



RECORD OF DECISION

American River Common Features, 2016, Flood Risk Management Project, Final Supplemental Environmental Impact Statement XIV Sacramento County and Yolo County, California

The Final Supplemental Environmental Impact Statement XIV (FSEIS) dated June 18, 2025, for the American River Common Features (ARCF) Project, authorized in the Water Resources Development Act of 2016 Project (Pub. Law 114-322), analyzes flood risk reduction project design refinements (including the Magpie Creek Project, American River Erosion Contract 3B North and South, American River Erosion Contract 4A, American River Erosion Contract 4B, Sacramento River Erosion Contract 3, the American River Mitigation Site, the Sacramento River Mitigation Site, and the Piezometer Network). It is a supplement to the 2016 ARCF General Reevaluation Report (GRR) Final Environmental Impact Statement (FEIS) in the Sacramento County and Yolo County, California.

Based on the analysis presented in the FSEIS, reviews of the FSEIS by other Federal, State, and local agencies, Tribes, input of the public, and the work of my staff, I find that Selected Alternative, a hybrid of the Proposed Action (Alternative 2) and Alternative 3c in this FSEIS (Proposed Project under CEQA), consisting of Design Refinements to the authorized ARCF 2016 project as identified in this Record of Decision (ROD), is justified in accordance with environmental statutes, and the public interest.

The FSEIS, incorporated herein by reference, evaluated various alternatives that will reduce flood risk and provide habitat mitigation in the study area. The Selected Alternative is a hybrid of the alternatives proposed in the document and includes:

Alternative 2

- Magpie Creek Project (MCP)
 - 1,000 feet levee extension
 - Raley Boulevard realignment and culvert replacement
 - 2,100 feet levee raise and channel widening and realignment
 - Channel vegetation clearing and 2:1 slope modification
 - Sacramento Northern Bike Trail culvert replacement
 - Maintenance roads along the Magpie Creek Diversion Channel
 - Utility realignments both temporarily and permanently
 - Associated staging and haul routes
- American River Erosion Contract 3B North and South
 - 1.8 miles of launchable rock toe, launchable trench, bank protection, and tie backs along the right bank
 - 1.5 miles of launchable rock toe, launchable trench, bank protection, and tie backs along the left bank

- Vegetation removal and replanting
 - Associated staging and haul routes
- American River Erosion Contract 4B
 - Up to 0.2 miles of potential erosion protection around trees or potential vegetation removal on the right bank
 - Up to 0.4 miles of tieback extensions and potential erosion protection around trees or potential vegetation removal on the left bank
 - Associated staging and haul routes
- Sacramento River Erosion Contract 3
 - 2.8 miles of bank protection, launchable rock toe, and tie backs
 - Vegetation Removal
 - Associated Staging and Haul Routes
- American River Mitigation Site (ARMS)
 - Development of a 120-acre property into habitat for salmonid, Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*) (VELB), riparian habitat, western yellow-billed cuckoo (*Coccyzus americanus*), and seasonal/forested wetland habitat mitigation
 - Filling in a manmade pond and regrading the site to have channels that connect to the American River
 - Vegetation removal and replanting
 - Associated staging and haul routes
- Sacramento River Mitigation Site (SRMS)
 - Development of a 200-acre property into habitat for salmonid, green sturgeon (*Acipenser medirostris*), delta smelt (*Hypomesus transpacificus*), VELB, riparian habitat and western yellow-billed cuckoo habitat mitigation
 - Re-grading the site, including breaching the existing permitter berms, to create channels that connect to the Sacramento River
 - Vegetation removal and replanting
 - Associated staging and haul routes
- Piezometer Network
 - Installation of up to 100 piezometers on the land side of the levees
 - Installation of needed infrastructure for piezometers
 - Associated staging and haul routes

Alternative 3c

- American River Erosion Contract 4A
 - Since drafting the Draft SEIS/SEIR the project team has identified previously undisclosed constraints that will impact the current design. A new refinement of the design was prepared for the American River Erosion Contract 4A. The design team has returned to alternative selection phase of design requiring a redesign of the bike trail reroute. Alternative 3c is not limited by the design constraints and has consequently been selected as the Selected Alternative by USACE.
 - i. 100-foot berm
 - ii. Jedediah Smith Memorial Trail permanent reroute around berm
 - iii. Associated staging and haul routes

iv. Vegetation removal

- Implementation of the environmental compensatory mitigation and associated monitoring and mitigation area adaptive management plan are linked to requirements in the 2025 biological opinions issued to USACE for the project. Both onsite and off-site mitigation are being constructed. There are two types of onsite mitigation for this Project: (1) onsite and on a flood control structure and (2) onsite, but not part of a flood control structure.
- Monitoring will continue until the mitigation is determined to be successful based on the identified criteria within the Habitat Mitigation, Monitoring and Adaptive Management Plan (HMMAMP) included in Appendix I of the ARCF 2016 GRR FEIS/EIR. Annual Monitoring is expected to last no more than 10 years. Additional site-specific habitat management plans are being developed to refine the generalities and provide specific monitoring and management activities.

In addition to a “No Action” Alternative, several other NEPA alternatives were evaluated. Sections 3.6, 3.7 and 3.8 of the FSEIS summarize these alternatives. Chapter 4 of the FSEIS compares the alternatives to the Selected Alternative and the No Action Alternative.

SUMMARY OF POTENTIAL EFFECTS:

For all alternatives, the potential effects were evaluated by project component. For each resource, the impact with the greatest intensity, across all project components or contracts, was presented in the table below. A “significant and unavoidable” adverse effect is of a greater intensity than a “less than significant” adverse effect. A summary assessment of the potential effects of the Selected Alternative are listed in Table 1:

Table 1: Summary of Potential Effects of the Selected Alternative

	Significant and Unavoidable adverse effect	Less than Significant adverse effect with incorporation of Mitigation Measures	Less Than Significant effects	Resource unaffected by action*
Transportation and Circulation	<input checked="" type="checkbox"/> Short Term	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Long Term*
Recreation	<input checked="" type="checkbox"/> Short Term	<input checked="" type="checkbox"/> Long Term	<input type="checkbox"/>	<input type="checkbox"/>
Public Utilities and Services	<input type="checkbox"/>	<input checked="" type="checkbox"/> Short Term	<input type="checkbox"/>	<input checked="" type="checkbox"/> Long Term*
Land Use, Farmland, and Forestland	<input type="checkbox"/>	<input checked="" type="checkbox"/> Long Term	<input checked="" type="checkbox"/> Short Term	<input type="checkbox"/>
Socioeconomics	<input checked="" type="checkbox"/> Short Term	<input checked="" type="checkbox"/> Long Term	<input type="checkbox"/>	<input type="checkbox"/>
Aesthetics and Visual Resources	<input checked="" type="checkbox"/> Short and Long Term	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* Denotes resources that had no identifiable long-term impacts in the Final SEIS/SEIR; therefore, the resource is unaffected by the action in the long-term.

	Significant and Unavoidable adverse effect	Less than Significant adverse effect with incorporation of Mitigation Measures	Less Than Significant effects	Resource unaffected by action*
Geological Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/> Short and Long Term	<input type="checkbox"/>	<input type="checkbox"/>
Hydraulics and Hydrology	<input checked="" type="checkbox"/> Long Term	<input type="checkbox"/>	<input checked="" type="checkbox"/> Short Term	<input type="checkbox"/>
Water Quality	<input checked="" type="checkbox"/> Short Term	<input checked="" type="checkbox"/> Long Term	<input type="checkbox"/>	<input type="checkbox"/>
Air Quality	<input checked="" type="checkbox"/> Short Term	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Long Term*
Greenhouse Gas and Energy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Short Term	<input checked="" type="checkbox"/> Long Term*
Noise and Vibration	<input checked="" type="checkbox"/> Short Term	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Long Term
Hazardous and Hazardous Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/> Short Term	<input type="checkbox"/>	<input checked="" type="checkbox"/> Long Term*
Vegetation and Wildlife	<input checked="" type="checkbox"/> Short Term	<input checked="" type="checkbox"/> Long Term	<input type="checkbox"/>	<input type="checkbox"/>
Aquatic Resources and Fisheries	<input type="checkbox"/>	<input checked="" type="checkbox"/> Short and Long Term	<input type="checkbox"/>	<input type="checkbox"/>
Special Status Species	<input checked="" type="checkbox"/> Short Term	<input checked="" type="checkbox"/> Long Term	<input type="checkbox"/>	<input type="checkbox"/>
Cultural and Tribal Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/> Short Term	<input type="checkbox"/>	<input checked="" type="checkbox"/> Long Term*

SUMMARY OF SIGNIFICANT EFFECTS:

Significant and unavoidable effects result from the Selected Alternative for Transportation and Circulation, Recreation, Socioeconomic Conditions, Aesthetics and Visual Resources, Hydraulics and Hydrology, Water Quality, Air Quality, Noise and Vibration, Vegetation and Wildlife, and Special Status Species. A summary of these effects is listed below. The full text of any discussed mitigation measures can be found within the associated sections of Appendix B of the FSEIS.

Transportation and Circulation: As detailed in section 4.2.1.2.2 and Appendix B section 2.1, of the SEIS, even with mitigation measure TRANS-1: (Prepare and Implement a Traffic Control and Road Maintenance Plan), increased truck trips from haul trucks during construction will cause a significant and unavoidable impact to local traffic at the MCP, American River Erosion Contract 3B North and South, American River Erosion Contract 4A, American River Erosion Contract 4B, and ARMS.

Recreation: As detailed in section 4.3.1.2.2 and Appendix B Section 2.2, of the FSEIS, even with mitigation measure REC-1 (Implement Bicycle and Pedestrian Detours, Provide Construction Period Information on Facility Closures, and Coordination to Repair Damage to Recreational Areas), closures and disruptions from construction will cause short-term significant

and unavoidable recreational impacts at the MCP, American River Erosion Contract 3B North and South, American River Erosion Contract 4A, American River Erosion Contract 4B, and ARMS. American River Erosion Contract 3B has become a publicly controversial site based on the projects designs in relation to the loss of riparian vegetation in this heavily recreated part of the Parkway.

Socioeconomic Conditions: As detailed in section 4.2.6.2.2 and Appendix B section 2.6, of the FSEIS, even after implementation of TRANS-1, AIR-1 (Implement the Sacramento Metropolitan Air Quality Management District and Bay Area Air Quality Management District (SMAQMD) Basic Construction Emission Control Practices), and AIR-2 (Implement the Sacramento Metropolitan Air Quality Management District's Enhanced Fugitive PM Dust Control Practices), heavy haul traffic using haul routes through at-risk communities identified in CEQ's Federal mapping tool for MCP, American River Erosion Contract 3B and American River Erosion Contract 4B, will create significant and unavoidable impacts to at-risk communities.

Aesthetics and Visual Resources: As described in section 4.4.1.2.2 and Appendix B section 3.1, of the FSEIS, there will be short term and long term significant and unavoidable impacts to visual resources for Sacramento River Erosion Contract 3 due to vegetation removal and construction activities along the Sacramento River without replanting in some areas. In addition, mitigation measure VEG-2 (Retain, Protect, and Plant Trees On-Site) will be implemented to reduce the impacts of vegetation removal on the visual resources along the American and Sacramento Rivers, however there will still be short-term significant impacts from American River Erosion Contract 3B North and South, American River Erosion Contract 4B, ARMS, and SRMS.

Hydraulics and Hydrology: As described in section 4.4.3.2.2 and Appendix B 3.3, the projects have been designed so they do not increase the potential levee overtopping risk. The improvements being made at Magpie Creek Diversion Channel may increase duration or depth of flooding on residential properties. HYDRO-1 (Obtain flowage easements on adjacent floodplain) will be implemented to reduce potential hydraulic effects; however, the hydraulic impacts remain significant and unavoidable.

Water Quality: As described in section 4.4.4.2.2 and Appendix B section 3.4, of the FSEIS, even with mitigation measures GEO-1 (Acquire Appropriate Regulatory Permits and Prepare and Implement a Storm Water Pollution Prevention Plan, Spill Prevention Control and Countermeasures Plan, and Associated Best Management Practices), HAZ-1 (Conduct Phase II Investigations as Needed), WATERS-1 (Compensate for Fill of State and Federally Protected Waters) and WQ-1 (Obtain Appropriate Discharge and Dewatering Permit and Implement Provisions for Dewatering), impacts to water quality will remain short-term significant and unavoidable. USACE has acquired a programmatic Water Quality Permit from the State Water Board for ARCF, and authored a 404(B)(1) analysis which is included in Appendix K. Removal of trees will increase water temperature at American River Erosion Contract 3B North and South, American River Erosion Contract 4B, Sacramento River Erosion Contract 3, SRMS, and ARMS creating significant and unavoidable impacts on water quality.

Air Quality: As described in 4.4.5.2.2 and Appendix B section 3.5, of the FSEIS even with mitigation measures AIR-1, AIR-2, AIR-3 (Implement SMAQMD's Enhanced Exhaust Control Practices and Require Lower Exhaust Emissions for Construction Equipment), AIR-4 (Use the Air District's Off-site Mitigation Fee to Reduce NOx Emissions) and AIR-5 (Implement Marine Engine Standards), the combined construction NOx emissions of American River Erosion Contract 3B North and South, American River Erosion Contract 4B, American River Erosion Contract 4A, Sacramento River Erosion Contract 3, MCP, SRMS, and ARMS will exceed Sacramento Metropolitan Air Quality Management District and federal General Conformity de

minimis thresholds. The project will result in a significant and unavoidable impact on air quality in the area. An updated General Conformity Report was prepared and can be found in Appendix C of the FSEIS.

Noise and Vibration: As described in section 4.4.7.2.2 and Appendix B section 3.7, even with mitigation measure NOI-1 (Implement Measures to Reduce Construction Noise and Vibration Effects) impacts on noise resources from construction will remain short term significant and unavoidable for MCP, American River Erosion Contract 3B North and South, American River Erosion Contract 4A, American River Erosion Contract 4B, Sacramento River Erosion Contract 3, and ARMS. In addition, even with mitigation measure NOI-1 vibratory impacts from construction will still be significant and unavoidable at American River Erosion Contract 3B North and South, American River Erosion Contract 4A, American River Erosion Contract 4B and Sacramento River Erosion Contract 3.

Vegetation and Wildlife: As described in section 4.5.1.2.2 and Appendix B section 4.1, of the FSEIS, even with mitigation measures VEG-1 (Compensate for Riparian Habitat Removal) and VEG-2 impacts from construction from MCP, American River Erosion Contract 3B North and South, American River Erosion Contract 4A and American River Erosion Contract 4B on wildlife habitat will be short-term significant and unavoidable, but in the long-term will not be significant due to the mitigation measures.

Special Status Species: As described in section 4.5.3.2.2 and Appendix B section 4.3, of the FSEIS, even with implementation MONARCH-1 (Implement Measures to Avoid and Minimize Effects on Monarch Butterfly (*Danaus plexippus*)), VEG-1, VEG-2, BIRD-1, GEO-1, WATERS-1, WQ-1, TURTLE-1: (Implement Measures to Protect Northwestern Pond Turtle (*Actinemys marmorata*)), VELB-1 (Implement Current USFWS Avoidance, Minimization, and Compensation Measures for Valley Elderberry Longhorn Beetle), there will still be short-term significant impacts to special status species for all project components. In addition, SHRIMP-1 (Implement Measures to Avoid and Minimize Effects on vernal pool fairy shrimp (*Branchinecta lynchi*) and tadpole shrimp (*Lepidurus packardii*)) will be implemented at MCP, but there will still be short-term significant unavoidable impacts to vernal pool fairy shrimp and tadpole shrimp.

SUMMARY OF EFFECTS REDUCED WITH MITIGATION:

All practicable means to avoid or minimize adverse environmental effects were analyzed and incorporated into the Selected Alternative. Best management practices (BMPs) as detailed in the FSEIS will be implemented to minimize impacts. The full text of discussed mitigation measures can be found within the associated sections of Appendix B of the FSEIS and summarized in Appendix I, Master Response 5.

Recreation: As detailed in Section 4.3.1.2.2 and Appendix B 2.2, of the FSEIS, mitigation measures REC-1 and REC-2 (Implement Measures to Notify Boaters) will be implemented to reduce recreational bike trail closure impacts and barge exposure impacts to short-term moderate effects that are less than significant. The long-term effects to recreation have been reduced to less than significant levels by the project avoiding permanent impacts to recreation facilities, accesses, and the trail systems. All existing recreation will be available once the project is completed.

Public Utilities and Services: Generally, the 2016 ARCF GRR FEIS already analyzed utility and service impacts with mitigation measures for MCP, American River Erosion Contract 3B North and South, American River Erosion Contract 4B, and Sacramento River Erosion Contract 3. As discussed under Section 4.3.2.2.2 and Appendix B 3.2, of the FSEIS, Since ARMS,

SRMS, and the location of American River Erosion Contract 4A were not covered under the ARCF GRR FEIS, mitigation measure UTL-1 (Verify Utility Locations, Coordinate with Affected Utility Owners/Providers, Prepare and Implement a Response Plan, and Conduct Worker Training with Respect to Accidental Utility Damage) will be implemented to reduce impacts from contraction on utilities and public services to a short-term minor effect that is less than significant.

Land Use, Farmland, and Forestland: As discussed in Section 4.3.3.2.2 and Appendix B 2.4, of the FSEIS, vegetation removal will conflict with the American River Parkway Plan, mitigation measures VEG-1 and VEG-2 will be implemented to reduce the impact of vegetation removal associated with American River Erosion Contract 3B and American River Erosion Contract 4B to a short-term moderate impact that is less than significant. In addition, Mitigation Measures GEO-1 and WQ-1 will be implemented for American River Erosion Contract 3B, American River Erosion Contract 4B, and ARMS for compliance with the American River Parkway Plan, creating short-term and moderate impacts that are less than significant.

Socioeconomic Conditions: As discussed in section 4.3.5.2.2 and Appendix B 2.6, of the FSEIS, mitigation measure SOCIO-1 (Uniform Relocation Assistance and Real Property Acquisition Act) will be implemented to reduce impacts of displacing residents at ARMS and MCP to long-term and negligible effects that are less than significant for ARMS and long-term and minor to moderate effects that are less than significant for MCP. As discussed in Section 4.2.6.2.2, potential impacts to at-risk and unhoused communities would be reduced to short-term and moderate effects that are less than significant, with implementation of mitigation measures SOCIO-2 (Conduct Outreach with Local Advocacy Groups) and SOCIO-3 (Prepare a Transient Population Safety Plan). Potential effects from school route disruptions at MCP will be reduced to short-term and major effects that are less than significant after implementation of mitigation measure SOCIO-4 (Consult with School Districts).

Aesthetics and Visual Resources: As described in section 4.4.1.2.2 and Appendix B 3.1, of the FSEIS Visual effects from lighting for staging and nightwork will be reduced to short-term minor to moderate effects that are less than significant once Mitigation Measures VIS-1 (Shielding construction lighting) and VIS-2 (Minimize Disturbance to Wildlife from Nighttime Lighting) will be implemented. With mitigation measures VEG-1 and VEG-2, overtime vegetation will regrow, making the visual impact of constructions indistinguishable from the surrounding areas.

Geological Resources: As described in Section 4.4.2.2.2 and Appendix B 3.2, of the SEIS, mitigation measure GEO-1 will be implemented to reduce impacts associated with soil disturbance during construction for all project components. In addition, GEO-2 (Conduct Construction Personnel Education, Stop Work if Paleontological Resources are Discovered, Assess the Significance of the Find, and Prepare and Implement a Recovery Plan, as Required) will be implemented at MCP to reduce impacts on paleontological resources to negligible impacts that are less than significant.

Greenhouse Gas Emission and Energy Consumption: As described in section 4.4.6.2.2 and Appendix B 3.6, of the FSEIS, impacts from construction related emissions from the MCP, American River Erosion Contract 3B North and South, American River Erosion Contract 4A, American River Erosion Contract 4B, Sacramento River Erosion Contract 3, SRMS, and ARMS will be reduced to short-term and moderate effects that are less than significant once mitigation measure GHG-1 (Implement GHG Reduction Measures) is implemented.

Hazardous and Hazardous Materials: As discussed in Section 4.4.8.2.2 and Appendix 3.8, of the FSEIS, MCP, SRMS and ARMS are known to contain possible hazards. Mitigation

measures GEO-1 (Acquire Appropriate Regulatory Permits and Prepare and Implement a Storm Water Pollution Prevention Plan, Spill Prevention Control and Countermeasures Plan, and Associated Best Management Practices) and HAZ-1 will be implemented to reduce impacts associated with hazards at MCP and ARMS to a short-term and moderate level that is less than significant and reduce impacts associated with hazards at SRMS to a short-term and minor level that is less than significant. There are no known hazards at American River Erosion Contract 3B North and South, American River Erosion Contract 4A, American River Erosion Contract 4B, or Sacramento River Erosion Contract 3, but with ground disturbing activities there is a risk to encounter unknown sites. Mitigation measures GEO-1 and HAZ-1 will be implemented to reduce impacts from unknown hazardous materials to a short-term and negligible level. Impacts from a temporary closure of the Watt Avenue boat launch for construction work will be reduced to short-term and moderate with mitigation measure HAZ-2 (Contact Sacramento Metropolitan Fire District Station 62 Prior to Closing Watt Avenue Boat Launch).

Vegetation and Wildlife: As described in Section 4.5.1.2.2 and Appendix B 4.1, of the FSEIS impacts to nesting birds from all project components will be reduced to a short-term moderate level by implementing mitigation measure BIRD-1 (Avoid and Minimize Effects on Nesting Birds). In addition, mitigation measure VIS-2 will reduce impacts from lighting on wildlife. Mitigation measure WATERS-1 will reduce impacts from filling in jurisdictional waters. Mitigation measure VEG-2 ensures the replanting of native vegetation to reconnect wildlife corridors.

Aquatic Resources and Fisheries: As described in Section 4.4.2.2.2 and Appendix B 4.2, of the FSEIS, mitigation measures FISH-1 (Complete Fish Habitat Assessment and Simulation Model), FISH-2 (Implement Measures to Avoid, Minimize, and Compensate for Effects on Shaded Riverine Aquatic Habitat), FISH-3 (Implement Measures to Avoid and Minimize Effects on Listed Fish Species) and FISH-4 (Analyze Hazardous Materials Spills and Implement Measures to Control Contamination) will be implemented to reduce impacts from construction activities on special status fish and habitat. Consequently, fisheries impact from American River Erosion Contract 3B North and South and Sacramento River Erosion Contract 3 will be reduced to short-term to medium-term and moderate effects that are less than significant. Fisheries impacts from ARMS and SRMS will be reduced to short-term and moderate and long-term and minor effects that are less than significant. Possible impacts from American River Erosion Contract 4A on fish stranding will be reduced by implementing any fish stranding measures from the upcoming NMFS Biological Opinion.

Special Status Species: As described in Section 4.5.3.2.2 and Appendix B 4.3, of the SEIS, mitigation measures MONARCH-1, VEG-1, VEG-2, BIRD-1, GEO-1, WQ-1, WATERS-1, TURTLE-1, VELB-1, SHRIMP-1, GSS-1, will be implemented. Even though there will still be short-term significant impacts, the long-term impacts to special status species habitat were reduced to a minor level with implementation of these mitigation measures. Each mitigation measure is specifically designed to include the species-specific best management practices to reduce direct impact to individuals.

Cultural and Tribal Resources: As described in Section 4.6.1.2.2 and Appendix B 5.1, of the SEIS, impacts from ground disturbing activities during construction could impact cultural resources at all project component locations. A Section 106 programmatic agreement (PA) with the California State Historic Preservation Officer (SHPO) defines the process that USACE will follow to identify historic properties and to mitigate any adverse cultural resources impacts the project would cause to those historic properties. Under the PA, USACE will consult with the SHPO on the SRMS to the area of potential effect (APE) and to mitigate any adverse cultural resources impacts associated with ground disturbance at the SRMS.

COMPENSATORY MITIGATION:

The Selected Alternative will result in unavoidable adverse impacts to open water, wetland and riparian habitat. Open water supports salmonids, delta smelt and green sturgeon while riparian habitat supports valley elderberry longhorn beetle (VELB) and stopover habitat for yellow-billed cuckoo. VELB, yellow-billed cuckoo, Central Valley spring-run Chinook salmon, Central Valley steelhead, and green sturgeon are Federally threatened. Delta smelt and Sacramento River winter-run Chinook salmon are federally endangered. Wetlands adjacent to the Magpie Creek Diversion Channel have the potential to support vernal pool fairy shrimp and tadpole shrimp. There will be short-term significant effects on special status species due to vegetation removal. Implementation of proposed mitigation measures will reduce long term effects to these special status species to a minor level. Specifically, the quantity of the impacts (combined impacts 2016 ARCF GRR FEIS and the FSEIS) are included in Table 2 below. Once each contract reaches at least 95% designs, a more precise and specific impact acreage and associated needed mitigation will be calculated and coordinated with NMFS and USFWS (as described in the following paragraph).

Impacts to VELB habitat, yellow-billed cuckoo stopover habitat, salmonid habitat, green sturgeon habitat, delta smelt habitat, and riparian habitat are being calculated programmatically. USACE will prepare site specific habitat management plans detailing the management of on-site and off-site mitigation lands. These plans will meet the standards for long-term management and protection of the site outlined in the United States Fish and Wildlife Service's (USFWS) 2017 *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle* the HMMAMP for the ARCF GRR EIS/EIR, the USFWS Biological Opinion and the National Marine Fisheries (NMFS) Biological Opinion. The Biological Opinions were received on March 13, 2025, from NMFS and March 21, 2025, from USFWS. The habitat management plans will be coordinated with USFWS and NMFS for approval. It will include habitat restoration and management goals suitable for the western yellow-billed cuckoo, VELB, Delta smelt, salmonids and green sturgeon with specific information regarding site selection and development, a planting plan that includes appropriate buffers, success standards, monitoring specifications, and a reporting schedule with data as outlined in Section 6.1 and Appendix C of the USFWS' 2017 Framework



Table 2: Impacts to Special-Status Species from the Selected Alternative

Location	Western Yellow Billed Cuckoo / Riparian (above Ordinary High Water Mark [OHWM] and Minus VELB* (acres)	Western Yellow Billed Cuckoo/ Riparian (below OHWM) * (acres)	VELB With Buffer* (acres, except for GRR)	VELB Canopy* (acres)	Giant Garter Snake* (acres)	Vernal Pools (acres)	Salmonid/Green Sturgeon (acres)	Delta Smelt (acres)
American River Erosion Contract 3B North and South	-	9.91	22.14	1.51	-	-	24.0	-
American River Erosion Contract 4A – Selected Alternative	1.80	-	2.49	0.07	-	-	-	-
American River Erosion Contract 4A - Alt 3a	0.06	-	0.15	-	-	-	-	-
American River Erosion Contract 4A - Alt 3b	2.78	-	3.11	0.09	-	-	-	-
American River Erosion Contract 4A - Alt 3c	Street Detour: 1.90 Parkway Detour: 1.79	Street Detour: - Parkway Detour: 0.22	Street Detour: 1.16 Parkway Detour: 13.52	Street Detour: 0.07 Parkway Detour: 1.27	-	-	0.25	-

American River Erosion Contract 4A - Alt 3d	0.98	0.22	12.91	1.25	-	-	0.25	-
American River Erosion Contract 4B	0.45	-	0.04	1.13	-	-	-	-
Sacramento River Erosion Contract 3	1.0	0.2	12.92	1.24	-	-	28.7	12.4
Magpie Creek Project (MCP)	-	-	-	-	-	0.56	-	-
American River Mitigation Site (ARMS)	4.25	-	-	0.35	-	-	-	-
Sacramento River Mitigation Site (SRMS)	2.0	-	-	0.35	-	-	-	-



PUBLIC REVIEW:

The public review of the Draft SEIS ran for 63 days, beginning December 2, 2023, and ending February 23, 2024. Originally the document was available to the public for 45 days, but after many individuals requested an extension, which was granted. The public meetings were held January 10, 2024, and January 16, 2024. All comments submitted during the public comment period were responded to in the FSEIS. In response to the public comment the Master Responses in Appendix I were written to address similar comments in one location. Also, Appendix G – The Engineering Appendix was written to provide additional information on site selection, design development, design review and flood risk requirements. A 30-day waiting period and state, and agency review of the FSEIS was completed on June 11, 2025.

OTHER ENVIRONMENTAL AND CULTURAL COMPLIANCE REQUIREMENTS:

ENDANGERED SPECIES ACT

Pursuant to the Endangered Species Act (ESA), as amended (16 USC 1531 et seq.), USFWS and NMFS have regulatory authority over Federally listed species. ESA Section 7 outlines procedures for Federal interagency cooperation to conserve Federally listed species and designated critical habitat. Section 7(a)(2) requires Federal agencies to consult with USFWS and NMFS to ensure that a federal action does not jeopardize the continued existence of any listed species. The USFWS Information for Planning and Consultation website was used to receive a list of threatened and endangered species that may be affected by the Selected Alternative (For list see Table 4.3-1 in Appendix B 4.3 of the SEIS).

USACE formally consulted with USFWS on the ARCF 2016 Projects and received a BO on September 11, 2015 (08ESMF00-2014-F-0518). USACE re-initiated consultation for this BO with USFWS in June 2017, May 2019, and September 2020. An updated Biological Opinion was received from USFWS on March 31, 2021. USACE formally consulted with NMFS on the ARCF 2016 Projects and received a Biological Opinion on September 9, 2015. USACE re-initiated consultation with NMFS in 2020. The NMFS Biological Opinion was received on May 12, 2021. Design refinements have required additional coordination and USACE has reinitiated consultation with both NMFS and USFWS in 2023 in order to address needs of the design refinements. The Biological Opinions were received on March 13, 2025, from NMFS and March 21, 2025, from USFWS.

USACE is required to reinitiate formal consultation with USFWS and/or NMFS if effects to listed species will vary from the effects catalogued during the initial formal consultations. USACE continues to update USFWS and NMFS on impacts and mitigation for listed species associated with implementing ARCF 2016 Project actions.

NATIONAL HISTORIC PRESERVATION ACT

The National Historic Preservation Act (NHPA) (54 U.S.C. 300101 et seq.) is the primary Federal legislation specific to cultural resources. Because the ARCF 2016 Project is being implemented in phases, and because implementation of phases of the ARCF 2016 Project may have an effect on historic properties, USACE consulted with the California Office of Historic Preservation, State Historic Preservation Officer (SHPO) and other parties and executed a PA

to govern Section 106 compliance. The PA establishes the process USACE is following for compliance with Section 106, taking into consideration the views of the signatory and concurring parties and interested Native American Tribes.

The Selected Alternative incorporates treatment measures in consideration of cultural resources listed on or eligible for listing on the National Register of Historic Places, as discussed in Section 4.5 of the FSEIS, *Cultural Resources*. Determinations of the specific mitigation measures to be implemented to reduce impacts on known Historic Properties will be made by USACE, in consultation with SHPO and other PA Parties, including Native American Tribes with cultural resources concerns in the APE, as required by the PA and as described in detail in the Historic Properties Management Plan (HPMP) for the ARCF Project. Specific mitigation measures that are consistent with the PA and the HPMP are also identified in Section 4.5 of the FEIS to address potential impacts to unknown cultural resources that could be discovered during construction.

In accordance with the PA and HPMP procedures, USACE previously has consulted with Tribes who attach religious or cultural significance to historic properties that may be affected by the Selected Alternative. In accordance with the PA, USACE will consult with the SHPO on the delineation of or changes to the APE, on the adequacy of inventory methods, and on the findings of cultural resources investigations. USACE also will consult with Tribes on the APE and Section 106 findings, as required. Through implementation of the actions specified in the PA, the Selected Alternative complies with Section 106 of the NHPA. The following Tribes were consulted:

- Buena Vista Rancheria of Me-Wuk Indians
- Cachil Dehe Band of Wintun Indians of the Colusa Indian Community
- Colfax-Todds Valley Consolidated Tribe
- Enterprise Rancheria of Maidu Indians - Estom Yumeka Maidu Tribe
- Kletsel Dehe Wintun Nation of the Cortina Rancheria
- Lone Band of Miwok Indians
- Mechoopda Indian Tribe of Chico Rancheria
- Mooretown Rancheria of Maidu Indians
- Nashville Enterprise Miwok-Maidu-Nishinam Tribe
- Shingle Springs Band of Miwok Indians
- Southern Sierra Miwuk Nation
- Pakan'yan Maidu of the Strawberry Valley Rancheria
- TSI-AKIM Maidu of the Taylorsville Rancheria
- United Auburn Indian Community of the Auburn Rancheria
- Wilton Rancheria
- Yocha Dehe Wintun Nation

CLEAN WATER ACT COMPLIANCE:

United States Environmental Protection Agency (EPA) is the lead Federal agency responsible for water quality management. The Clean Water Act of 1972, as amended (33 USC 1251 et seq.), is the primary Federal law that governs and authorizes water quality control activities by the EPA, as well as the State. The Selected Alternative involves the placement of fill materials or construction materials within surface waters, local waterways, or other Waters of the United States and, therefore, is governed by the requirements of Sections 401 and 404 of the Clean Water Act. USACE prepared a Section 404(b)(1) Evaluation and has attached it to the Final SEIS (Appendix K). At the time of publication of this document, USACE submitted a

notice of intent to construct under the ARCF Project's Programmatic Water Quality Certification issued by the Central Valley Regional Water Quality Control Board. Prior to construction, the contractor will be required to obtain a National Pollution Discharge Elimination System Permit for potential effects on stormwater discharge, including preparation of a SWPPP. With the implementation of these permits, the Selected Alternative will comply with the Clean Water Act.

In addition, since dewatering is needed at MCP and American River Erosion Contract 4A, under Clean Water Act 402 a National Pollutant Discharge Elimination System (NPDES) permit under the Limited Threat General Order CAG995002 will be received before dewatering could occur at MCP and American River Erosion Contract 4A.

CLEAN AIR ACT COMPLIANCE

The Federal Clean Air Act (CAA) of 1970, as amended (42 USC 7401 et seq.) requires the EPA to establish national ambient air quality standards (NAAQS). An analysis of air quality effects of the Selected Action is presented in Section 4.3.5 of the FSEIS. NO_x emissions of the ARCF Project are expected to exceed the EPA's General Conformity *de minimis* thresholds during several of the ARCF Project's construction years, including 2025, 2026, 2027 and 2028. USACE is funding an emission offset for NO_x emissions overages that is administered by SMAQMD to mitigate for emissions exceeding *de minimis* thresholds.

FEDERAL WILD AND SCENIC RIVERS ACT

The Wild and Scenic Rivers Act (16 USC 1217 et seq.) was enacted to preserve selected rivers or sections of rivers in their free-flowing condition to protect the quality of river waters and to fulfill other national conservation purposes. The Lower American River, below Nimbus Dam, has been included in the Federal Wild and Scenic Rivers system since 1981. The ARCF 2016 Project and this Selected Alternative are consistent with the land use management, flood risk reduction, and levee protection policies of the American River Parkway Plan, the management plan for the Wild and Scenic Rivers Act. These policies require that flood management agencies maintain and improve the existing flood control system and manage vegetation in the Parkway to maintain the structural integrity and conveyance capacity of the flood control system, consistent with the need to provide a high level of flood risk reduction.

USACE is coordinating with the National Park Service (NPS) to ensure that the Selected Alternative complies with the Wild and Scenic Rivers Act. USACE anticipates receiving a consistency determination for American River Erosion Contract 3B North and South from the NPS on July 7, 2025. Accordingly, the Selected Alternative of American River Erosion Contract 3B North and South will not result in a direct and adverse effect on the Lower American River's free-flowing nature, water quality, anadromous fish Outstandingly Remarkable Value, or recreational Outstandingly Remarkable Value.

Consistency analyses have not yet been completed for other projects on the American River because project designs have not reached 95% levels, which are required for NPS review. Future Consistency Analyses will be submitted to NPS for American River Erosion Contract 4A, American River Erosion Contract 4B, and ARMS, as these projects approach 95% design, for their review and approval as provided in a Consistency Determination. USACE will ensure that the Selected Alternative that includes the remaining American River project components comply with the Wild and Scenic Rivers Act by coordinating with the NPS to determine whether the Selected Alternative will result in a direct and adverse effect on the

Lower American River's free-flowing nature, water quality, anadromous fish Outstandingly Remarkable Value, or recreational Outstandingly Remarkable Value.

OTHER SIGNIFICANT ENVIRONMENTAL COMPLIANCE:

All applicable environmental laws have been considered and coordination with appropriate agencies and officials is complete. Specific details on all relevant environmental laws may be found in Chapter 6 of the FSEIS. The FSEIS was prepared under the NEPA implementation regulations in effect as of the NOI publication in the Federal Register on 20 April 2022 (87 FR 23453) and was made consistent with amendments under the Fiscal Responsibility Act of 2023 (Public Law 118-5), where feasible.

On January 20, 2025, Executive Order (E.O.) 14154, *Unleashing American Energy*, was signed. Section 5(b) of E.O. 14154 directs the Council on Environmental Quality (CEQ) to rescind the NEPA regulations at 40 C.F.R. Parts 1500-1508. However, preparation of this SEIS began, and the Draft SEIS/SEIR was circulated for public review prior to the regulations being rescinded. As recommended by CEQ in their February 19, 2025, Memorandum for Implementation of the National Environmental Policy Act, the FSEIS followed the 2023 NEPA regulations that were previously in effect.

All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. Based on the review of these evaluations, I find that benefits of the Selected Alternative outweigh the costs and any adverse effects. This Record of Decision completes the National Environmental Policy Act process.

June 18, 2025
Date


Chad W. Caldwell, P.E.
Colonel, U.S. Army
Commander and District Engineer