

**FINDING OF NO SIGNIFICANT IMPACT
MARYSVILLE RING LEVEE
YUBA RIVER BASIN, CALIFORNIA**

The U.S. Army Corps of Engineers, Sacramento District (Corps) has conducted additional environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended, for the Yuba River Basin, California, Marysville Ring Levee Project (Project). Environmental review of the Project was originally documented in the *Marysville Ring Levee Improvements, Yuba River Basin, California, Environmental Assessment/Initial Study (EA/IS)*, dated April 2010 (2010 EA/IS). The *Final Supplemental Environmental Assessment/Initial Study, Marysville Ring Levee Project, Phases 2B and 3, Yuba River Basin, Yuba County, California* June 21, 2019 (Final SEA/IS) addresses design refinements to the Project, documented in the *Design Documentation Report, Yuba River Basin, Marysville Ring Levee, Phase 2B* dated June 19, 2019 and the *Design Documentation Report, Yuba River Basin, Marysville Ring Levee, Phase 3* dated June 19, 2019, that were not analyzed in the 2010 EA/IS.

The Final SEA/IS, incorporated herein by reference, evaluated various alternatives that would reduce the risk of levee failure along Phases 2B and 3 of the Project, consequently reducing the risk of flooding to the City of Marysville. The Final SEA/IS is tiered to the 2010 EA/IS. The Proposed Action as described in the Final SEA/IS addresses design refinements for the authorized Project and includes:

Phase 2B

- The construction of 5,100 linear feet of a soil cement bentonite cutoff wall.
- The realignment of 2,400 linear feet of levee.
- The construction of patrol roads (minimum 15-foot wide) on both the landside and waterside of the levee, where feasible.

Phase 3

- The construction of 9,700 linear feet of a soil cement bentonite or soil bentonite cutoff wall.
- Minor adjustments to levee alignment in some locations.
- The construction of a 15-foot wide paved service road on the landside of the levee for operation and maintenance of the levee.

Implementation of the environmental compensatory mitigation will be made through use of U.S. Fish and Wildlife Service (Service) approved conservation banks and the Feather River Air Quality Management District (FRAQMD) off-site mitigation program (Carl Moyer Program). No additional monitoring requirements are associated with the compensatory mitigation requirements.

In addition to a "No Action" alternative, one other alternative was evaluated. The alternative evaluated is the Proposed Action, discussed in Section 2.1.2 of the Final SEA/IS.

For all alternatives, the potential effects were evaluated, as appropriate. The Proposed Action could have a significant effect on the environment. However, implementation of the following mitigation measures would reduce all significant impacts to less than significant levels

to support a mitigated Finding of No Significant Impact (FONSI), thereby avoiding the need to prepare an environmental impact statement (EIS). Mitigation measures would be implemented, as described in the Final SEA/IS, to reduce effects to the following resources: air quality (Section 3.2.1.4), greenhouse gases (Section 3.2.2.4), water resources and quality (Section 3.2.3.4), vegetation and wildlife (Section 3.2.4.4), special status species (Section 3.2.5.4), recreation (Section 3.2.6.4), traffic and circulation (Section 3.2.8.4), and noise and vibration (Section 3.2.9.4). A summary assessment of the potential effects of the Proposed Action, including mitigation, are listed in Table 1:

Table 1: Summary of Potential Effects of the Proposed Action.

	Insignificant effects	Insignificant effects as a result of mitigation	Resource unaffected by action
Public Utilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land Use, Socioeconomics, and Environmental Justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agriculture and Prime and Unique Farmlands	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water Resources and Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Air Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greenhouse Gases (GHGs)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vegetation and Wildlife	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Special Status Species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cultural Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Traffic and Circulation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Noise and Vibration	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 Final SEA/IS would be implemented, if appropriate, to minimize impacts.

- Mitigation measures to prevent degradation to on-site and off-site waters of the U.S are discussed in detail in Section 3.2.3.4 of the Final SEA/IS. BMPs would include the use of appropriate measures to intercept and capture sediment prior to entering waters of the U.S., as well as erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. All BMPs would be in place prior to initiation of any construction activities and would be maintained until construction activities have been completed and site soils are stabilized.
- Mitigation measures to reduce air quality impacts during project construction are provided in FRAQMD's Indirect Source Review Guidelines (FRAQMD 2016). These measures were documented in the 2010 EA/IS and would be incorporated during construction. A detailed discussion of the air quality mitigation measures applicable to the Proposed Action are also listed in Table 8 of Section 3.2.1.4 of the Final SEA/IS.
- Implementation of the mitigation measures listed in Table 9 of Section 3.2.3.4 of the Final SEA/IS, in addition to those applicable from the 2010 EA/IS, would ensure effects to vegetation and wildlife would be reduced to less-than-significant levels. The Final Supplemental Coordination Act Report dated March 27, 2019, discusses the

compensatory mitigation requirements of 12.21 acres for the proposed removal of riparian woodland habitat.

- On April 13, 2010, the Service issued a biological opinion for the Project. On February 19, 2019, the Corps reinitiated formal consultation with the Service due to additional effects of the Proposed Action on elderberry shrubs beyond what was identified in the 2010 EA/IS, and for potential effects to the giant garter snake (GGS) and its habitat. All elderberry shrubs within the Project footprint affected by the Proposed Action would be transplanted to a Service-approved mitigation bank. A detailed discussion of the mitigation measures for Special Status Species is included in Section 3.2.4.4 and listed in Table 13 of the Final SEA/IS.
- Short-term disruptions to recreation in and adjacent to the Proposed Action, would be reduced to less-than-significant levels with implementation of the mitigation measures described in Table 14 of Section 3.2.5.3 of the Final SEA/IS, in addition to those applicable from the 2010 EA/IS.
- All applicable mitigation measures from the 2010 EA/IS would be implemented to reduce any short-term effects on traffic to less-than-significant. A Traffic Control Plan would minimize traffic flow interference from construction activities. A detailed discussion of the mitigation measures applicable to the Proposed Action for Traffic and Circulation is included in Section 3.2.7.3 of the Final SEA/IS.
- Mitigation measures to reduce any potential effects from noise and vibration were documented in the 2010 EA/IS and would be incorporated during construction activities. Additionally, the night work associated with the Proposed Action would fall outside of the designated hours for Yuba County's construction exemption for noise. Therefore, all applicable permits from the Community Development and Services Agency's Director of Planning and Building Services Department would be obtained prior to initiating any night work activities. A detailed discussion of the mitigation measures applicable to the Proposed Action for Noise and Vibration is included in Section 3.2.8.4 of the Final SEA/IS.

The Proposed Action will result in unavoidable impacts to 46 elderberry shrubs (16 in Phase 2B and 28 in Phase 3). To mitigate for these unavoidable adverse impacts, 46 elderberry shrubs/clusters from the Phase 2B and Phase 3 Project footprints will be transplanted to one or more of three Service-approved valley elderberry longhorn beetle (VELB) conservation banks, and 240 VELB habitat credits will be purchased. Additionally, the Proposed Action will result in unavoidable impacts to 12.21 acres of riparian woodland habitat. To mitigate for these unavoidable adverse impacts, 9 riparian woodland credits from one or more Service-approved mitigation banks will be purchased. After implementing on-site mitigation measures, the Proposed Action will result in unavoidable impacts to Air Quality and is anticipated to exceed local (FRAQMD) thresholds for NO_x and PM₁₀. To mitigate for these unavoidable adverse impacts, the contractor will be required to contribute to the FRAQMD's off-site mitigation program (Carl Moyer Program) to ensure any emissions remaining in excess of local thresholds are reduced to less than significant levels.

Public review of the draft SEA/IS was completed on April 28, 2019. All comments submitted during the public comment period were responded to in the Final SEA/IS.

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, the Service issued an amended biological opinion on March 13, 2019, that determined the Proposed Action would not jeopardize the continued existence of the following two federally listed species or adversely modify designated critical habitat, VELB and GGS. 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 Corps determined that historic properties would not be adversely affected by the Proposed Action. The State Historic Preservation Officer (SHPO) concurred with this determination on January 27, 2010, on condition of the execution of the *Memorandum of Agreement between the U.S. Army Corps of Engineers and the California State Historic Preservation Officer, Regarding the Marysville Ring Levee Project, Yuba County, California* dated March 11, 2011. Following the 2010 consultation, additional consultation was completed for potential historic properties in accordance with 36 CFR § 800.13, post review discoveries, and was completed with the SHPO and two interested Native American Tribes (United Auburn Indian Community and the Enterprise Rancheria-Estom Yumeka Maidu Tribe) on November 30, 2018. The Project findings concluded no adverse effects to historic properties as a result of the Proposed Action, therefore, there are no impacted cultural resources.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed. As a joint National Environmental Policy Act/California Environmental Policy Act document, mitigation measures would be implemented to minimize CO₂ and reduce greenhouse gas emissions to less-than-significant. Assembly Bill 32 establishes statewide GHG reduction targets, mandating that emissions of GHGs be reduced to 1990 levels by 2020. Projects are required to be consistent with statewide GHG reduction plans and reports and would provide information for climate change adaptation analysis. To successfully adapt to future changes in Yuba County's climate, the Yuba General Plan suggests several measures to provide GHG efficient development including incorporation of emission control measures recommended by the FRAQMD.

Technical, environmental, and economic criteria used in the formulation of alternative plans for the authorized project were those specified in the Water Resources Council's 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies. The Proposed Action analyzed in the Final SEA/IS focuses on design refinements and remains consistent with the authorized project. All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives addressed in the Final SEA/IS. Based on this Final SEA/IS, 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 could have a significant effect on the environment; however, implementation of mitigation measures would reduce all significant impacts to less than significant levels to support a mitigated FONSI. Therefore, preparation of an EIS is not required.

28 JUNE 2019

Date


DAVID G. RAY, P.E.
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Commanding