



Public Notice

U.S. ARMY CORPS OF ENGINEERS

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Subject: Public Notice of Permit Application
Action ID: SPK-1990-00070
Comments Period: September 30, 2010 – October 15, 2010

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, Regulatory Division, (Corps) is evaluating a permit application to construct the Los Vaqueros Reservoir Expansion Project for the Contra Costa Water District (CCWD). The proposed project would impact approximately 5.86 acres of jurisdictional waters of the United States; approximately 5.14 acres would be inundated and approximately 0.72 acres would be directly impacted through construction activities associated with the trails, roads and Marina. 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 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: **Mark Seedall**
 Contra Costa Water District
 1331 Concord Avenue, PO Box H20
 Concord, CA 94524-2099
 (925) 688-8119

LOCATION: The approximately 2,800-acre project area (within the existing Los Vaqueros Watershed) occurs in Section 12 and an unsectioned area within T1S, R2E, and Section 18 within T1S, R3E of the Byron Hot Springs, CA U.S. Geological Survey (USGS) 7.5 minute topographic quadrangle map as well as Section 33, and an unsectioned area within T1S, R2E of the Tassajara, CA U.S. Geological Survey (USGS) 7.5 minute topographic quadrangle map.

PROJECT DESCRIPTION: The applicant is proposing to expand its' water storage at the existing 100 thousand acre foot (TAF) Los Vaqueros Reservoir to 160 TAF. Reservoir expansion to 160 TAF would raise the water surface level 35 feet for a maximum reservoir water surface elevation of 507 feet above mean sea level (msl). The reservoir inundation area would increase approximately 340 acres, from 1,500 acres to 1,840 acres. Water would be pumped from the existing Old River Intake and Pump Station and the Middle River Intake and Pump Station, under existing water rights, to the upgraded existing Transfer Facility via the existing Old River Pipeline and then to the Los Vaqueros Reservoir, via the existing Transfer Pipeline.

Reservoir expansion involves dam raise modifications as well as construction of appurtenant facilities including the spillway, the inlet/outlet works, and the reservoir oxygenation system. The dam would be raised by building on top of the existing dam structure, mainly on the downstream side. The material for the dam would be excavated from three borrow areas, delineated within the Los Vaqueros Watershed. The dam core would be constructed using approximately 270,000 cubic yards of clay excavated from the naturally occurring alluvial deposits in the watershed. Primary and secondary borrow zones have been identified approximately 2.5 miles and 2.0 miles downstream of the dam, respectively. The upstream and downstream dam shell would be constructed of claystone and sandstone obtained from a borrow area just upstream of the left abutment. Large concretions (boulders) excavated at the shell borrow area during construction would be placed at the base of the reservoir. Recreational facilities affected by inundation from the expanded reservoir would be relocated or replaced. No off-site infrastructure would be required.

The proposed project would impact approximately 5.86 acres of waters of the United States (waters). Project construction would result in the inundation of 2.38 acres of wetlands and 2.76 acres of other waters. An additional 0.15 acres of wetlands and 0.57 acres of other waters would be filled from construction-related activities and construction of the trails and Marina facilities.

The Bureau of Reclamation and CCWD published a Final Environmental Impact Statement/ Environmental Impact Report for this project in March 2010, which is available at http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=903.

ADDITIONAL INFORMATION:

Environmental Setting: The project area (the Los Vaqueros Reservoir) is located in eastern Contra Costa County, south of Brentwood and west of Byron, at the base of the Mt. Diablo foothills. The project area is situated within the steep to rolling hills of the Eastern Diablo Mountain Range and a portion of the southern Sacramento-San Joaquin Delta. The project site has approximately 1,497 acres of jurisdictional waters of the U.S., including 1,481.72 acres of the existing Los Vaqueros Reservoir, 5.12 acres of wetlands, and 9.83 acres of other waters of the U.S.

Alternatives: The Draft Environmental Impact Statement/Environmental Impact Report issued in February 2009 evaluated four expansion alternatives that were distinguished primarily by the size of the expanded reservoir (275 TAF or 160 TAF), the extent of new conveyance facilities (connection to South Bay Water Agencies or not), and the operational emphasis. Alternative 4, the proposed project, was determined to be the preferred alternative. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation: The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. To offset temporary and permanent impacts from the project and ensure that there is no net loss of wetland habitat, the applicant is proposing to preserve, restore, or create wetland and stream channel habitat that is of similar function and value to the habitats lost. This proposed mitigation would include a combination of restoration and creation of habitat within and outside of the Los Vaqueros watershed. Because the wetland habitat on the project site supports threatened and endangered species, the focus of the wetland mitigation plan is to recreate this habitat (that meets the Corps/U.S. Environmental Protection Agency (EPA) definition for wetlands) within the Los Vaqueros watershed to the extent feasible.

The applicant is working with the U.S. Fish and Wildlife Service and California Department of Fish and Game on its compensatory mitigation plan for the proposed impacts to habitats and waters of the U.S., including wetlands, associated with the project.

OTHER GOVERNMENT AUTHORIZATIONS: Water quality certifications or waivers, are required under Section 401 of the Clean Water Act, from the Central Valley Regional Water Quality Control Board. The applicant has indicated that this application is under preparation.

HISTORIC PROPERTIES: Based on available information, the proposed project may affect potentially eligible cultural resources. The Bureau of Reclamation, as lead federal agency, has initiated consultation with the State Historic Preservation Officer (SHPO), in compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended.

ENDANGERED SPECIES: The proposed project may affect Federally-listed endangered or threatened species. The Bureau of Reclamation, as lead federal agency, has initiated consultation with the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act.

ESSENTIAL FISH HABITAT: The proposed project may affect essential fish habitat as defined in the Magnuson-Stevens Fishery Conservation and Management Act. The Bureau of Reclamation, as lead federal agency, has initiated consultation with National Marine Fisheries Service Pursuant to section 305(b) (2) of the Magnuson-Stevens Act.

EVALUATION FACTORS: 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 assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act.

SUBMITTING COMMENTS: Written comments, referencing Public Notice SPK-1990-00070 must be submitted to the office listed below on or before **October 27, 2010**.

William Guthrie, Project Manager
US Army Corps of Engineers, Sacramento District
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: William.H.Guthrie@usace.army.mil

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 or the Corps' project manager William Guthrie, 916-557-5269, William.H.Guthrie@usace.army.mil

Attachments: 4 drawings