



US Army Corps  
of Engineers®  
San Francisco District

SAN FRANCISCO DISTRICT

Regulatory Division  
1455 Market Street, 16<sup>th</sup> Floor  
San Francisco, CA 94103-1398

# PUBLIC NOTICE

PROJECT: Carmel River Reroute and San Clemente Dam Removal

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PERMIT MANAGER: Holly Costa

TELEPHONE: 415-503-6780

E-MAIL: holly.n.costa@usace.army.mil

1. **INTRODUCTION:** California American Water, through its agent, URS Corporation (POC: Bonnie de Berry 510-893-3600), 1333 Broadway, Suite 800, Oakland, CA 94612, has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to remove the San Clemente and Old Carmel River Dams and restore riparian habitat and unobstructed fish passage at the confluence of the Carmel River and San Clemente Creek located in unincorporated Monterey County, south of and upstream from the town of Carmel Valley Village, California. This Department of the Army permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1344 *et seq.*).

## 2. PROPOSED PROJECT:

**Project Site Location:** The Carmel River Reroute and San Clemente Dam Removal Project (project) is located on the Carmel River in unincorporated Monterey County, south of and upstream from the town of Carmel Valley Village, California. The project area consists of San Clemente Dam (SCD) and its associated reservoir, the Old Carmel River Dam (OCRD), the Carmel River, San Clemente Creek, tributaries just upstream of SCD, the ridge separating Carmel River from San Clemente Creek, and access roads. SCD is a 106-foot-high concrete arch dam that is approximately 18.5 miles from the Pacific Ocean on the Carmel River in Monterey County (Figure 2-1). The latitude and longitude coordinates of the dam are 36.435854, -121.708696. OCRD is approximately 1,700 feet downstream of SCD on a bend in the Carmel River (Figure 2-1) at the latitude and longitude coordinates of 36.438892, 121.704834.

**Project Site Description:** Two watercourses feed into SCD: the Carmel River and San Clemente Creek. The Carmel River originates in the Ventana Wilderness portion of Los Padres National Forest. It flows generally north-northwest through Los Padres Dam and Reservoir and into the reservoir behind SCD. Similarly, San Clemente Creek flows primarily west to east before turning north to converge with the Carmel River just upstream of SCD. After flowing out of SCD, the Carmel River reaches a small impoundment behind OCRD and then flows to the north. As it reaches its confluence with Tularcitos Creek, it turns westward near the town of Carmel Valley Village and then runs through the Carmel Valley to the Pacific Ocean.

**Project Background:** When SCD was constructed in 1921, it had a reservoir storage capacity of approximately 1,425 acre-feet. Since construction, the reservoir has been filled by more than 2.5 million cubic yards of sediment, leaving a reservoir storage capacity of approximately 70 acre-feet as of 2008. California American Water (CAW) owns and operates the dam. CAW no longer withdraws water from the reservoir, and SCD therefore serves no useful purpose. Likewise, OCRD, a masonry dam built in 1883 by Pacific Improvement Company to divert water for commercial use, is also no longer used for water storage. The California Department of Water Resources (DWR) Division of Safety of Dams (DSOD) issued a safety order for the SCD structure in the early 1990s after determining that the structure could potentially fail in the event of either the maximum credible earthquake (MCE) or the probable maximum flood (PMF).

**Basic Project Purpose:** The basic project purpose comprises the fundamental, essential, or irreducible purpose of the project, and is used by USACE to determine whether the project is water dependent. The

basic project purpose is to protect public safety and provide fish passage at the dam.

**Overall Project Purpose:** The overall project purpose serves as the basis for the Section 404(b)(1) alternatives analysis, and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, while allowing a reasonable range of alternatives to be analyzed. The overall project purpose is to provide a long-term solution to the seismic safety issue associated with SCD; improve fish passage conditions and provide habitat for steelhead in the Carmel River to the extent feasible; diminish the potential for excessive erosion, undermining, sloughing, or slope failure that would lead to mobilization of sediment from the project to downstream reaches; avoid exacerbating flooding in the 18.5-mile river reach between SCD and the ocean; restore the natural character and function of the valley bottom within the Project limits, including a continuum of habitat elements from in-stream features to upland habitat; and restore a more natural sediment transport regime downstream of San Clemente Dam.

**Project Description:** As shown in the attached drawings, the applicant proposes to remove SCD and OCRD to address public safety and restore unobstructed fish passage and riparian habitat. The Project includes removal of both of these dams. It would also include rerouting the Carmel River into San Clemente Creek at a location that is approximately 3,000 feet upstream of SCD; the rerouting would bypass the majority of accumulated sediment in the Carmel River. Sediment that has accumulated in the San Clemente arm of the reservoir must be sequestered by relocating it to a stockpile area on the abandoned reach of the Carmel River upstream of the SCD location and downstream of the reroute channel. The project would permanently remove the seismic risks of dam failure. It would also provide improved passage for steelhead and other fish species, and improve aquatic, riparian, and upland habitats for a variety of species. An overview map of the proposed project footprint, access roads, and staging areas is shown on Figure 2-2. The project components and construction areas are shown in Figure 2-3.

**Project Impacts:** The project involves the following major components and activities:

- Construction / Improvement of Access Roads
- Excavation of the Reroute Channel (about 300,000 to 350,000 CY)

- Construction of the diversion dike (about 100,000 to 150,000 CY)
- Stabilization of the sediment slope (about 120,000 to 170,000 CY)
- Relocation of sediment from sediment slope and San Clemente Creek / Combined Flow Reach to the sediment stockpile (about 550,000 to 700,000 CY)
- Channel Restoration (about 5,900 linear feet)
- SCD Removal (about 7,000 CY)
- OCRD Removal (about 1,500 cy)
- Habitat Restoration and re-vegetation (about 45 to 55 acres)

The Reroute Channel, which would reroute Carmel River flows into the proposed Combined Flow Reach, would be excavated through the drainage divide between the Carmel River and San Clemente Creek. Upstream of the Reroute Channel, the Upper Carmel River would be partially excavated and restored to transition to existing upstream channel grades. The new Combined Flow Reach between the Reroute Channel and the present dam location would be restored with a focus on steelhead passage. Upstream of the Combined Flow Reach, the Upper San Clemente Creek would also be excavated and restored to transition to existing upstream channel grades.

A portion of the accumulated sediment in the Upper Carmel River Reach and all of the accumulated sediment in the San Clemente Creek arm of the reservoir would be excavated and relocated to the abandoned Carmel River arm, and the sediment in the abandoned Carmel River arm would be stabilized in place to form the Sediment Stockpile. A diversion dike would be constructed from the excavated sediment of the Reroute Channel, to help guide the Carmel River flow through the Reroute Channel into the San Clemente Creek drainage, and to prevent flow from entering the upstream end of the sediment stockpile (abandoned reservoir). A stabilized sediment slope would be constructed at the downstream end of the abandoned Carmel River arm to retain sediments in the sediment stockpile area.

Habitat restoration and re-vegetation would be performed for the Upper Carmel River Reach, reroute channel and slopes, combined flow reach, diversion dike, stabilized sediment slope, and sediment stockpile. The restoration would include transitioning to the limit of construction, impact, and/or existing undisturbed vegetation. When all of the site components are in place, SCD would be removed. In addition, OCRD, located approximately 1,700 feet downstream of SCD, would be removed as part of the project. After project completion, CAW property around

SCD would be conveyed to the U.S. Department of Interior Bureau of Land Management.

**Proposed Mitigation:** Habitat restoration is a significant part of this project, restoring a highly modified area to a condition that more closely resembles its pre-development state. Thus, even though many temporary and some permanent disturbances would occur to aquatic, wetland, riparian, and upland habitats, the proposed project involves considerable habitat restoration and is presumed to be a self-mitigating project. The general conceptual plan for habitat restoration and vegetation communities is shown in Figure 2-5.

### 3. STATE AND LOCAL APPROVALS:

**Water Quality Certification:** State water quality certification or a waiver is a prerequisite for the issuance of a Department of the Army Permit to conduct any activity which may result in a fill or pollutant discharge into waters of the United States, pursuant to Section 401 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1341 *et seq.*). The applicant has recently submitted an application to the California Regional Water Quality Control Board (RWQCB) to obtain water quality certification for the project. No Department of the Army Permit will be issued until the applicant obtains the required certification or a waiver of certification. A waiver can be explicit, or it may be presumed, if the RWQCB fails or refuses to act on a complete application for water quality certification within 60 days of receipt, unless the District Engineer determines a shorter or longer period is a reasonable time for the RWQCB to act.

Water quality issues should be directed to the Executive Officer, California Regional Water Quality Control Board, Central Coast Region, 895 Aerovista Place, Suite 101, San Luis Obispo, California 93401, by the close of the comment period.

**Coastal Zone Management:** Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. § 1456(c) *et seq.*), requires a non-Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to obtain a Consistency Certification that indicates the activity conforms with the State's coastal zone management program. Generally, no federal license or permit will be granted until the appropriate State agency has issued a Consistency Certification or has waived its right to do so. The project does not occur in the coastal zone, and a *preliminary* review by USACE indicates the project would

not likely affect coastal zone resources. This presumption of effect, however, remains subject to a final determination by the California Coastal Commission.

Coastal zone management issues should be directed to the Executive Director, San Francisco Bay Conservation and Development Commission, 50 California Street, Suite 2600, San Francisco, California 94111, by the close of the comment period. Coastal zone management issues should be directed to the District Manager, California Coastal Commission, Central Coast District Office, 725 Front Street, Suite 300, Santa Cruz, California 95060-4508,

**Other Local Approvals:** The applicant has applied for the following additional governmental authorizations for the project: A *California Endangered Species Act Section 2081, Incidental Take Permit* and a *Section 1600 Lake and Streambed Alteration Agreement* to be issued by the California Department of Fish and Game, a *Combined Use Permit* to be issued by the County of Monterey, and a *NPDES General Construction Permit* to be issued by the RWQCB.

### 4. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

**National Environmental Policy Act (NEPA):** In 2006, DWR, acting as the State Lead Agency, and the Corps, acting as the Federal Lead Agency, jointly released a Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the San Clemente Dam Seismic Safety Project that evaluated five alternatives for addressing the safety issue, including CAW's then-preferred alternative, Dam Strengthening, and Alternative 3, Carmel River Reroute and Dam Removal (CRRDR).

The original proposed project, Dam Strengthening, would have resolved the public safety issues and would have improved upstream fish passage through construction of a new fish ladder. However, both up- and downstream fish passage would still be heavily impaired by the dam, and the dam would continue to disrupt sediment transport and ecological connectivity in the river ecosystem. These benefits could only be achieved by removing the dam. For these reasons, the California State Coastal Conservancy (SCC), the lead agency for the State of California, the National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service (NMFS), and the Planning and Conservation League Foundation worked with CAW to develop a feasible approach to implement the CRRDR project. In December 2007, the Final EIR/EIS was certified, and in February 2008, DWR

indicated that the dam safety issue could be addressed through implementation of the CRRDR option. The Final EIR/EIS will be incorporated into the decision document that provides the rationale for issuing or denying a Department of the Army Permit for the project.

At the conclusion of the public comment period, USACE will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347), the Council on Environmental Quality's Regulations at 40 C.F.R. Parts 1500-1508, and USACE Regulations at 33 C.F.R. Part 325. The final decision document, with the incorporated EIS analysis, will address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of USACE and other non-regulated activities USACE determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis and supporting documentation will be on file with the San Francisco District, Regulatory Division.

**Endangered Species Act (ESA):** Section 7(a)(2) of the ESA of 1973, as amended (16 U.S.C. § 1531 *et seq.*), requires Federal agencies to consult with either the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) to insure actions authorized, funded, or undertaken by the agency are not likely to jeopardize the continued existence of any Federally-listed species or result in the adverse modification of designated critical habitat. As the Federal lead agency for this project, USACE has conducted a review of the California Natural Diversity Data Base, digital maps prepared by USFWS and NMFS depicting critical habitat, and other information provided by the applicant, to determine the presence or absence of such species and critical habitat in the project area. Based on this review, USACE has made a preliminary determination that the following Federally-listed species and designated critical habitat are present at the project location or in its vicinity, and may be affected by project implementation.

- California red-legged frog (*Rana aurora*) and designated critical habitat
- California tiger salamander (*Ambystoma californiense*)
- South-Central California Coast Steelhead (*Oncorhynchus mykiss*)

To address project related impacts to these species and designated critical habitat, USACE will initiate formal consultation with USFWS and NMFS, pursuant to Section

7(a) of the Act. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project.

**Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA):** Section 305(b)(2) of the MSFCMA of 1966, as amended (16 U.S.C. § 1801 *et seq.*), requires Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all proposed actions authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH). EFH is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. EFH is designated only for those species managed under a Federal Fisheries Management Plan (FMP), such as the *Pacific Groundfish FMP*, the *Coastal Pelagics FMP*, and the *Pacific Coast Salmon FMP*. As the Federal lead agency for this project, USACE has conducted a review of digital maps prepared by NMFS depicting EFH to determine the presence or absence of EFH in the project area. Based on this review, USACE has made a *preliminary* determination that EFH is present at the project location or in its vicinity, and that the critical elements of EFH may be adversely affected by project implementation. The Carmel River Lagoon is classified as EFH under MSFCMA. The Carmel River Lagoon serves as habitat for species of commercially important fish and sharks that are federally managed under the Pacific Groundfish FMP. Within this EFH designation, the Carmel River Lagoon is designated as a Habitat Area of Particular Concern for various fish species within the Pacific Groundfish FMP, as this estuarine system serves as breeding and rearing grounds important to these fish stocks. To address project related impacts to EFH, USACE will initiate consultation with NMFS, pursuant to Section 305(5)(b)(2) of the Act. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project.

**Marine Protection, Research, and Sanctuaries Act (MPRSA):** Section 302 of the MPRS of 1972, as amended (16 U.S.C. § 1432 *et seq.*), authorizes the Secretary of Commerce, in part, to designate areas of ocean waters, such as the Cordell Bank, Gulf of the Farallones, and Monterey Bay, as National Marine Sanctuaries for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or aesthetic values. After such designation, activities in sanctuary waters authorized under other authorities are valid only if the Secretary of Commerce certifies that the activities are consistent with Title III of the Act. No Department of the Army Permit will be issued until the

applicant obtains the required certification or permit. The project does not occur in sanctuary waters, and a *preliminary* review by USACE indicates the project would not likely affect sanctuary resources. This presumption of effect, however, remains subject to a final determination by the Secretary of Commerce, or his designee.

**National Historic Preservation Act (NHPA):** Section 106 of the NHPA of 1966, as amended (16 U.S.C. § 470 *et seq.*), requires Federal agencies to consult with the appropriate State Historic Preservation Officer to take into account the effects of their undertakings on historic properties listed in or eligible for listing in the *National Register of Historic Places*. Section 106 of the Act further requires Federal agencies to consult with the appropriate Tribal Historic Preservation Officer or any Indian tribe to take into account the effects of their undertakings on historic properties, including traditional cultural properties, trust resources, and sacred sites, to which Indian tribes attach historic, religious, and cultural significance. As the Federal lead agency for this undertaking, USACE has conducted a review of latest published version of the *National Register of Historic Places*, survey information on file with various city and county municipalities, and other information provided by the applicant, to determine the presence or absence of historic and archaeological resources within the permit area. Based on this review, USACE has made a *preliminary* determination that historic or archaeological resources are present in the permit area, and that such resources may be adversely affected by the project:

- The San Clemente Dam and associated buildings (CA-MNT-1248H), has been formally determined individually eligible for listing in the NRHP;
- the Old Carmel River Dam (CA-MNT-1249H), also has been formally determined individually eligible for listing in the NRHP;
- CA-MNT-1253, a bedrock mortar site that was recommended as not eligible for listing in the NRHP in 1987.

In addition, seven archaeological resources were mapped as being directly adjacent to the APE and were considered sufficiently close to warrant further investigation and/or evaluation.

To address project related impacts to historic or archaeological resources, USACE will initiate consultation with the State Historic Preservation Officer or the Tribal Historic Preservation Officer, pursuant to Section 106 of the Act. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project. If unrecorded archaeological

resources are discovered during project implementation, those operations affecting such resources will be temporarily suspended until USACE concludes Section 106 consultation with the State Historic Preservation Officer or the Tribal Historic Preservation Officer to take into account any project related impacts to those resources.

**5. COMPLIANCE WITH THE SECTION 404(b)(1) GUIDELINES:** Projects resulting in discharges of dredged or fill material into waters of the United States must comply with the Guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. § 1344(b)). An evaluation pursuant to the Guidelines indicates the project is dependent on location in or proximity to waters of the United States to achieve the basic project purpose. This conclusion raises the (rebuttable) presumption of the availability of a practicable alternative to the project that would result in less adverse impact to the aquatic ecosystem, while not causing other major adverse environmental consequences. The applicant has submitted an analysis of project alternatives which is being reviewed by USACE.

**6. PUBLIC INTEREST EVALUTION:** The decision on whether to issue a Department of the Army Permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the project and its intended use on the public interest. Evaluation of the probable impacts requires a careful weighing of the public interest factors relevant in each particular case. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. The decision on permit issuance will, therefore, reflect the national concern for both protection and utilization of important resources. Public interest factors which may be relevant to the decision process include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore 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.

**7. CONSIDERATION OF COMMENTS:** USACE is soliciting comments from the public; Federal, State and local agencies and officials; Native American Nations or other tribal governments; and other interested parties in order to consider and evaluate the impacts of the project.

All comments received by USACE will be considered in the decision on whether to issue, modify, condition, or deny a Department of the Army Permit for the project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, and other environmental or public interest factors addressed in a final environmental assessment or environmental impact statement. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the project.

8. **SUBMITTING COMMENTS:** During the specified comment period, interested parties may submit written comments to Holly Costa, San Francisco District, Regulatory Division, 1455 Market Street, 16<sup>th</sup> Floor, San Francisco, California 94103-13978; comment letters should cite the project name, applicant name, and public notice number to facilitate review by the Regulatory Permit Manager. Comments may include a request for a public hearing on the project prior to a determination on the Department of the Army permit application; such requests shall state, with particularity, the reasons for holding a public hearing. All substantive comments will be forwarded to the applicant for resolution or rebuttal. Additional project information or details on any subsequent project modifications of a minor nature may be obtained from the applicant and/or agent, or by contacting the Regulatory Permit Manager by telephone or e-mail cited in the public notice letterhead. An electronic version of this public notice may be viewed under the *Current Public Notices* tab on the USACE website: <http://www.spn.usace.army.mil/regulatory/>.