

RECLAMATION

Managing Water in the West

San Jose Water Company Phase II Recycled Water Project

Environmental Assessment



**U. S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
Sacramento, California**

July 2015

Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

Section 1 Introduction

San José Water Company (SJWC) is seeking funding through the Title XVI (Water Reclamation and Reuse) Program administered by the Bureau of Reclamation (Reclamation) for the construction and operation of three proposed recycled water alignments (Alignments A, D and R), described in the project summary. Reclamation's approval of the funding constitutes a federal action, which triggers the requirements of the National Environmental Policy Act (NEPA).

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the City of San Jose (City) to meet California Environmental Quality Act (CEQA) compliance requirements for Phase II of the SJWC Recycled Water Project (AES, 2011), which included the recycled water alignments under consideration for Title XVI funding and is incorporated by reference. Reclamation has reviewed the IS/MND and determined it will sufficiently meet NEPA requirements for the proposed project with the addition of supplemental analysis related to potential effects on cultural resources, Indian Trust Assets, Indian Sacred Sites, and Environmental Justice. This environmental assessment has been prepared in compliance with the provisions of NEPA (42 U.S.C. §4321-4370) and the Reclamation's NEPA Handbook to fulfill NEPA environmental review requirements. The IS/MND is incorporated by reference and is available at https://www.sjwater.com/for_your_information/save_water_money/links_to_more_information.

Section 2 Need for Action

Bay Delta environmental concerns and drought conditions have intensified the need to offset potable demand with recycled water usage. These conditions have raised concerns related to local water supply limitations under the influence of circumstances that reduce imported water availability. The City has set a goal for the SBWR Program of 45,000 AFY of recycled water demand by 2022 as part of the "San José Green Vision" goals established in 2007. SCVWD has targeted a goal of 42,000 AFY by 2020, which represents 10% of the total water supply for Santa Clara County. To meet these goals and address water supply challenges, SCVWD, the City, and SJWC have been coordinating to make effective use of the local and sustainable water resource of recycled water.

The additional users will help fulfill the Program's goal of diverting an additional 20 million gallons per day (mgd) of effluent from discharge to the South San Francisco Bay to beneficial reuse in the Program area.

In March 2009, SJWC completed a Recycled Water Management Plan (RWMP) that identified short-term and long-term goals related to recycled water development and use within its service area. Construction of the direct connections and pipeline alignments in the manner described in the RWMP would allow SJWC to achieve its recycled water supply projections through the year 2030.

Section 3 Proposed Action

As described in detail within Section 2.0 of the IS/MND, SJWC is an investor-owned public utility that provides water service to over a million people in the cities of San José, Cupertino, Campbell, Saratoga, Los Gatos, Monte Sereno and unincorporated areas of the County of Santa Clara. SJWC proposes to construct, own, and operate several recycled water alignments and associated user connections identified in its Recycled Water Master Plan (RWMP) for the sale and distribution of recycled water within its existing service area, located within Santa Clara County, California (Proposed Project). SJWC is seeking funding through Reclamation's Title XVI program for three of these alignments, identified as Alignments A, D, and R within the IS/MND and this EA. (See Figure 1). A brief description of each of the subject pipeline alignments is provided below. Appendix A of the IS/MND has maps of the alignments. Both optional and proposed segments of each alignment were analyzed within the IS/MND and this document to disclose the full range of potential environmental effects and minimize the need for future environmental review. All pipelines would be constructed within existing rights-of-way.

Alignment A – Charcot Avenue

Alignment A would extend from a point-of-connection (POC) with an existing 48-inch SBWR pipeline on Junction Road. The alignment would head southwest along Charcot Avenue then extend along Zanker Road, Bering Drive, O'Nel Drive, Brokaw Road, Devcon Court, Crane Court, Karina Court, and Component Drive. The proposed pipeline would cross beneath the Santa Clara Valley Transportation Authority Light Rail (Light Rail) at the intersection of North First Street and Charcot Avenue. The total length of this pipeline would be approximately 21,900 linear feet (LF), with pipeline diameters ranging from 4- to 12- inches.

Alignment A may also include an optional extension along Zanker Road to East Trimble Road, and along Charcot Avenue and Hartog Drive. As described under Alignment R below, the connection between Alignment A and Alignment R along Brokaw Road is an optional extension to provide water to Alignment R if the SBWR pipeline to Mineta Airport is not built. The total length of Alignment A with the optional segments included is 28,850 feet.

Alignment D – Berryessa Road

Alignment D would connect to an existing 42-inch SBWR pipeline on Mabury Road on the north side of Highway 101 near Berryessa Road. From Mabury Road, the main transmission pipeline would continue on Berryessa Road, then turn south on North King Road. Several laterals would extend from the main transmission pipeline to serve various users identified near the pipeline, including Vinci Park Way, McKee Drive, North Jackson Avenue, and Kammerer Drive.

Alignment D would require crossings under a railroad on Berryessa Road, Penitencia Creek, Miguelita Creek, Coyote Creek, and Lower Silver Creek. The total length of this pipeline would be approximately 45,900 LF, with pipeline diameters ranging from 4- to 24-inches.

Optional alignments include segments along Mabury Road between North King Road and North Jackson Avenue, along North Jackson Avenue to a residential development on Mossdale Way. Optional extensions to Alignment D may also be constructed from Berryessa Road northwest on Flickinger Avenue to provide a POC for a future recycled water alignment on Hostetter Avenue. Should Alignment D be utilized as a point of connection for future recycled water alignments, its pipelines would need to be upsized accordingly during final design. Construction of the optional extension to Alignment E would increase the total length of the pipeline to 70,700 LF.

Alignment R – Airport Boulevard

Alignment R would connect to the planned extension of the SBWR distribution system along Airport Boulevard, which is designed to serve the Mineta San Jose International Airport, through a connection on either Skyport Drive or Airport Parkway. That extension would route recycled water to the east to Technology Drive, where a pipeline would extend the length of that road from north to south. Small laterals on Airport Parkway and Skyport Drive to the east would complete the alignment. The alignment would serve an area roughly bordered by Highway 87, Highway 101, North First Street, and Sonora Avenue. The total length of this pipeline would be approximately 8,200 LF, with a pipeline diameter of 4-12 inches, unless they were upsized for other needs during the final design.

If the proposed SBWR pipeline along Airport Boulevard is not constructed, Alignment R would connect to Alignment A by extending the proposed pipeline northeast along Airport Parkway to Brokaw Road. The proposed pipeline would cross under the Santa Clara Valley Transportation Authority Light Rail (Light Rail) at the intersection of North First Street and Airport Parkway. Construction of this optional extension would increase the total length of the pipeline to 8,900 LF.

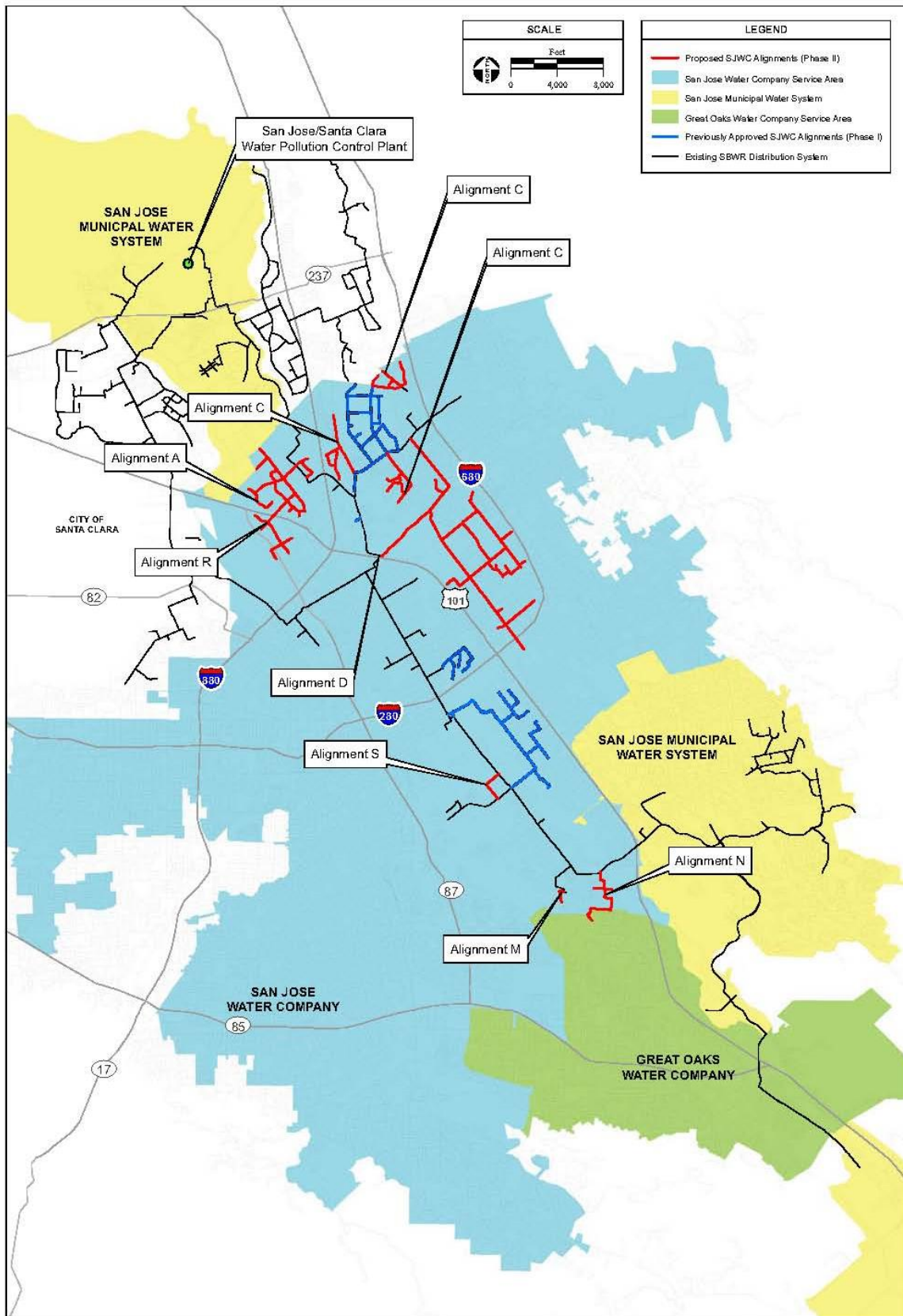


Figure 1. Alignments for San Jose Water Company Phase II Recycled Water Project

Section 4 Affected Environment and Environmental Consequences

Resources except for the following are described in the IS/MND and are incorporated by reference.

4.1 Cultural Resources

The term “cultural resources” refers to prehistoric, historic-era, architectural, and traditional cultural properties. The National Historic Preservation Act (NHPA) of 1966 is the primary Federal legislation that outlines the Federal government’s responsibility to cultural resources. 54 U.S.C. § 306108, commonly known as Section 106 of the NHPA, requires the Federal government to take into consideration the effects of its undertakings on cultural resources included in, on or eligible for inclusion in, the National Register of Historic Places (National Register). Such cultural resources are referred to as “historic properties.” The process used to identify and evaluate effects to historic properties is outlined at 36 CFR Part 800.

Reclamation determined the Proposed Action is an undertaking as defined in 36 CFR § 800.16(y) and involves the type of activity with the potential to cause effects on historic properties under 36 CFR § 800.3(a). In an effort to identify historic properties in the area of potential effects (APE), SJWC contracted Analytical Environmental Services (AES) to conduct a cultural resources study covering the project area. The study included a records search, field surveys, and correspondence with organizations and individuals identified by the Native American Heritage Commission (NAHC) as appropriate Native American contacts. Reclamation also contacted the organizations and individuals identified by the NAHC, seeking information related to known cultural resources of concern in the APE. Through these efforts, four cultural resources were identified within or immediately adjacent to the APE: two bridges and two prehistoric sites. The bridges were previously evaluated as not eligible for listing on the National Register of Historic Places. The project was redesigned to avoid the two prehistoric resources.

Through correspondence dated April 2, 2015, Reclamation notified the California State Historic Preservation Officer (SHPO) of a Section 106 finding of no historic properties affected for the proposed undertaking. Through correspondence dated May 18, 2015, the SHPO concurred with Reclamation’s finding of effect. With SHPO concurrence, Reclamation has determined that the Proposed Action would have no significant impact on cultural resources. (Appendix A). If there are changes to the project description, or in the event of an unanticipated discovery of cultural

resources during project implementation, Reclamation may have additional responsibilities under 36 CFR Part 800.

4.2 Indian Trust Assets

Indian Trust Assets (ITAs) are legal interests in assets that are held in trust by the United States for federally recognized Indian tribes or individuals. ITAs can be real property, physical assets, or intangible property rights, such as a lease, or right to use something; which may include lands, minerals and natural resources in addition to hunting, fishing, and water rights. Indian reservations, rancherias, and public domain allotments are examples of lands that are often considered trust assets. In some cases, ITAs may be located off trust land.

The nearest ITA is a Public Domain Allotment approximately 45 miles south of the project location. Because no ITAs are present within the area adjacent to the proposed pipeline alignments, the Proposed Action would have no effect on ITAs. (Appendix B).

4.3 Indian Sacred Sites

Sacred sites are defined in Executive Order 13007 (May 24, 1996) as "any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site." The Proposed Action would not affect and/or prohibit access to and ceremonial use of Indian sacred sites.

4.4 Environmental Justice

Regulatory Setting

According to guidance from the CEQ (1997) and the EPA (USEPA, 1998), communities may be considered "minority" if the cumulative percentage of minorities within a defined geographic area is greater than fifty percent (primary method of analysis) or the cumulative percentage of minorities within the defined geographic area is less than fifty percent, but the percentage of minorities is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis (secondary method of analysis). Executive Order (EO) 12898 requires that federal agencies make achieving environmental justice part of their mission by identifying and addressing disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations. Communities may be considered "low-income" under the

executive order if the median household income for the defined geographic area is below the poverty line (primary method of analysis), or if other indications are present that indicate a low-income community is present within the census tract (secondary method of analysis).

Affected Environment

Demographics, Income, and Poverty Status

The City of San José is located in the eastern portion of Santa Clara Valley. As of the 2010 census, the City of San José had an estimated population of 1,661,105; an increase of approximately 766,162 people from 2000 to 2010 (U.S. Census, 2010a). Homes in the project area consist mostly of single-family and multi-family residential.

The median household income for residents of the City of San José is \$86,736 (U.S. Census, 2010b). As of the 2010 census, the City had a 6.1 percent rate of families and 8.9 percent rate of all people living below the poverty level compared to the national average of 11.3 percent of families, and 15.3 percent of all people (U.S. Census, 2010b; U.S. Census, 2010c). The total percentage of people living in poverty represents less than 50 percent of the total population of the City of San José; therefore, no low-income populations have been identified in the vicinity of the Proposed Action.

Minority Communities

Races considered minorities under EO 12898, include American Indian or Alaskan Native, Asian or Pacific Islander, Black (not of Hispanic origin), and Hispanic. According to the 2010 census, the City of San José's racial composition is described in **Table 1**. Because none of the minority populations as defined by EO 12898 are 50 percent or greater than the other populations in San Jose, there is no identified minority population in the vicinity of the project site.

TABLE 1
CENSUS 2010 RACIAL COMPOSITION OF CITY OF SAN JOSÉ

Race/Ethnicity	Percent (%)
Total Single Race Population	95.1
Caucasian	45.7
African American	2.7
Hispanic	25.8
American Indian and Alaska Native	0.7
Asian	33.7
Pacific Islander	0.4
Total Multi-Race Population	4.9

Source: U.S. Census Bureau, 2010a

Environmental Consequences

Short-term impacts of constructing the proposed pipeline would not have a disproportionately high and adverse human health or environmental effect on low-income or minority populations because no low-income or minority populations are present adjacent to or near the proposed pipeline alignment.

Section 5 Consultation and Coordination

The City circulated the Phase II IS/MND for review from July 8, 2011 to August 8, 2011. The City adopted the IS/MND in November 2011.

Section 6 References

Analytical Environmental Services (AES), 2011. Final Initial Study: San José Water Company Phase II Recycled water Project. Prepared for the City of San José. Dated June 2011, Revised November 2011.

Council on Environmental Quality (CEQ), 1997. *Environmental Justice Guidance Under the National Environmental Policy Act*. December 10, 1997.

U.S. Census Bureau, 2010a. City of San Jose: Profile of General Population and Housing Characteristics. Available online at:
http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_DP_DPDP1&prodType=table. Accessed in April 2012.

U.S. Census Bureau, 2010b. City of San Jose: Selected Economic Characteristics. Available online at:
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U.S. Environmental Protection Agency (USEPA), 1998. Final Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses. April 1998. Available online:
http://www.epa.gov/environmentaljustice/resources/policy/ej_guidance_nepa_epa0498.pdf. Accessed in April 2012.

Appendix A

Cultural Resources Compliance Memo

CULTURAL RESOURCES COMPLIANCE
Mid-Pacific Region
Division of Environmental Affairs
Cultural Resources Branch

MP-153 Tracking Number: 12-CCAO-138

Project Name: San Jose Water Company (SJWC) Recycled Water Project, Alignments A, D and R

NEPA Document: Supplement and FONSI

NEPA Contact: Doug Kleinsmith

MP-153 Cultural Resources Reviewer: Joanne Goodsell



Date: May 19, 2015

SJWC has requested funding through Reclamation's Water Reclamation and Reuse (Title XVI) Program to help finance the construction of three recycled water pipeline segments (A, D and R) within the existing SJWC service area. The approval of Federal funding for this project is an undertaking as defined in 36 CFR § 800.16(y) and involves the type of activity with the potential to cause effects on historic properties under 36 CFR § 800.3(a), requiring compliance with 54 U.S.C. § 306108, commonly known as Section 106 of the National Historic Preservation Act.

In an effort to identify historic properties in the area of potential effects (APE), SJWC contracted Analytical Environmental Services (AES) to conduct a cultural resources study. The study included a records search, field surveys, and correspondence with organizations and individuals identified by the Native American Heritage Commission (NAHC) as appropriate Native American contacts. Reclamation also contacted the organizations and individuals identified by the NAHC. Through these efforts, four cultural resources were identified within or immediately adjacent to the APE: two bridges and two prehistoric sites. The bridges were previously evaluated as not eligible for listing on the National Register of Historic Places. The project was redesigned to avoid the two prehistoric resources.

Through correspondence dated April 2, 2015, Reclamation notified the California State Historic Preservation Officer (SHPO) of a finding of no historic properties affected for the proposed undertaking. Through correspondence dated May 18, 2015, the SHPO concurred with Reclamation's finding of effect. With receipt of SHPO concurrence, Reclamation's responsibilities under Section 106 are fulfilled.

This document conveys the completion of the Section 106 process and NEPA review for this undertaking. Please retain a copy of this document with the administrative record for this action. Should the proposed action change, or if any post-review discoveries are made during project implementation, additional Section 106 compliance, including further consultation with the SHPO, may be required.

Appendix B

Indian Trust Assets Compliance Memo



KLEINSMITH, DOUGLAS <dkleinsmith@usbr.gov>

Re: San Jose Water Company Water Recycling (again) ITA request

RIVERA, PATRICIA <privera@usbr.gov>
To: DOUGLAS KLEINSMITH <dkleinsmith@usbr.gov>

Mon, Dec 2, 2013 at 7:22 AM

Doug,

I reviewed the proposed action to provide funding to San Jose Water Company to help construct seven recycled water alignments and associated user connections identified in its Recycled Water Master Plan (RWMP)

for the sale and distribution of recycled water within its existing service area, located within Santa Clara County, California. About 20 miles of pipeline would be constructed to transport about 1,533 acre feet/year of recycled water.

The proposed action does not have a potential to impact Indian Trust Assets. The nearest ITA is a Public Domain Allotment approximately 45 miles South of the project location.

Patricia Rivera
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US Bureau of Reclamation
Mid-Pacific Region
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(916) 978-5194

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