



408 Permission Section

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

**PUBLIC NOTICE**

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

**TITLE:** Reclamation District 404 Cutoff Wall at French Camp Slough (19238).

**PUBLIC NOTICE COMMENT PERIOD:**

Begins: January 11, 2019

Ends: February 10, 2019

**REQUESTER:** In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, Reclamation District (RD) 404 (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 Lower San Joaquin River and Tributaries Project, an existing federal flood risk management project, authorized by the Flood Control Act of 1944.

**LOCATION:** The proposed project is located along the north bank of the French Camp Slough levee, approximately 0.3 miles south of the intersection of Hawaii Ave and Houston Ave in Stockton, San Joaquin County, California (Attachment 1).

**REQUESTER'S PROPOSED ACTION:** The proposed project is to install approximately 1,200 linear feet of sheetpile cutoff wall in the north bank of the French Camp Slough levee (Attachment 2). The cutoff wall, which would be made of polyethylene vinyl or steel, would be installed within the existing levee section at a depth of approximately 30 feet from the levee top. The wall would be installed through excavations at the top of the levee. No other levee modifications would occur in this levee section. At the end of cutoff wall installation, an all-weather road would be installed, consisting of a minimum 6-inch thick aggregate base. The levee profile would not change – the height would not increase or decrease, and the slopes on the levee sides would not be altered. The proposed project within the scope of the USACE Lower San Joaquin Project, but is recommending an alternative to a portion of the Tentatively Selected Project.

**ENVIRONMENTAL IMPACTS OF PROPOSED ACTION:** The proposed project is located on a maintained levee with a gravel road on the levee crown and very little vegetation on the levee slopes. The vegetation that does exist on the levee slopes consists primarily of non-native ruderal species. Some native trees and wetland vegetation exist on the waterside of the levee; however, these trees would not be disturbed and the proposed project would not affect any waters of the United States, including wetlands. A golf course is located on the landside of the levee, however, all proposed work would occur on the levee. See Attachment 3 for photographs of the proposed project site.

The proposed project would have no effect on species listed under the federal Endangered Species Act. The proposed project site does not provide suitable habitat for any federally listed species. There are no elderberry (*Sambucus* sp.) shrubs, host plant for the federally threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), located within 150 of the

proposed project area. No work would take place within the channel or on the bank of French Camp Slough and no riparian vegetation would be removed; therefore, there would be no effects to federally listed fish species.

A cultural resources inventory report has been prepared for the proposed project and, pursuant to Section 106 of the National Historic Preservation Act, USACE will initiate consultation with the State Historic Preservation Officer (SHPO) for potential effects to historic properties. Additionally, USACE will contact Native American tribes identified by the Native American Heritage Commission, to request their review of the project and invite comments.

Construction of the proposed project would create temporarily elevated noise levels in the immediate vicinity of the project, these elevated noise levels could affect the adjacent golf course and nearby residents. The requester would comply with all local noise ordinances and any effects are expected to be temporary and minor. Construction vehicles would access the project site using levee roads and Manthey Road. Manthey Road would be the only public road in the vicinity that would be affected by construction traffic; no residential streets would experience any increase in traffic.

**AUTHORITY:** The authority to grant permission for temporary or permanent use, occupation or alteration of any 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 RD 404 Cutoff Wall at French Camp Slough, 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 Lower San Joaquin River and Tributaries 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 Lower San Joaquin River and Tributaries Project.

**SUBMITTING COMMENTS:** Written comments, referencing Identification Number 19238 must be submitted to the office listed below on or before February 10, 2019.

Kaleigh Maze, Biologist  
US Army Corps of Engineers, Sacramento District  
1325 J Street, Room 1460  
Sacramento, California 95814-2922

Email: [Kaleigh.Maze@usace.army.mil](mailto:Kaleigh.Maze@usace.army.mil)

Attachments:

- 1) Vicinity and site maps
- 2) Project plans
- 3) Site photographs

**Attachment 1**  
**Vicinity and Site Maps**



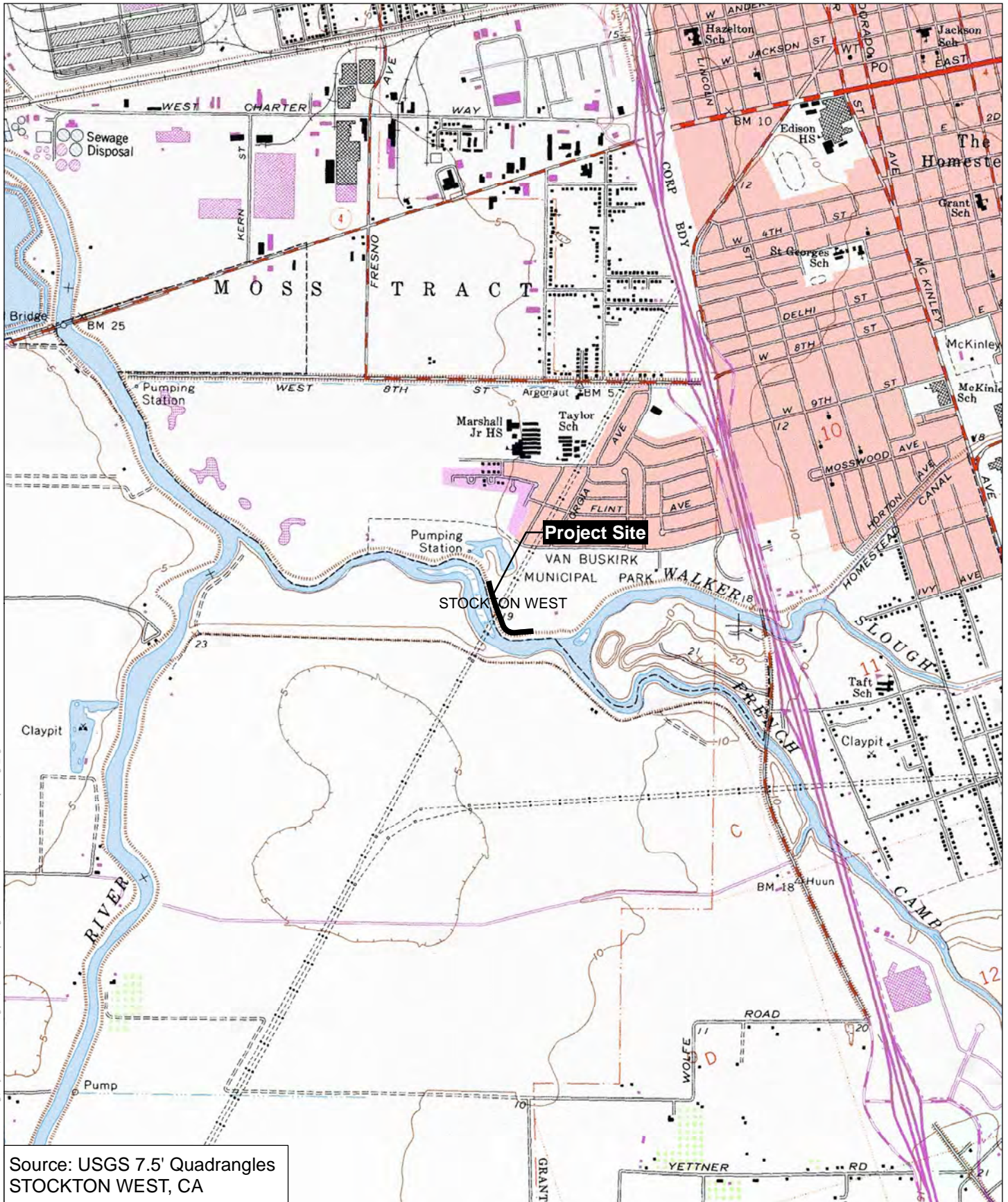
Source: Calif. State Automobile Association

**Moore Biological  
Consultants**



**FIGURE 1  
PROJECT VICINITY**

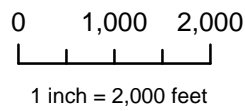




Source: USGS 7.5' Quadrangles  
 STOCKTON WEST, CA

**Figure 2**

Moore Biological  
 Consultants



**USGS**

**French Camp Slough Cut-Off Wall**

San Joaquin County, CA



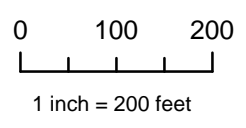
C:\Users\owner\Documents\Fremont Environmental Consulting\Projects\Moore Biological\French Camp Slough\Cut-Off Wall\MXD\French camp slough\_Figure 3.mxd



Google

**Figure 3**

Moore Biological  
Consultants



**AERIAL**

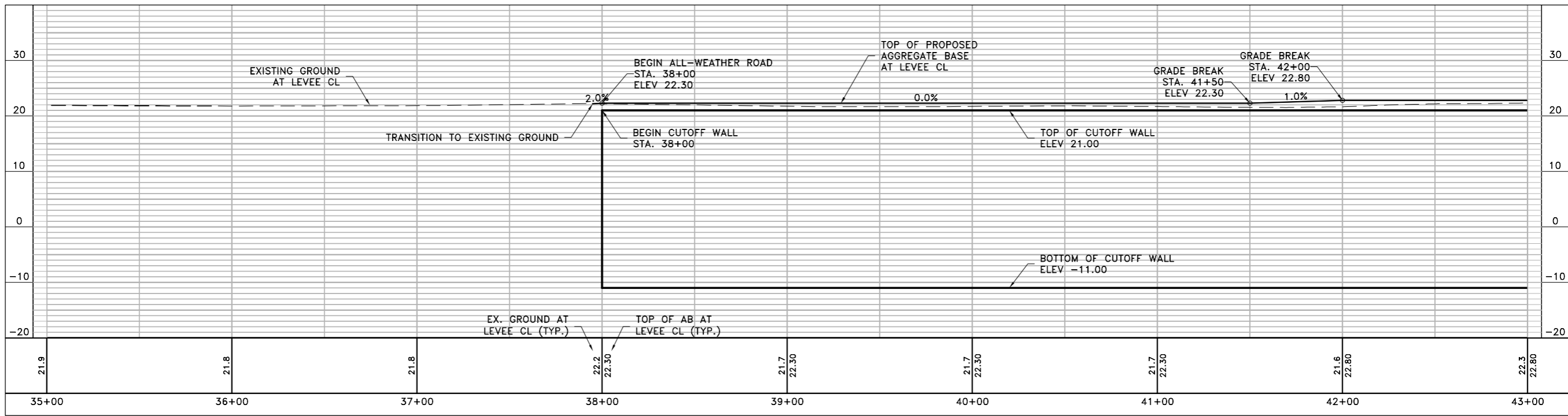
**French Camp Slough Cut-Off Wall**  
*San Joaquin County, CA*

Map Date: 04/24/2017  
Aerial Source: Google Earth (2016)

**Attachment 2**  
**Project Plans - Selection**



1 2 3 4 5 6 7 8



FILE SPEC: P:\2035\_Boggs\_Tract\0180\_2014 Cutoff Wall\_French Camp Slough\05\_Civil\CAD\Sheets\C-201.dwg  
PLOT DATE: Feb 29, 2016 - 3:58pm



| Submittal |           |
|-----------|-----------|
| %         | Date      |
| 65        | 2/29/2016 |
| 15        | 8/27/2015 |

PROJECT ENGINEER  
NOT FOR CONSTRUCTION

**K S N** INC.  
**KJELDEN SINNOCK NEUDECK**  
 Civil Engineers and Land Surveyors  
 711 N Pershing Avenue  
 Stockton, CA 95203  
 209-946-0268  
 1355 Halyard Drive, Suite 100  
 West Sacramento, CA 95691  
 916-403-5900  
 www.ksninc.com

**RECLAMATION DISTRICT NO. 404**  
**FRENCH CAMP SLOUGH CUTOFF WALL**  
 STOCKTON, CALIFORNIA

**PLAN & PROFILE**  
 STA. 38+00 TO 43+00

| Revisions |             |      |    |            |
|-----------|-------------|------|----|------------|
| No.       | Description | Date | By | Appr'd. By |
|           |             |      |    |            |

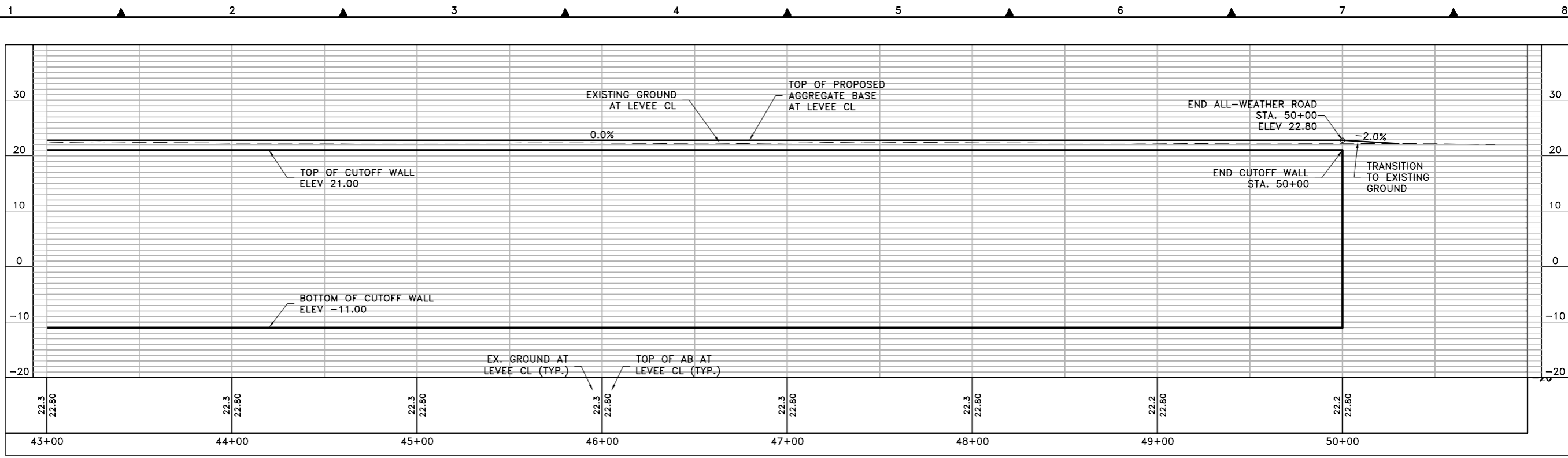
Design: EEA  
 Drawn: EEA  
 Check: CHN

Scale: HORIZ: 1" = 30'  
 VERT: 1" = 10'  
 Original Drawing Scale: 0 1/4" = 1"

Date: FEBRUARY 2016  
 Sheet Number: 5 Of 10  
 Project File No.: 2035-0180

1 2 3 4 5 6 7 8





FILE SPEC: P:\2035\_Boggs\_Tract\0180\_2014 Cutoff Wall\_French Camp Slough\05\_Civil\CAD\Sheets\C-201.dwg  
 PLOT DATE: Feb 29, 2016 - 3:59pm

|  | Submittal |           |
|--|-----------|-----------|
|  | %         | Date      |
|  | 65        | 2/29/2016 |
|  | 15        | 8/27/2015 |

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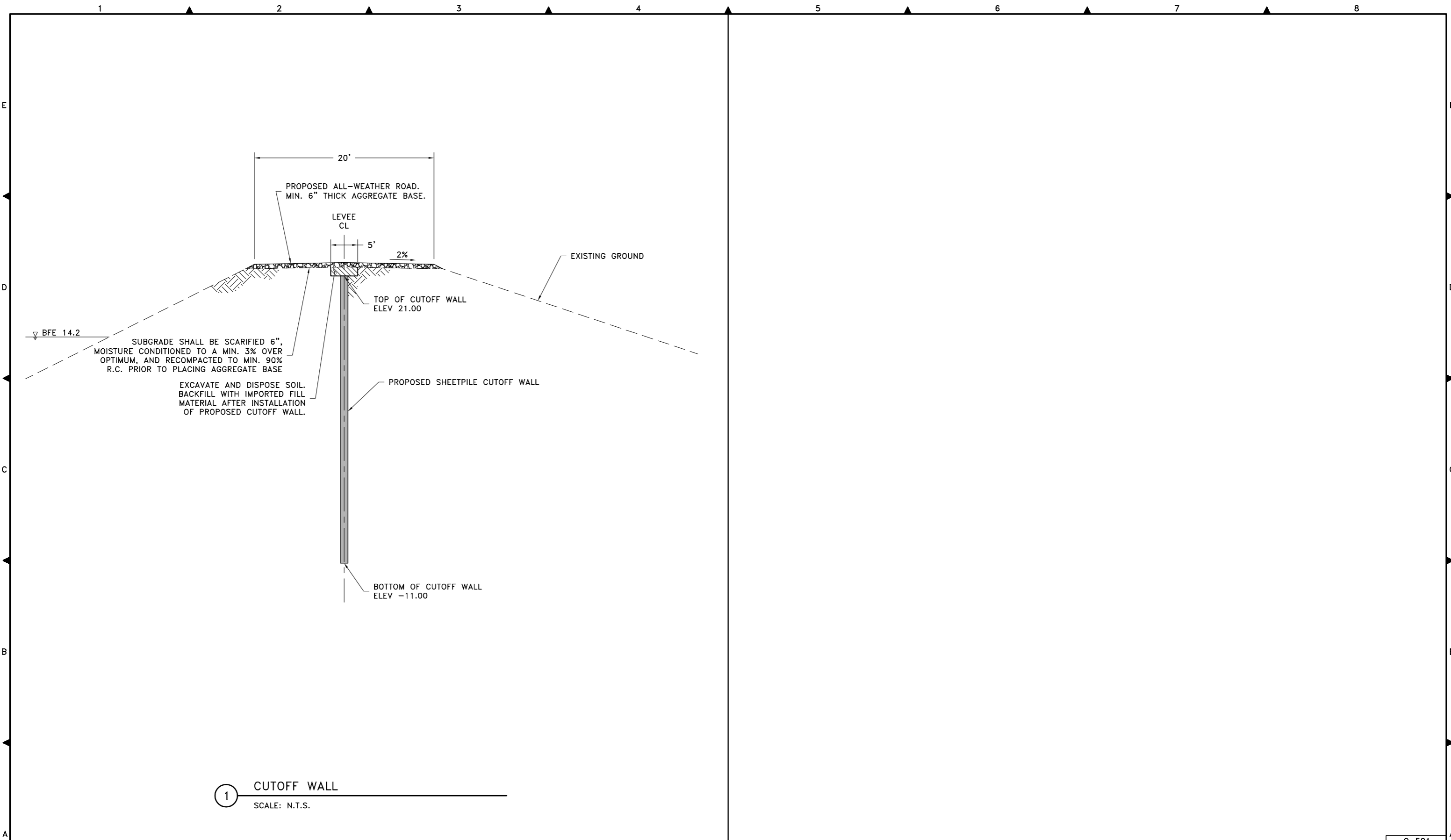
**RECLAMATION DISTRICT NO. 404**  
**FRENCH CAMP SLOUGH CUTOFF WALL**  
**STOCKTON, CALIFORNIA**  
  
**PLAN & PROFILE**  
**STA. 43+00 TO 50+00**

| Revisions |             |      |    |            |
|-----------|-------------|------|----|------------|
| No.       | Description | Date | By | Appr'd. By |
|           |             |      |    |            |
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| Design<br>EEA | Scale<br>HORIZ: 1" = 30'<br>VERT: 1" = 10'<br>Original Drawing Scale<br>0 1/4" = 1" | Date<br>FEBRUARY 2016         |
| Drawn<br>EEA  |   | Sheet Number<br>6 Of 10       |
| Check<br>CHN  |   | Project File No.<br>2035-0180 |

C-202

FILE SPEC: P:\2035\_Boggs\_Tract\0180\_2014 Cutoff Wall\_French Camp Slough\05\_Civil\CAD\Sheets\C-501.dwg  
 PLOT DATE: Jul 27, 2016 - 3:09pm



① CUTOFF WALL  
 SCALE: N.T.S.

|  | Submittal |           |
|--|-----------|-----------|
|  | %         | Date      |
|  | 65        | 2/29/2016 |
|  | 15        | 8/27/2015 |

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RECLAMATION DISTRICT NO. 404  
 FRENCH CAMP SLOUGH CUTOFF WALL  
 STOCKTON, CALIFORNIA

**DETAILS**

| Revisions |             |      |    | Design EEA | Scale | Date |
|-----------|-------------|------|----|------------|-------|------|
| No.       | Description | Date | By |            |       |      |
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| Drawn EEA<br>Check CHN | AS SHOWN<br>Original Drawing Scale<br>0 1/4" 1" | Date<br>FEBRUARY 2016<br>Sheet Number<br>10 Of 10<br>Project File No.<br>2035-0180 |
|------------------------|---|--|

C-501



**Attachment 3  
Site Photographs**



Levee crown and slopes at the east end of the project site, looking west from Station 38+00; 04/21/17.



Waterside levee slope at the east end of the project site, looking west from Station 38+00; 04/21/17.





Landside levee slope at the east end of the project site, looking west from Station 38+00; 04/21/17. The Van Buskirk Golf Course is located just north of the levee.



French Camp Slough adjacent to Station 38+00, looking south from the levee; 04/21/17. There are residential subdivisions across French Camp Slough from the east end of the site.





Levee crown and slopes in the central part of the project site, looking northwest from Station 43+50; 04/21/17.



Waterside levee slope in the central part of the project site, looking northwest from Station 43+50; 04/21/17.





Landside levee slope in the central part of the project site, looking northwest from Station 43+50; 04/21/17. The Van Buskirk Golf Course is located just northeast of the levee.



French Camp Slough adjacent to Station 43+50, looking southwest from the levee; 04/21/17. There is a conservation bank across French Camp Slough from the northwest end of the site.





Trees in the golf course adjacent to the levee that have died, looking northeast from Station 48+50; 04/21/17. Saturated soil from seepage likely contributed to these trees dying.



Pacific pond turtle in the golf course pond northeast of the northeast end of the site, looking northeast from Station 52+00; 04/21/17.