



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

Operations and Readiness Branch

PUBLIC NOTICE

**REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS
PROJECT UNDER SECTION 408**

TITLE: 5th Street Bridge Replacement (primary permit identification number: 19111)

PUBLIC NOTICE COMMENT PERIOD:

Begins: March 13, 2017

Ends: April 12, 2017

REQUESTER: In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the City of Yuba City, AT & T, Comcast Cable, CVIN LLC, and PG & E (Requesters) have requested permissions through the Central Valley Flood Protection Board (non-federal sponsor of the Federally authorized project) from the U.S. Army Corps of Engineers (USACE) to alter the Sacramento River Flood Control Project, an existing federal flood risk management project, authorized by Flood Control Act of 1917.

LOCATION: The proposed project is located on both banks and over the Feather River, between Yuba City and Marysville, in Yuba and Sutter Counties, California (Attachments 1 and 2).

REQUESTER'S PROPOSED ACTION: The proposed 5th Street Bridge Replacement Project is a large bridge replacement project that involves a variety of work and includes a number of stakeholders. The project Requester's have applied with the CVFPB for six discrete encroachment permits (identification numbers 19111, 19112, 19113, 19114, 19115, and 19142) for different portions of the proposed project. However, as all portions of the project are interdependent, the impacts of the project will be analyzed in a single environmental assessment.

Under permit application number 19111, the City of Yuba City proposes the removal of the existing two-lane 5th Street Bridge (Bridge No. 18C-0012), located over the Feather River, connecting Bridge Street in Yuba City and 5th Street in Marysville, and reconstruction to a new four-lane bridge with a ten-foot wide Class 1 multi-use path. The proposed project includes reconstruction of the approach roadways to the bridge in both cities, improvements to adjacent pedestrian, bicycle trails, and levee access ramps, and removal and replacement of trees in the Feather River floodway (Attachment 2).

Under permit application number 19112, AT & T proposes the relocation of AT & T telecommunication wires and fiber optic from the existing 5th Street Bridge to the new replacement bridge. The proposed work includes removal and relocation of two vaults in conflict with the new bridge construction, and replacement of conduits serving AT & T facilities in the box girder cells of the new bridge and through the approach roadways (Attachment 3).

Under permit application number 19113, Comcast Cable proposes the relocation of Comcast sires from poles attached to the adjacent railroad bridge into the new replacement bridge. The proposed work includes the placement of conduits serving Comcast facilities in the box girder cells of the new bridge and through the approach roadways. Comcast would connect to vaults in the approach roadways beyond the levees (Attachment 3).

Under permit application number 19114, CVIN LLC doing business as Vast Networks (CVIN) proposes the relocation of CVIN telecommunication fiber optic from the existing 5th Street Bridge to the new replacement bridge. The proposed work includes the removal and relocation of two vaults in conflict with the new bridge, as well as the construction and replacement of new conduits serving CVIN facilities in the new bridge and through the approach roadways (Attachment 3).

Under permit application number 19115, PG & E proposes the relocation of PG & E overhead electrical wires and poles in Riverfront Park and over the Feather River, between Yuba City and Marysville. The proposed work includes the removal of three poles in conflict with the new bridge construction and replacement with four poles to improve the alignment over the soccer fields and the location of guy wires in the park (Attachment 3).

Under permit application number 19142, the City of Yuba City proposes to construct a new land-side levee access ramp in the southbound direction from Teegarden Avenue in Yuba City, up to the top of the levee (Attachment 4). The proposed ramp would be 15-feet wide and paved with 3 inches of asphalt concrete over 6 inches of class 2 aggregate base. Construction would include bollards, guard rails, removal of minor debris, relocation of an existing chain link fence, removal of approximately 83 feet of minor retaining wall near the land side toe of the levee, and removal of three PG & E poles, anchors, and lines.

All of the proposed work described above comprises the 5th Street Bridge Replacement Project and will be analyzed together as one project.

ENVIRONMENTAL IMPACTS OF PROPOSED ACTION: Surveys of the project area, plus a 100-foot buffer, were conducted in April 2011, July 2011, and April 2016. The proposed project area provides habitat for several species federally listed under the Endangered Species Act, including the following federally threatened fish species: Southern distinct population segment of North American green sturgeon (*Acipenser medirostris*), Central Valley steelhead (*Oncorhynchus mykiss*), Central Valley spring-run Chinook salmon (*O. tshawytscha*), and their respective designated critical habitats. Additionally, the project area contains the host shrub, elderberry (*Sambucus* sp.), for the federally threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). See Attachment 5 for a list of all species of special concern that could potentially be present in the project area, and Attachment 6 for a map of elderberry shrub locations within the project area.

Consultation under Section 7 of the Endangered Species Act was initiated with the National Marine Fisheries Service (NMFS) on July 23, 2013. NMFS issued a Biological Opinion (2012_9267), dated May 19, 2014, on the potential effects of the proposed project on the fish species listed above. Section 7 consultation was also initiated with the U.S. Fish and Wildlife Service (USFWS) on January 9, 2012. The USFWS issued a Biological Opinion (08ESMF00-2012-F-0158), dated May 10, 2013, on the potential effects of the proposed project on the valley

elderberry longhorn beetle. Analysis of potential effects to the recently listed federally threatened western yellow-billed cuckoo (*Coccyzus americanus*) will be evaluated.

A number of trees and shrubs would be removed from the Feather River floodplain as a result of the proposed work; however, a restoration plan has been completed that includes native tree and shrub plantings within the project area (Attachment 7). Additionally, mitigation measures have been incorporated into the project design to minimize effects to trees that are to be left in place.

Consultation with the State Historic Preservation Officer (SHPO) under Section 106 of the National Historic Preservation Act was initiated in a letter dated April 5, 2013. The SHPO issued a letter (FHWA110926A) dated May 3, 2013, concurring with a finding of no adverse effects to historic properties. The Corps initiated consultation with local Native American tribes on January 15, 2016. A response was received on April 29, 2016 from the United Auburn Indian Community of the Auburn Rancheria (UAIC), and a meeting was held with the UAIC on May 21, 2016 to address concerns. A cultural resources discovery plan will be prepared and implemented during construction, detailing the appropriate protocols regarding monitoring, work cessation, notification/consultation, and cultural resources recovery procedures. Additionally, the City of Yuba City will make the project area available to a Native American monitor during construction near and within the levees.

A City of Marysville community park, Riverfront Park, is located under and adjacent to the existing 5th Street Bridge and would be temporarily impacted by the proposed project (Attachment 8). Construction activities would necessitate a temporary closure of a portion of the park in the immediate vicinity of the 5th Street Bridge. The project has been designed to minimize potential effects to the park, including staging of construction to ensure that no area of the park's recreational facilities would be impacted for more than 6 months total. All temporarily impacted recreational areas would be restored prior to the conclusion of construction.

AUTHORITY: The authority to grant permission for temporary or permanent use, occupation or alteration of any U.S. Army Corps of Engineers (USACE) civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 USC 408 ("Section 408"). Section 408 authorizes the Secretary of the Army, on the recommendation of the Chief of Engineers, to grant permission for the alteration or occupation or use of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Secretary of Army's authority under Section 408 has been delegated to the USACE, Chief of Engineers. The USACE Chief of Engineers has further delegated the authority to the USACE, Directorate of Civil Works and Division and District Engineers, depending upon the nature of the activity.

LIMITS OF SECTION 408 AUTHORITY: A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC Section 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413). In addition, an approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

EVALUATION FACTORS: The decision whether to grant the requested permission for project alteration under Section 408 will be based on several factors. 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. Review of requests for alteration will be reviewed by a USACE technical review team considering the following factors:

1) Impair the Usefulness of the Project Determination. The review team will determine if the proposed alteration would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs. In order for an alteration to be approved, the Requester must demonstrate that the alteration does not impair the usefulness of the federally authorized project.

2) Injurious to the Public Interest Determination. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest evaluation depend upon the type of USACE project being altered and the nature of the proposed alteration and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The benefits that reasonably may be expected to accrue from the proposal must be compared against its reasonably foreseeable detriments. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks and by the net impact of the alteration on the public interest using the public interest factors.

3) Environmental Compliance. A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While USACE is responsible for ensuring environmental compliance, the requester is responsible for providing all information that the district identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and procedures. NEPA and other analysis completed to comply with other environmental statutes (e.g. Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the USACE project. The district will work with the requester to determine the requirements, which will be scaled to the likely impacts of the proposed alteration and should convey the relevant considerations and impacts in a concise and effective manner.

PUBLIC INVOLVEMENT: The purpose of this notice is to solicit comments from the public; federal, state, and local agencies and officials; tribes; and other interested parties regarding the 5th Street Bridge Replacement project, a proposed alteration to an existing federally authorized project. Comments received within 30 days of publication of this notice will be used in the evaluation of potential impacts of the proposed action on important resources and in the evaluation of whether the proposed alteration would be injurious to the public interest and/or would impair the usefulness of the authorized project. Only the specific activities that have the potential to occupy, use or alter the Sacramento River Flood Control Project will be evaluated. Please limit comments to the area of the alteration and those adjacent areas that would be directly or indirectly affected by the alteration to the Sacramento River Flood Control Project.

SUBMITTING COMMENTS: Written comments, referencing Identification Number 19111 must be submitted to the office listed below on or before April 12, 2017.

Brian Luke, Natural Resources Specialist
US Army Corps of Engineers, Sacramento District
1325 J Street, Room 1460
Sacramento, California 95814-2922

Email: Brian.J.Luke@usace.army.mil

Attachments:

- 1) Vicinity map
- 2) Project plan overview
- 3) Utility plans
- 4) Teegarden Access Ramp detail
- 5) Species of concern potentially within project vicinity
- 6) Map of elderberry shrub locations
- 7) Restoration plan
- 8) Riverfront Park detail