NOTICE OF EXEMPTION

TO: Contra Costa County
County Recorder
555 Escobar Street
Martinez, CA 94553

FROM: Contra Costa Water District
P.O. Box H2O
Concord, CA 94524
925-688-8000
Lead Agency/Project Applicant
Filing Agency

PROJECT TITLE: Los Vaqueros Dam Toe Drain Rehabilitation Project Phase 3

PROJECT LOCATION AND ACCESS: This project is in the Los Vaqueros Watershed on property owned by the Contra Costa Water District (CCWD), along the first 150 feet of the Los Vaqueros Dam outfall area within Kellogg Creek. The project site is in unincorporated Contra Costa County. Access to the site will occur from Walnut Boulevard, which leads into a paved access road to the base of the dam. See **Figure 1** for a vicinity map and **Figure 2** for a project footprint map.

PROJECT DESCRIPTION: Phase 3 of the Los Vaqueros Dam Toe Drain Rehabilitation project involves making improvements to the dam's existing toe drain pipe outfall. The original toe drain was installed in the late 1990's as part of the Los Vaqueros Reservoir construction project and was designed to discharge seepage water from the Los Vaqueros Dam, as well as any surface drainage collected from the base of the dam, into Lower Kellogg Creek. Over time, vegetation growth and sedimentation has occurred within Kellogg Creek resulting in a raised elevation of the creekbed, and burying the toe drain outlet in sediment. Maintaining positive discharge of the toe drain is a requirement of the California Division of Safety of Dams (DSOD); therefore, removal of the obstruction at the outfall is necessary to comply with DSOD.

Phases 1 and 2 of the Los Vaqueros Dam Toe Drain Rehabilitation Project, partially completed, includes installing a new outfall pipe connected to an underground pump system/vault that pumps seepage water from the dam, ultimately discharging into Lower

Kellogg Creek at a different location. The new outfall pipe has been installed, while the pump system will be constructed in 2027. These first two phases were documented in a Notice of Exemption (Section 15301(b)) filed in June, 2025 and covered by permits issued by California Department of Fish and Wildlife (CDFW), the Central Valley Regional Water Quality Control Board (RWQCB), and the U.S. Army Corps of Engineers (USACE). Under Phase 3, improvements will be made to the existing outfall that would allow it to discharge any surface water drainage at the base of the dam. Once completed, the Phase 1 new outfall pipe will convey seepage water and the Phase 3 shortened existing outfall pipe will convey surface drainage; separating the conveyance systems will result in operational improvements and address dam safety risks.

Phase 3 of the project will grade and excavate a portion of the embankment and creek to expose the pipe's outlet, as the existing toe drain outfall pipe is nearly completely buried in sediment within Kellogg Creek. Approximately 15 feet of the existing pipe will be removed and a new pre-cast concrete outlet structure installed at the new termination of the pipe that will raise the elevation of the outfall (**Figure 3**). During operation, surface drainage will accumulate within this concrete outlet structure until the water level is high enough to exit the structure's flap gate at a higher elevation, eliminating future sedimentation issues.

Prior to any grading or excavation, vegetation within the top of bank and within Kellogg Creek will be removed using weed whackers and other hand tools. The use of excavators or backhoes may be needed to remove vegetation from the channel, but this equipment will only be operated from the above the top of bank of Kellogg Creek. Once vegetation is cleared, CCWD will install a temporary sandbag cofferdam around the excavation area within Kellogg Creek. This area will then be dewatered (if necessary) using screened pumps prior to excavation.

CCWD will remove existing riprap at the pipe's existing outlet and excavate approximately 3.5 feet below the pipe for a length of approximately 15 feet. CCWD will install a foundation for the new outlet structure at the new end of the pipe (approximately 15 feet shorter), consisting of a poured in place concrete approximately 8 feet by 9 feet at a depth of 1 foot, with a 1-foot layer of aggregate base underneath. The outlet structure will be installed over the foundation and connected to the existing pipe's new outlet. The outlet structure will be approximately 5 feet by feet by 10 feet. The maximum depth of excavation needed to shorten the existing pipe and install the concrete structure is approximately 10 feet.

Once the new outlet structure and foundation are installed, the embankment will be backfilled to match the existing contours and CCWD will pour a concrete apron around the outlet structure to prevent future erosion issues. The concrete apron will be approximately

23 feet by 23 feet at a depth of 6 inches over a 1-foot layer of aggregate base consisting of small rocks and gravel.

Work will occur between spring 2027 and fall 2027, for a duration of approximately 6 weeks. No tree removal will occur. The equipment laydown and staging area will occur in upland areas at the base of the Los Vaqueros Dam, at least 20 feet away from Kellogg Creek's top of bank.

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).

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 minor facility maintenance and construction activities. CCWD will 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.

Kellogg Creek is an intermittent stream and has been determined to be U.S. Army Corps of Engineers jurisdictional for environmental reviews and permitting related to the construction and expansion of Los Vaqueros Reservoir.

Construction Schedule and Staging: Equipment storage and staging will occur at the pre-disturbed gravel lot and surrounding upland annual grassland at the base of the Los Vaqueros Dam. This staging area is identified in **Figure 2**.

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

- Excavators
- Backhoes
- Generators
- Concrete pumper trucks
- Dump trucks
- Utility trucks

The project is estimated to begin in spring 2027 and end in fall 2027, with construction estimated to be about 6 weeks total. Construction activities occurring within the top of bank of Kellogg Creek are estimated to take approximately 4 weeks and would occur between June 15 and October 31. No night work will occur. CCWD will first clear vegetation within Kellogg Creek, excavate the pipe's outlet and remove the existing pipe, install the concrete foundation, and new outlet structure. Road closures are not required for this project.

ANALYSIS: Excavation to expose the existing pipe and installation of the new outlet structure and concrete pad will occur within Kellogg Creek's ordinary high water mark (OHWM) and top of bank. All other work will occur outside of the top of bank. This work will affect 0.009 acre perennial wetland and 0.015 acre of annual grassland, for a total footprint of 0.024 acre, of which 0.019 acre is within the top of bank. No tree removal will occur as a result of the project.

Sensitive species with potential to occur at the Los Vaqueros Watershed include burrowing owls (*Athene cunicularia*), western pond turtle (*Actinemys marmorata*), San Joaquin kit fox (*Vulpes macrotis mutica*), Alameda whipsnake (*Masticophis lateralis euryxanthus*), California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana draytonii*), valley elderberry beetle (*Desmocerus californicus dimorphus*), and diamond-petaled California poppy (*Eschscholzia rhombipetala*). CCWD will conduct pre-construction surveys 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 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. 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.
5. Seasonal Work Window: Work within the top of bank of Kellogg Creek will occur between June 15 and October 31.
6. Work Period in Dry Weather: Project work shall be restricted to dry weather. CCWD shall monitor the National Weather Service 72-hour forecasted precipitation. Construction activities shall cease when the National Weather Service 24-hour weather forecast indicates a 30% chance or higher of ¼-inch or more of precipitation.
7. Screened Dewatering: Dewatering of the work area in Kellogg Creek will use pumps with screens to prevent the entrainment and unintentional injury/mortality of any amphibian species present (screens will not exceed 3/32-inch in size).
8. Lighting Restriction: No artificial night lighting of any kind is permitted for the work proposed herein.
9. Equipment: Contractor will not operate any equipment that is gasoline or diesel-powered within streambeds or banks. Manual or electric equipment is acceptable. The contractor will not operate equipment in wet areas (including ponded, flowing, or wetland areas) without prior CCWD approval.
10. Equipment Maintenance: The earthwork contractor will maintain all equipment and 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 will 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.
11. Trash: All trash will be properly contained, removed from the work site, and disposed of daily. CCWD will ensure that all raw construction materials, waste, temporary fences,

barriers, and/or flagging are removed and properly disposed of from the Project Area immediately following the completion of construction.

12. 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 and surrounding upland grassland. 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.
13. Hazardous Materials: The storage and handling of hazardous materials within the Project Site 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.
14. Access Route Restriction: No new access roads are authorized for construction to allow heavy equipment access to the project area.
15. Erosion Control: Effective best management practices (BMPs) will be implemented to control erosion and runoff from areas associated with the emergency project, including staging areas, before construction activities begin.
16. 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 15301 (b), which exempts "the operation, repair, maintenance … or minor alternation of existing public or private structures [and] facilities", where "existing facilities" are defined as "facilities of both investor- and publicly owned utilities that are used to provide public utility services."

CONTACT PERSON: Kyra Purvis, Senior Planner, (925) 688-8293

SIGNATURE: _____ **DATE:** 10/26/26

Kyra Purvis, Senior Planner

Figure 1. Vicinity Map

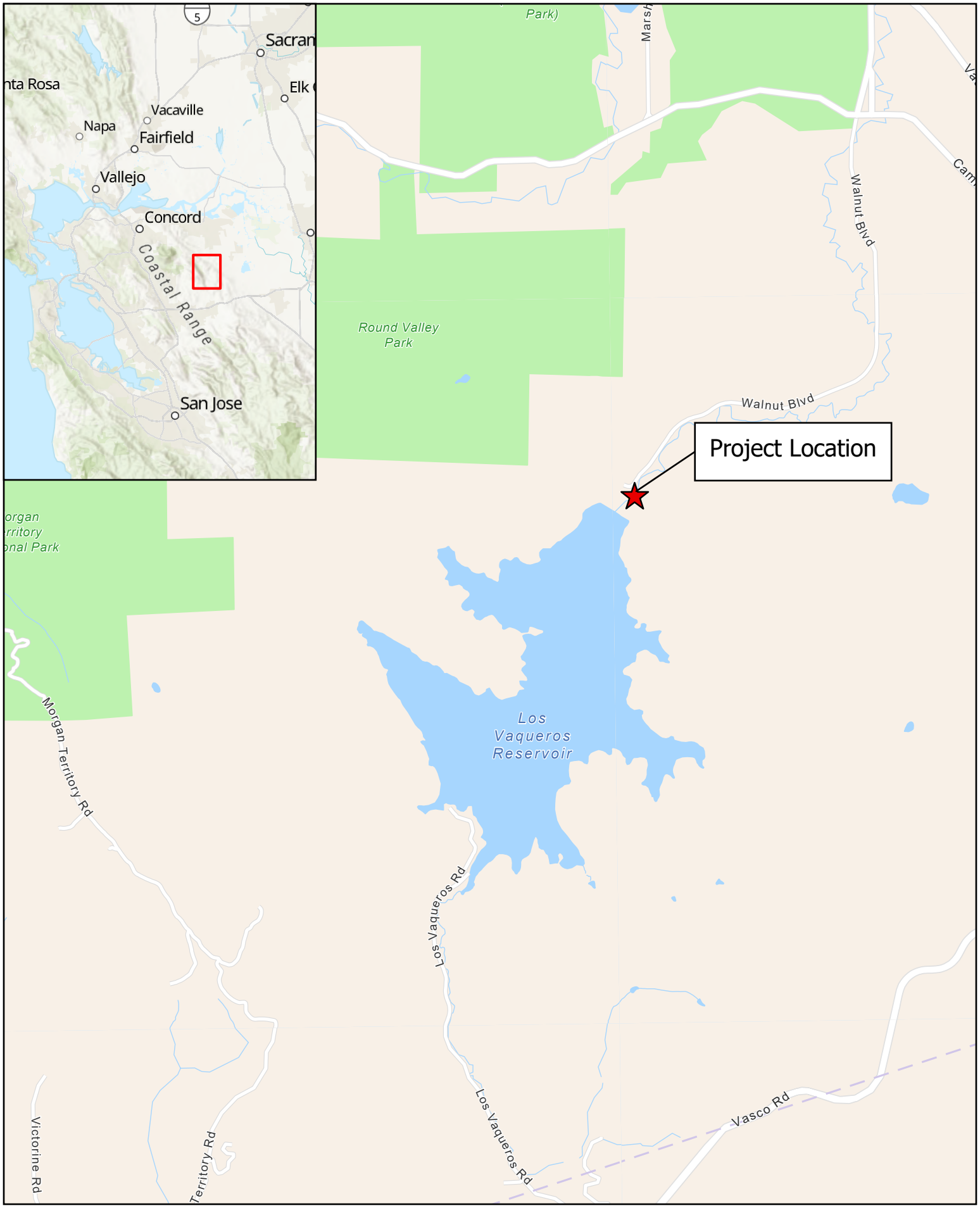

Figure 2. Project Footprint and Habitats

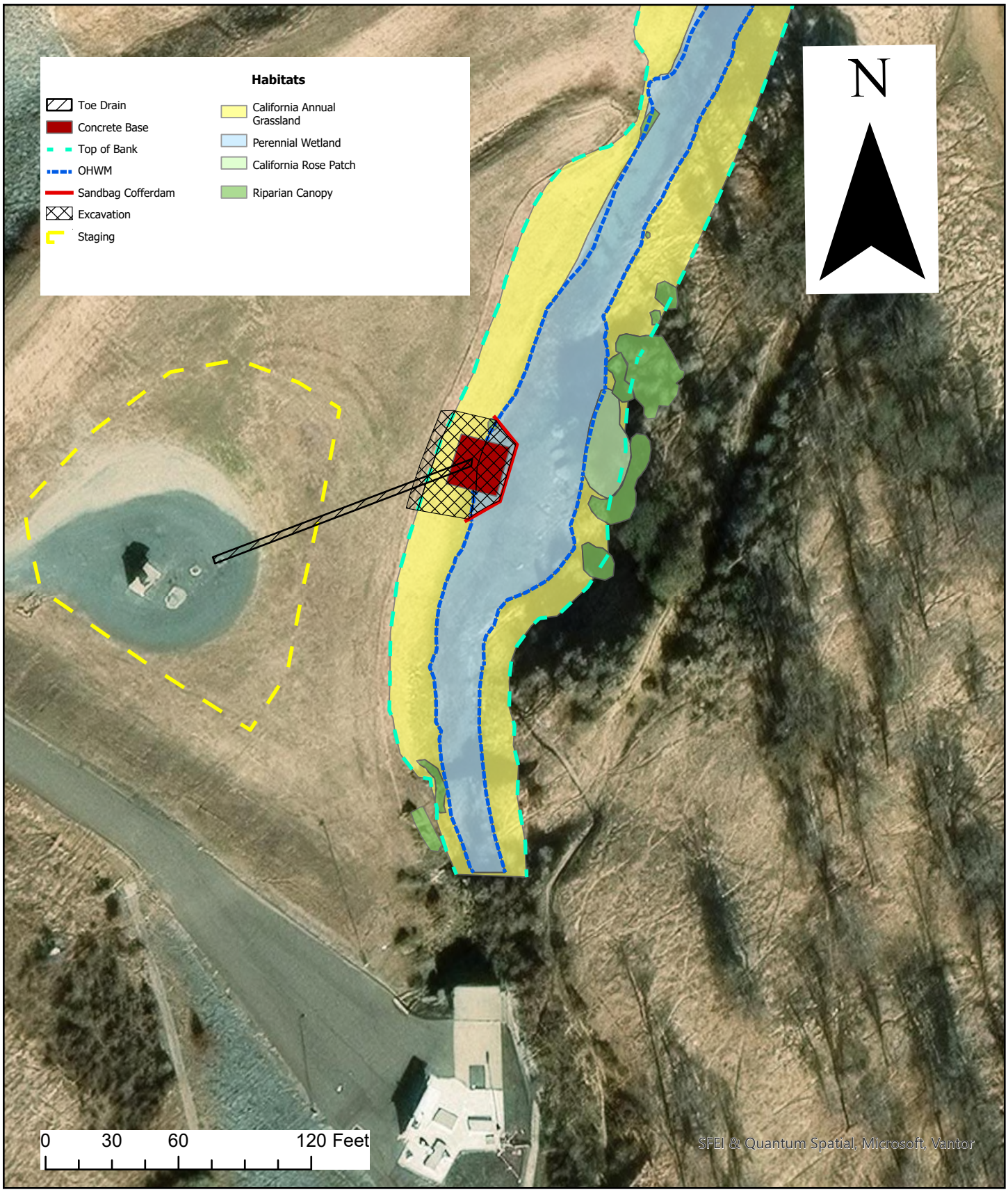
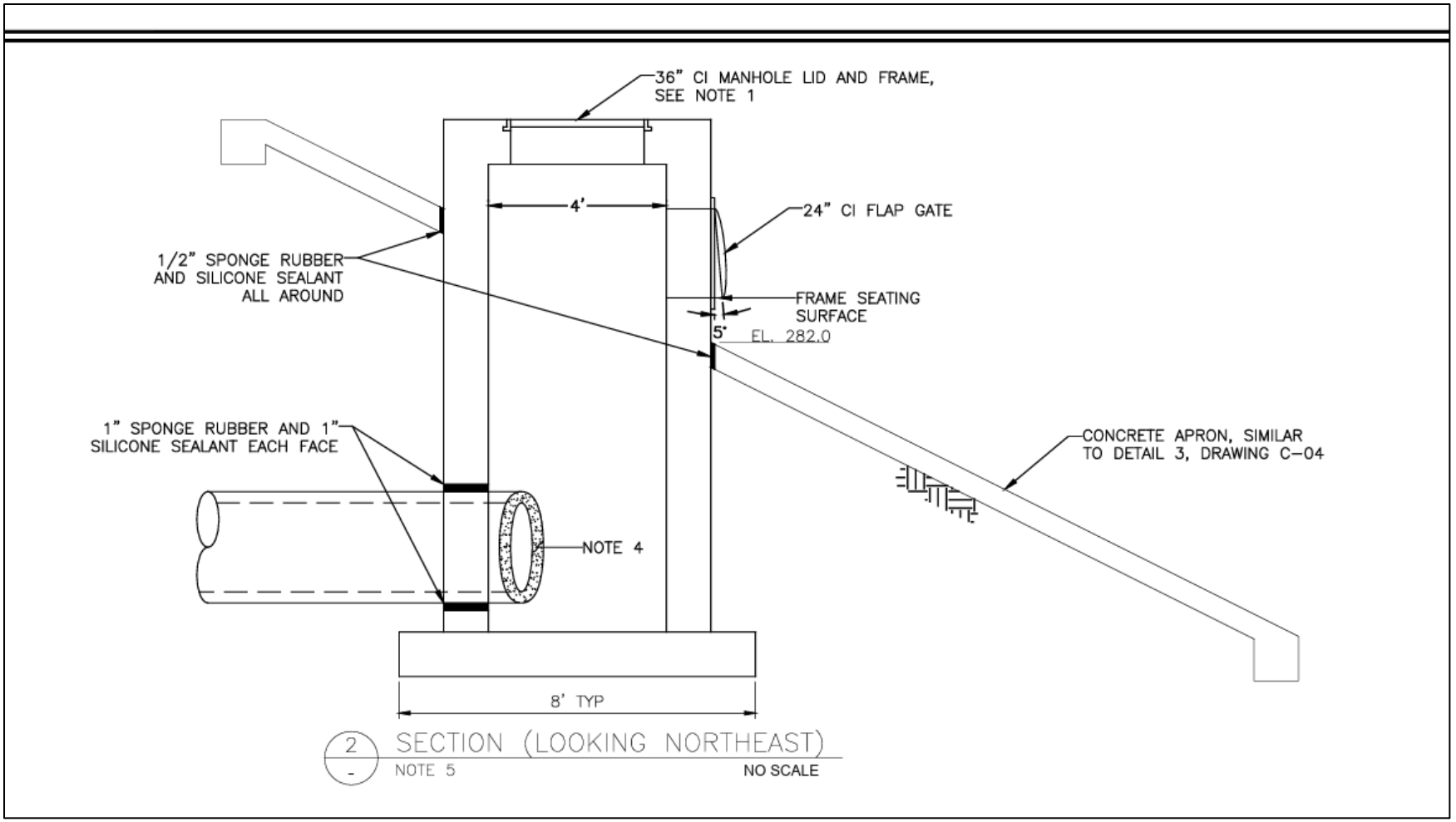
Figure 3. Outlet Box Detail