



State Water Resources Control Board

CLEAN WATER ACT §401 WATER QUALITY CERTIFICATION APPLICATION FORM

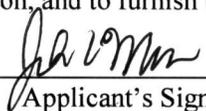
(Use only for multi-regional projects, otherwise use the appropriate Regional Board application form)

1. APPLICANT/AGENT INFORMATION

a) Applicant: U.S. Army Corps of Engineers	b) Agent ¹ : Amanda Cruz
Address: 1455 Market Street	Address: 1455 Market Street
San Francisco, CA 94103	San Francisco, CA 94103
Phone No. 415-503-6702	Phone No. 415-503-6955
Fax No.	Fax No.
E-mail Address:	E-mail Address: Amanda.b.cruz@usace.army.mil
<p>Have you previously contacted the Regional Board staff regarding this project? If 'yes' provide information on date, person, and brief summary of subject matter.</p> <p>Yes. Susan Glendening, First contact email 4/2/2015, 60% design on Berryessa Flood Risk Management Project. Two site visits, three additional in person meetings, over 250 email exchanges.</p>	

STATEMENT OF AUTHORIZATION

I hereby authorize Amanda Cruz to act in my behalf as my agent in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.



 Applicant's Signature

25 SEP 15

 Date

¹Complete only if applicable

2. PROJECT DESCRIPTION

a) Project Title: Berryessa Creek Flood Risk Management Project
b) Project Purpose: The project shall convey the 1% exceedance probability flood event with a minimum 73% conditional non-exceedance probability (CNP) with a design in accordance with the March 2014 Final General Reevaluation Report and Environmental Impact Statement.
c) Project Activities: Project consists of an incised trapezoidal earthen channel and bridge modifications along approximately 2.2 miles of Berryessa Creek from the downstream face of I-680 in San Jose to Calaveras Boulevard in Milpitas. The authorized flood protection measures include a combination of features that are intended to modify the Berryessa Creek's hydrology to move flood flows through the stream channel more efficiently than under

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

existing conditions, The key features of the current design include an earthen 2H:1V trapezoidal channel with buried rip rap and biodegradable erosion control blankets with vegetation on the sides; installation of floodwalls in 8% of the creek bank in the project area, heights vary between buried up to 2 feet tall, to contain flows that break out; concrete box culverts at creek crossings for access roads and railroad; and transition structures at existing bridges; and transition structures at existing bridges at Calaveras Blvd, Los Coches Street, and Yosemite Drive, and at existing UPRR culvert.

d) Proposed Schedule (start-up, duration, and completion dates):

Construction is estimated to start in May 2016 with an anticipated completion date of December 2017

3. FEDERAL LICENSES/PERMITS

a) Federal Agency(ies)/File Number(s):

U.S. Army Corps of Engineers NA Other 404(b)(1) analysis completed June 2012
 File No.(s) (if known) _____

b) Permit Type(s) (please provide permit number(s) if known):

Nationwide Permit No.(s) _____ NA Regional General Permit No.(s) _____
 Individual Permit _____ Other _____

c) Does the project require any Federal Application(s), Notification(s) or Correspondence?

Yes X, March 2014 already circulated EIS/GRR (attach copy[ies]) No _____
 (attach detailed explanation)

d) Provide copies of the license/permit/application.

4. OTHER LICENSES/PERMITS/AGREEMENTS

a) Please list all other required, including local regulatory approvals (submit final or draft copy if available). Include information on any De-watering, NPDES, and Storm Water permits.

Agency	License/Permit/Agreement	Permit No.	Approval Date
RWQCB	No Enforcement Letter (De-watering)		7/16/2015

b) Does the project require a Federal Energy Regulatory Commission (FERC) license or amendment to a FERC license?

No X Yes _____ (attach application copy)

5. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Indicate CEQA Document (submit final or draft copy if available*):

Type of CEQA Document	Date of filing of Notice of Exemption/ Preparation and Name of Lead Agency
Statutory Exemption/Class Title	
Categorical Exemption/Class Title	
Negative Declaration	
Mitigated Negative Declaration	
Environmental Impact Report	September 25, 2015 Prepared by Santa Clara Valley Water District

Note: Ample time must be provided to the certifying agency to properly review a final copy of valid CEQA documentation before certification can occur.

6. APPLICATION FEE

Please select which fee category the project falls under. Submit the application fee associated with the type of project as indicated on the most current dredge/fill calculator found at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/.

For fee categories (A), (B) and (C), please submit an application fee of \$600. For fee categories (D) and (E), please submit an application fee of \$200.

(A) <input checked="" type="checkbox"/>	Fill & Excavation projects ➤ An additional application fee might be required after assessment of all impacts by the State Water Board, and is required to certify Fill & Excavation projects.
(B) <input type="checkbox"/>	Dredging Discharges
(C) <input type="checkbox"/>	Sand Mining Dredging Discharges
(D) <input type="checkbox"/>	Ecological Restoration and Enhancement Projects
(E) <input type="checkbox"/>	Low Impact Discharges
(F)	General Orders or general water quality certifications previously granted for CEQA Exempt Projects. Applicants requesting to enroll under general orders should locate the applicable general order and fill out the appropriate notice of intent located at: http://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.shtml
(G)	Emergency Projects authorized by a Water Board General Order. Applicants requesting to enroll under the general order for emergency projects should locate the applicable general order fill out the appropriate notice of intent located at: http://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.shtml

Annual fees will be based on the fee schedule at the time of billing. Follow the most current fee schedule posted at http://www.waterboards.ca.gov/water_issues/programs/cwa401/

Please make checks out to the State Water Resources Control Board.
 Is a check enclosed? Yes No **Not Applicable, there is no Federal waiver of sovereign immunity**
 Check No.: _____
 Amount: _____

7. PROJECT SITE DESCRIPTION – GENERAL (Include areas outside of US waters)

a) Project Location (attach map of suitable quality and detail): See two attached maps
 City or Area San Jose and Milpitas County Santa Clara County, California
 Longitude/Latitude _____

b) Total Project Size: 4.18 (water of the US) acres 11,400 linear feet (if appropriate)

c) Site description of the entire project area (including areas outside of jurisdictional water of the US):
Below ordinary high water mark are considered waters of the U.S./State. The surrounding area is highly developed urban (industrial/commercial) with some high density housing adjacent and one stretch of free-standing residential on one bank. UPRR railroad crosses the creek and runs adjacent to the creek. 60% design 11x17 drawings (hard copy) have been submitted with the application.

8. WATER BODY IMPACT

a) **Water Body Name(s)**²: Berryessa Creek
 Clearly indicate on a published map of suitable detail, quality, and scale (1:24K) to allow the certifying agency to easily identify the area(s) and water body(ies) receiving any discharge. See two attached maps.

b) **Fill and Excavation:** Indicate in ACRES and/or LINEAR FEET the proposed waters to be impacted, and identify the impacts(s) as permanent and/or temporary for each water body type listed below:

Water Body Type	Permanent Impact		Temporary Impact	
	Acres	Linear Feet	Acres	Linear Feet
Wetland ³				
Streambed			4.18	11,400
Lake/Reservoir				
Ocean/Estuary/Bay				
Riparian				
Non-Federal Waters				

Provide the name, title, and affiliation of person that carried out wetland delineation.
TetraTech, December 2014

c) **Dredging:** Total volume (cubic yards) of dredged material proposed for project. N/A

d) Provide information on the Q₂, Q₁₀, Q₁₀₀ for pre- and post-project implementation.
 This will remain unchanged from the existing conditions. At Calavaras:
 Q₂, - 1,130 Q₁₀, - 2,173 Q₁₀₀ - 4,100

e) Indicate type(s) of material proposed to be discharged in waters of the United States:
Rock, soil (silt and clay material), filter fabric (biodegradable coir mats), vegetation seeds

²Both US Army Corps of Engineer's jurisdictional- and non-jurisdictional water bodies.

³Per US Army Corps of Engineer's wetland delineation protocol.

9. COMPENSATORY MITIGATION (Please complete attached Mitigation Checklist)

- a) Is compensatory mitigation proposed? Yes _____ No X
- b) Indicate in ACRES and LINEAR FEET (where appropriate) the total quantity of **waters of the United States** proposed to be Created, Restored, Enhanced, or Preserved.

Water Body Type	Created	Restored	Enhanced	Preserved
Wetland				
Streambed				
Lake/Reservoir				
Ocean/Estuary/Bay				
Riparian				
Non-Federal Waters				

- c) If contributing to a Mitigation Bank provide the following:

Mitigation Bank Name:
Name of Mitigation Bank Operator:
Office Address of Operator/Phone Number:
Mitigation Bank Location (Latitude/Longitude, County, and City):
Mitigation Bank Water Body Type(s):
Mitigation Area (acres or linear feet) and cost (dollar):

- d) Provide/attach a map with suitable detail, quality, and scale (1:24K) that will easily provide information as to the location(s) and water body(ies) of the mitigation area.

10. THREATENED/ENDANGERED SPECIES

- a) Does the project require coordination with the US Fish and Wildlife Service or National Marine Fisheries Service under the Federal Endangered Species Act?
Yes _____ (provide copies of Biological Report) No X (CAR 4/26/2013) _____ (provide basis of determination)
- b) Does the project require coordination with the State of California Department of Fish and Game under the California Endangered Species Act?
Yes _____ (provide copies of Biological Report) No X (CAR 4/26/2013) _____ (provide basis of determination)

11. OTHER ACTIONS/BEST MANAGEMENT PRACTICES (BMPs)

Briefly describe other actions/BMPs to be implemented to Avoid and/or Minimize impacts to waters of the United States, including preservation of habitats, erosion control measures, project scheduling, flow diversions, etc.

A Rain Event Action Plan will be followed which will include ceasing construction for rain events over 0.5 inches.

Native trees and shrubs will be planted in accordance with the Coordination Act Report. These plantings will be maintained up to 5 years by the applicant in coordination with this application. Tree and shrub maintenance beyond the 5 years will be undertaken by SCVWD.

The Best Management Practices that will be followed are presented in the EIR. A copy of these BMPs has been included as a separate file to this application for easy reference.

12. PAST/FUTURE PROPOSALS BY THE APPLICANT

Briefly list/describe any projects carried out in the last 5 years or planned for implementation in the next 5 years that are in any way related to the proposed activity or may impact the same receiving body of water. Include estimated adverse impacts.

This is the only USACE project in the last 5 years in the creek. SCVWD (not an applicant) is performing a creek improvement project in the lower Berryessa that was permitted under a separate 401 application (CIWQS Place No. 768945(MB) dated October 10, 2014). The Lower Berryessa project impacts include:

- Lower Berryessa Cr impacts
Wetlands - 4.61 ac
Un-vegetated Waters of U.S. - 3.64 ac
- Lower Calera Cr impacts
Wetlands - 0.57 ac
Un-vegetated Waters of U.S. - 0.48 ac



Applicant's Signature (or Agent)

25 SEP 15

Date

For further information please email:
http://www.swrcb.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf