



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: Putah Creek Channel Restoration (NAWCA 3), 19027

PUBLIC NOTICE COMMENT PERIOD:

Begins: 06 February 2017

Ends: 08 March 2017

REQUESTER: In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the Solano County Water Agency (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 Putah Creek floodplain in the Sacramento River Flood Control Project, an existing Federal flood risk management project, authorized by the Flood Control Act of 1917.

LOCATION: The proposed project is located in the Putah Creek floodplain along Putah Creek Road, extending approximately 1,120 feet upstream and approximately 1,680 feet downstream of I-505, in Solano County near the town of Winters, California (Attachments 1 and 2).

REQUESTER'S PROPOSED ACTION: The purpose of the proposed project is to improve fish and wildlife habitat in Lower Putah Creek by improving the form and function of the creek's floodplain and low-flow channels. Portions of the existing floodplain will be recontoured to reduce bank erosion and promote the growth and natural recruitment of native vegetation. Invasive weeds will be removed and native vegetation will be installed throughout the recontoured floodplain. A narrow side channel with spawning gravel will be installed within a portion of the recontoured floodplain, and sections of the existing low-flow channels will either be narrowed or completely filled to reduce water temperatures by decreasing water residence time and solarization.

The proposed project undertaking is to regrade the existing Putah Creek floodplain to a uniform 1-2% slope, fill and narrow segments of the existing low-flow channel, and create a new low-flow side channel (Attachment 2). Spawning gravel would be placed in the new low-flow side channel. Existing native and non-native vegetation would have to be removed prior to grading work, including approximately 238 native and non-native trees; however, native vegetation would be planted following all grading activities (Attachment 3). Approximately 511 native trees and 72 native shrubs would be planted to mitigate for the removed vegetation.

Proposed project activities include:

- Floodplain recontouring: Grading will occur throughout the proposed project area where the existing floodplain is more than 2 feet above the surface of the creek. The floodplain terraces will be graded down to approximately 1.5 feet above the low-flow water surface elevation and graded back from the channel at a 1-2% slope. Approximately 6.64 acres of existing riparian forest will be graded, including 238 trees with a 4-inch or greater diameter at breast height. Ninety-four of the trees to be

removed are non-native species. All invasive plant species within the grading area will be removed;

- Channel filling: A segment of the existing creek channel will be narrowed to promote cooler water temperatures, including 0.12 acre of complete fill, 0.21 acre of narrowing, and conversion of 0.18 acre to backwater habitat;
- Design channel: A narrow side channel will be excavated within the recontoured floodplain. The channel will serve as a temporary bypass during work within the low-flow channel of the creek. Approximately 150 cubic yards of clean gravel will be placed in the channel; and
- Vegetation installation: The recontoured floodplain will be revegetated with native grasses, trees, and shrubs endemic to Putah Creek. Approximately 511 native trees and 72 shrubs will be planted and maintained for a minimum of 5 years to achieve a minimum 80% survival and 75% coverage.

Construction will require the use of heavy equipment, including graders, excavators, water trucks, dump trucks, bulldozers, and scrapers. Equipment will be staged along the embankments of the creek, outside of the floodplain. The north side of the creek will be accessed using an existing ramp accessible from an adjacent agricultural parcel. A temporary access ramp will be installed near the west side of the 1-505 bridge in order to access the south side of the creek. The ramp will be removed and the embankment will be returned to its original condition after construction is complete. Construction will begin in August or September and is expected to be completed within 45 days.

ENVIRONMENTAL IMPACTS OF PROPOSED ACTION: The proposed project area may provide habitat for the federally threatened Western yellow-billed cuckoo (*Coccyzus americanus*) and contains the host shrub, elderberry (*Sambucus* sp.), for the federally threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). All elderberry shrubs within the project area have been mapped and various valley elderberry longhorn beetle avoidance/compensation measures are proposed as part of the project. Additionally, Putah Creek may contain habitat for the federally threatened Central Valley steelhead (*Oncorhynchus mykiss*). The U.S. Fish and Wildlife Service (USFWS) is providing funding for this project, and has therefore been designated lead Federal agency and has assumed responsibility for consultation under Section 7 of the Endangered Species Act. Consultation with both the USFWS and the National Marine Fisheries Service has been completed. USACE received a letter from USFWS dated December 15, 2016, concurring with the determination that the proposed project is not likely to adversely affect the Western yellow-billed cuckoo or valley elderberry longhorn beetle. USACE received a letter from NMFS dated January 13, 2017, concurring with the determination that the proposed action is not likely to adversely affect steelhead or essential fish habitat (EFH).

Consultation with the State Historic Preservation Officer (SHPO) was initiated on November 4, 2015. A letter of concurrence, dated December 16, 2015 (COE_2015_1109_002), was received from the SHPO, concurring with a determination of no adverse effects to cultural resources for the proposed undertakings, on the condition that avoidance measures be put into place. The USACE also initiated Tribal consultation in 2015. The USACE received a response from the Yocha Dehe, dated October 13, 2015, stating that although the proposed project area is within the aboriginal territories of the tribe, there were no known resources in the area and they did not feel a monitor would be necessary. The Solano County Water Agency has incorporated cultural resource avoidance measures into the project design.

AUTHORITY: The authority to grant permission for temporary or permanent use, occupation or alteration of any US 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 Putah Creek Channel Restoration, 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 19027 must be submitted to the office listed below on or before 08 March 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 work map
- 3) Native plant species list