



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

FINDING OF NO SIGNIFICANT IMPACT

**San Joaquin River Basin, Lower San Joaquin River, California, Project
Compensatory Mitigation Plan Supplemental Environmental Assessment II**

The U.S. Army Corps of Engineers, Sacramento District (USACE) has prepared a 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 (LSJR 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. This SEA supplements the San Joaquin River Basin, Lower San Joaquin River, CA, Final Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report (2018 LSJR IIFR/EIS/EIR), dated January 2018. The SEA addresses changes to the LSJR Project mitigation strategy described in the 2018 LSJR IIFR/EIS/EIR, which relied primarily on the purchase of mitigation bank credits. Due to a lack of sufficient credit availability to meet the Project's needs, a modified mitigation strategy that includes the construction of habitat mitigation is presented in the 2024 Compensatory Mitigation Plan (CMP). This SEA is the second supplemental NEPA document to the 2018 LSJR IIFR/EIS/EIR.

The SEA, incorporated herein by reference, evaluated the Proposed Action, which would satisfy the LSJR Project's compensatory mitigation needs, and the No Action Alternative. The Proposed Action consists of Option 4 as identified in the CMP, which includes the purchase of mitigation bank credits for available species and habitat types, and the construction of mitigation sites on one or more proposed land parcels to meet the remaining mitigation needs for the LSJR Project. The SEA identifies six proposed off-site mitigation locations, as well as two potential on-site opportunities. It also acknowledges the possibility of acquiring parcels in the future that are currently unidentified, in the event that additional parcels become available and are suitable for the construction of compensatory habitat mitigation.

Habitat Monitoring and Adaptive Management Plans would be implemented for each constructed mitigation site. Sites would be actively maintained for a period of time to ensure their success, typically three to five years. This would include irrigation of the installed vegetation.

In addition to the Proposed Action, a No Action Alternative was evaluated. Under the No Action Alternative, there would be no change to the LSJR Project compensatory mitigation strategy as it is described in the 2018 LSJR IIFR/EIS/EIR. Mitigation bank credits would be purchased as available to compensate for impacts to ecological resources, including wetland and riparian habitats, fish, and wildlife, and 14 acres of riparian habitat would be constructed on-site at Fourteenmile Slough. At this time, no mitigation bank within the service area has sufficient credit availability to meet the LSJR Project needs. Policy mandates that mitigation, including acquisition of lands or interest, shall be undertaken or acquired by USACE before any construction of the project commences, with the exception that physical construction required for mitigation purposes may be undertaken concurrently with construction of the project (33 U.S.C. §2283(a)(1)). Therefore, under this alternative, construction of the remaining LSJR

Project phases could not commence until mitigation bank credits become available and are purchased by USACE.

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 Proposed Action.

Environmental resource area	Insignificant or beneficial effects	Insignificant effects as a result of mitigation*	No effect to resource beyond what is described in the 2018 LSJR IIFR/EIS/EIR
Aesthetics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air Quality and GHG Emissions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wetlands and Other Waters of the U.S.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fisheries	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vegetation and Wildlife	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Federal Special Status Species	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cultural Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Health and Environmental Hazards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology and Hydraulics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land Use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noise	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Utilities and Public Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Socioeconomics and Environmental Justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Soils and Mineral Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water Quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geology and Geomorphology	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Seismicity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Groundwater	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recreation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation and Circulation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 SEA will be implemented, as appropriate, to minimize impacts.

Public review of the Draft SEA and FONSI will occur from 20 May 2025 to July 7, 2025. Substantive comments received during the public review period will be incorporated into the Final SEA as appropriate and summarized with USACE’s responses in an appendix to the final report.

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, USACE determined that the Proposed Action is not likely to adversely affect federally listed species or their critical habitat. The construction of habitat mitigation would result in beneficial effects to listed species. Prior to construction of the proposed mitigation sites, USACE would initiate

informal consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service to gain the agencies' concurrence.

Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), requires a federal agency to consider the effects of federal undertakings on historic properties. The *Programmatic Agreement between the U.S. Army Corps of Engineers (USACE) and the California State Historic Preservation Officer regarding the Lower San Joaquin River Feasibility Study Project, San Joaquin County, California (PA)*, was executed on May 11, 2016, and amended on May 11, 2021. Fulfillment of the stipulations of the PA would assure compliance with NEPA and Section 106 of the NHPA. USACE consulted with the California State Historic Preservation Officer (SHPO) on March 16, 2023, presenting a finding of *no historic properties affected* for the TS30L mitigation sites. In a letter dated April 11, 2023, the SHPO stated they would be unable to provide concurrence within 30 days of submittal of the consultation letter from USACE. Per the PA, failure of the SHPO to respond within 30 days does not preclude USACE from moving forward to the next step of the project. On 18 April 2023, USACE advised the SHPO that a response would no longer be required and that USACE would move forward with construction of the Project. SHPO accepted the response from USACE on the same date. The remaining mitigation sites have not yet been systematically surveyed for cultural resources. Implementation of the steps outlined in the PA would take place, as appropriate, beginning with a complete inventory and evaluation of the cultural resources in the area of potential effects for the mitigation sites. Mitigation of any adverse effects would be accomplished prior to, during, or following project construction, as stipulated in the PA. If adverse effects to any historic properties occur as a result of the undertaking those effects would be mitigated as stipulated in the PA.

Sections 401, 402, and 404 of the Clean Water Act of 1972 regulate the movement or placement of fill materials and construction activities within jurisdictional waters of the U.S (WOTUS). The Proposed Action area supports WOTUS, including rivers, estuarine sloughs, and wetlands. A Section 404(b)(1) analysis was completed during the Feasibility Study. Additional analyses may be completed as required during refinements of mitigation site designs. Likewise, Section 401 water quality certifications would be obtained from the Central Valley Regional Water Quality Control Board prior to construction of mitigation whenever WOTUS would be impacted by construction.

All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives, and coordination with appropriate agencies and officials has been completed. A comprehensive discussion of environmental compliance is included in Chapter 6 of the SEA. 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

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