**REGULATORY PROGRAM**

**PERMIT ACTION**

**Upper Llagas Creek Flood Protection Project**

APPLICANT: Santa Clara Valley Water District (SCVWD)

CORPS FILE NUMBER: SPN-2014-00086

AREA: East Little Llagas Creek, West Little Llagas Creek, and Llagas Creek in the City of Morgan Hill, community of San Martin, and the City of Gilroy, California

DESCRIPTION: The Upper Llagas Creek Flood Protection Project (Project) was first conceived as part of the Llagas Creek Flood Watershed Project Plan (LCWPP), developed in 1968 by the United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), formerly known as the Soil Conservation Service (SCS), and included both the upper reaches of the watershed and a set of lower reaches along the West Branch of Llagas Creek in Gilroy and mainstem Llagas Creek below Buena Vista Avenue. The LCWPP was revised by the NRCS, local sponsors, and citizen groups several times over a period of nearly a decade before a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) was completed in 1982. The NRCS, the lead federal agency for the project at the time, completed about half of the authorized lower LCWPP, from the confluence with the Pajaro River to Buena Vista Avenue between 1973 and 1994. Due to lack of funding, the NRCS did not complete the remaining upper portion of the LWCPP.

The SCVWD proposes to construct the Project which encompasses approximately 13.9 miles and consists of seven reaches (4, 5, 6, 7a, 7b, 8, and 14) of Llagas Creek, East and West Little Llagas Creeks. To the north, the physical limits of the project are at the creeks intersection with Llagas Road on West Little Llagas Creek in Morgan Hill; and in the south, approximately 1000 feet downstream of the creeks intersection with Buena Vista Avenue in Gilroy. Implementation of the Project would result in temporary impacts to 44.43 acres and permanent impacts of 3.82 acres of jurisdictional waters of the United States.

PRIMARY ISSUE: The decision to prepare an EIS for the Project was based on the potentially significant positive and negative effects, both individually and cumulatively, of the Proposed Action on the quality of the human environment. Completion of the EIS is necessary to inform a final decision on the permit application.

STATUS: On December 31, 2015, the Notice of Availability of the EIS was published in the Federal Register Vol. 80, No. 251. The comment period for the Draft EIS closed on February 16, 2016. All comments have been addressed and a Final EIS is currently under review in draft form. Additionally, the Corps is awaiting a revised Biological Assessment from SCVWD prior to re-initiating consultation on potential effects to listed species with U.S. Fish and Wildlife Service (FWS) after discovery of a federally-listed species in the project area that was not previously detected, pursuant to Section 7 of the Endangered Species Act. Consultation with National Marine Fisheries Service on potential effects to listed species is ongoing,

CONGRESSIONAL DISTRICT:

* 19th District, Rep. Zoe Lofgren

POINTS OF CONTACT:

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