



**US Army Corps of Engineers**

SACRAMENTO DISTRICT

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### Public Notices

Under the Corps' Regulatory Program, a public notice is the primary method for advising all interested parties of a proposed activity for which a permit is sought. Soliciting comments and information necessary to evaluate the probable impacts on the public interest. Public notices are also published to inform the public about new or proposed regulations, policies, guidance or permit procedures.

Public Notices published by the Sacramento District under the Regulatory Program are posted on this page. Once a public notice is available on-line, an email notification is sent to individuals on the appropriate mailing list.

Comments are due by the expiration date of the public notice. Only comments submitted by email or in hard copy format through a delivery service, such as the U.S. Postal Service, can be accepted. Comments must be submitted to the address listed in the public notice.

#### Public Notices by Year

2015 (48)

2014 (62)

2013 (62)

2012 (48)

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EXHIBIT 10-4

SPK-2008-00861, California WaterFix project - 9/9/2015: The Public Notice comment period for this Public Notice has been extended until November 9, 2015. The California Department of Water Resources has applied for a permit to place fill material in approximately 775.02 acres of waters of the United States to construct and operate a new water conveyance facility consisting of three intakes along the Sacramento River and dual tunnels conveying up to 9,000 cubic feet per second of water to the existing Clifton Court Forebay. The approximately 45-mile long project site is located within the Sacramento-San Joaquin Delta, within Sacramento, San Joaquin, Contra Costa, and Alameda Counties, California.

Expiration date: 11/9/2015

ATTACHMENTS: SPK-2008-00861 PN Figures

SPK-2015-00572, Yuba County, CA - 8/12/2015: The Three Rivers Levee Improvement Authority has applied for a permit to place fill material in approximately 1.35 acres of waters of the United States to implement the Western Pacific Interceptor Canal 200-Year Standard project. The approximately 100-acre and 5.9-mile long project site is located along the Western Pacific Interceptor Canal, from its intersection with the Bear River North Levee to its terminus on the east side of State Route 70, Latitude 39.0166725°, Longitude -121.538953°, Yuba County, California, and can be seen on the CA-NICOLAUS USGS Topographic Quadrangle.

Expiration date: 9/11/2015

ATTACHMENTS: SPK-2015-00572 PN Figures

SPK-2008-01708, Antioch, Contra Costa County, CA - 8/12/2015: The City of Antioch has applied for a permit to place dredged or fill material and work in approximately 7.45 acres of waters of the United States to improve flood water conveyance and reduce flood risk in urban areas adjacent to West Antioch Creek. This project is located on West Antioch Creek in Section 18, Township 2 North, Range 2 East, Antioch, Contra Costa County, California.

Expiration date: 8/27/2015

ATTACHMENTS: SPK-2008-01708 PN Figures

SPK-2014-01067, Town of Mountain Village, San Miguel County, CO - 8/6/2015: The Telluride Medical Center has applied for a permit to place fill material in approximately 0.45 acre of waters of the United States to construct a medical facility. This project is located in the Town of Mountain Village, north of The Town Hall Market and south of the Gondola Parking Garage, at Lot 1003r-1, Latitude 37.9329°, Longitude -107.8559°, Town of Mountain Village, San Miguel County, Colorado, and can be seen on the CO-TELLURIDE USGS Topographic Quadrangle.

Expiration date: 9/7/2015

ATTACHMENTS: SPK-2014-01067 PN Attachments

SPK-2004-00323, NOA FEIS Elverta Specific Plan area - 7/30/2015: The Corps is evaluating 14 permit applications for construction of 13 properties (collectively known as the participating parcels) on approximately 563 acres within the Elverta Specific Plan Area (Elverta SPA) project, as well as on-site and off-site infrastructure, which would result in impacts to approximately 27.57 acres of waters of the United States, including wetlands. This notice is to inform interested parties of the publishing of the Draft Environmental Impact Statement for the Elverta SPA project; the location, date and time of the public meeting; and to solicit comments of the proposed activities. The approximately 1745-acre Elverta SPA project is located near Elverta Road and 16th Street, at Latitude 38.7146° North, Longitude 121.4330° West, Sacramento County, California.

Expiration date: 8/31/2015

ATTACHMENTS: SPK-2004-00323 FEIS PN Drawings



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SPK-2008-00861 PN Figures

SPK-2008-00861, California WaterFix project

Posted: 9/9/2015

Expiration date: 11/9/2015

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Sacramento District

Comments Period: September 9, 2015 – November 9, 2015

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the California WaterFix project, which would result in permanent impacts to approximately 775.02 acres and temporary impact to approximately 1,930.16 acres of waters of the United States (WOUS), including wetlands, in or adjacent to the Sacramento-San Joaquin Delta. The permanent impacts consist of 284.03 acres of wetlands and 490.98 acres of non-wetland waters while the temporary impacts are only to non-wetland waters. The applicant proposes to restore approximately 179 acres of permanent impacts to pre-project conditions upon the completion of construction. Although these impact sites will eventually be restored to pre-project conditions, the impacts are treated as permanent due to the duration of effect. The largest single permanent impact (257.87 acres) is to Clifton Court Forebay, which is a man-made feature with limited habitat function. The second largest permanent impact (139.60 acres) is to seasonal wetlands, which occur within farmed agricultural fields. Impacts also include approximately 52 acres of man-made pond and lake habitat which are proposed for conversion from open water to a mosaic of wetland types (e.g. seasonal wetland, scrub-shrub, riparian, emergent marsh). This conversion is both a part of the project construction and the applicant's proposed compensatory mitigation. Impacts to navigation include the construction of three intake structures on the Sacramento River, construction of tunnels beneath navigable waterways, operations of the three new intakes at up to 3,000 cfs, re-operations of the intake gate to Clifton Court Forebay, and construction of a permanent barrier at the head of Old River.

This notice is to inform interested parties of the proposed activity and to solicit comments.



**AUTHORITY:** This application is being evaluated under Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

**APPLICANT:** California Department of Water Resources, Attn: Mr. Mike Bradbury, 901 P Street, Suite 411B, Sacramento, California 95814-6431

**LOCATION:** The approximately 45-mile long project site is located within the Sacramento-San Joaquin Delta, between Latitude 38.419685°, Longitude -121.509515°, Sacramento County, and Latitude 37.799232°, Longitude -121.582113°, Alameda County, California, and can be seen on the Clarksburg, Courtland, Bruceville, Isleton, Thornton, Bouldin Island, Terminous, Woodward Island, and Clifton Court Forebay, USGS Topographic Quadrangles.

**PROJECT DESCRIPTION:** The California Department of Water Resources (DWR) (applicant) is proposing to construct key components of the State's California WaterFix program. Specifically, DWR is seeking authorization to construct and operate a new water conveyance facility that will be part of the State Water Project (SWP) and operated in coordination with the U.S. Bureau of Reclamation's operation of the Central Valley Project (CVP).

The proposed project would include:

- 1) Three Intake Facilities along the Sacramento River, near the communities of Clarksburg and Hood, with fish-screened, on-bank intake structures.
- 2) Two gravity-flow water conveyance tunnels (North Tunnels) would connect the intakes to an Intermediate Forebay, located northeast of Snodgrass Slough and Twin Cities Road.
- 3) The Intermediate Forebay (IF) would receive water from the North Tunnels, equalize pressure, and pass the water to the dual gravity-flow Main Tunnels.
- 4) The dual main tunnels would connect the IF to the existing Clifton Court Forebay (CCF). A Pumping Plant would be located at the northeast corner of CCF to pump the water from the tunnels into the forebay.
- 5) Clifton Court Forebay would be expanded and divided into two parts, North Clifton Court Forebay (NCCF) and South Clifton Court Forebay (SCCF).
- 6) Eleven disposal sites are proposed for tunnel material excavated from both the north tunnels and the dual main tunnels.
- 7) The proposed project would also include a permanent operable barrier at the head of Old River.
- 8) Operations of the three new intakes at up to 3,000 cubic feet per second each
- 9) Re-operation of the intake at the Clifton Court Forebay

The proposed project is designed to deliver up to 9,000 cubic feet per second (cfs) of water from the Sacramento River to the south Delta export pumping plants. The tunnels would be gravity-fed and deliver the water to the SWP and CVP export pumping plants' intake channels downstream of their respective fish collection facilities. The project is also designed to withstand a 200-year flood event, taking into account the sea level rise predicted from climate change.

**PROJECT PURPOSE:** The applicant's stated overall project purpose is construct and operate facilities and/or improvements for the movement of water entering the Delta from the Sacramento Valley watershed to the existing SWP and CVP pumping plants located in the southern Delta; to construct and operate the project in a manner that minimizes or avoids adverse effects to listed species, and allows for the protection, restoration and enhancement of aquatic, riparian and associated terrestrial natural communities and ecosystems; and to restore and protect the ability of the SWP and CVP to deliver up to full contract amounts, when hydrologic conditions result in the availability of sufficient water, consistent with the requirements of state and federal law and the terms and conditions of water delivery contracts held by SWP contractors and certain members of San Luis Delta Mendota Water Authority, and other existing applicable agreements.

The applicant has stated that improvements to the conveyance system are needed to respond to increased demands and risks to water supply reliability, water quality, and the aquatic ecosystem. The attached drawings provide additional project details.

**ADDITIONAL INFORMATION:**

**Environmental Setting.** The project area consists primarily of agricultural fields and tidal channels within the legal delta. Several types of waters of the United States were identified within the project area consisting of approximately 123.72 acres of perennial wetlands, 160.31 acres of seasonal wetlands, 122.43 acres of non-tidal waters, and 2,298.71 acres of tidal waters. The project area is defined as the footprint of the proposed surface impacts.

**Alternatives.** The applicant is in the process of developing information to support the analysis of alternatives pursuant to the Section 404(b)(1) Guidelines. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

In December 2013 DWR, Reclamation, USFWS, and NMFS, acting as joint lead agencies, published a draft of the BDCP and an associated Draft Environmental Impact Report/ Environmental Impact Statement (Draft EIR/EIS). The Draft EIR/EIS analyzed a total of 15 action alternatives, including Alternative 4, which

was identified as DWR's preferred alternative. Following the Draft EIR/EIS, Alternative 4 was substantially modified and three new sub-alternatives (2D, 4A, 5A) were added. These sub-alternatives would secure take authorization under Section 7 of the Endangered Species Act, instead of the development of a Habitat Conservation Plan. A Partially Recirculated Draft EIR/Supplemental Draft EIS (RDEIR/SDEIS) was released for public review and comment in July 2015, ending on October 30, 2015.

**Mitigation.** The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed several measures to avoid and minimize impacts to aquatic resources and is in the process of developing a Conceptual Mitigation Plan to compensate for all unavoidable impacts to waters and wetlands. Compensatory mitigation shall be accomplished by the purchase of mitigation bank or in-lieu fee program credits, on-site restoration, rehabilitation and/or creation, off-site restoration, rehabilitation and/or creation, or a combination thereof.

The purchase of mitigation bank credits or payment into the Sacramento District In-Lieu Fee Program would be utilized for habitat types that would be difficult to restore or create within the Delta. An example is vernal pool habitat, which requires an intact hardpan or other impervious layer and very specific soil types. Banks utilized for compensatory mitigation would be agency-approved and have a service area which includes the area of the impacted habitat type. It is anticipated that only a small amount of compensatory mitigation will fall into these categories.

On-site restoration, rehabilitation and/or creation would be sought where it could successfully occur immediately adjacent to the project footprint. It is anticipated that some of the compensatory mitigation will fall into this category.

Off-site restoration, rehabilitation and/or creation would occur within the immediate vicinity of the project area where land has been subject to agricultural practices or other land uses which have degraded or converted wetlands that existed historically. Sites within the Delta will be evaluated for their restoration, rehabilitation, and/or creation potential. It is anticipated that most of the compensatory mitigation will fall into this category.

#### **OTHER GOVERNMENTAL AUTHORIZATIONS:**

- 1) Water quality certification or a waiver, as required under Section 401 of the Clean Water Act, from the State Water Resource Control Board is required for this project. The applicant has indicated they are preparing an application for certification.
- 2) Permission pursuant to Section 14 of the Rivers and Harbors Act (Section 408) to alter a federally authorized project is required for portions of the proposed activity. The applicant has not yet submitted a written request for permission.

**HISTORIC PROPERTIES:** The Corps is the lead federal agency for the purposes of ensuring compliance with Section 106 of the National Historic Preservation Act, and as such, has initiated consultation with the State Historic Preservation Officer. The Corps is developing a Programmatic Agreement (PA) for the identification of historic properties within the Area of Potential Effect (APE). Avoidance, protection, or mitigation measures will be developed for identified historic properties that could be adversely affected by the Project. Treatment plans will also be prepared for these resources, as appropriate. The PA will also ensure full involvement of federally-recognized tribes at a government-to-government level throughout the Section 106 process. Similarly, the PA delegates responsibility for consultation with tribes and individuals without federal recognition to DWR.

**ENDANGERED SPECIES:** The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The U.S. Bureau of Reclamation (USBR) has initiated consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, as the lead federal agency, pursuant to Section 7 of the Endangered Species Act. The Corps is coordinating with the USBR on these consultations.

**ESSENTIAL FISH HABITAT:** The proposed project may adversely affect Essential Fish Habitat. The USBR will initiate consultation with the National Marine Fisheries Service, pursuant to Magnuson-Stevens Fishery Conservation and Management Act, as part of the Section 7 consultation.

The above determinations are based on information provided by the applicant and our preliminary review.

**EVALUATION FACTORS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. 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 described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The decision whether to issue permission pursuant to Section 408 will be based on an evaluation of whether the project will impair the usefulness of the project works or is injurious to the public interest. The benefits, which reasonably may be expected to accrue from the proposed alteration, must be balanced against its reasonably foreseeable detriments.

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**SUBMITTING COMMENTS:** Written comments, referencing Public Notice SPK-2008-00861 must be submitted to the office listed below on or before **November 9, 2015**.

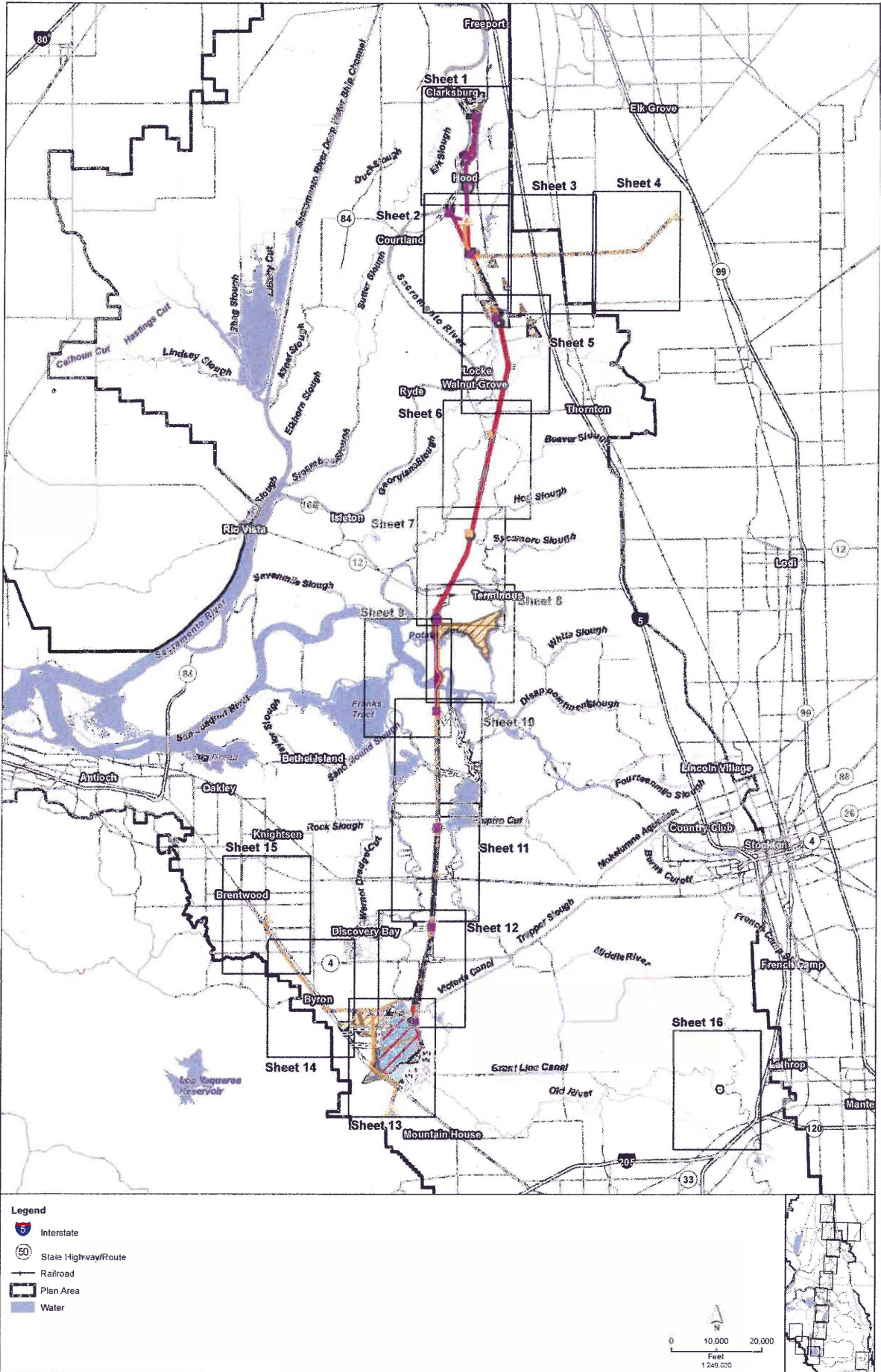
Zachary Simmons, Project Manager  
US Army Corps of Engineers, Sacramento District  
1325 J Street, Room 1350  
Sacramento, California 95814-2922  
Email: [Zachary.M.Simmons@usace.army.mil](mailto:Zachary.M.Simmons@usace.army.mil)

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Zachary Simmons, 916-557-6746, [Zachary.M.Simmons@usace.army.mil](mailto:Zachary.M.Simmons@usace.army.mil).

Attachments: drawings



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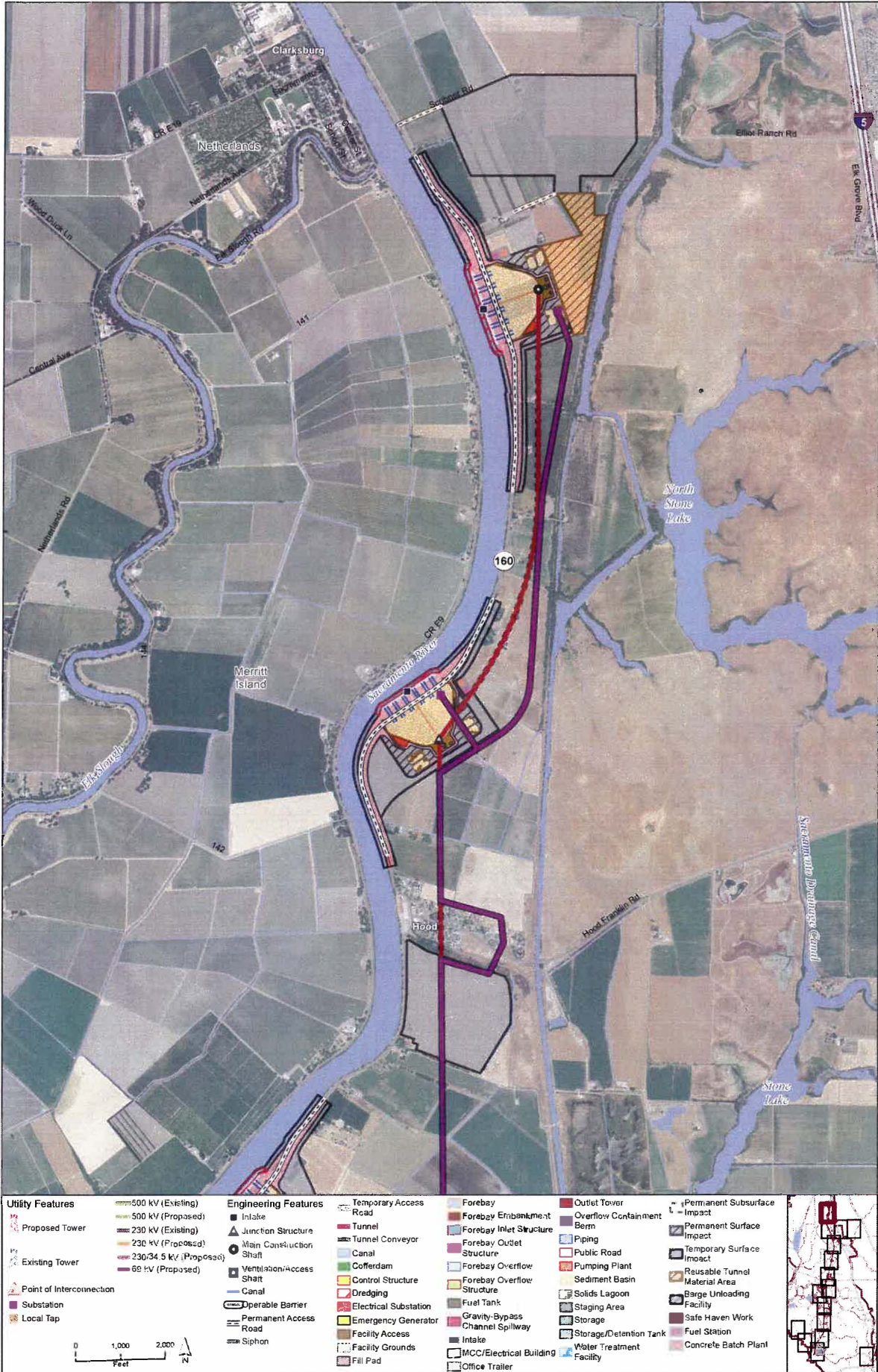


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Shoreline, Plan Area, RAC 0310, DWR, BOE Engineering CCO Rev 5a, NAD 83

Figure: Index  
CCO Rev 5a  
Clifton Court Pumping Plant Option

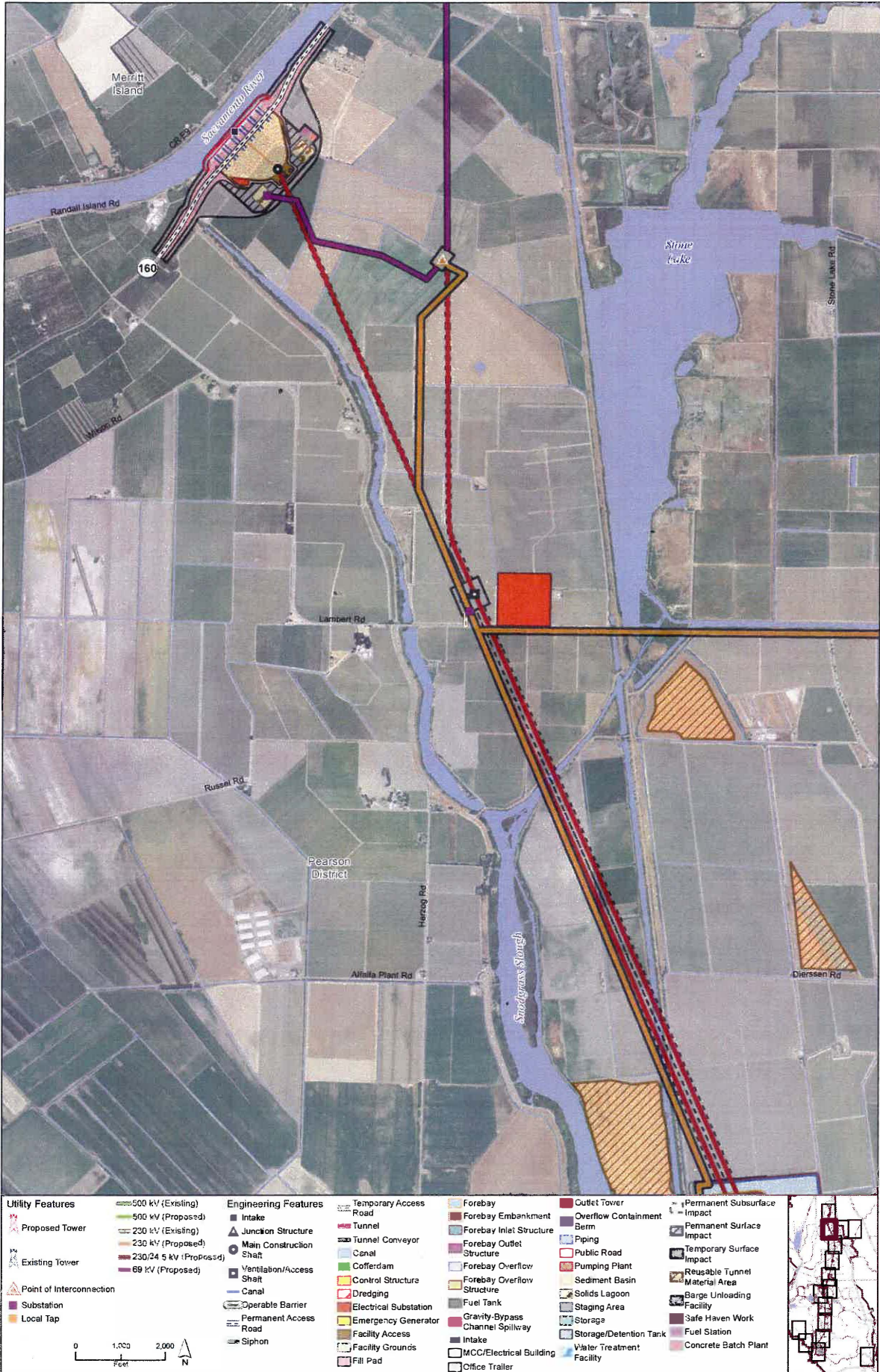




Sources: Plan Area: SAC 2910; EWR DCE Engineering; CCO Rev 5a; NAD 2012

**Figure : Sheet 1 of 16**  
**CCO Rev 5a**  
**Clifton Court Pumping Plant Option**





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Source: Plan Area, SAIC 11/16; ENR DCI Engineering CCO rev 5a; SAIF 2017

**Figure : Sheet 2 of 16**  
**CCO Rev 5a**  
**Clifton Court Pumping Plant Option**



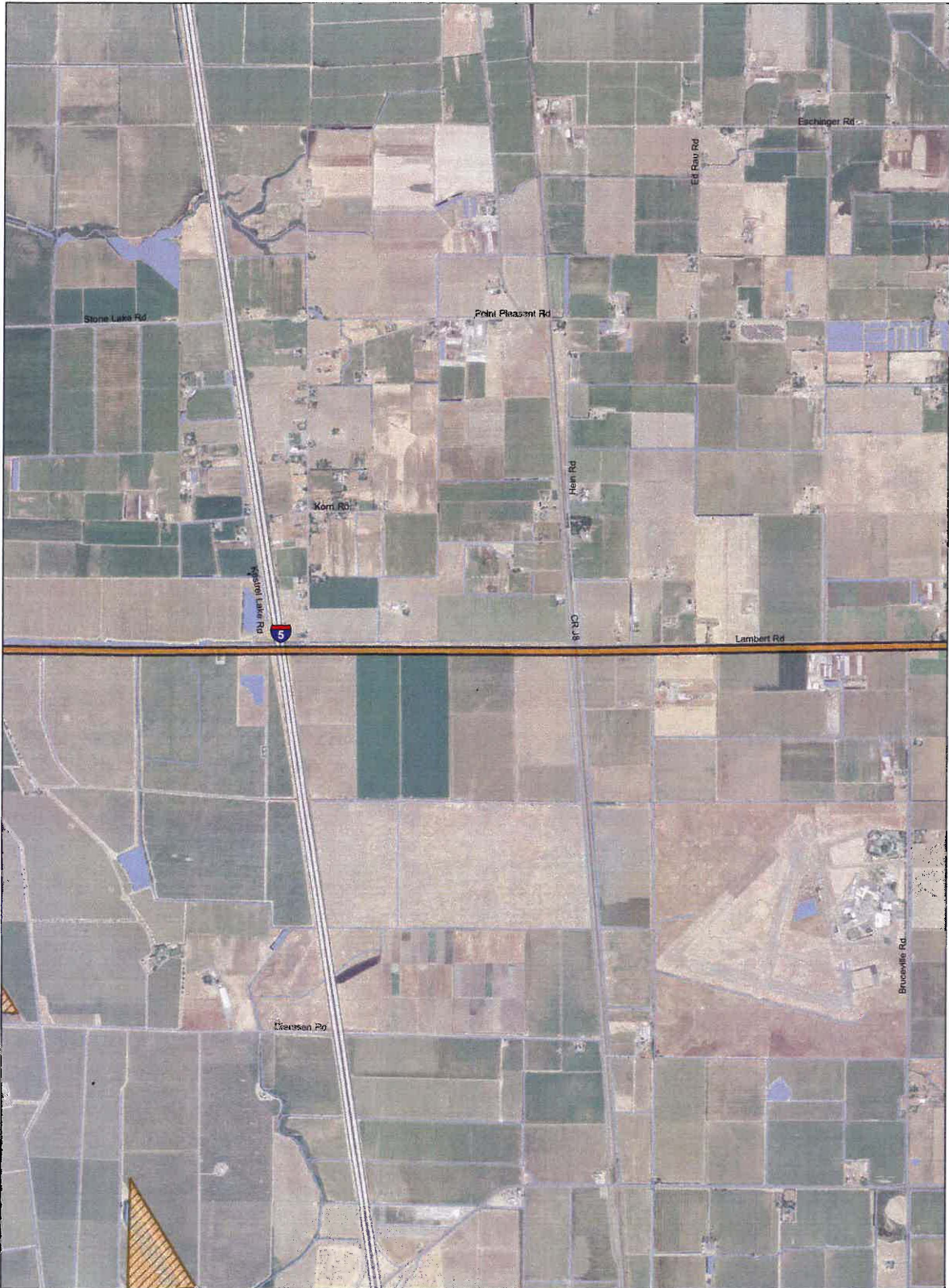
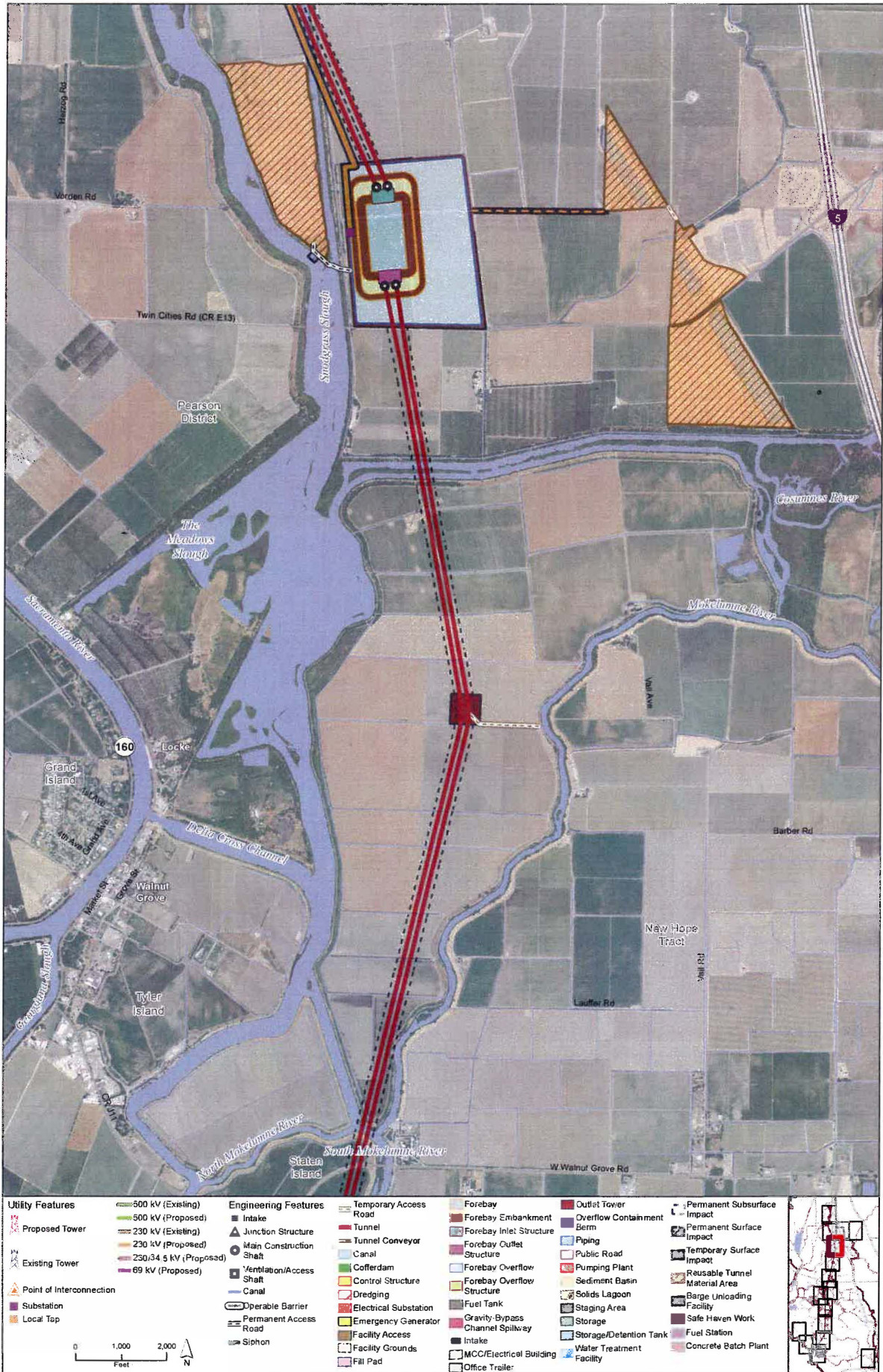


Figure : Sheet 3 of 16  
 CCO Rev 5a  
 Clifton Court Pumping Plant Option









Sources: Plan-Area, SAHC 2010; DWR DCB Engineering CCO rev 5a - NAF 2012

**Figure : Sheet 5 of 16**  
**CCO Rev 5a**  
**Clifton Court Pumping Plant Option**







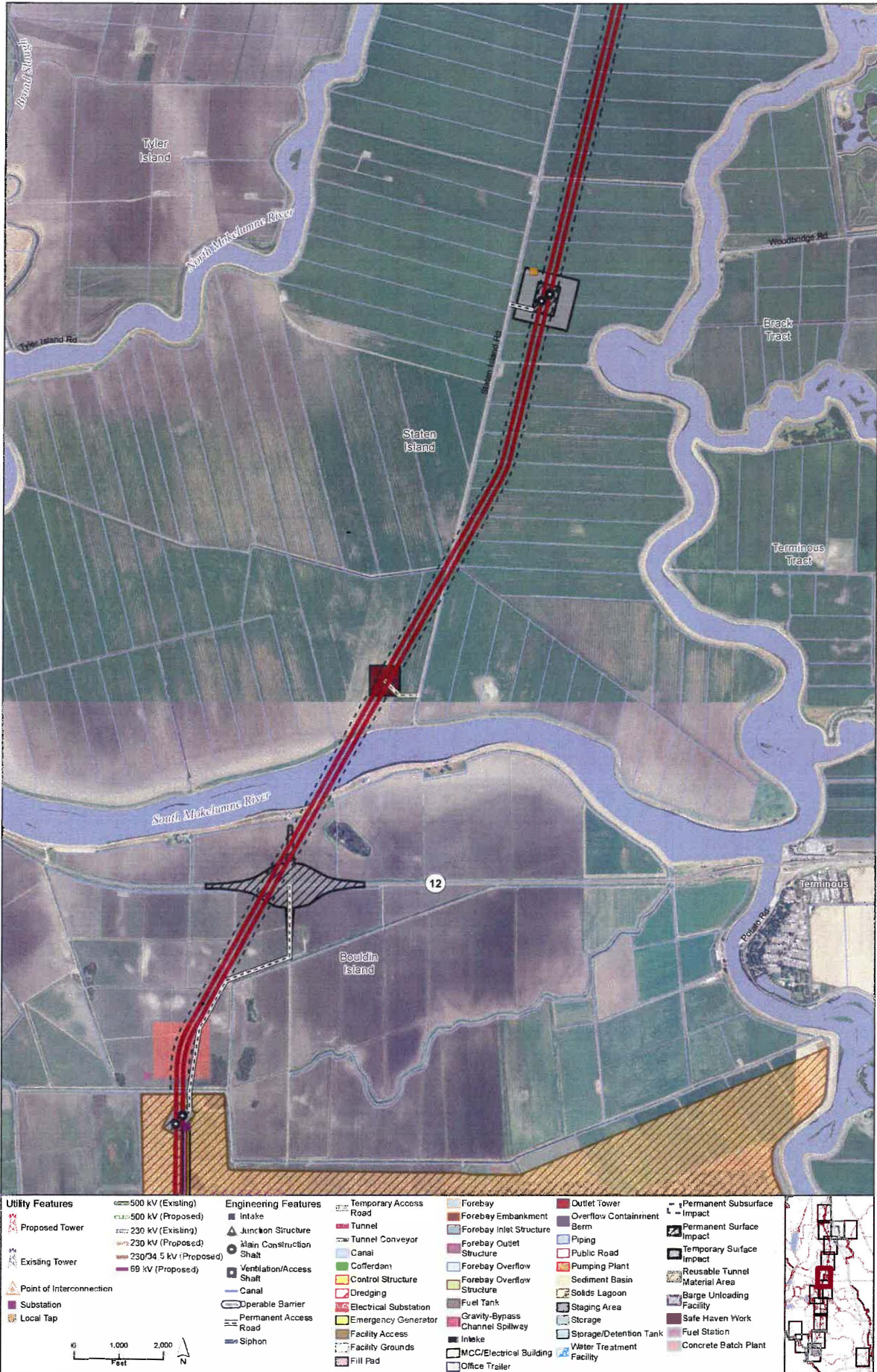
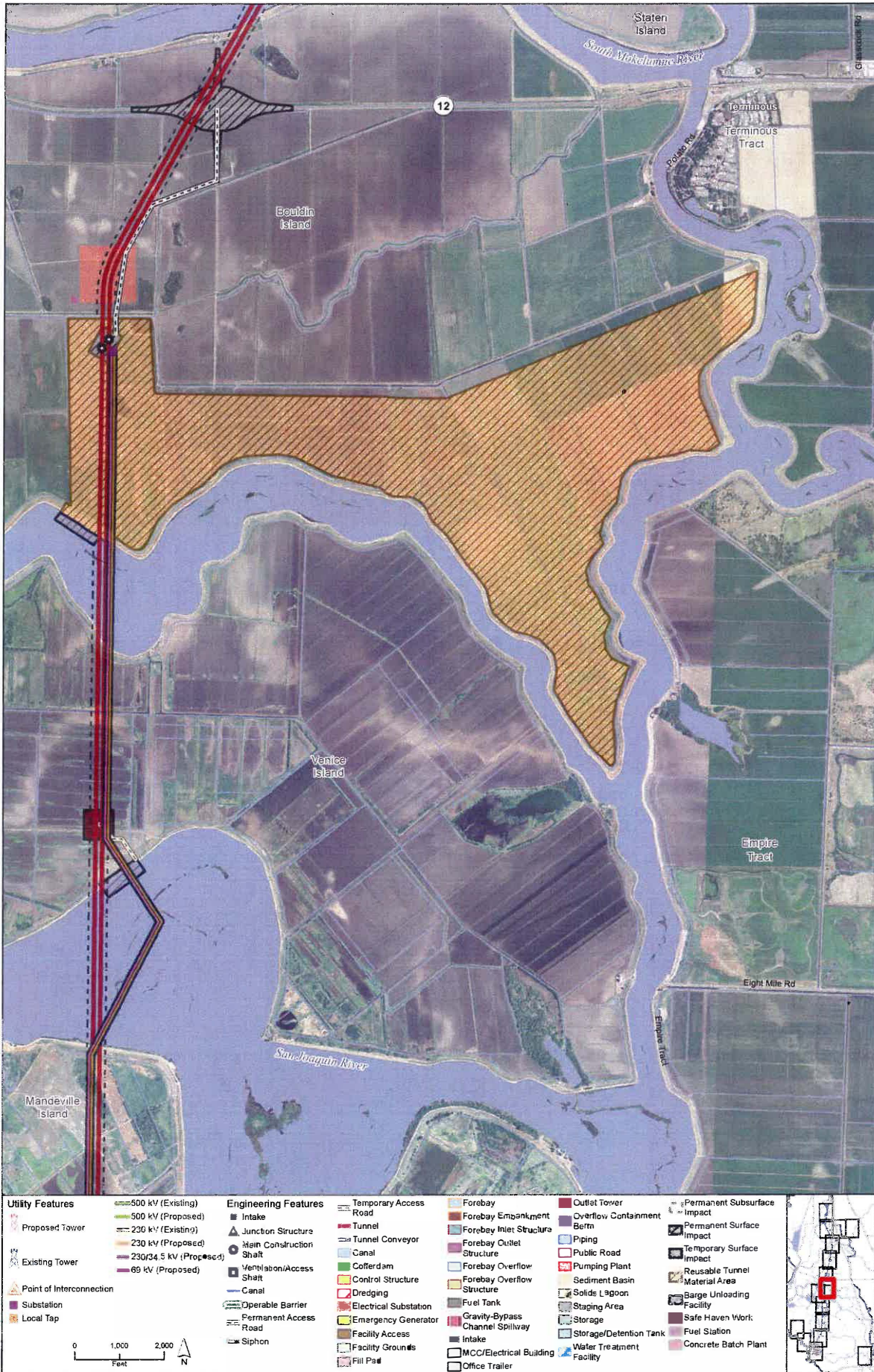


Figure : Sheet 7 of 16'  
CCO Rev 5a  
Clifton Court Pumping Plant Option





Sources: Plan Area: SAC 7010; DWR DCE Engineering COO (rev 5a), NAJF 2017

**Figure : Sheet 8 of 16**  
**CCO Rev 5a**  
**Clifton Court Pumping Plant Option**

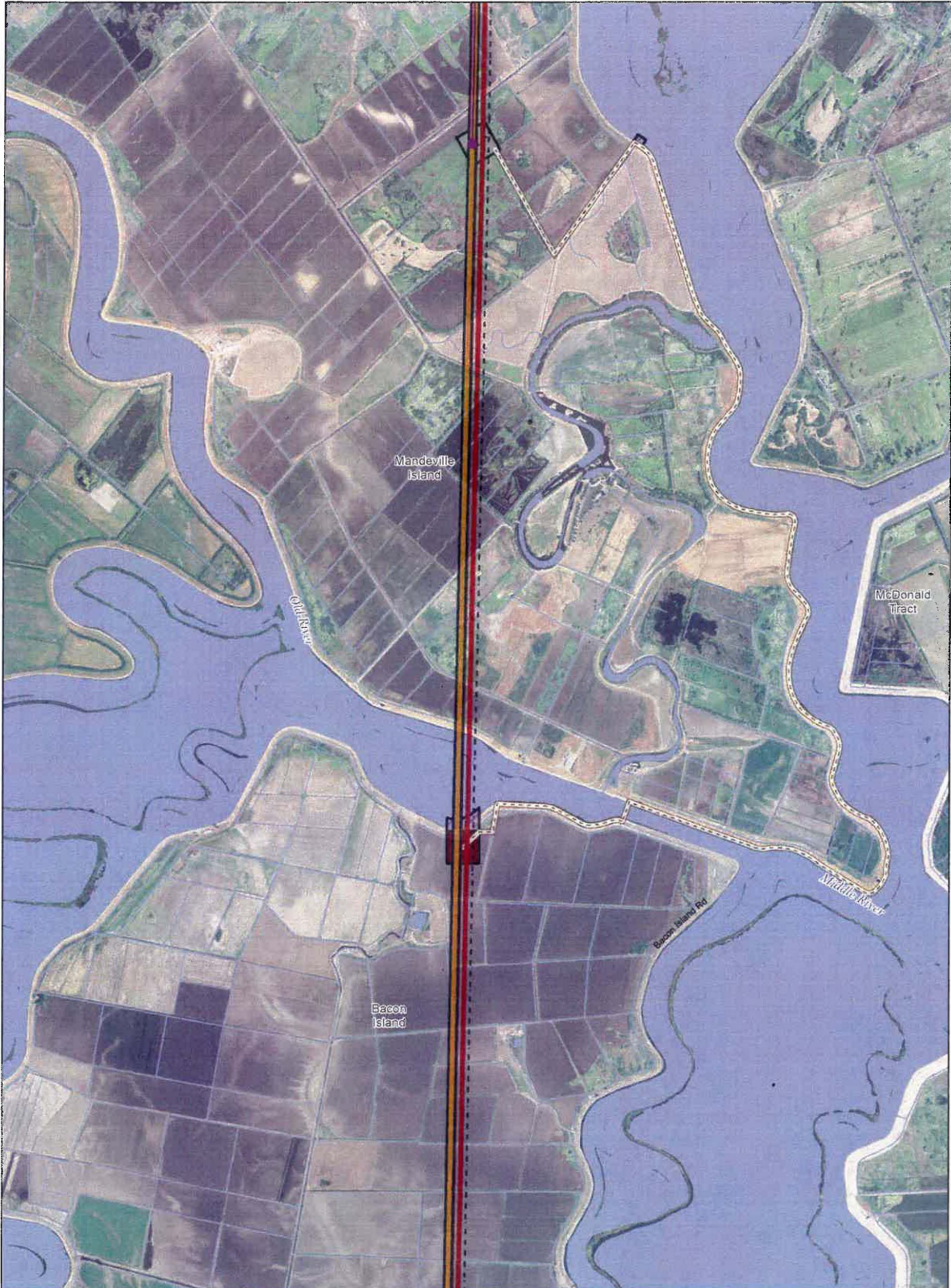




Source: Plan Area 3-ARC 3216; DWR DCE Engineering CDO rev 11-11-17 3017

Figure : Sheet 9 of 16  
CCO Rev 5a  
Clifton Court Pumping Plant Option





<p><b>Utility Features</b></p> <ul style="list-style-type: none"> <li>500 kV (Existing)</li> <li>500 kV (Proposed)</li> <li>230 kV (Existing)</li> <li>230 kV (Proposed)</li> <li>230/34.5 kV (Proposed)</li> <li>69 kV (Proposed)</li> </ul> <p><b>Proposed Tower</b></p> <p><b>Existing Tower</b></p> <p><b>Point of Interconnection</b></p> <ul style="list-style-type: none"> <li>Substation</li> <li>Local Tap</li> </ul>		<p><b>Engineering Features</b></p> <ul style="list-style-type: none"> <li>Intake</li> <li>Junction Structure</li> <li>Main Construction Shaft</li> <li>Ventilation/Access Shaft</li> <li>Operable Barrier</li> <li>Permanent Access Road</li> <li>Siphon</li> </ul>		<p><b>Temporary Access Road</b></p> <ul style="list-style-type: none"> <li>Tunnel</li> <li>Tunnel Conveyor</li> <li>Canal</li> <li>Cofferdam</li> <li>Control Structure</li> <li>Dredging</li> <li>Electrical Substation</li> <li>Emergency Generator</li> <li>Facility Access</li> <li>Facility Grounds</li> <li>Fill Pad</li> </ul>		<ul style="list-style-type: none"> <li>Forebay</li> <li>Forebay Embankment</li> <li>Forebay Inlet Structure</li> <li>Forebay Outlet Structure</li> <li>Forebay Overflow</li> <li>Forebay Overflow Structure</li> <li>Fuel Tank</li> <li>Gravity Bypass</li> <li>Channel Spillway</li> <li>Intake</li> <li>MCC/Electrical Building</li> <li>Office Trailer</li> </ul>		<ul style="list-style-type: none"> <li>Outlet Tower</li> <li>Overflow Containment Berm</li> <li>Piping</li> <li>Public Road</li> <li>Pumping Plant</li> <li>Sediment Basin</li> <li>Solids Lagoon</li> <li>Staging Area</li> <li>Storage</li> <li>Storage/Retention Tank</li> <li>Water Treatment Facility</li> </ul>		<ul style="list-style-type: none"> <li>Permanent Subsurface Impact</li> <li>Permanent Surface Impact</li> <li>Temporary Surface Impact</li> <li>Reusable Tunnel Material Area</li> <li>Barge Unloading Facility</li> <li>Safe Haven Work</li> <li>Fuel Station</li> <li>Concrete Batch Plant</li> </ul>	
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Scale: 0, 1,000, 2,000 Feet. North arrow pointing up.

Source: P3a/Aca. RAC 1010/ DWR CCE Engineering CCG rev 04/ 10/11/2013

Figure : Sheet 10 of 16  
CCO Rev 5a  
Clifton Court Pumping Plant Option





Figure : Sheet 11 of 16  
CCO Rev 5a  
Clifton Court Pumping Plant Option



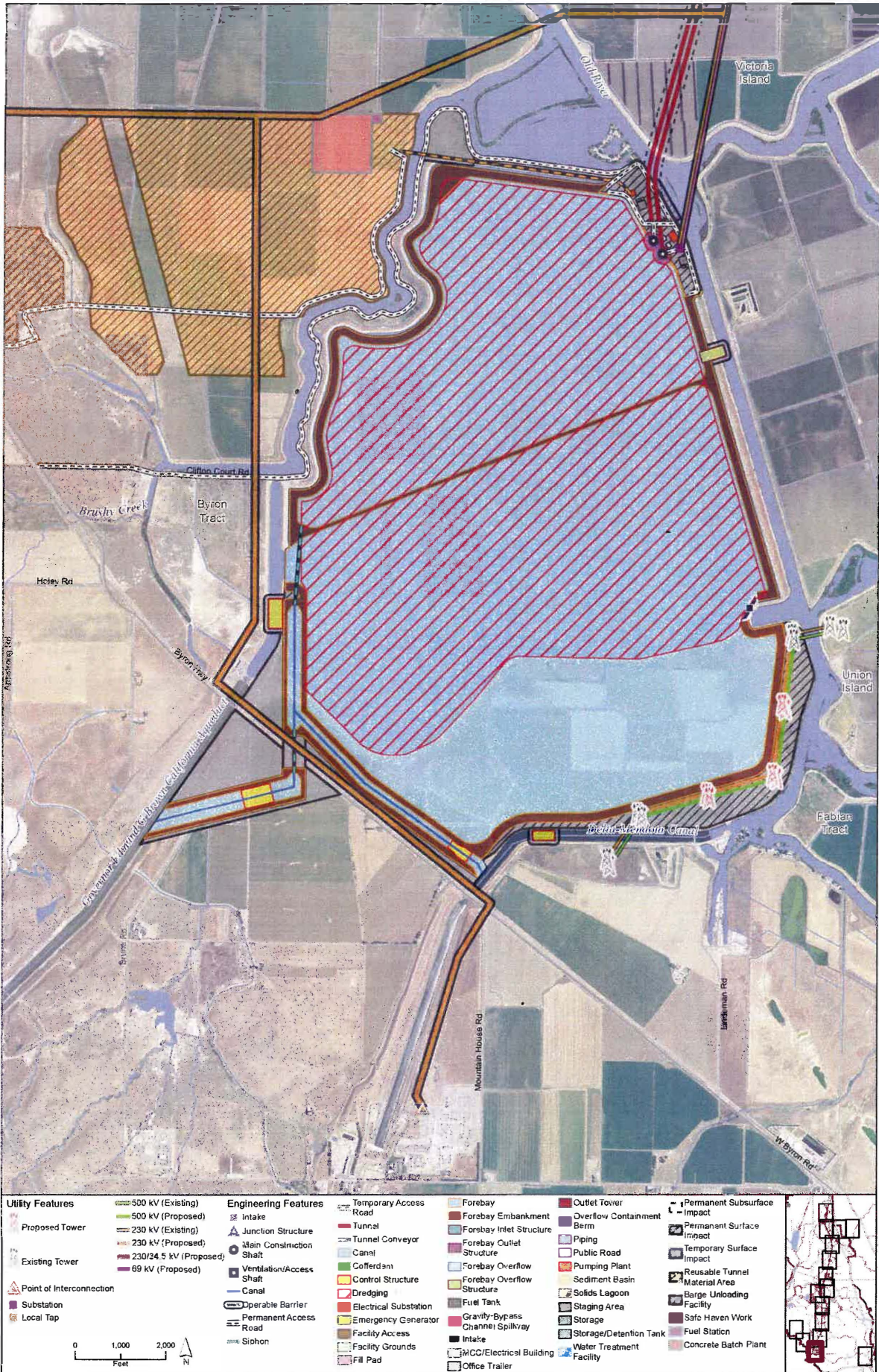


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Source: Plan Arch SAIC 10/13/18 THWR DCB Engineering CCG rev 5a (NAIP 2013)

Figure : Sheet 12 of 16  
 CCO Rev 5a  
 Clifton Court Pumping Plant Option





Utility Features	Engineering Features	Temporary Access Road	Forebay	Outlet Tower	Permanent Subsurface Impact
500 kV (Existing)	Intake	Temporary Access Road	Forebay Embankment	Overflow Containment Berm	Permanent Surface Impact
500 kV (Proposed)	Junction Structure	Tunnel Conveyor	Forebay Inlet Structure	Piping	Temporary Surface Impact
230 kV (Existing)	Main Construction Shaft	Canal	Forebay Outlet Structure	Public Road	Reusable Tunnel Material Area
230/24.5 kV (Proposed)	Ventilation/Access Shaft	Cofferdam	Forebay Overflow Structure	Pumping Plant	Barge Unloading Facility
69 kV (Proposed)	Operable Barrier	Control Structure	Fuel Tank	Sediment Basin	Safe Haven Work
Point of Interconnection	Permanent Access Road	Dredging	Gravity-Bypass Channel Spillway	Solids Lagoon	Fuel Station
Substation	Siphon	Electrical Substation	Intake	Staging Area	Concrete Batch Plant
Local Tap		Emergency Generator	MCC/Electrical Building	Storage/Detention Tank	
		Facility Access	Office Trailer	Water Treatment Facility	
		Facility Grounds			
		Fill Pad			

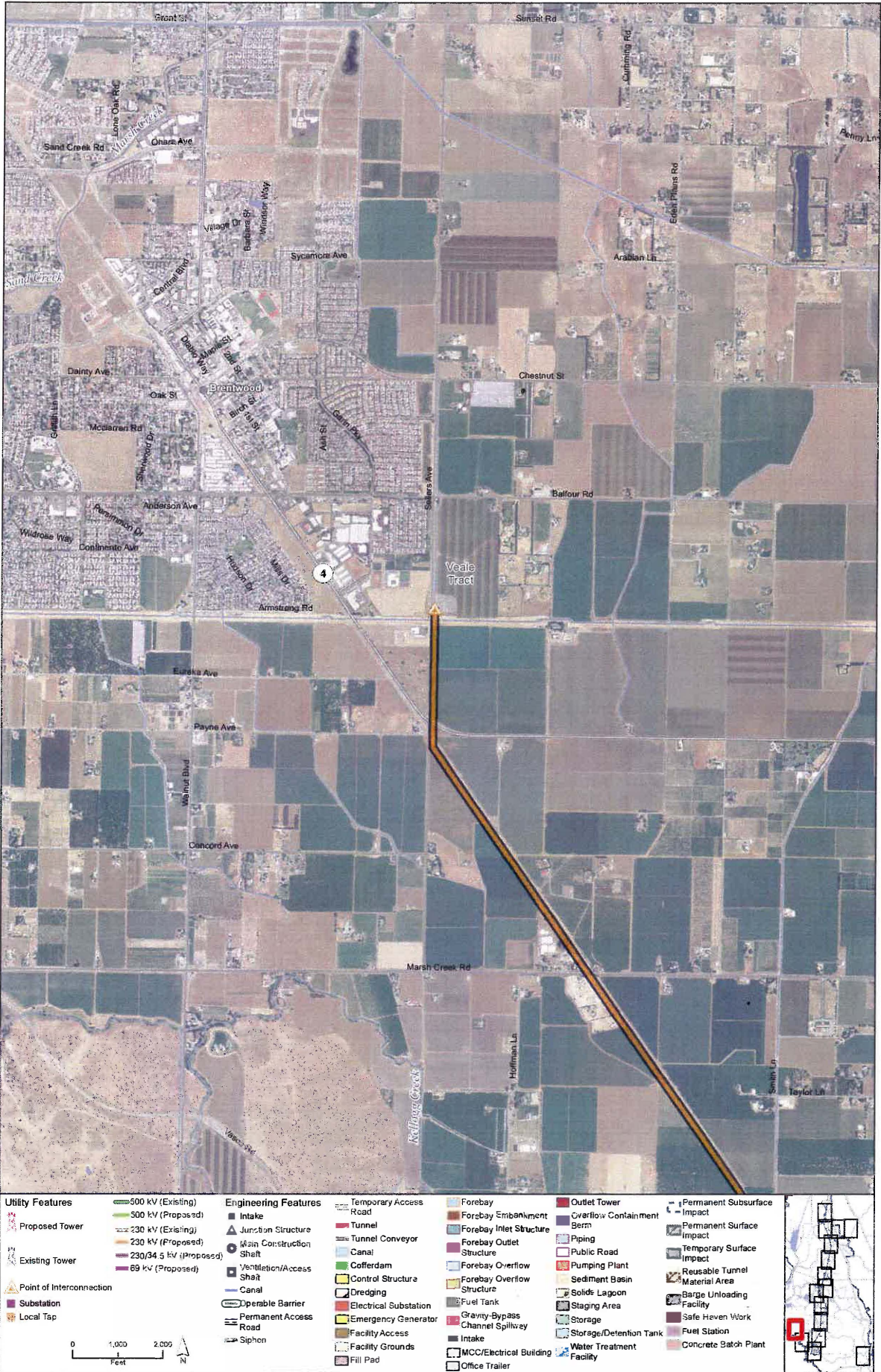
Source: Plan/Arch SAIC 2016; DWR SCE Engineering CDO rev 04; HAIF 2012

Figure : Sheet 13 of 16  
CCO Rev 5a  
Clifton Court Pumping Plant Option







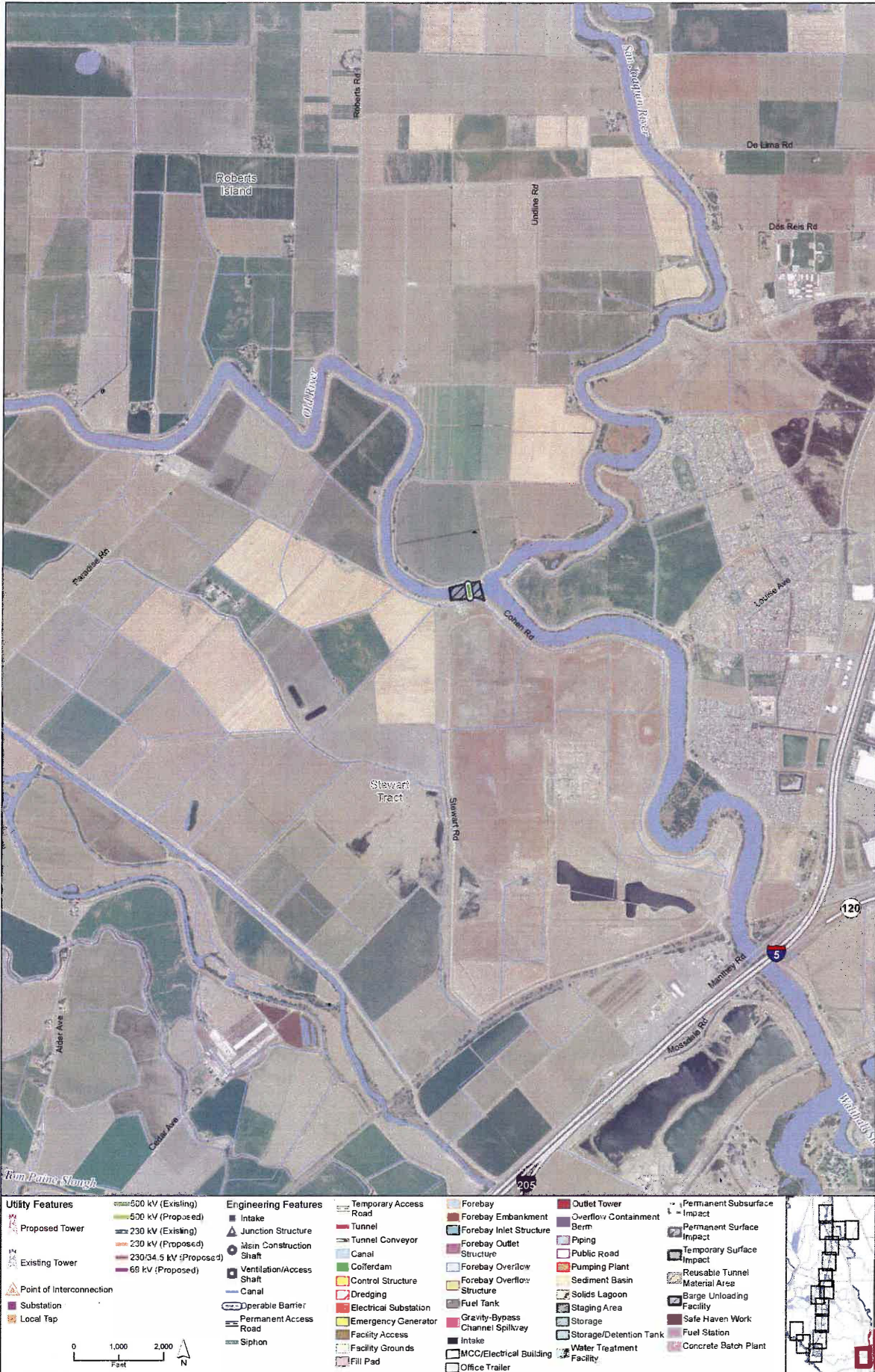


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Source: Plan/Rev: SAC 2010; DWR DCE Engineering CCO/Corr/Sa; HAIF 2013

Figure : Sheet 15 of 16  
CCO Rev 5a  
Clifton Court Pumping Plant Option





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 Project: Plan, Area, S&C 2010; DWR DCE Engineering COG rev 5a (1/10/2011)

**Figure : Sheet 16 of 15**  
**CCO Rev 5a**  
**Clifton Court Pumping Plant Option**