

STATEMENT OF EXEMPTION

FILE NO.	PP19-052
LOCATION OF PROPERTY	Coyote Creek, between Oakland Road and Berryessa Road
PROJECT DESCRIPTION	Public Project Exemption for non-native invasive plant removal and control and seeding services on Coyote Creek between Oakland Road and Berryessa Road within City-owned properties. The footprint of the project is approximately 68,389 square feet and the total project length is about 1,557 linear feet. Associated with the project, homeless encampment clean-up activities will occur.

CERTIFICATION

Under the provisions of Section 15333 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

15333. SMALL HABITAT RESTORATION PROJECTS

Class 33 consists of projects not to exceed five acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife provided that:

- (a) There would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to section 15065,
- (b) There are no hazardous materials at or around the project site that may be disturbed or removed, and
- (c) The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

ANALYSIS

The focus of the project is to increase the viability of native riparian species by reducing the competition of non-native invasive species. This effort is for the health of the ecosystem within the Coyote Creek watershed and to provide increased flow conveyance within Coyote Creek. As such, the purpose of the project is to conduct non-native invasive plant removal and control services.

The project will impact 1.57 acres, which encompasses the total canopy area of invasive plants to be removed and controlled, along Coyote Creek for the purpose of protecting the water supply, wildlife habitat, creek restoration, and open space. Based on the Wildlife Assessment Report prepared by H.T. Harvey & Associates for the entire Coyote Creek corridor (Attachment A) identified that individual plant removals on a much wider basis throughout the Coyote Creek corridor would not have substantial negative effects on either endangered or common wildlife with the incorporation of avoidance measures, and the project will comply with all relevant Santa Clara Valley Habitat Conservation Plan measures, conditions, and fees. The project will also be done outside the nesting season to avoid impacts on nesting birds. The project will also implement of Best Management Practices (BMPs) which will assist in avoiding impacts to special-status species. Additionally, a qualified biologist conducted a rare plant surveys throughout the alignment and assessed as having any potential for any rare plant species due to lack of suitable habitat.

In Attachment A, a comprehensive wildlife assessment report was completed for the study area that includes the approximately 20 miles of the 33-mile reach of lower Coyote Creek between Anderson Dam and Dixon Landing Road. This approximately 25-30 acres is just a general area within which vegetation, giant reed and other invasive plants were mapped. Non-native trees in the study area do not provide such high-quality resources to any special-status species that removal of some, or even all, of the non-native trees mapped for this study, on both Santa Clara Valley Water District and City of San José lands, would result in a substantial impact to any special-status species' population. Further, revegetation of tree removal areas with natives (either passively, actively, or a combination of these methods) would improve habitat conditions for most of these species. Therefore, no substantial project-specific impacts to special-status animals would result from tree removal associated with project, and project would not contribute substantially to any cumulative impacts on these species.

Based on the State Water Resources Control Boards' Geotracker and California Department of Toxic Substances Control's EnviroStor data management systems, the project area is not identified as the location for any open hazardous materials cases. Additionally, only herbicides approved for use in and near waters will be utilized for the project.

CEQA Guidelines Section 15300.2 provides exceptions to the use of Categorical Exemptions where the use of a Categorical Exemption is prohibited under certain circumstances. The City has considered the projects applicability to all of the exceptions under Section 15300.2. An analysis of each of these exceptions in reference to this specific project is provided below.

- (a) Location. Class 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. Section 15300.2(a) stated that a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Section 15300.2(a) does not apply to the Class Category 33 of exemptions.
- (b) Cumulative Impact. Based on the above analysis, there is no evidence of a potential significant cumulative impact on the environment from the proposed project. The project proposes non-native invasive plant removal and control and seeding services along Coyote Creek. This work will not cumulatively impact traffic, noise, air quality, or water quality.
- (c) Significant Effect. The project would not result in any significant effects on the environment due to unusual circumstances. The proposed project site does not have any unusual circumstances that would negatively impact the environment.
- (d) Scenic Highways. This project site is not located within a view of a highway officially designated as a state scenic highway. Therefore the project is not subject to 15300.2(d).
- (e) Hazardous Waste Sites. The project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code. Therefore, the project is not subject to 15300.2(e).
- (f) Historical Resources. There are no historical resources located on the project site; therefore, Section 15300.2(f) does not apply.

Krinjal Mathur
Environmental Project Manager

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

Date

7/31/19


Deputy

Attachment A: Safe, Clean Water and Natural Flood Protection Program Project D2 Non-Native Tree Removal on Coyote Creek Wildlife Assessment Report, H.T. Harvey & Associates, dated June 2019