



US Army Corps  
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San Francisco District

SAN FRANCISCO DISTRICT

Regulatory Division  
450 Golden Gate Ave., 4<sup>th</sup> Floor  
San Francisco, CA 94102-3406

# PUBLIC NOTICE

PROJECT: College Lake Integrated Resources Management Project, Watsonville, CA  
Revised September 16, 2020

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COMMENTS DUE DATE: October 16, 2020

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1. **INTRODUCTION:** The Pajaro Valley Water Management Agency (PV, POC: Brian Lockwood; 831-722-9292; 36 Brennan Street, Watsonville, CA 95076) through its agent, ESA (POC: Jill Sunahara; 510-463-6744; 180 Grand Avenue, Suite 1050, Oakland, CA 94612), has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit for the College Lake Integrated Resources Management Project. The project would develop College Lake into a water supply and storage resource in order to balance the Pajaro Valley groundwater basin, prevent further seawater intrusion, and meet water supply needs in PV's service area. 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 Project Site Location includes components that would be located in portions of the City of Watsonville and unincorporated Santa Cruz County.

**College Lake:** this is a naturally-occurring seasonal lake one mile northeast of the Watsonville city limits, north of Holohan Road and west of State Route (SR) 152.

**Weir Structure and Intake Pump Station:** located north of Holohan Road near Grimmer Road, southwest of College Lake at Latitude 36.940784°, Longitude -121.743711°.

**College Lake Pipeline:** the proposed pipeline alignment would traverse portions of unincorporated Santa Cruz County and the City of Watsonville along existing developed road rights-of-way and agricultural lands.

**Waste water treatment facility:** the wastewater treatment plant would remove sediment and filter and disinfect the diverted surface water.

**Project Site Description:** College Lake is a seasonal lake that forms in a topographic depression along the Zayante-Vergeles Fault zone. College Lake receives inflows from several tributaries (including Green Valley, Casserly, and Hughes Creeks) and drains into Salsipuedes Creek, which is a tributary to the Pajaro River. Salsipuedes Creek receives an average of 4,700 acre feet per year of surface water inflow from the College Lake watershed. The College Lake watershed consists of approximately 11,000 acres of range, rural residential, and crop lands. The confluence of Salsipuedes Creek and Corralitos Creek is approximately 2,000 feet downstream of College Lake. At times during the wet season, the flow direction in the reach of Salsipuedes Creek between College Lake and the creek's confluence with Corralitos Creek can reverse.

**Project Description:** The project would include the demolition of an existing weir structure and pump station; the construction and operation of a new weir and intake pump station and water treatment plant; installation of a 5.5-mile long pipeline to convey water from College Lake to agricultural users along PV Water's Coastal Distribution System; and maintenance of sediment, vegetation, and debris within the College Lake Basin in the City of Watsonville and unincorporated Santa Cruz County, California.

As shown in the attached drawings, the applicant proposes to construct a new weir structure with an adjustable crest, and a diversion and intake pump station to divert surface water from College Lake. The diversion weir would be

40 feet wide (the same width as the existing weir), with an adjustable weir crest that would be operational through a range of 60.1 to 62.5 feet. The proposed weir crest elevation could be adjusted with one or more pneumatically actuated gates. The intake pump station would pump raw (untreated) water from an intake just upstream of the weir to the proposed water treatment plant via a 30-inch diameter intake pipeline. The intake pump station would have a maximum pumping capacity of 30 cubic feet per second. The proposed weir structure would consist of a reinforced concrete spillway with mechanically adjustable weir, abutment retaining walls on both sides of the structure, reinforced concrete aprons upstream and downstream of the weir, and a fish passage structure. Additionally, an approximately 10-foot long riprap transition would span the entire 55-foot wide open channel at the southern end of the new weir structure.

The project would include an approximately 5.5-mile-long, 24-inch-diameter pipeline made of polyvinyl chloride or high density polyethylene from the wastewater treatment plant to the coastal distribution system and the recycled water facility. The College Lake pipeline route generally follows existing road rights-of-way and traverses agricultural fields.

Lastly, the project would include construction of a wastewater treatment plant to remove sediment and to filter and disinfect the diverted surface water. The plant site would occupy approximately five acres on Holohan Road and would contain concrete-lined sedimentation basins, solids drying beds, a filter influent pump station, a filtration system consisting of filters installed on a concrete pad or in concrete basins, a sodium hypochlorite disinfection system, and an effluent pump station for local users.

Anticipated maintenance activities would include vegetation management, and sediment and debris removal and would be regulated by the Corps only if they involve a fill discharge.

**Basic Project Purpose:** The project is intended to develop College Lake into a water supply and storage resource that would help to balance the Pajaro Valley groundwater basin, prevent further seawater intrusion, and meet water supply needs in PV's service area.

**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 upgrade the existing weir structure and pump station, construct a water treatment plant and install a 5.5-mile long pipeline to convey water from College Lake to agricultural users along Pajaro Valley Water's Coastal Distribution System. However, if the project would not require the discharge of fill into more than 0.5 acre of other waters, an alternatives analysis would not be required.

**Project Impacts:** The intake pump station, adjustable weir, concrete wing walls, and fish passage structure would permanently impact approximately 0.003 acre of waters (Salsipuedes Creek) and 0.029 acre of wetlands (0.002 acre of riparian forest and 0.027 acre of seasonal wetland). Additionally, approximately 0.074 acre of wetlands (0.027 acre of riparian forest and 0.047 acre of seasonal wetland) would be converted to open water in Salsipuedes Creek since the upstream and downstream concrete weir abutments and concrete wing walls would effectively increase the width of the channel in these areas and the channel would be lined in concrete. This habitat conversion would thereby further increase the area of open water where seasonal wetland and riparian habitat are currently located.

Installation of temporary sheet piles and dewatering to remove the existing weir structure and intake pumps and install the proposed weir structure, intake pump station, and fish passage structure would temporarily impact approximately 0.256 acre of wetlands (0.008 acre of riparian forest, 0.241 acre of seasonal wetland, and 0.007 acre of farmed wetland) and 0.050 acre of open water within Salsipuedes Creek. Additionally, 0.039 acre of existing open water within the new weir structure would remain open water, but the channel bottom would be lined with concrete and riprap; therefore, there would be new permanent fill, but no permanent loss of open water.

**Proposed Mitigation:** Temporarily impacted wetlands would be restored to pre-construction conditions and would be monitored for successful revegetation. The project would include a Stormwater Pollution Prevention Plan, dewatering best management practices (BMPs), a frac-out Contingency Plan for hydraulic drilling under Corralitos Creek, a Water Quality Management Plan, and an Adaptive Management Plan.

**Project Alternatives:** USACE has not endorsed the submitted alternatives analysis at this time. USACE will conduct an independent review of the project alternatives prior to reaching a final permit decision.

### 3. STATE AND LOCAL APPROVALS:

**Water Quality Certification:** State water quality certification or a waiver thereof 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. Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. § 1456(c) *et seq.*), requires a Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to obtain a Consistency Determination 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 Determination 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 is not likely to 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 District Manager, California Coastal Commission, District Supervisor, District Manager, California Coastal Commission, Central Coast District Office, 725 Front Street, Suite 300, Santa Cruz, California 95060-4508, by the close of the comment period.

**Other Local Approvals:** The applicant has applied for the following additional governmental authorizations for the project: California Department of Fish and Wildlife, 1602 LSAA.

### 4. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

**National Environmental Policy Act (NEPA):** Upon review of the Department of the Army permit 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. 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. § 1500-1508, and USACE regulations at 33 C.F.R. § 325. The final NEPA analysis will normally 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 will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of the Army Permit for the project. 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 ensure 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 Federally-listed species and designated critical habitat are not present at the project location or in its vicinity and that consultation will not be required. USACE will render a final determination on the need for consultation at the close of the comment period, taking into account any comments provided by USFWS and/or NMFS. 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 draytonii*), tidewater goby (*Eucyclogobius newberryi*, and south-central California coast (S-CCC) steelhead (*Oncorhynchus mykiss*), a federally-listed threatened Distinct Population Segment (DPS) (71 FR 834; January 5, 2006). California red-legged frogs have not been observed within Salsipuedes Creek and Corralitos Creek within the action area. These areas contain potentially suitable breeding and non-breeding aquatic habitat and California red-legged frogs have potential to occur in these creeks. California red-legged frogs have not been observed in agricultural drainage ditches within the action area, and are unlikely to breed or over-summer in them due to the concentration of predators and regular disturbance of emergent marsh vegetation within the ditches. Tidewater gobies are known to be present in the Pajaro Lagoon and lower Pajaro River. However, tidewater gobies are not known or expected to occur in Salsipuedes Creek, Corralitos Creek, or College Lake within the action area as these waterbodies do not provide suitable habitat for this estuarine species. S-CCC steelhead and its critical habitat have been designated within the mainstem Pajaro River, Salsipuedes Creek, Corralitos Creek, College Lake, and the Casserly Creek watershed. To address project related impacts to these species and designated critical habitat, USACE will initiate 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 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*, or 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 not present at the project location or in its vicinity and that consultation will not be required. USACE will render a final determination on the need for consultation at the close of the comment period, taking into account any comments provided by NMFS. To complete the administrative record and the decision on whether to issue a Department of the Army Permit for the project, USACE will obtain all necessary supporting documentation from the applicant concerning the consultation process. 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 MPRSA 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 any required certification or permit. The project does not occur in sanctuary waters, and a *preliminary* review by USACE indicates the project is not likely to 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 the 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. Four historic properties are known to occur in the permit area, but the proposed project is not expected to result in adverse effects upon these properties. To address project related impacts to historic or archaeological resources, USACE will initiate consultation with the State 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 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)). Since the project does not entail the discharge of dredged or fill material into more than 0.5 acres of waters of the United States, application of the Guidelines will not be required. 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 impacts to the aquatic ecosystem while not causing other major adverse environmental consequences.

**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 in the project.

**8. SUBMITTING COMMENTS:** During the specified comment period, interested parties may submit written comments to Dina Ryan, San Francisco District, Regulatory Division, 450 Golden Gate Avenue, 4<sup>th</sup> Floor, Suite 1111, San Francisco, California 94102-3404; 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 *Public Notices* tab on the USACE website: <https://www.spn.usace.army.mil/Missions/Regulatory>.