



US Army Corps
of Engineers

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

NUMBER: 28207S

DATE: April 7, 2004

RESPONSE REQUIRED BY: May 7, 2004

Regulatory Branch
333 Market Street

San Francisco, CA 94105-2197

PROJECT MANAGER: Bob Smith

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1. **INTRODUCTION:** The Santa Clara County Roads and Airports Department, 101 Skyport Drive, San Jose, California 95110-1302, contact - Mr. Roy Cabaltera, (408) 573-2484, has applied for a Department of the Army permit to place 1 acre of fill to construct Phase II of the Gilroy Hot Springs Road Repair on Coyote Creek approximately 5 miles east of Gilroy in Santa Clara County, California. The site, as shown in the attached drawings, is located 1.5 miles south of the intersection of Gilroy Hot Springs Road and Coyote Lake. The project would realign Coyote Creek to a position closer to the north bank of the channel (more centered in the floodplain) to minimize the potential of future flood events damaging the roadway. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. **PROPOSED PROJECT:** The purpose of the project is to realign Coyote Creek at the location of the Gilroy Hot Springs Road failure (Site 8). The roadway experienced slipout failures as a result of intense erosion during high flow events in 1997 and 1998. If left unprotected, future storm flows most likely would have further undercut and eroded this bank and further impacted the already compromised road. To stabilize and protect the slope and roadway, an engineered (Hilfiker) retaining wall was installed in 2002 on the left bank of the channel (looking downstream). Phase II of the project entails realigning Coyote Creek to a stable position closer to the north bank of the existing floodplain to supplement the bank protection provided by the Hilfiker wall and to minimize the potential of future flood events to compromise the bank and roadway. The Creek is actively eroding and depositing

sediment throughout the project reach. Although erosion and deposition are natural and important processes in creeks, the current channel configuration concentrates erosional pressures on the left bank of the channel at the location of the road failure and the Hilfiker wall. The current position of Coyote Creek within the floodplain is shown in Figure 2. The applicant states that realigning the stream will reduce the concentration of stream power on the left bank by redistributing the shear stress generated by flood flows over a greater cross sectional area. The greater cross sectional area will be generated by providing a wide floodplain for the stream to access on both sides of the channel.

An approximate location of the realignment configuration is shown in Figure 3. The left bank of the realigned channel will tail down and blend into the terraces located upstream and downstream of the realignment. The upstream extent of the realignment will tie into the original left bank near the downstream end of a gravel bar, located approximately 420 feet upstream of the Hilfiker wall. The downstream end of the realignment channel will tie into the original left bank approximately 200 feet downstream of the Hilfiker wall. The position of the channel between the connection points will not conflict with the Santa Clara County Open Space Authority oak mitigation area developed for the Site 8 Road Repair Project. The mitigation area will be shifted slightly uphill, if necessary, to accommodate the configuration of the channel realignment.

The realigned channel will be excavated from the existing terrace and the removed material will be

backfilled into the original channel. The material will be compacted and revegetated. A more detailed description of the construction activities is provided below.

The length of the realigned channel will be slightly less than the length of the original channel (from 860 ft to 780 ft). As a result, the slope of the channel will increase slightly from 0.0045 to 0.0050. Increasing the slope of the channel would not significantly impact the hydraulic and geomorphic processes of the system. Therefore, the applicant states, realigning the channel will not significantly impact bedload transport, and it is not anticipated that the project will significantly change the fluvial geomorphic processes of the system in the project reach.

The cross section of the realigned channel would be equivalent to the geometry of the original channel. The realigned channel would be designed as a "pilot channel" where natural stream processes will be relied on to sculpt a low-flow channel, or thalweg, and other aquatic habitat features. Examples of the realigned channel cross sections are illustrated in Figures 4 through 6.

Construction of the realigned channel would entail installing an exclusion fence to isolate the work area (for minimizing potential negative impact to foothill yellow-legged frogs, a federal and state species of concern), dewatering the project reach as necessary, excavating a realigned channel from the terrace, backfilling the original channel, and installing bioengineering (rock armor, biodegradable erosion control fabric, live willow stakes, etc.) along the left bank of the new channel. It is anticipated that the construction of the channel realignment would occur during the period between August 15 and October 15, 2004, with revegetation occurring between October 2004 and March 2005.

If work in the flowing stream is unavoidable, the entire stream flow would be diverted around the

work area by a cofferdam placed upstream of the exclusion fence. Construction of the barrier would normally begin in the upstream area and continue in a downstream direction. The flow would be diverted only when construction of the diversion is completed. The water diversion plan will allow stream flow to gravity flow around or through the work site using temporary culverts, or the stream flow will be pumped around the work site using pumps and screened intake hoses. Ambient stream flows will be maintained below the diversion, and waters discharged below the project site will be discharged in a non-erosive manner.

Cofferdam construction will be adequate to prevent seepage into or from the work area. Cofferdams may be constructed of river gravel with a fines content that is less than 15 percent. Cofferdams may also be constructed of sheet piles, inflatable dams, and sand bags. The enclosure and the supportive material shall be removed when the work is completed. The removal will proceed from the downstream end in an upstream direction. Normal flows shall be restored to the affected stream immediately upon completion of work at that location.

Standard earth moving equipment (excavator, grader, dump trucks, bulldozer, etc.) will be used to excavate and reconstruct the slope of the realigned channel and the bypass channel. Construction staging and equipment storage, if needed, may occur on the high terrace adjacent to the retaining wall structure (on the left bank of the creek). This location was used as the construction staging area during the bank repair and Hilfiker wall installation. Equipment will access the creek bed at a location upstream of the realignment reach, where the slope of the bank would allow access.

The realigned channel will be excavated from the existing terrace and the removed material will be backfilled into the original channel. Approximately, 7,400 cubic yards of alluvial sediment (which

primarily consists of sand, gravel, and cobble) will be excavated from the terrace to create the realigned channel (the approximate area of excavation is 1 acre). The areas of excavation are depicted on Figure 3 (labeled "Proposed Realignment"). Material removed to create the realigned channel and bypass channel will be compacted within the original creek bed (approximate area of fill is 1 acre). This area is illustrated on Figure 3 as the section between the realigned channel and the slopes of the left bank (shown as compact contour lines).

Bioengineering slope protection will be installed along the south bank of the realigned channel to hinder migration of the stream towards the existing channel and the Hilfiker wall. Rock slope protection or RSP (75 cubic yards of light rock) will be installed along approximately 170 lineal feet at the upstream end of the south bank to prevent flows from eroding back into the old channel. The RSP will be installed on RSP fabric and include live willow stakes planted at 4-foot intervals. Live willow stakes will also be placed along the toe of the new south bank. For erosion control, the finished south bank slope and fill areas will be hydroseeded with native grasses and forbs. Under the direction of a restoration specialist, plants will be randomly spaced to replicate natural conditions, and maintained for 90 days to ensure survivability. Plants that do not survive through the establishment period of 90 days will be replaced. A monitoring program will be prepared and implemented. The right bank of the channel will be subject to the natural stream erosion and depositional processes. The cross section of the realigned channel will be designed to dissipate the shear stress of flows over a large surface area. Therefore, it is not anticipated that the right bank of the channel will experience excessive erosion. If potential unstable areas on the right bank are identified during construction of the realigned channel, then temporary erosion control fabric will be installed in the localized areas.

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations, 40 C.F.R. Part 1500-1508, and Corps' Regulations, 33 C.F.R. Part 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. The project may affect the California red-legged frog. On phase 1 of the project the Federal Emergency Management Agency (FEMA) consulted with the FWS on the impacts of the project on the frog. A biological opinion, 1-1-01-F-0286, was issued by FWS on December 27, 2001. As FEMA is not involved in the second phase, the Corps has initiated consultation with the FWS.

Clean Water Act of 1972 (CWA):

- a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps

permit may be issued. The project is being implemented to respond to a requirement of the conditional water quality certification issued for Phase 1 of the project by the San Francisco Bay Regional Water Quality Control Board.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period of this Public Notice.

b. Alternatives: Evaluation of this proposed activity's impact will include application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is water dependent.

National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State and Federal agencies, no historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

4. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the

proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

5. CONSIDERATION OF COMMENTS: The Corps of Engineers 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 determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

6. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is the Corps'

policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by

contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Bob Smith of our office at telephone 415-977-8450 or E-mail: rsmith@spd.usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.