

Monterey-Miner (JEMCOR) Apartments Project Initial Study/Mitigated Negative Declaration

Errata Sheet October 29, 2021

This errata sheet presents, in ~~strike-through~~ and double-underline format, the revisions to the Initial Study/Mitigated Negative Declaration (IS/MND) for the Monterey-Miner (JEMCOR) Apartments Project (proposed project). The revisions to the IS/MND reflected in this errata sheet do not affect the adequacy of the previous environmental analysis contained in the IS/MND. Because the changes presented below would not result in any new significant impacts or a substantial increase in the severity of an environmental impact identified in the IS/MND, recirculation of the IS/MND is not required.

Based on the comments received during the public review period for the IS/MND, the Surrounding Land Uses and Setting section of the IS/MND on Page 2 is hereby revised as follows:

The project site is bounded by Monterey Road to the west and Madrone Parkway to the south. Surrounding uses include a vacant lot (designated for future residential development) to the north, beyond which are single-family residences, commercial and industrial uses to the west and south across Madrone Parkway, and single-family residences to the east and northeast. In addition, a storm drainage canal runs parallel to the project site's southern boundary and terminates in a water quality basin located south of the project site.

Based on the comments received during the public review period for the IS/MND, the Project Location and Setting section of the IS/MND on Page 9 is hereby revised as follows:

The project site is generally bounded by Monterey Road to the west and Madrone Parkway to the south. A storm drainage canal runs parallel to the southern boundary of the project site and terminates in a water quality basin located south of the project site. A vacant lot (designated for future residential uses) is located north of the site, beyond which are single-family residences. Single-family residences are also located east and northeast of the site. In addition, commercial and industrial uses, such as the Madrone Food Market, the Rancho Motel, and Paramit Corporation, are located to the west and south of the site.

Based on the City of Morgan Hill Planning Commission Resolution No. 21-10, Section V, Cultural Resources, on Pages 39 through 41 of the IS/MND, is hereby revised as follows:

As noted in the General Plan EIR, archaeological surveys conducted in Morgan Hill have identified numerous prehistoric sites with shell midden components, including human burials. Based on such findings, the potential exists for subsurface historical resources and previously unknown archaeological resources to be found on-site during grading and excavation associated with development of the proposed project. In the event that such resources are unearthed, the following City standard Conditions of Approval related to the protection of historical and archaeological resources would be implemented, consistent with Section 18.60.090 of the MHMC:

1. Prior to start of grading or earthmoving activity on the “first day of construction”, the archeologist and Tamien Nation Tribal Monitor shall hold a pre-construction meeting for the purposes of “cultural sensitivity training” with the general contractor and subcontractors.
2. An archaeologist and Tamien Nation Tribal Monitor shall be present on-site to monitor all ground-disturbing activities. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below:
 - a. Work at the location of the find shall halt immediately within ~~thirty~~ fifty feet of the find. If an archaeologist is not present at the time of the discovery, the applicant shall contact an archaeologist for evaluation of the find to determine whether it qualifies as a unique archaeological resource as defined by this chapter;
 - b. If the find is determined not to be a Unique Archaeological Resource, construction can continue. The archaeologist shall prepare a brief informal memo/letter in collaboration with a tribal representative that describes and assesses the significance of the resource, including a discussion of the methods used to determine significance for the find;
 - c. If the find appears significant and to qualify as a unique archaeological resource, the archaeologist shall determine if the resource can be avoided and shall detail avoidance procedures in a formal memo/letter; and
 - d. If the resource cannot be avoided, the archaeologist in collaboration with a tribal representative shall develop within forty-eight hours an action plan to avoid or minimize impacts. The field crew shall not proceed until the action plan is approved by the Development Services Director. The action plan shall be in conformance with California Public Resources Code 21083.2.
3. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans,
 - a. If human remains are encountered, they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need-to-know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs, and around artifacts shall be upheld.
 - b. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
 - c. Surgical masks should also be worn to prevent exposure to pathogens that may be associated with the remains.

4. In the event that known or suspected Native American remains are encountered, or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.
5. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the contractor foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the monitoring archaeologist and tribal representative (typically twenty-five to fifty feet for single burial or archaeological find).
6. The exclusion zone shall be secured (e.g., twenty-four-hour surveillance) as directed by the city or county if considered prudent to avoid further disturbances.
7. The contractor foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:
 - a. The City of Morgan Hill Development Services Director,
 - b. The contractor's point(s) of contact,
 - c. The coroner of the county of Santa Clara (if human remains found),
and
 - d. The Native American Heritage Commission (NAHC) in Sacramento-, and
 - e. The Tamien Nation.
8. The coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American, the Coroner has twenty-four hours to notify the NAHC.
9. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD). (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.).
10. Within twenty-hour hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose,
11. Within twenty-four hours of their notification by the NAHC, the MLD may recommend to the City's Development Services Director the recommended

means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the appropriate tribe may be considered and carried out.

12. If the MLD recommendation is rejected by the City of Morgan Hill, the parties will attempt to mediate the disagreement with the NAHC. If mediation fails, then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

Based on the comments received during the public review period for the IS/MND, question ‘d’ of Section X, Hydrology and Water Quality, on Pages 74 and 75 of the IS/MND is hereby revised as follows:

~~Until recently, i~~ In order to protect the public from potential effects until the ADSRP is complete, a storage restriction of approximately 45 feet below the dam crest has been put in place, with a reduced storage capacity of 61,810 acre-feet. the Federal Energy Regulatory Commission issued a letter on February 20, 2020 directing the SCVWD to immediately initiate a full drawdown of the Anderson Reservoir by October 1, 2020.¹ Thereafter, FERC instructed the SCVWD to engage in all appropriate measures to maintain and quickly lower the reservoir to deadpool (the point at which the water level is so low that it cannot drain by gravity through the dam’s outlet works) in the event of significant inflow once the elevation is reached. The SCVWD and regulatory agencies (California Division of Safety of Dams and the Federal Energy Regulatory Commission) have approved the restriction and believe that the restriction would be sufficient to prevent the uncontrolled release of water in case of dam failure after a major earthquake. As of December 2020, Anderson Reservoir, the largest reservoir in Santa Clara County, has been completely drained under the direction of federal dam regulators.

Based on the comments received during the public review period for the IS/MND, Mitigation Measure XIII-2 of the IS/MND on Page 87 is hereby revised as follows:

XIII-2 To the maximum extent practical, the following measures shall be implemented during project construction:

- *All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition;*
- *All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, State, or local agency shall comply with such regulations while in the course of project construction;*

¹ Federal Energy Regulatory Commission. *Interim Risk Reduction Measures – Dam Safety Directives*. February 20, 2020.

- *Electrically powered equipment shall be used instead of pneumatic or internal-combustion-powered equipment, where feasible;*
- *Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors;*
- *Project area and site access road speed limits shall be established and enforced during the construction period; and*
- *Nearby ~~residences~~ noise-sensitive receptors shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.*

The above requirements shall be included via notation on project grading plans, subject to review and approval by the Development Services Department.

The aforementioned revisions are for clarification purposes only, and do not affect the conclusions of the IS/MND.

Figure 9, Full Site Conceptual Architectural Rendering, of the IS/MND, has been revised to include a label for the homes located along Ginger Way as single-family residential.