



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102-3404

Operations and Readiness Division

PUBLIC NOTICE

**REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS
PROJECT UNDER SECTION 408**

TITLE: Fiber Optic Installation – Coyote Creek and Guadalupe River

Public notice comment period:

Begins: August 25, 2021

Ends: September 25, 2021

REQUESTER: In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, Zayo Group and MCI-Verizon (requesters) have requested permission through the Santa Clara Valley Water District (Valley Water) (non-federal sponsor of the federally authorized project) from the U.S. Army Corps of Engineers (USACE) to alter the Coyote Creek Flood Protection Project and Guadalupe River, existing federal flood risk management projects, authorized by the Flood Control Act of 1917.

LOCATION: Project location, adjacent to Guadalupe River and Coyote Creek, Santa Clara, Santa Clara County, California. (Attachment 1)

REQUESTER'S PROPOSED ACTION: The proposed action includes the installation of fiber optic cables by directional bore at two locations, on Coyote Creek adjacent to the Montague Expressway overpass and on the Guadalupe River adjacent to the Trimble Road overpass. The Zayo Group proposes to install approximately 380 linear feet of (3) 1.25-inch diameter high density polyethylene (HDPE) conduits housing fiber optic cables by directional bore under the Guadalupe River. MCI Verizon proposes to install approximately 380 linear feet of a 4-inch diameter high density polyethylene (HDPE) conduit housing fiber optic cables by directional bore under the Guadalupe River. MCI Verizon also proposes to install two (2) 4-inch diameter High Density Polyethylene (HDPE) conduits housing fiber optic cables by directional bore under Coyote Creek. (Attachment 2)

ENVIRONMENTAL IMPACTS OF PROPOSED ACTION: The proposed project at the Guadalupe River is located on a portion of the river approximately 4 feet downstream of Trimble Road. This portion of the river has a natural bottom channel with hard scaped slopes with levees on both banks. The river is surrounded on both sides by commercial/industrial land use. The fiber optic cable installation would be completed by directional bore under the river with at least 8 feet of clearance between the cable and the bottom of the streambed, including the lowest point of the federal project. The

proposed directional bore would be completed by digging bore pits on the east and west side of the river outside the right of way easement for the levees. The proposed project at Coyote Creek is located on a portion of the creek approximately 5 feet downstream of the Montague Expressway overpass. Coyote Creek is a natural bottom stream with hard scaped levees on the east and west bank. The creek is surrounded by commercial land use on the east and an agricultural operation on the west. The fiber optic cable installation would be completed by directional bore under the river with at least 8 feet of clearance between the cable and the bottom of the streambed, including the lowest point of the federal project. The directional boring and cable installation would only impact the area below the federal project. The boring pits would be located outside the right of way easements for the levees. No ground disturbance is expected on the surface portion of the federal projects.

USACE determined there is no suitable habitat for federally listed species under the jurisdiction of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) in the vicinity of the project. Therefore, USACE determined there would be no effects to federally listed species, designated critical habitat, or essential fish habitat under the jurisdiction of the USFWS and/or NMFS.

After an initial review, the Corps has determined no eligible or potentially eligible cultural resources may be affected by the proposed project. USACE will initiate consultation with the State Historic Preservation Officer and Native American Tribes under Section 106 of the National Historic Preservation Act, as appropriate.

Upon review of the Section 408 application and other supporting documentation, USACE has made a preliminary determination that the project neither qualifies for a Categorical Exclusion nor requires the preparation of an Environmental Impact Statement for the purposes of NEPA.

AUTHORITY: The authority to grant permission for temporary or permanent use, occupation, or alteration of any USACE civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C 408) ("Section 408"). Section 408 authorizes the Secretary of the Army, on the recommendation of the Chief of Engineers, to grant permission for the alteration or occupation or use of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Secretary of Army's authority under Section 408 has been delegated to the USACE, Chief of Engineers. The USACE Chief of Engineers has further delegated the authority to the USACE, Directorate of Civil Works and Division and District Engineers, depending upon the nature of the activity.

LIMITS OF SECTION 408 AUTHORITY: A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 404 of the

Clean Water Act (33 U.S.C. Section 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413). In addition, an approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

EVALUATION FACTORS: The decision whether to grant the requested permission for project alteration under Section 408 will be based on several factors. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. Review of requests for alteration will be reviewed by a USACE technical review team considering the following factors:

1) Impair the Usefulness of the Project Determination. The review team will determine if the proposed alteration would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs. In order for an alteration to be approved, the requester must demonstrate that the alteration does not impair the usefulness of the federally authorized project.

2) Injurious to the Public Interest Determination. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest evaluation depend upon the type of USACE project being altered and the nature of the proposed alteration and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The benefits that reasonably may be expected to accrue from the proposal must be compared against its reasonably foreseeable detriments. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks and by the net impact of the alteration on the public interest using the public interest factors.

3) Environmental Compliance. A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While USACE is responsible for ensuring environmental compliance, the requester is responsible for providing all information that the San Francisco District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and procedures. NEPA and other analysis completed to comply with other environmental statutes (e.g. Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the USACE project. The San Francisco District will work with the requester to determine the requirements, which will be scaled to the likely impacts of the proposed alteration and

should convey the relevant considerations and impacts in a concise and effective manner. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from activities resulting in the temporary or permanent use, occupation, or alteration of any USACE civil works project. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Section 408 permission for the project. The final NEPA analysis and supporting documentation will be on file with the San Francisco District, Operations and Readiness Division.

PUBLIC INVOLVEMENT: The purpose of this notice is to solicit comments from the public; federal, state, and local agencies and officials; tribes; and other interested parties regarding the Fiber Optic Installation – Coyote Creek and Guadalupe River, a proposed alteration to an existing federally authorized project. Comments received within 30 days of publication of this notice will be used in the evaluation of potential impacts of the proposed action on important resources and in the evaluation of whether the proposed alteration would be injurious to the public interest and/or would impair the usefulness of the authorized project. Only the specific activities that have the potential to occupy, use or alter the Coyote Creek Flood Protection Project and Guadalupe River will be evaluated. Please limit comments to the area of the alteration and those adjacent areas that would be directly or indirectly affected by the alteration to the Coyote Creek Flood Protection Project and Guadalupe River. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act.

SUBMITTING COMMENTS: Written comments, referencing Fiber Optic Installation – Coyote Creek and Guadalupe River, must be submitted to the office listed below on or before September 25, 2021.

U.S. Army Corps of Engineers, San Francisco District
Operations and Readiness Division
Attn: Jessica Vargas
450 Golden Gate Avenue, 4th Floor, Room 1111
San Francisco, California 94102-3404

Email: spn.operationsdivision@usace.army.mil

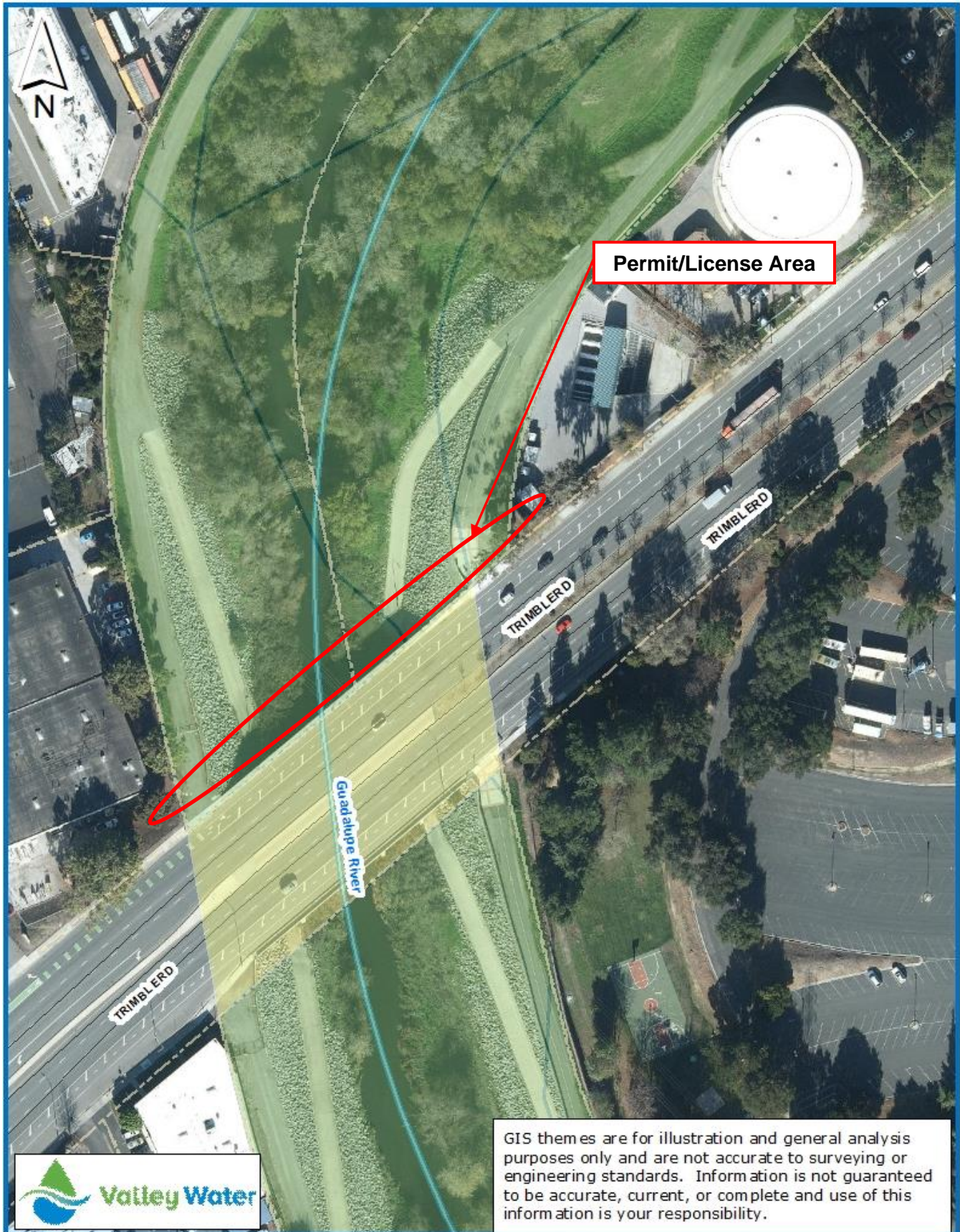
ATTACHMENTS: Location Maps, Project Plans

ATTACHMENT 1: Location Maps

Attachment 1 Coyote Creek Location Map



Attachment 1 Guadalupe River Location Map



GIS themes are for illustration and general analysis purposes only and are not accurate to surveying or engineering standards. Information is not guaranteed to be accurate, current, or complete and use of this information is your responsibility.

ATTACHMENT 2: Project Plans



PROJECT: 073744

S.C.V.W.D

CLARIFICATION NO.	QUANTITY
600-630	308 LF

CONSTRUCTION NOTES

- 1 PL. 308' 2-4" HDPE VIA BORE @ PROFILE ON SHEET 7 CODE 600/630 RC / 4C

Mastec

OUTSIDE PLANT CONSTRUCTION

SJC_BACKHAUL_MONTAGUE_OAKS_SQZPCA_2030_FORTUNE_DR_SCWD_UG300750

DATE: 09/11/2020

ENGINEER: AAT

REVISIONS

DATE	DESCRIPTION	INITIAL
09/11/2020	INITIAL CONSTRUCTION PLAN	AAT

EXCEPT AS MAY BE OTHERWISE PROVIDED BY CONTRACT, THESE DRAWINGS AND SPECIFICATIONS SHALL REMAIN THE PROPERTY OF MCI COMMUNICATIONS SERVICES, INC. BOTH BEING ISSUED IN STRICT CONFIDENCE AND SHALL NOT BE REPRODUCED, COPIED, OR USED FOR ANY PURPOSE WITHOUT SPECIFIC WRITTEN PERMISSION.

SCALE

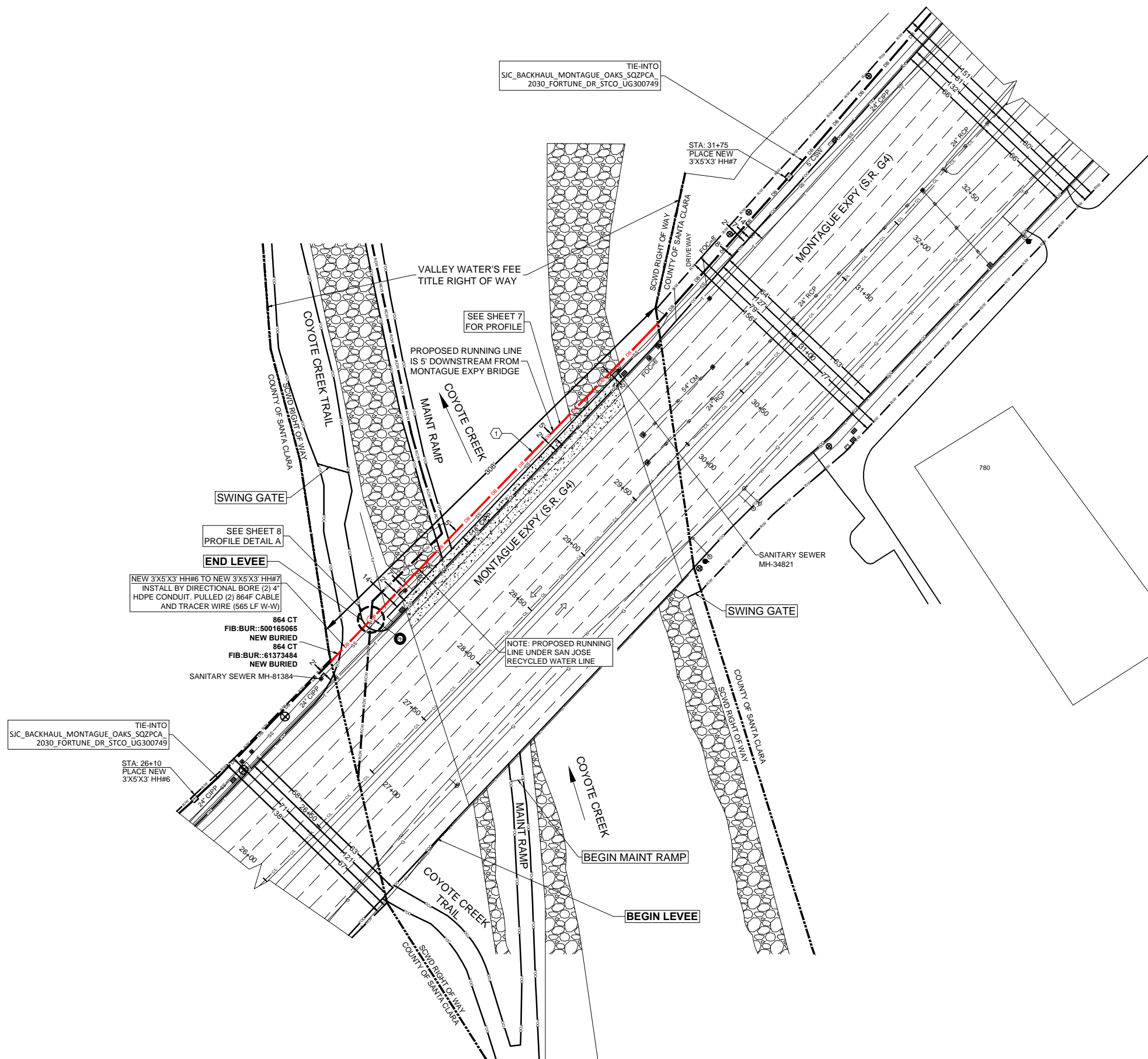
HORIZONTAL: N/A

VERTICAL: N/A

MP TO MP

SHEET: 6 OF 8

FILE: SJC_BACKHAUL_MONTAGUE_OAKS_SQZPCA_2030_FORTUNE_DR_SCWD_UG300750



Know what's below. Call before you dig.

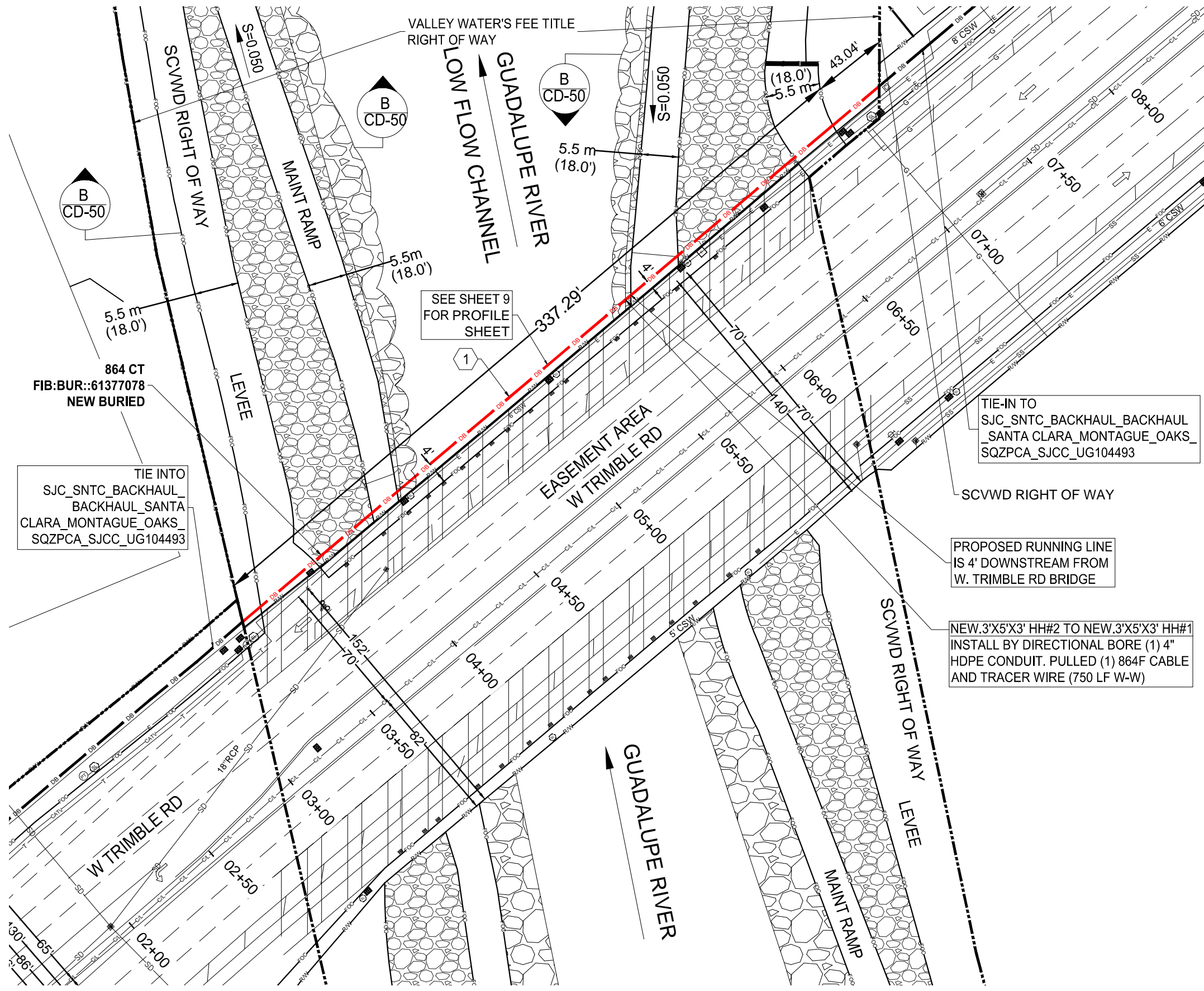
DIGALERT CALL TOLL FREE 48 HOURS BEFORE YOU DIG UNDERGROUND SERVICE ALERT 811

Apex Advanced Technology
 51 Century Blvd
 Suite 110
 Nashville, TN 37214
 OJ 615-750-2216
 FJ 615-750-2217
 WJ www.apexadvancedtech.com

CLARIFICATION NO.	QUANTITY
600-630	380.33 LF

CONSTRUCTION NOTES

- 1 PL. 380.33 1-4" HDPE VIA BORE PROFILE ON SHEET 9 CODE 600/630 RC / 4C



Mastec

OUTSIDE PLANT CONSTRUCTION
 SJC_BACKHAUL_SANTA CLARA_MONTAGUE_OAKS
 SQZPCA_SJCC_UG104565

DATE: **10/30/2020**
 ENGINEER: **AAT**

REVISIONS

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SCALE

HORIZONTAL: **1"=50'**
 VERTICAL: **N/A**
 MP _____ TO MP _____
 SHEET: **8 OF 10**



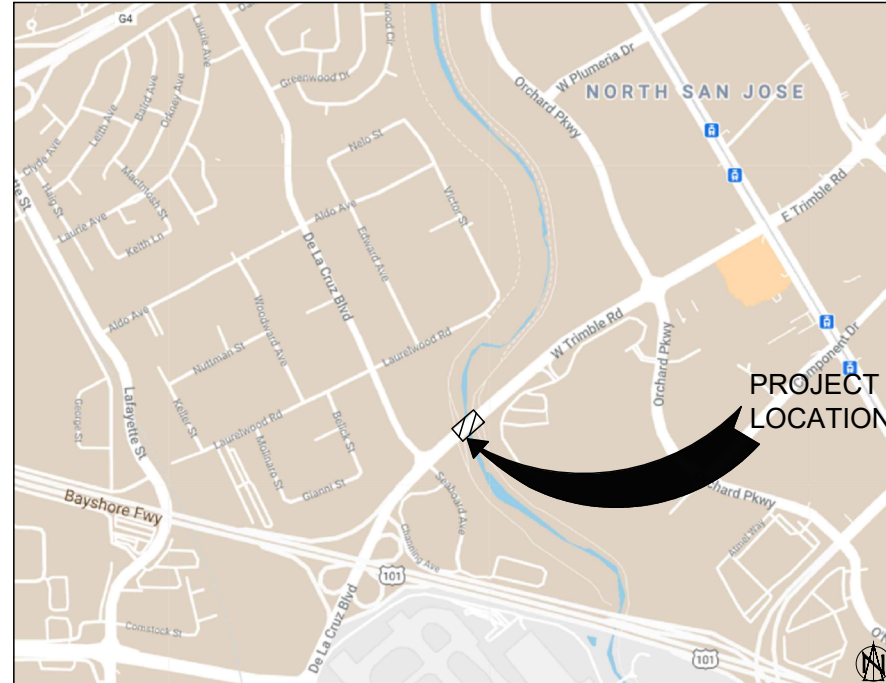
Know what's below.
 Call before you dig.

DIGALERT
 CALL TOLL FREE
 48 HOURS BEFORE YOU DIG
 UNDERGROUND SERVICE ALERT
 811

Apex Advanced Technology
 51 Century Blvd
 Suite 110
 Nashville, TN 37214
 O 615-750-2216
 F 615-750-2217
 W www.apexadvancedtech.com

De La Cruz Blvd & W Trimble Rd, San Jose, CA 95054 - New Build SCVWD

BORE UNDER THE GUADALUPE RIVER ON THE NORTH SIDE W TRIMBLE RD.



LOCATION MAP
NO SCALE

NOTES

ZAYO GROUP AND SUBCONTRACTORS SHALL ADHERE TO ALL CODES, RULES, AND REGULATIONS GOVERNING CONSTRUCTION, AS SET BY FEDERAL, STATE, AND LOCAL CODES, BUILDING DEPARTMENT AGENCIES.

UNDERGROUND UTILITIES HAVE BEEN PROPOSED AND DRAFTED FROM AVAILABLE RECORDS BUT THERE IS NO IMPLIED GUARANTEE TO THEIR LOCATION. IT IS THE CONTRACTORS RESPONSIBILITY TO FIELD LOCATE UNDERGROUND OBSTRUCTIONS, UTILITIES AND DUCT PATH PRIOR TO CONSTRUCTION.

SHEET INDEX:

PAGE NO.	SHEET	NAME
1	T-1	TITLE SHEET
2	CD-1	NOTES
3	CD-2	LAYOUT PLAN
4	CD-3	NEW BUILD
5	CD-4	DETAILS



PROJECT INFORMATION:

De La Cruz & W Trimble Rd - New Build_SCVWD

DATE ISSUED:

10/30/2020

REVISIONS

REV.	DATE	DESCRIPTION	BY:
0	10/30/20	Submittal	DE
1	12/08/20	Revision	DE
2	12/31/20	Revised Elevations	DE
3	01/07/21	Revised Profile	DE



Rapid Systems Engineering, Certified WMBE
164 Robles Way #271
Vallejo, CA 94591

Contact: Brian Portugais
brian@rapidsystemsengineering.com

PROJECT TEAM

PROJECT MANAGER
Company Name: Zayo Group
Address: 8764 Preston Ave, Suite C
City, State, Zip: Livermore, CA 94551
Contact: Mark Starling
Phone: (209) 481-3060
Email: mark.starling@zayo.com

ENGINEER
Company Name: Rapid Systems Engineering
Address: 164 Robles Way #271
City, State, Zip: Vallejo, CA 94591
Contact: Brian Portugais
Phone: (208) 407-7338
Email: brian@rapidsystemsengineering.com

NOTES:

Site Identifier:
De La Cruz & W Trimble Rd
Site Address:
De La Cruz Blvd & W Trimble Rd, SJ, CA, 95054
Product Type:
Fiberline
City: San Jose County: Santa Clara

PROPRIETARY STATEMENT:

THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED

SHEET NAME:

TITLE SHEET

DRAWN BY:

DE

APPROVED BY:

BP

SHEET:

T-1 1 OF 5 SHEETS

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SHEET NAME:

LAYOUT PLAN

DRAWN BY:

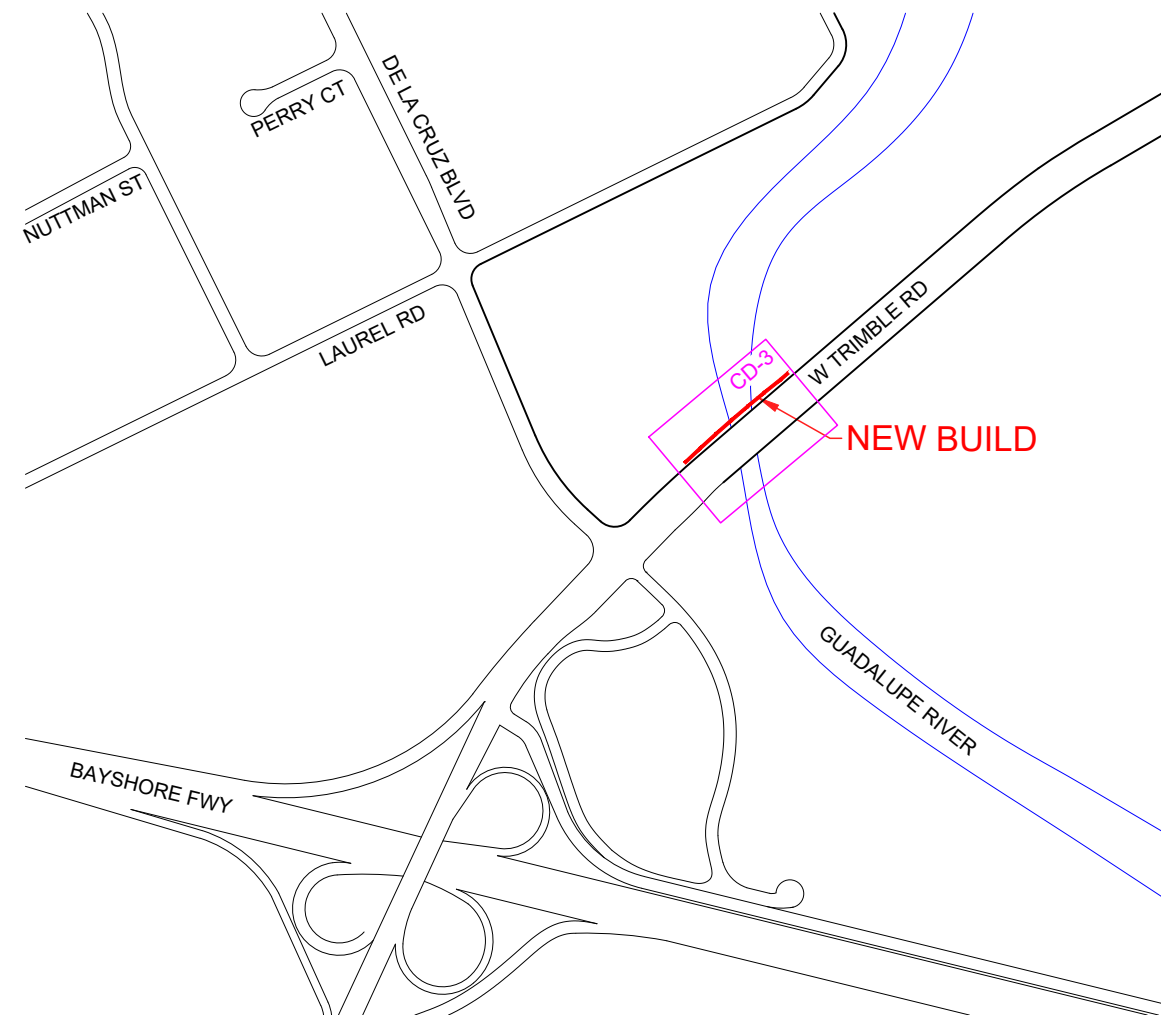
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APPROVED BY:

BP

SHEET:

CD-2 3 OF 5 SHEETS



ESTIMATED QUANTITIES

NO.	DESCRIPTION	QTY
1	(3)-1.25" CNDT	422'
2	TRACER WIRE	463'
3	FIBER	463'

POTHOLE ALL UTILITY CROSSING;
 THE CONTRACTOR SHALL CALL UNDERGROUND SERVICE
 ALERT (CALIFORNIA 1-800-227-2600) PRIOR TO DIGGING IN
 ORDER TO LOCATE UTILITIES.

ALL CONDUIT TO BE INSTALLED WITH FIBER AND
 TRACER WIRE. VACANT CONDUITS TO BE ROPED FOR
 FUTURE USE, FIBER TO BE TAGGED, & LIDS OF ZAYO
 VAULTS & MANHOLES TO BE EMBOSSED WITH "ZAYO"



PROJECT INFORMATION:

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 Trimble Rd - New
 Build_SCVWD

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NEW BUILD

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DE

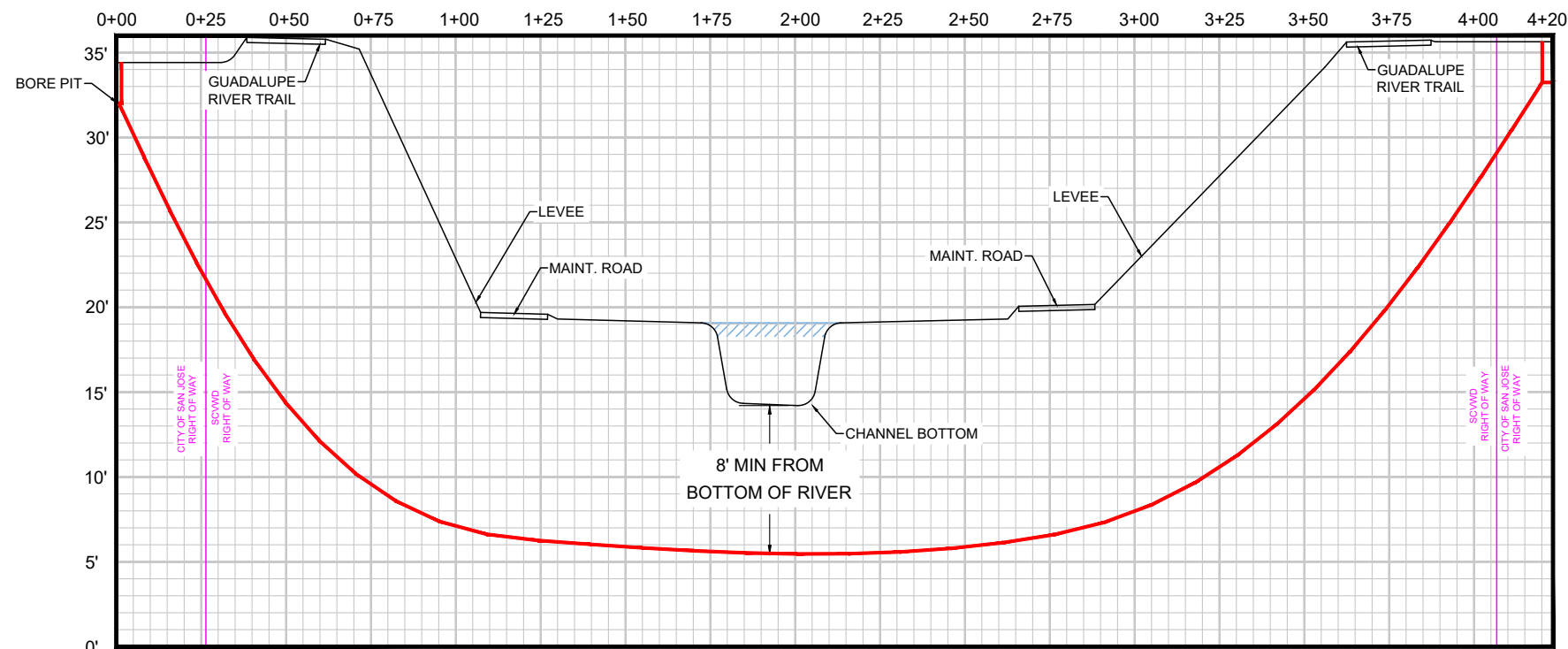
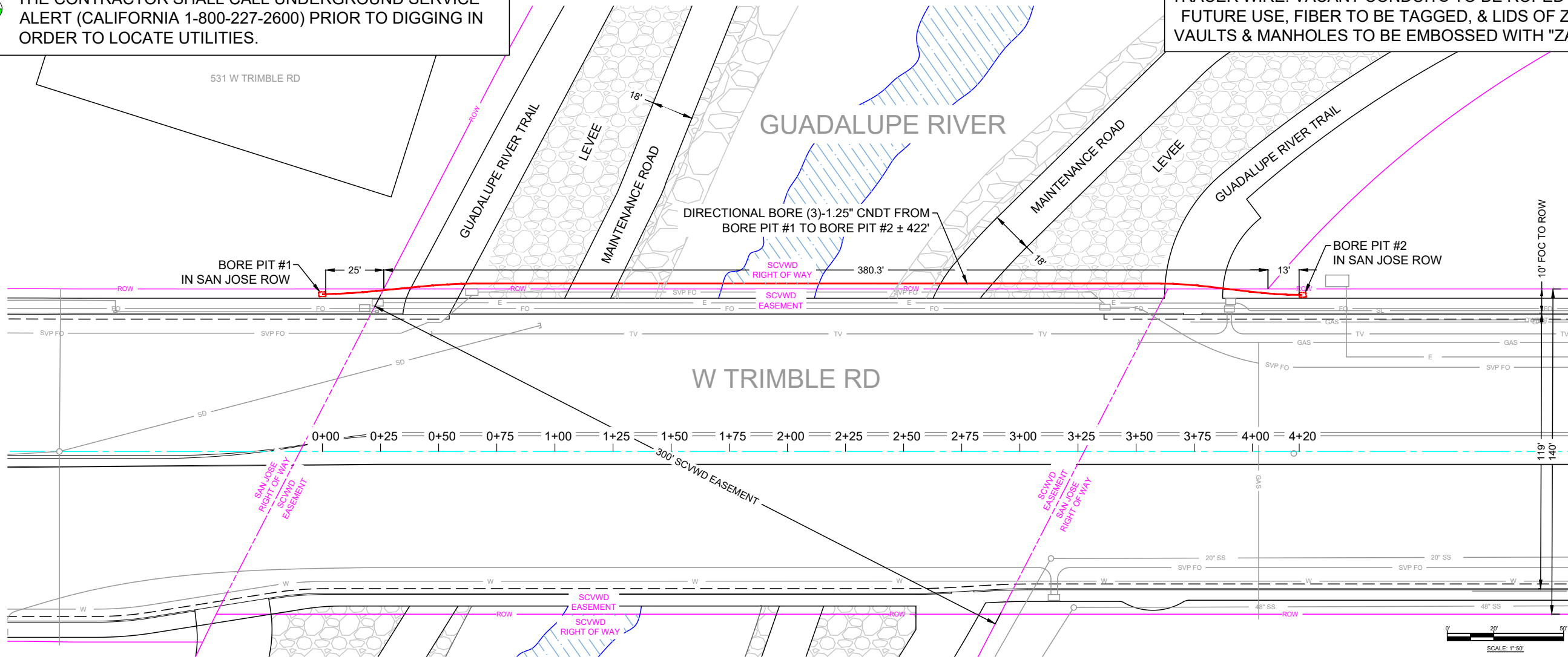
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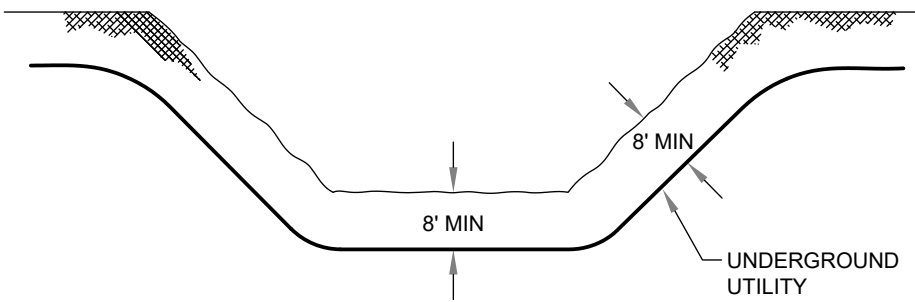
CD-3

4 OF 5 SHEETS

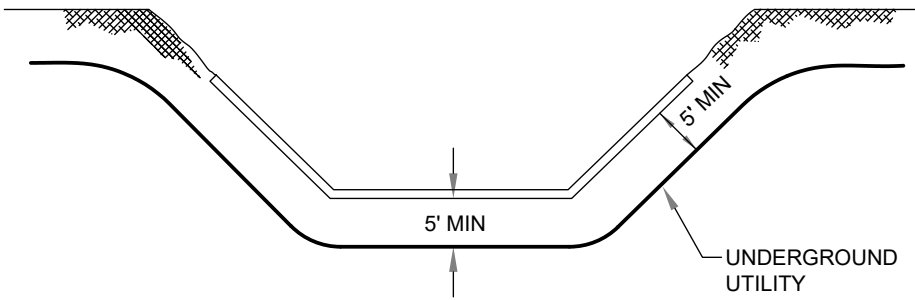


PROFILE SCALES
 HORIZONTAL: 1"=50'
 VERTICAL: 1"=10'

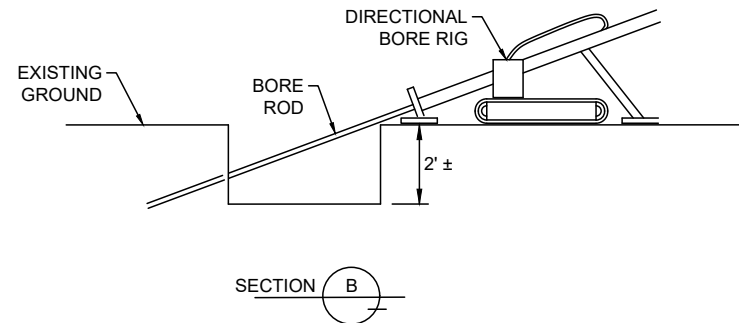
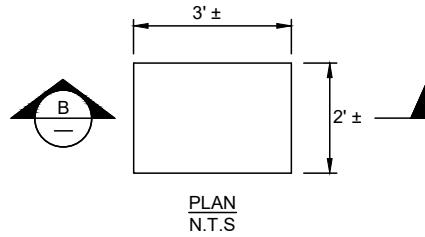
PLACE UTILITIES ON THE DOWNSTREAM FACE OF BRIDGE AND CULVERT CROSSINGS. DOWNSTREAM FACE IS PREFERRED SO AS TO NOT BE DAMAGED DURING DEBRIS REMOVAL ACTIVITIES. EXPOSED SANITARY SEWER, GAS LINES AND TREATED WATER LINES SHOULD BE SLEEVED OR OTHERWISE PROTECTED TO PREVENT BREAKAGE. UTILITIES MAY NOT BE PLACED WITHIN THE WATERWAY, OPENING OF THE BRIDGE OR CULVERT. UTILITY CROSSINGS USING DIRECTION BORE OR JACK AND BORE METHODS ARE THE PREFERRED METHODS FOR UNDER STREAM CROSSINGS.



12/2 DETAIL
DIRECTIONAL BORE CONSTRUCTION
UNDER UNIMPROVED CREEK



12/3 DETAIL
DIRECTIONAL BORE CONSTRUCTION
UNDER MODIFIED CREEK



TYPICAL BORE PIT

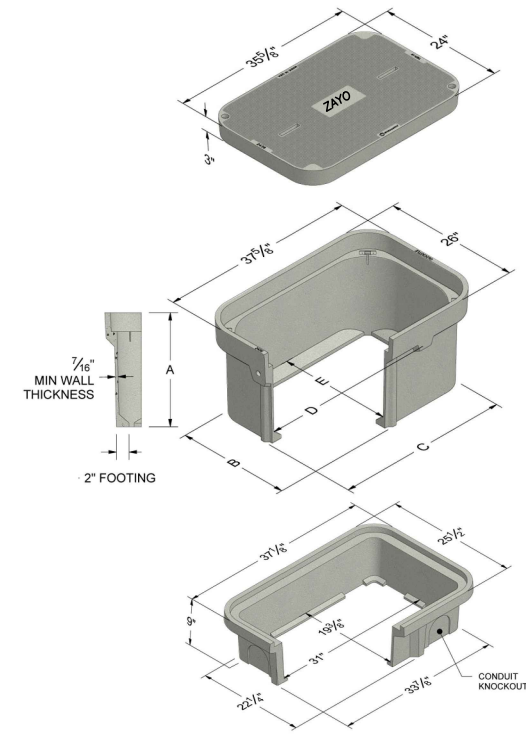
SCALE
N.T.S.

2

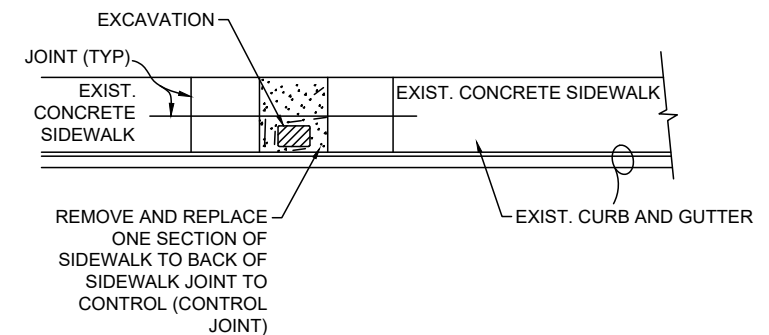
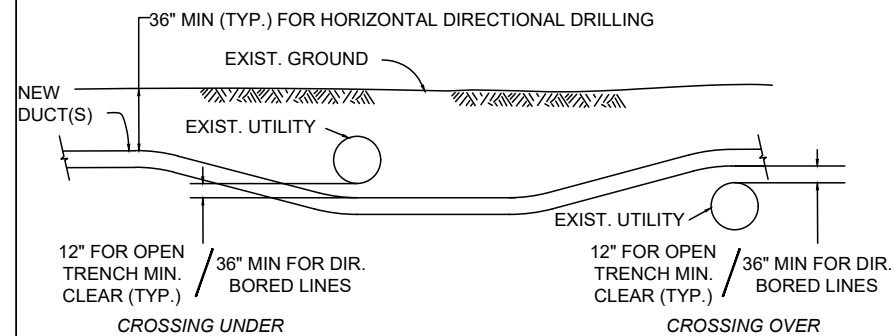
24"X36" ZAYO VAULT

SCALE
N.T.S.

3



- EMBOSS LID WITH "ZAYO"
- SET BOX ON 1"-2" THICK LAYER OF CRUSHED ROCK OR AGG. BASE



SCVWD - UTILITY CROSSING UNDER CREEKS

SCALE
N.T.S.

1

SAN JOSE UTILITY CROSSING

SCALE
N.T.S.

4

SIDEWALK REPAIR

SCALE
N.T.S.

5

REVISIONS			
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NOTES:	
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Product Type: Fiberline	
City:	County:
San Jose	Santa Clara

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DETAILS

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DE
APPROVED BY:
BP
SHEET:
CD-4 5 OF 5 SHEETS