



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

Operations and Readiness Branch

PUBLIC NOTICE

**REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS
PROJECT UNDER SECTION 408**

TITLE: Raley's Boat Dock, 19032

PUBLIC NOTICE COMMENT PERIOD:

Begins: January 5, 2017

Ends: February 3, 2017

REQUESTER: In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the City of West Sacramento (Requester) has requested permission through the Central Valley Flood Protection Board (non-federal sponsor of the federally authorized project) from the U.S. Army Corps of Engineers (USACE) to alter the Sacramento River Flood Control Project, an existing federal flood risk management project, authorized by the Flood Control Act of 1917.

LOCATION: The proposed project is located on the west bank of the Sacramento River, south of the I Street Bridge and north of the Tower Bridge, at approximately 651 Waterfront Place, West Sacramento, Yolo County, California (Attachment 1).

REQUESTER'S PROPOSED ACTION: The City of West Sacramento proposes to build a new public boat dock in the former location of the former Raley's Dock, a facility that fell into disrepair and was thus removed in 2012. Currently, the pile structures are all that remain of the former dock, the majority of these piles will be re-used as part of the proposed project. The proposed floating dock would be 432 feet long overall and would provide a new recreational boating facility with docking available for small boats, water taxis, and other vessels. The new floating dock would require removal of one existing pile and installation of a new steel pile. Additionally, the City of West Sacramento proposes to construct a 235 foot long debris deflector boom upstream of the new dock, install a gangway, construct an ADA-compliant access ramp and landing from the top of the levee to the gangway entrance, and install an electrical conduit at the top of the levee to supply electricity for lighting on the dock. Please see Attachments 2 and 3 for detailed project plans.

ENVIRONMENTAL IMPACTS OF PROPOSED ACTION: The proposed project area contains habitat for the federally endangered Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*), and the following federally threatened fish species: Southern distinct population segment (DPS) of North American Green Sturgeon (*Acipenser medirostris*), delta smelt (*Hypomesus transpacificus*), California Central Valley steelhead DPS (*O. mykiss*), and Central Valley spring-run Chinook salmon (*O. tshawytscha*). Additionally, the proposed project area contains designated critical habitat for all of the above-listed species. The proposed project has the potential to affect listed fish species through a short-term increase in sediment and turbidity, the potential discharge of contaminants/pollutants, increased noise and vibration associated with installment of new piles, and the long-term placement of new piles and a new floating dock in the river. However, the City of West Sacramento proposes to implement a variety of avoidance and minimization measures to minimize potential effects to listed species. These avoidance and minimization measures include use of a vibratory hammer for pile driving,

an in-water work window of August 1 to October 31 (a period when fish species are least likely to be impacted), and use of a Stormwater Pollution Prevention Plan, among other measures. The Corps will initiate consultation under Section 7 of the Endangered Species Act with both the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS).

The proposed project area is currently being evaluated for cultural resources. The Corps anticipates consultation with the State Historic Preservation Officer (SHPO) under Section 106 of the National Historic Preservation Act. Initiation of consultation with the SHPO and potentially interested local tribes is pending completion of cultural resource evaluation within the area of potential effects.

AUTHORITY: The authority to grant permission for temporary or permanent use, occupation or alteration of any U.S. Army Corps of Engineers (USACE) civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 USC 408 ("Section 408"). Section 408 authorizes the Secretary of the Army, on the recommendation of the Chief of Engineers, to grant permission for the alteration or occupation or use of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Secretary of Army's authority under Section 408 has been delegated to the USACE, Chief of Engineers. The USACE Chief of Engineers has further delegated the authority to the USACE, Directorate of Civil Works and Division and District Engineers, depending upon the nature of the activity.

LIMITS OF SECTION 408 AUTHORITY: A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC Section 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413). In addition, an approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

EVALUATION FACTORS: The decision whether to grant the requested permission for project alteration under Section 408 will be based on several factors. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. Review of requests for alteration will be reviewed by a USACE technical review team considering the following factors:

1) Impair the Usefulness of the Project Determination. The review team will determine if the proposed alteration would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs. In order for an alteration to be approved, the Requester must demonstrate that the alteration does not impair the usefulness of the federally authorized project.

2) Injurious to the Public Interest Determination. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest evaluation depend upon the type of USACE project being altered and the nature of the proposed alteration and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The benefits that reasonably may be expected to accrue from the proposal must be compared against its reasonably foreseeable detriments. The decision whether to approve an

alteration will be determined by the consideration of whether benefits are commensurate with risks and by the net impact of the alteration on the public interest using the public interest factors.

3) Environmental Compliance. A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While USACE is responsible for ensuring environmental compliance, the requester is responsible for providing all information that the district identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and procedures. NEPA and other analysis completed to comply with other environmental statutes (e.g. Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the USACE project. The district will work with the requester to determine the requirements, which will be scaled to the likely impacts of the proposed alteration and should convey the relevant considerations and impacts in a concise and effective manner.

PUBLIC INVOLVEMENT: The purpose of this notice is to solicit comments from the public; federal, state, and local agencies and officials; tribes; and other interested parties regarding the Raley's Boat Dock, a proposed alteration to an existing federally authorized project. Comments received within 30 days of publication of this notice will be used in the evaluation of potential impacts of the proposed action on important resources and in the evaluation of whether the proposed alteration would be injurious to the public interest and/or would impair the usefulness of the authorized project. Only the specific activities that have the potential to occupy, use or alter the Sacramento River Flood Control Project will be evaluated. Please limit comments to the area of the alteration and those adjacent areas that would be directly or indirectly affected by the alteration to the Sacramento River Flood Control Project.

SUBMITTING COMMENTS: Written comments, referencing Identification Number 19032 must be submitted to the office listed below on or before February 3, 2017.

Brian Luke, Natural Resources Specialist
US Army Corps of Engineers, Sacramento District
1325 J Street, Room 1460
Sacramento, California 95814-2922

Email: Brian.J.Luke@usace.army.mil

Attachments:

- 1) Vicinity map
- 2) Site map
- 3) Detailed project plan