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SPK-1995-00412, NOA of DEIS and Notice of Public Meeting for the River Islands at Lathrop Phase 2 Project, San Joaquin County, California

Posted 10/30/2014

Sacramento District

Comments Period: October 24, 2014 – December 9, 2014

SUBJECT: Notice of application for a Department of the Army permit under Section 404 of the Clean Water Act, Section 10 and 14 of the Rivers and Harbors Act, NOA of DEIS and Notice of Public Meeting for the River Islands at Lathrop Phase 2B project, San Joaquin County, California

The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application for construction of a large scale commercial/residential development on Stewart Tract. The proposed project would result in impacts to approximately 30.22 acres of waters of the United States, including wetlands, in or adjacent to the San Joaquin River, Paradise Cut and Old River. This notice is to inform interested parties of: the publishing of the DEIS; the location, date and time of the public meeting; and to solicit comments on the proposed action. Location: the project is located on approximately 4,900-acre of Stewart Tract in an un-surveyed portion of the Sacramento/San Joaquin Delta in Townships 1 & 2 South, Range 6 East, M.D.B&M., within the City of Lathrop, San Joaquin County, California.

DRAFT ENVIRONMENTAL IMPACT STATEMENT: The Corps has prepared a DEIS pursuant to the National Environmental Policy Act (NEPA) to analyze the direct, indirect and cumulative effects associated with the implementation of five (5) on-site land-use alternative scenarios for a large-scale, mixed-use development on approximately 4,900 acres on Stewart Tract. Pursuant to the NEPA, the U.S. Environmental Protection Agency (USEPA) published a notice in the Federal Register on October 24, 2014, (79 FR 63622), informing the public of the availability of the DEIS.

DEIS LOCATION: The DEIS is available for review in the following formats:

- Electronically
 - o Corps website at:
<http://www.spk.usace.army.mil/Missions/Regulatory/Permitting/EnvironmentalImpactStatements.aspx>.
 - o Compact Disks are available per request from the Corps by contacting William H. Guthrie at (916)-557-5269, william.h.guthrie@usace.army.mil; 1325 J Street, Room 1350, Sacramento, California 95864
- Hard Copies are available for review at:
 - o Lathrop City Hall, 390 Towne Centre Drive, Lathrop, California 95330
 - o Lathrop Public Library, 15461 Seventh Street, Lathrop, California 95330

COMMENT PERIOD: The DEIS is available for public comment for 45-days. The comment period for the DEIS will end on **December 9, 2014**.

PUBLIC MEETING: A public meeting for the DEIS and proposed project will be held on December 4, 2014, from 6:00 p.m. to 8:00 p.m. at Lathrop City Hall, 390 Towne Centre Drive, Lathrop, California 95330.

PERMIT APPLICATION: In addition to soliciting comments on the DEIS, the Corps is also soliciting comments on the pending permit application for the River Islands project as described below:

ATTACHMENTS

- ▶ SPK-1995-00412 PN Figures 1
- 4
- ▶ SPK-1995-00412 PN Figures 5
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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, Section 10 of the Rivers and Harbors Act for the construction of structure in a navigable water of the United States and under Section 14 of the Rivers and Harbors Act, 33 USC 408, for alteration of a U.S. Army Corps of Engineers civil works project.

Applicant: The Cambay Group Incorporated, Susan E. M. Dell’Osso, River Islands at Lathrop, 73 West Stewart Road, Lathrop, California 95330

PROJECT DESCRIPTION:

The applicant-stated purpose of the River Island project is to construct a large-scale, mixed-use project consisting of residential development and a commercial complex, which may include open space and recreational amenities in San Joaquin County or the South Delta area. The project is located on approximately 4,900 acres of Stewart Tract an island within the Sacramento/San Joaquin Delta. Phase 2B of the River Islands at Lathrop project would construct 6,716 single- and multifamily homes, commercial space, roads, bridges and utility infrastructure and public amenities. Additionally, Phase 2B proposes altering approximately 29,500 linear feet (approximately 5.6 miles) of the existing Old River levee to extend the level of performance around the Phase 2B development area. The project also proposes to construct 675 boat berths; 375 in the San Joaquin and Old Rivers, 100 in the proposed Lathrop Landing back-bay and 200 in the proposed Paradise Cut Canal. In addition the proposed project includes: habitat restoration and enhancement areas, and set-back and enlarging levees and channels for flood protection. Project construction would impact approximately.

Impacts for the proposed project are as follows:

Effects on Waters of the United States (acres)—Proposed Action

Activity	Temporary Effects			Permanent Effects		
	Total	Wetland	Other Waters	Total	Wetland	Other Waters
Fill/excavation of central drainage ditch as borrow material for levees and associated habitat				6.36		6.36
Central drainage ditch converted to central lake	4.49	–	4.49	–	–	–
Central drainage ditch converted to Paradise Cut waters	0.36	–	0.36	–	–	–
Excavation of wetland to lower terrace bench near Paradise Weir	9.03	9.03		–	–	–
Dredging and cut at confluence of Old River and Paradise Cut to connect Paradise Cut Canal with Old River	0.25	–	0.25	–	–	–
Breaching of existing Paradise Cut levee after new levee complete	4.89		4.89	–	–	–
Fill to install riparian brush rabbit crossings connecting Paradise Cut islands	–	–	–	0.04	0.04	
Trestle and falsework construction for Golden Valley Parkway bridge over Paradise Cut	0.14		0.14	–	–	–
Footings and roadway for Golden Valley Parkway bridge over Paradise Cut	–	–	–	0.52	–	0.52
Trestle and falsework construction for Paradise Road bridge over Paradise Cut	0.05	–	0.05	–	–	–
Footings for Paradise Road bridge over Paradise Cut	–	–	–	0.29	–	0.29
Dredging of San Joaquin River for Lathrop Landing back bay entrance	0.41	–	0.41	–	–	–
Breaching existing San Joaquin River levee for	0.26	–	0.26	–	–	–

Lathrop Landing back bay entrance							
Installation of floating docs in Old River and the San Joaquin River				3.13		3.13	
Total	19.88	9.03	10.85	10.34	0.04	10.30	

Project Background:

The River Islands at Lathrop site is on approximately 4,900 acres located on Stewart Tract in San Joaquin County. Development of the site is occurring in a series of phases. Phase 1 and 2a are currently under construction, Phase 2b is the currently proposed action. Phase 1 and 2a did not require Department of the Army authorization. Phase 1 and 2a consist of the following:

Phase 1:

Phase 1, is located in the eastern portion of the River Islands development area (RID). Development of Phase 1 is currently in progress and comprises several flood risk reduction measures as well as residential, and commercial components. This phase includes development of 4,284 single- and multifamily residential units, commercial space (approximately 60% of the total proposed commercial space), and public amenities. The flood risk reduction components (which are currently in place) entailed placement of fill to raise approximately 300 acres at the eastern end of the RID Area above the 0.5% (200-year) flood elevation, construction of a new setback levee paralleling the existing San Joaquin River levee, construction of a portion of a cross levee that parallels the western side of the UPRR tracks, and construction of an approximately 1.9-mile interior (i.e., non-federal) levee to provide the required level of performance for the eastern portion of the Phase 1 area. The cross levee is not being proposed as part of the federal system. The interior levee was designed to provide levels of performance from events up to and including the 0.5% (200-year) flood event, but it would not be incorporated into the federal levee system except at the back bay; moreover, most of the interior levee would likely be removed during the course of build-out, following completion of the 0.5% (200 year) levees surrounding the River Islands at Lathrop development. Fill placement and levee construction were completed in 2005, accredited to the 1% (100-year) level by the Federal Emergency Management Agency (FEMA) in 2006, and identified by the California Department of Water Resources (DWR) as outside the 0.5% (200-year) floodplain in 2008.

Phase 2A

Phase 2A consists of additional flood risk reduction measures, which were completed in 2005 and 2006, and included filling the area between the existing levee along the San Joaquin River and the Phase 1 setback levee for approximately 13,600 linear feet (2.6 miles) to create an extended levee (essentially a very wide levee) to increase the level of performance. Phase 2A fill placement was carried out in 2006, accredited at the 1% (100-year) level by FEMA in 2007, and identified by DWR as outside the 0.5% (200-year) floodplain in 2008.

Alternatives: The applicant has provided information concerning project alternatives, which can be found within the DEIS. 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. Mitigation for impacts to waters of the United States has not yet been proposed by the applicant.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Central Valley 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 National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

ESSENTIAL FISH HABITAT: The proposed project may 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 the 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-1995-00412 must be submitted to the office listed below on or before **December 9, 2014**.

William Guthrie, Project Manager
US Army Corps of Engineers, Sacramento District
1325 J Street, Room 1350
Sacramento, California 95814-2922
Email: william.h.guthrie@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 William Guthrie, 916-557-5269, william.h.guthrie@usace.army.mil.

Attachments: 9 drawings