



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 200400765

Date: February 3, 2005

Comments Due: March 4, 2005

In reply, please refer to the Public Notice Number

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the South Bay Aqueduct (SBA) Improvement and Enlargement project, which would result in permanent fill to approximately 2.67 acres and temporary impacts to approximately 0.4 acre of waters of the United States, including wetlands, in or adjacent to Brushy Creek, Arroyo Mocho, Arroyo Seco and several unnamed drainages. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and/or Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: California Department Water Resources, ATTN: Terry Becker, 1416 Ninth Street, Room 550-3, Sacramento, California 95814, 916-653-6432

LOCATION: The project site is located in Townships 2 and 3 South, Ranges 2 and 3 East, Alameda County, California, and can be seen on the Clifton Court Forebay, Byron Hot Springs, and Altamont USGS Topographic Quadrangles. The project area consists of a corridor that coincides with or is parallel to the existing South Bay Aqueduct, which is a combination of open canal segments and buried pipelines. The project area extends approximately 16.28 miles from the South Bay Pumping Plant at Bethany Reservoir, east of the Altamont Hills, to the end of the Alameda Canal south of Livermore.

PROJECT DESCRIPTION: The SBA is part of the State Water Project (SWP) and was the first storage and delivery system completed under the SWP. Construction began in 1960 and began conveying water to Alameda County in 1962 and Santa Clara County in 1965. It consists of the South Bay Pumping Plant in Bethany Reservoir which pumps water through two parallel buried pipelines to the eastern ridge of the Diablo Range, and through a series of canals and pipelines to Patterson Reservoir and on to a point where it is diverted to Lake Del Valle or continues on to San Jose. The applicant is proposing to implement improvements and expansion of the existing SBA facilities. These improvements would increase the existing capacity of the water conveyance system up to its design capacity of 300 cubic feet per second (cfs), as well as add 130 cfs of conveyance capacity, thereby providing a total conveyance capacity of 430 cfs.

Improvements and enlargement of the SBA system include the following:

- Construction of a third Brushy Creek pipeline and surge tank parallel to existing dual pipeline (Stage 1 and Stage 2) system. DWR refers to this third pipeline as “Stage 3”;
- Construction of a 500 acre-foot (af) reservoir (425 af active storage plus 75 af inactive storage) served by the Stage 3 Brushy Creek Pipeline;
- Raising the height of canal embankments, canal lining and canal overcrossing structures and bridges for the Dyer, Livermore, and Alameda Canals, including Patterson Reservoir;
- Modification of check structures and siphons along the Dyer, Livermore, and Alameda Canals; and
- Construction of new drainage over crossing structures to eliminate drainage into canals.

Construction of the SBA Improvement and Enlargement Project would result in permanent fill of jurisdictional wetlands from construction of a new reservoir along Dyer Road and raising canal sidewalls. These project components would result in direct impacts to seasonal wetlands (2.25 acres), freshwater marsh and seeps (0.17 acre), and ephemeral drainages (0.23 acre).

Placement of fill, construction access and de-watering of intermittent and ephemeral streams (0.23 acre), seasonal wetlands (0.07 acre) and freshwater marsh and seeps (0.1) would cause temporary impacts. These impacts would result from installation of a new Brushy Creek Pipeline (Stage 3) and new siphon barrels at creeks and several road crossings along the canal segments, and from raising the canal sidewalls.

The applicant states that the grading work which would result in fill of jurisdictional areas would be completed within the first year of construction and all significant grading for the project is expected to be completed within the first two years of the initiation of work. Construction of the mitigation work would be initiated prior to or during the project's first season of grading. Completion of mitigation is anticipated to occur within the first two years of construction. The applicant proposes to monitor the mitigation areas for a minimum of five years, or until the success criteria included in the conceptual mitigation plan are obtained.

Based on the available information, the overall project purpose is to increase the current capacity of the SBA in order to meet projected seasonal water demands and reduce peak power consumption. The applicant believes there is a need to increase the conveyance capacity in order to meet identified long-term annual water demand. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. The project area includes numerous ephemeral and intermittent streams, and three perennial creeks, Brushy Creek, Arroyo Mocho and Arroyo Seco. Brushy Creek is a tributary to Old River in the San Joaquin Delta; Arroyo Mocho (as well as the smaller seasonal Arroyo Seco) are in the Alameda Creek watershed, which drains ultimately to South San Francisco Bay.

Habitats within the project area include non-native annual grassland, oak woodland and scattered small areas of riparian scrub and in-channel freshwater marsh. The numerous intermittent and ephemeral streams support small areas of seasonal wetlands. Other habitats include a 1.8-acre seasonal wetland, freshwater seeps, three vernal pools, and stock ponds. The project area contains approximately 4.27 acres of waters of the United States, including wetlands.

Alternatives. The applicant has provided information concerning project alternatives. Alternatives to the applicant's preferred alternative include alternative pipeline routes, reducing the size or location of the reservoir, and alternative storage or conjunctive use scenarios. Additional information concerning project alternatives is available from the applicant's agent Environmental Science Associates (ESA).

Mitigation. The applicant has proposed to provide a minimum of 8.46 acres of compensatory mitigation for impacts to waters. Proposed mitigation for temporary impacts will focus on returning impacted features to pre-project conditions including the revegetation and restoration of ephemeral and intermittent drainages, according to the project's Revegetation and Restoration Plan. Proposed mitigation for permanent impacts will be provided through habitat restoration and placement of conservation easements over properties owned or acquired by DWR and the development of a conservation easement management plan to maintain habitat values in perpetuity. Additional information concerning project mitigation is available from the applicant's agent ESA.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from both the Central Valley Regional Water Quality Control Board (CVRWQCB) and the San Francisco Regional Water Quality Control Board (SFRWQCB), is required for this project. The applicant has indicated they have applied for certification. DWR also is seeking to obtain Streambed Alteration Agreements with the California Department of Fish and Game (CDFG) for components of the project that would affect the bed or bank of streams. The application and supporting information for these agreements has been submitted to CDFG Region 3 office in Yountville, California.

HISTORIC PROPERTIES: The applicant has provided a copy of the *Cultural Resource Assessment of the South Bay Aqueduct Improvement and Enlargement Project, Alameda County, California*, which included a literature and records search, as well as a copy of the Cultural Resources section of the DWR SBA Improvement and Enlargement Project EIR. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

ENDANGERED SPECIES: The Corps has determined the proposed activity may affect Federally-listed California red-legged frog (*Rana aurora draytonii*), California tiger salamander (*Ambystoma californiense*), vernal pool fairy shrimp (*Branchinecta lynchi*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Joaquin kit fox (*Vulpes macrotis mutica*), or their designated critical habitat. The Corps initiated consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act.

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All

factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200400765, must be submitted to the office listed below on or before March , 2006:

Marc Fugler, Project Manager
US Army Corps of Engineers, Sacramento District
Delta Office
1325 J Street, Room 1480
Sacramento, California 95814-2922

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant's agent ESA (POC: Lee Miles, 415-896-5900) or the Corps' project manager Marc Fugler, 916-557-5255.

Attachments: 12 drawings