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## 2. COMMENTS AND RESPONSES

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### 2.1 Master Comment Responses (MCRs)

#### 2.1.1 MCR #1: Charleston Slough Restoration to Tidal Marsh

The restoration of approximately half of Charleston Slough to tidal marsh is a regulatory requirement for the City of Mountain View under a permit from the San Francisco Bay Conservation and Development Commission (BCDC). It is not a decision to be made by either the City of Mountain View or the SBSP Restoration Project. The inclusion of Charleston Slough in Phase 2 of the SBSP Restoration Project (instead of as a separate project to be undertaken by the city) was initially considered because such a joint effort would reduce the financial cost, the temporary environmental impacts associated with construction, and the permanent environmental impacts of having a flood levee between two restoring marshes. It would also increase the ecological function and habitat connectivity of the two restored marshes.

However, in the public comments on the Draft EIS/R, a number of regulatory agencies expressed concern about the potential effects on steelhead and other estuarine fish under Alternative Mountain View C. At the center of this concern is the question of whether the combined elements of the initial proposal for Alternative Mountain View C in the Draft EIS/R would have an impact on these fish. The increased connectivity between Stevens Creek, Pond A1 and Pond A2W were planned to provide additional nursery habitat for outmigrating steelhead and good general use habitat for other estuarine fish. However, the relocation of the water intake for the Shoreline Park sailing lake into the breach at the southwest corner of Pond A1 has potential to entrain some of these fish.

In coordination with the National Marine Fisheries Service (NMFS), other possible configurations of the restoration components were considered to reduce or remove the risk to fish posed by the pump intake, but the SBSP Restoration Project has concluded that without a fish screen in place at the new water intake location, the effects could rise to the level of a significant impact and “take” of a species listed under the Endangered Species Act. A fish screen is likely to be a required part of this project component. However, the limited area available for the water intake would be inadequate when the intake was enlarged to offset the screen’s effect on overall intake size. That technical and logistical infeasibility combined with the very high initial capital cost and ongoing operations and maintenance costs have made it impracticable to include the fish screen for the water intake at this new location in the breach of the levee between Pond A1 and Charleston Slough. Without the water intake at the breach location, the City of Mountain View has concerns about meeting the demand for water intake for the Shoreline Park sailing lake in the case where the Mountain View Ponds were connected to Charleston Slough itself.

Therefore, the Preferred Alternative at the Mountain View Ponds does not include Charleston Slough. The current configuration of the water intake, the Charleston Slough tide gate, and alignment of existing pond levees would not change, and thus, there would be no change to the existing conditions regarding adverse impacts to fish. Ponds A1 and A2W would still be opened to the tides, and estuarine fish and outmigrating steelhead from Stevens Creek would receive habitat benefits from these ponds being made available to them for forage and growth prior to entering the South Bay.

There were a large number of other comments about the potential benefits, risks, and challenges associated with incorporating Charleston Slough into the Phase 2 restoration planning. The responses to

those individual comments address the particular topics in the comments themselves. However, since Charleston Slough is no longer being considered as part of the Phase 2 implementation, those responses are largely for informational purposes.

### 2.1.2 MCR #2: Refuge Management Activities versus SBSP Restoration Project Impacts

Many of the comment letters on the Draft EIS/R contained questions about the importance of ongoing management of the Don Edwards National Wildlife Refuge and of features of the SBSP Restoration Project itself. The specifics of these comments addressed various existing levees, proposed levee modifications, invasive species control, nuisance wildlife species control, control of people who would use the trails and other public access features in the Refuge and/or in the adjacent city parks, and other topics. Several commenters inquired about whether and how the SBSP Restoration Project would be able to adequately maintain (or fund the maintenance of) levees in the face of the expected sea-level rise.

The responses to the individual comments and the specific topics or points made in them are addressed in the individual responses that follow. A complete relisting of those discussions here is unnecessary. However, there are broader and more general points that should be made here to provide some additional context and background for those individual responses.

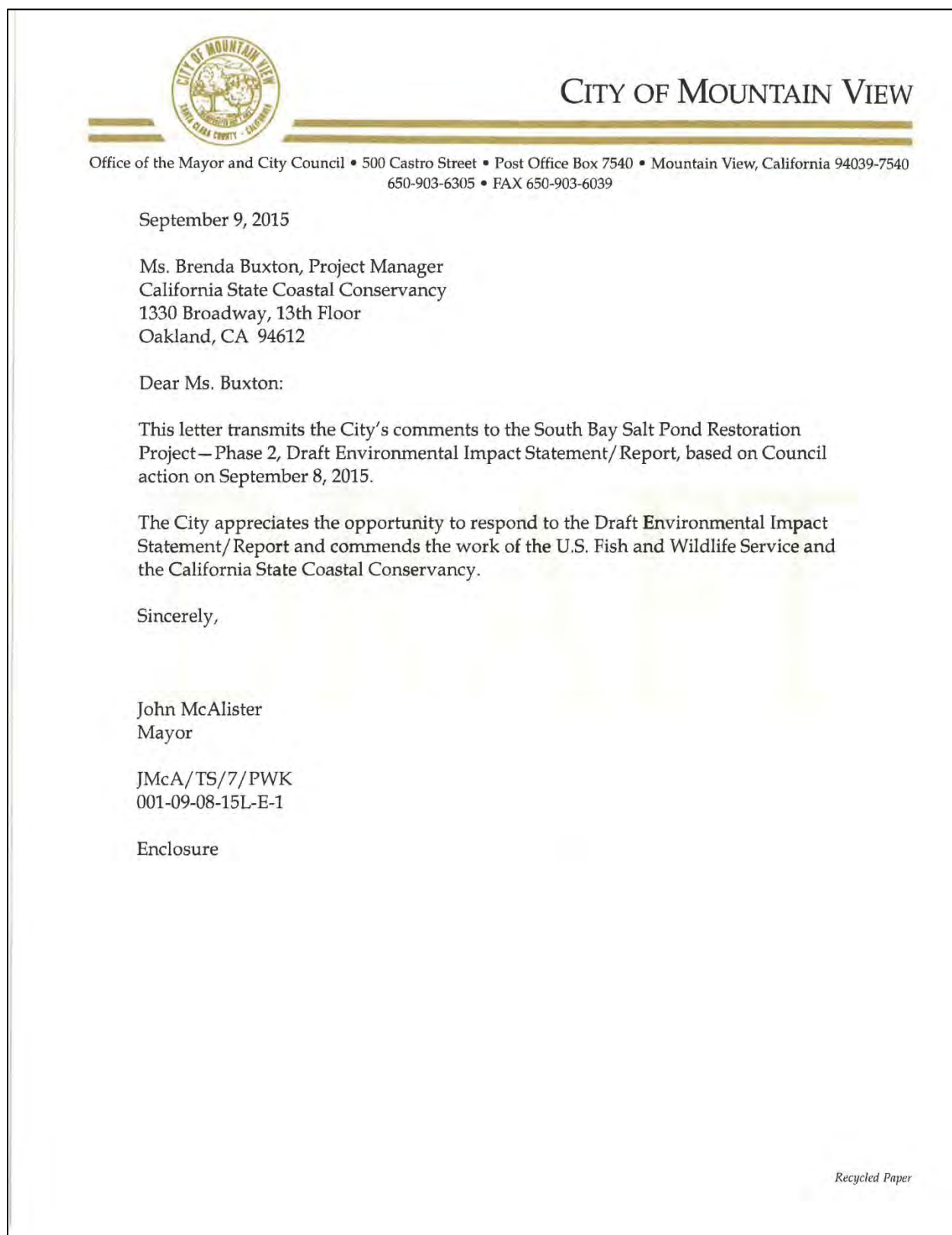
Note first that NEPA and CEQA are intended to inform the public about potential impacts on the environment from the implementation and operation of a proposed project. Project proponents are required to analyze and disclose these impacts on the environment from, in this case, the SBSP Restoration Project itself. However, NEPA and CEQA generally do not require the converse of this disclosure (see, for example, *California Building Industry Association v. Bay Area Air Quality Management District*, filed 17-December-2015). That is, with a few exceptions, analysis and disclosure of the environment's impacts on a project are neither the intent nor a requirement of these laws.

Sea-level rise is an example of a potential future impact of the environment on the project, not a project impact on the environment. So, while the design of the project should and does plan for sea-level rise in order to help implement a successful project, this is not a NEPA or CEQA issue. Thus, continuing with sea-level rise as an example, the National Wildlife Refuge would have to maintain and occasionally improve many of the pond levees and berms in the future to protect against coastal flooding, regardless of whether there is an SBSP Restoration Project or not. Again, these are not NEPA/CEQA issues.

More generally, these types of management actions are things that the Refuge would need to do regardless of which alternative is selected or whether there was a restoration project at all. Other examples include consistently keeping dogs and feral cats out of the Refuge lands to protect the wildlife there, and invasive weed management. As above, the details of these comments are addressed in the specific responses that follow.

A related issue is the request in several comments that the project proponents demonstrate the ability to provide adequate staffing and funding for ongoing management and maintenance of the project features as well as for participation in broader multi-agency efforts such as the Invasive Spartina Project. NEPA and CEQA neither require nor encourage demonstration of all future funding levels, and those are not included in the EIS/R.

## City of Mountain View (L-CMV)



**Comments to the South Bay Salt Pond Restoration Project – Phase 2,  
Draft Environmental Impact Statement/Report**

The City of Mountain View has the following comments to the South Bay Salt Pond Restoration Project – Phase 2, Draft Environmental Impact Statement/Report (EIS/EIR):

**L-CMV-1**

Overview comments regarding the project and the document:

1. The analysis indicated that sea water intrusion is not a concern to the groundwater supply. However, it did not analyze the potential change in groundwater level as a result of opening Ponds A1 and A2W to tidal flow. The potential change in groundwater level is a significant concern to the City's closed landfill operation. Any increase in groundwater level in the closed landfill will reduce gas collection capacity and increase risk of surface emissions and groundwater contamination. Any increase in groundwater level in the landfill will also increase leachate generation in the landfill and adversely impact the leachate pumping and production of recycled water at the Palo Alto Regional Water Quality Control Plant. It may affect Impact 3.3-5 from LTS to LTSM.

**L-CMV-2**

2. The portion of the City's landfill levee along Ponds A1 and A2W will be subject to potential tidal scouring after Ponds A1 and A2W are open to tidal flow. While the proposed habitat transition zone will provide wave attenuation and erosion protection to the lower part of the landfill levee, there is no erosion protection along the portion of the landfill levee that is above the proposed habitat transition zone. Therefore, erosion protection measures would still be needed along the landfill levees.

**L-CMV-3**

3. From a biological point of view, especially for the benefit of burrowing owls, a larger area of habitat transition zone is preferable because it would provide more upland habitat for prey species and potentially more nesting habitat depending on the height of the vegetation. Additional analyses may be needed to justify the trade-off between habitat benefits and construction feasibility.

**L-CMV-4**

4. The City is working on a levee improvement project at Stevens Creek and Stevens Creek Tidal Marsh to provide flood protection at the North Bayshore Area. Since the project is in close proximity to Pond A2W, the EIS/R should consider if it has any potential impacts to the restoration project.

**L-CMV-5**

5. The EIS/R outlined the construction traffic routes along San Antonio Road and North Shoreline Boulevard. The proposed construction traffic route along North Shoreline Boulevard is not feasible due to heavy traffic. The CSCC must work with the City to develop an alternative construction traffic route for Pond A2W.

JMcA/TS/7/PWK/001-09-08-15L-E-1-Enc

1 of 6



**L-CMV-6**

6. The Audubon Society was very active during the City's North Bayshore Precise Plan planning process and provided input on potential policies that may negatively impact wildlife. The group may have an opinion on the viewing platforms or overall impact to wildlife. It would be helpful to seek this group's input.

**L-CMV-7**

7. A potential negative impact with the Inner Charleston Slough integration option is a reduction of mud flat areas which provide habitat diversity and benefit many species of birds, especially at low tide when foraging. The diversity at Inner Charleston Slough provides educational and recreational benefits. Many educators have school field trips and bird watchers visit Inner Charleston Slough to view different bird species. The project should address these potential impacts.

**L-CMV-8**

8. There is uncertainty on the future Sailing Lake Pump Station operation, although preliminary analysis does not indicate significant postproject adverse impacts. While additional detailed analysis during design is needed, the project team has also been developing possible improvement options, such as constructing a new intake structure at the Pond A1 levee breach to supplement the existing intake structure. In addition to the options analyzed in the EIS/R, the City is considering eliminating the existing water intake structure in the future. Under this scenario, the project may consider options for relocating the pump station to the southern end of the Pond A1 levee and be in-line with the pipe alignment from the new intake structure. It may affect Impact 3.15-5 from LTS to LTSM. The CSCC must continue to work with the City on this issue during design.

**L-CMV-9**

9. The EIS/R analysis is based on a scenario that the Palo Alto Flood Basin levee within Inner Charleston Slough will be improved to meet the City's sea level rise planning level and meet FEMA levee certification standards. However, considering the current planning work at the Palo Alto Flood Basin and the uncertainty of the basin's future configuration, the City may consider a less extensive improvement option to just meet the existing flood protection level. The EIS/R should reflect this potential option.

**L-CMV-10**

Detailed comments in reference to specific sections of the document:

10. Figure ES-9: Correct the labeling to match the legend. All "new" features such as pipeline intake should be highlighted in white.

**L-CMV-11**

11. Table 2-4: Why does Pond A1 in Alt B not include a breach at Permanente Creek, similar to Alt C?

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| <b>L-CMV-12</b> | 12. Page 2-24: Raise and improve western levee of Pond A1: (1) Second to last sentence, please define "normal operation." (2) What is the new levee crest elevation and how does it compare to the crest elevation of the existing northern levee at Charleston Slough?   |
| <b>L-CMV-13</b> | 13. Page 2-24: We discussed a possibility to have an interpretive viewing platform at the Vista Point in Shoreline Park. Is it still under consideration?   |
| <b>L-CMV-14</b> | 14. Table 2-3: Do the fill volumes include (1) levee construction and (2) filling the ponds to raise the bottom elevation?  |
| <b>L-CMV-15</b> | 15. Page 2-29: Please note that the Coast Casey levees must be designed with sufficient foundation support for future build up to meet the City high SLR level.   |
| <b>L-CMV-16</b> | 16. Page 2-29: As part of the new water intake, does the existing Pond A1 levee need to be widened, reinforced, and raised to support truck access? In addition, at the new water intake structure, the levee needs to be widened to provide space for truck turning.   |
| <b>L-CMV-17</b> | 17. Page 2-29: As part of the Coast Casey levee work, the existing viewing platform/deck will be replaced. This should be noted in the write-up.  |
| <b>L-CMV-18</b> | 18. Page 2-29: Levee Improvements: The trail on Coast Casey levee needs to be paved to match the existing condition.  |
| <b>L-CMV-19</b> | 19. Page 2-34: Construction Habitat Window: The habitat window should also consider the burrowing owl breeding season. In addition, construction work should protect and prevent disruption to burrowing owl habitat.   |
| <b>L-CMV-20</b> | 20. Page 2-37: The construction method and sequence did not include the Sailing Lake Pump Station. It is important to ensure that the pump station operation will not be interrupted during construction.   |
| <b>L-CMV-21</b> | 21. Page 2-38: Does the construction schedule include the estimated time needed to transport the import fill material to the site? In addition, please verify if construction is expected to begin in summer 2016.  |
| <b>L-CMV-22</b> | 22. Section 3.11: The traffic impact study analyzed the Level of Service at North Bayshore Boulevard. The analysis focused on the capacity at the highway off-ramp. However, the limiting factor is on North Bayshore Boulevard. Therefore, the City suggests analyzing truck traffic impacts on North Bayshore Boulevard at Pear Avenue and Plymouth Street. Please provide information on how the number of truck trips at 200 trips per day was estimated. |



<b>L-CMV-23</b>	23. Section 3.11: Construction truck traffic, especially for soil material hauling, will likely have adverse impacts to the City's roadway network. The analysis should include consideration of the preproject and postproject roadway condition assessment, and a contingency plan in the project to repair the City roadway as needed to preproject condition.
<b>L-CMV-24</b>	24. Page 3.5-161: Impact 3.5-25: There are possibilities that burrowing owl habitats will be impacted due to close proximity to the construction, truck access, and staging areas. The noise and disruption to the foraging habitat will also negatively impact burrowing owls. Additional analysis on the impact is needed, and it may change the impact from LTS to LTSM.
<b>L-CMV-25</b>	25. Appendix M, Figure 4.10: The proposed habitat transition zone extended to the top of the lower levee in USFWS property. In this design, the City's landfill levee will be exposed to tidal flow as a result of this project (under the existing condition, the landfill levee is not subject to tidal flow impacts). The City is concerned with erosion and seepage via the landfill levee due to the tidal flow. Please provide additional information on the risk of erosion and seepage potential, and confirm the proposed habitat transition zone would not compromise the integrity of the existing levee system. Under this proposed design, erosion protection along the landfill levee may be needed.
<b>L-CMV-26</b>	26. Appendix M, Section 1.1: Please list Shoreline at Mountain View Regional Park as being one of the locations that borders the pond complex, in addition to the commercial and industrial areas.
<b>L-CMV-27</b>	27. Appendix M, Section 2.1: Maintain City of Mountain View's Sailing Lake water intake. The pump station and intake need to be operational during construction. In addition, the postproject condition should allow maintenance access to the pump station, ability to backwash the intake/channel, and will not increase the level of maintenance efforts to the City.
<b>L-CMV-28</b>	28. Appendix M, Section 2.1: The Design Constraints should include prevention of additional seepage to the City's landfill due to tidal flow and higher water level in Ponds A1 and A2W. Seepage into landfill cells will increase landfill leachate levels and it will affect the landfill's contaminated groundwater capture and landfill gas capture capabilities.
<b>L-CMV-29</b>	29. Appendix M, Table 3.1: Alternative C should include a line item on need to raise utilities at the Sailing Lake Pump Station and Coast Casey Pump Station.
JMcA/TS/7/PWK/001-09-08-15L-E-1-Enc	
4 of 6	

<b>L-CMV-30</b>	30. Appendix M, Figure 3.5: It does not show any drainage channels inside the ponds, as discussed in Section 3.3. Please clarify.
<b>L-CMV-31</b>	31. Appendix M, Figure 3.6: Please mark up the locations of "Stevens Creek," "Mountain View Slough," and "Charleston Slough" in a plan view figure, such as Figure 3.1.
<b>L-CMV-32</b>	32. Appendix M, Figures 3.7 and 3.8: Please explain why Pond A1 WSL patterns are the same between Alt B and C, but not the case for Pond A2. Since Pond A2 has little difference between Alt B and C, one would expect Pond A2 has same WSL patterns between Alt B and C but not for Pond A1.
<b>L-CMV-33</b>	33. Appendix M, Figures 3.7 to 3.12: Figures 3.7 and 3.8 plotted WSL under existing conditions, but Figures 3.9 to 3.12 shows the WSL in plan view. It is difficult to compare the two conditions. Please include plan view figures for the existing condition.
<b>L-CMV-34</b>	34. Appendix M, Figures 3.9 to 3.12: Why is the Charleston Slough outer channel assumed to remain in its existing channel size, instead of based on the widening assumption similar to Stevens Creek and Mountain View Slough, or in the Charleston Slough modeling analysis?
<b>L-CMV-35</b>	35. Appendix M, General: Mountain View Slough is also commonly named as Permanente Creek.
<b>L-CMV-36</b>	36. Appendix M, Figures 3.11 and 3.12: At Pond A1, the drainage channel leading out from the Charleston Slough breach has a southeast alignment towards Shoreline Park. Please explain the basis of this alignment and why the drainage channel would not route east to connect to other drainage channels. In addition, it does not show any drainage channel formation in Charleston Slough leading to the Pond A1 breach. Please clarify.
<b>L-CMV-37</b>	37. Appendix M, Figures 3.14 and 3.15: Are the WSL plots and the plots in Figures 3.9 and 3.10 at the same location in Ponds A1 and A2W, respectively?
<b>L-CMV-38</b>	38. Appendix M, Section 3.4.2: The report mentioned that Pond A1 outflow creates backwater to Charleston Slough to slow down the pond drain. Please explain how Pond A1 inflow during flood tide affects Charleston Slough inflow.
<b>L-CMV-39</b>	39. Appendix M, Section 3.4.2: As shown in Appendix B1, Figure 3, under "Proposed (widen Charleston) WSE," the available pumping time will be lower than existing condition, instead of returning to its original condition. Therefore, it may be a potential negative impact.
JMcA/TS/7/PWK/001-09-08-15L-E-1-Enc 5 of 6	



- L-CMV-40** 40. Appendix M, Figure 3.17: Charleston Slough WSE (regular tide) and (100-yr): Please list the assumptions of the predicted WSL, such as the channel and breach conditions.
- L-CMV-41** 41. Appendix M, Section 4.1.2: Pond A1 West Levee: In addition to elevation increase, the levee needs to be improved to resist tidal erosion as a result of Pond A1 breach.
- L-CMV-42** 42. Appendix M, Section 4.1.3: Design Criteria: It should also note that the levee foundation is designed to accommodate future levee improvement to elevation 16', the City high SLR design criteria.
- L-CMV-43** 43. Appendix M, Section 4.1.5 and 4.1.7: A1 Southwest breach: Considering that a new drainage channel will be established at the breach, and the existing low elevation at Pond A1, could the breach invert elevation be set lower than 2', perhaps by dredging a pilot channel between Charleston Slough and Pond A1? A lower invert elevation will improve the proposed intake design. In addition, is it possible to armor the north bank to prevent the breach mitigating north?
- L-CMV-44** 44. Appendix M, Section 4.1.6: Could the pull boxes, vaults, and maybe the viewing platform be built to elevation 16'?
- L-CMV-45** 45. Appendix M, Figure 4.7: Do the proposed levee improvements and any needed improvements at the forebay impact the Coast Casey Pump Station operation?
- L-CMV-46** 46. Appendix M, Section 4.1.10: Is the elevation difference between the pond and the Bay such that complete draining is not possible? Is it possible to widen the breaches to increase pond drainage so pond filling is not needed?
- L-CMV-47** 47. Appendix M, Section 4.2.2.1: Please note that the breeding season for burrowing owls is February 1 to August 31; thus, there should be no disturbance during this time period that could cause abandonment of nests. Additionally, there is a 500' buffer zone around burrows used by burrowing owls year-round. No construction activity can occur within the buffer zone.
- L-CMV-48** 48. Appendix M, Table 4.4: Line Item 3 is lower than the City's estimate from the Shoreline SLR Study. Please provide comments on the cost estimate difference.
- L-CMV-49** 49. Appendix M, Figure 2.9b: Please provide more information on how the two sediment sumps will function, especially the need of the second sump along the new intake pipeline.
- L-CMV-50** 50. Report: Change all "Mt View Slough" references to "Mtn. View Slough."

## Response to City of Mountain View (L-CMV)

### L-CMV-1

The Final EIS/R provides text in Section 3.2 (Hydrology) and 3.3 (Water Quality) to address the City of Mountain View's questions and concerns about seepage of tidal flows into local groundwater and then into the cells of the closed landfill.

A seepage analysis of the information taken during geotechnical investigations of the landfill levees in the fall of 2014 and from previously published studies was conducted. The results of that analysis indicate that there would be an extremely minor increase in the phreatic surface (i.e., an elevation of the groundwater levels across the levee between the pond and the landfill) that would not cause an increase in seepage into the landfill cells.

However, the SBSP Restoration Project intends to continue collaborating with Mountain View to assess and develop design options to avoid seepage if necessary. Design options include, for example, the addition of a geofabric (an impervious liner such as the one suggested by the comment) to be placed between the existing levee slopes and the areas where the habitat transition zones would be constructed. Another suitable option could be a cut-off wall built into the levee. Either of these or other approaches would satisfactorily reduce seepage, in the very unlikely event it is necessary to do so. There will also be a thorough regulatory permitting process in which these aspects of groundwater seepage, leachate, and other aspects of the City's closed landfill will be evaluated and approved.

### L-CMV-2

Similar to the question of seepage in the response to the comment above, the SBSP Restoration Project is collaborating with the City of Mountain View to plan, design, and implement the necessary erosion protection to the existing landfill levees. These erosion protection design features may include cobbles or larger rip-rap, planted vegetation, and/or geofabric.

### L-CMV-3

The SBSP Restoration Project shares the view expressed in this comment that larger (i.e., flatter or less steep) habitat transition zones provide greater ecological benefit than smaller, steeper ones. The current plan, described in Section 2.2.3 of the Draft EIS/R, provides habitat transition zones with a 30:1 slope (horizontal:vertical), though steeper slopes with less surface area are possible depending on material availability and regulatory/permitting approval. Because of limits of available material and regulatory concerns about the area and volume of fill in the Bay, slopes flatter than 30:1 (i.e., larger transition zones) do not seem feasible. See also responses to comments from the Regional Water Quality Control Board (RWQCB, comments L-RWQCB-1, -10, and -16).

### L-CMV-4

The SBSP Restoration Project is aware of the City of Mountain View's Lower Stevens Creek Levee Improvement Project and has participated in several coordination meetings already and will continue to do so as the two projects proceed through their design, environmental, and construction phases. At present, the City's Preferred Alternative for that project does not appear to have any direct interactions with or adverse environmental impacts on the SBSP Restoration Project. The timing and other logistical impacts of construction and other parts of the project implementation will need to be coordinated.

**L-CMV-5**

The construction (material delivery) routes shown in the Draft EIS/R were those initially provided to the SBSP Restoration Project by the City of Mountain View as part of initial planning and assessments. As stated on Page 3.11-12 of Section 3.11, the primary access route to the Mountain View Ponds is U.S. 101 to the San Antonio Road exit and north on San Antonio Road. The secondary route was planned to utilize North Shoreline Boulevard for material delivery. The SBSP Restoration Project will work with the City to develop and plan for other routes that are acceptable for material delivery. The timing and location of those routes will be planned to avoid burrowing owl nesting season and to maintain the required year-round 500-foot buffer distance around active burrows to the maximum extent practicable. Biological monitor(s) will be present during construction activities to ensure that the buffer distances are maintained and to gage the visible responses, if any, of the burrowing owls to the work. The City of Mountain View keeps updated records of burrows and nests each year and can provide them to the SBSP Restoration Project as part of a refined planning and routing plan as construction approaches. In the unlikely event that a burrow needs to be relocated to allow access through a necessary section of Shoreline Park, there are protocols for relocation that can and will be implemented to allow safe construction routing.

**L-CMV-6**

The Santa Clara Valley Chapter of the Audubon Society (SCVAS) and Audubon California (AC) provided comments on the SBSP Draft EIS/R, which have been considered and responded to in this Final EIS/R. To review these comments and responses, please refer to letters coded O-SCVAS and O-AC.

**L-CMV-7**

This comment and several others expressed similar concerns about Charleston Slough and the reduction in easily available areas for public viewing of intertidal mudflats and the species that use them. The SBSP Restoration Project shares this concern. However, the option to integrate tidal marsh restoration in Charleston Slough into Phase 2 of the SBSP Restoration Project has been removed from the Preferred Alternative at the Mountain View Ponds. Master Comment Response #1 is about this removal, and Master Comment Response #6 summarizes the Preferred Alternative. Chapter 6 of the Final EIS/R contains the full description of the Preferred Alternative.

**L-CMV-8**

The SBSP Restoration Project has collaborated closely with the City of Mountain View to develop and evaluate possible design-based solutions to several aspects of connecting the SBSP Restoration Project with the city's infrastructure and amenities, one of which is the water intake for the Shoreline Park sailing lake. The option to integrate tidal marsh restoration in Charleston Slough into Phase 2 of the SBSP Restoration Project has been removed from the Preferred Alternative at the Mountain View Ponds, but continued collaboration will be necessary to further develop and implement other overlapping or abutting parts of the Phase 2 projects (e.g., the Coast Casey Forebay levee improvements).

**L-CMV-9**

This comment suggests that the Final EIS/R include and analyze scaled-back versions of the western levee of Charleston Slough (adjacent to the Palo Alto Flood Basin) and the Coast Casey Forebay levee (along the southern edge of Charleston Slough) that are reduced, relative to the design presented and analyzed for Alternative Mountain View C. These scaled-back levees would more closely represent the



S BSP Restoration Project's requirement to maintain existing levels of flood control. The Final EIS/R does not include the development of this reduced design or an analysis of the environmental impacts of its implementation. The impacts analyzed for Alternative Mountain View C's larger (both higher and wider) levee designs are the largest that would result from including those levees in the Phase 2 project actions. A smaller (less high, less wide) levee would have fewer and smaller environmental impacts than those already analyzed and disclosed in the Draft EIS/R. As there would be no new significant impacts, the inclusion and analysis of a reduced levee improvement design is not necessary.

**L-CMV-10**

The legend for Figure ES-9 has been changed to clarify the existing features versus those proposed. The same changes have been made for Figure 2-9b, which is the same map figure but in the main text.

**L-CMV-11**

Alternatives Mountain View B and Mountain View C contain variations in several features to provide a range of options for habitat restoration. The numbers, sizes, and locations of breaches are among those variations. In Alternative Mountain View B, the single breach into Pond A1 would be larger than it would be in Alternative Mountain View C, which would instead have more, but smaller, breaches.

**L-CMV-12**

In response to this comment about Alternative Mountain View B, the text on Page 2-24 of the Draft EIS/R has been revised to remove reference to "normal operation." The levee crest elevation under Alternative Mountain View B would be 10 feet elevation NAVD88.

**L-CMV-13**

At the request of the City of Mountain View, the viewing platform considered for relocation to the top of Vista Point hill in Shoreline Park has been removed from further consideration. The viewing platform will remain along the southern shore of Pond A1, as shown on the map figures for Alternatives Mountain View B and C.

**L-CMV-14**

The fill volumes presented in Table 2-3 include the fill required for levee improvements as well as construction of habitat transition zones, islands, and other purposes as described in the EIS/R. The volumes in the table do not include material to raise pond bottoms, however, because the current plans do not call for material import for pond bottom elevation increase. There is no requirement to implement that action because analysis has shown that the ponds are likely to achieve marsh plain elevation without any supplemental sediment.

**L-CMV-15**

The relevant text on page 2-29 of the Draft EIS/R has been revised in response to this comment. The Final EIS/R text now reads, "To incorporate the highest sea-level rise prediction from the City of Mountain View's Sea Level Rise Study, Feasibility Report, and Capital Improvement Program (ESA PWA 2012), this levee improvement would build a levee base and foundation support sufficient to support a 16.0-foot NAVD88 cross section but without the top 2 feet (i.e., to a crest elevation of 14 feet NAVD88)."

**L-CMV-16**

Appendix M to the Draft EIS/R is the preliminary design memorandum for the Alviso-Mountain View Ponds. Section 4.1.7 of Appendix M describes improving the southern portion of the levee between Pond A1 and Charleston Slough that would be necessary under Alternative C, which incorporated Charleston Slough into the Phase 2 SBSP Restoration Project actions. That text notes the need to provide adequate space for a maintenance truck to turn around and that the levee itself would be improved enough to support the new intake, pipe, maintenance trucks, and a recreational trail to the viewing platform and intake maintenance area. However, the option to integrate tidal marsh restoration in Charleston Slough into Phase 2 of the SBSP Restoration Project has been removed from the Preferred Alternative for the Mountain View Ponds (as discussed in Master Comment Response #1). There would be no need for this maintenance truck access under the Preferred Alternative. The City of Mountain View will continue to be involved in planning and reviewing the other aspects the project as they develop.

**L-CMV-17**

As noted in the second bullet on page 2-29 of the Draft EIS/R, the existing viewing platform will be elevated to match the elevation of the raised Coast Casey Forebay levee. In addition, Appendix M (described in the response to comment L-CMV-16), includes preliminary designs for raising the existing viewing platform to match the increased elevation of the Coast Casey Forebay levee.

**L-CMV-18**

As stated on page 2-31 of the Draft EIS/R, “All rebuilt trails on existing levees that would be raised or modified as part of this project would be resurfaced to match the existing conditions.”

**L-CMV-19**

As indicated on Page 2-34 of the Draft EIS/R, the timing of project construction would include consideration of the bird nesting season (February 1 through mid-September). This bird nesting season includes the breeding season of burrowing owls, among other species. In addition, Section 3.5-25 includes species-specific avoidance and minimization measures that the project would implement to protect burrowing owls.

**L-CMV-20**

Discussion of the pump station is included in Item 5 of the construction sequence list on Page 2-37 of the Draft EIS/R, which states, “Construct new water intake system at breach location along Pond A1 west levee and make other improvements to pump station.”

**L-CMV-21**

The projected dates for the initiation of construction have been updated in the Final EIS/R. Construction would not begin in summer of 2016. The general construction schedule for all alternatives included estimates of the time required to import material. However, the detailed construction schedule will develop this more fully.

**L-CMV-22**

The comment misstates the focus of the traffic analysis (provided in Appendix G to the Draft EIS/R) as being on the capacity of the off-ramps from the nearest highway (in this case, U.S. 101). Rather, the

traffic impact analysis focused on the impacts of the intersections at the off-/on-ramps and the local arterials. The analysis was conducted to assess the overall change in traffic conditions from the construction vehicles used to import fill material; it was done in a “worst-case scenario” so as to assess the greatest possible impact to local traffic at those intersections for the purposes of complying with CEQA and NEPA. The City of Mountain View has already noted that new routes for the import of the haul material will need to be developed (see response to comment L-CMV-5). Additional studies of traffic and route planning will be conducted in collaboration with the City of Mountain View as part of that planning.

The method used to estimate the number of truck trips required to import material was the same for each pond cluster and alternative. The volume of net fill required was calculated as the difference between the local cut activities and the total fill required. Then, a conservative assumption of 11 cubic yards per construction truck was used to calculate the number of truckloads needed. An experienced trucking company that has hauled fill material for similar projects in the Bay Area was consulted to estimate a feasible number of truckloads that could be imported each day into each pond cluster based on the haul routes provided.

#### **L-CMV-23**

The 2007 EIS/R included a list of programmatic mitigation measures that would apply to all future project phases, including Phase 2. Those measures committed the project to a roadway rehabilitation program following construction. One of the details was SBSP Mitigation Measure 3.12-4, which would require making pre- and post-project videos of the conditions of the roads used for hauling fill so that there would be an objective standard for comparing the amount of roadway rehabilitation needed. That measure is listed in Section 2.3.3.

#### **L-CMV-24**

Section 3.5-25 describes the avoidance and minimization measures that the project would implement to protect burrowing owls, among other birds.

#### **L-CMV-25**

See responses to comments L-CMV-1 and L-CMV-2 for discussions of how seepage through the landfill levees was assessed.

#### **L-CMV-26**

Appendix M to the Draft EIS/R is a preliminary design memorandum that was used to provide enough detail on a range of project alternatives to conduct impact assessments for the Draft EIS/R. It is a completed document and need not be changed to include details such as the one requested in this comment. In addition, the SBSP Restoration Project does not think it appropriate to modify completed documents that have been publicly available for some time. The preliminary design memorandum for the Mountain View Ponds (Appendix M) includes several memoranda that were appended to the preliminary design memorandum itself to address certain aspects of the restoration design that were developed subsequent to completion of the main design memorandum. Any further modifications to details that do not affect the environmental impact assessment will be made as warranted during the design process.



**L-CMV-27**

Section 4.1.7 of Appendix M describes improving the southern portion of the levee between Pond A1 and Charleston Slough that would be necessary under Alternative C, which incorporated Charleston Slough into the Phase 2 SBSP Restoration Project actions. That text noted the need to provide adequate space for a maintenance truck to turn around and that the levee itself would be improved enough to support access by maintenance trucks. In addition, Appendix M contains memoranda (compiled as Appendix B to the preliminary design memorandum) that analyze the effects of the proposed new water intake location on long-term functioning and maintenance.

However, the option to integrate tidal marsh restoration in Charleston Slough into Phase 2 of the SBSP Restoration Project has been removed from the Preferred Alternative for the Mountain View Ponds. There would be no need for this maintenance truck access under the Preferred Alternative. The City of Mountain View will continue to be involved in planning and reviewing the other aspects of the project as they are developed.

**L-CMV-28**

See responses to comments L-CMV-1 and L-CMV-2 for discussions of how seepage through the landfill levees would be addressed.

**L-CMV-29**

As noted in the response to comment L-CMV-26, the preliminary design memoranda were intended largely to generate inputs for analysis in the NEPA and CEQA processes. Appendix M includes several memoranda (that were added as Appendix B to the preliminary design memorandum itself) to address certain aspects of the restoration design that were developed subsequent to completion of the main design memorandum. One of these memoranda includes conceptual designs for raising and/or modifying the utilities and other existing infrastructure associated with the Coast Casey Forebay levee. Those actions were included in the analysis done for the Draft EIS/R; Table 2-4 includes raising and improving all of the pump station, water intake, and others structures associated with raising the Coast Casey Forebay.

**L-CMV-30**

The long-term future conditions of Ponds A1 and A2W, including expected future topography such as the drainage channels requested in this comment, are provided in Appendix M's Figures 3-9 through 3-12. Figure 3-5 is intended to show the average or typical pond bottom elevations in the future but not to illustrate the drainage network.

**L-CMV-31**

The text indicates the approximate location of the cross-section in that figure as being 700 feet offshore from the foot of Charleston Slough. As noted in response to comment L-CMV-26, the preliminary design memorandum is a completed document. All new documents will include maps to indicate the location of the cross-sections.

**L-CMV-32**

Appendix M was prepared before the Draft EIR/S, and the labeling or naming of alternatives sometimes varies between documents prepared at different stages of the project development. Also, in conducting the

model runs, several options for each alternative were simulated to better understand the advantages and disadvantages of each. See footnote at the bottom of page 15 in Appendix M for more details. Appendix M's Figure 3-7 and Figure 3-9 represent the case with only one breach in Pond A2W. In Figure 3-8 there are 4 breaches in Pond A2W.

**L-CMV-33**

As noted in the response to comment L-CMV-26, the preliminary design memorandum is a completed document that is not going to be revised as part of preparing the Final EIS/R. Figures in future documents will include plan views as appropriate.

**L-CMV-34**

The existing size of the channels in the mudflats offshore of Stevens Creek and Mountain View Slough are not large enough to allow drainage of Ponds A1 and A2W, therefore, the effects of breach sizes and internal channels in Ponds A1 and A2W could not be analyzed unless channels were added to the mudflats to allow drainage of the ponds through the mudflats. The expectation is that the channels will eventually form once the ponds have been breached. The emphasis on the analysis presented in Figures 3-9 through 3-12 is on Ponds A1 and A2W and since Charleston Slough drains completely under existing conditions, it was not necessary to change the conditions offshore of Charleston Slough.

**L-CMV-35**

Comment noted. Project maps show both names as Permanente Creek transitions into Mountain View Slough.

**L-CMV-36**

The channels shown in Figures 3-11 and 3-12 of Appendix M generally follow the channels found on the historic t-sheets for the area. This includes the small channel aligned towards Shoreline Park. The channels shown in Figures 3-11 and 3-12 were therefore not meant to be proposed channel designs.

**L-CMV-37**

Yes, the plots in Figures 3-9 and 3-10 are at the same locations in Ponds A1 and A2W, respectively.

**L-CMV-38**

The inflow should be only minimally affected. The only limit is the size of the channel between the bay itself and the inlet to Charleston Slough.

**L-CMV-39**

Comment noted. The breach in the levee between Charleston Slough and Pond A1 is no longer included in the Preferred Alternative at the Mountain View Ponds (see Master Comment Response #1). Therefore, there is no additional analysis or discussion of it in the Final EIR/S.

**L-CMV-40**

As indicated in response to comment L-CMV-39, the breach in the levee between Charleston Slough and Pond A1 is no longer included in the Preferred Alternative at the Mountain View Ponds. See Master Comment Response #1.

**L-CMV-41**

Section 4.1.3 of the preliminary design memorandum included as Appendix M of the Draft EIS/R lists the design criteria for levee improvements; erosion control is included among them. The proposed concept includes rock slope protection on the tidal side of the levee.

**L-CMV-42**

The text of Section 4.1.3 in Appendix M does note a wider base to support future elevation increases to protect against a high sea-level rise scenario. The comment is correct in noting that in this instance, the specific elevation of 16 feet is not listed, but that value and statement are made several other places in the EIS/R and in the designs.

**L-CMV-43**

As indicated in response to comments L-CMV-39 and L-CMV-40, the breach in the levee between Charleston Slough and Pond A1 is no longer included in the Preferred Alternative at the Mountain View Ponds. See Master Comment Response #1.

**L-CMV-44**

Those structures could be built to 16 feet elevation, but that was not the request from the City of Mountain View, which requested improving or adjusting those structures to accommodate a levee that was raised to 14 feet elevation.

**L-CMV-45**

The new water intake and the other structures related to its location, as well as those associated with the height of the Coast Casey Forebay levee to 14 feet elevation were designed to minimize impacts to intake and pump operations and to meet the water volume demands without changing out the existing pump. Appendix M Section 4.1.7 explains how, in the short term, the designs in the proposed alternative may actually decrease required maintenance and extend the life of the pump. While further modeling and analysis would have been required to confirm that the combination of tidal response and a higher elevation intake would provide sufficient water for the lake, the Preferred Alternative no longer includes the integration of Charleston Slough into the Phase 2 designs. See Master Comment Response #1.

**L-CMV-46**

Ponds A1 and A2W would not initially drain completely after breaching because they are subsided. The ponds would resemble “tidal lagoons” until sediment accretes to marsh plain elevation. Eventually, this accretion would allow vegetated marsh to form. Wider breaches would not change the draining of the ponds or speed this process in the short term.

**L-CMV-47**

As noted in the response to comment L-CMV-19, the construction schedule will be determined with consideration toward avoiding the nesting season for burrowing owls. Section 3.5-25 also includes the avoidance and minimization measures for burrowing owls, which include 500-foot buffer zones among other protections.



**L-CMV-48**

A good portion of the difference in cost estimates is explained by the fact that the SBSP Restoration Project assumes that the material to improve the levees and create transition zones is free, so that only the trucking costs need to be considered. The City's sea-level rise study and capital improvement program assumes rock-slope protection. Also, the City's sea-level rise study included a stability berm that the analysis done for the Phase 2 EIS/R did not consider necessary.

**L-CMV-49**

The second sump was optional and intended to act as an additional sediment trap to reduce the delivery of sediment from the intake to the pump itself. The construction of either a larger or multiple sediment sumps could decrease the number of maintenance visits required. This could reduce maintenance costs and prolong the life of the pump itself, as described in the text.

**L-CMV-50**

The main text of the Draft EIS/R spelled out the full name "Mountain View Slough," whereas the maps showed it as "Mt View Slough." This has been changed in the Final EIS/R. Where technical appendices referred to it as "Mt. View Slough," it was in completed documents. As described in responses to previous comments, revising completed documents with relatively minor name changes is not necessary, but they will use the requested name in all work going forward.