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## 8.0 AGENCY CONSULTATION AND COORDINATION

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## 8.0 PUBLIC AGENCY CONSULTATION AND COORDINATION

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As part of the project, early consultation with U.S. Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (ACOE), and U.S. Fish and Wildlife Service (USFWS) was initiated by the City of Elk Grove.

### 8.1 AGENCY CONSULTATION AND COORDINATION

Early consultation with the EPA, ACOE, and USFWS, beginning with a meeting on December 7, 2004, included discussion of the need for the project. All agencies agreed there is a need for the project.

The proposed project would encroach on the Stone Lakes National Wildlife Refuge (administered by the USFWS). New right-of-way would be required from Laguna Stone Lake, LLC, a subsidiary of AKT Development Corporation, the property owner of parcel APN 132-0020-003, which is adjacent to the west side of the project. The property owner of this parcel has granted a perpetual Conservation Easement to the Stone Lakes National Wildlife Refuge. The conservation easement was established to protect biological habitat created/restored as an element for mitigation for the Powers House and Elliott Ranch South residential developments in the project vicinity. Right-of-way acquisition for the land required to complete the proposed project (up to 38 feet encroachment on the south side of Elk Grove Boulevard, and up to 12 feet wide encroachment in areas along the west side of Franklin Boulevard) would involve USFWS transferring portions of their conservation easement to the City of Elk Grove.

The City transmitted a preliminary right-of-way exhibit to Laguna Stone Lake and USFWS on June 27, 2005. City representatives have been in direct contact with the real estate representative for Laguna Stone Lake regarding their ownership interest in the property the City would need to acquire for the project. City and USFWS representatives discussed project right-of-way issues in meetings on April 15, July 6, and September 7, 2005. City and USFWS representatives are working on the details of how the right-of-way transaction should take place.

At the April 15, 2005 meeting, USFWS indicated they would research NEPA requirements for the project based on the type of land transactions and inform the City of NEPA requirements for the project. To date, the City has not received any information from USFWS regarding NEPA requirements. Therefore, the City is moving forward with CEQA and permitting requirements under the assumption that the land acquisition will occur in time for the scheduled construction start date of 2006.

On March 16, 2005 a meeting was held with USFWS, ACOE, and the Stone Lakes National Wildlife Refuge Manager regarding how to proceed with the Clean Water Act 404 permit application. The City sent individual 404 Dredge and Fill Permit application and supporting documentation to ACOE on October 11, 2005. Alternatives to the project to determine the Least Environmentally Damaging Practicable Alternative (LEDPA) were included in the Clean Water Act 404(b)(1) Alternatives Analysis as part of the 404 permit. The City submitted the Biological Assessment to the ACOE and USFWS on January 12, 2006. The ACOE initiated formal Endangered Species Action Section 7 consultation with USFWS on January 17, 2006.

As an outcome of the meetings, original project designs were modified after receiving verbal comments from USFWS, United States Environmental Protection Agency, Region 9 (EPA), and ACOE during December 8, 2004, March 16, 2005, and June 15 2005 meetings regarding potential impacts to the adjacent property with the habitat conservation easement managed by Stone Lakes National Wildlife Refuge. The City made the following revisions to the plans to reduce environmental impacts:

## 8.0 REPORT PREPARERS AND REFERENCES

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- (1) Road widening was reduced so that the majority of the road would remain within the existing City Right of Way with these exceptions:
  - Up to 12 feet of encroachment into conservation easement for roadway widening, from the culvert over Laguna South Channel south approximately 440 feet along Franklin Boulevard;
  - Up to 12 feet of encroachment into the conservation easement for two bus turnouts, each approximately 200 feet in length, on the west side of Franklin Boulevard. The bus turnout near Blossom Ridge Drive was moved northward approximately 400 feet to avoid direct impacts to a vernal pool. The width of bus stops was reduced from 11 feet in original plans to 7 feet;
  - Up to 12 feet encroachment into the conservation easement along an approximately 650 feet section of Franklin Boulevard approaching the Poppy Ridge Road intersection;
  - Up to 12 feet encroachment into the conservation easement for the 280 foot long free right turn acceleration lane from Elk Grove Boulevard intersection south along Franklin Boulevard to the culvert over Laguna South Channel; and
  - Up to 38 feet encroachment into SLNWR for a free right turn lane and roadway widening along Elk Grove Boulevard from the intersection of Franklin Boulevard west approximately 1080 feet, almost to the UPRR overcrossing. It is noted that the existing recorded City Right of Way along this segment of Elk Grove Boulevard does not extend to the present southern edge of the street. The County of Sacramento did not extend the street right of way when it last widened Elk Grove Boulevard. Thus, the entire area of this project's encroachment will be into previously graded and filled roadbase and its supporting slopes.
- (2) The sidewalk on the south side of Elk Grove Boulevard, including on the UPRR overcrossing, has been eliminated to reduce the roadway width. Pedestrian traffic will be routed by signage to use the north sidewalk on Elk Grove Boulevard between Four Winds Drive and Franklin Boulevard.