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Appendix E

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To: Office of Planning and Research P.O. Box 3044, Room 113	From: (Public Agency): <u>City of San Mateo</u> 330 W. 20th Avenue
Sacramento, CA 95812-3044	San Mateo, CA 94403
County Clerk County of: <u>San Mateo</u>	(Address)
555 County Center	
Redwood City, CA 94063	FILED.
Project Title: Marina Lagoon Routine Mainter	nance FILED SAN MATEO COUNTY
Project Applicant: City of San Mateo	JUL 07 2021
Project Location - Specific:	MARK GOURCH, COUNTY CHERK
Marina Lagoon	By Beputy Clerk
Project Location - City: San Mateo	Project Location - County: San Mateo
recreational waterway located in the City of San Mateo, intended to repair and preserve the Lagoon's existing st docks, recreational facilities, operation, and water qual	vities on the Lagoon, a managed stormwater runoff, flood control and for five years, from 2022 through 2026 . Maintenance activities are cormwater management infrastructure and capacity, public and private ity.
Name of Public Agency Approving Project: City of	of San Mateo
Name of Person or Agency Carrying Out Project:	City of San Mateo Public Works
<ul> <li>Exempt Status: (check one):</li> <li>Ministerial (Sec. 21080(b)(1); 15268);</li> <li>Declared Emergency (Sec. 21080(b)(3);</li> <li>Emergency Project (Sec. 21080(b)(4); 15</li> <li>Categorical Exemption. State type and s</li> <li>Statutory Exemptions. State code number</li> </ul>	5269(b)(c)); ection number: <u>Class 1 Categorical Exemption: Section 15301 Existing</u> Facilities
Reasons why project is exempt:	
There would be no expansion of use or service at the Lag Exemption under Class 1, Existing Facilities, and would	goon, the proposed maintenance program would qualify for a Categorical not meet any of the Section 15300.2 Exceptions
Lead Agency Contact Person: Sarah Scheidt	Area Code/Telephone/Extension: 650-522-7385
If filed by applicant: 1. Attach certified document of exemption fin- 2. Has a Notice of Exemption been filed by the	ne public agency approving the project? Yes No
Signature:	Date: 15-21 Title: Regulatory Complaine, Manager
Signed by Lead Agency Signed b	y Applicant
Authority cited: Sections 21083 and 21110, Public Resource Reference: Sections 21108, 21152, and 21152.1, Public Resource Reference: Sections 21152, and 21	



#### MEMORANDUM

To: Sarah Scheidt City of San Mateo Public Works Tali Ashurov From: Senior Environmental Planner WRA, Inc.

Date: June 14, 2021

Subject: San Mateo Marina Lagoon Maintenance Project CEQA Analysis Memorandum

#### <u>Purpose</u>

The purpose of this memorandum is to provide the City of San Mateo (City) with information and recommendations for the appropriate level of analysis per the requirements of the California Environmental Quality Act (CEQA) for the City's proposed San Mateo Marina Lagoon (Lagoon) Maintenance Project (Project).

#### **Recommendation**

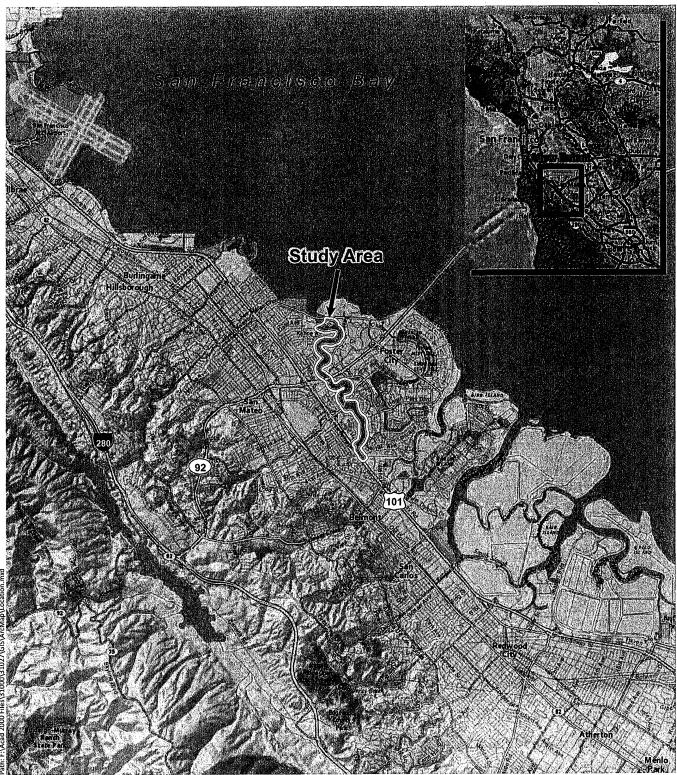
As detailed below, since there would be no expansion of use or service at the Lagoon, the proposed maintenance program would qualify for a Categorical Exemption under Class 1, Existing Facilities, and would not meet any of the Section 15300.2 Exceptions.

#### **Background Information**

The maintenance program for the Lagoon was found exempt from CEQA in 2014 under Sections 15301, 15307, and 15308. The maintenance program approved in 2017 renewed the expired U.S. Army Corps of Engineers Clean Water Act Section 404 Regional General Permit (RGP) 7 for a five-year term, allowing for routine maintenance on the Lagoon. Other permits received for Lagoon maintenance included Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements from the Regional Water Quality Control Board, and a Streambed Alteration Agreement from the California Department of Fish and Wildlife. Activities approved in 2017 included sediment removal in front of the inlets to the lagoon, fixing eroding banks, construction and maintenance of existing docks, boardwalks, fences and boat ramps, replenishing beach sand, and cleaning out debris and litter.

#### Project Summary

The City proposes to conduct routine maintenance activities on the Lagoon, a managed stormwater runoff, flood control and recreational waterway located in the City of San Mateo, for five years, from 2022 through 2026 (Figure 1). Maintenance activities are intended to repair and preserve the Lagoon's existing stormwater management infrastructure and capacity, public and private docks and recreational facilities and operation, and water quality.



Sources: National Geographic, WRA | Prepared By: mrochelle, 3/22/2021

## Figure 1. Study Area Regional Location Map

San Mateo Marina Lagoon San Mateo County, California





ENVIRONMENTAL CONSULTANTS

#### Marina Lagoon Maintenance Program

The proposed Project activities include the following:

#### **Docks and Ramps**

Construction, maintenance and improvement of public and private docks, ramps and boardwalks as needed on both banks of the Lagoon.

#### **Public Docks and Ramps**

Parkside Aquatic Park is a City-owned recreation area containing the only public boat launch facility and public docks within the Lagoon. Parkside Aquatic Park amenities include a public beach, picnic area and play area. The main office of the Harbor Master is also located in Parkside Aquatic Park. There are two boat ramps, one for public use and the other for the Harbor Master's boats. The docks at Parkside Aquatic Park's south end facilitate boat launching from the boat ramps. The docks consist of a modular floating dock system of three separate docks to support boat and kayak launch and recovery. Each dock is anchored by two wooden piers (six in total) approximately 2 feet in diameter, installed when the previous floating dock was constructed. The floating sections of the south end docks can be removed and repaired on land. If piles need to be replaced, pre-cast concrete piles or secondary containment for poured piles will be used. All pile replacements, or over the water dock repairs, will incorporate best management practices, including the use of silt curtains and booms. Access and staging for general maintenance repair on the docks and boat ramps will be in the main parking area of Parkside Aquatic Park. The City's only other facility of this type is a concrete ramp at Hillsdale used by occasionally by contractors.

#### Private Docks

The Lagoon maintenance program covers the construction of new private docks, and the repair, replacement in-kind, and minor extensions of existing private docks. The Lagoon is surrounded by high-density residential areas and many of the shoreline parcels have private docks or the right to own one. Currently, there are approximately 250 private docks. The City requires all private dock owners to have appropriate permits and to maintain their docks in good condition, managing repair, construction and installation of private docks through the City's Building Department Dock Permit Program. Under this program, the City anticipates a maximum of five new docks to be constructed each year, totaling a maximum of 25 new docks in the proposed Project's 5-year timeframe. The number of dock repair or replacement activities that could occur during the program's 5-year term is not known at this time, and is not limited under the program. A private dock on the Lagoon is typically 25 feet in width, occupying the full extent of the parcel, and up to the maximum allowable length of 25 feet from the shoreline, requiring at least 6-8 support piles having a typical pile diameter of 12 inches. Dock maintenance and installation requires several days to several weeks to be completed, depending on the extent of work needed.

The City Building Division's Standard Plan for dock construction has been structurally engineered and approved for docks on the Lagoon. This Standard Plan is for fixed wood docks with concrete piers. The plan recommends that these piers be wrapped with a bituminous material or plastic to resist sulfate and water corrosion. The wood framing will be constructed with redwood or other non-pressure-treated material. If a homeowner deviates from the Standard Plan with alternative construction and materials, the homeowner will be required to submit calculations demonstrating the dock is structurally sound, stamped and signed by an architect or engineer

season will utilize plywood, rubber mats or similar materials placed on the substrate to minimize impacts to the Lagoon bottom from foot and wheeled equipment access.

- Docks can extend into the Lagoon no more than 25 feet beyond a house; houses can extend into the Lagoon no more than 15 feet from the shoreline. Together, a dock and house can extend no more than 40 feet into the Lagoon from the shoreline.
- Pressure-treated wood will not be used for any dock. Redwood and other nonpressure-treated materials are required for all dock construction.
- Piers or piles of concrete material must be either pre-cast or poured within a highdensity polyethylene or similar type of secondary containment system.
- No freshly poured concrete will come in contact with the water for at least 30 days.
- Dock owners replacing existing docks or constructing new docks will compensate for impacts to the Lagoon by complying with one of the following two options:
  - a) Submit proof of participation in an organized waterway litter cleanup event by January 31 following the completed dock work; or
  - b) Design and construct the dock with decking that allows a minimum 40 percent light transmittance to the Lagoon.

#### Sediment and Debris Removal to Maintain Lagoon Capacity and Flows

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Regular sediment and debris removal will be conducted in several locations to maintain Lagoon flood storage capacity, inlet flows, and water quality. Accumulated and captured material will be removed with mechanical equipment and hand labor from O'Neill Slough, Laurel Creek, 16<sup>th</sup> Avenue Channel, 19<sup>th</sup> Avenue Creek, stormwater outfalls, and at the southern litter boom as needed.

An estimated 10 cubic yards (CY) of sediment, trash and other material will be removed from the Bay side of the O'Neill Slough inlet gates in the first year of the maintenance program, and smaller amounts removed in subsequent years. Up to an estimated 750 CY of material will be removed from each of the Lagoon inlets of Laurel Creek and 19<sup>th</sup> Avenue Creek, and up to an additional 500 CY in the trapezoidal channel upstream of the lagoon gate at the 16<sup>th</sup> Avenue Channel. Sediment removal is anticipated to occur one time at each location during the proposed Project's 5-year term, for an estimated total of up to 2,000 CY. At stormdrain outfall locations, no more than a total of 40 CY will be removed per year.

Removal of accumulated sediment and debris on the Bay side of the Lagoon's inlet gates at O'Neill Slough is required to restore inlet capacity and function, with smaller amounts to be removed on an annual basis following the initial excavation. Sediment and debris removal is limited to the cement inlet gate structure bounded by wingwalls and a cement floor, an area of approximately 400 square feet; no removal will occur outside of the developed footprint. Sediment removal will be done with an excavator with standard or long-reach arm stationed above the O'Neill Slough inlet. Work is anticipated to require one to two days of excavation and is expected to occur one time per year.

At the Laurel Creek, 16<sup>th</sup> Avenue Channel, and 19<sup>th</sup> Avenue Creek outlets to the Lagoon, the City needs to perform periodic sediment removal to remove the natural accumulation of alluvial material and debris to ensure these channels retain their flow capacity and function. The City will mechanically remove silt, sediment, and debris from the creek outlets to reach the Lagoon's original design depth of approximately 6 feet. At the 16<sup>th</sup> Avenue Channel, additional sediment removal will occur up to 75 feet upstream of the lagoon gate, in a trapezoidal, concrete-lined

- Debris removal at the southern litter boom will occur as needed, approximately once per every 4 months.
- Silt or turbidity curtains will be deployed during sediment removal activities for locations with standing water.

#### **Aquatic Vegetation Harvesting**

Mechanical harvesters are used intermittently in the Lagoon throughout the late spring and summer (June through August), primarily for the control of excessive growth of widgeon grass and filamentous algae that interferes with safe boating and disrupts water quality and water flow. Harvesting removes vegetative biomass from the Lagoon, thereby helping to reduce a significant nutrient source. This benefits the overall health of the Lagoon, which is impaired by pollutants including Fecal Indicator Bacteria (FIB). The accumulation of excessive vegetative biomass promotes and harbors bacteria, including FIB; as well as promoting reduced dissolved oxygen levels during the cooler evenings. Harvesting is an efficient means of vegetation and algae control, especially in open waters throughout the center of the Lagoon where the harvesting vessels can operate without obstruction. Harvesters cannot work close to the shorelines due to shallow waters, and therefore also do not operate in the shallower, southern end of the Lagoon. Unlike vegetation control with an aquamog, which scoops vegetation out at the substrate level, harvesting cuts the top portion of the widgeon grass and algae, leaving the lower portion growing from the Lagoon bottom. Therefore, the lower portion of Lagoon vegetation, including widgeon grass, remains intact to provide aquatic habitat benefits.

Approximately 140 CY on average per year of widgeon grass and algae vegetation is harvested from Lagoon waters between June and August. Due to annual variations in growth conditions, the amount of vegetation harvested per year fluctuates greatly, from a recent maximum of approximately 270 CY down to none in one year when vegetation growth was minimal. Harvesting averages 20 working days per year. Harvesting equipment is mobilized to the site in May, and typical equipment is a surface aquatic harvester similar to H10-650 or smaller. Prior to use, all equipment is cleaned, dried, and inspected according to the contractor's Aquatic Invasive Species - Hazard Analysis and Critical Control Point Plan (AIS-HACCPP). The vessels are staged and launched from Parkside Aquatic Park, or potentially from the Hillsdale boat launch area, which consists of a gated lot and concrete boat ramp. Harvesting is done during daylight hours, and harvested material is stockpiled and allowed to dewater at the Hillsdale launch ramp before it is transported to a green-waste composting facility. Once the harvester arrives at the Lagoon it does not leave the area until September when it returns to the contractor's equipment yard.

#### Shoreline / Bank Protection

Most of the Lagoon is designed with 5:1 horizontal to vertical shoreline slopes to minimize erosion and slumping of banks into the water. Much of the shoreline has been protected from erosion by rock riprap, bulkheads, retaining walls, paving and cut and fill activities. In some locations, existing bank armoring and retaining walls have been undermined or failed and need to be repaired. There are also areas that need bank protection installed where the unprotected shoreline has been eroded and exposed. Locations are typically identified by landowners or City staff, however, no specific sites requiring bank protection have currently been identified. The typical bank protection material used in the Lagoon is quarter ton angular rock, however, to the maximum extent

#### <u>Fences</u>

Construction, maintenance and installation of new fences along established property lines. Several private shoreline parcels have fences protruding into the Lagoon below the summer high water level. Fence repair and installation can occur as needed at any time of year.

#### Existing and New Fence Construction

Repair, improvement and maintenance of existing fences, and installation of new fences along established property lines will occur with the following restrictions:

- Up to 40 linear feet of fence repairs is allowed per year on the Lagoon shoreline.
- Up to 40 linear feet of new fencing is allowed per year on the Lagoon shoreline.
- Existing fences will not extend more than 6 feet into the Lagoon beyond the summer high water level.
- No new fences will be constructed below the point on the shoreline intersected by the plane of the summer high water level.
- In-water work is restricted to placement of concrete footings for fencing, which must be pre-cast concrete or poured concrete in a secondary containment system. No freshly poured concrete will come in contact with the water for at least 30 days.
- Pressure-treated wood will not be used for any fence material.
- If water is present, a silt or turbidity curtain will be installed in the water surrounding the work area to prevent the migration of sediment from the work site. Work would be performed from upland if access is available or via the water with staging and access from Parkside Aquatic Park.

#### Beach Sand Replenishment

Sand replacement typically occurs once a year for public beaches at Parkside Aquatic Park, near the north end of the Lagoon, and Lakeshore Park, just north of Hillsdale Boulevard. Each beach has a concrete path on the upland side and replenishment occurs below and to the side of the path. The sand is replenished this way to maintain a gradual transition from the walkway to the beach for safety reasons. Additional sand is placed around the children's play area at Parkside Aquatic Park.

The concrete path is approximately 120 feet from the shoreline at Parkside Aquatic Park and 100 feet from the shoreline at Lakeshore Park. Sand is never replenished at the shoreline. Staging and access is located in the parking lot areas of each park. Replenishment utilizes 20-mesh Bay reclaimed sand spread by hand or an excavator and requiring 2 days of work per beach per year on average. Sand replenishment at both park locations will result in less than 0.001 acre of temporary impacts above the water line in each year. Up to approximately 100 cubic yards in total of sand sourced from a local provider will be replenished annually at the Lagoon beaches.

Beach sand replenishment will occur with the following restrictions:

- Beach replenishment shall occur once per year at each site.
- Only hand tools shall be used to spread the sand when within 50 feet of the shoreline.

be applied to the poured concrete surface where difficulty in excluding water flow for a long period may occur. If sealant is used, water will be excluded from the site until the sealant is dry.

- <u>Erosion Control:</u> Silt control measures will be utilized throughout all phases of the Project where silt and/or earthen fill could enter the Lagoon. Silt control structures will be monitored daily for effectiveness and repaired or replaced as needed.
- <u>Revegetation of Disturbed Areas:</u> All areas of disturbed soil which drain to the Lagoon will be planted with locally-collected native plants appropriate for the soil and hydrological conditions of the site. Locally native wildflower and/or shrub seeds may also be included in the planting mix. Invasive plant species, including those categorized as "High" and "Moderate" in the California Invasive Plant Council's Inventory Database, will not be planted, seeded or otherwise introduced.
- Public Access: The proposed Project will result in closing or re-routing pedestrian access on an interim basis while project related activity is under way. The City will make every effort to minimize the impact to public access during projects. Signs will be posted at the nearest public access entrances informing the public why areas are closed, when they will be open, possible detours, and when project construction will be complete.
- <u>Dust and Noise</u>: Minimize impacts on the adjacent public parks' public access areas, including dust control requirements, assuring that noise levels do not exceed the City's Noise Ordinance (2004-16), and locating the access and transport areas so as to minimize impacts on existing vegetation.
- <u>Construction Schedule:</u> The hours of construction will be limited to between 8 AM and 5 PM on weekdays to minimize disturbance to neighboring properties.
- <u>Post-project Conditions</u>: The City will make any necessary repairs to public parks and access points impacted by proposed Project activities to assure that the Project Area will be returned to its original state.

#### **CEQA Review**

#### Exemption Evaluated for the Maintenance Program in 2014

#### Class 1 Categorical Exemption: Section 15301 Existing Facilities

The maintenance program in 2014 was previously found exempt under CEQA Class 1 Section 15301. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the Project involves negligible or no expansion of an existing use (California Code of Regulations, 2021).

# Class 7 Categorical Exemption: Section 15307 Actions by Regulatory Agencies for Protection of Natural Resources

The maintenance program in 2014 was also previously found exempt under CEQA Class 7 Section 15307. Class 7 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Wildlife. Construction activities are not included in this exemption.

#### Significant Effect

The Project would not result in significant effects as a result of unusual circumstances as no such circumstances are applicable to the Project area. According to the biological resources technical report prepared by WRA, some portions of the Project area fall into the jurisdiction of the Clean Water Act Sections 401 and 404, California Department of Fish and Wildlife (CDFW), and Bay Conservation and Development Commission (BCDC) and may require permits for impacts in those areas. Several special-status species have the potential to occur within the Project area, including one special-status bat, three special-status birds, two special-status mammals, and one special-status fish, as well as non-status birds with baseline nest protections.

The Project is designed to minimize impacts, and based on the proposed Project description, no potentially significant impacts were identified. Further justification on the proposed Project's minimal impacts on special-status species and aquatic resources is provided below.

#### **Special-Status Species**

#### California Black Rail and California Ridgway's Rail

No temporary or permanent loss of rail habitat is anticipated due to proposed Project activities. No work is proposed in pickleweed salt marsh and no work in tidal habitats or near suitable rail habitats is proposed in the bird nesting season. The temporary and distinct sediment removal operations will result in noise in the vicinity of pickleweed salt marsh; however, it is of extremely short duration of approximately two days per episode one or two times per year during the fall months. Based on the proposed Project description, the proposed Project will have less than significant impacts under CEQA and therefore no mitigation shall be required.

#### Alameda Song Sparrow

No temporary or permanent loss of Alameda Song Sparrow habitat is anticipated due to proposed Project activities. No work is proposed in pickleweed salt marsh and no work in tidal habitats or near suitable habitat is proposed in the bird nesting season. No impact would occur and therefore no mitigation shall be required.

#### Pallid Bat

No temporary or permanent loss of pallid bat habitat is anticipated due to proposed Project activities. There is potential for pallid bats to roost in the crevices within the cement structure of the Fashion Island Boulevard overpass bridge that crosses over the Lagoon. However, the bridge is heavily trafficked above by motor vehicles and areas beneath the bridge are trafficked during the summer season by recreational boaters operating watercraft. The only proposed Project (*Sorex vagrans halicoetes*) (WRA, 2021). No work would occur in the Pickleweed Salt Marsh, and the habitat would be protected by a concrete-lined channel and wingwalls delineating the work area.

#### Special-Status Fish Species

No permanent loss or impacts to special-status fish and their habitat is anticipated as a result of proposed Project activities. Sediment removal covering approximately 400 square feet of tidal waters at the southern tide gate structure could incur temporary impacts to these species through increased turbidity, entrainment, or removal of fish. However, work in tidal waters is consistent with regional approved work windows and limited to September and October. This period is when special-status fish species, including longfin smelt and dDPS green sturgeon, are unlikely to occur in the region, and freshwater inputs are at the lowest point in the year. CCC Coho salmon is extirpated from the area and therefore does not have the potential to occur within the Project area.

Therefore, entrainment or removal is not likely to occur. In addition, work is restricted to periods of low tide when inundation of the work area is limited and a silt or turbidity curtain will be placed. Work at low tide and with a turbidity curtain will limit suspended sediments and turbidity to the work area, and minimize temporary impacts as a result of increased turbidity. No sediment removal shall occur outside of the cement tide gate structure or locations with natural channel bed or banks. Based on the proposed Project description, the proposed Project will have less than significant impacts under CEQA for longfin smelt within the Project area.

#### **Sensitive Natural Communities**

#### Open Water, Wetland Swale, Pickleweed Salt Marsh, Tidal Waters

The proposed Project was designed to minimize impacts to sensitive natural communities. Because of the construction methods employed, minimal impact is anticipated to sensitive natural communities from Project activities. No work in the wetland swale or pickleweed salt marsh is proposed, and no impacts are anticipated to these communities. Sediment removal in tidal waters is limited to approximately 400 square feet at the southern tide gate structure. Restriction of work to periods of low tide over two days and placement of a silt or turbidity curtain will minimize increase in turbidity in adjacent tidal waters. Sediment removal, dock repair and placement, bank stabilization repair and placement, and aquatic vegetation management, could result in temporary impacts to open waters in the Lagoon. As described in the proposed Project description, maintenance activities will primarily be conducted in the low water period (January and February) to reduce work in open water habitat. Sediment removal activities are extremely localized, focused on stormwater outfalls, although sediment removal at three

	function of EFH or designated critical habitat as a result of the Project. Based on the Project description, the Project will not disrupt fish passage or reduce habitat quality within the Project area. No new barriers to fish passage will be created or destroyed because of Project activities. Any impacts to aquatic habitat will be temporary and will not substantially interfere with habitat corridors or linkages. There are no terrestrial habitat linkages provided by the Project area. The Project will have a less than significant impact on movement of fish and wildlife and no impact on nursery sites.
Scenic Highways	The City of San Mateo does not contain any officially designated State of California scenic highways (City of San Mateo, 2009). The Project area is not located along or in the vicinity of a scenic highway and therefore would not impact any State scenic highways. The Project would also not remove any trees, rock outcroppings, or other scenic resources. There would be no impact.
Hazardous Waste Sites	The Project is not listed on the Cortese List pursuant to Section 65962.5 of the Government Code and therefore would not preclude the Project from applying to this exception (State Water Resources Control Board, 2021) (Department of Toxic Substances Control, 2021).
Historical Resources	No historic resources occur in the Project area (City of San Mateo, 1989). The Project would not adversely change the significance of a historical resource as the maintenance program would not affect any historical resources.

#### References

California Code of Regulations. (2021). Section 15301. Existing Facilities. Retrieved April 7, 2021, from

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- WRA. (2021). Biological Resources Technical Report.

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## County of San Mateo Assessor-County Clerk-Recorder Mark Church

## 555 County Center Redwood City, CA, 94063

Finalization 2021080982 7/7/21 8:59 am 020 77

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