



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200500221

Date: January 17, 2006

Comments Due: February 18, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Franklin and Elk Grove Boulevards Widening Project, which would result in impacts to approximately 1.24 acres of waters of the United States, including wetlands, adjacent to the Laguna South Channel. 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 404 of the Clean Water Act for the discharge of dredged or fill material to waters of the United States.

APPLICANT: Robert Lee
City of Elk Grove
8400 Laguna Palms Way
Elk Grove, California 95758
916-478-2265

LOCATION: The project site is located in Elk Grove in Section 5, Township 7 North, Range 5 East, Sacramento County, California, and can be seen on the Florin USGS Topographic Quadrangle.

PROJECT DESCRIPTION: Based on the information provided the overall project purpose is to widen the existing roadway in order to provide an acceptable level of service to meet current and future needs. The applicant believes there is a need to increase the level of service and safety of the Franklin and Elk Grove Boulevards in order to accommodate increased traffic demands generated by approved and future planned growth in the area. The attached drawings provide additional project design and resource impact details.

The applicant is proposing to widen Franklin and Elk Grove Boulevards. Franklin Boulevard would be widened to the west by adding three traffic through lanes, a bike lane, and a curb/gutter system. Elk Grove Boulevard would be widened to the south by adding an additional traffic through lane, a right turn lane, a bike lane, and a gutter system. The proposed project footprint would result in a loss of 1.24 acres of waters, including wetlands from the placement of 1,038 cubic yards of fill material into these features. These waters flow onto Stone Lakes National Wildlife Refuge and are tributary to the Sacramento River. There may be other indirect impacts to waters, including wetlands which have not been determined at this time.

The western portion of Franklin Boulevard which would be widened begins at Elk Grove Boulevard and extends south 1.1 miles to 80-feet south of Poppy Ridge Road. The proposed

widening project would provide a six lane arterial with median landscaping. The Elk Grove Boulevard widening portion would begin at Franklin Boulevard and extend west one-quarter-mile to the railroad overcrossing. The proposed project would provide a six lane arterial at this one-quarter-mile area of Elk Grove Boulevard.

The area which would be impacted by the proposed project alternative is a wetland mitigation and preservation area west of Franklin Boulevard. The property is owned by Laguna Stone Lake LLC, a subsidiary of AKT Development, and managed by the U.S. Fish and Wildlife Service Stone Lake National Wildlife Refuge, through a perpetual conservation easement. The City of Elk Grove has a drainage easement on a portion of the preserve area but the project as proposed would encroach on an additional 0.43 acres beyond the drainage easement. The existing conservation easement prohibits "paving or otherwise covering of the Protected Property with concrete, asphalt, or any other impervious paving material". The U.S. Fish and Wildlife Service would need to approve any changes to the existing conservation easement.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 3.94 acres of waters including wetlands within the proposed 25.4-acre road widening project boundary, including 2.26 acres of vernal pools, 0.84 acres of perennial marsh, 0.68 acres of intermittent drainage, and 0.16 acres of emergent wetlands. The site consists primarily of annual grassland, emergent wetlands, riverine, riparian, and vernal pool habitats. The site is surrounded by the Stone Lake Wildlife Refuge, residential subdivisions, and commercial development.

A portion of the project in the proposed alternative is a wetland and endangered species mitigation and preservation area for previously authorized projects which required Department of Army permits and U.S. Fish and Wildlife Service authorizations. A perpetual conservation easement was placed on the entire property (1,395 acres) in 1999 and is managed by the U.S. Fish and Wildlife Service.

Alternatives. The applicant has provided three alternatives (1-3) which would shift the road widening to the east and one alternative (4) which would shift the road further west.

Alternative 1 would result in a loss of 0.32 acres of waters, including wetlands and encroach on 0.13 acres of the preserve area. Alternative 2 would result in a loss of 1.01 acres of waters, including wetlands and encroach on 0.06 acres of the preserve area. Alternative 3 would result in a loss of 0.95 acres of waters, including wetlands and encroach on 0.12 acres of the preserve area. Alternative 4 would result in a loss of 1.62 acres of waters, including wetlands and encroach on 3.02 acres of the preserve area.

Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the 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 not provided a compensatory mitigation plan.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification, as required under Section 401 of the Clean Water Act from the Regional Water Quality Control Board (CRWQCB), is required for this project. The applicant has not applied for water quality certification at this time. The applicant is preparing an Environmental Impact Report pursuant to CEQA and does not anticipate that a CDFG 1602 streambed alteration agreement will be required.

HISTORIC PROPERTIES: The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National 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. The applicant has not provided a site assessment for Federally-listed endangered species at this time. It is likely the Section 7 consultation will include the following species: valley elderberry longhorn beetle, vernal pool fairy and tadpole shrimp, and giant garter snake.

ESSENTIAL FISH HABITAT: 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.

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 200500221, must be submitted to the office listed below on or before February 18, 2006:

Paul Maniccia
US Army Corps of Engineers, Sacramento District
Sacramento Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Paul.M.Maniccia@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 Paul Maniccia, 916-557-6704, Paul.M.Maniccia@usace.army.mil.

Attachments: 5 drawings