

## Central Valley Regional Water Quality Control Board

7 November 2017

Claudia Gemberling  
Contra Costa County Flood Control  
and Water Conservation District  
255 Glacier Drive  
Martinez, CA 94553

**CERTIFIED MAIL**  
91 7199 9991 7035 8362 7397

### **ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, UPPER SAND CREEK BASIN EXPANSION PROJECT (WDID#5B07CR00138A2), CONTRA COSTA COUNTY**

This Order responds to the 9 October 2017 request for an amendment of the Upper Sand Creek Basin Expansion Project (Project) Section 401 Water Quality Certification (WDID#5B07CR00138). The original Water Quality Certification (Certification) was issued on 12 December 2012. The first request for an amendment was made on 15 November 2013 and subsequently withdrawn by Contra Costa County Flood Control and Water Conservation District on 21 October 2014. The requested second amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

#### **REASON FOR AMENDMENT:**

Contra Costa County Flood Control and Water Conservation District is requesting the Certification project description be revised to include maintenance for the Upper Sand Creek flood control basin. The Project originally created seasonal wetlands within the Upper Sand Creek flood control basin. Storms from last winter caused damage to the site, which has altered the original Project design and function. Maintenance is required to return the site to the original permitted design as shown in Figure 2 of Attachment A.

Contra Costa County Flood Control and Water Conservation District has provided documentation from the United States Army Corps of Engineers (SPK-2009-00996) and the California Department of Fish and Game (Streambed Alteration Agreement# 1600-2012-0360-R3) authorizing in-water construction activities for the change in project description.

This project description change will temporarily impact 0.11 acre/353 linear feet of waters of the United States.

The Certification is amended as shown in underline/strikeout format in Attachment A.

**APPLICATION FEE RECEIVED:**

A fee deposit of \$2,859.00 was received on 7 November 2017 for the amendment. Total fees of \$26,322.00 for the original Certification were received on 8 October 2012. The fee amounts were determined as required by California Code of Regulations, title 23, sections 3383(b)(3) and 2200(a)(3).

**CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:**

Nicholas White, Water Resource Control Engineer  
11020 Sun Center Drive #200  
Rancho Cordova, CA 95670-8114  
Nicholas.White@waterboards.ca.gov  
(916) 464-4856

**PUBLIC NOTICE:**

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 13 October 2017 to 3 November 2017. The Central Valley Water Board did not receive any comments during the comment period.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

The Contra Costa County Public Works Department is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Upper Sand Creek Basin Expansion Project pursuant to § 21000 et seq. of the Public Resources Code. The Contra Costa County Public Works Department certified the Mitigated Negative Declaration on 3 November 2010 (State Clearinghouse Number 2010092047). The Contra Costa Department of Public Works filed a Notice of Determination with the State Clearinghouse on 11 November 2010.

The Central Valley Water Board is a responsible agency for the project. The Central Valley Water Board has determined that the Mitigated Negative Declaration is in accordance with the requirements of the California Environmental Quality Act and is valid pursuant § 21167.3(b) of the Public Resources Code.

The Central Valley Water Board has reviewed and evaluated the potentially significant impacts to water quality identified in the Mitigated Negative Declaration. The various mitigation measures discussed in the Mitigated Negative Declaration to reduce and minimize project impacts are required by this Certification.

With regard to the remaining impacts identified in the Mitigated Negative Declaration, the corresponding mitigation measures proposed are within the responsibility and jurisdiction of other public agencies.

**WATER QUALITY CERTIFICATION:**

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Upper Sand Creek Basin Expansion Project (WDID#5B07CR00138A2). All other conditions and provisions of the original Water Quality Certification and any previously approved amendments remain in full force and effect, except as modified based on the conditions of this Order. Failure to comply with the terms and conditions of the original Water Quality Certification, previously approved amendments, or of this Order may result in suspension or revocation of the Water Quality Certification.

*Original Signed By Nichole Morgan for:*

Pamela C. Creedon  
Executive Officer

Enclosure: Project Information

Attachment A: Clean Water Act §401 Technically Conditioned Water Quality Certification;  
Contra Costa County Flood Control and Water Conservation District, Upper  
Sand Creek Basin Expansion Project (WDID#5B07CR00138), Contra Costa  
County

cc: [Via email only] (w/enclosure)

Sam Ziegler  
United States Environmental Protection Agency  
Ziegler.Sam@epa.gov

Department of Fish and Wildlife  
AskBDR@wildlife.ca.gov

CWA Section 401 WQC Program  
State Water Resources Control Board  
StateBoard401@waterboards.ca.gov

cc: (w/enclosure)

Bill Guthrie (SPK-2009-00996)  
United States Army Corps of Engineers  
Sacramento District Office  
Regulatory Division  
1325 J Street, Suite 1350  
Sacramento, CA 95814-2922

Central Valley Regional Water Quality Control Board

12 December 2012

**Attachment A**

R. Mitch Avalon  
Contra Costa County Flood Control  
and Water Conservation District  
255 Glacier Drive  
Martinez, CA 94553

CERTIFIED MAIL  
7011 2970 0003 8939 7196

***CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY  
CERTIFICATION; CONTRA COSTA COUNTY FLOOD CONTROL AND WATER  
CONSERVATION DISTRICT, UPPER SAND CREEK BASIN EXPANSION PROJECT  
(WDID#5B07CR00138), CONTRA COSTA COUNTY***

This Order responds to your 8 October 2012 application submittal for the Water Quality Certification of a flood control basin expansion project permanently impacting 0.03 acre and temporarily impacting 0.70 acre of waters of the United States and temporarily impacting ~~2.65~~ 2.76 acres/353 linear feet of waters of the State.

This Order serves as certification of the United States Army Corps of Engineers' Regional General Permit #1 (SPK #2009-00996) under § 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act.

**WATER QUALITY CERTIFICATION STANDARD CONDITIONS:**

1. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to § 13330 of the California Water Code and § 3867 of the California Code of Regulations.
2. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to § 3855(b) of the California Code of Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial Certification action shall be conditioned upon total payment of the full fee required under § 3833 of the California Code of Regulations, unless otherwise stated in writing by the certifying agency.

4. This Certification is valid for the duration of the described project. This Certification is no longer valid if the project (as currently described) is modified, or coverage under § 404 of the Clean Water Act has expired.
5. All reports, notices, or other documents required by this Certification or requested by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) shall be signed by a person described below or by a duly authorized representative of that person.
  - (a) For a corporation: by a responsible corporate officer such as (1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; (2) any other person who performs similar policy or decision-making functions for the corporation; or (3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (b) For a partnership or sole proprietorship: by a general partner or the proprietor.
  - (c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
6. Any person signing a document under Standard Condition number 5 shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

**TECHNICAL CERTIFICATION CONDITIONS:**

In addition to the above standard conditions, the Contra Costa County Flood Control and Water Conservation District shall satisfy the following:

1. The Contra Costa County Flood Control and Water Conservation District shall notify the Central Valley Water Board in writing 7 days in advance of the start of any work within waters of the United States and State. The notification shall include the name of the project and the WDID number, and shall be sent to the Central Valley Water Board Contact indicated in this Certification.
2. Except for activities permitted by the United States Army Corps of Engineers under § 404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.

3. The Contra Costa County Flood Control and Water Conservation District shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed project shall be adequately informed and trained regarding the conditions of this Certification.
4. The Contra Costa County Flood Control and Water Conservation District shall perform surface water sampling: 1) when performing any in-water work; 2) in the event that project activities result in any materials reaching surface waters; or 3) when any activities result in the creation of a visible plume in surface waters. The monitoring requirements in Table 1 shall be conducted upstream out of the influence of the project, and 300 feet downstream of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

**Table 1:**

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab <sup>(1)</sup>	Every 4 hours during in-water work	(2)
Settleable Material	mL/L	Grab <sup>(1)</sup>	Every 4 hours during in-water work	(2)
Visible construction related pollutants <sup>(3)</sup>	Observations	Visual Inspections	Continuous throughout the construction period	—

<sup>(1)</sup> Grab sample shall not be collected at the same time each day to get a complete representation of variations in the receiving water.

<sup>(2)</sup> Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, method shall be approved by Central Valley Water Board staff.

<sup>(3)</sup> Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

A surface water monitoring report shall be submitted to the Central Valley Water Board Contact indicated in this Certification within two weeks of initiation of sampling and every two weeks thereafter. In reporting the monitoring data, the Contra Costa County Flood Control and Water Conservation District shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the project complies with Certification requirements. The report shall include surface water sampling results and visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria below.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity and settleable matter limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:

A. Activities shall not cause turbidity increases in surface water to exceed:

- i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTUs;
- ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
- iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
- iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs; and
- v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTUs over background turbidity. In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior approval of the Central Valley Water Board staff.

B. Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within 300 feet downstream of the project.

6. The Contra Costa County Flood Control and Water Conservation District shall notify the Central Valley Water Board immediately if the above criteria for turbidity and settleable matter or other water quality objectives are exceeded.
7. The discharge of petroleum products or other excavated materials to surface water is prohibited. Activities shall not cause visible oil, grease or foam in the receiving water. The Contra Costa County Flood Control and Water Conservation District shall notify the Central Valley Water Board immediately of any spill of petroleum products or other organic or earthen materials.
8. The Contra Costa County Flood Control and Water Conservation District shall provide a complete copy of the final, signed and dated Lake or Streambed Alteration Agreement issued by the California Department of Fish and Game within 14 days of issuance to the Central Valley Water Board Contact indicated in this Certification.
9. The Contra Costa County Flood Control and Water Conservation District shall comply with all California Department of Fish and Game requirements and, including but not limited to those requirements described in Lake or Streambed Alteration Agreement No. 1600-2012-0360-R3.

10. The Contra Costa County Flood Control and Water Conservation District shall comply with all United States Fish and Wildlife Service requirements, including but not limited to those requirements described in Biological Opinion (81420-2011-F-0655), provided to United States Army Corps of Engineers, dated 30 April 2012.
11. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the project area, as indicated in the attached map (Figure 1).
12. All temporarily affected areas will be restored to pre-construction contours and conditions upon completion of construction activities.
13. All areas disturbed by project activities shall be protected from washout or erosion.
14. In-stream work will occur during periods of low flow and no precipitation.
15. This Certification does not allow permanent water diversion of flow from the receiving water. This Certification is invalid if any water is permanently diverted as a part of the project.
16. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Contra Costa County Flood Control and Water Conservation District must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.
17. The Contra Costa County Flood Control and Water Conservation District shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the project. The Plan must detail the project elements, construction equipment types and location, access and staging and construction sequence. The Plan must also address the potential of responding to a spill or prevention of spills occurring within the project site.
18. If temporary surface water diversions and/or dewatering are anticipated, the Contra Costa County Flood Control and Water Conservation District shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) shall include the proposed method and duration of diversion activities. The Surface Water Diversion and/or Dewatering Plan(s) must be consistent with this Certification.
19. When work in a flowing stream is unavoidable and any dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the United States and

State below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate Technical Certification Condition 5 of this Certification.

20. Any temporary dam or other artificial obstruction constructed shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
21. During construction, silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the United States and State.
22. Raw cement, concrete (or washing thereof), asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating the soil and/or entering waters of the United States and State.
23. Concrete must completely be cured before coming into contact with waters of the United States and State. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility which is authorized to accept concrete wastes.
24. All materials resulting from the project shall be removed from the site and disposed of properly.
25. If unanticipated discharges to the waters of the United States and State and/or soil occur, the Contra Costa County Flood Control and Water Conservation District shall notify the Central Valley Water Board Contact indicated in this Certification in writing within 5 calendar days of occurrence. Unanticipated discharges may include, but are not limited to, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous substances.
26. The Contra Costa County Flood Control and Water Conservation District shall obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.
27. The Conditions in this Certification are based on the information in the attached "Project Information Sheet." If the actual project, as described in the attached Project Information Sheet, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.

28. The Contra Costa County Flood Control and Water Conservation District shall implement each of the mitigation measures specified in the approved Mitigated Negative Declaration for the project, as they pertain to biology, hydrology and water quality impacts as required by § 21081.6 of the Public Resource Code and CEQA Guidelines, § 15097 of the California Code of Regulations.
29. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. The applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.
  - (a) If the Contra Costa County Flood Control and Water Conservation District or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.
  - (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the Contra Costa County Flood Control and Water Conservation District to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - (c) The Contra Costa County Flood Control and Water Conservation District shall allow the staff(s) of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the project.
30. The Contra Costa County Flood Control and Water Conservation District shall provide a Notice of Completion (NOC) no later than 30 days after the project completion. The NOC shall demonstrate that the project has been carried out in accordance with the project's description in the Certification and in any amendments approved. The NOC shall include a map of the project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.
31. The Contra Costa County Flood Control and Water Conservation District shall satisfy one of the following mitigation measures:
  - (a) The Contra Costa County Flood Control and Water Conservation District will pay applicable mitigation fees to the East Contra Costa County Habitat Conservancy, a joint exercise of power authority, formed by the Cities of Brentwood, Clayton, Oakley, and Pittsburg and Contra Costa County, to implement the proposed East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan.

The total mitigation fee of \$269,434.87 is based on the permanent and temporary impacts calculated by the proposed East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan for rural development and wetland impacts.

The Contra Costa County Public Works Department shall provide evidence of the East Contra Costa County Habitat Conservancy mitigation fees purchased, in association with the mitigation requirements of the project, to the Central Valley Water Board prior to proceeding with the activity authorized by this Certification. Evidence of mitigation fees purchased with the mitigation requirements of this project shall be demonstrated by a copy of a purchase receipt from the East Contra Costa County Habitat Conservancy. The receipt should include the project name, project phase, amount of the mitigation fee, date of purchase, United States Army Corps of Engineers SPK number, and detail the mitigation purchased, including, but not limited to, the mitigation ratios and other pertinent information.

Or

- (b) The required mitigation for temporary and permanent impacts resulting in loss of habitat, species, waters of the United States, and/or waters of the State, per an approved Habitat Conservation Plan/Natural Community Conservation Plan.

**CENTRAL VALLEY WATER BOARD CONTACT:**

~~Trevor Cleak, Environmental Scientist~~  
11020 Sun Center Drive #200  
Rancho Cordova, CA 95670-6114  
~~tcleak@waterboards.ca.gov~~  
~~(916) 464-4684~~

Nicholas White, Water Resource Control  
Engineer

Nicholas.White@waterboards.ca.gov  
(916) 464-4856

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

The Contra Costa County Public Works Department is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Upper Sand Creek Basin Expansion Project pursuant to § 21000 et seq. of the Public Resources Code. The Contra Costa County Public Works Department certified the Mitigated Negative Declaration on 3 November 2010 (State Clearinghouse Number 2010092047). The Contra Costa Department of Public Works filed a Notice of Determination with the State Clearinghouse on 11 November 2010.

The Central Valley Water Board is a responsible agency for the project. The Central Valley Water Board has determined that the Mitigated Negative Declaration is in accordance with the requirements of the California Environmental Quality Act and is valid pursuant § 21167.3(b) of the Public Resources Code.

The Central Valley Water Board has reviewed and evaluated the potentially significant impacts to water quality identified in the Mitigated Negative Declaration. The various mitigation

measures discussed in the Mitigated Negative Declaration to reduce and minimize project impacts are required by this Certification.

With regard to the remaining impacts identified in the Mitigated Negative Declaration, the corresponding mitigation measures proposed are within the responsibility and jurisdiction of other public agencies.

**WATER QUALITY CERTIFICATION:**

I hereby issue an Order certifying that any discharge from the Contra Costa County Flood Control and Water Conservation District, Upper Sand Creek Basin Expansion Project (WDID#5B07CR00138) will comply with the applicable provisions of § 301 ("Effluent Limitations"), § 302 ("Water Quality Related Effluent Limitations"), § 303 ("Water Quality Standards and Implementation Plans"), § 306 ("National Standards of Performance"), and § 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in compliance with the conditions of this Certification, the Contra Costa County Flood Control and Water Conservation District's application package, and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011.

Pamela C. Creedon  
Executive Officer

Enclosure: Project Information

Attachment: Figure 1 – Project Location Map

Figure 2 – Adaptive Management Plan

cc: Distribution List, page 15

## PROJECT INFORMATION SHEET

**Application Date:** 8 October 2012

**Applicant:** R. Mitch Avalon  
Contra Costa County Flood Control  
and Water Conservation District  
255 Glacier Drive  
Martinez, CA 94553

**Project:** Upper Sand Creek Basin Expansion Project (Project)

**Application Number:** WDID#5B07CR00138

**Type of Project:** Basin expansion

**Timeframe of Project Implementation:** Construction anticipated to begin 15 April 2013 with completion by 1 October 2013. Implementation of the restoration plan is anticipated to start 2 October 2013 and completed by 31 December 2013.

**Project Location:** Section 8 & 9, Township 1 North, Range 1 East, MDB&M.  
Latitude: 37°56'40"N and Longitude: 121°46'01" W

**County:** Contra Costa County

**Receiving Water(s) (hydrologic unit):** Sand Creek, San Joaquin Hydrologic Basin, North Diablo Range #543.00, HSA

**Water Body Type:** Wetland, Streambed

**Designated Beneficial Uses:** The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND); Hydropower Generation (POW); Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Preservation of Biological Habitats of Special Significance (BIOL); Rare, Threatened, or Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the Beneficial Uses applicable for the project area can be found at [http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml).

**303(d) List of Water Quality Limited Segments:** Sand Creek is the receiving water for the Project. Sand Creek is listed on the 303(d) list for chlorpyrifos, dichlorodiphenyldichloroethylene, dieldrin, *Escherichia coli*, salinity and unknown toxicity. The Project will not impact an already impaired water body.

The most recent list of approved water quality limited segments can be found at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2010.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml).

**Project Description:** The Project involves the expansion of the Upper Sand Creek flood control basin in order to provide increased flood protection. The Project is located in the lower Marsh Creek watershed in east Contra Costa County.

The existing Basin has a flood storage capacity of 123 acre-feet. The existing basin receives urban storm water runoff from nearby developments to the north. The storm water runoff flows into two 84-inch diameter pipes at the northwest side of the basin which drains into a man-made low-flow drainage channel within the existing basin floor and discharges into Sand Creek at the southwest side of the existing basin via two 36-inch diameter culvert pipes.

The Project will expand the existing 49-acre basin to approximately 61.5 acres, and increase its flood storage capacity from 123 acre-feet to approximately 900 acre-feet. The expansion will excavate the existing basin floor and build a dam to create a deeper basin where water will be held and slowly released downstream during major storm events.

Approximately 3,488 feet of Sand Creek will be excavated between 2 and 10 feet below its current elevation and will be re-constructed on site with fluvial geomorphic design to restore and enhance Sand Creek within the proposed basin.

Basin Inlet Structure: The expanded basin will include two inlet structures that will receive incoming flows: one will be newly constructed within Sand Creek in the southwest portion of the project area that will direct flows from upper Sand Creek; and the other existing inlet in the northwest portion of the existing basin will be modified. Each basin will consist of a concrete box structure with an energy dissipator. Rock slope protection will be placed upstream and downstream of the inlet structures.

Basin Outlet Structure: Flows received by the basin inlet structures will be directed into the reconstructed Sand Creek channel and drain into a primary spillway outlet structure and outfall into Sand Creek downstream. The primary spillway will consist of a headwall, an outlet, and piping that will extend underneath the dam and discharge into the creek.

Emergency Spill Way: An earthen dam will be constructed along the easterly side of the basin. An emergency spillway east of the dam will direct flows greater than the 100-year storm event down a 225-foot wide weir and discharge into Sand Creek approximately 600 to 800 feet below the toe of the dam.

Maintenance: Berm failures have caused siltation and dewatering to a portion of Sand Creek. Approximately 190 cubic yards of silt will be removed from within the channel, and approximately 110 cubic yards of fill in the form of willow mattress will be placed at the location of the failed berms to return the Project layout to the original design as shown in Figure 2.

The Project will result in 0.03 acre of permanent impacts and 0.70 acre of temporary impacts to waters of the United States and ~~2.65 acres~~ 2.76 acres of temporary impacts to waters of the State.

**Preliminary Water Quality Concerns:** Construction activities may impact surface waters with increased turbidity and settleable matter.

**Proposed Mitigation to Address Concerns:** The Contra Costa County Flood Control and Water Conservation District will implement Best Management Practices to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. The Contra Costa County Flood Control and Water Conservation District will conduct turbidity and settleable matter testing during in-water work, stopping work if Basin Plan criteria are exceeded or are observed.

**Excavation/Fill Area:** Approximately ~~22,655~~ 22,845 cubic yards of native soil, concrete and culvert materials will be excavated from 3.38 acres of waters of the United States and waters of the State.

Approximately ~~6,594~~ 6,701 cubic yards of clean soil, willow mattresses, rock and concrete will be placed into 3.38 acres of waters of the United States and waters of the State.

**Dredge Volume:** None

**United States Army Corps of Engineers File Number:** SPK #2009-00996

**United States Army Corps of Engineers Permit Type:** Regional General Permit #1

**California Department of Fish and Game Lake or Streambed Alteration Agreement:**  
1600-2012-0360-R3.

**Possible Listed Species:** California tiger salamander, California red-legged frog and San Joaquin kit fox.

**Status of CEQA Compliance:** The Contra Costa County Public Works Department approved the Mitigated Negative Declaration on 3 November 2010. The Contra Costa County Public Works Department filed a Notice of Determination with the State Clearinghouse on 11 November 2010 (State Clearinghouse Number 2010092047).

The Central Valley Water Board filed a Notice of Determination with the State Clearinghouse as a responsible agency within 5 days of the date of this Certification.

**Compensatory Mitigation:** The Contra Costa County Flood Control and Water Conservation District will mitigate with either one of the following:

- (a) the payment of mitigation fees of \$269,434.87 to the East Contra Costa County Habitat Conservancy to mitigate for permanent and temporary impacts calculated by the proposed East Contra Costa County Habitat Conservation Plan for the Upper Sand Creek Basin Expansion Project, as described in Technical Condition #32; or

- (b) the required mitigation for temporary and permanent impacts resulting in loss of: habitat, species, waters of the United States; and/or waters of the State, per an approved Habitat Conservation Plan/Natural Community Conservation Plan.

Evidence of this purchase shall be provided to the Central Valley Water Board prior to proceeding with the activity authorized by this Certification.

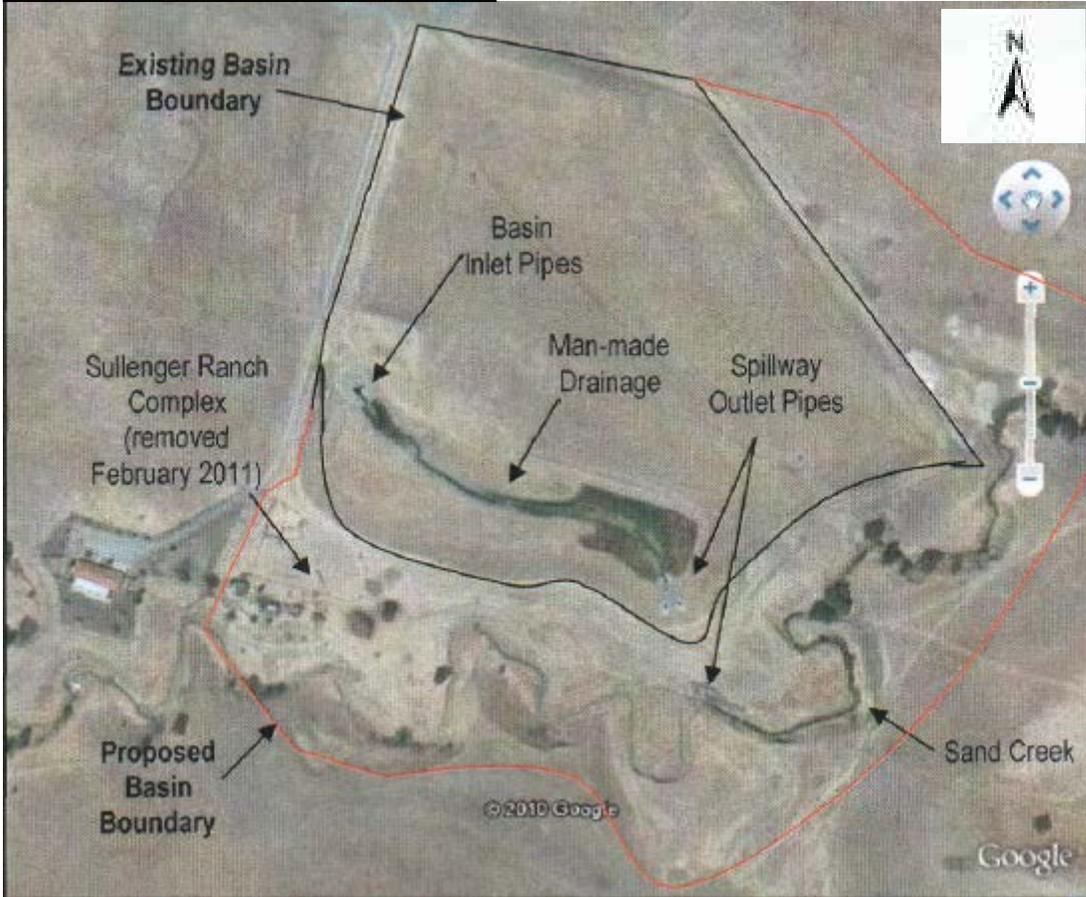
In addition, the Contra Costa County Flood Control and Water Conservation District will restore the 0.70 acre of waters of the United States that will be temporarily affected by the Project. The 0.03 acre of permanent impacts to waters of the United States will be mitigated on-site at a 1:1 ratio.

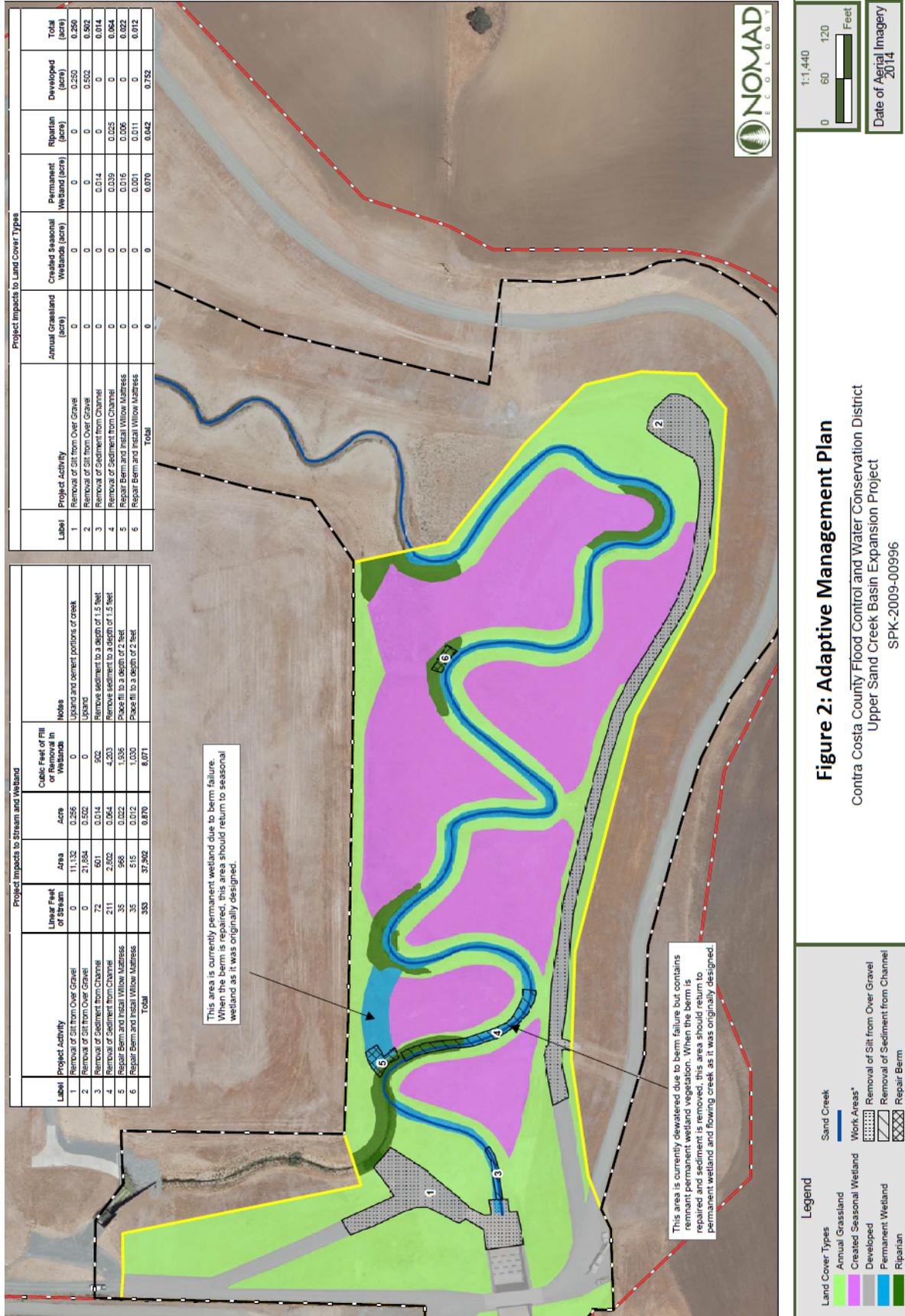
The Contra Costa County Flood Control and Water Conservation District will also restore and enhance the ~~2.65 acres~~ 2.76 acres of waters of the State. The ~~2.65-acre~~ 2.76 acres of waters of the State is comprised of ~~0.47-acre~~ 0.57 acre of perennial wetlands and ~~2.18 acres~~ 2.19 acres of seasonal wetlands. The ~~0.47-acre~~ 0.57 acre of perennial wetlands will be replaced in-kind at a 1:1 ratio. The ~~2.18-acres~~ 2.19 acres of seasonal wetlands will be replaced in-kind at a 2:1 ratio.

**Application Fee Provided:** Total fees of \$ 26,322.00 have been submitted to the Central Valley Water Board as required by § 3833(b)(3)(A) and § 2200(a)(3) of the California Code of Regulations.

Figure 1-Project Area

The Project is located 0.5 mile  
northeast of the intersection of  
Deer Hill Lane and Deer Valley  
Road in unincorporated Contra  
Costa County





**DISTRIBUTION LIST**

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