEQA Lead Agency for its projects, Valley Water's mission includes conducting its activities in an environmentally sensitive manner as a steward of Santa Clara Valley watersheds. Valley Water strives to preserve the natural qualities, scenic beauty, and recreational uses of Santa Clara Valley waterways by using methods that reflect an ongoing commitment to environmental conservation.

1.2 Decision to Prepare a Mitigated Negative Declaration for this Project

The IS (Section 3) for the Project identifies potentially significant effects on air quality, noise, cultural resources, and tribal cultural resources that could result from Project implementation. Mitigation measures (MMs) have been proposed for the Project that would reduce potential impacts to less than significant levels, and Valley Water has committed to implementing these measures. Accordingly, preparation of an MND for the Project complies with CEQA Guidelines Section 15070(b), which indicates that an MND is appropriate when a project's IS identifies potentially significant effects but:

- Revisions to the project have been made that would avoid or reduce the effects to a point where clearly no significant effects would occur; and
- There is no substantial evidence that the project, as revised, may have a significant effect on the environment.

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1.3 Public Review Process

The Draft IS/MND will be circulated to local and state agencies, interested organizations, and individuals who may wish to review and provide comments on the Project Description, the proposed MMs, or other aspects of the Project. Publication of this Draft IS/MND will commence the 30-day public review period, in accordance with CEQA Guidelines Section 15105(b), beginning on August 10, 2026, and ending on September 9, 2026.

Draft IS/MND documents are available at the following location:

<https://www.valleywater.org/public-review-documents>

A hard copy of the Draft IS/MND and supporting documents is available at the Valley Water Headquarters building located at 5750 Almaden Expressway, San José, CA 95118-3614.

Written comments or questions regarding the Draft IS/MND shall be submitted to Lawrence Truong at the address indicated below no later than September 9, 2026. The final IS/MND, along with any comments received by Valley Water during the public review period, will be considered by Valley Water prior to a decision on the Project.

Lawrence Truong, Associate Environmental Planner

5750 Almaden Expressway, San José, CA 95118-3614

Phone: (408) 630-2916

Email: ltruong@valleywater.org

1.4 Interagency Coordination and Regulatory Review

The CEQA review process is intended to provide trustee and responsible agencies with an opportunity to provide input on the Project. A *trustee agency* is a state agency that has jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. A *responsible agency* is any state or local agency other than a lead agency that has discretionary authority over a project or a portion of a project. In many instances, a responsible agency must make a discretionary decision to issue a local permit or to grant right-of-way, funding, or resources that are critical to project implementation. The responsible agencies for the Project are the California Department of Fish and Wildlife (CDFW) and the San Francisco Bay Regional San Francisco Bay responsible agencies for review and comment. In addition to state and local agencies, the Project may also require permits or approvals from federal agencies.

The Project will require project-specific permits or approvals from the following federal, state, and regional agencies:

- **San Francisco Bay RWQCB:** Clean Water Act (CWA) Section 401 Water Quality Certification or Waste Discharge Requirements (WDR; discharges to waters of the state)

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- **CDFW:** Fish and Game Code Section 1602 Lake or Streambed Alteration Agreement
- **U.S. Army Corps of Engineers (USACE):** Authorization under Section 404 of the CWA (e.g., Nationwide Permit or other applicable general permit)

1.5 Document Organization and Reader's Guide

This document is organized to assist the reader in understanding the potential environmental impacts of the Project and to fulfill CEQA requirements (Public Resources Code § 21000 et seq.).

This IS/MND is organized into the following sections:

- **Acronyms and Abbreviations.** This section follows the Table of Contents.
- **Section 1: Introduction.** Outlines the CEQA process and agency use of this IS/MND.
- **Section 2: Project Description.** Provides a detailed description of the Project, including construction details and methods.
- **Section 3: Environmental Evaluation.** Describes existing conditions, analyzes potential environmental impacts of the Project, and identifies MMs to reduce potentially significant effects.
- **Section 4: List of Contributors.** Identifies the preparers of the IS/MND and the public agencies consulted during preparation of the IS/MND.
- **Section 5:** Identifies the sources of information used in the preparation of this IS/MND, including technical reports, regulatory documents, and other materials cited throughout the document.
- **Appendix A:** Air Quality Technical Report
- **Appendix B:** Noise Technical Report
- **Appendix C:** Special-Status Species Potential to Occur
- **Appendix D:** Mitigation Monitoring and Reporting Program

2 Project Description

2.1 Project Background

Valley Water is proposing the Tularcitos Creek Downstream North Hillview Drive Levee Repair Project (Project). The Project would involve reconstruction of a non-accredited levee that has eroded due to rodent activity along the west bank of Tularcitos Creek in the City of Milpitas. The Project would include dewatering, installation, and removal of two temporary access ramps, and bank stabilization along Tularcitos Creek. The repair would extend approximately 2,932 linear feet (LF) along the west levee bank of the existing grass-lined earthen channel.

The levee is currently not accredited by the Federal Emergency Management Agency (FEMA) as it does not meet federal standards for protecting against a 1 in 100 year (1%) annual flood (44 CFR § 65.10) and, therefore, does not qualify for the National Flood Insurance Program (NFIP). As part of other Valley Water capital improvement efforts in the area, a Letter of Map Revision (LOMR)¹ is in progress which in addition to the levee repairs, will facilitate FEMA accreditation of the levee going forward. Restoration of the levee to its proper design elevation would support potential FEMA remapping of the surrounding area to Zone X (minimal to moderate flood risk), thereby improving flood protection for adjacent residential and public properties through inclusion in NFIP. Repair of the levee in compliance with 44 CFR § 65.10 and the FEMA LOMR remapping process would result in accreditation of the levee.

Stream maintenance activities, such as vegetation management and bank stabilization, are programmatically covered throughout Valley Water jurisdiction and implemented under Valley Water's Stream Maintenance Program (SMP) (Valley Water 2020) and its Final Environmental Impact Report (EIR) (Horizon 2011), which covers a program period of 2012 to 2022. In 2023, Valley Water received permit extensions from various regulatory agencies to cover 2023 through 2026. On April 28, 2026 an SMP Program Renewal (SMP-3) and Final Subsequent EIR were approved and certified to cover the planning period from 2027 through 2036. However, because the total length of levee repair (approximately 2,932 LF) exceeds the 500-LF bank stabilization threshold under the SMP-3 and its associated Final Subsequent EIR, the Project does not qualify for programmatic coverage under the SMP-3. Accordingly, pursuant to CEQA, Valley Water prepared this Project-specific IS/MND. Construction and operation of the Project would be implemented consistent with SMP-3 policies and procedures and would use SMP-3

¹ A formal process to update FEMA flood maps based on new conditions, and the mechanism for granting accreditation.

2 Project Description

design template Method 1A (Earth Repair with Buried Rock), to restore the levee while avoiding visible hardscape features and maintaining the existing channel configuration.

2.2 Location and Surrounding Land Uses

The Project is located in the City of Milpitas in Santa Clara County, as shown in Figure 2-1. The entire Project is located on Valley Water fee title property, as shown in Figure 2-2. Repair work would occur along Tularcitos Creek, between North Hillview Drive and Paseo Refugio in the City of Milpitas. Tularcitos Creek is a tributary within the Lower Penitencia Creek watershed, which ultimately drains to Coyote Creek and San Francisco Bay. The channel in this reach of Tularcitos Creek is a modified trapezoidal earthen channel approximately 21 feet wide at its base, 37 feet wide at the top of bank, and eight feet deep, with varying bank slope height due to erosion. Existing levees along the channel are generally 1.5 to 2 feet above the surrounding ground surface. The Valley Water-owned corridor extends approximately 45 feet west and 39 feet east of the channel centerline, for a total corridor width of approximately 84 feet. The channel is bordered by residential neighborhoods, pedestrian bridges, and maintained open space.

Residential land uses occur immediately adjacent to both banks of the creek corridor. The nearest residences are approximately 50 feet from the Project site's eastern boundary (Figure 2-2). Access to the channel is constrained by adjacent residential development and pedestrian bridge crossings. Public recreational land uses occur immediately adjacent to the west bank. Recreational features in the vicinity include pedestrian bridges crossing Tularcitos Creek and maintained open space adjacent to the channel. Additionally, the Milpitas Hillview KinderCare School is located approximately 175 feet north of the Project site.

2.3 Project Purpose

The purpose of the Project is to address damage to the west bank levee caused by rodent burrowing and associated erosion and to protect property and public safety by reducing the risk of continued erosion. The Project also seeks to achieve FEMA accreditation of the levee in compliance with 44 CFR § 65.10 to support potential future FEMA remapping of adjacent areas and to improve flood protection for adjacent residential and public properties, consistent with the FEMA standards and the ongoing LOMR process. Ongoing erosion threatens the structural integrity of the west bank levee and its ability to provide the intended level of flood protection to adjacent residential and public properties. The Project would include repairs to address the existing damaged levee and restore the west bank levee to its intended design condition and elevation. The Project would not increase channel capacity or alter the existing channel alignment beyond restoring the levee to its previously constructed condition.

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2.4 Project Activities

2.4.1 Levee Repair

The Project would repair approximately 2,932 LF of the existing levee, and the total area of temporary disturbance would be approximately 2.7 acres. The west bank levee would be reconstructed using SMP-3 Method 1A, which involves installation of a buried rock structure (rock buttress) to protect against erosion scour, stabilize the channel embankment, and provide a stable foundation for the repair, which is currently compromised by saturated soils².

Excavation would occur along 2,932 LF of the existing levee. The excavation would have an average width of 8 feet and depth of 3 feet. However, where required to repair severely eroded levee walls, the maximum excavation parameters would be approximately 37 feet wide and 12 feet deep from as-built condition. In these areas, excavations would occur within previously disturbed soils and engineered fill placed during original construction of the levee and channel. Establishing the rock toe foundation, however, would require excavation approximately 3 to 4 feet below the existing channel invert, which would be the only ground disturbance extending into previously undisturbed native soils. Excavation activities would be conducted by two excavators, which would be stored onsite along with other construction equipment. Equipment access and staging are described in Section 2.4.4 (Site Access and Staging) and Table 2-1. Approximately 13,900 cubic yards of excavated material would be generated and hauled off-site for disposal at an approved facility. Following excavation, the rock buttress (composed of rock revetment or boulders) would be placed in the trench and stacked to construct a rocked foundation on the western levee. After placement of the rock buttress, imported fill would be placed above the rock buttress to reconstruct the western levee.

Fill would be placed in successive compacted soil lifts (6 to 8 inches thick) to achieve specified compaction requirements and reduce the potential for future rodent burrowing and erosion. Approximately 13,250 cubic yards of levee fill material and 2,600 cubic yards of boulders would be imported from Stevens Creek Quarry, meeting Department of Toxic Substances Control (DTSC) standards for clean fill, for reconstruction of the west bank levee and the buried rock foundation.

² The full text of the SMP-3 Method 1A can be found in Attachment D (PDF page 357) to the SMP Manual at

<https://assets.valleywater.org/files/Stream%20Maintenance%20Program%20Manual%202019-2023%20Extended.pdf>

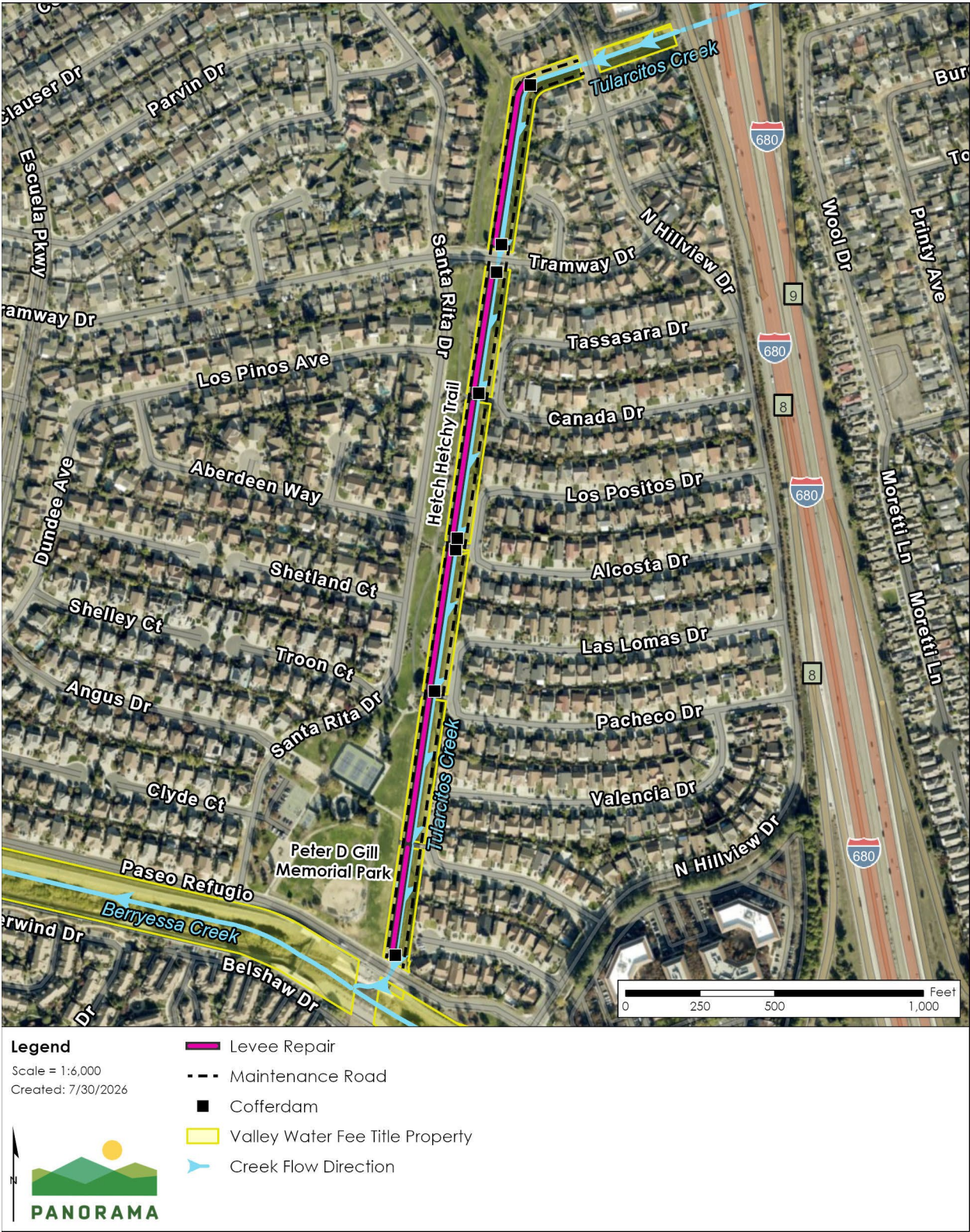
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Figure 2-1 Regional Overview



2 Project Description

Figure 2-2 Project Location



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Once the fill has been placed, the overbuilt embankment would be cut and trimmed using an excavator to match the existing 1.5:1 side slopes and channel alignment. No hardscape features would be visible above ground upon completion of construction as Valley Water would use the SMP-3 design template Method 1A (Earth Repair with Buried Rock). The repaired levee would be reconstructed to as-built design conditions and elevation, which may result in localized increases in levee height ranging from a few inches to approximately 1 foot where erosion has occurred.

2.4.2 Dewatering System

To provide a dry work site during construction, Project activities would include installation of an active dewatering system, which would include seven cofferdams, as shown on Figure 2-2. Upstream of each cofferdam, 10-inch pumps would be placed to redirect water around active work areas through approximately 400 to 600 feet of bypass pipe along the east bank and return flows to the channel downstream of each work area through an energy dissipator. Pump sizing for the temporary dewatering system would be based on representative summer flows. Two 150 kilovolt amperes (kVA) 50 horsepower (bhp) diesel generators (one primary and one backup) for the pumps would be placed on the east bank of the creek along the maintenance road and would operate up to 24 hours per day during active dewatering operations. Approximately eight outfalls are located along the Project reach and flows from these outfalls may contribute intermittent flows within the Project area. If flows are encountered, flow-through plugs would be available on site to redirect outfall discharges to downstream cofferdams, and backup pumps would be maintained on site to manage these flows as needed. Upon completion of work in each phase (discussed below), cofferdams and diversion infrastructure would be removed, and the channel bed and banks would be restored to pre-construction contours.

2.4.3 Construction Phasing

To limit disturbance between the four pedestrian bridges and to minimize the length of active work areas at any given time, Project construction would occur in phases, progressing downstream to upstream sequentially along the linear repair area. Only one segment of the levee would be under active construction and dewatering at a time, in increments of approximately 400 to 580 LF. This phased approach would reduce the overall area of open excavation and limit the extent of in-channel disturbance at any one time.

2.4.4 Site Access and Staging

Staging would occur along the top of the east bank on an existing Valley Water maintenance road located on Valley Water fee title property, as shown in Figure 2-2. Vehicle and equipment access to the Project site would be via North Hillview Drive, Paseo Refugio, Tramway Drive, and existing maintenance roads. Temporary access ramps would also be installed upstream of Paseo Refugio and upstream of Tramway Drive.

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Haul trucks transporting imported material to the Project site will travel north to the site via State Route 237 to North Hillview Drive. Trucks transporting excavated material for off-site disposal shall depart the Project site via Paseo Refugio to Santa Rita Drive, then Angus Drive to Escuela Parkway, continuing to North Milpitas Boulevard, and then west on Dixon Landing Road to the Newby Island disposal facility. These truck routing requirements ensure that no haul trucks will travel by the Milpitas Hillview KinderCare School during Project construction.

2.4.5 Site Preparation

Erosion and sediment control best management practices (BMPs) would be implemented prior to ground-disturbing activities and maintained throughout construction (see Section 2.7.1: Valley Water Standard Best Management Practices). A Project-specific Storm Water Pollution Prevention Plan would be prepared and implemented in accordance with the State Water Resources Control Board Construction General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities. Erosion and sediment control BMPs would be implemented consistent with Valley Water's 2014 BMP Handbook and the SMP-3 Attachment A to prevent pollutant discharge from the construction site. Specific BMPs applicable to the Project are included in Section 2.7.1: Valley Water Standard Best Management Practices.

2.4.6 Site Restoration

Following Project implementation, all temporary work areas would be restored to conditions consistent with the approved engineering plans and existing channel geometry (Valley Water 2026). Temporary access improvements, including the access ramps installed upstream of Paseo Refugio and upstream of Tramway Drive, would be removed upon completion of construction. Staging areas located on the existing maintenance road would be returned to pre-construction conditions. All construction material and debris would be removed and disposed of at approved facilities.

Hydroseeding of all disturbed areas above the ordinary high water mark would occur after construction and before seasonal rain events, with reapplication as necessary for winterization. Temporary disturbance of grass-covered banks within the work footprint would occur during construction; however, no trees or shrubs would be removed or trimmed as part of the Project. Disturbed areas would be stabilized and revegetated consistent with Valley Water's erosion control standards and the SMP-3 (Valley Water 2026).

2.4.7 Water Use, Equipment, Workers, and Truck Trips

Water required for construction activities would be delivered via water trucks. One water truck per day would be required during all four phases of construction. No hydrant connections are proposed.

Truck trips would include off-site material-hauling trips and employee commute trips between the Project site and any off-site yards. The Project would require approximately ten haul truck

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trips per day during peak earthwork activities (10-wheel trucks with approximately 8-cubic-yard capacity) to haul excavated material off-site and import fill and boulders. Combined with water truck trips and employee commute trips, the Project would generate a total of approximately 34 one-way vehicle trips per day during peak construction activity. Construction traffic would access the Project site via Hillview Drive. Large deliveries (e.g., excavators and boulders) would not require oversized load permits from the City of Milpitas or the California Department of Transportation (Caltrans). Each site would typically be staffed with approximately five personnel during active construction. No permanent electrical, fuel, or mechanical systems would be installed within the work limits.

Equipment to be used for the Project is listed by activity in Table 2-1. No pile driving would occur as part of the Project.

Table 2-1 Proposed Equipment Use Per Construction Phase

Project Activity	Equipment	Number(s) of Trips
Excavation and Earthwork	Excavator	1
Excavation and Earthwork	Loaders	1
Excavation and Earthwork	Compactor	1
Excavation and Earthwork	Skid Steer	1
Excavation and Earthwork	Dump trucks (10-wheel)	Up to 10 per day
Excavation and Earthwork	Water truck	2
Dewatering	Pumps	Up to 5 setups
Dewatering	Generators	2 (1 primary, 1 backup)
General	Pickup trucks	As needed

2.5 Schedule

Construction activities would begin as early as May 2027 and would occur Monday through Friday between 7:00 am and 7:00 pm, consistent with Milpitas' noise ordinance outlined in Section MMC V-213-3 (b) of the City of Milpitas' Municipal Code. Project generators (one primary and one backup) have the potential to operate 24 hours per day, seven days per week during the construction activities, although they would be stationed on the western levee bank and over 50 feet away from any residential use. The Project would be completed in approximately 120 business days. The construction timeframe would primarily coincide with the historically dry summer months (June 15 through October 15), when water levels are typically lower, to reduce potential impacts on water quality and aquatic habitat.

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2.6 Operations and Maintenance

Upon completion, the Project is anticipated to have a useful lifespan of approximately 25 years. The Project would not require a Project-specific long-term operations or maintenance program beyond routine existing levee and channel inspections conducted under Valley Water's existing programs (Valley Water 2026). Therefore, a separate Operations and Maintenance Plan is not required. Operations and maintenance activities at the Project site would be conducted in accordance with Valley Water's SMP-3 (Valley Water 2026).

2.7 Environmental Protection Measures

The Project would require implementation of several types of environmental protection measures. These include BMPs, which are Valley Water standard operating procedures and design features intended to prevent, avoid, or minimize potential impacts associated with construction and operation of the Project. Valley Water routinely incorporates a range of BMPs into projects based on Valley Water's 2014 Best Management Practices Handbook (herein referred to as Valley Water standard BMPs) (Valley Water 2014). Additionally, as discussed in Section 2.1: Project Background, construction and operation of the Project would be implemented consistent with Valley Water's SMP-3, which includes a variety of additional BMPs (herein referred to as SMP BMPs). Valley Water would incorporate relevant SMP BMPs into the Project.

Where implementation of Valley Water's standard BMPs and SMP BMPs would not fully avoid or reduce potential impacts, Project-specific avoidance and minimization measures (AMMs) have been developed. Where impacts would remain potentially significant after implementation of BMPs and AMMs (which are incorporated into the Project design), Project-specific MMs have been identified to reduce impacts to less than significant levels, as described in Section 3 of this IS/MND.

Relevant standard BMPs, SMP BMPs, and AMMs would be incorporated into Project work plans as part of the Project design. Additionally, all MMs would be incorporated into the Project work plans, and all contractors employed on the Project would be required to comply with these measures.

2.7.1 Valley Water Standard Best Management Practices

The standard BMPs from Valley Water's 2014 Best Management Practices Handbook (Valley Water 2014) that would be implemented as part of the Project are provided in Table 2-2.

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Table 2-2 Standard BMPs to be Implemented

Resource	Standard BMP	Standard BMP Condition(s)
Air Quality	AQ-1: Use Dust Control Measures	The following Bay Area Air District (Air District)dust control measures shall be implemented: 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. Water used to wash the various exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas) shall not be allowed to enter waterways. 5. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). 6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be installed as soon as possible after grading unless seeding or soil binders are used. 7. 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, Title 13, Section 2485 of the CCR). This requirement shall be clearly communicated to construction workers (e.g., through contract specifications and signage at access points). 8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications, and all equipment shall be checked by a certified visible emissions evaluator. 9. Correct tire inflation shall be maintained in accordance with manufacturer's specifications on wheeled equipment and vehicles to prevent excessive rolling resistance. 10. A publicly visible sign with a telephone number and contact person at the Lead Agency shall be posted to address dust complaints. Complaints shall be responded to and corrective action shall be taken within 48 hours. In addition, a Air District telephone number with applicable regulations shall be included.
Air Quality	AQ-2: Avoid Stockpiling Odorous Materials	Materials with decaying organic material, or other potentially odorous materials, will be handled in a manner that avoids impacting residential areas and other sensitive receptors, including: • Avoid stockpiling potentially odorous materials within 1,000 feet of residential areas or other odor sensitive land uses; and • Odorous stockpiles will be disposed of at an appropriate landfill.

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Resource	Standard BMP	Standard BMP Condition(s)
Biological Resources	BMP BI-5: Avoid Impacts to Nesting Migratory Birds	Nesting birds are protected by state and federal laws. Valley Water will protect nesting birds and their nests from abandonment, loss, damage, or destruction. Nesting bird surveys will be performed by a qualified biologist prior to any activity that could result in the abandonment, loss, damage, or destruction of birds, bird nests, or nesting migratory birds. Inactive bird nests may be removed with the exception of raptor nests. Birds, nests with eggs, or nests with hatchlings will be left undisturbed.
Biological Resources	BMP BI-6: Avoid Impacts to Nesting Migratory Birds from Pending Construction	Nesting exclusion devices may 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.
Biological Resources	BI-8: Choose Local Ecotypes of Native Plants and Appropriate Erosion Control Seed Mixes	Whenever native species are prescribed for installation, the following steps shall be taken by a qualified biologist or vegetation specialist: 1. Evaluate whether plant species currently grow wild in Santa Clara County. If so, the qualified biologist or vegetation specialist shall determine whether any species shall be local natives (i.e., grown from propagules collected in the same or adjacent watershed and as close to the Project site as feasible). 2. Consult a qualified biologist or vegetation specialist to determine which seeding option is ecologically appropriate and effective, as follows: • For disturbed areas, an erosion control seed mix may be used consistent with the Valley Water Guidelines and Standards for Land Use Near Streams, Design Guide 5, "Temporary Erosion Control Options." • In areas with remnant native plants, the qualified biologist or vegetation specialist may select an abiotic application (e.g., an erosion control blanket or seedless hydro-mulch and tackifier) to facilitate passive revegetation of local native species. 3. Temporary earthen access roads may be seeded when site and horticultural conditions are suitable. 4. If gravel or wood mulch has been used to prevent soil compaction, the material may be left in place, if ecologically appropriate, instead of seeding. 5. Seed selection shall be ecologically appropriate, as determined by a qualified biologist, in accordance with the Valley Water

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Resource	Standard BMP	Standard BMP Condition(s)
Guidelines and Standards for Land Use Near Streams, Design Guide 2: Use of Local Native Species.		
Biological Resources	BMP BI-10: Avoid Animal Entry and Entrapment	All pipes, hoses, or similar structures less than 12 inches diameter will be closed or covered to prevent animal entry. All construction pipes, culverts, or similar structures, greater than 2-inches diameter, stored at a construction site overnight, will be inspected thoroughly for wildlife by a qualified biologist or properly trained construction personnel before the pipe is buried, capped, used, or moved. If inspection indicates presence of sensitive or state- or federally-listed species inside stored materials or equipment, work on those materials will cease until a qualified biologist determines the appropriate course of action. To prevent entrapment of animals, all excavations, steep-walled holes or trenches more than 6-inches deep will be secured against animal entry at the close of each day. Any of the following measures may be employed, depending on the size of the hole and method feasibility: Hole to be securely covered (no gaps) with plywood, or similar materials, at the close of each working day, or any time the opening will be left unattended for more than one hour; or In the absence of covers, the excavation will be provided with escape ramps constructed of earth or untreated wood, sloped no steeper than 2:1, and located no farther than 15 feet apart; or In situations where escape ramps are infeasible, the hole or trench will be surrounded by filter fabric fencing or a similar barrier with the bottom edge buried to prevent entry.
Biological Resources	BMP BI-11: Minimize Predator Attraction	Remove trash daily from the worksite to avoid attracting potential predators to the site.
Cultural Resources	CU-1: Accidental Discovery of Archaeological Artifacts or Burial Remains	If historical or unique archaeological artifacts or tribal cultural resources are accidentally discovered during construction, work in affected areas shall be restricted or stopped until proper protocols are met. Work at the location of the find shall halt immediately within 30 feet of the find. A no-work zone shall be established using appropriate flagging to delineate the boundary of this zone. A consulting archaeologist shall visit the discovery site as soon as practicable for identification and evaluation pursuant to Section 21083.2 of the Public Resources Code and Section 15126.4 of the CCR. If the archaeologist determines that the artifact or resource is not significant, construction may resume. If the archaeologist determines that the artifact or resource is significant, the archaeologist shall determine whether the artifact or resource can be avoided and, if so, shall detail avoidance procedures. If the artifact cannot be avoided, the archaeologist shall develop, within

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Resource	Standard BMP	Standard BMP Condition(s)
		48 hours, an Action Plan that includes provisions to minimize impacts and, if required, a Data Recovery Plan for recovery of artifacts in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines. If a tribal cultural resource cannot be avoided, the Action Plan shall include notification of the appropriate Native American tribe and consultation with the tribe regarding acceptable recovery options. If burial finds are accidentally discovered during construction, work in affected areas shall be restricted or stopped until proper protocols are met. Upon discovering any burial site, as evidenced by human skeletal remains, the County Coroner shall be immediately notified, and the field crew supervisor shall take immediate steps to secure and protect the remains from vandalism during periods when work crews are absent. No further excavation or disturbance within 100 feet of the site, or any nearby area reasonably suspected to overlie adjacent remains, shall occur except as authorized by the County Coroner, the California Native American Heritage Commission, and/or the County Coordinator of Indian Affairs.
Hazards and Hazardous Resources	HM-7: Restrict Vehicle and Equipment Cleaning to Appropriate Locations	Vehicles and equipment shall be washed only at approved locations. No washing of vehicles or equipment shall occur at job sites.
Hazards and Hazardous Resources	HM-8: Ensure Proper Vehicle and Equipment Fueling and Maintenance	No fueling or servicing shall occur in a waterway or immediate floodplain unless equipment stationed in these locations is not readily relocated (i.e., pumps and generators). For stationary equipment that must be fueled or serviced on site, containment shall be provided such that any accidental spill does not come into direct contact with soil, surface water, or the storm drainage system. All fueling or servicing conducted at the job site shall include containment to ensure that any spill does not enter any waterway or damage riparian vegetation. All vehicles and equipment shall be kept clean. Excessive buildup of oil and grease shall be prevented. All equipment used in the creek channel shall be inspected for leaks each day prior to initiation of work. Maintenance, repairs, or other necessary actions shall be taken to prevent or repair leaks prior to use. If emergency repairs are required in the field, only those repairs necessary to move equipment to a more secure location shall be conducted in a channel or floodplain.

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Resource	Standard BMP	Standard BMP Condition(s)
Hazards and Hazardous Resources	HM-9: Ensure Proper Hazardous Materials Management	Measures shall be implemented to ensure that hazardous materials are properly handled and that water quality is protected by all reasonable means. Prior to entering the work site, all field personnel shall know how to respond when toxic materials are discovered. Contact of chemicals with precipitation shall be minimized by storing chemicals in watertight containers with appropriate secondary containment to prevent spillage or leakage. Petroleum products, chemicals, cement, fuels, lubricants, and non-storm drainage water, or water contaminated with these materials, shall not contact soil and shall not be allowed to enter surface waters or the storm drainage system. All toxic materials, including waste disposal containers, shall be covered when not in use and shall be located as far as feasible from direct connections to the storm drainage system or surface waters. Quantities of toxic materials, such as equipment fuels and lubricants, shall be stored with secondary containment capable of containing 110 percent of the primary container(s). The discharge of any hazardous or non-hazardous waste, as defined in Division 2, Subdivision 1, Chapter 2 of the CCR, shall be conducted in accordance with applicable state and federal regulations. In the event of a hazardous material emergency or spill, personnel shall call the Chemical Emergencies/Spills Hotline at 1-800-510-5151.
Hazards and Hazardous Resources	HM-10: Utilize Spill Prevention Measures	Measures shall be implemented to prevent the accidental release of chemicals, fuels, lubricants, and non-storm drainage water, as follows: 1. Field personnel shall be appropriately trained in spill prevention, hazardous material control, and cleanup of accidental spills. 2. Equipment and materials for spill cleanup shall be available on site, and spills and leaks shall be cleaned up immediately and disposed of in accordance with applicable regulatory requirements. 3. Field personnel shall ensure that hazardous materials are properly handled and that natural resources are protected by all reasonable means. 4. Spill prevention kits shall be located in close proximity when hazardous materials are in use (e.g., at crew trucks and other appropriate locations), and all field personnel shall be informed of these locations.

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Resource	Standard BMP	Standard BMP Condition(s)
		The work site shall be routinely inspected to verify that spill prevention and response measures are properly implemented and maintained.
Hazards and Hazardous Resources	HM-12: Incorporate Fire Prevention Measures	All earthmoving and portable equipment with internal combustion engines shall be equipped with spark arrestors. During the high fire danger period (April 1 to December 1), work crews shall have appropriate fire suppression equipment available at the work site. An extinguisher shall be available at the Project site at all times when welding or other repair activities that can generate sparks (e.g., metal grinding) are occurring. Smoking shall be prohibited except in designated staging areas and at least 20 feet from combustible chemicals or vegetation.
Hydrology and Water Quality	WQ-3: Limit Impacts of Pump and Generator Operation and Maintenance	Pumps and generators shall be maintained and operated in a manner that minimizes impacts on water quality and aquatic species. - Pumps and generators shall be maintained in accordance with manufacturer's specifications to regulate flows and prevent dry-back or washout conditions. - Pumps shall be operated and monitored to prevent low-water conditions, which could draw in muddy bottom water, and high water conditions, which could create ponding. - Pump intakes shall be screened to prevent uptake of fish and other vertebrates. Pumps in steelhead creeks shall be screened in accordance with National Marine Fisheries Service (NMFS) criteria. - Sufficient backup pumps and generators shall be available on site to replace defective or damaged equipment.
Hydrology and Water Quality	WQ-4: Limit Impacts from Staging and Stockpiling Materials	The following measures shall be implemented to limit impacts from staging and stockpiling materials: - To protect on site vegetation and water quality, staging areas shall be located on access roads, surface streets, or other disturbed areas that are already compacted and support ruderal vegetation. Similarly, all equipment and materials (e.g., road rock and project spoil) shall be contained within existing service roads, paved roads, or other predetermined staging areas. - Building materials and other project-related materials, including chemicals and sediment, shall not be stockpiled or stored where they could spill into water bodies or storm drains. - Runoff from staging areas shall not be allowed to enter waterways, including the creek channel or storm drains,

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Resource	Standard BMP	Standard BMP Condition(s)
		without adequate filtration (e.g., vegetated buffer, swale, hay wattles or bales, or silt screens). 4. The discharge of decant water to waterways from any on site temporary sediment stockpile or storage areas shall be prohibited. 5. During the wet season, stockpiled soils shall not remain exposed unless surrounded by properly installed and maintained silt fencing or other erosion control measures. During the dry season, exposed stockpiles shall be watered, enclosed, covered, or treated with non-toxic soil stabilizers.
Hydrology and Water Quality	WQ-5: Stabilize Construction Entrances and Exits	Measures shall be implemented to minimize soil from being tracked onto streets near work sites, as follows: • Methods used to prevent mud from being tracked out of work sites onto roadways shall include installation of a layer of geotextile mat, followed by a 4-inch-thick layer of 1- to 3-inch-diameter gravel on unsurfaced access roads. Access shall be provided as close to the work area as feasible, using existing ramps where available and planning work site access to minimize disturbance to the waterbody bed and banks and surrounding land uses.
Hydrology and Water Quality	WQ-9: Use Seeding for Erosion Control, Weed Suppression, and Site Improvement	Disturbed areas shall be seeded with native seed as soon as appropriate after activities are complete. An erosion control seed mix shall be applied to exposed soils down to the ordinary high water mark (OHWM) in streams. • The seed mix shall consist of California native grasses (e.g., <i>Hordeum brachyantherum</i>, <i>Elymus glaucus</i>, and annual <i>Vulpia microstachyes</i>) or an annual, sterile hybrid seed mix (e.g., Regreen™, a wheat x wheatgrass hybrid). Temporary earthen access roads may be seeded when site and horticultural conditions are suitable or when other appropriate erosion control measures in place.
Hydrology and Water Quality	WQ-11: Maintain Clean Conditions at Work Sites	The work site, adjacent areas, and access roads shall be maintained in an orderly condition, free of debris and discarded materials on a daily basis. Personnel shall not sweep, grade, or flush surplus materials, rubbish, debris, or dust into storm drains or waterways. For activities that last more than one day, materials or equipment left on site overnight shall be stored as inconspicuously as possible and shall be neatly arranged. Materials and equipment left on site overnight shall be stored to avoid erosion, leaks, or other potential impacts on water quality. Upon completion of work, all building materials, debris, unused materials, concrete forms, and other construction-related materials shall be removed from the work site.

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Resource	Standard BMP	Standard BMP Condition(s)
Hydrology and Water Quality	WQ-15: Prevent Water Pollution	Oily, greasy, or sediment-laden substances, or other materials originating from Project operations that may degrade surface water quality or adversely affect aquatic life, fish, or wildlife, shall not be allowed to enter, or be placed where they may later enter, any waterway. The Project shall not increase the turbidity of any watercourse flowing past the construction site. All necessary precautions shall be taken to limit increases in turbidity, as follows: 1. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 5 percent. 2. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10 percent. 3. Where the receiving water body is a dry creek bed or storm drain, waters in excess of 50 NTU shall not be discharged from the Project. Water turbidity changes shall be monitored. Discharge water measurements shall be taken at the point where discharge water exits the water control system for tidal sites and 100 feet downstream of the discharge point for non-tidal sites. Natural watercourse turbidity measurements shall be taken in the receiving water 100 feet upstream of the discharge site. Natural watercourse turbidity measurements shall be taken prior to initiation of Project discharges, preferably at least 2 days prior to commencement of operations.
Hydrology and Water Quality	WQ-17: Manage Sanitary and Septic Waste	Temporary sanitary facilities shall be provided at job sites that last multiple days, in compliance with California Division of Occupational Safety and Health (Cal/OSHA) Regulation 8, CCR Section 1526. All temporary sanitary facilities shall be located such that overflow or spillage does not enter a watercourse directly (overbank) or indirectly (through a storm drain).
Transportation	TR-1: Incorporate Public Safety Measures	Fences, barriers, lights, flagging, guards, and signs shall be installed, as determined appropriate by the public agency having jurisdiction, to provide adequate warning to the public of construction activities and any associated hazardous conditions.

2.7.2 Valley Water Stream Maintenance Program Best Management Practices

As discussed in Section 2.1, Valley Water would implement the Project consistent with SMP-3 standard policies and procedures. The relevant SMP BMPs that would be implemented as part of the Project are provided in Table 2-3.

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Table 2-3 Stream Maintenance Program BMPs to be Implemented

SMP BMP	Description
BMP GEN-1: In-Channel Work Window	All ground-disturbing maintenance activities (e.g., sediment removal, bank stabilization, tree removal, and mechanized vegetation management) occurring in the channel (below bankfull) shall occur between June 15 and October 15. No new instream sediment removal projects or bank protection work shall be initiated after October 15. Requests for work window extensions shall be submitted to regulatory agencies by October 1, identifying the creek names and reaches where a work extension would occur. Work extensions vary by activity, and agencies shall provide a single response within 1 week. Significant rainfall applies after October 15. An extension through December 31 may apply if the following requirements are met and regulatory agency approval is obtained: For Ground-Disturbing Activities: • Work may continue if no significant rainfall, defined as greater than 0.5 inches per 24 hours within a local watershed, is forecasted³ or observed. Following October 15th, maintenance work shall cease for the season if such a rain event is forecasted or observed. • Winterized sites shall be visually inspected prior to, and within 48 hours following, each significant rain event (defined as rainfall 0.5 inch or greater within a 24-hour period in the subject watershed) to ensure that winterization measures are properly implemented and maintained. Sediment Removal: • Extended Work Window: 1. Creeks supporting anadromous fish: An extended work window may occur from October 15 through October 31, or until local rainfall of 0.5 inches or greater occurs within the subject watershed within a 24-hour period, whichever occurs first. 2. Creeks not supporting anadromous fish: An extended work window may occur from October 15 to November 30th, or until local rainfall of 0.5 inches or greater occurs within the subject watershed within a 24-hour period, whichever occurs first. • Extended Work Window in Lower Quality Areas: 1. Sediment removal work may occur until December 31. 2. Work shall occur only on Berryessa Creek (0+88+80; 232+70-236+00; 284+30-288+00), Lower Silver Creek (Reach three between Stations 37+40 and 381+19), Thompson Creek (0+00-10+00), Canoas Creek (0+00-390+00), Ross Creek (0+00-86+30), Calabazas Creek (35+00-105+00), and San Tomas Aquino Creek (80+00-100+00) subject to the following conditions:

³ Weather Forecasts. No phase of the project may be started if that phase and its associated erosion control measures cannot be completed prior to the onset of a storm event, where that phase may cause the introduction of sediment into the stream. Seventy-two-hour weather forecasts from the National Weather Service or other localized, more detailed weather forecast service will be consulted prior to start of any phase of the project that may result in sediment runoff to a stream.

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SMP BMP	Description
	- Site conditions are dry, and access for all construction equipment and vehicles shall not impact waterways. - All work shall stop if any rainfall is forecast for the next 72-hour period. Work may resume after a significant rainfall event but no later than December 31. 3. Sites shall be maintained in a rapidly winterizable⁴ state (implement control measures BMP GEN-20). Bank stabilization projects may continue until the approved date stated below. Prior to a forecasted significant rainfall event (0.5 inches per 24 hours), all incomplete bank stabilization projects shall be winterized. - Creeks supporting anadromous fish: An extended work window may occur until October 31 for bank stabilization projects that will be 50 percent complete by October 15. - Creeks not supporting anadromous fish: An extended work window may occur until November 30 for projects that will be 50 percent complete by October 15 or until significant rainfall. An extended work window may occur until November 30 for new bank stabilization projects that will be completed in 5 days or less, or until significant rainfall. - Vegetation Management: Instream hand pruning and hand removal of vegetation shall occur year-round, except when: - Wheeled or tracked equipment must access the site by crossing a creek, ponded area, or secondary channel; or - Work occurs in streams that support steelhead. In these streams, instream vegetation maintenance shall cease on December 31 or when local rainfall greater than 0.5 inches is predicted within a 24-hour period of planned activities, whichever occurs first. Modification and removal of instream large woody debris may occur at any time of the year, as further described in the NMFS Biological Opinion. Work (including large woody debris, encampment cleanup, and burrow filling) within the wetted channel of streams that support steelhead conducted outside of the in-channel work window shall adhere to the following conditions: - Pre-activity surveys shall be conducted within 7 days of the start of work. - A qualified biologist shall be on site to monitor this in-channel work.
BMP GEN-4: Minimize the Area of Disturbance	To minimize impacts on natural resources, soil disturbance shall be limited to the minimum footprint necessary to complete the maintenance operation.
BMP GEN-9: Avoid Impacts to Special-	A qualified botanist will identify special-status plant species and sensitive natural vegetation communities and clearly map or delineate them as needed in order to avoid

⁴ Winterization is the process to maintain work sites with appropriate BMPs to prevent erosion, sediment transport, and to protect water quality. Winterization occurs upon completion of bank repairs or on incomplete projects after October 15 and prior to significant rainfall (0.5 inches or greater within a local watershed over a 24-hour period). Winterization shall be completed prior to the occurrence of such rainfall.

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SMP BMP	Description
Status Plant Species and Sensitive Natural Vegetation Communities	and/or minimize disturbance, using the CDFW protocols and the California Native Plant Society (CNPS) Botanical Survey Guidelines to formulate the following protocols: 1. A qualified botanist will use the GIS database, California Natural Diversity Database (CNDDDB), and/or other suitable tools to identify special-status plants and sensitive natural vegetation communities located within or near work areas. 2. Surveys of areas identified as sensitive natural communities or suitable habitat for special-status plant species will be conducted by a qualified botanist prior to commencement of work. 3. Surveys will be conducted during the appropriate time of the year to adequately identify special-status plants that could occur on the site of proposed maintenance activities. 4. The qualified botanist will ensure avoidance and/or minimize impacts by implementing one or more of the following, as appropriate, per the botanist's recommendation: a. Flag or otherwise delineate in the field the special-status plant populations and/or sensitive natural community to be protected; b. Allow adequate buffers around plants or habitat; the location of the buffer zone will be shown on the maintenance design drawings and marked in the field with stakes and/or flagging in such a way that exclusion zones are visible to maintenance personnel without excessive disturbance of the sensitive habitat or population itself (e.g., from installation of fencing). c. Time construction or other activities during dormant and/or non-critical life cycle period; d. Store removed sediment off-site; and e. Limit the operation of maintenance equipment to established roads whenever possible. 5. No herbicides, terrestrial or aquatic, will be used in areas identified as potential habitat for special-status plants species or containing sensitive natural communities, until a qualified botanist has surveyed the area and determined the locations of special-status plant species present. 6. If special-status plant species or sensitive communities are present, then a qualified botanist will determine if a given type of vegetation management method is ecologically appropriate for a given area. Alternative strategies based on the botanist's recommendations will be coordinated with appropriate staff. All impacts to sensitive natural communities and special-status plants identified by the qualified botanist will be avoided and/or minimized.
BMP GEN-15: Salvage Native Aquatic Vertebrates from Dewatered Channels	If fisheries or native aquatic vertebrates are present when cofferdams, water bypass structures, and silt barriers are to be installed, a fish and native aquatic vertebrate relocation plan shall be implemented to ensure that fish and native aquatic vertebrates are not stranded. Relocation efforts will be based on Valley Water's Fish Relocation Guidelines (Attachment B). Streams that support a sensitive species (i.e. steelhead) will require a relocation effort and/or initial onsite monitoring by a qualified biologist depending on seasonal conditions: 1. In non-tidal channels, where water is to be diverted, prior to the start of work or during the installation of water diversion structures, native aquatic vertebrates

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SMP BMP	Description
	shall be captured in the work area and transferred to another reach as determined by a qualified biologist. Timing of work in streams that supports a significant number of amphibians will be delayed until metamorphosis occurs to minimize impacts to the resource. Capture and relocation of aquatic native vertebrates is not required at individual work sites when site conditions preclude reasonably effective operation of capture gear and equipment. Aquatic invertebrates will not be transferred (other than incidental catches) because of their anticipated abundance and colonization after completion of the repair work.
BMP GEN-20: Erosion and Sediment Control Measures	1. Soils exposed due to maintenance activities shall be seeded and stabilized using hydroseeding, straw placement, mulching, and/or erosion control fabric. These measures shall be implemented such that the site is stabilized and water quality protected prior to significant rainfall. The channel bed and areas below the OHWM are exempt from this BMP. 2. Erosion control fabrics shall consist of natural fibers to the extent feasible; however, steeper slopes and highly erodible areas may require more structured erosion control methods. Non-porous fabric shall not be used as part of a permanent erosion control approach. Plastic sheeting may be used to temporarily protect a slope from runoff only if there is no indication that special-status species would be affected by its use. 3. Erosion control measures shall be installed in accordance with manufacturer's specifications and the California Stormwater Quality Association Construction Stormwater Best Management Practice Handbook guidelines. 4. Appropriate measures include, but are not limited to, the following: - Silt Fences • Straw Bale Barriers • Brush or Rock Filters • Storm Drain Inlet Protection • Sediment Traps • Sediment Basins • Erosion Control Blankets and Mats • Soil Stabilization (e.g., tackified straw with seed, jute or geotextile blankets) • Wood Chips • Straw Mulch 5. Where necessary, measures shall be implemented to minimize soil from being tracked onto streets near work sites, including stabilization of construction entrances and exits. 6. All temporary construction-related erosion control methods shall be removed upon completion of the Project (e.g., silt fences). • Oily, greasy, or sediment-laden substances, or other materials originating from Project operations that may degrade surface water quality or adversely affect aquatic life, fish, or wildlife, shall not be allowed to enter, or be placed where they may later enter, any waterway. The Project shall not increase the turbidity of any watercourse flowing past the construction site. All necessary precautions shall be taken to limit increases in turbidity, as follows:

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SMP BMP	Description
	Where natural turbidity is between 0 and 50 NTU, waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses; • Where natural turbidity is greater than 50 NTU, increases shall not exceed 10 percent; and • Where the receiving waterbody is a dry creek bed or storm drain, water in excess of 50 NTU shall not be discharged from the work area. 7. Active non-stormwater discharges of sediment, sediment-laden water, and/or construction-related materials shall cease immediately. Corrective actions shall be implemented before the next rain event, but no longer than 10 business days after potential or actual discharges are discovered. If more than 10 business days are required for compliance, a rationale shall be documented. Active non-stormwater discharges and visible increases in turbidity shall be immediately reported to the Valley Water Stream Maintenance Program Implementation Project Manager. 8. Each maintenance site shall be visually inspected at least once daily during extended storm events to confirm that BMPs are effective and maintained as necessary. 9. Each maintenance site shall be visually inspected within 2 business days (48 hours) after each significant rain event to determine whether BMPs were effective and to identify the need to modify or maintain existing BMPs or implement additional BMPs, as necessary.
BMP GEN-24: Work Site Housekeeping	1. Valley Water employees and contractors shall maintain the work site in a neat and orderly conditions on a daily basis and shall leave the site in a neat, clean, and orderly condition upon completion of work. 2. Slash, sawdust, and cuttings shall be removed to clear the site of vegetation debris. As needed, paved access roads and trails shall be swept and cleared of residual vegetation or dirt resulting from maintenance activities. 3. For activities lasting more than one day, materials or equipment left on site overnight shall be stored as inconspicuously as feasible and shall be neatly arranged. Materials and equipment left on site overnight shall be stored to avoid erosion, leaks, or other potential impacts on water quality (see BMP GEN-25). 4. Valley Water maintenance crews shall be responsible for properly removing and disposing of all debris generated as a result of construction within 72 hours of Project completion. 5. All trash brought to the Project site during maintenance activities (e.g., plastic water bottles, plastic lunch bags, and cigarettes) shall be collected daily and disposed of at an appropriate disposal facility.
BMP GEN-26: Staging and Stockpiling of Materials	1. To protect on site vegetation and water quality, staging areas shall be located on access roads, surface streets, or other disturbed areas that are already compacted and support ruderal vegetation and shall be located outside of sensitive habitats. Similarly, all maintenance equipment and materials (e.g., road rock and project spoil) shall be contained within existing service roads, paved roads, or other predetermined staging areas.

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SMP BMP	Description
	2. Building materials and other maintenance-related materials, including chemicals and sediment, shall not be stockpiled or stored where they could spill into waterbodies or storm drains. 3. Materials containing decaying organic matter or other potentially odorous materials shall be handled in a manner that avoids impacts on residential areas and other sensitive receptors. Odorous materials shall not be stockpiled for longer than 7 calendar days on site. 4. Runoff from staging areas shall not be allowed to enter waterways, including the creek channel or storm drains, without adequate filtration (e.g., vegetated buffer, swale, hay wattles or bales, or silt screens). 5. The discharge of decant water into waterways from any on site temporary sediment stockpile or storage area is prohibited. 6. Wet material removed from an isolated creek reach may be placed along the side of the channel (within the channel and below top of bank) and allowed to drain prior to removal from the channel. Material shall be removed from the channel prior to site deactivation or forecasted rain. 7. During the wet season (generally October 1 through April 30), stockpiled soils or other materials shall not remain exposed unless surrounded by properly installed and maintained (i.e., in accordance with manufacturer's specifications) silt fencing or other erosion control measures that prevent runoff from the stockpile into waters of the state. During the dry season, exposed stockpiles shall be watered, enclosed, or covered (see BMP GEN-25). 8. All pipes, culverts, or similar structures stored at a site within sensitive species areas for one or more overnight periods shall be securely capped prior to storage or inspected before being moved. If special-status species are observed within a pipe, a Valley Water biologist shall be consulted to determine appropriate protective measures. If a Valley Water biologist is on site, the biologist may remove the special-status species from the pipe and relocate it to the nearest appropriate, unaffected habitat.
BMP GEN-36: Dust Management	Valley Water shall implement the Bay Area Air District (Air District) Basic Fugitive Dust Control Measures. Current measures stipulated by the Air District Guidelines include the following: 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 mph. 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be installed as soon as possible after grading unless seeding or soil binders are used. 6. Idling times shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to 5 minutes (as required by the California

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SMP BMP	Description
	Airborne Toxics Control Measure, Title 13, Section 2485 of the CCR). Clear signage shall be provided for construction workers at all access points. - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be inspected by a certified mechanic and verified to be in proper operating condition prior to use. - A publicly visible sign shall be posted with the telephone number and contact person at Valley Water regarding dust complaints. The contact person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be provided to ensure compliance with applicable regulations.
BMP GEN-37: Vehicle and Equipment Maintenance	- All vehicles and equipment shall be kept clean. Excessive buildup of oil and grease shall be prevented. - All equipment used in the creek channel shall be inspected for leaks each day prior to initiation of work. Maintenance, repairs, or other necessary actions shall be taken to prevent or repair leaks prior to use. - Incoming vehicles and equipment (including delivery trucks and employee and subcontractor vehicles) shall be checked for leaking oil and fluids. Vehicles or equipment visibly leaking operational fluids shall not be allowed on site. - Heavy equipment shall not operate in a live stream where feasible. For activities such as sediment removal, where equipment must operate within the stream, dewatering shall be conducted as necessary in accordance with BMPs GEN-40 or GEN-41. - Equipment servicing shall not occur in the creek channel or immediate floodplain unless equipment stationed in these locations cannot be readily relocated (e.g., pumps and generators). - If emergency repairs are required in the field, only those repairs necessary to move equipment to a more secure location that can be performed without releasing material into the floodway or water shall be conducted in the channel or floodplain. - If necessary, all servicing of equipment conducted at the job site shall occur in a designated, protected area to reduce potential impacts on water quality from vehicle fluid spills. The designated area shall be clearly marked with berms, sandbags, or other barriers. Secondary containment (e.g., a drain pan) shall be used to catch spills or leaks when removing or changing fluids. Fluids shall be stored in appropriate covered containers and properly recycled or disposed of off-site.
BMP GEN-42: Pump/Generator Operations and Maintenance	When needed to assist in-channel dewatering, pumps and generators shall be maintained and operated in a manner that minimizes impacts on water quality and aquatic species, as follows: - Pumps and generators shall be maintained in accordance with manufacturer's specifications to regulate flows and prevent dry-back or washout conditions. - Generators shall be stored or operated with secondary containment. - Pumps shall be operated and monitored to prevent low-water conditions, which could draw in muddy bottom water or high water conditions, which could create ponding.

2 Project Description

SMP BMP	Description
	4. All pump intakes shall be screened to prevent entrainment of native fish or amphibian species. Screening dimensions shall be appropriate for the species present. Pumps in steelhead creeks shall be screened in accordance with NMFS criteria (http://www.swr.noaa.gov/sr/fishscrn.pdf) to prevent entrainment of steelhead. 5. A qualified biologist shall be on site during construction and dismantling of a dewatering system.

2.7.3 Avoidance and Minimization Measures

AMMs are measures intended to prevent, avoid, or minimize potentially adverse effects on resources associated with construction and other Project activities. Because the standard BMPs from Valley Water’s Best Management Practices Handbook are designed to apply to a broad range of projects and activities, and because SMP BMPs would not address all Project site-specific impacts, Valley Water has developed Project-specific AMMs to avoid or minimize potential adverse impacts.

Similar to Valley Water’s standard BMPs and SMP BMPs, AMMs would be implemented as part of the Project design and are therefore not considered MMs. Accordingly, in addition to the Valley Water standard BMPs, Habitat Plan Conditions, and SMP BMPs listed above, Valley Water would incorporate the Project-specific AMM provided in Table 2-4.

Table 2-4 Project-Specific Avoidance and Minimization Measures

AMM	Description
AMM HAZ-1: Pre-Construction Soil Testing	Prior to ground-disturbing activities, Valley Water shall collect and submit soil samples from representative locations within the Project footprint for laboratory analysis of common urban contaminants, including but not limited to total petroleum hydrocarbons, volatile organic compounds (VOCs), and metals. Sample locations shall be selected by a qualified environmental professional. If laboratory results indicate the presence of hazardous materials at concentrations exceeding applicable regulatory thresholds, Valley Water shall develop and implement a soil management plan in coordination with the appropriate regulatory agency prior to the commencement of excavation. Excavated materials shall be transported in covered haul trucks and disposed of at a facility approved to accept materials of the identified waste classification.
AMM HYD-1: Storm Event Construction Pause	If a dry season rain event is forecast, Valley Water shall temporarily stop work to allow stormwater to pass through the channel. Work shall resume once the site surface soils are stable enough to support equipment without causing rutting or erosion.

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3.1 Environmental Checklist

Topic	Description
Project title	Tularcitos Creek Downstream North Hillview Drive Levee Repair Project
Lead Agency name and address	Santa Clara Valley Water District 5750 Almaden Expressway San José, CA 95118
Contact person	Lawrence Truong, Associate Environmental Planner, (408) 630-2916, ltruong@valleywater.org
Project location	Santa Clara County, City of Milpitas, along Tularcitos Creek (Assessor's Parcel Numbers 028-11-033, 028-11-001, 028-03-038, 028-04-095, 028-04-003, and 028-05-063)
Project sponsor's name and address	Santa Clara Valley Water District 5750 Almaden Expressway San José, CA 95118
General Plan designation	WW - Waterway
Zoning	Waterway
Description of the Project	Valley Water is proposing the Tularcitos Creek Downstream North Hillview Drive Levee Repair Project (Project). The Project would involve reconstruction of a non-accredited levee eroded due to rodent activity along the west bank of Tularcitos Creek in the City of Milpitas.
Surrounding land uses and setting	LDR - Low Density Residential; POS - Permanent Open Space; and NC - Neighborhood Commercial
Other public agencies whose ministerial or discretionary approval may be required	• California Department of Fish and Wildlife (CDFW) • San Francisco Bay Regional Water Quality Control Board (RWQCB) • U.S. Army Corps of Engineers (USACE)

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Topic	Description
Tribal coordination	Assembly Bill (AB) 52 letters were sent to tribal representatives for the following Tribes via email and mail on April 14, 2026 (additional consultation detail provided in Section 3.4.18): • Tamien Nation (Consultation meeting held June 24, 2026, recommends Tribal Cultural Awareness Training, mutual agreement reached / no significant impacts identified) • Lisjan Nation (Responded — Project not within territory; deferred to Tamien Nation. No consultation required.) • Muwekma Ohlone Tribe of the San Francisco Bay Area (Consultation meeting held July 6, 2026 and July 24, 2026, requested tribal monitoring and worker cultural sensitivity training.) • Indian Canyon Mutsun Band of Costanoan (Consultation Requested, did not respond to Valley Water meeting requests, no further action required.) • Amah Mutsun Tribal Band of Mission San Juan Bautista* • Amah Mutsun Tribal Band* • Costanoan Rumsen Carmel Tribe* • Northern Valley Yokut-Ohlone Tribe* • Ohlone Indian Tribe* • Wuksachi Indian Tribe-Eshorn Valley Band* <i>*Indicates those Tribes who did not respond to the consultation request within the 30-day notice period. No further consultation is required with these Tribes.</i>

3.2 Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by the Project, as indicated by the checklist and described on the following pages.

	Aesthetics		Agriculture and Forestry Resources	X	Air Quality
	Biological Resources	X	Cultural Resources		Energy
	Geology and Soils		Greenhouse Gas Emissions		Hazards and Hazardous Materials
	Hydrology and Water Quality		Land Use and Planning		Mineral Resources
X	Noise		Population and Housing		Public Services
	Recreation		Transportation / Traffic	X	Tribal Cultural Resources
	Utilities and Service Systems		Wildfire		Mandatory Findings of Significance

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3.3 Determination

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Lawrence Truong
Signature

August 10, 2026
Date

Lawrence Truong
Associate Environmental Planner
Santa Clara Valley Water District

3.4 Evaluation of Environmental Impacts

3.4.1 Aesthetics

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Environmental Setting

The Project site is located along Tularcitos Creek in the City of Milpitas and consists of an excavated earthen trapezoidal flood control channel with gravel maintenance roads along both levees. The channel is approximately 21 feet wide at its base, 37 feet wide at the top of bank, and eight feet deep, with varying bank slope height due to erosion. Existing levees along the channel are generally 1.5 to 2 feet above the surrounding ground surface. Maintenance roads are approximately 15 to 20 feet wide. The width of the total Project area, including the channel, is approximately 84 feet, within the Valley Water-owned corridor extending approximately 45 feet west and 39 feet east of the channel centerline. The levee banks support non-native grassland vegetation, and the site is bordered by a mix of chain-link, wood, and concrete fencing. The maintenance roads and levee tops are generally level with the surrounding ground surface. No permanent lighting is present within the Project site; however, streetlights along adjacent roadways and stadium lighting at the nearby Peter Gill Memorial Park provide ambient nighttime illumination. Representative photos of the site and surrounding area are included in Figure 3-1 and Figure 3-2.

As shown in Figure 2-2, the surrounding area is developed and includes single-family residences and public roadways to the east, the Hetch Hetchy Linear Parkway and Trail to the

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west, and Peter Gill Memorial Park to the southwest. Paseo Refugio borders the southern boundary of the Project site, Tramway Drive crosses the channel in the northern portion of the site, and North Hillview Drive borders the northern boundary. Tularcitos Creek also includes four City of Milpitas-owned pedestrian bridges that connect adjacent residential neighborhoods to the Hetch Hetchy Trail.

Figure 3-1 North View of Tularcitos Creek (looking upstream) from Tramway Drive



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Figure 3-2 North View of Tularcitos Creek (looking upstream) from Paseo Refugio



There are no officially designated scenic highways or scenic vista points within the City of Milpitas (De Novo 2020a). However, regional visual resources include Mission Hills and Monument Peak, which form a scenic backdrop to the City. Given the relatively flat surrounding terrain, views of the Project site are generally limited to nearby residential properties, adjacent roadways, and users of the Hetch Hetchy Linear Parkway and Trail and pedestrian crossings. Vegetation within the Project site consists primarily of non-native grasses.

Discussion

a) Have a substantial adverse effect on a scenic vista?

No Impact. As noted above, there are no officially designated scenic vistas in the City of Milpitas (De Novo 2020a). Notable visual resources in the City include Mission Hills and Monument Peak. Additionally, views of the Diablo Range are considered a prominent feature of the City's skyline. The Project proposes to repair an existing levee along the west bank of Tularcitos Creek with the repaired section maintaining the same profile as the existing bank and revegetated in a manner consistent with existing vegetation on the bank. Further, the Project area is not visible from public vantage points in Mission Hills and on Monument Peak, and will not affect scenic vistas from those areas. Moreover, because the completed Project maintains the same profile

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and will be revegetated in the same manner as the existing bank, the Project will not result in a permanent change to the visual character of the Project site or surrounding areas. Due to the flat topography and the fact that the Project is level with the ground elevation of the surrounding development, the Project would not substantially block or affect views of these scenic vistas. Therefore, the Project will not have a substantial adverse effect on a scenic vista and no impact would occur .

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. There are no designated scenic resources, such as wild and scenic rivers or scenic highways, in the vicinity of the Project site. The Project will not be visible from the nearest officially designated State Scenic Highway is Interstate 680 (I-680), from State Route 238 (SR-238) in Fremont to Bernal Avenue near Pleasanton, located approximately 6.8 miles north of the Project site. The Project will also not be visible from the nearest eligible State Scenic Highway is I-680 from Scott Creek Road in Fremont to SR-238 in Fremont (Caltrans n.d.), with the southern extent of this section being nearly two miles away from where the Tularcitos Creek Channel goes under I-680 . While the portion of Tularcitos Creek Channel that travels perpendicular to I-680 is visible from I-680, the Project construction would not be visible from I-680 and, therefore, would not damage any scenic resources of the creek at that point along the highway, which is not portion of I-680 that is a state scenic highway. Furthermore, the Project would not require removal of or modifications to trees, rock outcroppings, or historic buildings. Therefore, the Project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway and no impact would occur.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less than Significant Impact. The Project involves reconstruction of an existing levee along a channelized creek surrounded by residential uses and urban recreation. The Project is located in an urbanized area within the City of Milpitas. The primary scenic resources defined in the City of Milpitas General Plan are the foothills to the east of the City and the Coyote Creek corridor (City of Milpitas 2021b). The Project is not located near the hillsides nor the Coyote Creek corridor. The City of Milpitas General Plan 2040 also contains policies related to scenic quality, including maintaining the visual character of hillsides (Policy CD 7-1), maximizing public exposure and view of parklands (Policy CD 9-6), and accommodating flood control projects that preserve the scenic value of drainages and creeks (Policy SA 2-6). The Project is not located in proximity to the Milpitas hillsides and therefore would not change the visual character or conflict with Policy CD 7-1. Views of the adjacent urban recreation parklands, trails, and bridges would not be altered or minimized, as permanent Project improvements would occur within and surrounding the existing stream channel, at and below grade. Therefore, the Project would not interfere with Policy CD 9-6. Additionally, the Project would accommodate repair of an

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existing levee for additional flood and erosion control, helping to preserve Tularcitos Creek, consistent with Policy SA 2-6.

Valley Water would restore the Project site to pre-construction conditions upon completion of the Project. Additionally, during construction, Valley Water would implement Valley Water standard BMP WQ-11 (Maintain Clean Working Conditions at Work Sites) and SMP BMP GEN-4 (Minimize the Area of Disturbance) to ensure that work areas are maintained and minimized. As such, the Project would not conflict with applicable City of Milpitas policies related to scenic quality and the impact would be less than significant.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than Significant Impact. Existing sources of light and glare in the vicinity of the Project include streetlights along roadways, stadium lighting at the baseball field and tennis courts at Peter Gill Memorial Park, headlights from vehicles traveling at night, and glare from sunlight reflecting off passing or parked vehicles, as well as rooftops and building façades. No permanent lighting sources are located within the Project site.

Because construction activities would occur during daylight hours, temporary construction lighting would not be required. Project construction would include typical construction equipment (e.g., excavators, loaders, compactors, dump trucks, and water trucks) that could generate glare in the immediate vicinity of the Project site; however, any glare associated with Project activities would be minimal and temporary. The Project would not result in new permanent sources of light or glare. Therefore, impacts would be less than significant.

Mitigation Measures

No MMs would be required.

3.4.2 Agriculture and Forestry

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) 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?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X

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Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c) 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])?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) 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?				X

Environmental Setting

The Project site is located within a developed urbanized area within the City of Milpitas on Valley Water fee title property and consists of a previously disturbed creek levee and maintenance road used for access. Adjacent residential neighborhoods and recreational uses surround the Project site. The site is designated and zoned as *Waterway* (City of Milpitas 2025).

The Project area is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance by the California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program, and the site is not subject to a Williamson Act contract (CDOC 2016). The urbanized setting and existing channelized creek corridor also do not contain forest land, timberland, or land zoned for timberland production. Vegetation within the Project area consists mainly of landscaping plants and common species growing along the creek and in disturbed areas. Surrounding land uses are residential and recreational, and agricultural uses do not occur within or near the Project site.

Discussion

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. There is no Prime Farmland, Farmland of Statewide Importance, or Unique Farmland in the vicinity of the Project site (CDOC 2016). Therefore, the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, and no impacts would occur.

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b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. Work would not occur within a Williamson Act contract parcel or in an area zoned for agricultural use (CDOC n.d.). Additionally, Project activities would not alter existing land use in a manner that would conflict with applicable zoning. Therefore, no impacts would occur.

c) 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 Impact. As discussed in Section 2.2: Project Location, the Project site is designated as Waterway in the City of Milpitas General Plan (City of Milpitas 2025). Accordingly, the Project site is not located within forest land, timberland, or timberland zoned Timberland Production. Therefore, no impacts would occur.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The Project site is not located within forest land. Therefore, no impacts would occur.

e) 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 Impact. As discussed under impacts discussion for a through d in this section, Project activities would not involve changes that could result in conversion of farmland to non-agricultural use or forest land to non-forest use. Therefore, no impacts would occur.

Mitigation Measures

No MMs would be required.

3.4.3 Air Quality

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?		X		
c) Expose sensitive receptors to substantial pollutant concentrations?		X		

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Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

The air quality analysis includes a review of criteria pollutant⁵ emissions such as carbon monoxide (CO), nitrogen oxides (NO_x), sulfur dioxide (SO₂), VOCs (also referred to as reactive organic gases [ROG]), particulate matter less than 10 micrometers (coarse particulate matter, or PM₁₀), and particulate matter less than 2.5 micrometers (fine particulate matter, or PM_{2.5}).

Environmental Setting

The Project is located within the San Francisco Bay Area Air Basin (SFBAAB), which encompasses Santa Clara, San Mateo, Marin, Napa, Contra Costa, and Alameda counties. Santa Clara County, which includes the City of Milpitas, is located entirely within the SFBAAB. The Air District (formerly the Bay Area Air Quality Management District [BAAQMD]) manages air quality in the SFBAAB and is the regional agency primarily responsible for monitoring pollutant concentrations and regulating pollutant emissions. The Air District has permitting authority over stationary sources of air emissions and prepares air quality management plans to improve air quality in the basin and achieve state and federal air quality standards.

The SFBAAB is currently designated nonattainment for state and national (1-hour and 8-hour) ozone standards, state PM₁₀ standards, and state and national (annual average and 24-hour) PM_{2.5} standards. The SFBAAB is designated attainment or unclassifiable with respect to other ambient air quality standards.

The Project site experiences typical urban air quality conditions influenced by vehicle traffic and nearby residential and commercial activities. No stationary emission sources or unusual localized air quality conditions occur within the Project area, and ambient pollutant levels are consistent with regional background concentrations measured by the Air District for the Santa Clara Valley.

Adjacent residential neighborhoods and recreational space surround the Project site. Nearby uses include single-family residences to the east, north, and west; open space to the west; and recreational uses to the west. The Project site is located approximately 50 feet from residences to the east, approximately 70 feet from residences to the north, and approximately 150 feet from residences to the west. Peter Gill Memorial Park is located approximately 200 feet to the west of

⁵ Criteria air pollutants refer to those air pollutants for which the EPA and the CARB have established National Ambient Air Quality Standards and California Ambient Air Quality Standards under the Federal CAA.

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the levee, within the southern portion of the Project site. The closest school is Milpitas Hillview KinderCare, located approximately 174 feet north of the Project site on North Hillview Drive.

Discussion

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact. An air quality plan refers to any clean air plan, ozone plan, or other air quality management plan developed by the Air District. The most recent clean air plan adopted by the Air District is the 2017 Clean Air Plan, which includes a wide range of control measures designed to decrease emissions of air pollutants such as particulate matter, ozone, and toxic air contaminants; reduce greenhouse gas (GHG) emissions of methane and other super-GHGs in the near term; and decrease GHG emissions by reducing fossil fuel combustion in the long-term (Air District 2017).

When a Lead Agency considers approving a project for which an air quality plan consistency determination is required, the Air District recommends that the agency evaluate the project with respect to the following questions: (1) Does the project support the primary goals of the air quality plan? (2) Does the project include applicable control measures from the air quality plan and (3) Does the project disrupt or hinder implementation of any control measures from the air quality plan? (Air District 2022). If the first two questions are answered in the affirmative and the third question is answered in the negative, the Air District considers the project consistent with the air quality plan prepared for the SFBAAB.

The federal Clean Air Act (CAA) requires states to adopt implementation plans (SIPs) that demonstrate how they will attain the National Ambient Air Quality Standards (NAAQS) for six criteria air pollutants in their respective states. The California Air Resources Board (CARB) is the state agency responsible for developing California's SIP. CARB develops a SIP strategy that serves as a blueprint for directly regulating NAAQS from mobile sources of pollution (i.e. cars, trucks, etc.) Also, as part of the SIP process, California air pollution control districts prepare clean air plans that establish measures they will implement to control emissions from stationary sources of pollution (i.e. refineries, factories, dry cleaning facilities, etc.). to attain and maintain air quality standards in the districts' jurisdictional air basins.

The 2017 Clean Air Plan is the most recent plan adopted for the SFBAAB. To fulfill state ozone planning requirements, the 2017 control strategy includes all feasible measures to reduce emissions of ozone precursors and limit the transport of ozone and its precursors to neighboring air basins. In addition, the 2017 Clean Air Plan builds upon and enhances the Air District's efforts to reduce emissions of fine particulates and air toxics. The 2017 Clean Air Plan does not include control measures that apply directly to individual development projects. Rather, the control strategy includes measures related to mobile sources, stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and super-GHG pollutants (Air District 2017).

Project construction would involve diesel-powered equipment, including excavators, compactors, water trucks, generators, and haul trucks, that emit criteria pollutants including

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NO_x, ROG, and DPM. Haul trucks would make approximately ten round trips per day during peak earthwork activities to remove excavated material off-site and import fill and boulders. These mobile emission sources trigger applicability of certain 2017 Clean Air Plan mobile source control measures, as described below. The 2017 Clean Air Plan's stationary source and land use measures are not applicable because the Project does not involve permanent stationary emission sources or land use development. The Project would implement applicable control measures from the 2017 Clean Air Plan and would not disrupt or hinder implementation of the plan's control measures.

Mobile Source Measures. These measures promote lower-emission vehicles and equipment, and are intended to reduce ozone precursor emissions (ROG and NO_x) from mobile sources. Consistent with the California Airborne Toxic Control Measure (Title 13, Section 2485 of the CCR), implementation of Valley Water standard BMP AQ-1 (Use Dust Control Measures) would limit construction vehicle idling to 5 minutes or less. The Project would implement mobile source control measures consistent with the 2017 Clean Air Plan, including Tier 4 Final engine standards for construction equipment and vehicles, as further discussed under Impact b). Accordingly, the Project would not disrupt or hinder implementation of Mobile Source Measures.

Stationary Source Control Measures. These measures are intended to protect public health by reducing emissions of criteria pollutants and toxic air contaminants. Stationary Source Control Measure 32 (SS32), Emergency Backup Generators, is aimed at reducing emissions of DPM from backup generators. The Project would not include operational emergency backup generators or other stationary sources; therefore, these measures would not apply.

The two temporary diesel generators used for construction dewatering are portable equipment used exclusively during construction and do not constitute stationary sources subject to Air District permitting requirements under Regulation 2, Rule 1. Registration under CARB's Portable Equipment Registration Program (PERP) is not required, as PERP provides a voluntary statewide registration pathway as an alternative to local Air District permitting where such permitting would otherwise apply. Because the generators would be used solely within the SFBAAB for a single construction project, no Air District permit or PERP registration is required.

Land Use and Local Impacts Measures. These measures promote mixed-use and infill development to reduce vehicle travel and emissions, as well as protect people from exposure to air pollution from stationary and mobile sources. These measures do not apply because the Project is not a land use development project, would not alter land use, and would not induce growth.

The Air District adopted thresholds of significance for air quality impact analyses of projects. On an individual project basis, a project's construction criteria air pollutant emissions below the Air District's quantitative thresholds of significance for those emissions is interpreted as

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demonstrating support for the 2017 Clean Air Plan goals. As discussed under Impact b) below, with implementation of MMs, the construction emissions of the Project would not result in exceedances of the Air District's thresholds for criteria air pollutants and would not conflict with the plan's goal applicable to this section of the IS, which is to attain air quality standards. The Project would not result in new land use development that would increase regional emissions sources (e.g., vehicular exhaust, area wide source). Because the Project involves reconstruction of an existing levee, it would not introduce new operational emission sources, and emissions would be limited to temporary construction activities. Additionally, the Project would support the primary goals of the 2017 Clean Air Plan because the Project's construction emissions are below the Air District's CEQA significance thresholds (see Impact b). Accordingly, the Project would not conflict with or obstruct implementation of the 2017 Clean Air Plan. Therefore, impacts would be less than significant.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?

Less than Significant Impact with Mitigation Incorporated. To determine whether the Project would result in a cumulatively considerable net increase of any criteria pollutant for which the region is in nonattainment under applicable federal or state ambient air quality standards, construction emissions were estimated using the California Emissions Estimator Model (CalEEMod). The estimated construction emissions were then compared to the Air District CEQA significance thresholds (RCH Group 2026a).

During Project construction, the use of heavy construction equipment, material-hauling trips, and worker commute trips would generate emissions of pollutants for which the SFBAAB is in nonattainment as follows:

- Mobile source emissions, primarily NO_x, would be generated by equipment such as excavators, bulldozers, loaders, and graders during excavation and grading activities.
- Construction activities would also generate fugitive dust that could contribute particulate matter to the local atmosphere.

The construction emissions inventory includes all Project-related vehicle trips, including approximately 34 one-way vehicle trips per day during peak construction activity (approximately ten haul truck round trips, water truck trips, and worker commute trips).

Per the Air District *CEQA Air Quality Guidelines*, reported PM₁₀ and PM_{2.5} emissions reflect combustion exhaust only (BAAQMD 2022). The Air District *CEQA Air Quality Guidelines* specify BMPs for control of fugitive dust to reduce construction impacts to less than significant. Valley Water standard BMP AQ-1 (Use Dust Control Measures) addresses BMP B-1 through B-6 and B-9 but does not include requirements to cease grading activities when wind speeds exceed 20 mph, require truck tire washing, or stabilization of construction entrances consistent with the Air District BMPs, thus the impact would remain significant. MM AQ-1 (Additional Air District Dust Control Measures) requires implementation of the additional BMPs consistent with Air

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District *CEQA Air Quality Guidelines* (Table 5-2). The fugitive dust impact during construction would thus be less than significant with mitigation.

Table 3-1 presents the estimated short-term construction emissions associated with the Project. Average daily construction emissions (i.e., total construction period emissions divided by the number of construction days) were compared to the Air District significance thresholds. Emissions of NO_x would exceed the Air District thresholds, which would be a significant impact. With implementation of SMP BMPs GEN-4 (Minimize the Area of Disturbance), GEN-24 (Work Site Housekeeping), GEN-26 (Staging and Stockpiling of Materials), GEN-36 (Dust Management), GEN-37 (Vehicle and Equipment Maintenance), and GEN-42 (Pump/Generator Operations and Maintenance), and MM AQ-2 (Construction Exhaust Emissions Reduction Measures), all construction-related emissions would be below the Air District significance thresholds. Therefore, impacts would be less than significant with mitigation.

Table 3-1 Estimated Construction-Related Pollutant Emissions

Project Condition	Pollutant Emissions (pounds/day)					
	ROG	NO _x	PM ₁₀	PM _{2.5}	CO	SO ₂
Unmitigated						
Project ^a	12.4	83.4	2.44	2.25	107	0.37
Significance Threshold	54	54	82	54	—	—
Significant?	No	Yes	No	No	No	No
Mitigated						
Project ^a	3.87	45.2	0.72	0.72	191	0.31
Significance Threshold	54	54	82	54	—	—
Significant?	No	No	No	No	No	No

Note: the Air District does not have construction screening thresholds for either CO or SO₂.

^aThe emissions modeling was conducted based on a Project length of 2,815 LF. Following completion of air quality modeling, the Project length was revised to 2,932 LF. Emissions values have been scaled upward by 0.96 percent to reflect the revised Project length. This adjustment does not affect the significance findings.

Source: Valley Water Tularecitos Creek Milpitas Project Air Quality Technical Report (RCH Group 2026a)

As discussed under Impact c) below, a formal health risk assessment was not warranted for the Project because construction would progress sequentially along the levee alignment such that no receptor would experience maximum exposure conditions for a duration warranting quantitative cancer risk assessment under Office of Environmental Health Hazard Assessment (OEHHA) (2015) guidance, and because MM AQ-2 requires source-level controls that substantially reduce diesel particulate matter emissions. Table 3-1 incorporates MM AQ-1 (Additional Air District Dust Control Measures) and MM AQ-2 (Construction Exhaust Emissions Reduction Measures) into the construction emissions inventory. Because these

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measures are designed to reduce ROG, NO_x, PM₁₀, and PM_{2.5} emissions, mitigated CO emissions may be higher than unmitigated CO emissions due to the use of control technologies that increase CO emissions.

In accordance with standard BMP AQ-1 (Use Dust Control Measures), idling times shall be minimized by either shutting equipment off when not in use or limiting idling to 5 minutes or less (as required by the California Airborne Toxics Control Measure, Title 13, Section 2485 of the CCR). Clear signage shall be provided at all access points. Furthermore, in accordance with Valley Water standard BMP HM-8 (Ensure Proper Vehicle and Equipment Fueling and Maintenance), all construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications.

The Project would also require construction contractors to recycle or salvage a minimum of 65 percent of non-hazardous construction and demolition waste generated during Project construction, consistent with CalGreen Construction Waste Management Requirements.

In addition, regulatory requirements applicable to construction projects include, but are not limited to, Air District Regulation 6, Rule 1 (General Requirements) and Regulation 6, Rule 6 (Prohibition of Trackout), which require dust-generating operations to limit particulate matter emissions. Rule 6-1 prohibits fugitive emissions on site, and the Air District enforcement staff are trained to document visible emissions and fugitive dust using opacity or Ringlemann test methods. For construction sites, Rule 6-1 does not prescribe MMs; however, operators are expected to implement standard construction management practices to comply with fugitive dust emissions prohibitions. Rule 6-6 prohibits trackout and, although it does not prescribe MMs for construction sites, operators are expected to implement standard operational measures and suppression techniques (e.g., trackout control devices) to minimize trackout.

Accordingly, with implementation of Valley Water standard BMPs, MM AQ-1 (Additional Air District Dust Control Measures), MM AQ-2 (Construction Exhaust Emissions Reduction Measures), and adherence to applicable regulatory requirements, impacts would be less than significant with mitigation incorporated into the Project.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant with Mitigation Incorporated. For purposes of CEQA, the Air District considers a sensitive receptor to be a land use associated with segments of the population most susceptible to poor air quality, including children, the elderly, and individuals with preexisting respiratory or cardiovascular disease. Examples of sensitive receptors include residences, schools, parks and playgrounds, daycare centers, nursing homes, and medical facilities. The Air District considers the relevant zone of influence for assessing air quality health risks to be within approximately 1,000 feet of a project site.

The Project site is located within a urbanized residential neighborhood. Nearby uses include single-family residences to the east, north, and west; open space to the west; and recreational uses along the creek corridor. The nearest residences are located approximately 50 feet east of

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the Project site, approximately 70 feet to the north, and approximately 150 feet to the west. Peter Gill Memorial Park is located approximately 200 feet west of the levee, within the southern portion of the Project area. The Milpitas Hillview KinderCare is located approximately 175 feet to the north of the Project site, and operates year-round.

Construction activities would generate temporary emissions of diesel particulate matter (DPM) and other criteria pollutants from off-road equipment, haul trucks, and worker vehicle trips. Vehicle trips during peak construction activity would total approximately 34 one-way trips per day, comprising approximately ten haul truck round trips, water truck trips, and worker commute trips, distributed across the construction workday. Haul truck routes have been established to minimize impacts on nearby sensitive receptors. Trucks transporting imported material to the Project site shall travel north to the site via State Route 237 to North Hillview Drive. Trucks transporting excavated material for off-site disposal shall depart the Project site via Paseo Refugio, thereby routing all haul trucks away from the Milpitas Hillview KinderCare School located 175 feet to the north. DPM from diesel-fueled engines has been identified by CARB as a toxic air contaminant and a potential carcinogen, and no safe exposure threshold has been identified for DPM; the health risk associated with DPM exposure is a function of both the concentration of DPM at a receptor and the duration of exposure (RCH Group 2026a; OEHHA 2015). Sensitive receptors, including residences as close as approximately 50 feet from the Project site and the Milpitas Hillview KinderCare approximately 175 feet to the north, are located well within the Air District's 1,000-foot zone of influence for construction health risks, and children are among the populations most susceptible to DPM exposure. Although Project vehicle trips would be limited and heavy equipment would move sequentially along the levee, haul trucks are subject to existing CARB on-road emission control requirements as described below, diesel generators supporting dewatering activities would operate for extended periods, up to 24 hours per day, at fixed locations for the duration of construction. Absent emission controls, sustained operation of diesel equipment and generators in proximity to these receptors could expose them to elevated concentrations of DPM. This impact would be potentially significant, and mitigation is required.

MM AQ-2 (Construction Exhaust Emissions Reduction Measures) reduces exhaust emissions, including DPM, at the source. MM AQ-2 requires that all construction equipment greater than 50 horsepower operating at the site for more than two continuous days or 20 hours meet EPA-certified Tier 4 Final emission standards and be equipped with CARB-certified Level 3 diesel particulate filters. The Tier 4 Final particulate matter standard (0.02 grams per horsepower-hour; 40 CFR Part 1039) represents a reduction of more than 90 percent relative to older Tier 1 and unregulated diesel engines, and CARB-certified Level 3 diesel particulate filters are verified to achieve at least 85 percent additional particulate matter control (13 CCR Section 2700 et seq.). MM AQ-2 further requires that stationary equipment, including the diesel generators supporting dewatering, meet Tier 4 Final standards and be located at least 100 feet from sensitive receptors where feasible, directly addressing the sustained emission source identified above. Haul trucks serving the Project are independently subject to existing state regulation: the CARB Truck and Bus Regulation (13 CCR Section 2025) requires that diesel trucks of the type

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that would serve the Project (gross vehicle weight rating greater than 14,000 pounds) be equipped with 2010 model year or newer engines, which meet emission standards of 0.01 grams per brake horsepower-hour for particulate matter and are equipped with diesel particulate filters and selective catalytic reduction systems; compliance is enforced through California Department of Motor Vehicles registration, and emission control systems are subject to periodic testing under CARB's Clean Truck Check program. MM AQ-2 reinforces this regulatory baseline by expressly requiring that all construction vendors, contractors, and haul truck operators use trucks meeting CARB 2010 engine emission standards or newer, making the requirement enforceable through the Project's Mitigation Monitoring and Reporting Program. In addition, idling would be limited to 5 minutes or less consistent with the California Airborne Toxics Control Measure (13 CCR Section 2485), all haul trucks transporting soil or loose material would be covered, and MM AQ-1 (Additional Air District Dust Control Measures) requires suspension of excavation and grading when average wind speeds exceed 20 miles per hour, limiting windborne transport of fugitive dust toward receptors. Collectively, these requirements ensure that the construction fleet would employ the cleanest commercially available diesel emission control technology, reducing DPM emissions by roughly an order of magnitude relative to an uncontrolled fleet. As shown in Table 3-1, with implementation of MM AQ-1 and MM AQ-2, all construction emissions, including exhaust PM10 and PM2.5, would be below the Air District's CEQA significance thresholds; the emissions inventory includes Project-related haul truck and worker vehicle trips.

With respect to the duration of exposure, construction would occur sequentially along the approximately 2,932-linear-foot levee in short-term phases and would not be concentrated in any one location for an extended period. Based on the construction schedule, active earthwork and equipment operation would progress along the alignment such that no single receptor location would be exposed to a maximum construction emissions for more than approximately 20 working days. The OEHHA, whose methodology governs health risk assessment under the Air Toxics Hot Spots Program, does not recommend assessing cancer risk for exposures of less than two months at the maximally exposed individual receptor due to the uncertainty in assessing cancer risk from very short-term exposures (OEHHA 2015). Although total Project construction would last approximately four months, the sequential progression of work along the levee means that no sensitive receptor, including the Milpitas Hillview KinderCare, would experience maximum exposure conditions for a duration approaching the two-month threshold at which OEHHA guidance supports quantitative cancer risk assessment. Consistent with this guidance and with the source-level emission reductions required by MM AQ-2, a formal health risk assessment was not warranted for the Project (RCH Group 2026a; OEHHA 2015). The nearest residences, located approximately 50 feet from the Project site, represent a more conservative exposure scenario than the KinderCare facility at approximately 175 feet, because DPM concentrations decline rapidly with distance from the emission source; the analysis at the nearest residential receptor is therefore protective of the school as well. Given the short approximately 4-month duration of activities, limited equipment use during activities, the sequential nature of construction along the alignment, and implementation of MM AQ-2, the

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Project would not expose sensitive receptors to substantial pollutant concentrations and the impact would be less than significant with mitigation incorporated.

CEQA Guidelines Section 15186 requires consultation with school districts for certain projects located within one-quarter mile of a school, specifically projects involving the construction or alteration of a facility that might reasonably be anticipated to emit hazardous air emissions or handle extremely hazardous substances. The Project involves temporary repair of an existing levee and would not construct or alter any facility with ongoing operational emissions; upon completion of construction, the Project would generate no emissions of any kind. Accordingly, the consultation requirements of Section 15186 do not apply to the Project.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less than Significant Impact. Construction-related odors from diesel-powered equipment may be noticeable in the immediate vicinity of the equipment but would disperse rapidly and would not affect a substantial number of people since the nearest receptors are 50 feet from the Project site. Although excavation of decaying organic material is not expected during construction, implementation of standard BMP AQ-2 (Avoid Stockpiling Odorous Materials) would ensure that nearby residences would not be adversely affected by any stockpiled materials. Considered as a whole, Project construction activities would involve diesel-powered equipment operating over an approximately four-month period within an open-air creek corridor. Diesel generators used during dewatering activities would operate up to 24 hours per day for the duration of construction and would be located on the east bank of the Project site, as far from nearby residences as feasible, consistent with MM NOI-2. While the generators would operate continuously throughout the construction period, diesel generator odors would disperse rapidly in the open-air creek corridor and would not produce the type of objectionable, sustained odors associated with land uses that typically generate significant odor impacts under Air District guidance, such as wastewater treatment facilities, composting operations, or rendering plants. Because odor emissions associated with diesel construction equipment and generators would disperse quickly in the open-air creek corridor, the Project would not generate objectionable odors affecting a substantial number of people. Therefore, impacts related to odors would be less than significant.

Mitigation Measures

MM AQ-1: Additional Air District Dust Control Measures

The following additional Air District Dust Control Measures shall be implemented (per Air District CEQA Air Quality Guidelines, Table 5-2):

- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- All trucks and equipment, including tires, shall be washed off prior to leaving the site.

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- Unpaved roads providing access to sites located 100 feet or more from a paved road shall be treated with a 6- to 12-inch layer of compacted wood chips, mulch, or gravel.

MM AQ-2: Construction Exhaust Emissions Reduction Measures

The applicant shall implement the following measures during construction to reduce construction exhaust emissions:

- All construction equipment greater than 50 horsepower used at the site for more than two continuous days or 20 hours total shall use diesel engines that meet U.S. Environmental Protection Agency (EPA) certified Tier 4 Final emission standards for particulate matter and shall be equipped with CARB-certified Level 3 diesel particulate filters. Prior to commencement of construction, the construction contractor shall submit specifications of the equipment to be used, including all generators and pumps, and Valley Water shall confirm that this requirement is met.⁶
- Equipment such as air compressors, concrete or industrial saws, forklifts, light stands, manlifts, pumps, and welders shall be electric or alternative-fueled (i.e., non-diesel), where feasible. Pole power shall be used at the earliest feasible point and to the maximum extent feasible in lieu of generators. All diesel-powered generators and pumps operated continuously or for extended periods, regardless of horsepower rating, shall meet Tier 4 Final emission standards or better. Continuously operating generators and pumps shall be located at least 100 feet from sensitive receptors (e.g., residences, schools, childcare centers, hospitals, parks, or similar uses) where site conditions allow; where a 100-foot setback is not achievable due to site constraints, such equipment shall be placed at the maximum achievable distance from the nearest sensitive receptor and shall be equipped with a CARB-certified Level 3 diesel particulate filter or shall be a hybrid or battery-electric unit.
- Construction vendors, contractors, and/or haul truck operators shall use, at a minimum, 2010 model year trucks (e.g., material delivery trucks and soil import/export trucks with a gross vehicle weight rating of at least 14,001 pounds) that meet CARB 2010 engine emissions standards or newer, cleaner trucks. The construction contractor shall obtain and retain documentation of haul truck

⁶ The EPA and the CARB have implemented regulations and a tiering system to reduce emissions from off-road equipment by increasing combustion efficiency (i.e., decreasing emissions), where Tier 1 is the least efficient (highest emissions) and Tier 4 is the most efficient (lowest emissions). The regulations have been implemented over time such that Tier 1 was phased out in the 1990s and Tier 2 was required, followed by implementation of Tier 3 and Tier 4 by 2015, with a phase-out of Tier 2.

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compliance (e.g., CARB Clean Truck Check compliance certificates or equivalent) for the duration of construction, subject to verification by Valley Water.

3.4.4 Biological Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Environmental Setting

The Project site is located within the City of Milpitas in Santa Clara County, along Tularcitos Creek within a developed urbanized area and functions as a maintained flood control corridor owned and managed by Valley Water. It is designated as a *Waterway* under the City of Milpitas General Plan (City of Milpitas 2021b), reflecting its function as a flood control and drainage facility within the urban landscape. The site is characterized by an engineered channel, levee,

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and maintenance access roads. Although managed as a flood control facility, Tularcitos Creek within the Project site retains a riverine classification under the U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) as an excavated intermittent streambed system (NWI classification R4SBAX), as described further in the Vegetation Types and Wildlife Habitats discussion below. and the site is surrounded by established urban land uses, primarily residential neighborhoods and recreational areas.

The Project area has a Mediterranean climate characterized by wet winters and dry summers. The wet season, which generally extends from November through March, is typically cool and mild, whereas the dry season, which generally occurs from May through October, is characterized by consistent warm, dry conditions. The average mid-summer high temperature ranges from 80 to 85 degrees Fahrenheit, with lows consistently between 55 and 60 degrees Fahrenheit. High temperatures during mid-winter months range between 55 and 60 degrees Fahrenheit, with nighttime temperatures ranging between 40 and 45 degrees Fahrenheit (Miller and Null 2015). The average yearly precipitation in the City of Milpitas is 13 to 15 inches (U.S. Climate Data, n.d.).

Soils within the Project site are characteristic of alluvial valley deposits and consist primarily of fine-grained materials. The mapped soil type is Urbanland–Hangerone complex, which includes clay, clay loam, and gravelly loam with slopes of approximately 0 to 2 percent. These soils are generally poorly drained, with low erosion potential but high shrink-swell potential, indicating the presence of expansive soils (NRCS 2026).

A review of special-status species with potential to occur within the Project site was conducted using the CDFW California Natural Diversity Database (CNDDB), USFWS IPaC, and the CNPS Inventory. Habitat conditions within the Project site were evaluated using CDFW vegetation mapping, aerial imagery, and a field reconnaissance conducted by Valley Water biologists on March 18, 2026. Based on database review and habitat suitability evaluation, the likelihood of presence of species identified as a candidate sensitive, or special-status species by the CDFW, USFWS, or in any local or regional policies, plans, or regulations was determined. Appendix C provides a detailed table regarding special-status species and their potential to occur.

Vegetation Types and Wildlife Habitats

The Project site contains three primary land cover types: ruderal/developed, non-native annual grassland, and riverine habitat, as described further below. These habitat types vary in vegetation structure and disturbance history. Vegetation is dominated by non-native species, with localized wetland-associated vegetation occurring within the channel. Land cover types and habitat conditions were assessed based on a field reconnaissance conducted by Valley Water biologists in March 2026, supplemented by desktop review of aerial imagery, CDFW vegetation mapping, USFWS NWI mapping, and CNDDB database records conducted by Panorama Environmental biologists.

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Non-Native Annual Grassland

The levees adjacent to Tularcitos Creek are characterized by non-native annual grassland. This habitat type is dominated by annual grasses and forbs that germinate with fall and winter rainfall, mature in spring, and senesce by late summer. Dominant grass and forb species observed within the grassland community include wild oat (*Avena* spp.), Italian thistle (*Carduus pycnocephalus*), and wild radish (*Raphanus sativus*).

Developed/Ruderal

Portions of the Project site that include access roads and previously disturbed lands are characterized as ruderal/developed. Developed areas consist primarily of gravel access roads. Vegetation within ruderal/developed areas is dominated by disturbance-adapted, primarily non-native annual grasses and forbs. Dominant species observed include wild oat, Italian thistle, wall barley (*Hordeum murinum*), cheeseweed (*Malva parviflora*), wild radish, field marigold (*Calendula arvensis*), broad leaf filaree (*Erodium botrys*), Bermuda grass (*Cynodon dactylon*), and bristly ox-tongue (*Helminthotheca echinoides*).

Riverine

Tularcitos Creek within the Project site is characterized as riverine. The USFWS NWI classifies Tularcitos Creek as "R4SBAX," indicating a riverine system that is intermittent, streambed-dominated, temporarily flooded, and excavated. Additional information regarding Tularcitos Creek is provided in Section 3.4.10, Hydrology and Water Quality. Vegetation within the channel includes broadleaf cattail (*Typha latifolia*) and watercress (*Nasturtium officinale*).

Discussion

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less than Significant Impact. Impacts to special-status species may be direct or indirect. Direct impacts would include the take (i.e., injury, harassment, killing) of species if any are present within the Project site during construction. Indirect impacts would include the degradation of suitable habitat for species, thereby altering terrestrial and/or aquatic habitat conditions.

All special-status plant species were determined to have no potential to occur within the Project site due to the absence of suitable habitat, such as vernal pools, alkaline or saline soils, coastal salt marsh, and chaparral vegetation communities. Special-status wildlife species were also determined to have no potential to occur, with the exception of northwestern pond turtle (*Actinemys marmorata*) and tricolored blackbird (*Agelaius tricolor*), which have low potential to occur due to the presence of limited or marginal habitat within the Project site. However, the Project site does not support suitable breeding or core habitat for these species. Therefore, special-status species are not expected to occur within the Project site, and the potential for impacts is low.

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Because special-status species are not expected to occur within the Project site, and only limited marginal habitat is present for two wildlife species, the potential for direct or indirect impacts would be low. Furthermore, Valley Water would implement Valley Water standard BMPs, including BMP BI-5 (Avoid Impacts to Nesting Migratory Birds), BMP BI-6 (Avoid Impacts to Nesting Migratory Birds from Pending Construction), BMP BI-10 (Avoid Animal Entry and Entrapment), and BMP BI-11 (Minimize Predator Attraction). Valley Water would also implement various SMP BMPs, including BMP GEN-1 (In-Channel Work Window), BMP GEN-4 (Minimize Area of Disturbance), BMP GEN-9 (Avoid Impacts to Special-Status Plant Species and Sensitive Natural Vegetation Communities), BMP GEN-15 (Salvage Native Aquatic Vertebrates from Dewatered Channels), and BMP GEN-20 (Erosion and Sediment Control Measures). Implementation of these measures would further reduce the potential for impacts to special-status species. Therefore, impacts would be less than significant.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less Than Significant Impact. As previously discussed, land cover types within and adjacent to the Project site include non-native annual grassland, ruderal/developed areas, and riverine habitat associated with Tularcitos Creek. Although riverine habitat is present within the Project site, no riparian habitat (i.e., vegetation alliances such as willow riparian scrub or riparian forest) or in-channel wetlands are present.⁷ No sensitive natural communities were identified within or adjacent to the Project site. Therefore, impacts would be less than significant.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less Than Significant Impact. As described above, the Project would involve levee repair along approximately 2,932 LF of Tularcitos Creek, including dewatering, temporary access installation, and bank stabilization within a previously disturbed, engineered channel. Review of USFWS NWI mapping, aerial imagery, and results of an aquatic resource delineation conducted by Valley Water biologists on March 18, 2026 indicates that no state or federally protected wetlands are present within the Project site.

As discussed above, Tularcitos Creek is characterized as riverine habitat that qualifies as waters of the United States and/or waters of the state, which are under the jurisdiction of the USACE and San Francisco Bay RWQCB, respectively. As identified in Section 1.4, Valley Water would pursue applicable regulatory permits with the USACE and San Francisco Bay RWQCB, including a permit for impacts to waters of the U.S. in compliance with Section 404 of the CWA and a water quality certification in compliance with Section 401 of the CWA. The Project also

⁷ An aquatic resource delineation was conducted by Valley Water biologists on March 18, 2026, during which the OHWM was mapped.

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would be required to adhere to the RWQCB San Francisco Bay Region Municipal Regional Stormwater NPDES Permit Number R2-2022-0049.

Furthermore, to minimize potential impacts to state and federally jurisdictional waters, Valley Water would implement Valley Water standard BMPs, including BMP HM-8 (Ensure Proper Vehicle and Equipment Fueling and Maintenance), BMP HM-9 (Ensure Proper Hazardous Materials Management), BMP HM-10 (Utilize Spill Prevention Measures), BMP WQ-3 (Limit Impact of Pump and Generator Operation and Maintenance), BMP WQ-4 (Limit Impacts from Staging and Stockpiling Materials), BMP WQ-5 (Stabilize Construction Entrances and Exits), BMP WQ-11 (Maintain Clean Conditions at Work Sites), BMP WQ-15 (Prevent Water Pollution), and BMP WQ-17 (Manage Sanitary and Septic Waste). Valley Water would also implement various SMP BMPs, including SMP BMP GEN-1 (In-Channel Work Window), BMP GEN-4 (Minimize Area of Disturbance), and BMP GEN-20 (Erosion and Sediment Control Measures). Also, although Project activities would occur during the dry season, in compliance with AMM HYD-1, if an isolated rain events occurs during Project construction, Valley Water would temporarily stop work to ensure any stormwater can pass through the channel and would reinitiate work once the site has adequately dried.

With incorporation of standard BMPs, SMP-3 water quality protection measures, and AMM HYD-1 and compliance with USACE and the San Francisco Bay RWQCB permit requirements, the Project would not have a substantial adverse effect on state or federally protected wetlands. Therefore, impacts would be less than significant.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less Than Significant Impact. The Project site is located along Tularcitos Creek, which may function as a local urban movement corridor for common wildlife species. The surrounding area is characterized by residential development including maintained open space (Hetch Hetchy Trail). The Project site consists of non-native annual grassland, ruderal/developed areas, and a vegetation-lined, engineered channel that provides limited habitat value for wildlife movement or nursery sites.

Project activities would include levee repair along the west bank of Tularcitos Creek, including dewatering, installation and removal of temporary access ramps, and bank stabilization. These activities could result in temporary disturbance to wildlife movement within the immediate Project site during construction. However, the Project would not install permanent barriers, alter the alignment of the creek, or otherwise impede long-term wildlife movement. Construction activities would be temporary and phased, and the channel and adjacent areas would be restored to pre-Project conditions following completion of work. In addition, the Project involves repair of an existing, previously disturbed levee and would not expand the footprint of disturbance or fragment existing habitat. Therefore, the Project would not substantially interfere with the movement of any native resident or migratory wildlife species

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or with established wildlife corridors and would not impede the use of native wildlife nursery sites; impacts would be less than significant.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant Impact. The Project is located within the City of Milpitas and is subject to applicable local policies and ordinances related to biological resources, including municipal regulations. The Project site consists of non-native annual grassland, ruderal/developed areas, and riverine habitat associated with Tularcitos Creek. The Project site does not support protected trees, riparian woodland, or other sensitive habitats typically subject to local biological resource protection ordinances.

The proposed levee repair would occur within a previously disturbed, engineered embankment and would not result in the removal of protected trees or conflict with applicable tree preservation requirements. The City of Milpitas Municipal Code Chapter 2, Section 7 regulates the removal of heritage and protected trees within the City (City of Milpitas, n.d.-a). No heritage or protected trees are present within the Project site; therefore, the Project would not trigger the requirements of the City's tree protection ordinance and no conflict would occur. The Project would be consistent with applicable City of Milpitas General Plan policies related to protection of creek corridors and biological resources, including the goal to protect and enhance the City's creek corridors and associated biological resources (City of Milpitas 2021b) and the Project would not conflict with any local policies or ordinances protecting biological resources. Therefore, impacts would be less than significant.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The Project site is not located within the boundaries of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The Project site also is not within the permit area of the Santa Clara Valley Habitat Plan. Therefore, the Project is not subject to any adopted habitat conservation plan and would not conflict with any such plan or its provisions, and no impact would occur.

Mitigation Measures

No MMs would be required.

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3.4.5 Cultural Resources

Environmental Impacts	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		X		
c) Disturb any human remains, including those interred outside of formal cemeteries?		X		

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Under CEQA Guidelines Section 15064.5, historical resources include properties listed in or eligible for listing in the California Register of Historical Resources (CRHR), as well as those listed in or eligible for listing in the National Register of Historic Places (NRHP). Properties designated under a local preservation ordinance or identified in a local historical resources inventory are also presumed to be historical resources unless substantial evidence indicates otherwise. Resources that have not been previously identified but are evaluated and determined to meet CRHR criteria are also considered historical resources under CEQA. Cultural resources associated with routine stream maintenance activities conducted by Valley Water have been evaluated for CEQA compliance at a programmatic level in the SMP-3 Final Subsequent EIR.

The Project site is located along Tularcitos Creek in the City of Milpitas within a developed urbanized corridor. The creek channel in this area has been modified for flood management and includes engineered banks, levees, maintenance access roads, and pedestrian bridges. The Project site occurs on Valley Water fee title property that is routinely maintained for flood protection and access. Surrounding land uses consist primarily of residential neighborhoods and recreational open space.

The Project area has experienced past disturbance from channel construction, levee maintenance, and other routine maintenance activities. No standing structures, archaeological sites, or surface cultural materials are known to occur within the Project area. Ground visibility is generally high along maintenance roads and disturbed areas, while vegetation limits visibility on some slopes along the creek banks. Due to the extensive past disturbance associated with channel modification and maintenance activities, the potential for intact cultural deposits within the Project area is considered low.

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Discussion

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

Less than Significant Impact. The Project would consist of levee repair and stabilization activities within an existing, previously disturbed flood control channel along Tularcitos Creek. A search of the California Historical Resources Information System (CHRIS) indicates that no prior cultural resource studies have been conducted and no cultural resources have been previously recorded within 500 feet of the Project area. Valley Water's subscription to CHRIS encompasses all Valley Water fee title property and easements, as well as a 500-foot buffer around these areas. According to CHRIS data, the closest recorded resources are P-43-002654 (Western Pacific Railroad), located approximately 0.54 miles to the west, and P-43-003546 (Calaveras Hills High School), located approximately 0.6 miles to the east. Therefore, no known historical resources, including structures listed in or eligible for listing in the CRHR or NRHP, are located within the Project site or in its immediate vicinity.

The Project site does not contain any buildings or structures, and Project activities would occur entirely within Valley Water fee title property associated with the creek channel and levee system. Although residential development occurs adjacent to the Project site, these structures are located outside the limits of ground disturbance and would not be directly altered, demolished, or physically modified by the Project. In addition, construction activities would be temporary and would not result in permanent changes to the setting or integrity of nearby structures.

Because the Project would not involve demolition, relocation, or alteration of any known or potential historical resources, and would not indirectly impair the significance of nearby structures, the Project would not cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. Therefore, impacts would be less than significant.

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b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Less than Significant with Mitigation. Project activities would include reconstruction of the existing levee along an engineered creek corridor that has been previously disturbed by construction of the levee, pedestrian bridges, and ongoing maintenance activities. In most areas, excavation and ground disturbance would occur within previously disturbed soils and imported fill materials, with an average excavation width of 8 feet and depth of 3 feet. However, as described in Section 2.4.1, in areas requiring repair of severely eroded levee walls, excavation would extend up to a maximum of approximately 37 feet wide and 12 feet deep from as-built condition. Excavations at these dimensions would also occur within previously disturbed soils and engineered fill placed during original construction of the levee and channel. Establishing the rock toe foundation would require excavation approximately up to 3 to 4 feet below the existing channel invert, which would be the only ground disturbance extending into previously undisturbed native soils. Accordingly, while the potential for discovery of unanticipated archaeological resources within previously disturbed soils and imported fill is low, native alluvial soils below the channel invert have the potential to contain previously unrecorded buried archaeological deposits, including resources of significance to California Native American Tribes, and this potential cannot be discounted.

During Assembly Bill (AB) 52 consultation for the Project, the Muwekma Ohlone Tribe of the San Francisco Bay Area requested tribal cultural monitoring of all ground-disturbing activities. Tamien Nation and the Muwekma Ohlone Tribe of the San Francisco Bay Area requested worker cultural sensitivity training. Mitigation Measure MM CUL-1 (Archaeological and Tribal Cultural Resources Monitoring) and Mitigation Measure MM CUL-2 (Worker Cultural Sensitivity Training) have been incorporated into the Project in response to these requests and to address the potential for encountering buried archaeological resources in native soils below channel invert.

In addition, Valley Water would implement its standard BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains) to avoid or minimize potential impacts on archaeological resources if unknown resources are encountered during construction. Valley Water standard BMP CU-1 requires that work be halted immediately if archaeological artifacts or burial remains are discovered, and that appropriate protocols be followed prior to resuming work. These protocols include establishing a 100-foot “no-work” buffer around the find and consulting with a qualified archaeologist to evaluate the resource.

If the resource is determined to be significant, the archaeologist would determine whether it can be avoided and, if so, identify appropriate avoidance procedures. If the resource cannot be avoided, the archaeologist would develop an Action Plan to minimize impacts and, if required, include a Data Recovery Plan for recovery of artifacts. With implementation of MM CUL-1, MM CUL-2, and Valley Water standard BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains), impacts on archaeological resources would be less than significant with mitigation.

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c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Less than Significant with Mitigation. The Project site has been extensively disturbed by installation of the existing levee, and in most areas, excavation and ground disturbance would occur within previously disturbed soils and imported fill materials, where the likelihood of encountering human remains is low. As described in Section 2.4.1 and under Impact b), above, excavation in areas requiring repair of severely eroded levee walls would extend up to a maximum of approximately 37 feet wide and 12 feet deep below existing grade, and would also occur within previously disturbed soils and engineered fill placed during original construction of the levee and channel. Excavation for the rock toe foundation, however, would extend approximately 3 to 4 feet below the existing channel invert into previously undisturbed. Because previously unrecorded Native American burials or other human remains could be present in native alluvial soils below the channel invert, the discovery of human remains during construction is possible.

As described under Impact b), Valley Water would implement Mitigation Measure MM CUL-1 (Archaeological and Tribal Cultural Resources Monitoring), which requires archaeological and tribal cultural monitoring of ground-disturbing activities, including all excavation extending below the existing channel invert elevation, and Mitigation Measure MM CUL-2 (Worker Cultural Sensitivity Training), which requires that all construction personnel be trained on the procedures and legal requirements applicable to the discovery of human remains, including Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98. In addition, Valley Water would implement its standard BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains) to address the potential for inadvertent discovery of human remains during construction. In the event that human remains or burial sites are discovered, work would be halted immediately within 100 feet of the discovery, and the County Coroner would be notified. If the Coroner determines the remains to be Native American, the Coroner would notify the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC would identify a Most Likely Descendant to make recommendations for the treatment and disposition of the remains pursuant to Public Resources Code Section 5097.98. Implementation of MM CUL-1, MM CUL-2, and Valley Water standard BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains) would ensure that appropriate procedures are followed if human remains are encountered during construction. Therefore, impacts would be less than significant with mitigation.

Mitigation Measures

MM CUL-1: Archaeological and Tribal Cultural Resources Monitoring

Valley Water shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology and shall provide the Muwekma Ohlone Tribe of the San Francisco Bay Area the opportunity to provide tribal monitor(s) to observe ground-disturbing activities. Archaeological and tribal cultural monitoring shall be conducted during ground-disturbing activities, including all excavation extending below the existing channel invert elevation. The archaeological monitor, in

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consultation with the tribal monitor(s), may adjust the frequency and duration of monitoring based on observed conditions where excavation is verified to remain within previously disturbed soils or engineered fill, consistent with any monitoring protocols agreed upon through AB 52 consultation with the Muwekma Ohlone Tribe of the San Francisco Bay Area. In the event of a discovery, work shall halt in accordance with Valley Water standard BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains), and the archaeological monitor and tribal monitor(s) shall be afforded the opportunity to assess the find and consult regarding appropriate treatment consistent with BMP CU-1 protocols. Prior to construction, Valley Water shall notify the Muwekma Ohlone Tribe of the San Francisco Bay Area of the construction schedule and shall establish monitoring protocols, including notification procedures and points of contact.

MM CUL-2: Worker Cultural Sensitivity Training

Prior to the initiation of ground-disturbing activities, all construction personnel shall complete a worker cultural sensitivity training program. The training shall be developed by a qualified archaeologist, and the Tamien Nation and the Muwekma Ohlone Tribe of the San Francisco Bay Area shall be invited to participate in the development and/or presentation of the training. The training shall include, at a minimum: the types of archaeological resources, tribal cultural resources, and human remains that could be encountered during construction; the cultural sensitivity and significance of such resources to California Native American Tribes; the procedures to follow in the event of a discovery, consistent with Valley Water standard BMP CU-1 and MM CUL-1; and the legal requirements and penalties associated with disturbance of cultural resources and human remains, including Public Resources Code Section 5097 et seq. and Health and Safety Code Section 7050.5. New workers arriving after the start of construction shall complete the training prior to performing ground-disturbing work. Valley Water shall retain training attendance records for the duration of construction.

3.4.6 Energy

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				X

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Environmental Setting

The Project site does not contain energy-consuming facilities or infrastructure and is located within a maintained flood control corridor. Energy use in the vicinity is limited to typical residential and municipal demand associated with surrounding neighborhoods and recreational uses. Surrounding land uses have access to regional transportation corridors and utility services; however, no permanent electrical, fuel, or mechanical systems operate within the Project work limits. As a result, existing on site energy consumption is minimal.

At the regional level, energy consumption is largely driven by transportation and equipment use. In California, there were more than 35 million registered vehicles in 2024 (California DMV n.d.), and approximately 13.4 billion gallons of gasoline and 3.5 billion gallons of diesel (including off-road diesel) were sold in 2024 (CEC, n.d.-a; n.d.-b). Petroleum-based fuels, including gasoline and diesel, represent the primary energy sources for transportation and construction equipment. These fuels are commercially available and would be supplied to the Project through standard commercial outlets and fuel providers.

Construction of the Project would result in a temporary increase in energy consumption due to the use of construction equipment and vehicles; however, this increase would occur over a limited duration relative to existing baseline conditions.

Discussion

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less than Significant Impact. During construction, the Project would require the use of construction vehicles to transport personnel and materials to the Project site, as well as for site preparation, excavation, debris removal, installation of temporary access features, and levee reconstruction. Pumps and bypass systems, powered by two generators (one primary and one backup), would be used to temporarily divert flows around active work areas.

Construction would be temporary, lasting approximately 4 months. Once construction is complete, no operational energy demand would be introduced. Valley Water would implement Valley Water standard BMP AQ-1 (Use Dust Control Measures), which would reduce potential impacts by minimizing idling times and ensuring that equipment is properly maintained and tuned. The Project proposal also incorporated the energy efficiency measures identified in MM AQ-2, which requires construction equipment to have engines that meet Tier 4 emission standards reducing emissions and energy usage from construction equipment and vehicles. Additionally, the Project now requires haul trucks to meet CARB 2010 engine emissions standards at minimum, ensuring that on-road vehicles associated with the Project also operate efficiently. (MM AQ-2) As a result, the Project would not result in wasteful, inefficient, or unnecessary consumption of energy, and energy impacts would be less than significant.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. The Project would include bank stabilization activities along Tularcitos Creek in the City of Milpitas and would not include permanent energy-consuming features. The Project

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would not involve long-term operational energy use or installation of energy infrastructure. Therefore, the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, and no impacts would occur.

Mitigation Measures

No MMs would be required.

3.4.7 Geology and Soils

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and, potentially, result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

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Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

Environmental Setting

The Project site is located along Tularcitos Creek in the Santa Clara Valley within California's Coast Range Geomorphic Province. The site consists of a previously disturbed, channelized creek with earthen trapezoidal banks in a relatively flat valley floor setting. Surrounding land uses include residential development and recreational facilities. The channel and levees have been modified for flood control and exhibit evidence of long-term maintenance, including grading, engineered fill placement, concrete slope paving, and localized bank protection features. Minor erosion and localized slumping are present in areas where bank protection has deteriorated, including areas affected by burrowing animal activity that has contributed to localized instability of the levee banks.

Soils at the Project site are characteristic of alluvial valley deposits and consist primarily of fine-grained materials. The mapped soil type is Urbanland-Hangerone complex, which includes clay, clay loam, and gravelly loam with slopes of approximately 0 to 2 percent. These soils are generally poorly drained, with low erosion potential but high shrink-swell potential, indicating the presence of expansive soils (De Novo 2020b; California Geological Survey, n.d.-a).

Regionally, the Project site is influenced by seismic activity associated with nearby faults in the San Francisco Bay Area, including the Hayward Fault located west of the Project site. The Project site is not located within an Alquist-Priolo Earthquake Fault Zone or a mapped landslide hazard zone. However, the site is within an area of moderate liquefaction susceptibility based on regional geologic mapping (De Novo 2020a, 2020b; California Geological Survey, n.d.-b). Overall, geologic hazards at the Project site are typical of developed areas within the Santa Clara Valley and are characterized by low landslide potential, moderate liquefaction potential, and potential for ground shaking during seismic events.

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Discussion

a) Directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving:

- i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?**

No Impact. The Project site is located outside of any Alquist-Priolo Earthquake Fault Zone and no known active faults traverse the site. Therefore, the Project would not expose people or structures to hazards from surface fault rupture, and no impacts would occur.

- ii. Strong seismic ground shaking?**

Less than Significant Impact. The Project site is located in a seismically active region and could be subject to ground shaking. However, the Project would replace a degraded and structurally portion of the existing levee, thereby improving the levee's structural integrity. Accordingly, the Project is expected to increase resistance to seismic forces.

Because the Project involves repair of existing infrastructure and would not introduce new development, it would not increase population in the Project vicinity or result in construction of new (non-Project) structures. Therefore, the Project would not expose additional people or structures to seismic ground shaking hazards. Impacts would be less than significant.

- iii. Seismic-related ground failure, including liquefaction?**

Less than Significant Impact. The Project site is located in an area of moderate liquefaction susceptibility and is relatively close to regional active faults, including the Hayward Fault. There may also be potential for lateral spreading, which refers to slope or ground failure caused by liquefaction. However, as discussed under Impact a(ii) above, the Project would reconstruct a degraded and structurally compromised portion of the existing levee, which is expected to improve resistance to liquefaction and lateral spreading hazards.

Additionally, the Project involves repair of existing infrastructure and would not increase population or result in construction of new (non-Project) structures in the Project vicinity. Therefore, the Project would not expose additional people or structures to hazards associated with liquefaction or lateral spreading. Although liquefaction and lateral spreading may occur in the Project area, Project activities would not increase the risk of substantial adverse effects, including loss, injury, or death. Impacts would be less than significant.

- iv. Landslides?**

No Impact. The Project site is not located within a landslide hazard zone and is situated on relatively flat valley floor topography. Therefore, the Project would not be subject to landslide hazards, including seismically induced landslides. The Project would not include

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new structures or occupancy that would increase exposure to landslide hazards. Therefore, no impacts would occur.

b) Result in substantial soil erosion or the loss of topsoil?

Soil Erosion: Less than Significant Impact. The Project would require ground disturbance for removal of the existing levee and reconstruction of the new levee and would therefore have the potential to result in soil erosion. Materials laydown and equipment movement could also result in ground disturbance. However, impacts related to erosion would be less than significant because soils at the Project site have low erosion potential (De Novo 2020a, 2020b); the total area of disturbance would be relatively small (approximately 2.7 acres); and the Project would incorporate Valley Water's standard BMPs, including BMP BI-8 (Choose Local Ecotypes of Native Plants and Appropriate Erosion Control Seed Mixes), BMP WQ-4 (Limit Impacts from Staging and Stockpiling Materials), and BMP WQ-9 (Use Seeding for Erosion Control, Weed Suppression, and Site Improvement).

Valley Water would also implement SMP BMPs to reduce the potential for erosion and loss of topsoil, including SMP BMP GEN-4 (Minimize the Area of Disturbance) and SMP BMP GEN-20 (Erosion and Sediment Control Measures). In combination, these measures would minimize unnecessary ground disturbance and require implementation of controls to reduce erosion and limit sediment transport where disturbance is necessary for construction.

Given the limited area of disturbance, low erosion potential of site soils, and implementation of these measures, impacts related to soil erosion would be less than significant.

Loss of Topsoil: Less than Significant Impact. All Project-related ground disturbance would occur in areas previously disturbed for channelization and bank protection of Tularcitos Creek, as well as for access roadway construction and maintenance. Therefore, the Project site is not expected to contain intact topsoil profiles. Therefore, impacts related to the loss of topsoil would be less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

No Impact. The Project site is not located in a landslide zone (as discussed above) and is not expected to contain collapsible soils (De Novo 2020a, 2020b). The Project site is located in an area of moderate liquefaction susceptibility; however, as discussed under Impact a) above, the Project would not increase the potential for on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Therefore, no impacts would occur.

d) Be located on expansive soil, creating substantial direct or indirect risks to life or property?

Less than Significant Impact. The Project site is located on expansive soils, as indicated by high shrink-swell potential (De Novo 2020a, 2020b). However, the Project would be limited to reconstruction of the existing levee and would not increase the extent of infrastructure exposed to expansive soil hazards. The Project would not include habitable structures or foundations

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that would be subject to damage from expansive soils. Therefore, the Project would not increase exposure to hazards related to expansive soils. Impacts would be less than significant.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The Project would not involve septic tanks or other alternative wastewater disposal systems. Therefore, no impacts would occur.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant Impact. In most areas, excavation and ground disturbance for the Project would occur within previously disturbed soils and imported fill materials from the construction of the channel, thereby reducing the potential for discovery of unique paleontological resources or unique geologic features. However, as described in Section 2.4.1, in areas requiring repair of severely eroded levee walls, excavation would extend to a maximum of approximately 37 feet wide and 12 feet deep below existing grade. Establishing the rock toe foundation would require excavation approximately 3 to 4 feet below the existing channel invert, which would be the only ground disturbance extending into previously undisturbed native alluvial soils. While native alluvial soils have the potential to contain paleontological resources, the Project site is located in a densely developed urbanized setting, and no unique paleontological resources or geologic features are known to occur at or near the site. Therefore, the potential to directly or indirectly destroy a unique paleontological resource or site or a unique geologic feature would be low, and impacts would be less than significant.

Mitigation Measures

No MMs would be required.

3.4.8 Greenhouse Gas Emissions

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Environmental Setting

The Project site does not include facilities or ongoing activities that generate GHG emissions and is located within a developed urbanized area consisting primarily of residential neighborhoods and local roadways that contribute typical regional transportation-related GHG

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emissions. As a flood control maintenance area, the site has negligible direct emissions under existing conditions.

The Project is located within the SFBAAB and is subject to guidance from the Air District. The Air District has not established a quantitative threshold of significance for construction-related GHG emissions but recommends that lead agencies quantify and disclose emissions and evaluate consistency with statewide GHG reduction goals established under Assembly Bill 32 (RCH Group 2026a).

A significance threshold of 1,100 metric tons of carbon dioxide equivalent (CO₂e) per year is used to provide context for evaluating construction-related GHG emissions. This threshold has been adopted by several air districts in California for construction emissions and represents a level below which a project's contribution to global climate change would not be cumulatively considerable.

Discussion

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than Significant Impact. Construction of the Project would generate GHG emissions from combustion of fossil fuels associated with construction equipment, material-hauling, and worker trips. Construction-related emissions were estimated using the CalEEMod and, as shown in Table 3-2, total construction GHG emissions are estimated to be approximately 1,588 metric tons of CO₂e (RCH Group 2026a).

When amortized over a 25-year period, consistent with Air District guidance, annualized construction-related GHG emissions would be approximately 64 metric tons of CO₂e, which is below the significance threshold of 1,100 metric tons of CO₂e per year (RCH Group 2026a). This threshold is commonly used by California air districts to evaluate construction-related GHG emissions, as described in the Air Quality Technical Report included as Appendix A. Therefore, the Project's impacts related to direct and indirect GHG emissions would be less than significant.

Table 3-2 Estimated Construction Greenhouse Gas Emissions (metric tons CO₂e)

Category	Emissions (metric tons of CO ₂ e)
Project Total ^a	1,603
25-Year Amortized ^a	65
Significance Threshold	1,100
Significant?	No

^aThe emissions modeling was conducted based on a Project length of 2,815 LF. Following completion of air quality modeling, the Project length was revised to 2,932 LF. Emissions values have been scaled upward by 0.96 percent to reflect the revised Project length. This adjustment does not affect the significance findings.

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Source: Valley Water Tularcitos Creek Project Air Quality Technical Report (RCH Group 2026a)

b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impact. In 2021, Valley Water adopted the *Climate Change Action Plan* (CCAP) (Valley Water 2021). The CCAP is a districtwide plan to reduce GHG emissions and guide Valley Water’s response to climate change across its operations. State plans for reducing GHG emissions include CARB’s 2022 Scoping Plan, which outlines the path to achieve the state’s GHG reduction targets, including those established under Senate Bill 32 (40 percent below 1990 levels by 2030) and the goal of carbon neutrality by 2045 (CARB 2022).

The Project would be consistent with applicable GHG reduction plans and policies because it is a temporary construction project that would not include long-term operational emission sources. Furthermore, construction of the Project would incorporate measures to reduce GHG emissions, consistent with Air District guidance, including the use of fuel-efficient equipment, reduced idling, and efficient haul routes.

Because the Project would not generate long-term operational emissions and would comply with applicable regulations and incorporate measures to minimize construction-related GHG emissions, it would not conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions. Therefore, impacts would be less than significant.

Mitigation Measures

No MMs would be required.

3.4.9 Hazards and Hazardous Materials

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	

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Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the Project site?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X

Environmental Setting

The Project site consists of a maintained flood control levee and access road that have been previously disturbed by grading and ongoing maintenance activities within a developed urbanized area. The site does not contain aboveground or underground storage tanks and has not been used for industrial purposes. No known hazardous materials releases or contamination have been identified within the Project limits. Existing conditions are typical of an urban flood control facility and do not indicate an elevated risk of exposure to hazardous materials.

Pursuant to Government Code Section 65962.5 (Cortese List), a review of hazardous materials databases was conducted to identify sites with known or potential contamination in the vicinity of the Project. Databases reviewed included the DTSC EnviroStor database and the State Water Resources Control Board GeoTracker database, among others.

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Based on this review, multiple hazardous materials sites are located within approximately 0.5 mile of the Project site, including DTSC-listed hazardous waste sites and sites listed in the GeoTracker database, such as leaking underground storage tank sites and cleanup program sites. These sites include active and closed cases typical of an urban area. No active hazardous materials sites, cleanup orders, or solid waste disposal sites with hazardous waste constituents exceeding regulatory thresholds were identified within or immediately adjacent to the Project site.

Discussion

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than Significant Impact. No known hazardous materials releases or contamination have been identified within the Project limits based on a review of regulatory databases. The Project would not involve long-term use, storage, treatment, disposal, or transport of hazardous materials.

During construction, diesel fuel and oil would be used to operate construction equipment. Additionally, hazardous materials such as fuels, lubricating fluids, and solvents would be used in limited quantities typical of construction activities. Accidental spills or improper use, storage, transport, or disposal of these materials could result in hazards to the public or release of hazardous materials to underlying soil and groundwater. However, compliance with applicable federal, state, and local regulations would minimize the potential for such risks. All storage, handling, and disposal of these materials would be conducted in accordance with applicable regulations established by regulatory agencies, including DTSC, EPA, Cal/OSHA, and the local Certified Unified Program Agency.

The Project would include implementation of Valley Water's standard BMPs to reduce risks associated with hazardous materials use, including BMP HM-7 (Restrict Vehicle and Equipment Cleaning to Appropriate Locations), BMP HM-8 (Ensure Proper Vehicle and Equipment Fueling and Maintenance), BMP HM-9 (Ensure Proper Hazardous Materials Management), and BMP HM-10 (Utilize Spill Prevention Measures). The Project would also implement AMM HAZ-1 (Pre-Construction Soil Testing), which requires collection and laboratory analysis of soil samples from representative locations within the Project footprint prior to ground-disturbing activities. If contamination is identified above applicable regulatory thresholds, a soil management plan would be developed and implemented prior to excavation. Excavated materials would be transported in covered haul trucks and disposed of at a facility approved to accept materials of the identified waste classification. Implementation of these Valley Water standard BMPs and AMM, in combination with compliance with applicable regulations, would avoid and minimize potential hazards to the public and the environment associated with the routine transport, use, or disposal of hazardous materials. Therefore, impacts would be less than significant.

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b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less than Significant Impact. Project construction vehicles would require routine operation and occasional maintenance, which could result in the inadvertent release of oil, diesel, transmission fluid, or other materials. However, these materials would be used in limited quantities typical of construction activities and would not be stored in a manner that would pose a significant hazard to the public or the environment. Hazardous materials sites in the surrounding area are not located within or immediately adjacent to the Project site and, therefore, would not pose an environmental concern for the Project.

As discussed above, Valley Water would implement Valley Water standard BMPs, including BMP HM-7 (Restrict Vehicle and Equipment Cleaning to Appropriate Locations), BMP HM-8 (Ensure Proper Vehicle and Equipment Fueling and Maintenance), BMP HM-9 (Ensure Proper Hazardous Materials Management), and BMP HM-10 (Utilize Spill Prevention Measures). These measures include requirements for proper storage, handling, fueling, and spill response procedures for hazardous materials. Additionally, as discussed under Impact a), the Project would implement AMM HAZ-1 (Pre-Construction Soil Testing), which requires soil sampling and laboratory analysis prior to ground-disturbing activities to identify any contamination within the Project footprint. If contamination is identified above applicable regulatory thresholds, a soil management plan would be developed prior to excavation, and excavated materials would be disposed of at an approved facility. Implementation of these Valley Water standard BMPs would avoid and minimize potential hazards to the public and the environment associated with reasonably foreseeable upset and accident conditions involving the release of hazardous materials. Therefore, impacts would be less than significant.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less than Significant Impact. The Project is within one-quarter mile of three existing schools. The closest of which is Milpitas Hillview KinderCare, located approximately 174 feet north of the Project site on North Hillview Drive. As discussed under Impacts a) and b) above, construction activities would involve the use and handling of small quantities of hazardous materials, such as fuels, oils, and lubricants typical of construction equipment.

The Project would implement Valley Water standard BMPs described in Table 2-2 to avoid and minimize hazardous materials to the public and the environment, including BMP HM-7 (Restrict Vehicle and Equipment Cleaning to Appropriate Locations), BMP HM-8 (Ensure Proper Vehicle and Equipment Fueling and Maintenance), BMP HM-9 (Ensure Proper Hazardous Materials Management), and BMP HM-10 (Utilize Spill Prevention Measures). These measures would ensure proper vehicle and equipment fueling, cleaning, and maintenance; proper hazardous materials management; and implementation of spill prevention practices.

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Furthermore, as discussed under Impact a), the Project would implement AMM HAZ-1 (Pre-Construction Soil Testing), which requires soil sampling and laboratory analysis prior to ground-disturbing activities to identify any contamination within the Project footprint. If contamination is identified above applicable regulatory thresholds, a soil management plan would be developed prior to excavation, and excavated materials would be transported in covered haul trucks and disposed of at an approved facility. This measure provides additional protection to nearby sensitive receptors, including the Milpitas Hillview KinderCare located approximately 174 feet north of the Project site. The Project would comply with applicable federal, state, and local regulations for hazardous materials management, including requirements for secondary containment. Construction activities would be temporary and localized within the creek corridor and due to implementation of AMM HAZ-1 would not involve the routine transport or use of hazardous materials in quantities that would pose a significant hazard to nearby receptors, including schools. Therefore, the Project would not emit hazardous emissions or handle hazardous materials in a manner that would pose a significant hazard to nearby schools, and impacts would be less than significant.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. The Project site is not located on or immediately adjacent to a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Cortese List). The Project would not result in exposure to hazardous materials associated with a listed site. Therefore, no impacts would occur.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the Project site?

No Impact. The Project is not located within an airport land use plan area or within 2 miles of a public airport or private airstrip. The nearest airport is Norman Y. Mineta San José International Airport, located approximately 4.5 miles southwest of the Project site. The Project would not result in a safety hazard or excessive noise for people residing or working in the Project area. Therefore, no impacts would occur.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact. The Project would consist of repairing a damaged levee, with all Project activities occurring on Valley Water fee title property and outside of public roadways. Due to the limited number of vehicles required and the temporary nature of construction activities, the Project would not impair or physically interfere with an adopted emergency response or evacuation plan. Therefore, impacts would be less than significant.

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g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No Impact. The Project site is located in a developed urbanized area and is not located in or near a wildland area where wildland fire hazards are present. As a standard safety practice, Valley Water would have fire prevention equipment on site, including fire extinguishers and shovels. Valley Water's standard BMP HM-12 (Incorporate Fire Prevention Measures) would be implemented to reduce fire risk associated with Project construction. Because the Project is located in an urbanized setting and would not introduce conditions that would increase wildland fire risk, the Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. Therefore, no impacts would occur.

Mitigation Measures

No MMs would be required.

3.4.10 Hydrology and Water Quality

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. result in substantial erosion or siltation on- or off-site;			X	
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;				X
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
iv. impede or redirect flood flows?			X	

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Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

Environmental Setting

Tularcitos Creek is a tributary within the Lower Penitencia Creek watershed, which ultimately drains to Coyote Creek and San Francisco Bay, which encompasses approximately 350 square miles and includes numerous tributary streams extending from urbanized valley areas to the Mount Hamilton range. The San Francisco Bay Basin Water Quality Control Plan (Basin Plan) identifies the following beneficial uses for Tularcitos Creek: warm freshwater habitat, wildlife habitat, water contact recreation, and noncontact recreation (RWQCB 2025).

The Project site is located along Tularcitos Creek, which consists of a relatively narrow-bottomed, earthen trapezoidal channel with grassy side slopes and is abutted by maintenance access roads along both banks. The channel includes four road culvert crossings and four pedestrian bridge crossings. Surface water within the active channel typically consists of low base flows during summer months, with occasional pooled sections (USACE 2026; Brian Creeks 2026). Flows increase during storm events, which can result in elevated turbidity. No active discharges or point sources occur within the Project site, and water quality reflects typical urban watershed conditions influenced by runoff from adjacent developed areas (Brian Creeks 2026).

According to the FEMA National Flood Hazard Layer, the Project site is located within Flood Insurance Rate Map (FIRM) panels 06085C0059J and 06085C0067J. The site is mapped within Zone X, which represents areas of moderate flood hazard, including areas with a 0.2 percent annual chance flood and areas with a 1 percent annual chance flood with average depths less than 1 foot or drainage areas less than one square mile (FEMA 2024). This designation reflects existing conditions prior to project implementation. As described in the Project Description, one purpose of the proposed levee repair is to support levee accreditation in compliance with 44 CFR § 65.10, which could support future FEMA remapping of adjacent areas.

Discussion

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than Significant Impact. The Project would fall under the jurisdiction of the San Francisco Bay RWQCB. The Basin Plan, adopted in accordance with statewide water quality policy,

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establishes water quality standards for inland surface waters, including creeks, streams, and rivers.

Project activities would include temporary dewatering, installation and removal of temporary access ramps, and bank stabilization along the west bank, which could result in erosion of surface soils and sedimentation within Tularcitos Creek. Additionally, fluids such as fuel and oil from construction equipment could impair water quality if an accidental release were to occur. Potential equipment types include excavators, loaders, skid steers, compactors, water trucks, maintenance/fuel truck, and generators. Project activities would occur during the dry season; however, isolated rain events may occur. If a dry season rain event is forecasted, Valley Water would temporarily stop work to ensure any stormwater could pass through the system and would reinitiate work once the sites have adequately dried, as specified by Project AMMs

To minimize potential impacts to water quality standards and WDR, and to reduce risks associated with construction equipment and activities, Valley Water would implement Valley Water standard BMPs, including BMP HM-8 (Ensure Proper Vehicle and Equipment Fueling and Maintenance), BMP HM-9 (Ensure Proper Hazardous Materials Management), BMP HM-10 (Utilize Spill Prevention Measures), BMP WQ-3 (Limit Impacts of Pump and Generator Operation and Maintenance), BMP WQ-4 (Limit Impacts from Staging and Stockpiling Materials), BMP WQ-5 (Stabilize Construction Entrances and Exits), BMP WQ-11 (Maintain Clean Conditions at Work Sites), BMP WQ-15 (Prevent Water Pollution), and BMP WQ-17 (Manage Sanitary and Septic Waste). Valley Water would also implement SMP BMPs, including SMP BMP GEN-1 (In-Channel Work Window), SMP BMP GEN-4 (Minimize the Area of Disturbance), and SMP BMP GEN-20 (Erosion and Sediment Control Measures). Project activities would occur during the dry season; however, isolated rain events may occur. Per AMM HYD-1 (Storm Event Construction Pause), if a dry season rain event is forecast, Valley Water would temporarily suspend work to allow stormwater to pass through the channel and would resume work once the site has adequately dried.

Because the Project would be implemented in accordance with SMP-3 BMPs and methods, it would also be subject to program-level water quality protection measures, including monitoring and adaptive management procedures described in the SMP-3 Manual. These procedures are designed to ensure that in-channel work would not result in exceedances of applicable water quality objectives. If monitoring as part of SMP-3 procedures indicates potential exceedances, construction methods would be modified in coordination with regulatory agencies such as the San Francisco Bay RWQCB, State Water Resources Control Board, and City of Milpitas to maintain compliance with Basin Plan requirements.

Additionally, as described in Section 3.1, Valley Water would obtain applicable regulatory permits from the San Francisco Bay RWQCB, including water quality certification pursuant to Section 401 of the CWA, to ensure compliance with Basin Plan requirements. The Project would also be required to comply with the RWQCB San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit Number R2-2022-0049.

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With implementation of the standard BMPs, SMP BMPs, and SMP-3 water quality protection measures discussed above, along with compliance with RWQCB requirements regarding waste discharge requirements and compliance with NPDES permit R2-2022-0049, the Project would not violate water quality standards or WDR or otherwise substantially degrade surface water or groundwater quality. The Project would not adversely affect the beneficial uses of Tularcitos Creek. Therefore, impacts would be less than significant.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

No Impact. The Project would include installation of a temporary dewatering system that would divert and return water to the creek. If shallow groundwater is encountered during trench excavation along the embankment, it would be temporarily contained (e.g., in a Baker tank or similar equipment) and managed prior to discharge in accordance with applicable requirements. The Project would not extract groundwater from an aquifer, deplete groundwater supplies, or interfere with groundwater recharge. Therefore, no impact would occur.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i. result in a substantial erosion or siltation on- or off-site?

Less than Significant Impact. The Project would involve ground disturbance and construction within and adjacent to a creek channel, which could temporarily increase erosion and sedimentation at the Project site and downstream. Construction would occur in segments along the linear Project area, in increments of approximately 400 to 580 LF, to minimize the extent of active disturbance at any given time.

Upstream of each cofferdam, 10-inch pumps would be used to redirect water through approximately 400 to 800 feet of bypass pipe along the east bank and return flows to the channel through an energy dissipator. Pump sizing for the temporary diversion system would be based on representative summer flows, calculated using historical hydrologic data from the past 25 years, to ensure adequate capacity under typical and higher-than-average seasonal conditions.

Valley Water would implement BMP WQ-4 (Limit Impacts from Staging and Stockpiling Materials), BMP WQ-5 (Stabilize Construction Entrances and Exits), BMP WQ-11 (Maintain Clean Conditions at Work Sites), and SMP BMP GEN-4 (Minimize the Area of Disturbance) to help prevent siltation of Tularcitos Creek by requiring that all fill, rock spoil and other materials be kept within predetermined staging areas, minimizing disturbance of the waterbody bed and banks, prohibiting the discharge of decant water from construction use to any nearby waterways, and limiting the disturbance footprint so as to minimize impacts on natural resources and bodies of water. These measures would minimize siltation by lessening the

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amount of sediment and other construction materials entering the stream channel.

Implementation of BMP WQ-9 (Use Seeding for Erosion Control, Weed Suppression, and Site Improvement), SMP BMP GEN-1 (In-Channel Work Window), and SMP BMP GEN-20 (Erosion and Sediment Control Measures) would help prevent erosion of Tularcitos Creek by seeding disturbed areas to encourage root anchoring and runoff regulation, conducting construction activities during the dry weather period, and implementing erosion control measures such as sediment traps, erosion control blankets, and soil stabilization. Per AMM HYD-1 (Storm Event Construction Pause), if a dry season rain event is forecast, Valley Water would temporarily suspend work to allow stormwater to pass through the system and would resume work once the site has adequately dried.

Following the completion of construction, all work areas would be restored to match pre-construction conditions. All construction material and debris would be removed and disposed of at approved facilities. Hydroseeding of disturbed areas, above the OHWM, would be applied after construction and before seasonal rain events, with reapplication as needed for winterization.

Because the Project involves reconstruction of the existing levee to as-built design conditions is intended to reduce long-term erosion potential along the channel bank, and incorporates erosion and sediment control BMPs and AMM HYD-1 during construction, the Project would not substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial erosion or siltation on site or off-site. Therefore, impacts would be less than significant.

ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

No Impact. The Project would involve reconstruction of an existing levee to as-built design conditions. The Project would not alter the drainage pattern of the creek; rather, it would restore drainage flows that have been affected by in-channel erosion caused by burrowing animals. Therefore, implementation of the Project would not increase the rate or amount of surface water runoff, and no impacts would occur.

iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

Less than Significant Impact. The Project would require the use of equipment, such as excavators, compactors, water trucks, skid steers, dump trucks, maintenance/fuel truck, and diesel generators, that use fuels and lubricants. Valley Water would implement standard BMPs to reduce risks to water bodies from construction equipment and activities in and near waterways, including Valley Water standard BMP HM-8 (Ensure Proper Vehicle and Equipment Fueling and Maintenance), BMP HM-9 (Ensure Proper Hazardous Materials Management), BMP HM-10 (Utilize Spill Prevention Measures), BMP WQ-3 (Limit Impacts of Pump and Generator Operation and Maintenance), BMP WQ-4 (Limit Impacts from Staging and Stockpiling

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Materials), BMP WQ-5 (Stabilize Construction Entrances and Exits), BMP WQ-11 (Maintain Clean Conditions at Work Sites), and BMP WQ-15 (Prevent Water Pollution). SMP BMP GEN-20 (Erosion and Sediment Control Measures) would also be implemented to further reduce the potential for runoff. These BMPs would require that equipment be kept clean and inspected for leaks each day, that lubricants and other chemicals not contact soil or enter surface waters and be stored and covered when not in use, that construction personnel be trained in spill prevention and cleanup, and that no fueling or servicing of equipment shall occur in a waterway.

Additionally, to minimize erosion associated with construction activities that would disturb soils (e.g., excavation, vegetation removal, and grading), Valley Water would implement Valley Water standard BMPs, including BMP WQ-4 (Limit Impacts from Staging and Stockpiling Materials), BMP WQ-5 (Stabilize Construction Entrances and Exits), BMP WQ-9 (Use Seeding for Erosion Control, Weed Suppression, and Site Improvement), and BMP WQ-11 (Maintain Clean Conditions at Work Sites), as well as SMP BMPs, including SMP BMP GEN-1 (In-Channel Work Window), SMP BMP GEN-4 (Minimize the Area of Disturbance), and SMP BMP GEN-20 (Erosion and Sediment Control Measures).

The Project would also be required to comply with the RWQCB San Francisco Bay Region Municipal Regional Stormwater NPDES Permit Number R2-2022-0049. This requires implementation of certain actions and BMPs to control the pollutants in stormwater. Prior to construction, crews would install and implement construction site controls, including TC-1, a construction site control measure required under the Municipal Regional Stormwater NPDES Permit. This would prevent discharge of pollutants from the site, such as requiring that all fill, rock spoil and other materials be kept within predetermined staging areas and prohibiting the discharge of decant water from construction use to any nearby waterways. Therefore, the Project would not create or contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems or result in substantial additional sources of polluted runoff, and impacts would be less than significant.

iv. impede or redirect flood flows?

Less than Significant Impact. The Project would not impede or redirect flood flows because it involves repair of an existing levee and would not alter channel capacity or alignment. During construction, temporary dewatering would divert low flows around active work areas using pumps and bypass systems designed to maintain downstream flow continuity. In the event flows are encountered during construction, flow-through plugs would be available on site to redirect outfall discharges to downstream cofferdams, and backup pumps would be maintained on site to manage these flows as needed. These temporary measures are designed to maintain downstream flow continuity and would not result in a permanent impediment or redirection of flood flows. Once repair activities are complete, the channel would be restored to as-built design conditions and elevation, providing improved erosion control, flood protection, and infrastructure protection. Therefore, the Project would not impede or redirect flood flows, and impacts would be less than significant.

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d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less than Significant Impact. The Project site is not located within a tsunami or seiche zone and is located outside areas subject to significant flood hazards. As described above, the Project would be constructed outside the 100-year floodplain as indicated by the FEMA FIRMs (FEMA 2024). Project activities would be temporary and would occur during the dry season (June 15 to October 15), when the potential for rainfall and flooding is relatively low. The potential for incidental pollutant release from construction equipment fuels, lubricants, and similar materials is separately addressed under Impacts a) and b), which conclude that implementation of BMPs HM-7 through HM-10 and AMM HAZ-1 would reduce these risks to a less than significant level regardless of inundation conditions. Additionally, the Project would not introduce any operational pollutants that would be at risk of being released due to inundation. Therefore, impacts associated with the release of pollutants in flood hazard, tsunami, or seiche zones would be less than significant.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact. The Project is located within the Santa Clara Valley groundwater basin, which is subject to Valley Water's Groundwater Management Plan, designed to sustainably manage groundwater resources (Valley Water 2021). Valley Water's standard BMPs such as BMP WQ-15: (Prevent Water Pollution), which are consistent with the Basin Plan, would be implemented as part of the Project during construction activities. Temporary sources of pollution in the form of construction vehicles and equipment would be present on the Project site during construction; however, this would not obstruct implementation of a sustainable Groundwater Management Plan as the Project would adhere to Valley Water's standard BMPs and SMP BMPs, which help reinforce the goals of the Groundwater Management Plan. Valley Water's BMPs and its Groundwater Management Plan are mutually reinforcing, as both share the core sustainability goals of optimizing water supply reliability and protecting groundwater from overdraft, contamination, and land subsidence (Valley Water, n.d.).

The Project is located in the RWQCB's San Francisco Bay Basin Water Quality Control Plan (Basin Plan). The Basin Plan, adopted in accordance with statewide water quality policy, establishes water quality standards for inland surface waters, including creeks, streams, and rivers. As described in Section 3.1, Valley Water would obtain applicable regulatory permits from the San Francisco Bay RWQCB, including water quality certification pursuant to Section 401 of the CWA, to ensure compliance with Basin Plan requirements

The Project would not introduce new operational sources of pollution. Construction-related pollution risks from diesel-powered equipment operating within the channel are addressed through implementation of BMPs HM-7 through HM-10 and AMM HAZ-1, as discussed under Impacts a) and b) above. The Project would not alter groundwater use or interfere with groundwater recharge or management. During construction, excavation would occur to a maximum depth of 12 feet. In areas where excavation reaches groundwater, crews would cease excavation and transition to placement of the rock foundation, which serves as the structural

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base for the levee repair. This approach avoids dewatering of groundwater and does not permanently alter groundwater levels or interfere with groundwater recharge. Therefore, the Project would not conflict with or obstruct implementation of a water quality control plan, specifically, the San Francisco Bay Basin Water Quality Control Plan, as discussed further in Section 3.4.10(e), or sustainable groundwater management plan, and impacts would be less than significant.

Mitigation Measures

No MMs would be required.

3.4.11 Land Use and Planning

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Physically divide an established community?			X	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				X

Environmental Setting

The Project site is located along Tularcitos Creek within a developed urbanized area and functions as a maintained flood control corridor owned and managed by Valley Water. The site is characterized by an engineered channel, levee, and maintenance access roads. Surrounding land uses are urban and established, consisting primarily of residential neighborhoods, recreational areas, and commercial development. The Project site is designated as a *Waterway* under the City of Milpitas General Plan (City of Milpitas 2021b), which reflects its function as a flood control and drainage facility within the urban landscape.

Discussion

a) Physically divide an established community?

Less than Significant Impact. The Project consists of levee repair and stabilization activities along an existing creek bank. Project activities would not require any closure of pedestrian bridges over the creek and full access would be maintained throughout construction. Additionally, there would be no impact to the Hetchy Hetchy Trail located northwest of the Project site. Therefore, the Project would not physically divide an established community, and impacts would be less than significant.

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b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The Project would not introduce new land uses or result in land use changes. The Project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, no impacts would occur.

Mitigation Measures

No MMs would be required.

3.4.12 Mineral Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Environmental Setting

Regionally significant mineral resources in the City are limited to construction aggregate deposits located in foothill areas outside the City limits (De Novo 2020a, 2020b). The Project site consists of engineered channel banks, levees, and access areas composed of compacted fill and soils associated with historical channel construction, stabilization, and maintenance activities. No active mining, quarrying, or mineral resource extraction operations occur within or adjacent to the Project site. The Project site is not located within a designated mineral resource zone or an area of known mineral resource extraction.

Discussion

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. There are no known mineral resources within the Project site (De Novo 2020a, 2020b). Therefore, the Project would not result in the loss of a known mineral resource of local or state importance, and no impacts would occur.

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b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. The Project site is not located within a designated mineral resource recovery area (De Novo 2020a, 2020b). Therefore, the Project would not result in the loss of a locally important mineral resource recovery site. Therefore, no impacts would occur.

Mitigation Measures

No MMs would be required.

3.4.13 Noise

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generation of 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?		X		
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

Environmental Setting

Existing noise conditions at the Project site reflect an urbanized residential environment dominated by traffic noise, including nearby roadway traffic and I-680, as well as typical neighborhood activities (RCH Group 2026b). Sensitive receptors are defined in the City of Milpitas 2040 General Plan as residences (including residential care and assisted living facilities for the elderly), childcare centers, schools, playgrounds, churches, and medical facilities (City of Milpitas 2021b). Sensitive receptors are located primarily to the east, north, and west of the Project site, consisting of nearby residences and a school. To the south, land uses include recreational park and open space areas, which are less sensitive to noise than residential uses. The Project site is located approximately 50 feet from residences to the east, approximately 70 feet from residences to the north, and approximately 150 feet from residences to the west. Peter Gill Memorial Park is located approximately 200 feet west of the levee within the southern portion of the Project site.

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To characterize existing ambient noise levels, three short-term (10-minute) noise measurements were conducted at the Project site using a calibrated sound level meter. Measured noise levels ranged from 46 to 63 A-weighted decibels (dBA) equivalent continuous sound level (L_{eq} ; 5-minute), with I-680 traffic, heavy trucks, and occasional aircraft overflights as dominant noise sources. Lower levels, approximately 40 to 43 dBA, represent background conditions in the absence of nearby noise sources, while higher levels are associated with traffic noise from I-680 (RCH Group 2026b).

The City of Milpitas 2040 General Plan Noise Element and the Milpitas Municipal Code establish standards for allowable noise levels and construction activities⁸. The General Plan includes exterior noise level standards for residential land uses (see Table 3-3) and requires that construction and operational noise be managed to minimize exposure to nearby sensitive receptors. The General Plan also includes policies and actions to minimize construction and operational noise exposure to sensitive receptors. Specifically, Policy N 1-2 requires noise mitigation through best practices including placement of noise-generating equipment away from sensitive receptors; Policy N 1-8 requires construction activities to comply with standard best practices to reduce noise exposure (see Action N 1d); and Policy N 1-12 requires non-transportation noise sources to comply with the standards in Table N-2 (City of Milpitas 2021b).

The General Plan stipulates that during environmental review, projects must be evaluated for potential noise impacts and incorporate additional measures, as needed, to minimize construction-related noise (City of Milpitas 2021b). These measures include limiting construction hours, using properly maintained and quieter equipment, locating noise-generating activities away from sensitive receptors to the extent feasible, minimizing equipment idling, establishing staging areas to reduce noise exposure, and providing notification and a point of contact for nearby residents to address noise complaints.

Table 3-3 Stationary (Non-Transportation) Noise Source Standards

Land Use Receiving the Noise	Hourly Noise Level Descriptor	Exterior Noise Level Standard (dBA)	
		Daytime (7:00 am – 10:00 pm)	Nighttime (10:00 pm – 7:00 am)
Residential	L_{eq}	55	45
	L_{max}	70	65

Notes:

- ^a Residential standards apply to all properties zoned for residential use. The exterior noise level standard shall be applied at the property line of the receiving land use or at a designated outdoor activity area. For

⁸ These standards are used as thresholds of significance in this Draft MND since they represent noise and vibration levels acceptable to the local community, consistent with CEQA Guidelines Appendix G (Question XIII(a)). However, as a special district operating under mandates set forth by state law, Valley Water is not subject to any regulation under the City's noise ordinance. (Hall v. City of Taft, 47 Cal. 2d 177,189.)

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mixed-use projects, the exterior noise level standard may be waived in conjunction with Policy N-2-2 (at the discretion of the decision making body) if the residential portion of the project does not include a designated activity area and mitigation of property line noise is not practical.

- ^b Each of the noise levels specified above shall be lowered by 5 dBA for tonal noises characterized by a whine, screech, or hum; noises consisting primarily of speech or music; or recurring impulsive noises. In no case shall mitigation be required to a level below existing ambient noise levels, as determined through measurements conducted during the same operational period as the subject noise source.
- ^c In situations where the existing noise level exceeds the levels indicated in Table 3-3, any new source shall include mitigation that reduces the noise level of the source to the existing level plus 3 dBA.
- ^d L_{max} = Maximum Sound Level

Source: (City of Milpitas 2021b)

The City of Milpitas Code of Ordinances, Chapter 213- Noise Abatement only allows construction operations including delivery of construction materials within the hours of 7:00 a.m. to 7:00 p.m.

Discussion

a) Generation of 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?

Less than Significant Impact with Mitigation Incorporated. Construction activities are anticipated to begin in June 2027 and would occur Monday through Friday between 7:00 am and 7:00 pm consistent with the hours in the City of Milpitas Code of Ordinances. The Project would be completed in approximately 120 working days. During active dewatering operations, a 50 horsepower diesel generator would operate up to 24 hours per day for approximately 120 days.

Construction activities would require the use of multiple pieces of noise-generating equipment, such as excavating machinery (e.g., excavators and loaders) and other construction equipment (e.g., compactors and dump trucks). Noise levels generated by construction equipment would vary depending on equipment type, condition, and site-specific factors (e.g., topography and intervening structures).

As discussed above, the nearest noise-sensitive receptors are residences directly east of the Project site (as close as approximately 50 feet). Additional receptors are located approximately 70 feet to the north and 150 feet to the west of the Project site, with recreational uses (Peter Gill Memorial Park) located approximately 200 feet to the west and educational uses (Milpitas KinderCare School) located approximately 175 feet north of the Project site.

As shown in Table 3-4, construction noise levels would range from approximately 50 to 83 dBA L_{max} at distances of 50 to 150 feet, depending on the type of equipment used (RCH Group 2026b). For construction occurring in areas shielded from I-680 by an existing sound wall, Project construction activities would substantially elevate existing ambient noise levels. Construction activities would result in smaller increases in areas closer to I-680 or further from the Project site, where traffic noise is the dominant source. For in-channel work, an additional 3

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to 5 dBA of attenuation would occur due to shielding by creek banks where there is no direct line of sight between equipment and receptors.

Due to the linear nature of the Project site and construction phasing occurring in increments of 400 to 580 LF, active construction work areas would be a limited in extent and would be short-term and transient. As a result, increases in noise levels would be temporary and localized.

Table 3-4 Typical Noise Levels from Construction Equipment (L_{max})

Construction Equipment	Noise Level (dBA L_{max}) at 50 feet	Noise Level (dBA L_{max}) at 70 feet	Noise Level (dBA L_{max}) at 150 feet
Generator ^{a b}	59	56	50
Compactor	83	71	65
Excavator	81	78	72
Loader	79	76	70
Pickup Truck	75	72	66
Dump Truck	76	73	67
Water Truck	74	71	65

Notes:

- ^a The noise level for the proposed generator is based on manufacturer's specifications for a 45-kilovolt ampere, 36-kilowatt diesel generator proposed for use by Valley Water or its contractors.
- ^b Each of the noise levels specified above shall be reduced by 5 dBA for tonal noises characterized by a whine, screech, or hum; noises consisting primarily of speech or music; or recurring impulsive noises.

Although Valley Water is not subject to local noise ordinances and has exclusive jurisdiction to construct and maintain its facilities, pursuant to Section V-213-3(c) and Section 2.08 of the Milpitas Municipal Code (Noise Abatement), Valley Water endeavors to comply with applicable local requirements. While construction activities would be conducted during the hours approved for construction in the City of Milpitas noise ordinance, the generator would produce noise 24 hours a day and outside the approved construction hours. As indicated in Table 3-4, operation of generators during nighttime hours (7:00 pm to 7:00 am) could result in noise levels exceeding the 45 dBA L_{eq} nighttime noise threshold at nearby residences and could result in sleep disturbance. Assuming operation at the closest feasible location (approximately 140 feet from the nearest receptor on the west side), generator noise levels are anticipated to be approximately 53 dBA L_{eq} without mitigation, which exceeds the applicable threshold and would result in a significant impact.

Valley Water would implement MMs NOI-1 to reduce these impacts to below significant levels. MM NOI-1 would require generators to be operated on the east bank of the Project site, thereby maximizing the distance between the noise source and the nearest residences and increasing

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attenuation of sound over distance.⁹ MM NOI-1 would also require installation of four-sided noise barriers or sound blankets around the generators to provide localized noise shielding by blocking the direct line of sight between the generators and receptors and absorbing sound energy. With implementation of MM NOI-1, generator noise levels would be reduced by approximately 20 dBA to approximately 33 dBA L_{eq} , which is below the 45 dBA L_{eq} nighttime threshold. Therefore, Project construction would comply with applicable standards established in the City of Milpitas General Plan, and the impacts would be less than significant with mitigation incorporated.

Once construction is complete, operational noise generated by the Project would be consistent with existing conditions. Operational activities would not result in a permanent increase in ambient noise levels. Therefore, no noise impacts would occur during Project operation.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact. Construction activities have the potential to result in temporary groundborne vibration, depending on the equipment used and the specific construction activities. In most cases, vibration from typical construction equipment is not of sufficient magnitude to result in adverse effects on people or structures (RCH 2026b). The Project would not involve the use of vibration-intensive construction methods such as pile driving or blasting.

At the highest vibration levels, damage to structures is typically limited to architectural effects (e.g., loosening or cracking of plaster or stucco) and rarely results in structural damage. For most structures, a peak particle velocity (PPV) of 0.5 inch per second (in/sec) is considered the threshold above which architectural damage could occur. The Federal Transit Administration (FTA) recommends a significance threshold of 0.5 in/sec PPV for evaluating potential impacts to residential and commercial structures from groundborne vibration (FTA 2006)

Construction activities would occur no closer than approximately 50 feet from the nearest residences. Groundborne vibration from heavy equipment operation is estimated to range from approximately 0.01 to 0.06 in/sec PPV, which is below the FTA significance threshold of 0.5 in/sec at 50 feet (RCH 2026b). Representative vibration levels for construction equipment and distances to nearby receptors are summarized in Table 3-5.

⁹ Noise generally attenuates at a rate of 6 to 7.5 dBA per doubling of distance.

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Table 3-5 Representative Vibration Levels for Construction Equipment

Construction Equipment	PPV at 25 feet (in/sec)	PPV at Nearest Receptor (50 feet) (in/sec)
Loaded Trucks	0.076	0.03
Excavator ^a	0.175	0.06
Backhoe ^a	0.028	0.01
Loader ^a	0.026	0.01

Note: Construction Equipment PPV values are based on New Hampshire Department of Transportation, *Ground Vibrations Emanating from Construction Equipment* (FHWA-NH-RD-12323W), 2012.
<https://mm.nh.gov/files/uploads/dot/remote-docs/nhdot-research-12323w-2012-report.pdf>

Source: (FTA 2006)

In addition, vibration effects from typical construction equipment are generally only a concern within approximately 25 feet of existing structures (RCH 2026b), which is less than the distance to the nearest receptors approximately 50 feet away. Therefore, the Project would not generate excessive groundborne vibration or groundborne noise levels, and impacts would be less than significant.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The Project is not located within the vicinity of a public airport or private airstrip and is not located within an airport land use plan area. The nearest airport is the Norman Y. Mineta San José International Airport, located approximately 5 miles southwest of the Project site. Because the Project site is located more than 2 miles from a public airport and outside of any airport land use plan area, it would not expose people residing or working in the Project area to excessive noise levels. Therefore, no impact would occur.

Mitigation Measures

MM NOI-1: Nighttime Generator Noise Reduction

Valley Water or its contractors shall operate generators on the west bank of the Project site, as far as feasible from nearby residences, and shall install four-sided noise barriers or sound blankets around the generators to reduce the noise from the generators by approximately 20 dBA, to achieve approximately 33 dBA L_{eq} for the noise from each generator used for the project

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3.4.14 Population and Housing

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

Environmental Setting

The Project site is located along Tularcitos Creek on Valley Water fee title property and consists of an existing creek channel and levee system. The site does not contain any residential structures or occupants. The surrounding area is fully developed and includes adjacent residential neighborhoods and urban recreational uses.

Discussion

a) Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

No Impact. The Project would be limited to reconstruction of the existing levee along Tularcitos Creek and would not include development of new housing, businesses, or infrastructure that would support population growth. The existing maintenance road would not be extended, and no new roads or other infrastructure would be constructed. Therefore, the Project would not induce direct or indirect population growth within the area. Therefore, no impacts would occur.

b) Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The Project site does not contain any residential uses or occupied structures. Therefore, the Project would not displace any people or housing or require the construction of replacement housing. No impacts would occur.

Mitigation Measures

No MMs would be required.

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3.4.15 Public Services

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X

Environmental Setting

The Project site consists of an existing channelized creek with earthen levees and gravel maintenance roads within the City of Milpitas. The Project site does not utilize public services such as fire protection, police protection, schools, parks, or other public facilities. Four pedestrian bridges cross the creek within the Project site and connect adjacent residential neighborhoods to the Hetch Hetchy Linear Park and Trail. Public services in the surrounding urban area operate under normal conditions, with adequate coverage provided by nearby City of Milpitas facilities. The Project site would not generate demand for public services.

Fire Protection

The City of Milpitas Fire Department serves approximately 81,773 residents over 13.63 square miles (City of Milpitas, n.d.-b) and operates four fire stations (City of Milpitas, n.d.-c). The closest stations to the Project site are Fire Station 3, located approximately 1 mile northwest of the Project site at 45 Midwick Drive, and Fire Station 2, located approximately 1.1 miles southeast of the Project site at 1263 Yosemite Drive.

Police Protection

The City of Milpitas Police Department provides police services to the Project site. Police services are operated from a central station located at 1275 North Milpitas Boulevard, approximately 1 mile west of the Project site (City of Milpitas, n.d.-e).

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Schools

The Project site is located within the Milpitas Unified School District (GreatSchools.org, n.d.). The closest schools to the Project site are the Milpitas KinderCare School, located approximately 175 feet north, Milpitas High School, located approximately 0.55 miles north, and William Burnett Elementary School, located approximately 0.65 miles east.

Parks

The City of Milpitas manages more than 30 public parks and recreation facilities (City of Milpitas, n.d.-d). In addition, Ed Levin County Park is partially within the City boundary and provides approximately 1,544 acres of regional parkland (De Novo 2020a). Peter Gill Memorial Park is located immediately adjacent to the southwestern end of the Project site. Oliver W. Jones Memorial Park is located approximately 0.5 mile north of the Project site. The Hetch Hetchy Linear Park and Trail is located immediately adjacent to the western boundary of the Project site and connects Peter Gill Memorial Park and Oliver W. Jones Memorial Park via a paved pedestrian path.

Other Public Facilities

Public library services in the City of Milpitas are provided by the Santa Clara County Library District. The Milpitas Library is located approximately 0.7 miles southwest of the Project site at 160 North Main Street.

Discussion

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire Protection, Police Protection, Schools, Parks, Other Public Facilities?

No Impact. Construction and operation of the Project would not increase demand for police protection or fire protection services. Construction of the Project would be temporary and would occur over an approximately 4-month period. Therefore, the Project would not require new or expanded police or fire protection facilities.

The Project would not include population-inducing components (see Section 3.4.14). Therefore, the Project would not increase demand for schools, parks, or other public facilities and would not require new or expanded facilities. No impacts would occur.

Mitigation Measures

No MMs would be required.

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3.4.16 Recreation

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Environmental Setting

The nearest recreational facilities to the Project site are located directly adjacent to the site to the west. Peter Gill Memorial Park is located near the southern end of the Project site, and the Hetch Hetchy Trail runs alongside the Project site from the southern end before veering west and connecting to Oliver W. Jones Memorial Park, located approximately 0.1 mile from the site. Peter Gill Memorial Park and Oliver W. Jones Memorial Park are both sports complexes, and the Hetch Hetchy Trail is used by pedestrians.

Discussion

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact. The Project would include activities related to bank stabilization and would not result in increased use of parks or other recreational facilities. As discussed in Section 3.4.14: Population and Housing, the Project would not include components that would induce population growth near the Project site. Therefore, no impacts would occur.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. The Project would not require the construction or expansion of recreational facilities and would not include recreational facilities as part of the Project. Therefore, no impacts would occur.

Mitigation Measures

No MMs would be required.

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3.4.17 Transportation and Traffic

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
d) Result in inadequate emergency access?				X

Environmental Setting

The Project site is located within the City of Milpitas on Valley Water fee title property and consists of a channelized reach of Tularcitos Creek situated between Paseo Refugio to the south and North Hillview Drive to the north, with Tramway Drive crossing the northern portion of the site. Paseo Refugio forms the southern boundary of the Project site, while North Hillview Drive forms the northern boundary. The Project site is secured by chain-link, wood, and concrete fencing, and access is limited to locked gates connecting to internal maintenance roads. Existing maintenance roads run along the levees and provide internal access throughout the site, with connections to North Hillview Drive, Paseo Refugio, and Tramway Drive. These maintenance roads are located on Valley Water fee title property (Assessor's Parcel Numbers 028-11-033, 028-11-001, 028-03-038, 028-04-095, 028-04-003, and 028-05-063).

Four City of Milpitas-owned pedestrian bridges span Tularcitos Creek within the Project site and connect the residential neighborhood east of the site to the Hetch Hetchy Linear Park and Trail to the west. These bridges provide pedestrian connectivity across the creek but do not provide direct public access to the interior of the Project site. The surrounding roadway network operates under typical urban conditions and accommodates local traffic and routine maintenance activities.

Discussion

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less than Significant Impact. Existing roadways would be used to transport personnel, equipment, and materials to and from the Project site. The Project would require approximately ten truck trips per day during peak earthwork activities. Valley Water would implement Valley Water standard BMP TR-1 (Incorporate Public Safety Measures) to avoid and minimize

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potential conflicts with the circulation system during construction activities. Valley Water standard BMP TR-1 includes installation of appropriate traffic control devices (e.g., fencing, barriers, signage, and flagging) to maintain public safety and circulation.

Large deliveries (e.g., excavators and concrete trucks) would not require oversized load transportation permits from the City of Milpitas or Santa Clara County. Oversized loads are not expected to result in lane closures or traffic delays on local roadways or the State Transportation Network (STN) under Caltrans jurisdiction. If lane closures or delays were to occur on STN facilities, Valley Water would coordinate with Caltrans to develop and implement a Transportation Management Plan, consistent with BMP TR-1 (Incorporate Public Safety Measures). The increase in vehicle trips associated with the Project would be low in volume and short-term in duration.

The Project would not conflict with bicycle or transit facilities. Construction activities would not require any closures of the four pedestrian bridges that span the Project site. The Project would not include permanent modifications to pedestrian facilities and would not conflict with an applicable plan, ordinance, or policy addressing the circulation system. Therefore, impacts would be less than significant.

b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Less than Significant Impact. The Project would not result in a substantial increase in vehicle miles traveled (VMT). The Project would generate approximately 34 truck trips per day during the approximate 4-month construction period. The City of Milpitas Transportation Analysis Policy establishes screening criteria to identify projects that would have a less than significant VMT impact. The Project would generate fewer than 110 trips per day, which qualifies it as a Small Project under the Transportation Analysis Policy screening criteria (City of Milpitas 2021a). Small Projects are presumed to result in less than significant VMT impact. Accordingly, the Project would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). Therefore, impacts would be less than significant.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. The Project would not include geometric design features or incompatible uses that would increase transportation hazards. Project activities would occur within Valley Water fee title property and would not modify existing roadways. Therefore, no impacts would occur.

d) Result in inadequate emergency access?

Less than Significant Impact. Construction access would occur via local streets and internal Valley Water maintenance roads. Project-related vehicle trips would be limited and temporary, and construction and staging activities would occur within the Project site. The Project would not require roadway closures or otherwise obstruct existing roadways. Emergency access to the Project site and surrounding area would be maintained throughout construction. Therefore, impacts related to emergency access would be less than significant.

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Mitigation Measures

No MMs would be required.

3.4.18 Tribal Cultural Resources

Would the project?	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or		X		
ii) A resource determined by the Lead Agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the Lead Agency shall consider the significance of the resource to a California Native American tribe.		X		

Environmental Setting

The Project site consists of an existing channelized creek with earthen levees and gravel maintenance roads within a heavily developed urbanized setting. Past creek channelization and levee construction efforts have altered native soils. A search of the CHRIS indicates that no prior cultural resource studies have been conducted and no cultural resources have been previously recorded within 500 feet of the Project area. Valley Water's subscription to CHRIS encompasses all Valley Water fee title property and easements, as well as a 500-foot buffer around these areas. According to CHRIS data, the closest recorded resources are P-43-002654 (Western Pacific Railroad), located approximately 0.54 miles to the west, and P-43-003546 (Calaveras Hills High School), located approximately 0.6 miles to the east. In addition, a search of the NAHC Sacred Lands File was conducted on April 2, 2026 and returned negative results.

Assembly Bill (AB) 52 letters were sent to tribal representatives via email and mail on April 14, 2026 (refer to Section 3.1, Environmental Checklist, for the full list of Tribes). The Tamien Nation requested consultation, which was held on June 24, 2026. During consultation, the Tamien Nation requested a list of Project equipment, information regarding the 2010 cultural resources

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survey (*Lower Berryessa Creek Project Milpitas, Santa Clara County, California Cultural Resources Survey Report*, ESA, April 2010), and additional information regarding the two previously recorded resources identified in the notification letter, P-43-002654 (Western Pacific Railroad) and P-43-003546 (a former Calaveras Hills High School building, demolished). Both resources are built environment resources with no archaeological component. Valley Water provided this information to the Tamien Nation. Consultation with the Tamien Nation has concluded with the recommendation to have Tribal Cultural Awareness Training.

The Lisjan Nation responded indicating the Project does not fall within their territory and deferred to the Tamien Nation; no further consultation with the Lisjan Nation is required. The Muwekma Ohlone Tribe of the San Francisco Bay Area requested consultation; however, the tribe cancelled scheduled meetings on June 3, 2026 and June 26, 2026. Valley Water has scheduled a third consultation meeting, which was held on July 6, 2026. The Muwekma Ohlone Tribe of San Francisco Bay Area recommends tribal monitoring and worker cultural sensitivity training. Valley Water will continue good faith efforts to conclude consultation prior to MND adoption. The Indian Canyon Mutsun Band of Costanoan requested consultation and recommended monitoring in their email on April 20, 2026, but did not respond to Valley Water outreach emails on April 21, 2026, June 1, 2026, and July 15, 2026. Valley Water left a voicemail on June 29, 2026 and believe good faith efforts have been made and consider consultation has concluded.

The remaining six Tribes, Amah Mutsun Tribal Band of Mission San Juan Bautista, Amah Mutsun Tribal Band, Costanoan Rumsen Carmel Tribe, Northern Valley Yokut-Ohlone Tribe, Ohlone Indian Tribe, and Wuksachi Indian Tribe-Eshorn Valley Band, did not respond to the notification within the 30-day consultation request period; no further consultation is required with these Tribes pursuant to Public Resources Code Section 21082.3, subdivision (d). No confidential tribal cultural resource information was provided during consultation that would require inclusion in a confidential appendix to this MND. Based on available information, no tribal cultural resources have been identified within the Project limits.

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Discussion

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or**
- ii. A resource determined by the Lead Agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, ¶the Lead Agency shall consider the significance of the resource to a California Native American tribe?**

Less than Significant Impact with Mitigation. Project activities would include reconstruction of the existing levee along an engineered creek corridor that has been previously disturbed by construction of the existing levee, pedestrian bridges, and ongoing maintenance activities. Excavation and ground disturbance for the Project would occur within previously disturbed soils and imported fill materials, with an average excavation width of 8 feet and depth of 3 feet. However, as described in Section 2.4.1, in areas requiring repair of severely eroded levee walls, excavation would extend up to a maximum of approximately 37 feet wide and 12 feet deep below existing grade. Excavations at these dimensions would also occur within previously disturbed soils and engineered fill placed during original construction of the levee and channel. Establishing the rock toe foundation would require excavation approximately 3 to 4 feet below the existing channel invert, which would be the only ground disturbance extending into previously undisturbed native soils. Although prior disturbance reduces the likelihood of encountering intact tribal cultural resources, native alluvial soils below the channel invert have the potential to contain previously unrecorded buried tribal cultural resources, and the potential for inadvertent discovery cannot be entirely discounted.

A search of the NAHC Sacred Lands File conducted on April 2, 2026 returned negative results, indicating that no known tribal cultural resources have been identified within or in the vicinity of the Project site. During Assembly Bill (AB) 52 consultation for the Project, the Muwekma Ohlone Tribe of the San Francisco Bay Area requested tribal cultural monitoring of all ground-disturbing activities. Tamien Nation and the Muwekma Ohlone Tribe of the San Francisco Bay Area requested worker cultural sensitivity training. Mitigation Measure MM CUL-1 (Archaeological and Tribal Cultural Resources Monitoring) and Mitigation Measure MM -CUL-2 (Worker Cultural Sensitivity Training) have been incorporated into the Project in response to these requests and to address the potential for encountering buried tribal cultural resources in native soils below channel invert.

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In addition, Valley Water would implement its standard BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains) to avoid or minimize potential impacts on tribal cultural resources if unknown resources are encountered during construction. Valley Water standard BMP CU-1 requires that work be halted immediately if archaeological artifacts or burial remains are discovered, and that appropriate protocols be followed prior to resuming work. These protocols include establishing a 100-foot "no-work" buffer around the find and consulting with a qualified archaeologist and tribal representatives to evaluate the resource.

If the resource is determined to be significant, the archaeologist and tribal representatives would determine whether it can be avoided and, if so, identify appropriate avoidance procedures. If the resource cannot be avoided, the archaeologist and tribal representatives would develop an Action Plan to minimize impacts and, if required, include a Data Recovery Plan for recovery of artifacts.

With implementation of MM CUL-1 and MM CUL-2, and Valley Water standard BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains), impacts on tribal cultural resources would be less than significant with mitigation.

Mitigation Measures

MM CUL-1: Archaeological and Tribal Cultural Resources Monitoring

Valley Water shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology and shall provide the Muwekma Ohlone Tribe of the San Francisco Bay Area the opportunity to provide tribal monitor(s) to observe ground-disturbing activities. Archaeological and tribal cultural monitoring shall be conducted during ground-disturbing activities, including all excavation extending below the existing channel invert elevation. The archaeological monitor, in consultation with the tribal monitor(s), may adjust the frequency and duration of monitoring based on observed conditions where excavation is verified to remain within previously disturbed soils or engineered fill, consistent with any monitoring protocols agreed upon through AB 52 consultation with the Muwekma Ohlone Tribe of the San Francisco Bay Area. In the event of a discovery, work shall halt in accordance with Valley Water standard BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains), and the archaeological monitor and tribal monitor(s) shall be afforded the opportunity to assess the find and consult regarding appropriate treatment consistent with BMP CU-1 protocols. Prior to construction, Valley Water shall notify the Muwekma Ohlone Tribe of the San Francisco Bay Area of the construction schedule and shall establish monitoring protocols, including notification procedures and points of contact.

MM CUL-2: Worker Cultural Sensitivity Training

Prior to the initiation of ground-disturbing activities, all construction personnel shall complete a worker cultural sensitivity training program. The training shall be developed by a qualified archaeologist, and the Tamien Nation and the Muwekma Ohlone Tribe of

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the San Francisco Bay Area shall be invited to participate in the development and/or presentation of the training. The training shall include, at a minimum: the types of archaeological resources, tribal cultural resources, and human remains that could be encountered during construction; the cultural sensitivity and significance of such resources to California Native American Tribes; the procedures to follow in the event of a discovery, consistent with Valley Water standard BMP CU-1 and MM CUL-1; and the legal requirements and penalties associated with disturbance of cultural resources and human remains, including Public Resources Code Section 5097 et seq. and Health and Safety Code Section 7050.5. New workers arriving after the start of construction shall complete the training prior to performing ground-disturbing work. Valley Water shall retain training attendance records for the duration of construction.

3.4.19 Utilities and Service Systems

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

Environmental Setting

The Project site does not contain active utility infrastructure or service connections. Existing underground and overhead utilities in the surrounding area serve adjacent residential and

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regional development but do not extend into the creek channel or levee maintenance areas. As a result, no utility service demand originates from the Project site under existing conditions.

Electricity service within the City of Milpitas is provided by Pacific Gas & Electric Company (PG&E), which maintains electrical infrastructure and distribution systems. Silicon Valley Clean Energy provides renewable and carbon-free electricity supply options through the Community Choice Energy Program. The Project site is located within the PG&E service territory; however, no electrical or natural gas infrastructure is present within the Project site. Routine coordination with utility providers occurs as part of Valley Water's maintenance activities, and the surrounding utility network operates under typical urban conditions, providing adequate service to nearby development.

Discussion

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

No Impact. The Project would consist of bank stabilization activities within an existing channelized reach of Tularcitos Creek. The Project would not modify or expand existing utility infrastructure and would not require the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities. Therefore, no impacts would occur.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than Significant Impact. The Project would not include components that would require new or expanded water supply facilities; therefore, operation of the Project would not increase water demand. Project construction would require approximately 16,000 gallons of non-potable water over the approximately 4-month construction period. Water would be sourced from the City of San José's recycled water system, which delivers approximately 11 million gallons per day of recycled water on average. The Project's temporary construction water demand would represent a negligible fraction of the City's available recycled water supply capacity and would not adversely affect existing water supplies or planned water demands during normal, dry, or multiple dry years. Therefore, sufficient water supplies would be available to serve the Project and reasonably foreseeable future development, and impacts would be less than significant.

c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less than Significant Impact. Project construction may include temporary sanitary facilities. Wastewater generation associated with construction would be minimal and temporary. In accordance with Valley Water standard BMP WQ-17 (Manage Sanitary and Septic Waste), temporary sanitary facilities would be provided through a third-party vendor responsible for

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regular cleaning and servicing of the facilities, with waste disposed of at an appropriate permitted facility. The Project would not require a capacity determination by a wastewater treatment provider. Therefore, impacts would be less than significant.

d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less than Significant Impact. Solid waste generated from Project activities, such as excavation debris and general refuse, would be disposed of at a local landfill. As discussed in Section 2.4.1: Levee Repair, an estimated 13,900 cubic yards of excavated material, vegetation, and other construction debris would be hauled off-site over the duration of the Project, resulting in a daily average of approximately 115.8 cubic yards of debris over the 120-day construction period.

The nearest landfill to the Project site is the Newby Island Sanitary Landfill, located approximately 2 miles northwest of the Project site on Dixon Landing Road. The Newby Island Sanitary Landfill has a maximum daily throughput of 4,000 tons per day and a remaining capacity of approximately 16.4 million tons through 2041 (CalRecycle, n.d.). Given the relatively small volume of Project-generated waste compared to the landfill's capacity, disposal of construction waste would not exceed available capacity. The Project would not generate solid waste during operation.

Therefore, the Project would not generate solid waste in excess of state or local standards or the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals, and impacts would be less than significant.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less than Significant Impact. Solid waste generation associated with the Project would be limited to the approximately 4-month construction period. Construction-related waste would be handled and disposed of in accordance with applicable federal, state, and local regulations. To the extent feasible, materials would be recycled, which would further reduce waste requiring disposal. Therefore, the Project would comply with applicable federal, state, and local statutes and regulations related to solid waste, including waste diversion and recycling requirements, and impacts would be less than significant.

Mitigation Measures

No MMs would be required.

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3.4.20 Wildfire

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

Environmental Setting

The Project site is located along Tularcitos Creek within the City of Milpitas and consists of a creek channel, levees, and a maintenance road within a developed urbanized setting. Vegetation within the Project site is limited primarily to grasses along the levee banks, and no wildland areas or substantial fuel loads are present. The surrounding area is fully urbanized and includes residential development and maintained recreational areas.

The Project site is not located within a wildland-urban interface (WUI) area as designated by Santa Clara County (SCC FireSafe Council, n.d.) and is not within a State Responsibility Area (SRA) or Local Responsibility Area (LRA) Fire Hazard Severity Zone (FHSZ) (CAL FIRE, n.d.). Overall wildfire risk in the Project area is low due to the urbanized setting and limited vegetation; however, vegetation within and around the site may be susceptible to ignition during dry conditions.

Discussion

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact. Project construction activities would be temporary and would not involve road closures or substantially increase traffic Volumes. Construction access would be managed to maintain access to surrounding roadways at all times, as discussed in Section 3.4.17: Transportation and Traffic. As a result, the Project would not substantially impair implementation of an adopted emergency response plan or emergency evacuation plan. Therefore, impacts would be less than significant.

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b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Less than Significant Impact. The Project site is not within a designated WUI or an SRA or LRA FHSZ. The Project would implement Valley Water standard BMP HM-12 (Incorporate Fire Prevention Measures), which includes the use of spark arrestors on equipment, provision of fire suppression equipment at the work site, and restrictions on smoking by construction personnel. Given the developed setting, limited on site vegetation, and implementation of fire prevention measures, Project activities would not exacerbate wildfire risk or expose people to pollutant concentrations from wildfire or the uncontrolled spread of wildfire. Therefore, impacts would be less than significant.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Less than Significant Impact. Project activities would consist of levee reconstruction along Tularcitos Creek within an existing developed corridor. The Project would not require installation or maintenance of associated infrastructure such as roads, power lines, or other utilities that could exacerbate fire risk or result in temporary or ongoing environmental impacts. Therefore, impacts would be less than significant.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Less than Significant Impact. As discussed in Section 3.4.10: Hydrology and Water Quality, the Project would not substantially alter drainage patterns. The Project would stabilize the existing levee system along Tularcitos Creek and would not alter flows within the creek. The Project site would not increase risks associated with flooding or slope stability and would not expose people or structures to significant risks from runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be less than significant.

Mitigation Measures

No MMs would be required.

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3.4.21 Mandatory Findings of Significance

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Discussion

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less than Significant with Mitigation. While the Project would result in potentially significant impacts related to air quality and noise, Valley Water's implementation of applicable standard BMPs, SMP BMPs, AMMs as part of its Project design, along with MMs as proposed in this IS/MND, would avoid or minimize these potentially significant impacts. The Project would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Therefore, with implementation of standard BMPs, SMP BMPs, and Project-specific AMMs, as part of the Project design, Project impacts would be less than significant.

3 Environmental Evaluation

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Less than Significant Impact. Section 15064(h)(1) of CEQA Guidelines states that a lead agency shall consider whether the cumulative impact is significant and the incremental effects of the Project are cumulatively considerable. A lead agency may determine that a Project’s incremental contribution would be less than cumulatively considerable when one or more of the following occur: 1) The contribution would be rendered less than cumulatively considerable through implementation of MMs; 2) The Project would comply with the requirements of a previously approved plan or mitigation program that provides specific requirements that would avoid or substantially lessen the Project’s cumulative effects; and/or 3) The Project’s incremental effects would be so small that the environmental conditions would be essentially the same regardless of whether the Project is implemented.

Based on a review of the City of Milpitas development project website, no planned major infrastructure or other development projects were identified within approximately 0.5 mile of the Project site that would contribute to cumulative impacts. This radius was selected as it captures localized construction and operational impacts (such as dust, and noise) from other projects that would be expected to affect similar types of resources and potentially result in cumulative impacts. In addition, the Project consists of localized levee repair and stabilization activities within an existing flood control corridor and would not result in substantial long-term operational or environmental changes. Therefore, the Project’s incremental contribution to cumulative impacts would not be cumulatively considerable, and impacts would be less than significant.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant Impact with Mitigation. The above analyses demonstrate that the Project would not result in significant impacts with the incorporation of standard BMPs, SMP BMPs, and Project-specific AMMs as part of its Project design, along with MMs. While the analyses find that the Project could result in some adverse impacts related to air quality and noise, implementation of standard BMPs, SMP BMPs, and AMMs as part of its Project design, along with MMs, would either avoid such impacts or reduce them to a less-than-significant level. Specifically, unmitigated construction NOx emissions would exceed the BAAQMD significance threshold of 54 lbs/day; implementation of MM AQ-2, requiring Tier 4 Final engine standards for all construction equipment, reduces NOx to 44.8 lbs/day, below the threshold. Nighttime generator noise would exceed the applicable 45 dBA Leq threshold without mitigation; implementation of MM NOI-2, requiring noise barriers or sound blankets around generators, reduces nighttime noise to approximately 33 dBA Leq, below the threshold. The Project would not result in changes to existing land use, and all potential effects that could impact human beings would be temporary. The long-term effects of the Project would be beneficial as the Project would repair and stabilize the existing levee along Tularcitos Creek, restoring channel

3 Environmental Evaluation

integrity and reducing the potential for continued erosion, levee degradation, and potential damage to adjacent infrastructure and nearby properties. With implementation of standard BMPs, SMP BMPs, and AMMs as part of the Project's design, along with MMs, the Project would not cause substantial adverse effects on human beings either directly or indirectly. The impact would be less than significant with mitigation.

4 List of Contributors

4 List of Contributors

Table 4-1 Valley Water Contributors

Contributor	Role
Brian Mendenhall	Senior Water Resources Specialist
Lawrence Truong	Associate Environmental Planner
Brian Creeks	Associate Biologist

Table 4-2 Third Party Consultant Preparers

Contributor	Affiliation	Role
Angie Alexander	Panorama Environmental	Director
Keri Hill	Panorama Environmental	Project Manager
Kara Rivera	Panorama Environmental	Deputy Project Manager, Aesthetics, Energy, Population and Housing, Public Services, Transportation and Traffic, Utilities, Wildfire
Charlotte Hummer	Panorama Environmental	Project Description, Agriculture and Forestry, Air Quality, Cultural Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use, Noise, Tribal and Cultural Resources
Teresa Campbell	Panorama Environmental	Geology and Soils, Mineral Resources, Recreation
Jesse Reeb	Panorama Environmental	Biological Resources
Aurelie Hening	Panorama Environmental	Biological Resources
Drew Taylor	Panorama Environmental	GIS
Tamara Altman	Panorama Environmental	Technical Editor
Mike Ratte	The RCH Group	Subcontractor: Air Quality, GHG, Noise
Luis Rosas	The RCH Group	Subcontractor: Air Quality, GHG, Noise

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APPENDIX A

Air Quality Technical Report

Available for download on the Valley Water Project website.

APPENDIX B

Noise Technical Report

Available for download on the Valley Water Project website.

APPENDIX C

Special-Status Species Potential to Occur

APPENDIX C: Special Status Species Potential to Occur

Special-Status Species with Potential To Occur

“Special-status” plants and wildlife are considered species that meet one or more of the following criteria:

- Listed under the Federal Endangered Species Act as threatened, endangered, proposed threatened, proposed endangered, or a candidate species.
- Listed under the California Endangered Species Act as threatened, endangered, rare, or a candidate species.
- Designated by the California Department of Fish and Wildlife Service (CDFW) as a California species of special concern.
- Designated by the California Fish and Game Code as a fully protected species (fully protected birds are provided in Section 3511, mammals in Section 4700, reptiles and amphibians in Section 5050, and fish in Section 5515).
- Designated by the California Native Plant Society (CNPS) as California Rare Plant Rank (CRPR) 1A, 1B, 2, 3, or 4.

Valley Water biologists Brian Creeks and Meghan Proctor conducted a habitat assessment and Ordinary High Water Mark (OHWM) delineation on March 18, 2026, within the Project site. Special-status species with potential to occur were identified through database queries of the USFWS Information for Planning and Consultation (IPaC) system, the CNPS Inventory, and the California Natural Diversity Database (CNDDB).

Table 1: Special-Status Species with Potential to Occur in the Project Vicinity (Identified through USFWS IPaC, CNPS Inventory, and CNDDB queries)

Scientific Name	Common Name	Status	Habitat Requirements	Potential to Occur
Special-Status Plants				
<i>Astragalus tener</i> var. <i>tener</i>	alkali milk-vetch	CRPR 1B.2	Occurs within playas, valley and foothill grassland (adobe clay), and vernal pools at elevations of 5 to 195 feet. Blooms Mar–Jun.	No Potential. Suitable habitat does not occur within the Project site.
<i>Atriplex depressa</i>	brittlescale	CRPR 1B.2	Occurs within alkaline or saline soils in scrub, playas, and grassland habitats at elevations of 5 to 1,050 feet. Blooms Apr–Oct.	No Potential. Suitable habitat does not occur within the Project site.
<i>Atriplex minuscula</i>	lesser saltscale	CRPR 1B.1	Occurs within sandy or alkaline soils in valley grassland and scrub habitats at elevations of 50 to 655 feet. Blooms May–Oct.	No Potential. Suitable habitat does not occur within the Project site.

APPENDIX C: Special Status Species Potential to Occur

Scientific Name	Common Name	Status	Habitat Requirements	Potential to Occur
<i>Centromadia parryi</i> ssp. <i>congdonii</i>	Congdon's tarplant	CRPR 1B.2	Occurs within valley and foothill grassland (alkaline soils), playas, and flats at elevations of 0 to 750 feet. Blooms May–Oct.	No Potential. Suitable habitat does not occur within the Project site.
<i>Chloropyron maritimum</i> ssp. <i>palustre</i>	Point Reyes salty bird's-beak	CRPR 1B.2	Occurs within coastal salt marsh, tidal sloughs, and salt flats at elevations of 0 to 35 feet. Blooms Jun–Oct.	No Potential. Suitable habitat does not occur within the Project site.
<i>Chorizanthe robusta</i> var. <i>robusta</i>	robust spineflower	FE, CRPR 1B.1	Occurs within coastal dunes and sandy soils in coastal scrub at elevations of 10 to 985 feet. Blooms Apr–Jun.	No Potential. Suitable habitat does not occur within the Project site.
<i>Eleocharis parvula</i>	small spikerush	CRPR 4.3	Occurs within brackish or saline wetlands, marshes, and coastal habitats at elevations of 5 to 9,910 feet. Blooms (Apr)Jun-Aug(Sep).	No Potential. Suitable habitat does not occur within the Project site.
<i>Eryngium aristulatum</i> var. <i>hooveri</i>	Hoover's button-celery	CRPR 1B.1	Occurs within vernal pools at elevations of 10 to 150 feet. Blooms (Jun)Jul(Aug).	No Potential. Suitable habitat does not occur within the Project site.
<i>Extriplex joaquinana</i>	San Joaquin spearscale	CRPR 1B.2	Occurs within alkaline valley grassland and scrub habitats at elevations of 5 to 2,740 feet. Blooms Apr–Oct.	No Potential. Suitable habitat does not occur within the Project site.
<i>Lasthenia conjugens</i>	Contra Costa goldfields	FE, CRPR 1B.1	Occurs within vernal pools and swales in valley grassland at elevations of 0 to 500 feet. Blooms Mar–May.	No Potential. Suitable habitat does not occur within the Project site.
<i>Malacothamnus hallii</i>	Hall's bushmallow	CRPR 1B.2	Occurs within chaparral and coastal scrub habitats at elevations of 35 to 2,495 feet. Blooms (Apr)May-Sep(Oct).	No Potential. Suitable habitat does not occur within the Project site.
<i>Navarretia prostrata</i>	prostrate vernal pool navarretia	CRPR 1B.2	Occurs within vernal pools, alkaline floodplains, and wetland habitats at elevations of 10 to 3,970 feet. Blooms Apr–Jul.	No Potential. Suitable habitat does not occur within the Project site.
<i>Puccinellia simplex</i>	California alkali grass	CRPR 1B.2	Occurs within mineral springs, alkaline wetlands, and moist grasslands at elevations of 5 to 3,050 feet. Blooms Mar–May.	No Potential. Suitable habitat does not occur within the Project site.

APPENDIX C: Special Status Species Potential to Occur

Scientific Name	Common Name	Status	Habitat Requirements	Potential to Occur
<i>Suaeda californica</i>	California seablite	FE, CRPR 1B.1	Occurs within coastal salt marsh and tidal wetlands at elevations of 0 to 50 feet. Blooms Jul-Oct.	No Potential. Suitable habitat does not occur within the Project site.
<i>Trifolium hydrophilum</i>	saline clover	CRPR 1B.2	Occurs within vernal pools, marshes, and moist valley and foothill grassland at elevations of 0 to 985 feet. Blooms Apr–Jun.	No Potential. Suitable habitat does not occur within the Project site.
Special-Status Wildlife				
<i>Actinemys marmorata</i>	northwestern pond turtle	FPT, SSC	Occurs within ponds, lakes, and slow-moving streams with basking sites and adjacent upland areas for nesting at low to moderate elevations.	Low Potential. Suitable aquatic habitat is limited and upland nesting habitat is absent within the Project site.
<i>Agelaius tricolor</i>	tricolored blackbird	ST, SSC	Occurs within freshwater marshes, riparian areas, and agricultural fields with dense emergent vegetation for nesting.	Low Potential. Suitable nesting habitat is limited within the Project site.
<i>Ambystoma californiense</i>	California tiger salamander (Central California DPS)	FT	Occurs within vernal pools, seasonal wetlands, and grasslands with small mammal burrows for refuge at low to moderate elevations.	No Potential. Suitable vernal pool and upland habitat do not occur within the Project site.
<i>Branchinecta conservatio</i>	Conservancy fairy shrimp	FE	Occurs within vernal pools and ephemeral wetlands at low elevations.	No Potential. Suitable vernal pool habitat does not occur within the Project site.
<i>Charadrius nivosus nivosus</i>	western snowy plover	FT, SSC	Occurs within sandy beaches, salt flats, and sparsely vegetated shorelines at low elevations.	No Potential. Suitable beach and shoreline habitat does not occur within the Project site.
<i>Coccyzus americanus occidentalis</i>	western yellow-billed cuckoo	FT, SE	Occurs within large riparian woodlands with dense willow and cottonwood vegetation.	No Potential. Suitable riparian woodland habitat does not occur within the Project site.
<i>Danaus plexippus plexippus</i>	monarch butterfly	FPT	Occurs within habitats containing milkweed host plants and nectar resources and overwinters in coastal groves.	No Potential. Suitable host plants and overwintering habitat do not occur within the Project site.

APPENDIX C: Special Status Species Potential to Occur

Scientific Name	Common Name	Status	Habitat Requirements	Potential to Occur
<i>Gymnogyps californianus</i>	California condor	FE, SE	Occurs within open grasslands, shrublands, and mountainous areas with cliffs or large trees for nesting.	No Potential. Suitable nesting and foraging habitat do not occur within the Project site.
<i>Lepidurus packardii</i>	vernal pool tadpole shrimp	FE	Occurs within vernal pools and seasonal wetlands at low elevations.	No Potential. Suitable vernal pool habitat does not occur within the Project site.
<i>Masticophis lateralis euryxanthus</i>	Alameda whipsnake	FT, ST	Occurs within chaparral, coastal scrub, and adjacent grasslands with rock outcrops for refuge.	No Potential. Suitable chaparral and scrub habitat does not occur within the Project site.
<i>Rallus obsoletus obsoletus</i>	California Ridgway's rail	FE, SE, FP	Occurs within tidal salt marshes with dense pickleweed and tidal channels.	No Potential. Suitable tidal marsh habitat does not occur within the Project site.
<i>Rana boylei</i>	foothill yellow-legged frog (Central Coast DPS)	FT, SE	Occurs within perennial streams with rocky substrates and open, sunny banks in foothill and montane regions.	No Potential. Suitable perennial stream habitat with rocky substrate does not occur within the Project site.
<i>Rana draytonii</i>	California red-legged frog	FT, SSC	Occurs within ponds, marshes, and slow-moving streams with emergent vegetation and adjacent upland habitat for dispersal.	No Potential. Suitable aquatic and upland habitat does not occur within the Project site.
<i>Reithrodontomys raviventris</i>	salt marsh harvest mouse	FE, SE, FP	Occurs within tidal and brackish marshes dominated by pickleweed in the San Francisco Bay region.	No Potential. Suitable tidal marsh habitat does not occur within the Project site.
<i>Spea hammondi</i>	western spadefoot	FPT, SSC	Occurs within seasonal wetlands, grasslands, and open habitats with loose soils for burrowing at low elevations.	No Potential. Suitable seasonal wetland habitat does not occur within the Project site.
<i>Sternula antillarum browni</i>	California least tern	FE, SE, FP	Occurs within coastal beaches, estuaries, and lagoons with open sandy nesting areas.	No Potential. Suitable coastal habitat does not occur within the Project site.
<i>Vulpes macrotis mutica</i>	San Joaquin kit fox	FE, ST	Occurs within arid grasslands and scrub habitats with friable soils for denning.	No Potential. Suitable grassland and denning habitat does not occur within the Project site.

APPENDIX C: Special Status Species Potential to Occur

Status:

FE: Federal Endangered

FT: Federal Threatened

FPT: Federal Proposed Threatened

SE: California State Endangered

SCE: State Candidate Endangered

SSC: California Department of Fish and Wildlife Species of Special Concern

FP: California Department of Fish and Wildlife Fully Protected

California Rare Plant Rank (CRPR):

1B: Plants rare, threatened, or endangered in California or elsewhere

2A: Plants presumed extinct in California, but more common elsewhere

2B: Plants rare, threatened, or endangered in California, but more common elsewhere

3: Plants about which more information is needed (a review list)

4: Plants of limited distribution (a watch list)

- 0.1: Seriously threatened in California

- 0.2: Moderately threatened in California

- 0.3: Not very threatened in California

Source: CDFW (2026); USFWS IPaC; CNPS Inventory

APPENDIX D

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program Requirements and Use

Santa Clara Valley Water District (Valley Water) prepared an Initial Study (IS)/Mitigated Negative Declaration (MND) to identify and evaluate potential environmental impacts associated with the Tularcitos Creek Downstream North Hillview Drive Levee Repair Project (Project). Mitigation measures (MMs) were defined in the IS/MND to reduce potentially significant impacts of project construction and operation.

Approval of the project will require implementation and monitoring of all the MMs identified in the IS/MND in compliance with the California Environmental Quality Act (CEQA). The CEQA Guidelines Section 15097(a) requires that:

“... in order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.”

CEQA Guidelines Section 15097(c) defines monitoring and reporting responsibilities of the lead agency.

“(c) The public agency may choose whether its program will monitor mitigation, report on mitigation, or both. "Reporting" generally consists of a written compliance review that is presented to the decision making body or authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. "Monitoring" is generally an ongoing or periodic process of project oversight. There is often no clear distinction between monitoring and reporting and the program best suited to ensuring compliance in any given instance will usually involve elements of both. The choice of program may be guided by the following:

- (1) Reporting is suited to projects which have readily measurable or quantitative mitigation measures or which already involve regular review. For example, a report may be required upon issuance of final occupancy to a project whose mitigation measures were confirmed by building inspection.
- (2) Monitoring is suited to projects with complex mitigation measures, such as wetlands restoration or archaeological protection, which may exceed the expertise of the local agency to oversee, are expected to be implemented over a period of time, or require careful implementation to assure compliance.

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(3) Reporting and monitoring are suited to all but the most simple projects. Monitoring ensures that project compliance is checked on a regular basis during and, if necessary after, implementation. Reporting ensures that the approving agency is informed of compliance with mitigation requirements.”

This Mitigation Monitoring and Reporting Program (MMRP) is intended to facilitate implementation and monitoring of the mitigation measures to ensure that measures are executed. This process protects against the risk of non-compliance.

The purpose of the MMRP is to:

- Summarize the mitigation required the Tularcitos Creek Downstream North Hillview Drive Levee Repair Project
- Comply with requirements of CEQA and the CEQA Guidelines
- Clearly define parties responsible for implementing and monitoring the MMs
- Provide a plan for how to organize the measures into a format that can be readily implemented and monitored

MMRP Components

The MMRP provides a summary of all mitigation measures that will be implemented for the Project. The MMs are provided in Table 1. Each impact and mitigation measure is accompanied with identification of:

- Implementation and Timing – the party or parties that will undertake the mitigation measure and timing of implementation, including prior to construction, during construction, post construction, or a combination of construction phases
- Monitoring Responsibility – the monitoring and/or reporting actions to be undertaken to ensure the measure is implemented.

The responsible and involved parties will utilize the MMRP to identify actions that must take place to implement mitigation measures, the time of those actions and the parties responsible for implementing and monitoring the actions.

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Impact	Mitigation Measures	Implementation and Timing	Monitoring Responsibility
Impact AQ-B: Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?	MM- AQ-1 Additional Air District Dust Control Measures The following additional Air District Dust Control Measures shall be implemented (per Air District CEQA Air Quality Guidelines, Table 5-2): • All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. • All trucks and equipment, including their tires, shall be washed off prior to leaving the site. • Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.	Implementation: Valley Water and its contractor(s) Timing: prior to construction and during construction	Valley Water
Impact AQ-C: Expose sensitive receptors to substantial pollutant concentrations?	MM- AQ-2 Construction Exhaust Emissions Reduction Measures The applicant shall implement the following measures during construction to further reduce construction exhaust emissions: • All construction equipment greater than 50 horsepower, and diesel-powered generators regardless of horsepower, used at the site for more than two continuous days or 20 hours total shall use diesel engines that meet U.S. Environmental Protection Agency (EPA) certified Tier 4 Final emission standards for particulate matter and shall be equipped with California Air Resources Board (CARB)-certified Level 3 diesel particulate filters. Prior to the commencement of construction , the construction contractor shall submit specifications of the equipment to be used, including all generators and pumps, and Valley Water shall confirm that this requirement is met. • Equipment such as air compressors, concrete or industrial saws, forklifts, light stands, manlifts, pumps, and welders shall be electric or alternative-fueled (i.e., non-diesel), where feasible. Pole power shall be used at the earliest feasible point and to the maximum extent feasible in lieu of generators. All	Implementation: Valley Water and its contractor Timing: During construction	Valley Water

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	diesel-powered generators and pumps operated continuously or for extended periods, regardless of horsepower rating, shall meet Tier 4 Final emission standards or better. Continuously operating generators and pumps shall be located at least 100 feet from sensitive receptors (e.g., residences, schools, childcare centers, hospitals, parks, or similar uses) where site conditions allow; where a 100-foot setback is not achievable due to site constraints, such equipment shall be placed at the maximum achievable distance from the nearest sensitive receptor and shall be equipped with a CARB-certified Level 3 diesel particulate filter or shall be a hybrid or battery-electric unit. Construction vendors, contractors, and/or haul truck operators shall use, at a minimum, 2010 model year trucks (e.g., material delivery trucks and soil import/export trucks with a gross vehicle weight rating of at least 14,001 pounds) that meet CARB 2010 engine emissions standards or newer, cleaner trucks. The construction contractor shall obtain and retain documentation of haul truck compliance (e.g., CARB Clean Truck Check compliance certificates or equivalent) for the duration of construction, subject to verification by Valley Water.		
Impact CUL-B: Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5 Impact TCR-A: Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074	MM CUL-1: Archaeological and Tribal Cultural Resources Monitoring Valley Water shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology and shall provide the Muwekma Ohlone Tribe of the San Francisco Bay Area the opportunity to provide tribal monitor(s) to observe ground-disturbing activities. Archaeological and tribal cultural monitoring shall be conducted during ground-disturbing activities, including all excavation extending below the existing channel invert elevation. The archaeological monitor, in consultation with the tribal monitor(s), may adjust the frequency	Implementation: Valley Water and its Tribal partners and/or Tribal approved subcontractor Timing: During construction	Valley Water

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	and duration of monitoring based on observed conditions where excavation is verified to remain within previously disturbed soils or engineered fill, consistent with any monitoring protocols agreed upon through AB 52 consultation with the Muwekma Ohlone Tribe of the San Francisco Bay Area. In the event of a discovery, work shall halt in accordance with Valley Water standard BMP CU-1 (Accidental Discovery of Archaeological Artifacts or Burial Remains), and the archaeological monitor and tribal monitor(s) shall be afforded the opportunity to assess the find and consult regarding appropriate treatment consistent with BMP CU-1 protocols. Prior to construction, Valley Water shall notify the Muwekma Ohlone Tribe of the San Francisco Bay Area of the construction schedule and shall establish monitoring protocols, including notification procedures and points of contact. MM CUL-2: Worker Cultural Sensitivity Training Prior to the initiation of ground-disturbing activities, all construction personnel shall complete a worker cultural sensitivity training program. The training shall be developed by a qualified archaeologist, and the Tamien Nation and the Muwekma Ohlone Tribe of the San Francisco Bay Area shall be invited to participate in the development and/or presentation of the training. The training shall include, at a minimum: the types of archaeological resources, tribal cultural resources, and human remains that could be encountered during construction; the cultural sensitivity and significance of such resources to California Native American Tribes; the procedures to follow in the event of a discovery, consistent with Valley Water standard BMP CU-1 and MM CUL-1; and the legal requirements and penalties associated with disturbance of cultural resources and human remains, including Public Resources Code Section 5097 et seq. and Health and Safety Code Section 7050.5. New workers arriving after the start of construction shall complete the training prior to performing		

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	ground-disturbing work. Valley Water shall retain training attendance records for the duration of construction.		
Impact NOI-A: Generation of 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?	MM- NOI-1 Nighttime Generator Noise Reduction Valley Water or its contractors shall operate generators on the west bank of the Project site, as far as feasible from nearby residences, and shall install four-sided noise barriers or sound blankets around the generators.	Implementation: Valley Water and its contractor(s) Timing: During construction	Valley Water