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 ENGINEEERS PROJECT UNDER SECTION 408

TITLE: Winters Putah Creek Nature Park Channel Realignment and Restoration Project (WPCNP Phase 3), 19047-1

PUBLIC NOTICE COMMENT PERIOD:
Begins: 06 February 2017
Ends: 08 March 2017

REQUESTER: In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the Solano County Water Agency (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 Putah Creek floodplain in 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 in the Putah Creek floodplain, north of Putah Creek Road and east of Railroad Avenue, within the town of Winters, Yolo County, California (Attachments 1 and 2).

REQUESTER'S PROPOSED ACTON: The proposed work to be authorized under permit number 19047-1 is phase three of a larger Putah Creek Restoration Project, Phases one and two of the WPCNP project were completed in 2011, and enhanced approximately 25 acres of riparian area, including narrowing and realigning approximately 3,500 linear feet of low-flow channel.

The purpose of the proposed project is to improve fish and wildlife habitat within the project area by improving the form and function of the creek's floodplain and low-flow channel. The project (i.e., action) area consists of an incised riparian corridor that is confined by large embankments and flanked by agricultural fields to the south and the City of Winters to the north. The embankments support upland plant species such as valley oak, black walnut, eucalyptus, and elderberry. The project will focus on enhancing the riparian area below the embankments, and will directly impact the creek's low-flow channel, banks, floodplain, and upland terrace.

1. The floodplain, banks and terrace will be graded (recontoured) to elevations that are ideal for the natural recruitment and growth of native upland and wetland plant species. The existing topography within the project area favors colonization of upland plant species, and provides very limited surface area that is ideal for colonization of wetland dependent plant species. This action, coupled with the installation of native trees and shrubs throughout the site, is expected to improve habitat for migratory birds and other wildlife by increasing canopy cover, plant diversity, and plant composition as the site matures.
2. The existing wide and deep low-flow channel will be filled, and a narrower, shallower design channel will be excavated through the center of the recontoured floodplain.

The design channel will promote cooler water temperatures by increasing the flow rate and reducing water surface area that is exposed to solar radiation. Water temperature may further be reduced as vegetation matures and increases the area of shaded water. Cooler water temperature, coupled with the addition of 200 cubic yards of spawning gravel is expected to improve habitat for native rainbow trout and Chinook salmon.

The proposed action would realign approximately 1,200 feet of low-flow channel and re-contour the elevated Putah Creek floodplain in an approximately 11 acre project area (Attachment 3). This would involve grading of the floodplain and terrace down to approximately 1.5 feet above the low-flow water surface elevation, and graded back from the design channel at a positive 1-2 percent slope. Additionally, the existing channel within the project area would be completely filled with up to 12,000 cubic yards of imported fill material and would be replaced by a shallower and narrower design channel. The design channel would be approximately 1,050 feet in length and 28 feet wide; approximately 200 cubic yards of spawning gravel would be placed at riffle locations in the new design channel.

All invasive vegetation within the project grading area would be removed. Some native vegetation, including up to 37 trees with a four inch or greater diameter, would also be removed from the project area during grading activities. After construction, the floodplain would be seeded with native grasses and planted with native tree and shrub species (Attachments 4 and 5), a low pressure drip irrigation system would be used to irrigate the plantings.

Additionally, a pedestrian access ramp would be installed on the northwestern side of the project area; this ramp would connect to an existing bike/pedestrian path (Attachment 3). The proposed project would also include modification of the outlet of an existing culvert that drains runoff from Putah Creek Road and adjacent agricultural fields. This culvert would be modified to prevent erosion on the south side of the embankment (Attachment 3).

ENVIRONMENTAL IMPACTS OF PROPOSED ACTION: The proposed project area may provide suitable habitat for the federally threatened western yellow-billed cuckoo (*Coccyzus americanus*), the federally threatened Central Valley steelhead (*Oncorhynchus mykiss*), and contains the host shrub, elderberry (*Sambucus* sp.), for the federally threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). All elderberry shrubs within the project area have been mapped and no work will occur within a 20 foot buffer area around elderberry shrubs. The U.S. Fish and Wildlife Service (USFWS) issued a 2014 biological opinion for the project's effects on valley elderberry longhorn beetle.

Designated critical habitat is not present within the project area for any federally-listed species. A variety of conservation measures intended to minimize effects to special status species have been incorporated into the project design (Attachment 6). As lead federal agency, the Corps has determined that permitting the proposed actions may affect, but is not likely to adversely affect western yellow-billed cuckoo and Central Valley steelhead.

Informal consultation with the USFWS for potential effects to the western yellow billed cuckoo and informal consultation with National Marine Fisheries Service (NMFS) for potential effects to steelhead and Essential Fish Habitat (EFH), under Section 7 of the Endangered Species Act (16 U.S.C 1536[c]), will occur.

The proposed project area is currently being evaluated for cultural resources under Section 106 of the National Historic Preservation Act.

AUTHORITY: The authority to grant permission for temporary or permanent use, occupation or alteration of any US 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 Winters Putah Creek Nature Park Channel Realignment and Restoration Project (WPCNP Phase 3), 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 19047-1 must be submitted to the office listed below on or before 08 March 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) Site plans
4) Native plant species list
5) Planting plan
6) Conservation measures