



**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
Tenmile Slough Reach 30L Supplemental Environmental Assessment I**

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 (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. The enclosed SEA supplements the San Joaquin River Basin, Lower San Joaquin River, CA Final Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report (LSJR IIFR/EIS/EIR), dated January 2018. The SEA specifically addresses design refinements at Tenmile Slough, Reach 30 Left Bank (TS30L) and the associated construction mitigation. TS30L will be the first reach of the Project to be constructed, and this SEA is the first supplemental NEPA document to the 2018 LSJR IIFR/EIS/EIR. Subsequent Project reaches will require further environmental review as their designs are refined, which may result in the creation of additional supplemental documentation.

The SEA, incorporated herein by reference, evaluated various alternatives that would reduce flood risk in the project area and mitigate for project impacts. The Proposed Action includes:

- Updated and expanded levee footprint shift towards waterside
- Improved road on the waterside easement of the levee
- Haul routes
- Two staging areas
- Stockton East Water District borrow site
- Alternatives to the Fourteenmile Slough Valley elderberry longhorn beetle mitigation site
- Mitigation sites proposed for TS30L habitat impacts
- Implementation of any required environmental compensatory mitigation and associated monitoring and mitigation area adaptive management plan, when applicable and appropriate. Monitoring will continue until any required mitigation has been determined to be successful based on the identified criteria within the Lower San Joaquin River Project Compensatory Mitigation Plan. Monitoring is expected to last no more than 10 years.

In addition to a "no action" alternative, the Proposed Action was evaluated. The no action alternative included the construction of Reach TS30L as described in Alternative 7a of the San Joaquin River Basin, Lower San Joaquin, CA Final IIFR/EIS/EIR. The Proposed Action includes elements developed which would modify the design of TS30L as compared to the 2018 LSJR IIFR/EIS/EIR (see Chapter 2 of the SEA).

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 Recommended Plan

	Insignificant 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vegetation and Wildlife	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Federal Special Status Species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cultural Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Health and Environmental Hazards	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hydrology and Hydraulics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land Use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noise	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water Quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recreation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation and Circulation	<input checked="" type="checkbox"/>	<input 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 SEA will be implemented, if appropriate, to minimize impacts. Measures to reduce the effects to Air Quality and Greenhouse Gas (GHG) Emissions include the required use of off-road equipment that meets Tier 4 emission standards as defined in 40 CFR Part 1039, equipping vehicles and equipment with functioning emission-control devices, and implementation of dust abatement practices (see SEA Section 3.13.3). In order to reduce effects to Vegetation and Wildlife and Federal Special Status Species, a mitigation site including riparian and wetland habitat would be constructed in order to replace the habitat removed for the construction of TS30L. The selected mitigation site would be located in an area where the hydrology and topography would support riparian vegetation, and wetland areas would be graded to support wetland hydrology and associated vegetation. Plantings would be irrigated by drip irrigation to minimize water usage, reducing impacts to Groundwater resources.

Alternative 7a as described in the 2018 LSJR IIFR/EIS/EIR will result in unavoidable adverse impacts to Federal Special Status Species and Vegetation and Wildlife. The mitigation strategy proposed in that report included purchasing credits to compensate for impacts to the giant garter snake (*Thamnophis gigas*, GGS), transplanting elderberry shrubs to the setback levee at Fourteenmile Slough to reduce impacts to the Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*, VELB), and purchasing credits to compensate for the loss

of riparian and wetland habitat. However, sufficient riparian and wetland habitat credits are currently unavailable for purchase. Additionally, the Project construction sequencing has changed, and TS30L will be constructed prior to the construction of the Fourteenmile Slough setback levee, so this area cannot receive elderberry transplants from TS30L. In order to mitigate for the loss of habitat in the TS30L footprint, the USACE will construct a habitat mitigation site with sufficient habitat acreage to meet the ratios recommended by the U.S. Fish and Wildlife Service (USFWS) in the Fish and Wildlife Coordination Act Report. Four sites that would meet the mitigation needs of the project are under consideration; one site will be selected prior to construction. In order to reduce effects to VELB, the elderberry shrubs within the TS30L construction footprint would be transplanted either to the site chosen for mitigation construction or to an approved mitigation bank.

Public review of the Draft SEA and FONSI was completed on 17 July 2023. All comments submitted during the public review period were responded to in the Final SEA and FONSI.

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, USFWS issued a biological opinion, received 12 October 2023, that determined that the recommended plan will not jeopardize the continued existence of the following federally listed species or adversely modify designated critical habitat: giant garter snake, Valley elderberry longhorn beetle. All terms and conditions, conservation measures, and reasonable and prudent alternatives and measures resulting from the consultation 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 USACE determined that no historic properties would be affected by the Proposed Action. The California State Historic Preservation Officer (SHPO) concurred with the finding of no historic properties affected for the TS30L project footprint on 28 September 2021, for the proposed borrow site on 1 December 2021, for Parcel C and Wright-Elmwood Tract on 8 July 2022. For the proposed mitigation parcels A and B, the SHPO stated they would be unable to provide concurrence within 30 days of submittal of the consultation letter from USACE, which documented a continued finding of no historic properties affected. Per the Project's Programmatic Agreement, failure of the SHPO to respond within 30 days does not preclude USACE from moving forward based on this finding. On 18 April 2023, USACE advised the SHPO that a response would no longer be required, and the SHPO accepted this conclusion on the same date. Each of these correspondences can be found in Appendix D of the SEA.

Sections 401 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. A wetland delineation was completed at TS30L in March 2021 and identified aquatic resources on site. Additional wetlands that would be impacted by the proposed action include a 9-acre irrigated rice field, and any aquatic resources situated on the selected mitigation site. Under the most recent definition effective September 8, 2023, none of these aquatic resources qualify as waters of the U.S. due to lack of surface connection to the surrounding waterways. Therefore, Sections 401 and 404 do not apply to the Proposed Action.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed. A comprehensive discussion of environmental compliance is included in Chapter 5 of the SEA.

All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. 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

Kevin Arnett, P.E., Ph.D.
Lieutenant Colonel, U.S. Army
Acting Commander and District Engineer