



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
California Department of Water
Resources

Published: **April 24, 2025**
Expires: **May 24, 2025**

**Sacramento District
Permit Application No. SPK-2014-00187**

TO WHOM IT MAY CONCERN: The Sacramento District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) **and/or** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: California Department of Water Resources
Attn: Mr. Robert Trang
1516 Ninth Street, 2nd Floor
Sacramento, CA 95814-5504

AGENT: California Department of Water Resources
Attn: Ms. Lesley Hamamoto
3500 Industrial Boulevard
West Sacramento, CA 95619

WATERWAY AND LOCATION: The West False River Drought Salinity Barrier Project (project) would affect waters of the United States and navigable waters of the United States associated with False River. The project/review area is located in an undefined Section, Township 2 North, Range 3 East, at Latitude 38.05762°, Longitude - 121.67128°, on West False River approximately 0.4-mile east of its confluence with the San Joaquin River, Contra Costa County, California, within the Jersey Island 7.5-minute U.S. Geologic Survey Topographic Quadrangle.

EXISTING CONDITIONS: The project site includes the following habitat types: open water (tidal) associated with West False River, developed areas associated with levee roads, and riprap along the banks of West False River. Surrounding habitat and land uses within 500 feet around the temporary barrier includes annual grassland, forested wetland, emergent wetland, developed land associated with graded levee roads, and agricultural lands including irrigation ditches. The banks at the project site are existing rock-lined levees. Approximately 2.8 acres of the approximately 3.1-acre project site are situated in West False River (below the ordinary high-water mark), where embankment rock would be placed. The remaining approximately 0.4 acre of the project footprint, which would be used for staging purposes and placement of rock on the levee bank, is situated on the Jersey Island levee (above the ordinary high-water mark).

PROJECT PURPOSE:

Basic: Protect beneficial uses of water

Overall: The project purpose is to install a temporary salinity barrier in order to protect beneficial uses of water in the central Delta during periods of drought by reducing the intrusion of saltwater into the central Delta. This would help protect water supplies used by people who live in the Delta and in Contra Costa, Alameda, and Santa Clara counties, as well as the 25 million people who rely on the Delta-based federal and state water projects for at least some of their supplies.

PROPOSED WORK: The California Department of Water Resources (applicant) requests authorization to place fill material (84,000 cubic yards of well-graded 18-inch-minus embankment rock) into approximately 2.8 acres of waters of the United States associated with the placement of a temporary salinity barrier. The work would occur in the same location where the applicant previously installed two salinity barriers (2015 and 2021-2022 (SPK-2014-00187)). The project consists of the proposed installation of a temporary barrier in the West False River. The temporary barrier may need to be installed up to two times between 2026 to 2034 in response to drought conditions, including potentially in consecutive years, with each installation remaining in place for up to 20 months. In the years where the barrier would be installed, the applicant would construct the barrier no sooner than April 1 and would remove the barrier by November 30 of the same or subsequent year, when the applicant determines the barrier is no longer needed based on hydrologic conditions. Depending on drought conditions, if the barrier is left in a subsequent year, a notch may be constructed in the middle portion of the barrier in January after the installation year to allow for fish passage and vessel navigation through West False River. In such cases, the notch would be refilled as early as the first week of April. We note that the project as described was previously authorized under the Corps *Regional General Permit 8. Emergency Repair and Protection Activities* (RGP 8) which was initially verified on June 2, 2021, and was re-verified on November 19, 2021. The authorization expired on August 10, 2023.

In addition to the proposed placement of a temporary salinity barrier, the applicant also proposes to install a total of three water quality monitoring stations, in Woodward Cut (one monitoring station) and Railroad Cut (two monitoring stations).

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Various minimization measures have been proposed including: preparation and implementation of a water quality control plan; conducting a worker environmental awareness program; conducting biological monitoring, installation of in-water navigational buoys, lights and signage; limiting land-based access routes and construction area; implementing turbidity monitoring, and minimization of wildlife attraction.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: the project would not result in the net loss of waters of the U.S. Our office will review and determine the potential need for compensatory mitigation.

CULTURAL RESOURCES: During the above-mentioned evaluation of the temporary salinity barrier project for authorization under RGP 8 in 2021, the Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and made a determination of no historic properties affected. The State Historic Preservation Office (SHPO) concurred with this finding on September 29, 2021. In alignment with the SHPO's prior concurrence, since the proposed project would be installed in the same location, no further consultation is required for compliance under Section 106 NHPA.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) West Coast Region Section 7 Mapper, Essential Fish Habitat Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed in Table 1. No other ESA-listed species or critical habitat will be affected by the proposed action.

Table 1: ESA-listed species and/or critical habitat potentially present in the action area.

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
North American green sturgeon	<i>Acipenser medirostris</i>	Threatened
North American green sturgeon critical habitat	<i>Acipenser medirostris</i>	Designated
Delta smelt	<i>Hypomesus transpacificus</i>	Threatened
Delta smelt critical habitat	<i>Hypomesus transpacificus</i>	Designated
Longfin smelt	<i>Spirinchus thaleichthys</i>	Endangered
Central Valley spring-run Chinook salmon	<i>Oncorhynchus tshawytscha</i>	Threatened

Sacramento River winter-run Chinook salmon	<i>Oncorhynchus tshawytscha</i>	Endangered
Central Valley steelhead	<i>Oncorhynchus mykiss</i>	Threatened
Central Valley steelhead critical habitat	<i>Oncorhynchus mykiss</i>	Designated
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	Threatened
Northwestern pond turtle	<i>Actinemys marmorata</i>	Proposed Threatened
giant garter snake	<i>Thamnophis gigas</i>	Threatened

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information. The Corps has determined that the proposed project may adversely affect Chinook salmon Essential Fish Habitat (EFH), Highly-migratory Species/Coastal Pelagic Species/and Groundfish EFH. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NAVIGATION: Based on the CA State Plane coordinates provided by the applicant, the proposed structure is located within a federal channel (West False River).

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Regional Water Quality Control Board is required for this project. The applicant has indicated that they have contacted the Regional Water Quality Control Board and have applied for certification.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic

resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Sacramento District will receive written comments on the proposed work, as outlined above, until **May 24, 2025**. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Kaitlyn Ames at Kaitlyn.A.Ames@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Sacramento District, Attention: Kaitlyn Ames. Please refer to the permit application number (SPK-2014-00187) in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.



Figure 2
Project Location

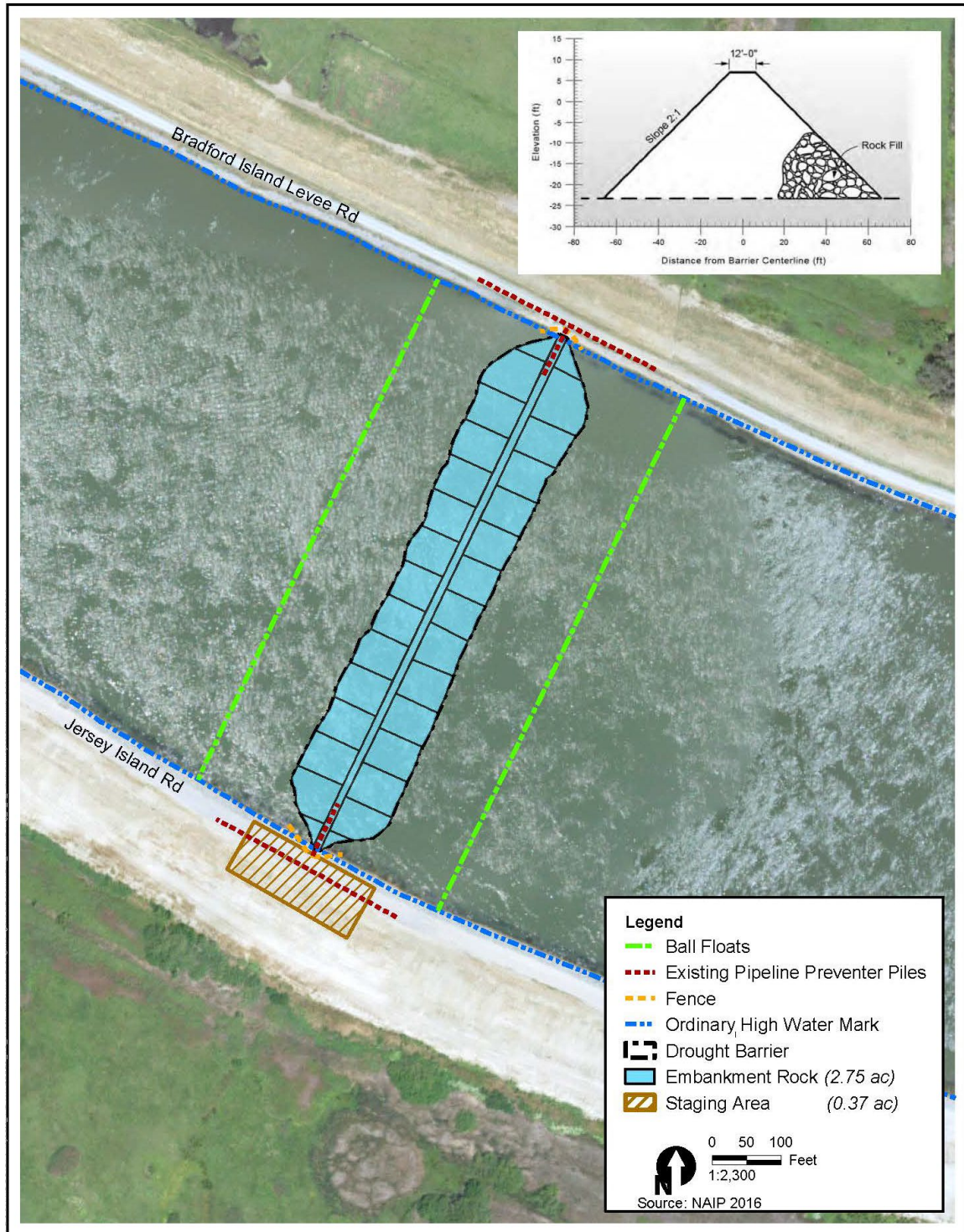
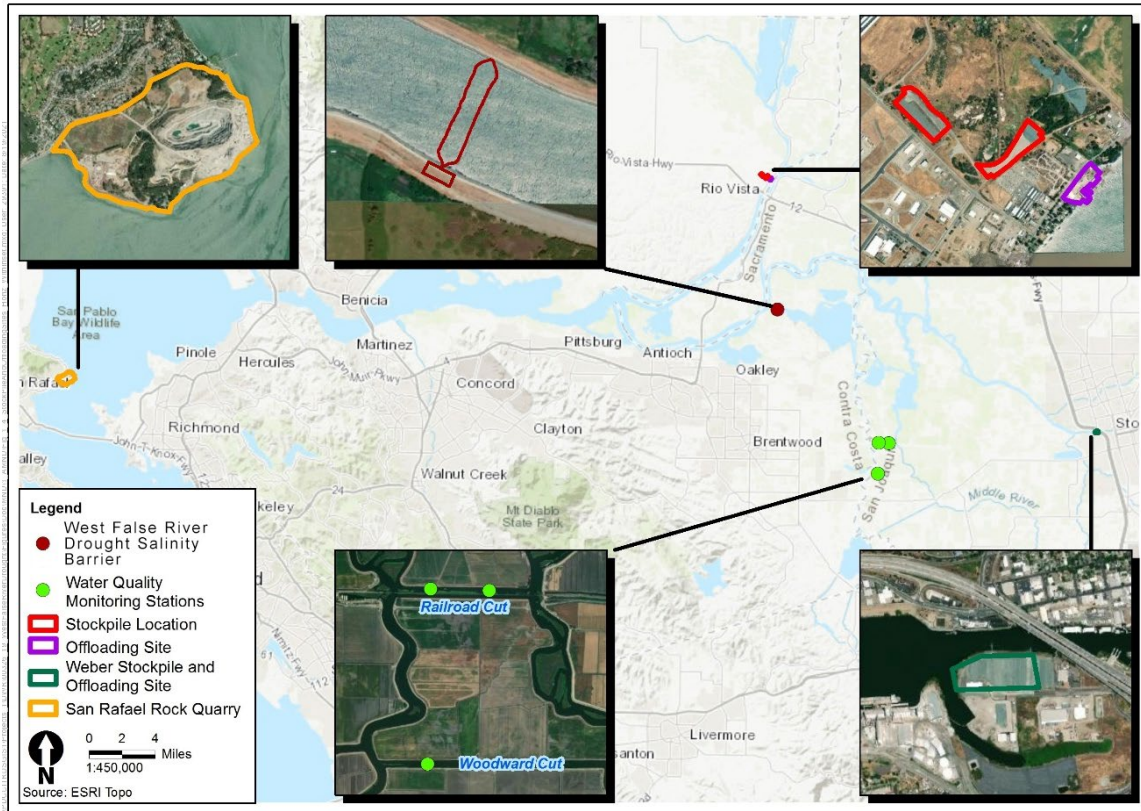


Figure 3
Aerial View of the Project Site and Project Design (without the Notch)

**Figure 4**

Project Features - The map above depicts the action area which includes the drought salinity barrier project site, the Rio Vista stockpile site, the Weber stockpile and off-loading sites, and the three water quality monitoring stations. The action area does not include the San Rafael rock quarry or the Rio Vista off-loading site because they are private commercial businesses that would have their own permits for operation.