

**STAFF REPORT  
C33**

A 24  
S 13

02/04/19  
PRC 9143.9  
D. Tutov

**AMENDMENT OF LEASE**

**APPLICANT/LESSEE:**

City of Palo Alto

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land near the Palo Alto Airport, Palo Alto, Santa Clara County.

**AUTHORIZED USE:**

Palo Alto Airport, storm water pump station and 60-inch-diameter steel outfall pipeline, pier and boat dock, Ranger cottage, marshlands, and open space.

**LEASE TERM:**

45 years, beginning August 15, 2014.

**CONSIDERATION:**

The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

**PROPOSED AMENDMENT:**

1. In Section 1, Basic Provisions:

Add to the Land Use or Purpose: continued use and maintenance of an existing 54-inch-diameter concrete outfall pipeline, maintenance of an existing 36-inch-diameter emergency outfall pipeline, and the construction, use, and maintenance of a 63-inch-diameter outfall pipeline.

Replace in the Land Use or Purpose: "60-inch diameter steel outfall pipeline" with "60-inch-diameter storm drain pipeline."

2. In Section 1, Authorized Improvements:

Replace "60-inch-diameter steel outfall pipeline" with "60-inch-diameter storm drain pipeline." Add a 36-inch-diameter emergency outfall pipeline and a 54-inch-diameter concrete outfall pipeline.

STAFF REPORT NO. **C33** (CONT'D)

Under to be Constructed: add a 63-inch-diameter outfall pipeline.

3. Add special lease provisions related to the construction of a 63-inch-diameter outfall pipeline, the maintenance of the existing 36-inch-diameter pipeline, and the use and maintenance of the existing, 54-inch- and 60-inch-diameter pipelines;
4. Replace the existing Exhibit B, Site and Location Map, with the attached Exhibit B, Site and Location Map (for reference purposes only).
5. Add Exhibit C, Mitigation Monitoring Program.

All other terms and conditions of the lease shall remain in effect without amendment.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

**Public Trust and the State's Best Interests Analysis:**

On June 23, 1971, the Commission issued Lease No. PRC 4598.9, a General Lease – Public Agency Permit, to the County of Santa Clara (County) ([Item 6, June 23, 1971](#)) for the development of the Palo Alto Yacht Harbor and Palo Alto Airport (Airport). The Palo Alto Yacht Harbor was officially closed by 1986 and all improvements were removed. The County originally operated the Airport, but in 2015 management and control was transferred to the City of Palo Alto (City). On August 15, 2014, the Commission authorized acceptance of a lease quitclaim deed for Lease No. PRC 4598.9, termination of Lease No. PRC 7826.9, General Lease – Right-of-Way Use (storm water pump station and outfall pipeline), and issuance of Lease No. PRC 9143.9, a General Lease – Public Agency Use to the City ([Item C47, August 15, 2014](#)) for the use and maintenance of the Airport, storm water pump station and 60-inch-diameter steel outfall pipeline, pier and boat dock, Ranger cottage, marshlands, and open space. That lease will expire on August 14, 2059.

The City is applying for an amendment of the existing Lease to construct a new 63-inch-diameter outfall pipeline. As part of the project, the City will also rehabilitate an existing 54-inch-diameter outfall pipeline, and replace the Renzel Marsh Pump, associated with the Regional Water Quality Control Plant (RWQCP).

## STAFF REPORT NO. C33 (CONT'D)

The existing 54-inch-diameter pipeline will be rehabilitated with flexible seals to repair leaks at the existing pipe joints. This repair will be completed from the inside of the pipeline after the new 63-inch-diameter outfall pipeline is installed.

The Renzel Marsh Pump replacement will take place at the RWQCP, operated by the City, just south of the Airport, under Lease No. PRC 5606.9 ([Item C3, December 20, 1978](#)). The replacement is necessary because the current pump is experiencing air entrainment and operational difficulties. The new pump will improve efficiency in conveying treated water to the Renzel Marsh. No amendment of Lease No. PRC 5606.9 is required because the pump replacement is allowed under the lease as repair and maintenance necessary for the continuous operation of the RWQCP.

The construction of the new 63-inch-diameter outfall pipeline is necessary to provide reliable capacity to handle the RWQCP's permitted capacity of 80 million gallons per day (MGD) under various climate change scenarios related to sea-level rise. The RWQCP has one existing 54-inch-diameter outfall line to convey treated effluent from the RWQCP to San Francisco Bay, traversing the Airport property. The existing 54-inch-diameter outfall pipeline does not have the capacity to pass the design flow of 80 MGD. Once the new outfall pipeline is installed and the existing 54-inch-diameter outfall pipeline is rehabilitated, the RWQCP will have a combined discharge capacity of 128 MGD during current high tide conditions. After allowing for a 3-foot increase in sea-level rise over a 50-year period, the combined pipelines' capacities will be reduced to just slightly less than 80 MGD.

The new outfall pipeline alignment is favored by the Federal Aviation Administration because it is designed to run along the perimeter of the airport to avoid major construction activities and disruptions to airport operations. The pipeline will be approximately 2,402 linear feet long and constructed of high-density polyethylene. The new pipeline will be slightly larger in diameter than the existing one. It will have a smooth interior surface and fusion welded joints: a seamless pipe with less friction losses and a higher flow rate than the existing outfall. The new pipeline will address the inadequate flow capacity of the existing one and position the City to better address future climate change and sea-level rise scenarios.

Overall, the project is considered beneficial because it will protect public health and safety. Furthermore, the project will not substantially impede or impair Public Trust uses in the area because a large portion of the project

STAFF REPORT NO. **C33** (CONT'D)

is not accessible to the public due to the operational and security needs of the airport. The lease requires the lessee to indemnify the State for any liability incurred as a result of the lessee's activities thereon.

**Climate Change:**

Climate change impacts, including sea-level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The lease area is located along San Francisco Bay, which is a tidally influenced site vulnerable to flooding at current sea levels; therefore, this area will likely be at a higher risk of flood exposure given future projection scenarios of sea-level rise.

The California Ocean Protection Council updated the State of California Sea-Level Rise Guidance in 2018 to provide a synthesis of the best available science on sea-level rise projections and rates. Commission staff evaluated the "high emissions," "medium-high risk aversion" scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The San Francisco tide gauge was used for the projected sea-level rise scenario for the region as listed in Table 1.

**Table 1. Projected Sea-Level Rise for San Francisco<sup>1</sup>**

<b>Year</b>	<b>Projection (feet)</b>
2030	0.8
2050	1.9
2070	3.5
2100	6.9

Source: Table 13, State of California Sea-Level Rise Guidance: 2018 Update

Note: <sup>1</sup> Projections are with respect to a 1991-2009 baseline.

The proposed amendment to the existing 45-year lease (which began in 2014) includes the installation of a new outfall pipe and rehabilitation of an existing outfall pipe. As identified in the City's lease amendment application to the Commission, 3 feet of sea-level rise over the next 50 years was incorporated into the design of the new the new outfall and pump system. This is slightly below the new projections provided in the State of California Sea-Level Rise Guidance: 2018 Update, which projects 3.5 feet of sea-level rise by 2070, as shown above. Although the projections differ, the area will be subject to climate change effects, including intense and frequent storms that will likely increase scour and

STAFF REPORT NO. **C33** (CONT'D)

erosion of the shoreline. These effects may increase the demand for regular maintenance, as required by the terms of the lease, to reduce the likelihood of severe structural degradation of the outfalls and pump system.

**Conclusion:**

For all the reasons above, staff believes the amendment of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.

2. A Mitigated Negative Declaration, State Clearinghouse No. 2017122060, was prepared by the City of Palo Alto and adopted on May 21, 2018, for this project. Commission staff has reviewed this document.

A Mitigation Monitoring and Reporting Program was adopted by the City of Palo Alto.

3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the California Environmental Quality Act (CEQA) review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

**APPROVALS REQUIRED:**

San Francisco Bay Conservation and Development Commission  
San Francisco Bay Regional Water Quality Control Board  
U.S. Army Corps of Engineers  
U.S. Fish and Wildlife Service

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program

STAFF REPORT NO. **C33** (CONT'D)

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2017122060, and a Mitigation Monitoring and Reporting Program were prepared by the City of Palo Alto and adopted on May 21, 2018, for this project and that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgement, the scope of activities to be carried out under the lease to be issued by this authorization have been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or the State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impact has occurred; and, therefore, no additional CEQA analysis is required.

Adopt the Mitigation Monitoring Program, as contained in the attached Exhibit C.

**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed lease amendment will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

**AUTHORIZATION:**

Authorize the amendment of Lease No. PRC 9143.9, a General Lease – Public Agency Use, effective February 4, 2019, to include existing outfall pipelines not previously authorized by the Commission; authorize the construction, use, and maintenance of a new 63-inch-diameter outfall pipeline; include special lease provisions related to the construction; add Exhibit C, Mitigation Monitoring Program; and replace the existing Exhibit B, Site and Location Map, with the attached Exhibit B, Site and Location Map (for reference purposes only).

## EXHIBIT A

PRC 9143.9

### LAND DESCRIPTION

A parcel of land situate in the City of Palo Alto, Santa Clara County, State of California, described as follows:

COMMENCING at a 2 inch iron pipe marking the intersection of the centerline of Embarcadero Road and the previous common boundary between San Mateo County and Santa Clara County as referred to in Book 449, Official Records, page 537, Santa Clara County records; thence North  $63^{\circ}15'00''$  West 47.40 feet to a point on the northwesterly line of Embarcadero Road, said point being the POINT OF BEGINNING, and said point also hereinafter referred to as Point "A";

thence from said point of beginning, along said northwesterly line of Embarcadero Road North  $51^{\circ}37'00''$  East 25.33 feet; thence leaving said northwesterly line the following forty-one (41) courses:

- (1) East 1043.36 feet,
- (2) South  $14^{\circ}00'00''$  East 477.84 feet,
- (3) North  $76^{\circ}00'00''$  East 886.83 feet,
- (4) North  $14^{\circ}00'00''$  West 598.83 feet,
- (5) Along a 100 foot radius curve to the right having a central angle of  $100^{\circ}54'30''$  and an arc length of 176.12 feet,
- (6) North  $86^{\circ}54'30''$  East 617.27 feet,
- (7) Along a 1000 foot radius curve to the left having a central angle of  $66^{\circ}54'30''$  and an arc length of 1167.77 feet,
- (8) North  $20^{\circ}00'00''$  East 4492.81 feet,
- (9) North  $70^{\circ}00'00''$  West 350.00 feet,
- (10) South  $20^{\circ}00'00''$  West 3500.00 feet,
- (11) South  $07^{\circ}00'00''$  East 275.34 feet,
- (12) South  $20^{\circ}00'00''$  West 380.00 feet,
- (13) North  $54^{\circ}40'00''$  West 280.00 feet,
- (14) South  $35^{\circ}20'00''$  West 255.00 feet,
- (15) North  $54^{\circ}40'00''$  West 470.00 feet,
- (16) South  $35^{\circ}20'00''$  West 55.00 feet,
- (17) North  $54^{\circ}40'00''$  West 405.00 feet,
- (18) South  $62^{\circ}28'23''$  West 136.80 feet,
- (19) North  $61^{\circ}36'53''$  West 189.07 feet,
- (20) North  $73^{\circ}26'41''$  West 209.26 feet,
- (21) North  $71^{\circ}08'27''$  West 337.77 feet,
- (22) South  $83^{\circ}18'30''$  West 192.17 feet,
- (23) South  $60^{\circ}31'07''$  West 175.00 feet,
- (24) South  $68^{\circ}15'59''$  West 342.35 feet,
- (25) South  $57^{\circ}47'01''$  West 102.34 feet,
- (26) North  $53^{\circ}14'29''$  West 68.88 feet,

- (27) South 51°35'00" West 81.71 feet,
- (28) North 38°25'00" West 2763.75 feet,
- (29) South 50°57'00" West 711.04 feet,
- (30) South 38°25'00" East 1770.17 feet,
- (31) South 906.82 feet,
- (32) East 60.00 feet,
- (33) South 150.00 feet,
- (34) East 42.00 feet,
- (35) South 80.00 feet,
- (36) West 232.00 feet,
- (37) South 720.70 feet,
- (38) South 17°08'00" East 314.60 feet,
- (39) East 134.50 feet,
- (40) South 38°23'00" East 342.33 feet, and
- (41) North 51°37'00" East 323.76 feet to the point of beginning.

EXCEPTING THEREFROM that certain parcel of land described as follows:

COMMENCING at the point hereinabove referred to as Point "A"; thence from said point of commencement, along said northwesterly line of Embarcadero Road, North 51°37'00" East 25.33 feet; thence leaving said northwesterly line, North 54°56'52" East 1593.08 feet to the POINT OF BEGINNING; thence from said point of beginning, North 45°59'41" East 107.95 feet; thence South 44°58'04" East 78.14 feet; thence South 43°03'24" West 108.00 feet; thence North 44°58'04" West 83.68 feet to the point of beginning.

**END OF DESCRIPTION**

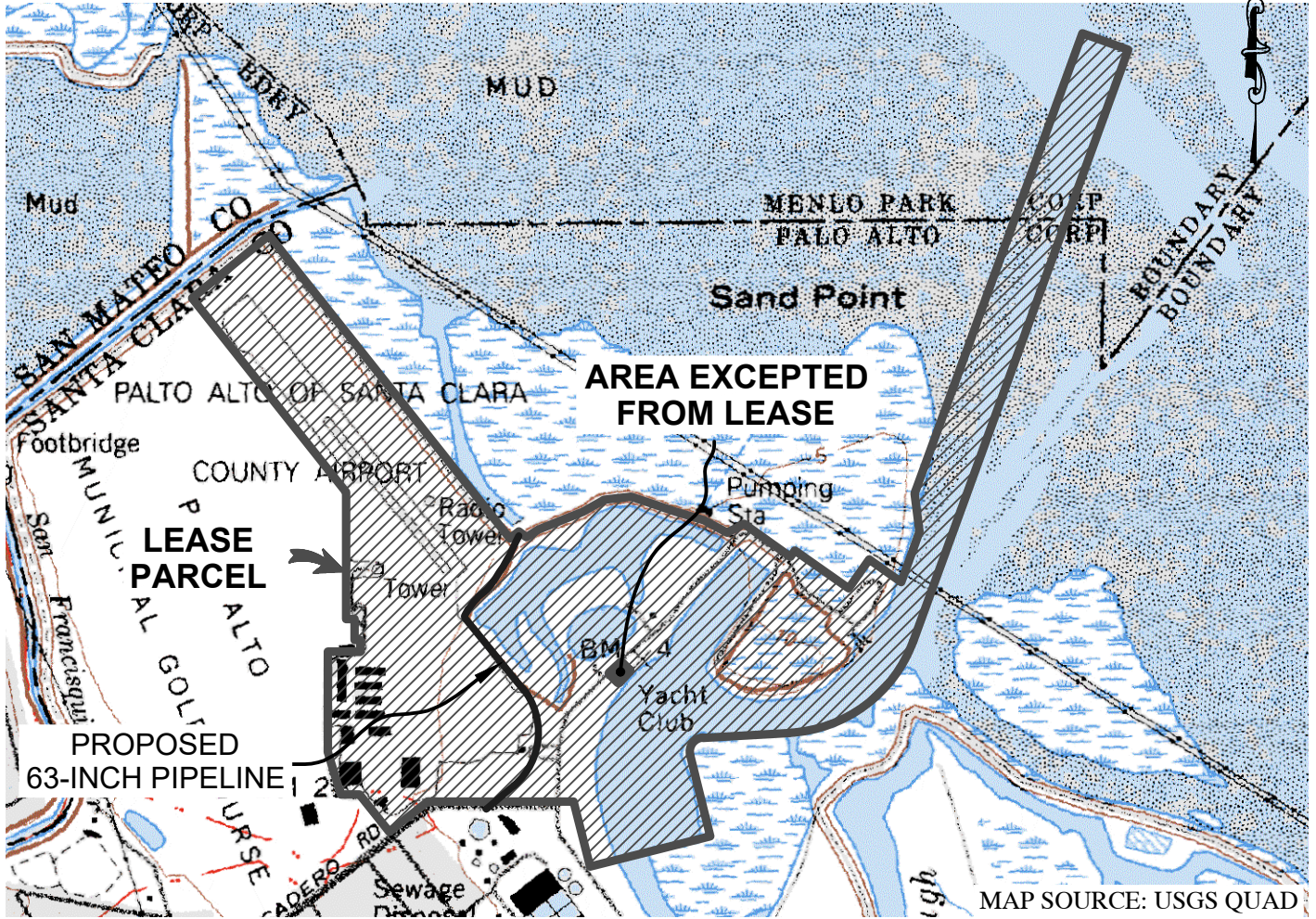
Prepared 06/03/2014 by the California State Lands Commission Boundary Unit.  
Description based on that original description prepared by W.S. on 4/5/71, as found in  
PRC 4598.9 file.





NO SCALE

# SITE

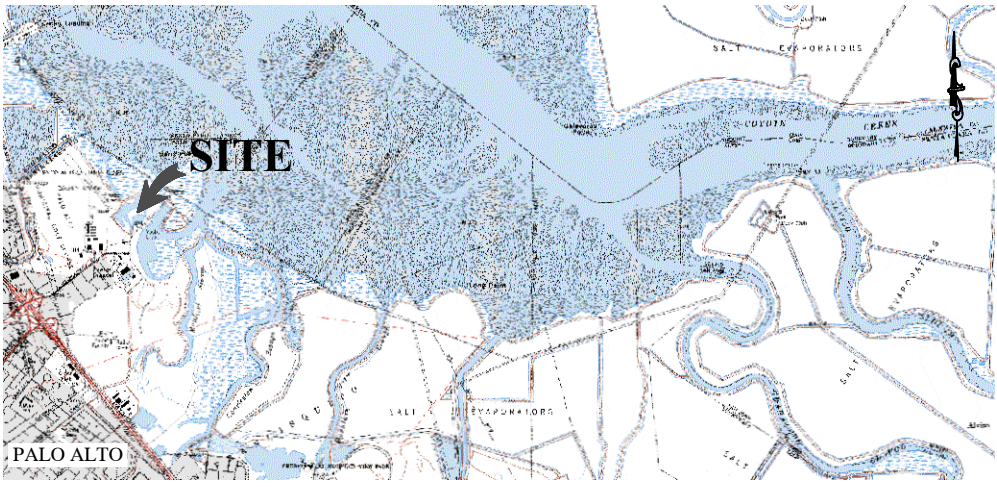


MAP SOURCE: USGS QUAD

## PALO ALTO AIRPORT AND PALO ALTO YACHT HARBOR

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

# Exhibit B

PRC 9143.9  
 CITY OF PALO ALTO  
 GENERAL LEASE -  
 PUBLIC AGENCY USE  
 SANTA CLARA COUNTY



JWP 08/06/18

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

**EXHIBIT C**  
**CALIFORNIA STATE LANDS COMMISSION**  
**MITIGATION MONITORING PROGRAM**

Regional Water Quality Control Plant New Outfall Project  
(PRC 9143, State Clearinghouse No. 2017122060)

---

The California State Lands Commission (Commission or CSLC) is a responsible agency under the California Environmental Quality Act (CEQA) for the Regional Water Quality Control Plant New Outfall Project (Project). The CEQA lead agency for the Project is the City of Palo Alto.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to impose feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND). State CEQA Guidelines section 15097, subdivision (a), states in part:<sup>1</sup>

*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.*

The lead agency adopted an MND, State Clearinghouse No. 2017122060, adopted a Mitigation Monitoring and Reporting Program (MMRP) for the whole of the Project (see Exhibit C, Attachment C-1), and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table C-1 below. The full text of each mitigation measure, as set forth in the MMRP prepared by the CEQA lead agency and listed in Table C-1, is incorporated by reference in this Exhibit C.

---

<sup>1</sup> The State CEQA Guidelines are found at California Code of Regulations, title 14, section 15000 et seq.

**Table C-1. Project Impacts and Applicable Mitigation Measures**

Potential Impact	Mitigation Measure (MM) <sup>2</sup>
Air Quality	AIR-1
Biological Resources	BIO-1 BIO-2 BIO-3 BIO-4 BIO-5 BIO-6
Cultural Resources	CULT-1
Geology and Soils	GEO-1
Noise	NOISE-1
Transportation/Traffic	TRAFFIC-1
Tribal Cultural Resources	TRIBAL-1

<sup>2</sup> See Attachment C-1 for the full text of each MM taken from the MMRP prepared by the CEQA lead agency.

## **ATTACHMENT C-1**

**Mitigation Monitoring and Reporting Program Adopted by the  
City of Palo Alto**



MITIGATION MONITORING + REPORTING PROGRAM

<b>PROJECT NAME</b>	Regional Water Quality Control Plant New Outfall Project	<b>APPLICATION NUMBER</b>	N/A
<b>APPLICANT AGREEMENT</b>	James Allen, Regional Water Quality Control Plant Manager	<b>DATE</b>	5/1/18
<b>APPROVED BY</b>	City Council		5/21/18
<b>APPLICANT/OWNER</b>	Tom Kapushinski, P.E. / LEED AP, Project Engineer City of Palo Alto Public Works Department - Regional Water Quality Control Plant 2501 Embarcadero Way Palo Alto, CA 94303		

The Final Mitigated Negative Declaration (MND) for the Regional Water Quality Control Plant New Outfall Project identifies the mitigation measures that will be implemented to reduce the impacts associated with the project. The California Environmental Quality Act (CEQA) was amended in 1989 to add Section 21081.6, which requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in section 21081.6(a)(1) of the Public Resources Code:

*... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.*

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting an EIR.

The mitigation monitoring table lists those mitigation measures that would be included as conditions of approval for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure.



## MITIGATION MONITORING + REPORTING PROGRAM

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
<b>AIR QUALITY</b>				
AIR-1	<p>Mitigation Measure AIR-1</p> <p>During any construction period ground disturbance, the applicant shall ensure that the project contractor implements measures to control dust and exhaust. Implementation of the measures recommended by Bay Area Air Quality Management District (BAAQMD) and listed below would reduce the air quality impacts associated with grading and new construction to a less-than-significant level. The contractor shall implement the following best management practices that are required of all projects:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>3. All visible mud or dirt track-out 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.</li> <li>4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).</li> <li>5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>6. Idling times shall be minimized either by shutting</li> </ol>	Applicant/Contractor	During Construction	Planning and Community Environment Department and Public Works Department

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	<p>equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</p> <p>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.</p> <p>9. The Contractor shall prepare a SWPPP, to be submitted and approved by the City prior to the start of construction</p> <p>10. The Contractor shall install rumble strips for trucks exiting the site.</p>			

**BIOLOGICAL RESOURCES**

BIO-1	<p>Mitigation Measure BIO-1</p> <p>Protocol level rare plant surveys shall be conducted within suitable habitat and during the blooming periods of Point Reyes bird’s-beak, California seablite, and saline clover, in order to confirm the presence or absence of these species within the project site. Surveys for Point Reyes bird’s beak and California seablite shall be conducted during the late season, June through October, and surveys for saline clover shall be conducted between April and June, based on the individual specie’s blooming season. If these rare plant species are observed during surveys, they shall be avoided by construction if feasible. If avoidance is not feasible, seed shall be collected for replanting, or whole individuals transplanted to a nearby</p>	Applicant/Contractor	Prior to During, and After Construction	Planning and Community Environment Department and Public Works Department
-------	---	----------------------	---	---

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
BIO-2	<p>protected area containing suitable habitat prior to construction, or stored for replanting in the construction area following completion of construction. Transplanted or reseeded individuals shall be monitored for a minimum of two years following construction to ensure transplantation success. If transplanted individuals do not successfully establish, seed or individuals from established and healthy local populations shall be collected and planted at the project site.</p> <p>Mitigation Measure BIO-2</p> <p>The measures listed below shall be implemented prior to or during construction activities within or adjacent to potential SMHM habitat:</p> <ul style="list-style-type: none"> <li>a) Prior to ground disturbing activities within and adjacent to potential SMHM habitat, all vegetation within the Project footprint shall be removed using hand-operated tools in the presence of a qualified biological monitor (see below).</li> <li>b) Following vegetation removal, exclusion barriers and/or fencing shall be installed to exclude individuals of this species from areas of active construction. The design of the exclusion barriers and fencing shall be approved by a qualified biologist and shall be installed in the presence of a qualified biological monitor. The fence shall be made of a material that does not allow SMHM to pass through, and the bottom shall be buried to a depth of a minimum of 4 inches so that these species cannot crawl under the fence. All support for the exclusion fencing shall be placed on the inside of the Project footprint.</li> <li>c) A qualified biological monitor shall be present during wildlife exclusion fence installation and removal, and during all vegetation clearing and initial ground disturbance conducted in vegetation in and adjacent to marsh habitats. The monitor shall</li> </ul>	Applicant/Contractor	Prior to and During Construction	Planning and Community Environment Department and Public Works Department



Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	<p>have demonstrated experience in biological construction monitoring and knowledge of the biology of the listed species that may be found in the Action Area, including SMHM and CRR. The monitor(s) shall have the authority to halt construction, if necessary, if noncompliance actions occur. The biological monitor(s) shall be the contact person for any employee or contractor who might inadvertently kill or injure a listed species or anyone who finds a dead, injured, or entrapped listed species. Following vegetation removal in potential habitat areas, fence installation, and initial ground disturbance, the biological monitor shall still conduct weekly site checks to provide guidance for fence maintenance, provide environmental sensitivity training, and document compliance with permit conditions.</p> <p>d) The biological monitor shall provide an endangered species training program to all personnel involved in Project construction. At a minimum, the employee education program shall consist of a brief presentation by persons knowledgeable about the biology of listed species with potential to occur in the Action Area, and about their legislative protection to explain concerns to contractors and their employees involved with implementation of the Project. The program shall include a description of these species and their habitat needs; any reports of occurrences in the area; an explanation of the status of these species and their protection under State and Federal legislation; as well as a list of measures being taken to reduce impacts to these species during construction.</p> <p>e) Food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in solid, closed containers (trash cans) and removed at the end of each work day from the investigation site to eliminate an attraction to predators of listed</p>			

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	<p>species.</p> <p>f) At the end of each work period, all open trenches shall either be securely covered or shall have exit ramps installed to prevent entry and/or entrapment of SMHM.</p> <p>g) If a listed species is observed at any time during construction, work shall not be initiated or shall be stopped immediately until the animal leaves the vicinity of the work area of its own volition. If the animal in question does not leave the work area, work shall not be reinitiated until the appropriate agency is contacted and has made a decision on how to proceed with work activities. The biological monitor shall direct the contractor on how to proceed accordingly. The biological monitor or any other persons at the site shall not pursue, capture, handle, or harass any species observed.</p>			
BIO-3	<p>Mitigation Measure BIO-3</p> <p>Construction of the project within the RWQCP and airport grounds shall be timed to occur within the CRR nesting season so that construction in other areas closer to suitable habitat and outside of existing areas of disturbance may be completed outside of the nesting season. Construction of the new outfall pipeline that would occur within the existing levee and the small reach of construction that would occur within the unnamed slough would avoid the CRR nesting season. Protocol level surveys for CRR shall be completed prior to construction to provide information regarding the location of nesting rails. However, based on a variety of factors, construction shall occur both within and outside of the CRR breeding season. Specifically:</p> <ul style="list-style-type: none"> <li>Construction of the new outfall pipeline within the levee and in the unnamed slough (between Station 14+00 and 27+49) shall occur between September 1 and January 31 to avoid the CRR breeding season.</li> </ul>	Applicant/Contractor	During Construction	Planning and Community Environment Department and Public Works Department

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
BIO-4	<ul style="list-style-type: none"> <li>In-water construction in the unnamed slough shall be completed between September 1 and November 30 to avoid the windows for both CRR and listed fish species.</li> </ul> <p>Mitigation Measure BIO-4</p> <p>To avoid impacts to burrowing owl, a pre-construction burrowing owl survey shall be conducted by a qualified biologist of potential habitat areas (the Airport apron and along the adjacent levee berm top) at most 14 days from the initiation of project activities, irrespective of time of year. If burrowing owl is detected on the site, a no-disturbance buffer around the active burrow shall be enacted until work is finished or a qualified biologist confirms the burrow is no longer in use. This buffer shall be 250 feet if work is conducted in the area during the nesting season (February 1 – August 31) and 160 feet if work is conducted in the area outside of the nesting season. If the burrow cannot be avoided and work is to be conducted outside the nesting season, burrowing owls shall be passively excluded from the site following the procedures outlined in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012).</p>	Applicant/Contractor	Prior to and During Construction	Planning and Community Environment Department and Public Works Department
BIO-5	<p>Mitigation Measure BIO-5</p> <p>All in-water work (i.e., in tidal areas at the unnamed slough) shall be conducted between June 15 and November 30 and will incorporate all avoidance measures listed in the regulatory permits. Installation of sheet piles in tidal waters, if necessary, shall occur by the use of a vibratory hammer during low tide. If impact pile driving is necessary, an evaluation of potential hydroacoustic impacts to fish shall be required, and if necessary additional measures shall be employed to ensure that underwater sound is reduced to levels that</p>	Applicant/Contractor	During Construction	Planning and Community Environment Department and Public Works Department

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	<p>are below those that will cause injury to fish. Such additional measures may include:</p> <ul style="list-style-type: none"> <li>• Hydroacoustic monitoring by a sound engineer during in water pile driving work.</li> <li>• Use of a “soft start” to clear fish from the area of acoustic effect.</li> <li>• Use of a wood cushion block between the hammer and the pile.</li> <li>• Use of a bubble curtain or other similar technique to reduce underwater noise.</li> <li>• Complete all impact pile driving work at low tide.</li> <li>• Limiting the number of pile strikes in a day to reduce the cumulative sound pressure impacts to fish.</li> </ul>			
BIO-6	<p>Mitigation Measure BIO-6</p> <ul style="list-style-type: none"> <li>• All construction documents shall include requirements for the restoration of temporary excavations in wetlands back to preconstruction grade, and revegetation of temporarily disturbed areas using appropriate native vegetation. Appropriate native vegetation may include pickleweed, saltgrass, Atriplex, and other salt tolerant wetland plant species. Pickleweed and saltgrass may be selectively harvested from adjacent tidal marsh and seasonal wetland areas for transplantation to temporarily impacted areas for restoration.</li> <li>• Limits of construction, wetlands, and buffers shall be clearly marked with high-visibility construction fencing.</li> <li>• Site access of machinery shall be restricted to as few areas as possible to prevent soil compaction.</li> <li>• Appropriate erosion control measures shall be used around soil stockpiles, graded slopes, and slurry management facilities. Erosion control materials shall be wildlife friendly and shall avoid the use of</li> </ul>	Applicant/Contractor	Prior to and During Construction	Planning and Community Environment Department and Public Works Department

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	<p>plastic netting or fixed aperture netting.</p> <ul style="list-style-type: none"> <li>A spill prevention and control plan shall be required as part of project specifications to minimize the chance of toxic spills. Spill kits shall be present for any work adjacent to open waters. All spills of oil and other hazardous materials shall be immediately cleaned up and contained. Any hazardous materials cleaned up or used on-site would be properly disposed of at an approved disposal facility.</li> <li>Litter and Waste Management – Waste collection areas shall be designated on-site. Only watertight dumpsters and trash cans shall be used and inspected for leaks. Dumpsters and cans shall be inspected at the end of each work day when it is raining or windy. Waste collection shall occur regularly. Litter shall be picked up daily.</li> </ul>			

**CULTURAL RESOURCES**

CULT-1	<p>Mitigation Measure CULT-1</p> <p>If buried materials are encountered, all soil disturbing work shall be halted at the location of any discovery until a qualified archaeologist or paleontologist completes a significance evaluation of the find(s) pursuant to Section 106 of the National Historic Preservation Act (36CFR60.4) and CEQA guidelines (§15064.5[f]), and the State Lands Commission Attorney has been contacted to consult. Prehistoric archaeological site indicators include: obsidian and chert flakes and chipped stone tools; grinding and mashing implements (e.g., slabs and handstones, and mortars and pestles); bedrock outcrops and boulders with mortar cups; and locally darkened midden soils. Midden soils may contain a combination of any of the previously listed items with the possible addition of bone and shell remains, and fire-affected stones. Historic period site indicators generally include: fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits (e.g.,</p>	Applicant/Contractor	During Construction	Planning and Community Environment Department and Public Works Department
--------	---	----------------------	---------------------	---

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	wells, privy pits, dumps). The final disposition of any archaeological, historical, and paleontological resources recovered on-site under the jurisdiction of the California State Lands Commission shall be approved by the Commission.			

**GEOLOGY/SOILS**

GEO-1	<p>Mitigation Measure GEO-1</p> <p><u>Dewatering</u></p> <p>The construction contractor shall implement a dewatering system to preserve the undisturbed bearing capacity of the existing subgrade soils at the bottom of excavations and shall meet the following minimum performance standards:</p> <ul style="list-style-type: none"> <li>• Stable excavation walls and bottom shall be provided;</li> <li>• A reasonably dry base of excavation shall be provided;</li> <li>• Native soils shall be filtered and loss of ground from dispersion or erosion shall be prevented;</li> <li>• Piping (boiling) of the excavation bottom shall be prevented;</li> <li>• All dewatering and shoring systems shall be installed and removed in accordance with governing (e.g., County, State) requirements; and</li> <li>• The contractor shall allow for the controlled release of groundwater to its static level in a manner that prevents disturbance of bottom soils and prevents flotation or movements of structures or pipelines.</li> </ul> <p>The contractor shall be prepared to implement alternative systems should the initial dewatering system fail to achieve these minimum performance requirements. The contractor shall be prepared to locally dewater or modify construction excavations, if and where needed, to provide stable and reasonably dry</p>	Applicant/Contractor	During Construction	Planning and Community Environment Department and Public Works Department
-------	---	----------------------	---------------------	---

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	excavations. The dewatering system shall be localized, targeted, and short-term (days) in order to prevent consolidation and subsidence from prolonged dewatering.			
	<u>Shoring</u>			
	The contractor shall be required to shore the anticipated 12-foot deep excavations with interlocking sheetpiles in accordance with California Division of Occupational Safety and Health (Cal/OSHA) regulations and all other recommendations provided in the site-specific Geotechnical report (Appendix D). All shoring plans shall be submitted to the City for review and approval prior to the start of construction activities. The construction shall ensure the shoring system meets all the minimum performance standards for shoring listed in the Geotechnical Report.			

**HAZARDS & HAZARDOUS MATERIALS**

HAZ-1	See Mitigation Measure TRAFFIC-1 Below.			
-------	---	--	--	--

**NOISE**

NOISE-1	Mitigation Measure NOISE-1 The City shall provide all construction workers appropriate hearing protection.	Applicant	During Construction	Planning and Community Environment Department and Public Works Department
---------	---	-----------	---------------------	---

**TRANSPORTATION/TRAFFIC**

TRAFFIC-1	Mitigation Measure TRAFFIC-1 <ul style="list-style-type: none"><li>Prior to issuance of a grading permit, the City shall prepare and submit a Traffic Control Plan for review and approval. The Traffic Control Plan shall include best management practices and traffic measures including but not limited to:</li></ul>	Applicant/Contractor	Prior to and During Construction	Planning and Community Environment Department and Public Works Department
-----------	--	----------------------	----------------------------------	---

Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	<ul style="list-style-type: none"> <li>○ The City shall require the contractor to provide for passage of emergency vehicles through the project site at all times.</li> <li>○ The City shall require the contractor to maintain access to all uses during project construction.</li> <li>○ The City shall use traffic cones, signs, lighted barricades, lights, and flagmen as described and specified in the Caltrans Manual of Uniform Traffic Control Devices, current edition, California Supplement, Part 6 Temporary Traffic Control to provide for public safety and convenience during construction.</li> <li>○ The contractor shall install advance warning signs to alert bicyclists and motorists of the work zone and lane closures. Advance warning signs may be reflective signs, changeable message boards, cones, and barricades.</li> <li>○ Flagging and other means of traffic control shall be required to allow for the safe movement of traffic through the work zone. The contractor shall provide flaggers to temporarily hold traffic for staging equipment or construction.</li> <li>○ The City shall provide advanced notice to area residents, schools and emergency agencies when employing temporary traffic control measures. In addition, prior to the start of construction, the City shall provide emergency services with the proposed construction schedule.</li> <li>○ The City shall require the construction contractor to provide for passage of emergency vehicles through the project site at all times.</li> <li>○ The City shall require the construction contractor to maintain convenient access to driveways and buildings near the work area unless otherwise approved by the City in advance.</li> <li>○ The City shall restore pavement, curbs, gutters,</li> </ul>			



Environmental Impact	Mitigation Measure	Responsible for Implementation	Timing of Compliance	Oversight of Implementation
	<p>and sidewalks, as necessary, to pre-disturbance conditions or better.</p> <ul style="list-style-type: none"> <li>○ The temporary traffic control/detour portion of the project shall include one additional detour sign posted at the bicycle/pedestrian bridge across San Francisquito Creek between East Palo Alto and Palo Alto. Users approaching from East Palo Alto need to be directed to the detour route.</li> </ul>			

**TRIBAL CULTURAL RESOURCES**

TRIBAL-1	<p>Mitigation Measure TRIBAL-1</p> <p>In the event that an unanticipated tribal cultural resource is exposed during project construction, work within 30 feet of the discovery shall stop until a City-approved cultural resources professional can identify and evaluate the significance of the discovery and develop recommendations. Recommendations could include preparation of a Treatment Plan, which could require recordation, collection and analysis of the discovery; preparation of a technical report; and curation of the collection and supporting documentation in an appropriate depository.</p>	Applicant/Contractor	During Construction	Planning and Community Environment Department and Public Works Department
----------	---	----------------------	---------------------	---