



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

408 Permission Section

PUBLIC NOTICE

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

TITLE: Yolo Bypass Wildlife Area Habitat and Drainage Improvements Project (19389-1, 19389-2, 19389-3, 19389-4, and 19389-5)

PUBLIC NOTICE COMMENT PERIOD:

Begins: July 3, 2019

Ends: August 2, 2019

REQUESTER: In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the California Department of Fish and Wildlife (CDFW; 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 within the northern portion of the 16,770-acre Yolo Bypass Wildlife Area (YBWA) within the southern portion of Yolo County, California (Attachment 1). The project site is generally bounded on the north by Interstate 80, on the east by the Sacramento Deep Water Ship Channel and the City of West Sacramento, on the south by agricultural lands and managed wetlands, and on the west by the Yolo Bypass western levee.

REQUESTER'S PROPOSED ACTION: The proposed project consists of habitat and drainage improvements in five separate areas of the YBWA that would encompass a total of 116 acres. Specific improvements would include installing new water control structures, expanding canals, installing box culverts and con-span bridges, replacing existing culverts, raising road grades, separating dual function ditches, relocating an existing water pump, and installing two new pumps (see Attachment 2 for general site maps). The five main components of the proposed project include the following:

Rice Corner Drainage Improvements (19389-1; 408-SPK-2019-0032). The proposed project would replace a parallel road crossing at the Rice Corner with a single precast concrete bridge over the South Davis Drain. The bridge surface would be covered with 12 inches of gravel and the channel would be excavated to have a 25-foot channel bottom and 2:1 (horizontal to vertical) bank slopes for 50 feet in each direction from the bridge. The excavated channel would match the existing channel's bottom at a 10:1 slope. The bridge would have a 30-foot width to safely accommodate two-way vehicle traffic. The project also includes excavation and removal of accumulated sediment and vegetation from the drainage channel and improvement of adjacent roads located north,

and northwest of the Rice Corner road crossing. From a point approximately 5,000 feet directly north of the Rice Corner road crossing and directly adjacent to Interstate 80, this channel extends approximately ½ mile to the west, paralleling Interstate 80, and then turns due south for approximately 2,150 feet to an existing road crossing. This entire channel is proposed to be excavated to a bottom width of 15 feet. Additionally, water control structures, located at the eastern end of the channel would be replaced to improve conveyance. The staging area for the construction equipment and supplies necessary for this project component would be located within Parking Lot A, which is the main gravel parking lot located at the northwest corner of the YBWA along the main entrance road.

Green's Lake Modifications (19389-2; 408-SPK-2019-0033). Green's Lake is an irrigation reservoir located in the northeastern portion of the YBWA that includes a channel that extends south to the South Davis Drain, a channel that extends directly north to Interstate 80, and a channel that extends northwest to Interstate 80. The proposed project would remove accumulated sediment from Green's Lake and clear vegetation around the lake perimeter. Additionally, the project would remove vegetation and sediment from the channel that extends north from the northern tip of the Green's Lake to Interstate 80 and improve the existing gravel road that extends north from the South Davis Drain along the east bank of the lake to its northern tip. Three existing water control structures located along Green's Lake would also be replaced. The two staging areas for the construction equipment and supplies necessary for this project component would be located at an existing agriculture staging area directly east of the southern tip of Green's Lake and adjacent to the eastern bank of the lake about midway between its northern and southern tips.

Drainage Improvements at the "Y" (19389-3; 408-SPK-2019-0034). The proposed project would remove and replace two parallel road crossings ("Y" road crossings) over the South Davis Drain with a single precast concrete bridge. Channel excavation would result in an 18-foot channel bottom and 2:1 bank slopes for 20 feet upstream of the new bridge and 20 feet downstream of the eastern road crossing removal. The excavated channel would match the existing channel's bottom at a 10:1 slope. The bridge would have a 30-foot width to accommodate two-way vehicle traffic. With the installation of this bridge, the full capacity of the South Davis Drain would be accommodated at the "Y" road crossings. Therefore, the "Y" road crossings would no longer constrain flows in the South Davis Drain, which would accelerate drainage of the surrounding lands and roadways. An existing pump within the South Davis Drain directly northwest of the "Y" road crossing would be relocated to the northern drainage channel directly north of the new bridge. A new sump would be excavated within the northern channel to accommodate the relocated pump station. A water control structure would be replaced in the road crossing that is located north of the "Y" road crossing. The project would also include removal of excess sediment and vegetation from approximately 1,450 feet of the southern portion of the North-South Ditch. The primary staging area for the construction equipment and supplies necessary for this project component would be located within Parking Lot A. For the improvements to the North-South Ditch, the staging area would be located approximately ½ mile east of the construction activities along the Cross Canal at a location identified as Parking Lot H.

New Cross Canal Pump Station and Road Improvements (19389-4; 408-SPK-2019-0035). The proposed project would include installing a new water pump directly west of Parking Lot H and directly north of the Cross Canal. A new sump would be excavated at this location to accommodate the new pump and a 12-inch pipe would extend south from the pump, under the existing dirt road, and to the Cross Canal. The sump is proposed to be excavated to a depth of 6 feet mean sea level (msl) with a 40-foot by 40-foot bottom surface and a total depth of approximately 12 feet. The project would also include improvement of the new roadway to the west and north of the proposed new pump station. These improvements include adding dirt to the roadway to raise its elevation by approximately two feet and expanding its width to 20 feet. Six new water control structures would be added along the roadway to connect the pump to the adjacent ditches. The staging area for the construction equipment and supplies necessary for this project component would be located at Parking Lot H.

Parker Pond Improvements (19389-5; 408-SPK-2019-0036). The approximately 12-acre Parker Pond is located directly east of the Yolo Bypass western levee just north of the point where the levee gradually turns from a southward direction to a westward direction to parallel the northern bank of Putah Creek. The pond forms the southern terminus of the drainage canal that parallels the Yolo Bypass western levee. The proposed project would excavate a segment of the southern edge of the pond to create a sump or low area within the pond that would accommodate a new water lift station and would expand the pond's water storage capacity. The project would also include expansion of the existing ditch to accommodate flows from the new pump, improvement of roadways south of the new pump, and the installation of a new water control structure. The staging area for the construction equipment and supplies necessary for this project component would be located directly west of the southwest corner of the pond on the west side of the Yolo Bypass western levee.

ENVIRONMENTAL IMPACTS OF PROPOSED ACTION: The project and the surrounding land in the bypass is entirely undeveloped and consists of managed and natural and semi-natural habitats including seasonal and permanent wetland, seasonal agriculture, remnant patches of riparian woodland, and terrestrial upland grasslands with a variety of nonnative and native grasses and forbs. The primary agricultural crop is rice, which also serves as seasonal wetland habitat, but some fields are dry crops or left unplanted. Classified vegetation types include Water primrose wetlands (20.3 acres), Cattail marshes (6.0 acres), Hardstem bulrush marsh (1.4 acres), Black willow thickets (1.2 acres); unclassified types include open water (5.2 acres), ruderal (42.6 acres), seasonal wetland (16.7 acres), agriculture (31.0 acres), and access roads and barren/parking areas (1.2 acres). With the onset of the wet season, agricultural areas and semi-natural seasonal wetland areas gradually begin to flood, and in very wet years, the entire bypass serves as a flood-control corridor and becomes entirely inundated with overflow from the Sacramento River. Gravel and dirt roads border the waterways and provide direct access to all the project sites. Project implementation would result in removal or disturbance of marsh and other seasonal wetland habitats, including habitats for sensitive species. Construction activities could also disturb nesting bird habitat. The requester has incorporated a number of best management practices and conservation measures into the proposed project description to avoid and minimize potential effects to sensitive habitats, nesting birds, and sensitive species.

The project is expected to result in long-term beneficial effects on fish populations, communities, and habitat by enhancing approximately 1 mile of seasonal floodplain habitat between Green's Lake and the east Toe Drain, to the east, that on average is over a half mile wide. The enhancement should increase the depth and duration of floodplain inundation, which also increases available refugia and species productivity, which in turn increases growth and survival rates. The design features would provide long-term benefits to fish species that utilize floodplains for spawning and rearing during winter and spring.

The proposed project may affect, and is likely to adversely affect the federally threatened giant garter snake (*Thamnophis gigas*). The Corps initiated formal consultation pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) with the U.S. Fish and Wildlife Service (USFWS). The Corps received a biological opinion (08FBDT00-2019-F-0034, dated May 15, 2019) from the USFWS, providing an incidental take statement for giant garter snake, as well as reasonable and prudent measures and terms and conditions to minimize potential effects to giant garter snake. The Corps determined that the proposed project may affect the federally threatened California Central Valley steelhead (*Oncorhynchus mykiss*), Central Valley spring-run Chinook salmon (*O. tshawytscha*), and North American distinct population segment of green sturgeon (*Acipenser medirostris*), and the federally endangered Sacramento River winter-run Chinook salmon (*O. tshawytscha*). The Corps is currently engaged in consultation with the National Marine Fisheries Service (NMFS) for potential effects to these anadromous fish species.

The requester received a Technically Conditioned Water Quality Certification (WDID # 5A57CR00175), dated June 14, 2019, from the Central Valley Regional Water Quality Control Board.

The Corps sent letters, dated January 25, 2019, to Native American tribes identified by the Native American Heritage Commission as having interests in the proposed project area. The Corps is engaged in coordination with the United Auburn Indian Community of the Auburn Rancheria and the Yocha Dehe Wintun Nation. The Corps will consult with the California State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act.

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 U.S.C. 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 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. Section 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 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 Sacramento 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 Sacramento 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 Yolo Bypass Wildlife Area Habitat and Drainage Improvements Project, 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. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act.

SUBMITTING COMMENTS: Written comments, referencing Project Name Yolo Bypass Wildlife Area Habitat and Drainage Improvements must be submitted to the office listed below on or before August 2, 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*

Attachments:

- 1) Vicinity map
- 2) General site maps

Attachment 1 – Vicinity Map

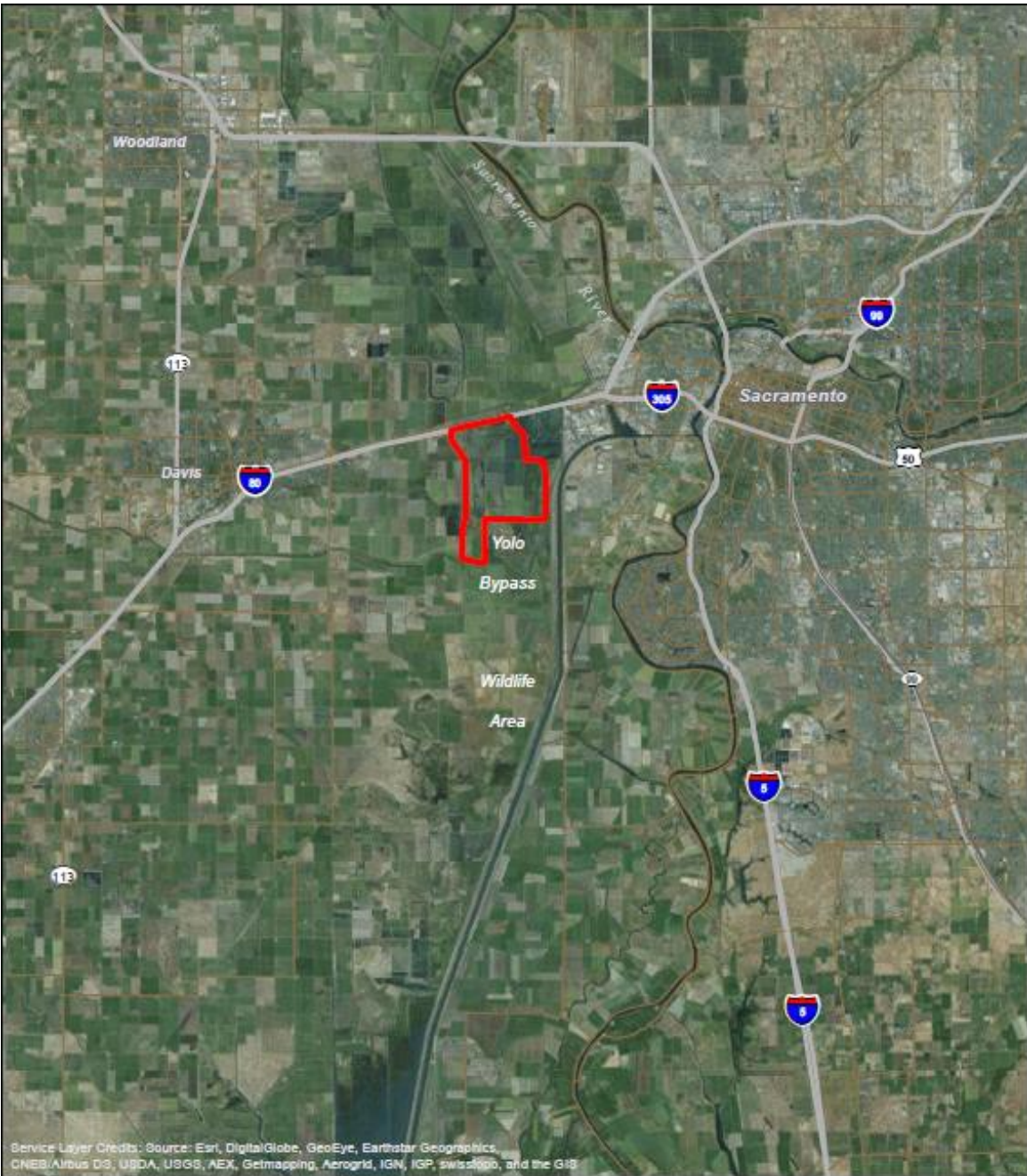
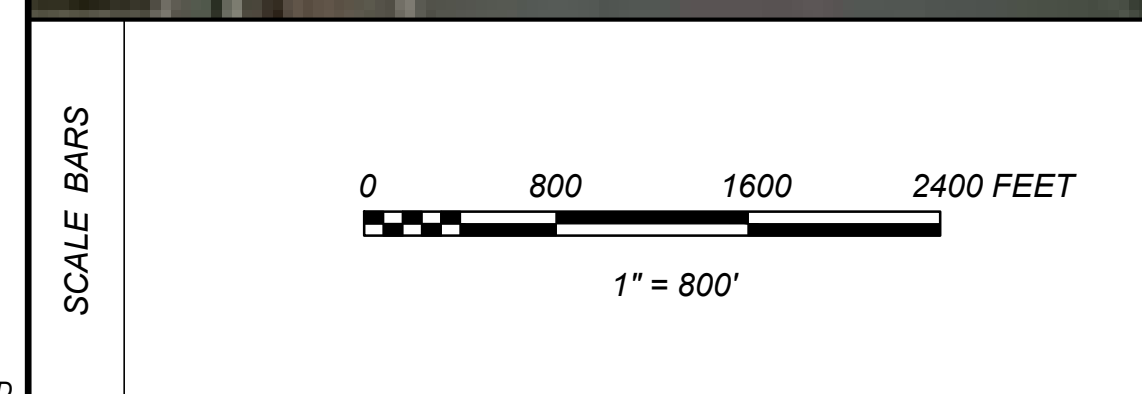
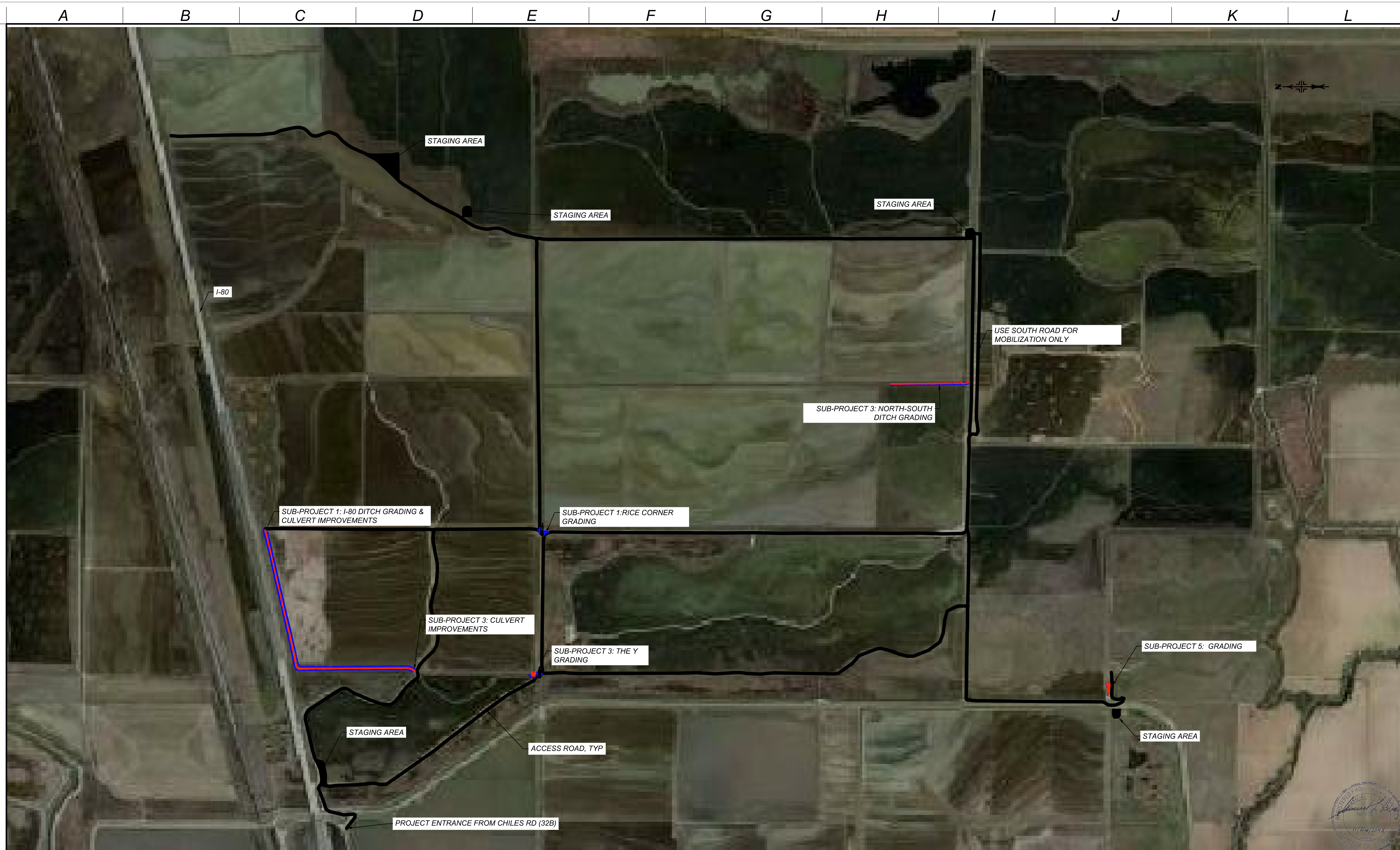


Figure 1. Vicinity map of the proposed project location.

Attachment 2 – General Site Maps



PREPARED BY:

ISSUE DESCRIPTION
 DRAFT 100% DESIGN

 ISSUE DATE JANUARY 2017

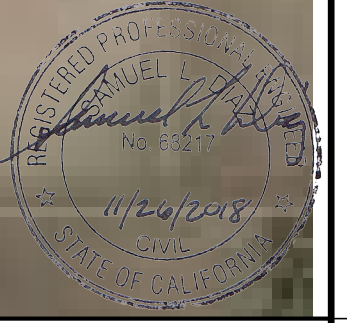
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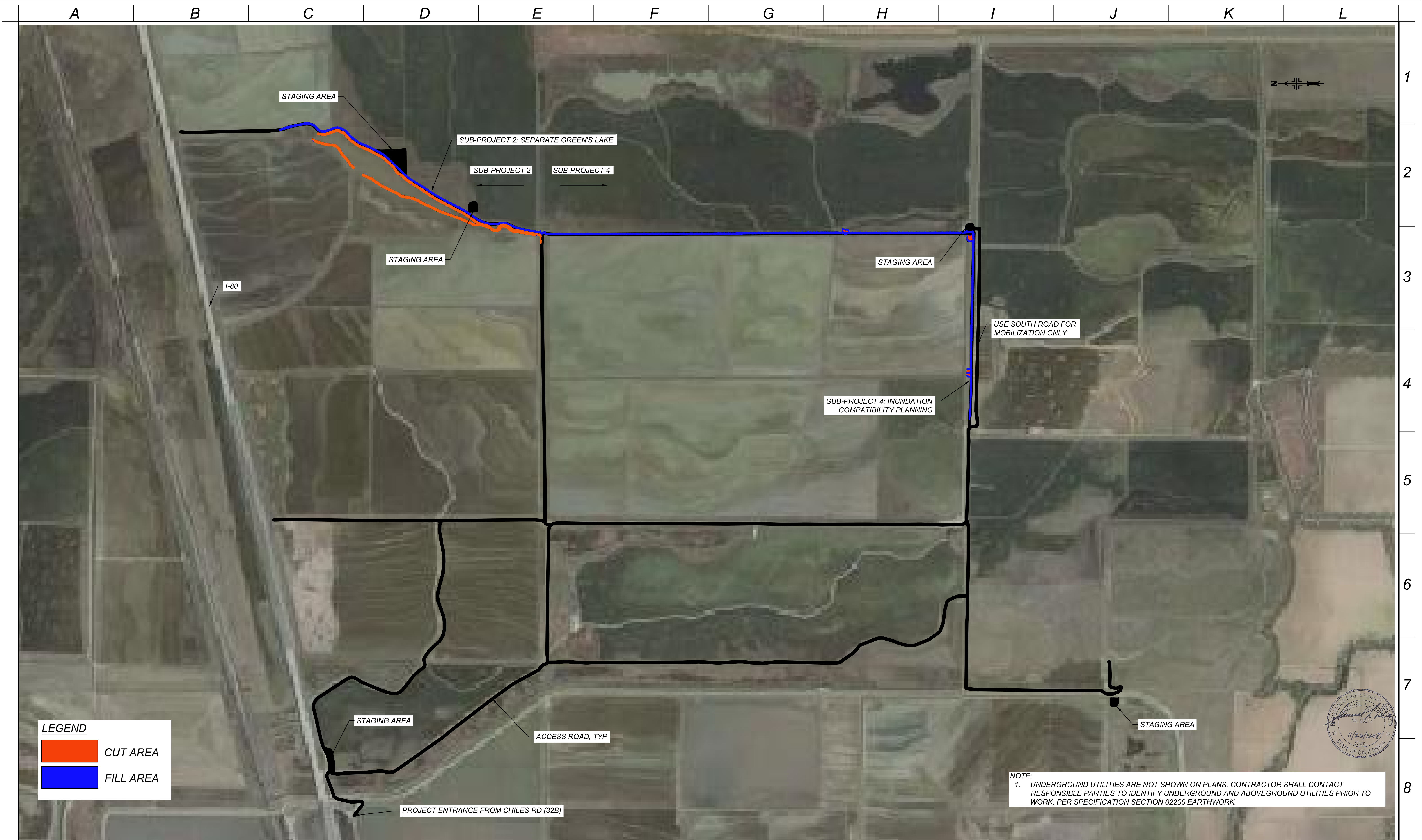
**YOLO BYPASS WILDLIFE AREA
 HABITAT AND DRAINAGE IMPROVEMENTS**

SITE ACCESS AND STAGING PLAN

SFCWA CONTRACT #	143939
CBEC PROJECT #	15-1025
SHEET	G-03
DWG	----
REV	0

PREPARED WITH MWD
 BRDR DATE: 01/29/2009



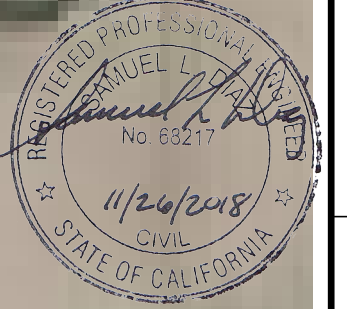


LEGEND

CUT AREA

FILL AREA

NOTE:
 1. UNDERGROUND UTILITIES ARE NOT SHOWN ON PLANS. CONTRACTOR SHALL CONTACT RESPONSIBLE PARTIES TO IDENTIFY UNDERGROUND AND ABOVEGROUND UTILITIES PRIOR TO WORK, PER SPECIFICATION SECTION 02200 EARTHWORK.



SCALE BARS		PREPARED BY: 	ISSUE DESCRIPTION 100% DESIGN ---- ---- ---- ---- ---- ISSUE DATE APRIL 2017	DESIGNED SD DRAWN JP CHECKED CC	FOR DRAWING APPROVALS SEE -----	YOLO BYPASS WILDLIFE AREA HABITAT AND DRAINAGE IMPROVEMENTS SITE ACCESS AND STORAGE PLAN ----	SFCWA CONTRACT # 143939 CBEC PROJECT # 15-1025 SHEET G-03 DWG ---- REV 0
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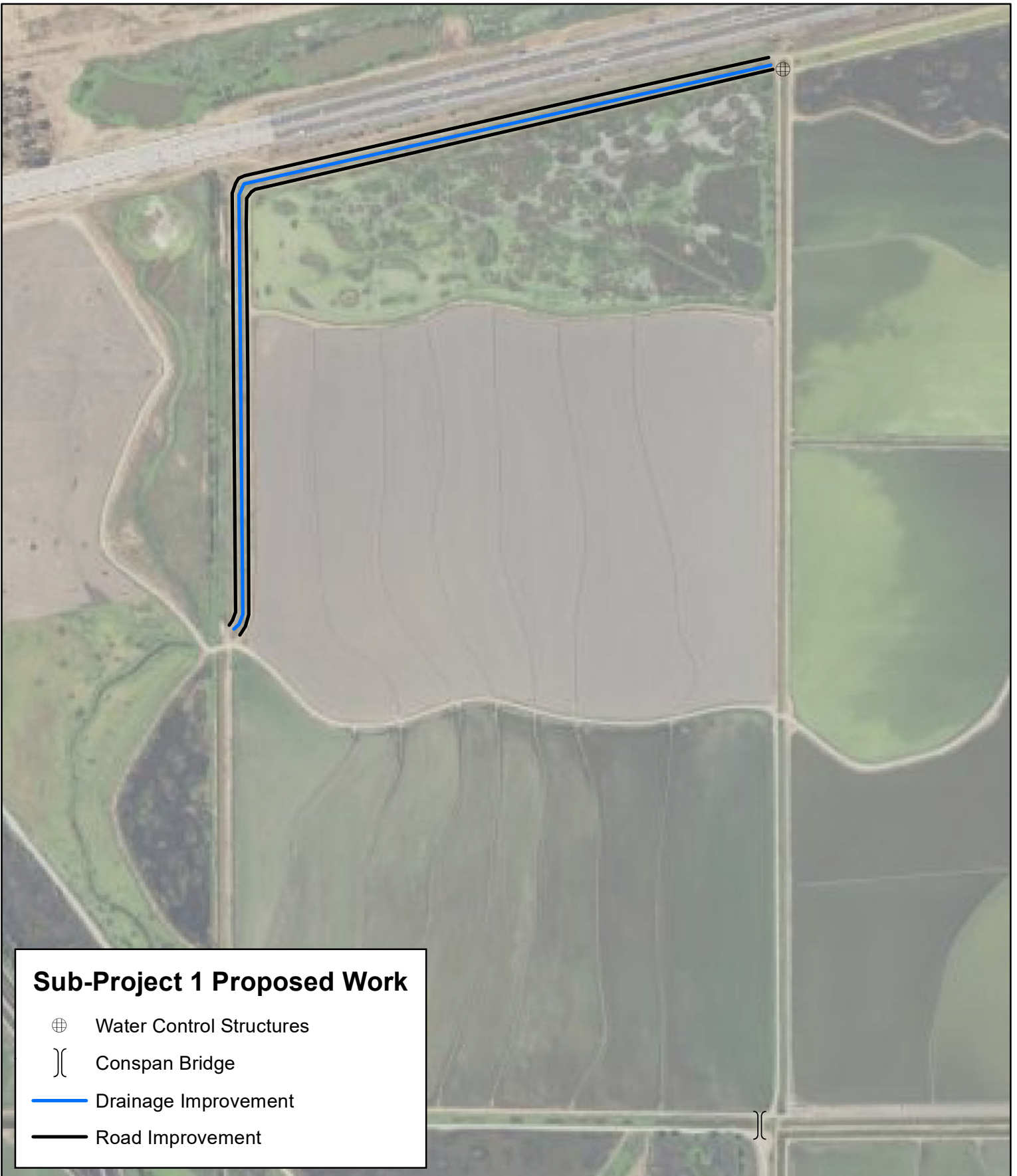


Figure 1: Site & Vicinity Map

Aerial photo: 2016 NAIP Color Orthophotography
 7.5 minute Sacramento West, CA and 7.5 minute Davis, CA
 Sections 2, 3, 10, & 11 of T8N, R3E
 Project location: Yolo County, CA



Sub-Project 2 Proposed Work

- ⊕ Water Control Structures
- Road Improvement
- Drainage Improvement

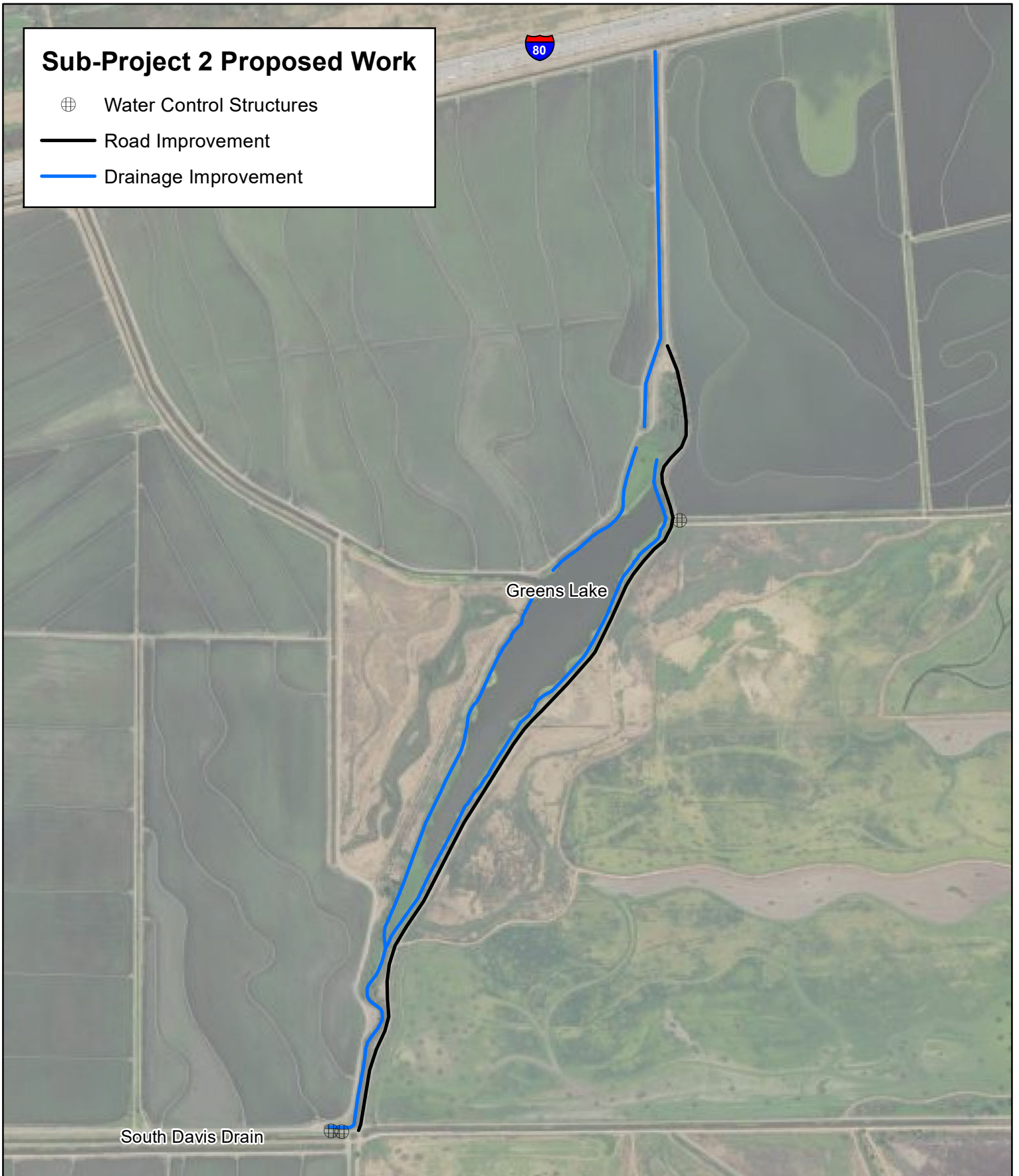
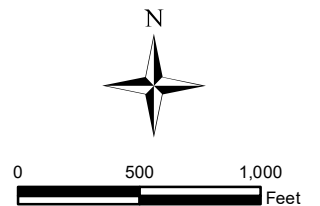


Figure 1: Site & Vicinity Map

Aerial photo: 2016 NAIP Color Orthophotography
7.5 minute Sacramento West, CA and 7.5 minute Davis, CA
Sections 1, 11, & 12 of T8N, R3E
Project location: Yolo County, CA



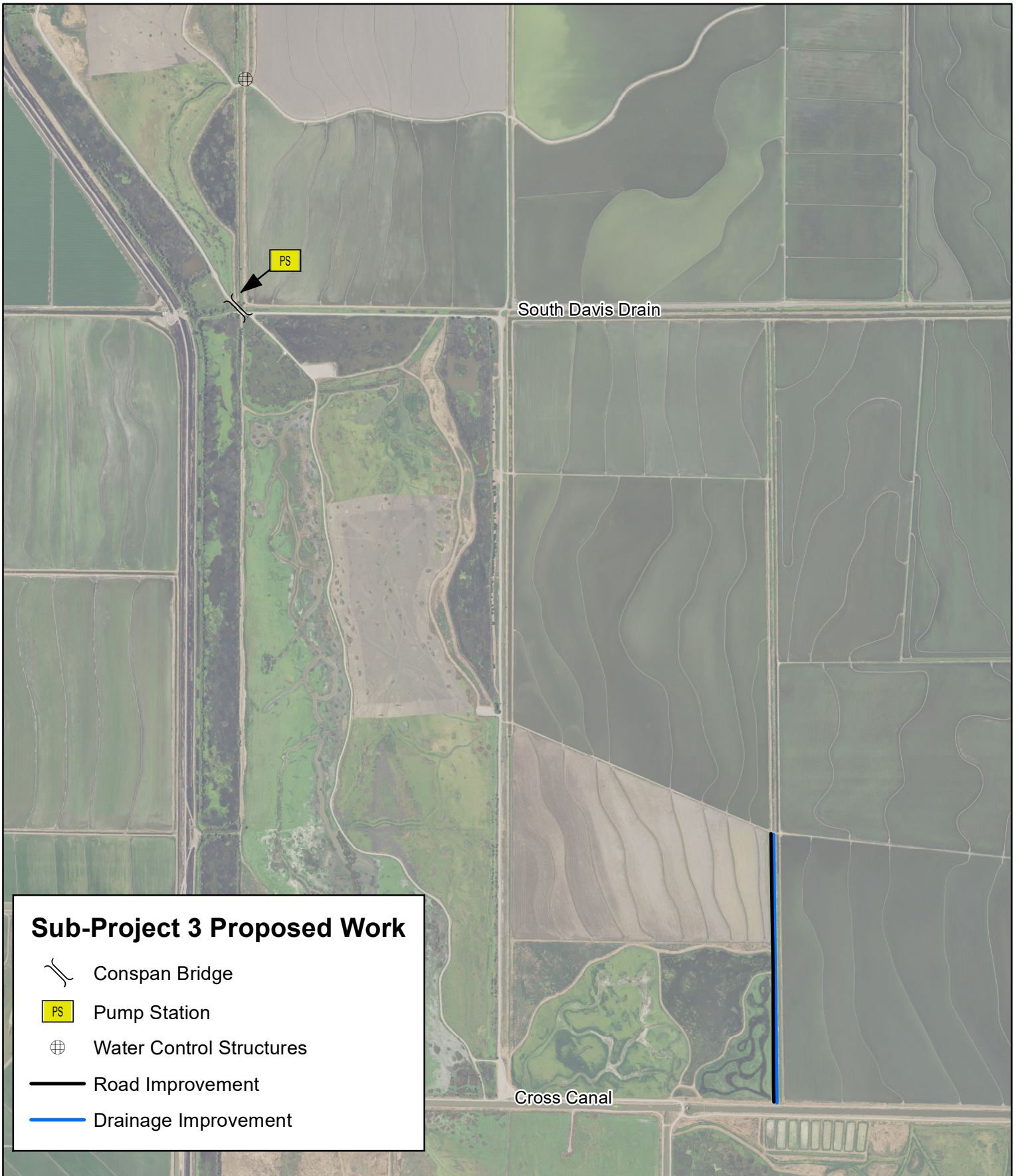
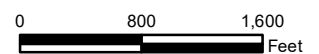


Figure1: Site & Vicinity Map

Aerial photo: 2016 NAIP Color Orthophotography
 7.5 minute Sacramento West, CA and 7.5 minute Davis, CA
 Sections 10, 14, & 23 T8N, R3E
 Project location: Yolo County, CA



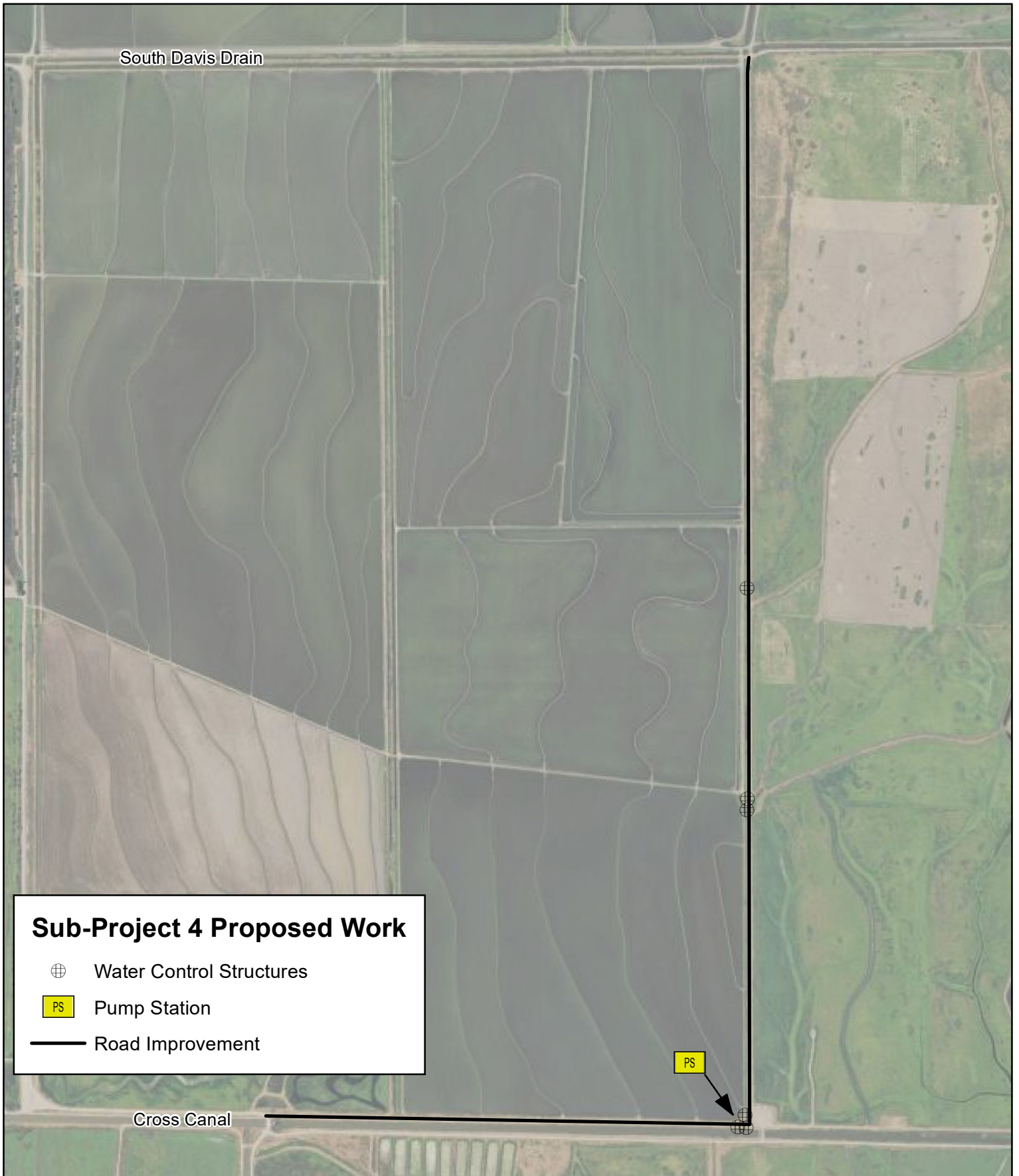


Figure 1: Site & Vicinity Map

Aerial photo: 2016 NAIP Color Orthophotography
 7.5 minute Sacramento West, CA and 7.5 minute Davis, CA
 Sections 12, 13, 23, & 24 of T8N, R3E
 Project location: Yolo County, CA





YBWA Sub-Project 5 Proposed Work

- ⊕ Water Control Structure
- PS Pump Station
- Road Improvement

Figure 1: Site & Vicinity Map

Aerial photo: 2016 NAIP Color Orthophotography
 7.5 minute Sacramento West, CA and 7.5 minute Davis, CA
 Section 22 of T8N, R3E
 Project location: Yolo County, CA

