


FILED**March 4, 2025**KRISTIN B. CONNELLY
CLERK-RECORDERBy F. Anonuevo
Deputy Clerk**NOTICE OF EXEMPTION****TO:** Contra Costa County
County Recorder
555 Escobar Street
Martinez, CA 94553**FROM:** Contra Costa Water District (CCWD)
P.O. Box H20
Concord, CA 94524
925-688-8000
Lead Agency/Project Applicant
Filing Agency**PROJECT TITLE:** Storm Damage Repair and Restoration of Stockponds D2, D5, H6, K3, and M1 within the Los Vaqueros Watershed – FEMA 4683**PROJECT LOCATION AND ACCESS:** This project occurs in the Los Vaqueros Watershed on property owned by CCWD, at five stockponds. The project sites can be accessed through gravel or dirt access road off of Walnut Blvd to the north or off of Los Vaqueros Road to the south. All project sites are in unincorporated Contra Costa County. See Figure 1 for a vicinity map and Figures 2-6 for project footprint maps.**PROJECT DESCRIPTION:**

CCWD proposes to restore the dam embankments and habitats of Ponds M1, D2, K3, D5, and H6, all of which were damaged by the 2023 winter storms. CCWD will also improve the existing earthen spillways or culvert spillways at each of these ponds to meet the 25-year storm event. The purpose of this project is to restore the damaged pond habitats and enhance spillways so that these habitats are more resilient to future storm events. See Figure 1 for a map of pond locations at the Los Vaqueros Watershed.

Prior to the start of construction, ponds holding water will need to have water drained using screened pumps prior to construction. Drained pond water will be placed in the intermittent streams located downstream of each pond. Low permeability soil (clay) that is similar to the existing dam embankments will be imported to each of the pond sites and compacted to restore breached embankments. The imported fill will need to be benched into the existing pond embankments at the site of erosion scars. This will require an approximate maximum depth of excavation of 3 feet below grade under the dams. Below is a description of existing conditions and proposed repairs at each of the five ponds.

Pond M1: During the 2023 storm event, Pond M1's earthen spillway failed to direct overflow water away from the pond dam face due to sedimentation from an adjacent steep hillside that raised the elevation of the spillway over time. As a result, water overtopped the dam face and formed an erosion scar. As an emergency measure following the 2023 storm event, CCWD recontoured the earthen spillway and laid visqueen and sandbags over the erosion scar. CCWD proposes to:

- Repair the erosion scar with approximately 70 cubic yards of imported engineered fill and recompact the area.

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- Fill in the existing earthen spillway with approximately 600 cubic yards of imported engineered fill
- Construct a new earthen spillway further away from the steep hillside to prevent future sedimentation issues. This will be a trapezoidal spillway that has a 3-foot wide base and a height of 3 feet. The spillway will be lined with geotextile fabric and riprap (140 cubic yards) to prevent future erosion.

Pond K3: Pond K3 is located adjacent to a Watershed gravel access road. During the storms, the Pond's earthen spillway located adjacent to the road eroded and overtopping of the dam caused a dam breach to form on the dam embankment. Pond K3 still retains water. CCWD proposes to:

- Repair the dam breach with approximately 55 cubic yards of imported engineered fill.
- Reconstruct the earthen spillway as a riprap-lined weir that spans across most of the dam. The riprap-lined weir will be approximately 35 feet wide by 50 feet long (300 cubic yards) and have a layer of geotextile fabric underneath.

Pond D2: The storm events resulted in overtopping of Pond D2's dam embankment and caused dam failure and significant erosion. The dam embankment failure occurred at the Pond's two 20-inch side-by-side culverts which acted as the Pond's spillways. These culverts were washed downstream along with displaced soil and rock when the dam failed. Currently, Pond D2 is retaining water, but has an open breach within the dam embankment. CCWD proposes to:

- Repair the breach within the dam embankment with 200 cubic yards of imported engineered fill.
- Replace and upsize culvert spillways to two 42-inch side-by-side culvert spillways that meet the 25-year storm.
- Construct riprap aprons around the culvert inlets and outlets to help prevent erosion. The riprap apron at the inlets will be approximately 17 feet by 33 feet (50 cubic yards) and at the outlets riprap will be 25 feet by 25 feet (55 cubic yard).

Pond D5: Pond D5 has an existing 36-inch culvert spillway that became clogged and failed to engage during the 2023 storms. Dam failure and significant erosion occurred at the pond, with the existing culvert remaining in place. Currently, the pond is not able to retain water due to the damage. CCWD proposes to:

- Import approximately 410 cubic yards of fill to restore the pond embankment.
- Installing a new 42-inch culvert spillway in the location of the dam breach. The existing 36-inch culvert spillway will remain in place.
- A riprap apron will be installed at the culvert inlet and outlet. The riprap apron at the inlet will be approximately 17 feet by 33 feet (50 cubic yards) and at the outlet it will be approximately 12 feet by 14 feet (20 cubic yards).

Pond H6: Pond H6 has an existing 36-inch culvert spillway. While the pond's embankment did not breach during the storm, erosion at the culvert spillway's outfall resulted in severe erosion of the pond's dam face. CCWD will:

- Restore the eroded dam face with approximately 275 cubic yards of imported fill.
- Replace and upsize the existing culvert with a 42-inch culvert spillway that is approximately 100 feet long to discharge downslope of the dam.
- A riprap apron will be installed at the culvert inlet and outlet. The riprap apron at the inlet will be at the inlet will be approximately 17 feet by 33 feet (50 cubic yards) and at the outlet it will be approximately 18 feet by 18 feet (40 cubic yard).

CCWD will also explore opportunities to provide additional species/habitat benefit at each of the ponds.

Background:

Construction of the Los Vaqueros Reservoir was completed in December 1997. The Reservoir was expanded from 100,000 to 160,000-acre feet in 2012. The project site is in a conservation easement recorded with the California Department of Fish and Wildlife (CDFW). Figure 4 shows the areas in existing conservation easements and those submitted to CDFW but not yet recorded.

Operation and maintenance activities at the Los Vaqueros Watershed are primarily governed by the Programmatic Biological Opinion (PBO) on the Los Vaqueros Watershed Long-Term Operations and Maintenance Program issued by the U.S. Fish and Wildlife Service (USFWS) in 2012 and the California Endangered Species Act (CESA) Incidental Take Permit (ITP) for the Los Vaqueros Reservoir Expansion Project issued by CDFW in 2011. These requirements are reflected in the 2016 Los Vaqueros Resource Management Plan. Both the PBO and ITP cover pond maintenance and repair activities. CCWD will still adhere to the environmental commitments required by the regulatory permits needed for the project and will follow the relocation procedures within CCWD's Sensitive Species Relocation Plan for the Los Vaqueros Watershed and Conservation Lands should sensitive species be encountered.

CCWD plans to seek Federal Emergency Management Agency (FEMA) reimbursement for this project through FEMA's Public Assistance Program.

Vegetation Removal:

Several trees may need to be removed during dam embankment work at Ponds H6 and K3. At Pond H6, eight Oak trees near the base of the pond embankment are expected to be removed. The diameter at breast height (dbh) of each of these trees are 11-inch, 14-inch, 36-inch, 24-inch, 24-inch, 16-inch, 12-inch, and 24-inch. Tree trimming may occur on seven other trees in the vicinity of the culvert outlet at the base of the pond embankment. At Pond K3, one 16-inch tree will be removed near the base of the pond embankment.

Construction, Staging, and Schedule:

Temporary equipment storage and staging will occur at the pond sites as shown in the project footprints. For longer term storage of equipment and fueling activities, the County Line Staging Area, a gravel lot near the kiosk at the southern entrance of the Watershed along Los Vaqueros Road, and Kellogg Creek Staging Area, a gravel lot along Walnut Boulevard near the northern entrance, will be used. These additional staging areas are identified in Figure 7.

The types of equipment that are expected to be present on site consist of the following:

- Excavators with a bucket capacity of one cubic yard
- Long arm excavators
- Water trucks
- Dump trucks
- Drum-type compactors and hand-operated compactors
- Backhoes
- Dozers
- Graders
- Pickup trucks
- Pumps for water control

All work occurs within CCWD right-of-way.

Restoration of the ponds is estimated to occur between July 1st and October 31st in 2025 and 2026. However, if ponds are wet, work on the pond embankments will occur between September 1st and October 31st. Ponds M1, K3, and D2 will be restored in 2025 for a construction duration of about 10 weeks and Ponds H6 and D5 will be restored in 2026 for a construction duration of 10 weeks (20 weeks total).

Tree removal that is anticipated at Pond K3 and Pond H6 will need to occur in July 2025 and July 2026, respectively. If any of the ponds are wet, draining of the ponds to lower the water level will need to occur at the beginning of September 2025/2026 before restoration of the embankments can begin. No night work will occur throughout the project duration.

ANALYSIS:

Restoration/repair of the pond embankments will require work within the ordinary high water mark (OHWM) and the top of bank. However, CCWD will limit work within wetted ponds to September 1st through October 31st to minimize impacts to California red-legged frog and California tiger salamander.

Tree trimming and removal will be required at Ponds K3 and H6 as previously described. CCWD will limit the amount of tree removal needed to the extent feasible. In total, this project will be less than 5 acres in size. The goal of this project is to restore the damaged pond habitats and create spillways that are more resilient to future storm events.

Sensitive species with potential to occur at the Los Vaqueros Watershed include California red-legged frog, California tiger salamander, Western Pond turtle, Alameda whipsnake, San Joaquin kit fox, Valley elderberry beetle, and Diamond-petaled California poppy. CCWD will conduct pre-construction surveys, monitoring during construction, and implement the avoidance and minimization measures described in the Environmental Commitments section.

Environmental Commitments:

CCWD will use the following conditions as measures to protect the environment. These conditions will avoid and minimize any impacts to the previously described sensitive species with potential to occur. Take of any sensitive species is not anticipated.

1. **Pre-Construction Surveys and Monitoring** - CCWD or its contractors will conduct an environmental clearance on each of the work sites ahead of construction activities that will determine that environmental resources, including but not limited to, burrowing animals, nesting raptors, sensitive plant species and/or plant communities, wetlands, special status reptiles and amphibians, or cultural materials do not occur or have been removed from a given area. A qualified biologist shall survey the project area for species, including special-status species, no more than 48 hours prior to the start of work. If needed, CCWD will delineate habitat of the special-status species around each work area with posted signs, posting stakes, flags, and/or rope or cord, and shall place fencing as necessary to minimize disturbance of habitat. CCWD will obtain any necessary environmental permits as required. CCWD will provide a biological monitor who will conduct daily clearance surveys for the presence of sensitive species in work areas and staging areas before the start of any work activity or equipment operation. If a special status species is found at a particular site, work will be halted until the special status species has left the area and all required agencies are notified of the event.
2. **Permit Conditions** - CCWD will follow all conditions included within the required regulatory permits.
3. **Pre-Construction Biology Training** - CCWD will conduct a worker environmental training program prior to construction for all work sites. This will be done by a qualified biologist, and the program will include species identification, natural history, habitat, and protection methods.
4. **Sensitive Species Relocation Plan** - Should any sensitive species be encountered, work will halt and qualified biologists will follow the relocation procedures within CCWD's Sensitive Species Relocation Plan for the Los Vaqueros Watershed and Conservation Lands.
5. **Work Limit (Time)** - No project activity of any kind shall occur until thirty (30) minutes after sunrise and all project activity shall conclude thirty (30) minutes prior to sunset. No night-time work will be conducted for this project.
6. **Lighting Restriction** - No artificial night lighting of any kind is permitted for the work proposed herein.
7. **Pond Draining** - Wetted ponds will only be drained to the extent necessary to perform the work. Qualified biologists will monitor continuously during draining activities. Pumps will be screened to prevent the entrainment and unintentional injury/mortality of any amphibian species present (screens will not exceed 3/32-inch in size).

8. **Equipment** – Contractor shall not operate any equipment that is gasoline or diesel-powered within streambeds or banks. Manual or electric equipment is acceptable. The contractor shall not operate equipment in wet areas (including ponded, flowing, or wetland areas) without prior CCWD approval.
9. **Equipment Maintenance** - The earthwork contractor shall maintain all equipment or vehicles driven and/or operated in proximity to surface water bodies in good working order to prevent the release of contaminants that if introduced to water could be deleterious to aquatic life, wildlife, or riparian habitat. The earthwork contractor shall fuel and perform maintenance on vehicles and other equipment as far as possible from any riparian habitat or water body and will follow the CCWD's approved spill prevention plan. The spill prevention plan will be discussed and documented in writing with the contractor prior to the start of work.
10. **Trash** - All trash will be properly contained, removed from the work site, and disposed of daily. CCWD will ensure that all raw construction materials, wastes, temporary fences, barriers, and/or flagging are removed and properly disposed of from the Project Area immediately following the completion of construction.
11. **Staging** - Staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of waters, stream banks, and riparian areas within a paved or gravel-lined site. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream channels shall be positioned over drip-pans. Any equipment or vehicles driven and/or operated within or adjacent to the stream channels must be checked and maintained daily, to prevent Class 1, 2, or 3 spills of materials that if introduced to water could be deleterious to aquatic life. Vehicles must be moved away from the stream prior to refueling and lubrication. Exclusionary fencing will be installed around equipment laydown and staging areas.
12. **Hazardous Materials** - The storage and handling of hazardous materials within the Project Sites is prohibited and any unused or leftover hazardous products shall be properly contained and disposed of off-site. Best management practices (BMPs) shall be employed to accomplish these requirements.
13. **Access Route Restriction** - No new access roads are authorized for construction to allow heavy equipment access to the project area.
14. **Erosion Control** - Effective best management practices (BMPs) must be implemented to control erosion and runoff from areas associated with the emergency project, including staging areas, before construction activities begin.
15. **Fire Protection** – Wind, heat, and humidity conditions may result in the declaration of a Red Flag event during the period of performance of work. No work shall occur in the Watershed during the period that a Red Flag Event is declared or within 24 hours of a predicted Red Flag Event as determined by the National Weather Service. The contractor shall perform all work in a fire-safe manner. They shall supply and maintain on-site adequate fire-fighting equipment capable of extinguishing incipient fires. The contractor shall comply with all applicable Federal, local and State fire-prevention regulations including the Cal Fire Operational Guide for Use of Equipment in Grass, Brush, or Forest Covered Areas in applicable areas during a Red Flag Warning or Fire Weather Watch notice. In all cases, contractor shall operate and maintain all portable generators and other ignition sources in a safe manner within the CCWD's watershed properties. Where such

regulations do not apply, applicable parts of the National Fire Prevention Standards for Safeguarding Building Construction Operations (NFPA No. 241) apply, the more stringent shall be followed.

AGENCY APPROVING PROJECT: Contra Costa Water District

AGENCY CARRYING OUT PROJECT: Contra Costa Water District

REASONS WHY PROJECT IS EXEMPT: The project is exempt under the following CEQA guidelines:

1. Section 15333 – Small Habitat Restoration Projects, which exempts "projects not to exceed five acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife provided that there would be no significant adverse impact on endangered, rare, or threatened species....etc.";

CONTACT PERSON: Cody Ericksen, Associate Planner, (925) 688-8223

SIGNATURE: Cody Ericksen

DATE: 03/04/2025

Cody Ericksen

Associate Planner

Figure 1. Vicinity Map



Figure 2. Project Footprint – Pond M1

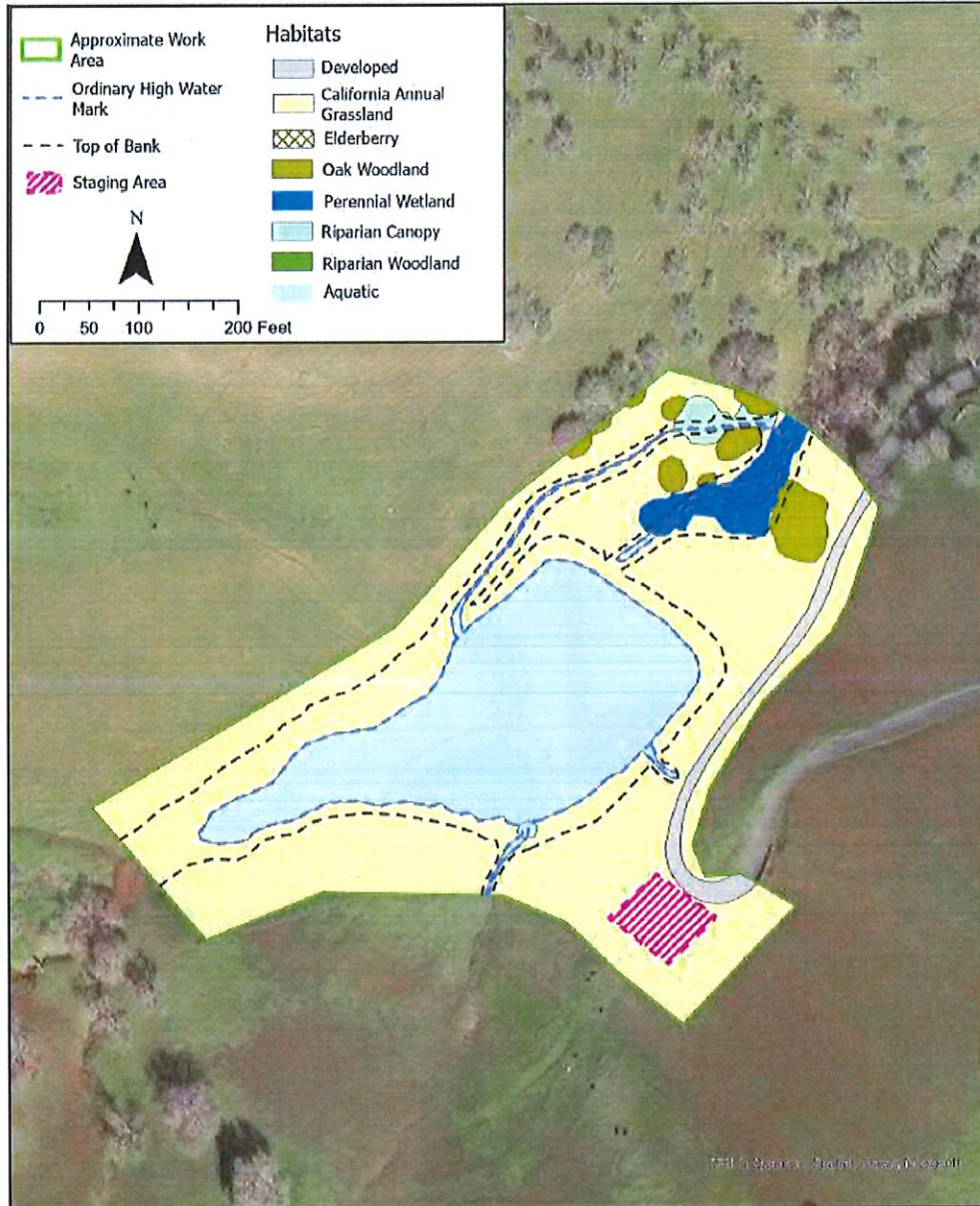


Figure 3. Project Footprint – Pond D2

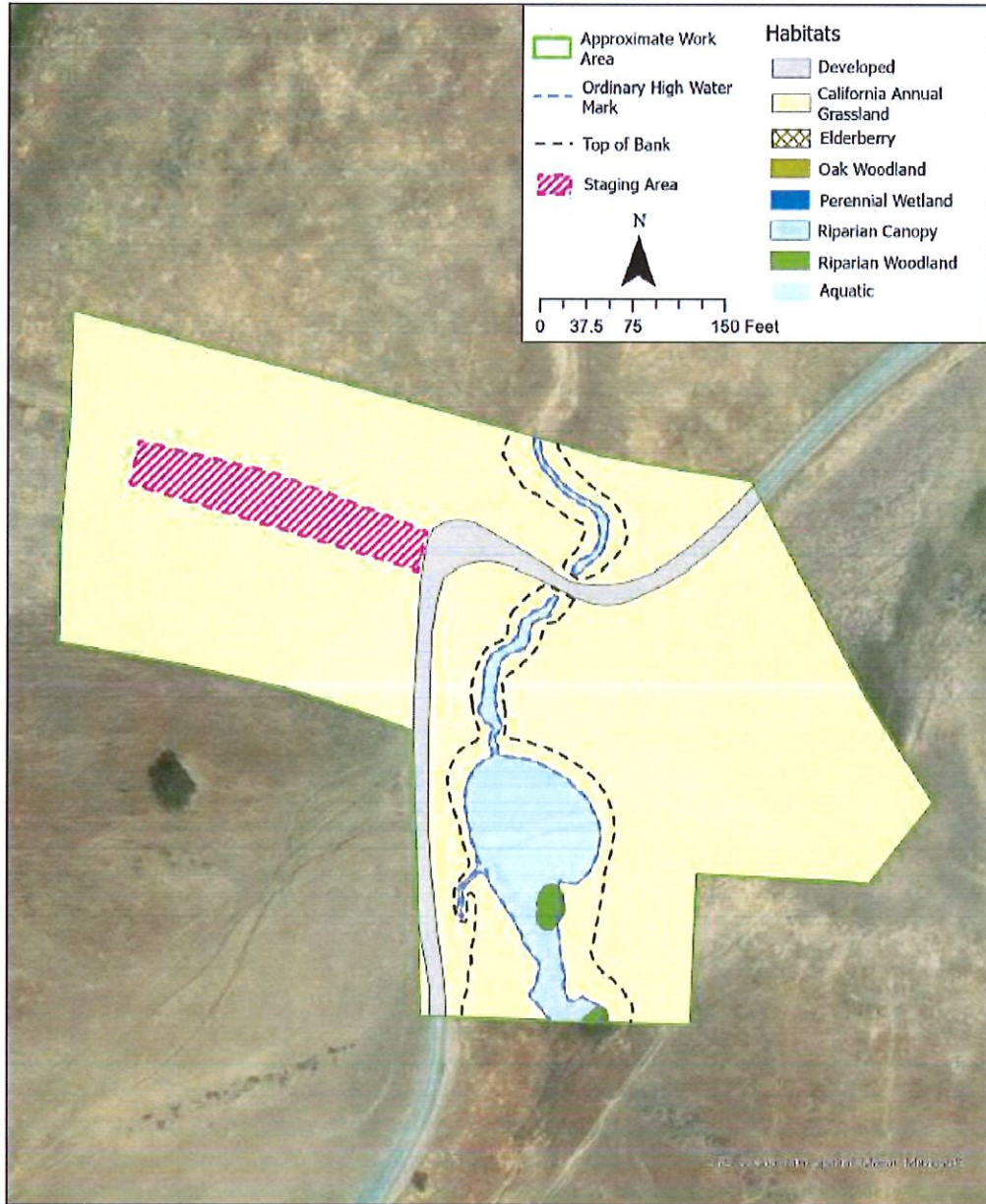


Figure 4. Project Footprint – Pond D5

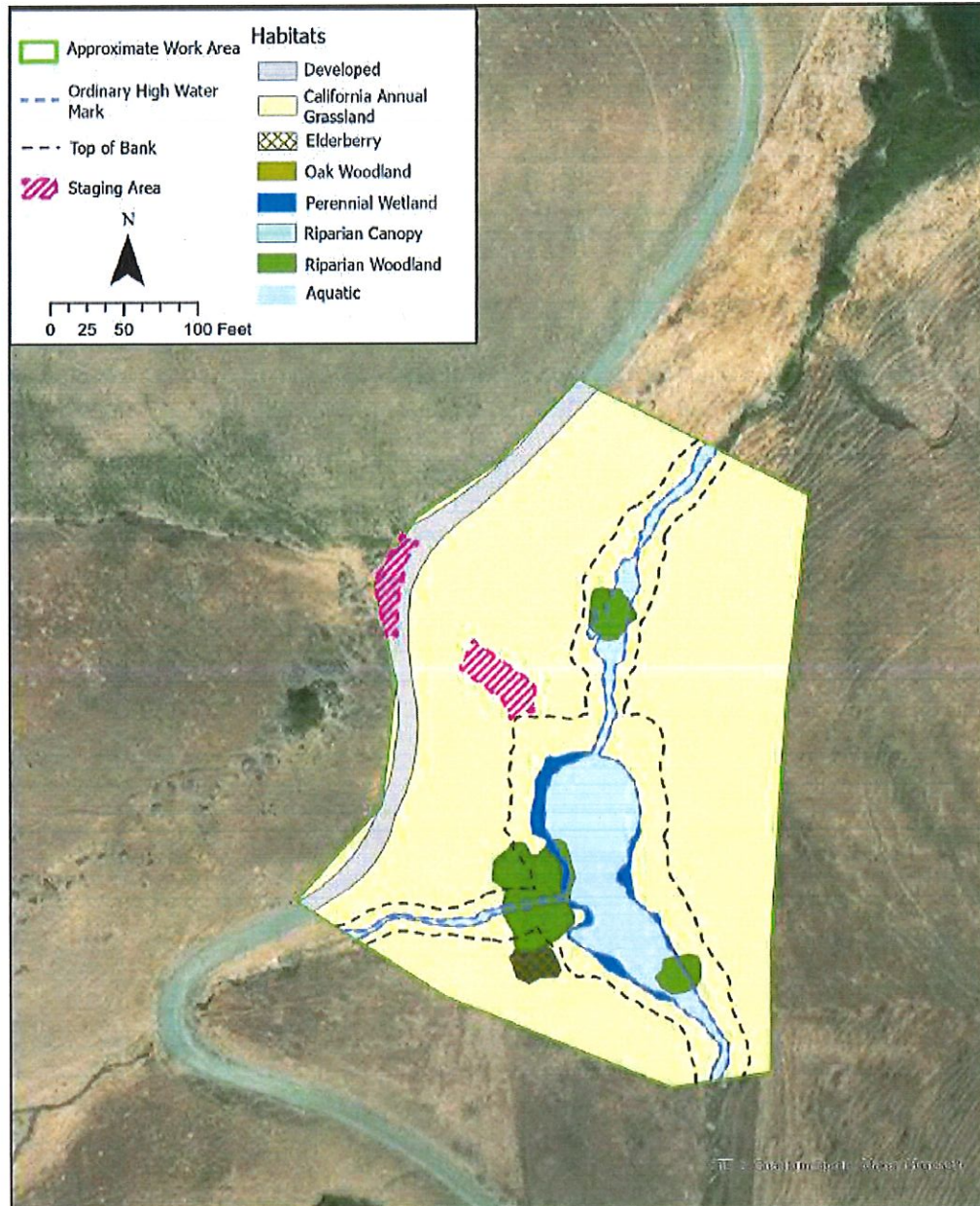


Figure 5. Project Footprint – Pond H6

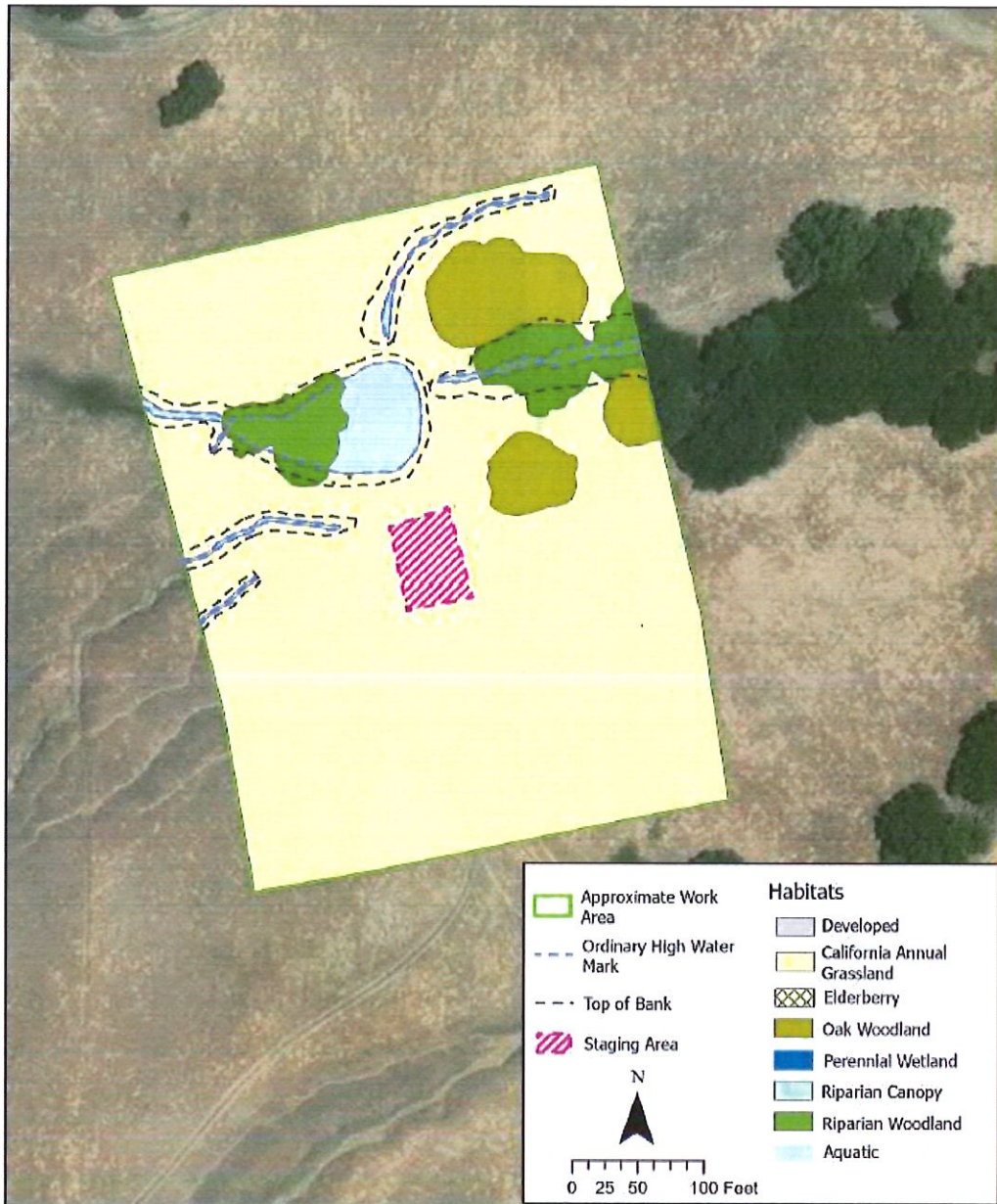


Figure 6. Project Footprint – Pond K3

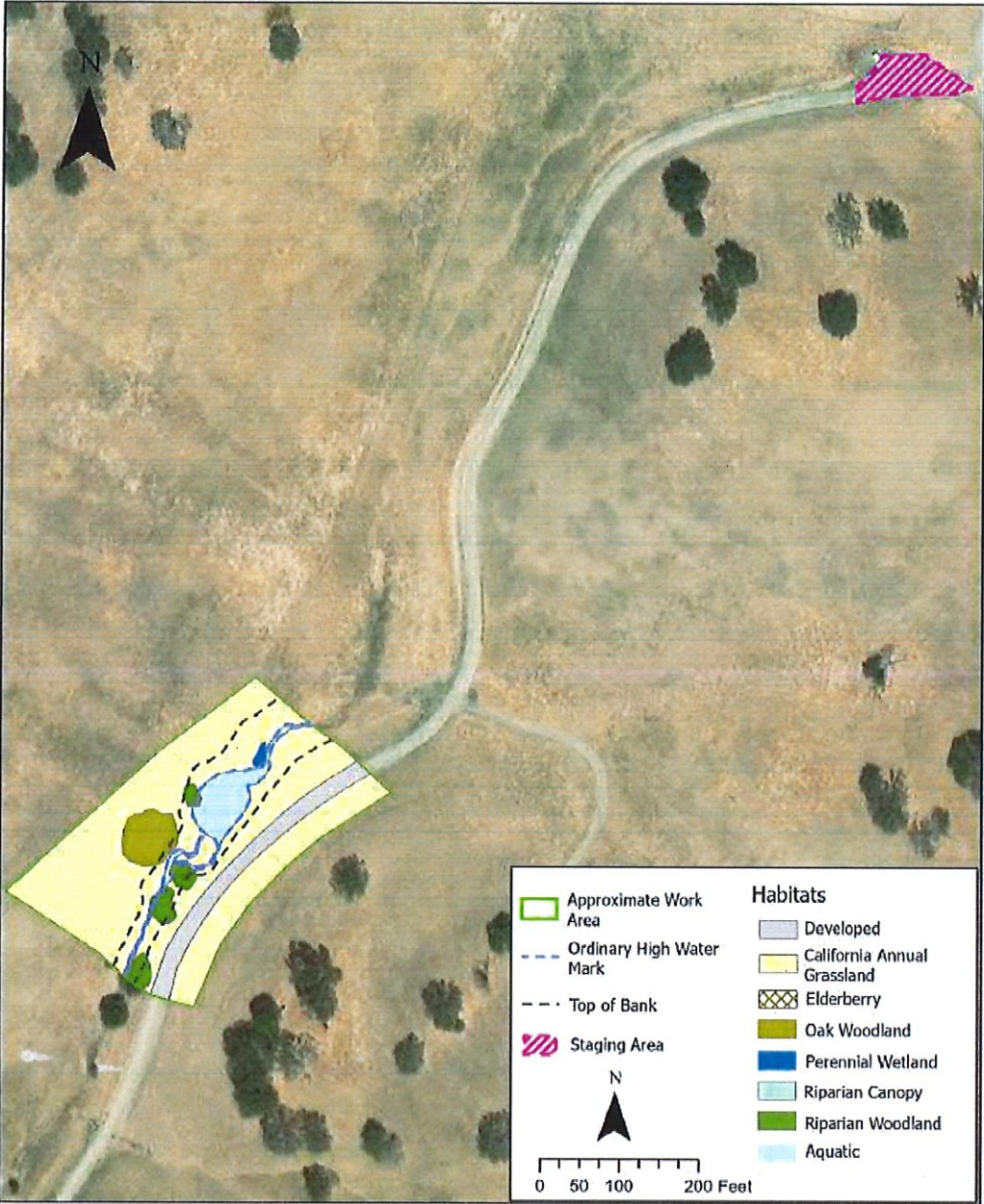


Figure 7. Additional Staging Areas

