



US Army Corps of Engineers
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SPK-2012-00462 - Sacramento River, Yolo County, CA

ATTACHMENTS

Posted 4/18/2013

CESPK-RD-S

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Southport Sacramento River Early Implementation project, which would result in impacts to approximately 37.6 acres of waters of the United States, including wetlands, in or adjacent to the Sacramento River.

▶ [SPK-2012-00462 Location maps](#)

▶ [SPK-2012-00462 Impact Map](#)

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: Ken Ruzich

West Sacramento Area Flood Control Agency (WSAFCA)
1110 West Capitol Avenue
West Sacramento, California 95691

LOCATION: The approximately 2,280-acre site is located on the Sacramento River, in Townships 7 and 8 North, Range 4 East, Mount Diablo Meridian, Latitude 38.5284°, Longitude -121.5291°, Yolo County, California.

PROJECT DESCRIPTION: The applicant is proposing to reduce flood risk in West Sacramento, California, by addressing known levee deficiencies along the Southport reach of levees. Based on the available information, the overall project purpose is to upgrade existing levees to the 200-year flood protection level while providing floodplain restoration and recreation opportunities. The applicant believes there is a need to address known flood protection deficiencies in the Southport reach of levees. The attached drawings provide additional project details. WSAFCA is proposing a project along the Sacramento River west levee under the California Department of Water Resources' Early Implementation Program (EIP) to expeditiously complete flood-risk reduction measures. Known as the Southport Sacramento River EIP, the project proposes implementation of flood-risk reduction measures along a 5.6-mile long reach between the Barge Canal downstream to the South Cross Levee. Improvements to the levee would address through-seepage, under-seepage, and embankment instability (e.g., overly steepened slopes). As part of the project, an EIS/EIR is being prepared. USACE has authority under Section 10 of the Rivers and Harbors Act of 1899 for work in navigable waters of the United States and under Section 14 of the Rivers and Harbors Act of 1899, over alterations to federal flood control project levees. Any such alterations as proposed by WSAFCA are subject to approval by USACE. USACE also has authority under Section 404 of the Clean Water Act over activities involving the discharge of dredged or fill material to waters of the United States. Due to these authorities, USACE is the lead agency for the Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). WSAFCA is the lead agency for the Environmental Impact Report (EIR) according to California Environmental Quality Act (CEQA) as the public agency that has the principal responsibility for carrying out and approving the project. The agencies are preparing a joint

document in an effort to reduce duplication between federal and local environmental requirements.

ADDITIONAL INFORMATION:

Environmental Setting. The project entails approximately 35.7 acres of impacts to the Sacramento River and 1.8 acres of impacts to ditches within the project area. There are no impacts to wetlands. The site is characterized by the Sacramento River, the levee, private agricultural lands and rural residences, two commercial marinas and a residential development at the northern end of the project area.

Alternatives. The applicant has provided information concerning project alternatives. Additional information concerning project alternatives is available from the applicant or their agent. Other alternatives may develop during the scoping and review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

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 to construct setback levees and restore the river floodplain between the old and setback levees.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Regional Water Quality Control Board is required for this project. The applicant has not indicated they have applied for certification.

HISTORIC PROPERTIES: The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act, as appropriate.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

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

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 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-2012-00462 must be submitted to the office listed below on or before **May 18, 2013**.

Marc Fugler, Project Manager
US Army Corps of Engineers, Sacramento District
1325 J Street, Room 1350
Sacramento, California 95814
Email: Marc.A.Fugler@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 Marc Fugler, 916-557-5255, Marc.A.Fugler@usace.army.mil.

Attachments: 2 drawings