

**RECORD OF DECISION
GUADALUPE RIVER PROJECT MODIFICATIONS
DOWNTOWN SAN JOSE, CALIFORNIA**

I have reviewed the Integrated General Re-Evaluation Report/Environmental Impact Report--Supplemental Environmental Impact Statement for Proposed Modifications to the Guadalupe River Project, Downtown San Jose, California, February 2001 (GRR/EIR-SEIS) and Addendum dated June 2001, prepared by the U.S. Army Corps of Engineers and the Santa Clara Valley Water District. The GRR/EIR-SEIS supplements the study process completed with a Record of Decision in February 1992. Based on this review and the views of interested agencies and the concerned public, I find the modifications to the authorized Guadalupe River Project, recommended in the GRR/EIR-SEIS as the Refined Bypass System Alternative, to be technically sound, economically justified, in accordance with environmental statutes, and in the public interest. Thus, I approve the Refined Bypass System Alternative for construction.

The Guadalupe River Project (Project) was authorized in Section 401(b) of the Water Resources Development Act of 1986, as amended by the Energy and Water Development Appropriations Act (EWDAA) for 1990, Section 105 of the EWDAA for 1992 and Section 106 of the EWDAA for 2002. The purpose of the modifications contained in the Refined Bypass System Alternative is to protect fish recently listed under the Endangered Species Act, to meet conditions for water quality certification under the Clean Water Act, and to further enhance recreational opportunities in downtown San Jose. The Refined Bypass System Alternative includes the following major modifications to the authorized Project:

- Construction of underground bypass culverts between Santa Clara Street and Coleman Avenue to protect high value riparian habitat and convey floodflows around a reach of the river where the channel capacity is not adequate to accommodate flood flows;
- Implementation of additional project mitigation, including new onsite mitigation plantings in Segments 3A and 3B, expanded offsite mitigation in the Reach A, and a new offsite mitigation area at Guadalupe Creek;
- Reduction in the amount of river bank and channel bed armoring required to protect against high water velocities;
- Construction of a redesigned low-flow channel in the armored channel section in Segment 3B;
- Construction of invert stabilization structures to arrest on-going erosion of the natural channel bed;
- Construction of overlook plazas and new pedestrian trails/maintenance roads to accomplish habitat and recreation goals;

- Construction of small flood training berms and walls in Segment 3C to direct overland flood flows into the river; and
- Adoption of a new project Mitigation and Monitoring Plan that includes adaptive management measures.

In addition to the no action plan, alternatives that were considered included a revised channel-widening alternative, an upstream detention alternative, the previously authorized project with additional mitigation, and 14 variations of an underground-bypass alternative. The alternatives are fully described in the GRR/EIR-SEIS. Each alternative plan was evaluated in close cooperation with the Federal and State resource agencies. All but three of the alternative plans were eliminated because they would not provide the minimum flood protection needed, did not adequately address other hydrologic concerns, were determined to be infeasible to construct, or would result in unacceptable adverse environmental effects.

Of the three alternative plans fully analyzed in the GRR/EIR-SEIS, the Refined Bypass System Alternative was selected over the Bypass System Alternative and the No Action Alternative because it will accomplish all flood protection goals, recreation goals, and environmental goals while causing the least damage to the biological and physical environment. Terms and conditions required to minimize take of threatened and endangered species have been incorporated into this plan. The Refined Bypass System Alternative is the Least Environmentally Damaging Practicable Alternative under the Clean Water Act, the Environmentally Preferable Alternative under the National Environmental Policy Act (NEPA), the Environmentally Superior Plan under the California Environmental Quality Act, the locally preferred plan, and the National Economic Development plan.

All practicable means of avoiding or minimizing adverse environmental impacts were included in the planning and design of the Refined Bypass System Alternative. However, there remain some adverse effects to the existing riparian and aquatic environment. Measures to fully mitigate these unavoidable effects, as well as the effects of the entire Project on listed fish species, were developed in close cooperation with Federal and State resource agencies. With the mitigation measures to be implemented, the Project as modified by the Refined Bypass System Alternative will not have a significant adverse effect on any aspect of the human environment.

Project mitigation now includes preventative measures during construction, including a Vegetation Protection Plan, an Erosion and Sediment Control Plan, a Spill Prevention and Response Plan, a Soil Management Plan, a Hazardous Material Contingency Plan, a Dewatering and Fish Rescue Plan, construction period limits, measures to comply with the Migratory Bird Treaty Act, a Storm Water Pollution Prevention Plan, control measures for emissions of respirable particulate matter, a Traffic Management Plan, parking management, and a Cultural Resources Management Plan. Other mitigation measures include the removal of three potential fish passage barriers in

the downtown project area; restoration of 21 acres of native riparian vegetation; planting a minimum of 18,026 lineal feet of shaded riverine aquatic (SRA) cover vegetation in all suitable areas in downtown San Jose, in Reach A between Interstate 880 and Airport parkway, and along Guadalupe Creek between Masson Dam and Almaden Expressway; provision of artificial shade over sections of armored riverbed, if necessary, to maintain summer water temperatures during the first years immediately after construction and prior to substantial growth of mitigation vegetation; restoration of aquatic habitat in the entire reach of Guadalupe Creek between Masson Dam and Almaden Expressway; replacement of in-stream fish habitat by providing rootwads, deflector logs, boulders, and rock weirs, and by planting SRA cover vegetation; maintenance of up to 25,190 square feet of good quality spawning gravel in the downtown area; construction of a low-flow channel to facilitate fish passage and help maintain water temperature in reaches where water velocities require armoring of the riverbed; and provision for invert stabilization structures to prevent localized erosion. Under an adaptive management plan, ecological indicators will be identified and measurable objectives for the indicators will be set. An adaptive management team, including representatives of the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the California Department of Fish and Game, will oversee monitoring of the indicators and will determine if additional actions are necessary in order to ensure that mitigation objectives are met. Downstream salt marsh habitat will be monitored for 2 years or until the entire flood protection project is operational and ecological indicators will be monitored indefinitely to determine if the mitigation objectives are being met. The GRR/EIR-SEIS contains a full description of this mitigation and monitoring plan, the adaptive management measures, the adaptive management team governance, and requirements of the required annual monitoring report.

Technical and economic criteria used in the formulation of alternative plans were those specified in the Water Resources Council's Principles and Guidelines. All applicable laws, regulations, Executive Orders, guidelines, and local governmental plans were considered in evaluating these alternatives. Based on review of these evaluations, I find that the overall benefits gained by construction of the Refined Bypass System Alternative outweigh any adverse effects to the quality of the human environment. This Record of Decision completes the NEPA process.



Robert H. Griffin
Brigadier General, U.S. Army
Director of Civil Works

16 Nov 01

Date