

**UPPER PENITENCIA CREEK
GENERAL INVESTIGATION**

PROJECT LOCATION AND DESCRIPTION: Upper Penitencia Creek is located in the City of San Jose, in Santa Clara County, California. The project is intended to reduce flood damages in San Jose and Milpitas. Alternatives under consideration for this 3.6-mile reach include a combination of flood-proofing at the upstream limit, levees, floodwalls and bypass channels.

TOTAL FUNDING:

TOTAL COST:	\$ 6,051,000
FEDERAL COST:	\$ 3,198,000
NON-FEDERAL COST:	\$ 2,853,000
TOTAL FEDERAL COST THROUGH FY 2007:	\$ 3,007,000
FY 2008 BUDGET:	\$ 191,000
COST TO COMPLETE:	\$ 0

FY 07 ACCOMPLISHMENTS: FY2007 will see completion of the identification of environmental impacts and their incorporation into the engineering document. Elements of the Draft Report will be completed and reviewed in accordance with the National Environmental Policy Act and the California Environmental Quality Act.

FY08 ACCOMPLISHMENTS: Requested funds could be used to complete public reviews of the Engineering Report and Environmental Impact Statement/Environmental Impact Report, and to carry the programming documents to policy review.

ISSUES AND OTHER INFORMATION: The Natural Resources Conservation Service (NRCS) presented this project to Congress as the Upper Penitencia Creek Watershed Project in August 1990, but declining agricultural benefits in this urbanizing area did not allow continued NRCS participation. The local sponsor requested that the US Army Corps of Engineers continue the effort in 1995.

Corps studies in FY02 showed the project would not significantly affect the already poor survivability of historically significant Lagunitas Road Bridge. The Town of Ross has since pursued California Department of Transportation seismic assistance to replace the bridge.

In 2003, Ross and Marin Counties changed the Locally Preferred Plan and endorsed design flows passing through the town located in the creek channel. This endorsement marked the effective start of the GRR Phase 2. In August 2004 the sponsor requested the Corps adopt their Locally Preferred Plan, developed with environmental stakeholders and the Corps of Engineers, as the National Economic Development (NED) plan. This decision will be made during the remaining Feasibility Study.

The project must maintain anadromous fish passage to upstream spawning areas for threatened Steelhead. Fish biologists funded by a grant to the Friends of Corte Madera Creek used the Corps' FY05 Geotechnical borings to propose designs for the Unit 4 channel. The 1966-authorized cost sharing and financing requirements apply as long as the project remains as authorized (for flood control up to project limits at the Sir Francis Drake Bridge in Ross).

CONGRESSIONAL INTEREST: 16th, Rep. Zoe Lofgren; 15th District, Rep. Mike Honda

POINT OF CONTACT: Deputy District Engineer for Civil Works, Arijs Rakstins 415-503-6720