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ATTACHMENTS

▶ SPK-2016-00457 PN Drawing

[SPK-2016-00457, Notice of Intent \(NOI\) to Prepare a joint Environmental Impact Statement/Environmental Impact Review \(EIS/EIR\) and Notice of Public Scoping Meeting for the Lower Elkhorn Setback Levee Project, Sacramento, CA](#)

Posted 9/9/2016

Comments Period: September 8, 2016 – October 7, 2016

SUBJECT: Notice of Intent (NOI) to Prepare a joint Environmental Impact Statement/Environmental Impact Review (EIS/EIR) and Notice of Public Scoping Meeting for the Lower Elkhorn Setback Levee Project. This notice is to inform interested parties of the opening of scoping and to solicit comments on the project. This notice may also be viewed at the U.S. Army Corps of Engineers (Corps) website at www.spk.usace.army.mil/Media/RegulatoryPublicNotices.aspx. On September 8, 2016, an NOI was published in the Federal Register (Vol. 81, No. 174, page 62106) which can be found at: <https://federalregister.gov/a/2016-21578>

The U.S. Army Corps of Engineers, Sacramento District, is the lead agency under the National Environmental Policy Act (NEPA), and the California Department of Water Resources (DWR), is the lead agency under the California Environmental Quality Act (CEQA).

AUTHORITY: The proposed action would require permission/authorization from the Corps to alter the Federal Project (levees) under Section 14 of the Rivers and Harbors Act (Section 408) (33 U.S.C. 408) and to discharge fill material into waters of the United States under Section 404 of the Clean Water Act (33 U.S.C. 1344).

REQUESTER/APPLICANT: California Department of Water Resources, Attn: Ms. Shelly Amrhein, 3464 El Camino Avenue, Suite 150. Sacramento, California 95821-9000

LOCATION: The approximately 2,600-acre project site is located within the Lower Elkhorn Basin and is bounded by the Sacramento River on the east, the Tule Canal and Yolo Bypass on the west, the Sacramento Bypass on the south, and Interstate 5 on the north (see the attached figure). The site is within Yolo County, California and can be seen on the Grays Bend, Taylor Monument, and Sacramento West USGS Topographic Quadrangles.

PROJECT DESCRIPTION: The proposed Lower Elkhorn Basin Levee Setback Project would include levee setbacks to widen portions of the Yolo and Sacramento Bypasses to increase conveyance capacity and reduce flood risk. The project would be part of a series of proposed flood risk management improvements contemplated under DWR's Central Valley Flood Protection Plan and its related Sacramento Basin-Wide Feasibility Report. The project would include the following elements: (1) Widening the Yolo Bypass by constructing a setback levee east of the Tule Canal in the Lower Elkhorn Basin, (2) widening the Sacramento Bypass by constructing a setback levee north of the existing levee, and (3) implementing improvements in the Lower Elkhorn Basin and Sacramento Bypass to mitigate project impacts. Widening of the Sacramento Bypass, per number (2) of the Proposed Action, is also a recommended feature of the American River Common Features GRR, for which a general reevaluation was completed in 2016, although it is not yet congressionally authorized. The proposed Lower Elkhorn Basin Levee Setback Project is not intended to

duplicate this recommended feature, rather it offers DWR a potential alternative means to construct this key feature should the project not be authorized prior to USACE's decision on DWR's request under Section 408.

The EIS/EIR will analyze the environmental effects of construction, operations, and maintenance of the project. Potentially significant issues to be analyzed in depth include loss of waters of the United States (including wetlands), cultural resources, biological resources, special status species, air quality, hydrology and water quality, land use, prime and unique farmlands, noise, traffic, aesthetics, utilities and service systems, and socioeconomic effects.

ADDITIONAL INFORMATION:

Scoping Meeting. A public scoping meeting will be held on Thursday, September 15, 2016, from 4:00 p.m. to 7:00 p.m., West Sacramento Civic Center, 1110 West Capitol Avenue, West Sacramento, CA 95691 to present information to the public and to receive comments from the public on the project and the scope of the environmental analysis. Affected Federal, State, regional, and local agencies; Native American Tribes; other interested private organizations; and the general public are invited to participate.

Environmental Setting. The site is located within an agricultural basin bounded by the Sacramento River and the Yolo and Sacramento flood bypasses. characterized by active agriculture, including row crops and orchards. The site is also bisected by various irrigation canals, drainage ditches, and multiple commercial and residential buildings.

Alternatives. A number of project alternatives, including the no action alternative and the Applicant's preferred alternative will be evaluated in the EIS/EIR in accordance with NEPA (33 CFR part 230 and 33 CFR part 325, Appendix B). See the attached figure for a depiction of the currently proposed alternatives.

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.

HISTORIC PROPERTIES: The Corps will consult with the State Historic Preservation Officer and with Native American Tribes 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 consult 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.

ESSENTIAL FISH HABITAT: The proposed project may adversely affect Essential Fish Habitat. The Corps will initiate consultation with the National Marine Fisheries Service, pursuant to Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

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

EVALUATION FACTORS: The decision whether to grant permission to alter the Federal Project under Section 408 and to authorize the placement of fill material under Section 404, will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed project to determine if it would impair the usefulness of the authorized project or be injurious to the public interest. The 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 scoping 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 the scope of the EIS/EIR which will be used in the determination whether to issue, modify, condition, or deny a permit for this proposal. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

SUBMITTING COMMENTS: Written comments on the scoping process, referencing Public Notice SPK-2016-00457, must be submitted to the office listed below on or before **October 7, 2016**.

US Army Corps of Engineers, Sacramento District, Public Affairs Office
Attn: Mr. Tyler Stalker
1325 J Street
Sacramento, California 95814-2922
Email: spk-pao@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' Regulatory Project Manager Zachary Simmons, 916-557-6746, Zachary.M.Simmons@usace.army.mil

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