



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

Operations Division

FINDING OF NO SIGNIFICANT IMPACT
408 PERMISSION (No. 19460)
CENTRAL VALLEY FLOOD PROTECTION BOARD
for the
LOWER YOLO RESTORATION PROJECT
YOLO COUNTY, CALIFORNIA

I have reviewed and evaluated the information presented in the Environmental Assessment (EA) prepared for the Lower Yolo Restoration Project (project). The proposed project is located in the lower Yolo Bypass near Cache Slough in Yolo County, California. In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the Westlands Water District (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 (Corps) to alter the Sacramento River Flood Control Project, an existing federal flood risk management project, authorized by the Flood Control Act of 1917.

The proposed project would include modifications to approximately 2,149 acres of a 3,427-acre site. Actions would include: restoring 1,681 acres of tidal marsh (including 12 acres of tidal channels, seasonal floodplain wetlands, and riparian habitat), constructing a 109-acre soil stockpile behind restricted height levees in the northwest corner of the property, removing 364 acres of agricultural irrigation from the restored wetlands, and relocating several water control structures, irrigation, and drainage ditches. Passages would be created through existing roads to allow for water, fauna, and flora to flow into and out of surrounding tidal channels. The removal of irrigation control structures will greatly reduce the potential to strand fish in the marsh. Water would discharge from the marsh via overland flow and through long, shallow depressions that would be made during marsh construction. An estimated 242,640 cubic yards of soil would need to be excavated in order to construct the marsh. Tidal marsh features would be constructed to accommodate projected adjustments and modifications – depending on scientific monitoring results of the marsh. Some amount of the excavated soil would be used to create a perimeter berm (slope) around the restored habitats to prevent inundation (flooding) of agricultural lands upon completion of the tidal marsh.

The public was provided notice of the proposed project by an email sent to interested parties and concurrent posting on the Sacramento District Section 408 Public Notice website. The notice was available for public comment from February 14, 2020, to March 15, 2020. The Corps received three comments from the California Department of Transportation, Yocha Dehe Wintun Nation, and Mound Farms, these comments have been addressed in the EA.

The possible consequences of the work described in the EA have been studied with consideration given to environmental, social, economic, and engineering feasibility. The

Corps coordinated environmental effects with the U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), State Historic Preservation Officer (SHPO), and other federal and state resource agencies. The USFWS issued a biological opinion (08FBDT00-2019-F-0276), dated December 27, 2019, for potential adverse effects to the federally listed giant garter snake (*Thamnophis gigas*) and delta smelt (*Hypomesus transpacificus*). Additionally, the USFWS concurred that the proposed project may affect, but is not likely to adversely affect the federally listed vernal pool fairy shrimp (*Branchinecta lynchi*), conservancy fairy shrimp (*Branchinecta conservatio*), vernal pool tadpole shrimp (*Lepidurus packardii*), and critical habitat for delta smelt. The NMFS issued a letter (WCR-2019-02338), dated October 03, 2019, concurring that the proposed project may affect, but is not likely to adversely affect the federally listed California Central Valley steelhead (*Oncorhynchus mykiss*), Central Valley spring-run Chinook salmon (*O. tshawytscha*), the southern distinct population segment of North American green sturgeon (*Acipenser medirostris*), Sacramento River winter-run Chinook salmon (*O. tshawytscha*), and critical habitat for Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead, and Southern DPS green sturgeon.

The Corps sent consultation letters, dated January 13, 2020, to the United Auburn Indian Community of the Auburn Rancheria (UAIC), Kletsel Yocha Dehe Wintun Nation, Wilton Rancheria, Yocha Dehe Wintun Nation, and an individual identified by the Native American Heritage Commission. The UAIC sent an email, dated February 03, 2020, stating that the tribe is not aware of any known cultural resources near the project site and requested to be informed of any unanticipated discovery. The Corps determined that there would be no historic properties affected as a result of the undertaking. The SHPO issued a letter (COE_2014_0226_001), dated April 30, 2014, concurring with the Corps' determination of effect.

Based upon my independent review of the EA (incorporated herein by reference), information provided by the requester, and interested parties, I have determined this permission will not have a significant effect on environmental, social, or cultural resources. Based on these considerations, I conclude that there is no need to prepare an Environmental Impact Statement. Therefore, the EA and Finding of No Significant Impact provide adequate environmental documentation to grant 408 permission for the proposed action.

APPROVED BY: _____
Rick L. Poepelman, P.E.
Chief, Engineering Division
Levee Safety Officer

DATE APPROVED: _____