



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 199300615

Date: January 24, 2003

Comments Due: February 7, 2003

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act to fill 13.01 acres of waters of the United States to construct an expressway to bypass the City of Oakdale, as shown in the attached drawings.

APPLICANT:

Mr. David Mendoza
California Department of Transportation
2015 E. Shields Avenue, Suite 100
Fresno, CA 93726

LOCATION: The State Route 120 Oakdale Expressway project is proposed to begin 0.1 mile west of Valley Home Road and terminate 2.8 miles east of Lancaster Road, north of the City of Oakdale, Stanislaus, California.

PURPOSE: The applicant's stated purpose for this project is to reduce traffic congestion on State Route 120, improve safety by reducing the number of accidents, and promote the completion of the Route 120 system.

PROJECT DESCRIPTION: The applicant proposed five alternative alignments for this project: 1, 2A, 2B, 2C and 2D within the *State Route 120 Oakdale Expressway Project Draft Environmental Impact Report (EIR)/Draft Environmental Impact Statement (EIS), dated April 2001 and the Final EIR/EIS, dated September 2002*. The Corps and the U.S. Environmental Protection Agency (EPA) have concurred that alternative 2A is the Least Environmentally Damaging Practicable Alternative (LEDPA). For that reason, this public notice will only describe that alternative. The EIR/EIS documents are available for review by contacting Eric VonBerg or Dave Mendoza, in the California Department of Transportations' (CalTrans) Fresno office at 2015 East Shields, Suite 100, telephone 559-243-8250 or 209-941-1959.

The proposed alternative is approximately 9.8 miles long. The western interchange is at Twenty-Six Mile Road and existing Route 120 approximately 0.1 mile west of Valley Home Road. The expressway would follow a northeasterly alignment for 2.8 miles, where it curves south and traverses southeasterly for 2.7 miles. It then curves and traverses easterly for 3.2 miles, crosses the Stanislaus River and terminates at the existing Route 120 (East Interchange). The applicant states that no interchanges are planned along the expressway and the city and county currently have no intentions to expand into these outlying areas.

This project involves the construction of eight undercrossings and four bridge crossings. The largest bridge would be constructed over the Stanislaus River. It is proposed as a 5 span bridge. Once the piling are driven, most work would take place above the ordinary high water line of the river. Caltrans is

proposing to utilize culvert crossings for Rodden, Lesnini and Coyote Creeks. The undercrossings would maintain existing access to the local roadway system, private property and cattle crossings. Some of the undercrossings, including Twenty Eight Mile Road Undercrossing would impact waters of the United States.

There are approximately 22.8 acres of waters of the United States, including wetlands within Alternative 2A. CalTrans is proposing to impact 13.01 acres of those waters with this alternative. Those waters consist of 1.41 acres riparian wetland, 8.23 acres marsh and other wet areas (including irrigated pasture), 1.8 acres vernal pools/swales, 0.44 acres intermittent streams, 0.91 acres lakes, and 0.22 acres irrigation ditches with this alternative. To offset unavoidable impacts to vernal pools and swales, the applicant would purchase credits at an approved ecosystem preservation bank and a vernal pool creation bank. Riparian, seasonally wet areas and herbaceous marsh wetland impacts would be mitigated by creating and enhancing a riparian and herbaceous marsh wetland in a corridor between SR120 and the Stanislaus River.

A conceptual mitigation plan is described within Appendix D of the FEIR/EIS, though it has been modified, to cover the lost waters including wetlands at a minimum of a 1:1, in-kind, loss-to-creation ratio. In addition, approximately 7 acres of upland riparian/oak woodland habitat would be created on the remaining portions of the mitigation sites. The area is under two separate ownerships; the U.S. Army Corps of Engineers (USACE) and a private landholder. The proposed 68.5 acres site has been heavily manipulated in the past. The USACE property has been leveed and hydraulically mined; the private property was mined for gravel. The applicant proposes to remediate the site by removing berms and creating and preserving both open water and riparian habitats. A parking lot is proposed to be constructed at the south end of the mitigation area with foot access to the river adjacent to the mitigation area. The Expressway would pass over the top of the mitigation area approximately where it terminates into SR 120.

The goal of the mitigation is to create freshwater emergent marsh, wet riparian, riparian woodland, oak woodland, and Valley elderberry longhorn beetle habitat for loss of similar habitats associated with the Oakdale Expressway project.

Freshwater emergent marsh habitat would be created around the edges of existing ponds to provide additional, diverse habitat, as well as enhance the marsh habitat that currently exists in some areas around the ponds. Minor grading would be required to create shallow planting benches along the western edges of the ponds and in other appropriate areas. In addition, a small island in the southwestern corner of the large pond would be planted with marsh vegetation. Riparian vegetation would be enhanced along the western margins of the ponds to create a transition zone between the freshwater marsh and riparian woodland.

A residential backyard land/pond would be impacted by the project. The proposed mitigation site has two ponds that total approximately 5 acres in size, which equates to a ratio greater than 5:1 preservation. Pond/lake creation is not proposed at this time.

Riparian woodland would be planted in appropriate areas around the ponds. These areas would provide diverse habitat structure along the perimeter of the ponds, creating perching and nesting areas for migratory and local wildlife species. Oak woodland would also be planted throughout the mitigation area.

A Final Habitat and Mitigation Monitoring Plan must be provided by the applicant and approved by Corps Regulatory prior to authorization of the project.

The Federal Highways Administration (FHWA) is the Federal lead agency for this project. Because wetland impacts for this project require the USACE to process an Individual Permit under Section 404 of the Clean Water Act, this project was subject to the National Environmental Policy Act/Clean Water Act

Section 404 Integration Memorandum of Understanding (NEPA/404 MOU). This MOU requires USACE and the U.S. Environmental Protection Agency (EPA) to concur on the Least Environmentally Damaging Practicable Alternative (LEDPA) and the conceptual mitigation plan. Both EPA and USACE have concurred on the LEDPA.

ADDITIONAL INFORMATION:

As the lead Federal agency, FHWA has a federal obligation to consult with the State Historic Preservation Officer (SHPO) under Section 106 of the National Historic Preservation Act for any impacts to Cultural Resources. They also must consult with respective resource agencies (Services) under Section 7 of the Endangered Species Act for any impacts to proposed, threatened or endangered species, their critical habitat or essential fish habitat. The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation.

Interested parties are invited to submit written comments on or before **February 7, 2003**. Personal information in comment letters is subject to release to the public through the Freedom of Information Act. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed 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 proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain 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 Corps of Engineers 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 of Engineers 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 the 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.

If additional information is required, please contact California Department of Transportation, telephone 209-941-1959, or Nancy Haley, at the letterhead address, telephone 916-557-7772.

Michael J. Conrad, Jr.
Colonel, US Army
District Engineer