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RECORD OF DECISION

AMERICAN RIVER WATERSHED, CALIFORNIA FOLSOM DAM RAISE PROJECT: UPDATED DESIGNS - FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT Sacramento, Placer, and El Dorado Counties, California

The Final Supplemental Environmental Impact Statement/Environmental Impact Report (Final SEIS/EIR) dated July 15, 2022, for the American River Watershed, California Folsom Dam Raise Project (Project) addresses design refinements for flood risk management in the Sacramento Metropolitan area in California. The enclosed Final SEIS/EIR is a supplement to the Folsom Dam Raise Project Final Supplemental Environmental Impact Statement/Environmental Impact Report, dated October 2017 prepared by USACE (USACE, 2017). The 2017 SEIS/EIR is a supplement to the Folsom Dam Safety and Flood Damage Reduction Final Environmental Impact Statement/Environmental Impact Report, dated 2007 prepared by the Bureau of Reclamation (Reclamation, 2007).

Since preparation of the 2017 SEIS/EIR, further design refinements of the Project presented the need for additional environmental compliance. Based on the Final SEIS/EIR, the reviews by other Federal, State, and local agencies, Native American Tribes (Tribes), input of the public, and the review by my staff, I find the Preferred Alternative, identified in the Final SEIS/EIR as Alternative 2, is justified in accordance with environmental statutes, in the public interest, and consistent with existing project authority.

The Final SEIS/EIR, incorporated herein by reference, evaluated various alternatives that would improve the flood risk management of the Sacramento Metropolitan area. In addition to the "no action" alternative, five alternatives were considered but eliminated. Earthen raises of Dikes 1 and 4-7 and the Mormon Island Auxiliary Dam (MIAD), hauling the MIAD East riprap offsite, and delaying the Project mitigation plan alternatives were considered but eliminated due to cost. The raise of existing Dike 3 as an alternative was eliminated due to the existing fill material being unreliable. Onsite borrow and disposal at different locations, other than MIAD West, were eliminated as an alternative due to the possibility of environmental and cultural resource impacts. The Preferred Alternative is also the environmentally preferable alternative and includes the following elements (described in the Final SEIS/EIR, Section 2.3):

- Construction of a new Dike 3 to replace the existing dike
- Modified concrete floodwall raises of Dikes 1, 4-7, and MIAD
- Onsite borrow and disposal activities at MIAD West
- Rock crushing operations at MIAD East

- Implementation of a Project mitigation plan
- Smaller scale actions such as pumping water from Folsom Lake for construction activities, the replacement of a culvert under an access road north of Dike 1, and the construction of a temporary access point along Auburn Folsom Road for access to Dike 5. The complete list of smaller scale actions is available in the Section 2.3 of the Final SEIS/EIR.

For the two alternatives, potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the Preferred Alternative are listed in Table 1.

Table 1: Summary of Potential Effects of Preferred Alternative

	Significant adverse effect	Less than significant effects due to mitigation	Less than significant effects	Resource unaffected by action
Aesthetics and Visual Resources	<input checked="" type="checkbox"/> Short-term, Unavoidable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fisheries and Aquatic Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Population and Housing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vegetation and Wildlife	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Status Species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cultural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geology, Mineral Resources, Seismicity, & Soils	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous, Toxic, & Radioactive Waste	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hydrology and Hydraulics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hydropower	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Agriculture and Forestry Resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise	<input checked="" type="checkbox"/> Short-term, Unavoidable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Utilities and Services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Land Use and Planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socioeconomics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public Safety	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Water Supply	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water Quality and Waters of the U.S.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Significant adverse effect	Less than significant effects due to mitigation	Less than significant effects	Resource unaffected by action
Climate Change	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recreation	<input checked="" type="checkbox"/> Short-term, Unavoidable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Traffic and Circulation	<input checked="" type="checkbox"/> Short-term, Unavoidable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Energy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wildfire	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

All practicable means to avoid or minimize adverse environmental effects were analyzed and incorporated into the Preferred Alternative. Best management practices (BMPs) as detailed in the Final SEIS/EIR will be implemented to minimize impacts (Appendix A of the Final SEIS/EIR).

The Preferred Alternative will result in unavoidable adverse impacts to resources listed in Table 2.

Table 2: Unavoidable Adverse Environmental Effects

Environmental Resource	Significant Adverse Effect
Aesthetics and Visual Resources (3.3.6)	Short-term significant impacts during construction of all features, hauling, and new Dike 3. Long-term impacts will be less than significant with mitigation.
Noise (3.3.7)	Temporary, short-term impacts due to construction activities and hauling within 2,000 feet of sensitive receptors.
Recreation (3.3.1)	Temporary, short-term access restriction to bicycling, hiking, and other recreation around parts of Folsom Lake during construction. Most areas have detours available, but public access to MIAD will not be available during construction and alternative access points will have to be used by State Park users.
Traffic and Circulation (3.2.13)	Temporary, short-term increased traffic on surface streets during construction. Park Road will have metered one-way traffic during Dikes 1-3 construction. Impacts are about the same or less than the 2017 SEIS/EIR due to less trucks needed for the concrete floodwall elements of Dikes 1, 4-7, and MIAD.

To mitigate for these unavoidable adverse impacts, USACE will avoid, minimize, and compensate for environmental impacts generated by the construction of the Preferred Alternative. Below is a summary of impacts to environmental and/or cultural resources,

corresponding mitigation measures adopted, and references to Section of the Final SEIS/EIR containing further details.

Short-term impacts to recreation will be significant even with implementation of mitigation measures such as posting signs, providing a multiuse detour trail for Dikes 4, 5, and 6, repairing construction damage to affected recreation facilities, restricting work hours near the Beals Point Campground, and implementing traffic management plans. The long-term impacts will be less than significant with mitigation. Further details are available in Section 3.3.1 of the Final SEIS/EIR.

The Preferred Alternative would result in adverse impacts to oak woodland, annual grassland, and local species without avoidance, minimization, and mitigation measures. To mitigate for these impacts, USACE will implement mitigation measures such as plans identifying habitats and areas to be protected, environmental protections training for construction personnel, and monitoring restored areas for invasive plants. A Project mitigation plan is included in the Final SEIS/EIR to compensate for the loss of 17.8 acres oak woodland habitat due to construction. Impacts to annual grassland will be mitigated by seeding areas disturbed during construction. Additionally, measures under special status species, water quality, and air quality reduce impacts to vegetation and wildlife. Therefore, vegetation and wildlife impacts are less than significant in the short and long term with mitigation measures. Further details are available in Section 3.3.2 of the Final SEIS/EIR.

Impacts to special status species will be less than significant with the use of mitigation measures in the short and long term. These measures include surveying for special status birds prior to and during construction, establishing buffer zones for species detected onsite, and coordinating with agencies, as needed, to protect special status species. An elderberry shrub (*Sambucus* spp.) will be impacted due to Project construction but due to the shrub's poor health and site conditions, it is not considered habitat. Conversations with U.S. Fish and Wildlife Service (FWS) in September 2022 confirmed that mitigation is not required for this shrub. Further details are available in Section 3.3.3 of the Final SEIS/EIR.

Air quality short- and long-term impacts will be less than significant with implementation of mitigation measures such as speed limits on unpaved roads, watering exposed soil, minimizing idle time, and requiring Tier 4 off-road engines. PM₁₀ emissions are expected to exceed the Placer County Air Pollution Control District (PCAPCD) threshold in 2023 but will be mitigated through payment to Placer County as required under mitigation measure AQ-7. Further details are available in Section 3.3.4 of the Final SEIS/EIR.

The short- and long-term impacts to climate change will be less than significant with mitigation measures such as preparing a greenhouse gas emissions reduction plan and purchase of carbon credits if emissions exceed local thresholds. Additionally, measures under air quality will reduce impacts. CO_{2e} emissions estimates do not indicate that the

Project will exceed local air quality district standards for any Project construction year. Further details are available in Section 3.3.5 of the Final SEIS/EIR.

Impacts to aesthetics and visual resources are significant in the short-term even with the inclusion of mitigation measures such as preserving native trees to the extent possible, locating staging areas in previously disturbed areas, avoiding night work, and directing lights to reduce impacts to the surrounding area. The long-term impact will be less than significant with mitigation measures such as anti-graffiti coatings on the concrete floodwalls and restoring staging areas. Further details are available in Section 3.3.6 of the Final SEIS/EIR.

Noise impacts in the short-term will be significant even with implementation of mitigation measures such as compiling with local noise ordinances, muffling and shielding intakes and exhaust, and establishing a noise compliant hotline. There will be no long-term impacts following Project construction completion. Further details are available in Section 3.3.7 of the Final SEIS/EIR.

The short- and long-term impacts for water quality and waters of the United States will be less than significant with the implementation of mitigation measures such as preventing sediment from entering protected waters, developing a fuels spill management plan, and revegetating areas to prevent erosion. Construction activities will temporarily impact 110 square feet of seasonal wetlands and 0.5 acres of reservoir impounded waters. Permanent impact to seasonal wetlands and perennial stream habitat is 0.003 acres. These impacts do not require mitigation under Section 404 of the Clean Water Act (CWA) of 1972, as amended. Further details are available in Section 3.3.7 of the Final SEIS/EIR.

Public review of the Draft SEIS/EIR was completed on December 27, 2021. All comments submitted during the public comment period were responded to in the Final SEIS/EIR. A 30-day waiting period and state and agency review of the Final SEIS/EIR was completed on August 22, 2022. Per a comment from the Sacramento Municipal Utility District, utilities information on the south side of Folsom Lake was added to Section 3.2.10. The air quality and climate change emissions have been reviewed and updated to address comments from the U.S. Environmental Protection Agency (EPA) and Sacramento Metropolitan Air Quality Management District (SMAQMD) (Sections 3.3.4 and 3.3.5). Other comments from EPA were addressed through updated water quality data in Section 3.3.8.1 and added language to mitigation measure N-6 to clarify that the notice to residents shall include the complaint hotline number detailed in mitigation measure N-8 (Section 3.3.7). The greenhouse gas emissions fee rate has been edited per a comment from SMAQMD (Section 3.3.5).

Pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, as amended, the FWS issued a Biological Opinion (BO) on October 13, 2016 (2016 BO) that determined the Project will not jeopardize the continued existence of the federally listed valley elderberry longhorn beetle (*Democerus californicus dimorphus*; VELB) or adversely modify designated critical habitat. All terms and conditions, conservation

measures, and reasonable and prudent measures resulting from these consultations will be implemented to minimize take of endangered species and avoid jeopardizing the species. One elderberry shrub is to be directly impacted but does not require mitigation per FWS. Subsequent BOs (dated September 20, 2019; January 15, 2020; and February 3, 2020) have found that additional work associated with the Project may affect, but is not likely to adversely affect, VELB or its habitat. In a letter, dated October 15, 2021, USACE requested to reinstate consultation under Section 7 of the ESA for Project effects on VELB. FWS responded to our request in an email, dated January 24, 2022, advising us that the Project remains in compliance with Conservation Measure 2 in the 2016 BO. The reduced buffer proposed by USACE for specific shrubs does not alter the analysis or the incidental take statement provided in the 2016 BO.

USACE coordinated with the FWS to update the Coordination Act Report (CAR) as required under the Fish and Wildlife Coordination Act of 1934, as amended (16 U.S.C. 661, et seq.). FWS issued a CAR to USACE for the Folsom Dam Raise Project on October 24, 2016; therefore, an updated CAR (issued August 25, 2022) incorporated changes to the Project. New recommendations have been incorporated into the Project such as compensating for impacts to the oak woodland and developing a long-term mitigation plan for the Project mitigation areas.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, USACE determined that the Preferred Alternative will result in no adverse effect on historic properties. Historic properties are cultural resources that are included in, or eligible for inclusion in, the National Register of Historic Places. This Section 106 finding was made through a consultative process involving the California State Historic Preservation Officer (SHPO) and Tribes with traditional ties to the Folsom Lake area. The SHPO concurred with the finding of “no adverse effect” on 28 May 2021. USACE used information generated through the Section 106 process to also assess effects to cultural resources under the National Environmental Policy Act (NEPA) and determined that, barring any discoveries during construction, the Preferred Alternative will result in less than significant effects to cultural resources. The discovery of cultural resources during construction could result in an adverse effect to historic properties under Section 106 and a significant adverse effect to cultural resources under NEPA. In the event of a post-review discovery, actions to resolve any adverse effect under Section 106 will be determined and implemented through continued consultation with the SHPO and interested tribes, in accordance with 36 CFR § 800.13(b). The implementation of actions to resolve adverse effects under Section 106 will similarly mitigate significant adverse effects to cultural resources under NEPA, resulting in less than significant effects due to mitigation. Further details are available in Section 3.3.9 of the Final SEIS/EIR.

Pursuant to the CWA, as amended, all discharges of dredged or fill material associated with the Preferred Alternative have been found to be compliant with the Section 404(b)(1) Guidelines (40 CFR 230). The CWA Section 404(b)(1) evaluation is found in Section 3.3.8 Water Quality and Waters of the U.S. of the Final SEIS/EIR. The Project is committed to complying with any future Water Quality Certification (WQC) that USACE determines necessary to assure that the discharge from the Project will comply

with water quality requirements. A WQC pursuant to Section 401 will be obtained from the Central Valley Regional Water Quality Control Board (CVRWQCB) prior to construction. In a letter dated September 21, 2022, the CVRWQCB stated that the 401 application appears to be complete. All conditions of the WQC will be implemented in order to minimize adverse impacts to water quality.

Executive Order (EO) 12898 (1994) and EO 14008 (January 2021) require Federal agencies to identify and address disproportionately high and adverse human health or environmental effects of Federal programs on minority and low-income populations (see Section 5.1 of the Final SEIS/EIR). The Preferred Alternative will manage flood risk to existing residential, commercial, and industrial developments in the Sacramento Metropolitan area and its effect and benefits will accrue to all segments of the population in the Project area, with no disproportionate adverse environmental effect on any minority and/or low-income population.

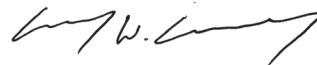
In compliance with Clean Air Act of 1970 (42 U.S.C §7401, et seq.), as amended, the Preferred Alternative is not expected to violate any National Ambient Air Quality Standards. Although the PM₁₀ emissions are estimated to exceed the PCAPCD threshold during the 2023 construction year, USACE will purchase offsets for PM₁₀ emissions from the PCAPCD if necessary.

All applicable environmental laws have been considered and full coordination with appropriate agencies and officials has been completed (details in Chapter 5.0 of the Final SEIS/EIR). The Final SEIS/EIR was prepared in accordance with the NEPA implementation regulations in effect as of the Notice of Intent publication in the Federal Register on April 1, 2020, and the NEPA regulations implemented in May 2022. New Council on Environmental Quality (CEQ) NEPA implementation regulations (40 CFR 1500-1508) became effective on September 14, 2020 (final rule, Docket No. CEQ-2019-0003) and May 20, 2022 (final rule, Docket No. CEQ-2021-0002).

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 Preferred Alternative outweigh its costs and any adverse effects. This Record of Decision completes the National Environmental Policy Act process.

9/29/22

Date



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Commander and District Engineer