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

# DRAFT FINDING OF NO SIGNIFICANT IMPACT

## San Joaquin River Basin, Lower San Joaquin River, California, Project Tenmile Slough Reach 30L Supplemental Environmental Assessment I

The U.S. Army Corps of Engineers, Sacramento District (USACE) has prepared a Draft Supplemental Environmental Assessment (SEA) in accordance with the National Environmental Policy Act of 1969, as amended (NEPA). The San Joaquin River Basin, Lower San Joaquin River, California Project (Project) was authorized for construction by America's Water and Infrastructure Act of 2018 (P.L. 115-270) and will decrease the annual chance of flooding in North and Central Stockton. The enclosed Draft SEA supplements the San Joaquin River Basin, Lower San Joaquin River, CA Final Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report (LSJR IIFR/EIS/EIR), dated January 2018. The Draft SEA specifically addresses design refinements at Tenmile Slough, Reach 30L (TS30L) and the associated construction mitigation. TS30L will be the first reach of the Project to be constructed, and this Draft SEA is the first supplemental NEPA document to the 2018 LSJR IIFR/EIS/EIR. Subsequent Project reaches will require further environmental review as their designs are refined, which may result in the creation of additional supplemental documentation.

The Draft SEA, incorporated herein by reference, evaluated various alternatives that would reduce flood risk in the project area and mitigate for project impacts. The Proposed Action includes:

- Updated and expanded levee footprint shift towards waterside
- Improved road on the waterside easement of the levee
- Haul routes
- Two staging areas
- Stockton East Water District borrow site
- Alternatives to the Fourteenmile Slough Valley elderberry longhorn beetle mitigation site
- Mitigation sites proposed for TS30L habitat impacts
- Implementation of any required environmental compensatory mitigation and associated monitoring and mitigation area adaptive management plan, when applicable and appropriate. Monitoring will continue until any required mitigation has been determined to be successful based on the identified criteria within the Lower San Joaquin River Project Compensatory Mitigation Plan. Monitoring is expected to last no more than 10 years.

In addition to a "no action" alternative, the Proposed Action was evaluated. The no action alternative included the construction of Reach TS30L as described in Alternative 7a of the San Joaquin River Basin, Lower San Joaquin, CA Final IIFR/EIS/EIR. The Proposed Action includes elements developed which would modify the design of TS30L as compared to the 2018 LSJR IIFR/EIS/EIR (see Chapter 2 of the SEA).

For all alternatives, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the Proposed Action are listed in Table 1:

**Table 1: Summary of Potential Effects of the Recommended Plan**

| | Insignificant effects | Insignificant effects as a result of mitigation* | No effect to resource beyond what is described in the 2018 LSJR IIFR/EIS/EIR |
|---|---|---|---|
| Aesthetics | ☒ | ☐ | ☐ |
| Air Quality and GHG Emissions | ☐ | ☒ | ☐ |
| Wetlands and Other Waters of the U.S. | ☒ | ☐ | ☐ |
| Fisheries | ☐ | ☐ | ☒ |
| Vegetation and Wildlife | ☐ | ☒ | ☐ |
| Federal Special Status Species | ☐ | ☒ | ☐ |
| Cultural Resources | ☒ | ☐ | ☐ |
| Public Health and Environmental Hazards | ☐ | ☐ | ☒ |
| Hydrology and Hydraulics | ☐ | ☐ | ☒ |
| Land Use | ☒ | ☐ | ☐ |
| Noise | ☒ | ☐ | ☐ |
| Utilities and Public Services | ☒ | ☐ | ☐ |
| Socioeconomics and Environmental Justice | ☒ | ☐ | ☐ |
| Soils and Mineral Resources | ☐ | ☐ | ☒ |
| Water Quality | ☐ | ☐ | ☒ |
| Geology and Geomorphology | ☐ | ☐ | ☒ |
| Seismicity | ☐ | ☐ | ☒ |
| Groundwater | ☐ | ☒ | ☐ |
| Recreation | ☐ | ☐ | ☒ |
| Transportation and Circulation | ☒ | ☐ | ☐ |

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the Proposed Action. Best management practices (BMPs) as detailed in the SEA will be implemented, if appropriate, to minimize impacts. Measures to reduce the effects to Air Quality and GHG Emissions include the required use of off-road equipment that meets Tier 4 emission standards, equipping vehicles and equipment with functioning emission-control devices, and implementation of dust abatement practices (see SEA Section 3.13.3). In order to reduce effects to Vegetation and Wildlife and Federal Special Status Species, a mitigation site including riparian and wetland habitat would be constructed in order to replace the habitat removed for the construction of TS30L. The selected mitigation site would be located in an area where the hydrology and topography would support riparian vegetation, and wetland areas would be graded to support wetland hydrology and associated vegetation. Plantings would be irrigated by drip irrigation to minimize water usage, reducing impacts to Groundwater resources.

Alternative 7a as described in the 2018 LSJR IIFR/EIS/EIR will result in unavoidable adverse impacts to Federal Special Status Species and Vegetation and Wildlife. The mitigation strategy proposed in that report included purchasing credits to compensate for impacts to the giant garter snake (*Thamnophis gigas*, GGS), transplanting elderberry shrubs to the setback levee at Fourteenmile Slough to reduce impacts to the Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*, VELB), and purchasing credits to compensate for the loss

of riparian and wetland habitat. The Project construction sequencing has changed, and TS30L will be constructed prior to the construction of the Fourteenmile Slough setback levee. In order to reduce effects to VELB, the elderberry shrubs within the TS30L construction footprint will instead be transplanted to a mitigation bank approved by the U.S. Fish and Wildlife Service (USFWS). Additionally, sufficient riparian and wetland habitat credits are unavailable for purchase. Therefore, in order to mitigate for the loss of such habitat in the TS30L footprint, the USACE will construct a habitat mitigation site with sufficient habitat acreage to meet the ratios recommended by FWS in the Fish and Wildlife Coordination Act Report. Four sites that would meet the mitigation needs of the project are under consideration; one site will be selected prior to construction.

Public review of the draft SEA and FONSI was completed on **DATE DRAFT EA AND FONSI REVIEW PERIOD ENDED**. All comments submitted during the public review period will be responded to in the Final SEA and FONSI.

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, USFWS issued a biological opinion, dated **DATE OF BIOP**, that determined that the recommended plan will not jeopardize the continued existence of the following federally listed species or adversely modify designated critical habitat: giant garter snake (*Thamnophis gigas*), Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). All terms and conditions, conservation measures, and reasonable and prudent alternatives and measures resulting from these consultations shall be implemented in order to minimize take of endangered species and avoid jeopardizing the species.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the USACE determined that historic properties would not be adversely affected by the Proposed Action. The California State Historic Preservation Office concurred with the determination for the TS30L project footprint on 28 September 2021, for the proposed borrow site on 1 December 2021, for Parcel C and Wright-Elmwood Tract on 8 July 2022. For the proposed mitigation parcels A and B, the SHPO stated they would be unable to provide concurrence within 30 days of submittal of the consultation letter from USACE. Per the Project's Programmatic Agreement, failure of the SHPO to respond within 30 days would not preclude USACE from moving forward. On 18 April 2023, USACE advised the SHPO that a response would no longer be required, and the SHPO accepted this conclusion on the same date. Each of these correspondences can be found in Appendix D of the SEA.

Pursuant to the Clean Water Act of 1972, as amended, the discharge of dredged or fill material associated with the Proposed Action has been found to be compliant with section 404(b)(1) Guidelines (40 CFR Part 230). The Clean Water Act Section 404(b)(1) Guidelines evaluation is found in **ENTER SECTION OR APPENDIX WITH 404(B)(1) EVALUATION** of the SEA.

A water quality certification pursuant to section 401 of the Clean Water Act will obtained from the Central Valley Regional Water Quality Control Board prior to construction of the selected mitigation site, if needed, and all conditions of the certification would be implemented in order to minimize adverse impacts to water quality.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed. A comprehensive discussion of environmental compliance is included in Chapter 5 of the SEA.

All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. Based on this report, the reviews by other Federal, State and local agencies, Tribes, input of the public, and the review by my staff, it is my determination that the Proposed Action would not cause significant adverse effects on the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.

_____
Date

_____
Chad Caldwell
Colonel, Corps of Engineers
District Commander