



Public Notice

US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 200200777
Date: August 21, 2007
Comments Due: September 20, 2007
In reply, please refer to the Public Notice Number

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating an after-the-fact permit application for the Jacobs Slough project which has resulted in impacts to approximately 39.1 acres of waters of the United States, including wetlands, adjacent to the Sacramento River. This notice is to inform interested parties of the project 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 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Sacramento County Airport System
6900 Airport Boulevard
Sacramento, California 95837

LOCATION: The project site is located in Section 18 and 19, Township 10 North, Range 4 East, MDB&M, Sacramento County, California. The proposed mitigation site is in Sections 13, 18 and 19, Township 10 North, Range 3 East, Sutter County, California.

PROJECT DESCRIPTION: The applicant is proposing to retain the fill placed in Jacobs Slough. Based on the available information, the overall project purpose was to reduce wildlife strikes at the Sacramento International Airport. The applicant proposes to mitigate for the fill by creating 217 acres of giant garter snake habitat at the Willey property south of Sankey Road in Sutter County. The mitigation, which will result in placement of dredged or fill material into approximately 16 acres of waters of the U.S., will ultimately contain approximately 86.5 acres of aquatic resources, 99 acres of upland habitat and 30 acres of upland buffer. Construction will entail site grading, construction of access roads, extension of the on-site well pad, installation of seven 18- to 24-inch pipes, and improvement of existing and construction of new water control features. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. Approximately 13 acres of wetlands were filled in the project area. The site was characterized by seasonal wetlands, freshwater marsh, pasture, drainages and agricultural/ruderal habitats. The Jacobs Slough area is located on the Sacramento International Airport property and is approximately 970 feet from the East runway.

Alternatives. The applicant has provided very little information concerning project alternatives. Alternatives to leaving the fill in place were not explored in great detail mainly because the applicant, the Corps and the U.S. Fish and Wildlife Service determined early in the

process that off-site compensatory mitigation would be the best solution for resolving the violation at Jacob Slough. This is primarily because the Slough area is proximal to the East runway, and is believed to attract birds and other wildlife which have the potential for harmful interactions with aircraft.

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 restore two parcels in southern Sutter County, totaling 337 acres. In addition to compensating for the loss of waters of the U.S., the mitigation is designed to provide appropriate habitat for giant garter snake. The conceptual mitigation plan includes 86.5 acres of aquatic habitat, 99 acres of upland habitat, a 1.5 acre staging area, and approximately 30 acres of upland buffer. The design incorporates elements that enhance giant garter snake habitat, such as varied slope and bank topography for basing and refuge, shallow wetland peninsulas providing foraging, and wetland benches adjacent to bank slopes to expand the margin of emergent vegetation and foraging habitat. A 48-inch culvert under Sankey Road would provide connectivity to the Natomas Basin Conservancy's Bennett North preserve.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Central Valley Regional Board is required for this project. The applicant has applied for certification.

HISTORIC PROPERTIES: Based on the available information (including applicant's report entitled Cultural Resources Inventory Report Jacobs Slough Mitigation Project – Willey Preserve), no cultural resources are within the project's area of potential effect (this includes both Jacobs Slough and the mitigation area). The Corps has initiated consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act.

ENDANGERED SPECIES: The fill at Jacobs Slough eliminated approximately 60.5 acres of Federally-listed giant garter snake habitat which the U.S. Fish and Wildlife Service has determined constitutes a take of a listed species. The Service reached an agreement with the applicant to mitigate for the fill activity at an off-site location (i.e., the Willey property). Activities proposed for the mitigation site may affect listed species or their critical habitat. The Corps has initiated consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act.

ESSENTIAL FISH HABITAT: Neither the fill at Jacobs Slough nor the proposed work at the Willey property will 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.

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 200200777 must be submitted to the office listed below on or before September 20, 2007:

Kathleen A. Dadey, PhD, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Kathleen.A.Dadey@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 Kathleen A. Dadey, 916-557-7253, Kathleen.A.Dadey@usace.army.mil.

Attachments: 5 drawings