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

408 Permission Section

PUBLIC NOTICE

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

TITLE: American River Bridge Widening and Deck Rehabilitation Project Geotechnical Borings (WA2018073).

PUBLIC NOTICE COMMENT PERIOD:
Begins: December 28, 2018
Ends: January 27, 2019

REQUESTER: In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the California Department of Transportation (Caltrans; requester) has requested permission 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 the Flood Control Act of 1917.

LOCATION: The proposed borings are located where the Capital City Freeway crosses the American River in Sacramento County, California (Attachment 1).

REQUESTER'S PROPOSED ACTON: The proposed project is to perform 13 mud-rotary geotechnical borings in the American River channel; no borings would penetrate the levee prism (Attachment 2). Three borings would be drilled into the American River from the deck of the American River Bridge, five would be drilled on the west side of the bridge, and five would be drilled on the east side of the bridge. Drilling through the bridge deck would be accomplished by installing a 5-inch diameter casing from the bridge deck into the channel bed through which drilling would occur. The purpose of the drill casing is to contain the drilling fluids and materials within the enclosure to avoid spillage/contamination into the river. All holes would be backfilled to the ground surface with cement grout.

ENVIRONMENTAL IMPACTS OF PROPOSED ACTION: The proposed geotechnical borings would take place on the waterside of the American River levee, with three borings taking place in-water. The American River floodplain in this area consists of oak woodland savanna, riparian forest/shrub, and ruderal/developed habitat types (Attachments 3 and 4). Overland access routes and drilling sites would temporarily disturb the soil and associated vegetation; however, no impacts to woody riparian vegetation are expected.

The proposed project area provides suitable habitat for the federally threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), California Central Valley steelhead (*Oncorhynchus mykiss*), North American green sturgeon (*Acipenser medirostris*), and Central Valley spring-run Chinook salmon (*O. tshawytscha*). The proposed borings may affect, but are not likely to adversely affect these federally listed species; consultation pursuant to Section 7 of the Endangered Species Act has been conducted with both the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. To avoid or reduce effects on fish species, over-water borings would occur between July 1 and September 30. Over-water borings would take

approximately 9 days total to complete, and would occur at night. Other avoidance and minimization measures include fencing, avoidance areas, timing restrictions, and worker education. Additionally, a number of measures would be implemented to protect water quality, including the use of wattle rolls or sand bags to control runoff and the use of absorbent pads and visqueen to capture any hydraulic fluid or oil spills.

As the open-water borings would take place from the deck of the American River Bridge, traffic control measures, including lane closures, would be implemented. Additionally, signage and work-zone safety procedures would be required on the river to keep boaters and other recreational users at a safe distance from drilling activities. At the ten drill sites located in the river floodplain, traffic cones, delineators, and/or caution tape would be used to keep pedestrians and American River Parkway users at a safe distance from drilling activities. Minor impacts to traffic and recreation are expected.

AUTHORITY: The authority to grant permission for temporary or permanent use, occupation or alteration of any USACE civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 U.S.C. 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 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. Section 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 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 American River Bridge Widening and Deck Rehabilitation Project Geotechnical Borings, 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 WA2018073 must be submitted to the office listed below on or before January 27, 2019.

Kaleigh Maze, Biologist
US Army Corps of Engineers, Sacramento District
1325 J Street, Room 1460
Sacramento, California 95814-2922

Email: Kaleigh.Maze@usace.army.mil

Attachments:

1) Vicinity map
2) Site map
3) Habitat map
4) Site photographs

Attachment 1 – Vicinity Map

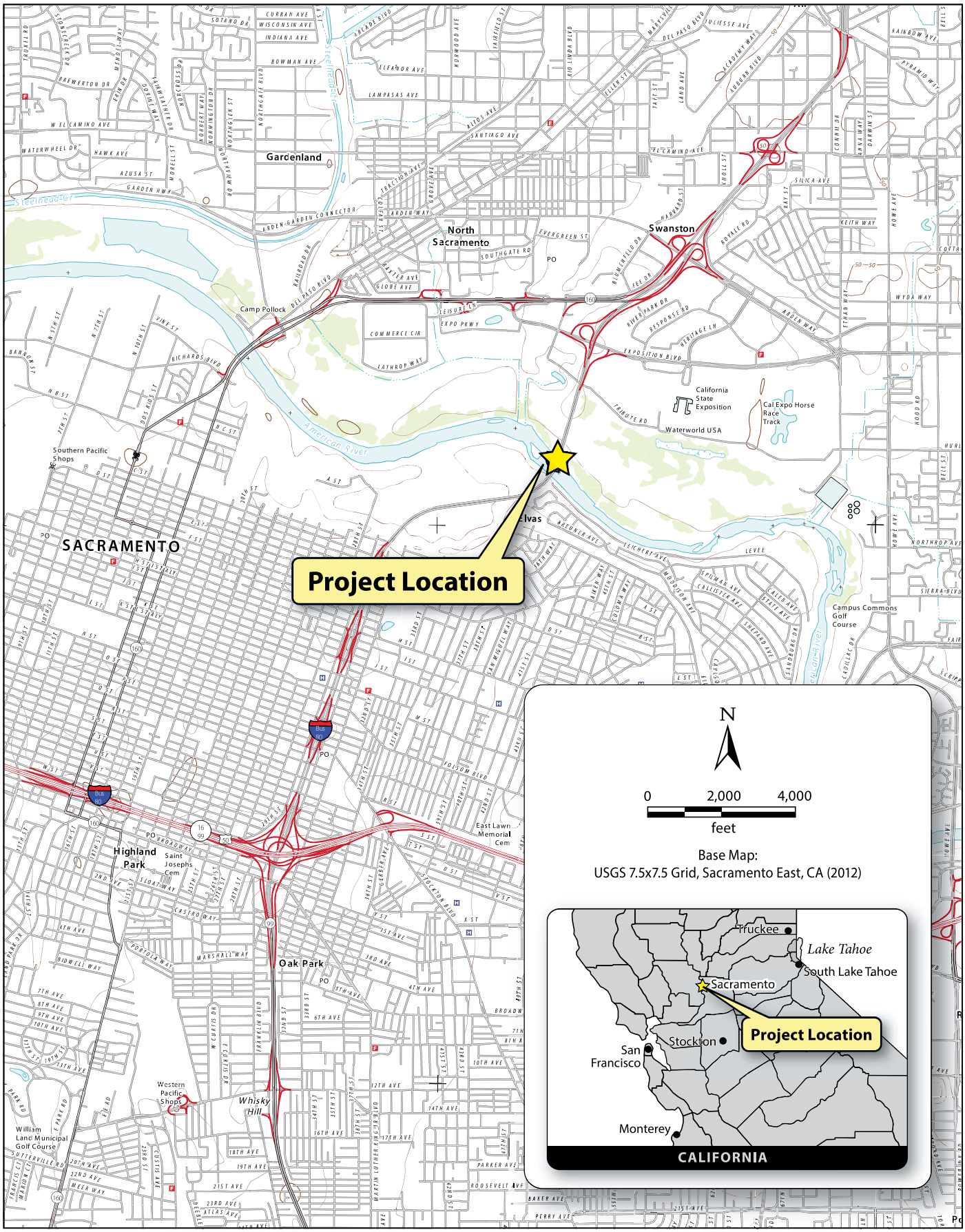

Figure 1
Vicinity Map

Attachment 2 – Site Map

Path: \\PDCCITRDSGIS1\Projects_1\Caltrans\00600_17_Amer_Riv_Bridge\Figures\Misc\Figure_2_Access_Geotech_Boring_Loc.mxd; User: 19524; Date: 6/7/2018

Figure 2
Overland Access Routes and Geotech Boring Locations

Attachment 3 – Habitat Map

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Figure 3
Land Cover Types in the Action Area

Attachment 4 – Site Photographs

Photo 1: Eastern portion of access route from American River Bike Trail looking northeast.

Photo 2: Paved portion of access route (American River Bike Trail). Looking southwest.

Photo 3: Developed/Ruderal area along access route and adjacent to railroad tracks.

Photo 4: Emergent wetland in northeastern portion of the survey area.

Photo 5: Riparian corridor of Linda Creek.

Photo 6: Riparian corridor of American River.

Photo 7: Elderberry shrub stand located within oak woodland savanna.

Photo 8: Mature valley oak overstory with annual grassland understory along access route.

Photo 9: Oak woodland adjacent to annual grassland habitat.

Photo 10: American River, looking south from eastern bank to western bank.

[*Photo 11: Deleted.]* *[Photo 12: Deleted*.]

Photo 13: Bore location #1 is within ruderal vegetation. Looking south along bike trail.

Photo 14: Bore location #2 is within ruderal vegetation and shoulder of bike trail. Looking south.

Photo 15: American River Bike Trail paralleling Cap City Freeway looking north. Bore location #2 is located in far right corner of photo. Elderberry shrubs are located along both sides of the access route.

Photo 16: Bore location #3 is within ruderal vegetation, looking south.

Photo 17: Bore Location #5, looking southeast. Elderberry shrubs in background.

Photo 18: Bore location #6, looking southeast. Elderberry shrubs in background, left corner.

Photo 19: Bore location #4, looking south. Work area in foreground. Riparian area of American River in background.

Photo 20: Bore location #8 within annual grass. Location will be used as equipment staging area.

Photo 21: Direct access route to Bore location #8. Elderberry shrubs are located on the left and electrical utilities are located right of the dirt road.