



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Number: 199000250

Date: August 11, 2004

Comments Due: August 26, 2004

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Kiefer Landfill Expansion project, which would result in impacts to approximately 6.07 acres of waters of the United States, including wetlands, in or adjacent to the tributaries to Deer Creek and the Cosumnes River. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

**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/or Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

**APPLICANT:** David A Pelsler, P.E., Director  
Public Works Agency, County of Sacramento  
9850 Goethe Road  
Sacramento, California 95827-3561  
916-875-6789

**LOCATION:** The project site is located in Sections 22, 23, 26, 27, 34, 35, Township 8 North, Range 7 East, M.D.B.&M., Sacramento County, California, and can be seen on the Buffalo Creek 7.5 min. USGS Topographic Quadrangle.

**PROJECT DESCRIPTION:** The applicant is proposing to construct/expand the current Kiefer landfill. Based on the available information, the overall project purpose is to provide 15-year waste disposal capacity for Sacramento County. The applicant believes there is a need for additional waste disposal capacity. The attached drawings provide additional project details.

## **ADDITIONAL INFORMATION:**

**Environmental Setting.** There are approximately 27.6 acres of waters of the United States, including wetlands within the project area. The site is characterized by gently rolling upland habitat dominated by non-native annual grassland interspersed with smaller areas of seasonal wetlands, including ephemeral drainages, vernal pools, and ponds/reservoirs. The site is adjacent to Deer Creek and approximately 1 mile north of the Cosumnes River. Riparian habitat along the Cosumnes River and Deer Creek provide a corridors, nesting, cover, and foraging habitat for many types of wildlife. Lower Deer Creek and the Cosumnes River are designated as important wildlife corridors in the Open Space Element of the Sacramento County's General Plan and they provide regionally important

riparian and fisheries habitat.

**Alternatives.** The applicant has provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent.

**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's current mitigation proposal is to compensate for 0.55 acres of wetland impact through an in-lieu fee program and mitigate the remainder through off-site restoration or on-site creation if the prior is not practicable.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification under Section 401 of the Clean Water Act has been issued by the California Regional Water Quality Control Board (RWQCB). Additionally, the landfill is currently designated as a Class III facility under provisions of Waste Discharge Requirements Order No. R5-2002-0187 issued by the RWQCB and Solid Waste Facilities Permit No. 34-AA-001, issued by the California Integrated Waste Management Board.

**HISTORIC PROPERTIES:** Based on the available information, including the applicant's February 26, 1992, cultural resources survey, cultural resources not are within the project's area of potential effect. The applicant has stated that if cultural materials are encountered during grading or construction, work may cease until a qualified archeologist can inspect them.

**ENDANGERED SPECIES:** The proposed activity may affect Federally-listed endangered or threatened Sacramento Orcutt grass (*Orcuttia viscida*), vernal pool tadpole shrimp (*Lepidurus packardii*), vernal pool fairy shrimp (*Branchinecta lynchi*), delta smelt (*Hypomesus transpacificus*), California tiger salamander (*Ambystoma californiense*), Central Valley steelhead (*Oncorhynchus mykiss*), Central Valley spring and winter-run Chinook Salmon (*O. tshawytscha*), or their designated critical habitat. The Corps has initiated consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NOAA Fisheries), pursuant to Section 7 of the Endangered Species Act, as appropriate. NOAA Fisheries has concurred that the project is not likely to adversely affect the Central Valley steelhead (*O. mykiss*), Central Valley spring and winter-run Chinook Salmon (*O. tshawytscha*).

**ESSENTIAL FISH HABITAT:** Included in the response to consultation mentioned above, NOAA Fisheries has also determined that the proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

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

**RELATED DOCUMENTS:** A November 1997, Draft Supplemental Environmental Impact Report (Volumes I & II), Kiefer Landfill Expansion Project (SCN 92052096) was circulated for public review in November 1997, approved on November 10, 1998, and recorded on November 13, 1998.

**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 199000250, must be submitted to the office listed below on or before August 26, 2004:

Justin Cutler, Project Manager  
US Army Corps of Engineers, Sacramento District  
Sacramento Office  
1325 J Street, Room 1480  
Sacramento, California 95814-2922  
Email: Justin.Cutler@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 Justin Cutler, 916-557-5258, Justin.Cutler@usace.army.mil.

Attachments: 11 drawings