



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 (408-SPK-2022-0009)
CENTRAL VALLEY FLOOD PROTECTION BOARD
for the
LOWER AMERICAN RIVER ANADROMOUS FISH HABITAT RESTORATION
PROJECT
SACRAMENTO COUNTY, CALIFORNIA**

I have reviewed and evaluated the information presented in the final Environmental Assessment (EA) dated June 2019 prepared by the U.S. Bureau of Reclamation (BOR) for the Lower American River Anadromous Fish Habitat Restoration Project. The proposed project is located in the American River, between river mile (RM) 23 to RM 13 in Sacramento County, California. In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the City of Sacramento (requester) has requested permission through the Central Valley Flood Protection Board (CVFPB; 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.

The proposed project would entail three primary activities, spawning gravel replenishment, floodplain and side channel creation/enhancement, and instream habitat structure placement at 10 sites within the Lower American River (LAR). The project proposes to create new side channels, modify existing side channels, enhance existing floodplain habitat, and place gravel and woody material in the LAR below Nimbus Dam. Gravel would be placed to improve spawning at project locations and to replenish spawning gravel downstream that is not replaced by upstream sources. Side channel and floodplain work would be completed to improve juvenile rearing habitat. Restoration actions would occur at up to three sites per year through 2034.

The proposed project is being funded by BOR; therefore, in a letter dated December 06, 2016, USACE designated BOR as the lead federal agency to act on USACE's behalf for purposes of compliance with Section 7 of the federal Endangered Species Act (ESA) and Section 106 of the National Historic Preservation Act (NHPA) for USACE authorizations required for the Lower American River Anadromous Fish Habitat Restoration project. USACE is a cooperating agency under NEPA and is adopting the BOR EA in accordance with 40 CFR 1506.3(c). The proposed action requiring 408 permission is substantially the same as the proposed action analyzed in the EA. The City of Sacramento, in association with the Sacramento Area Water Forum, is the CEQA lead and the responsible agency for physically implementing the project.

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 March 10, 2022, to April 08, 2022. USACE received one comment from the Sacramento Metropolitan Air Quality Management District recommending basic construction emission control practices during construction activity. The recommendations have been provided to the CVFPB.

The possible consequences of the work described in the EA have been studied with consideration given to environmental, social, economic, and engineering feasibility. The environmental effects have been coordinated 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 Programmatic Informal Consultation memorandum (08FBDT00-2016-I-0198) on August 29, 2016, for effects to the federally-listed as threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and western yellow-billed cuckoo (*Coccyzus americanus*). Subsequently the USFWS issued a concurrence (08FBDT00-2016-I-0198) on September 22, 2020, to changes to the project description and the programmatic memorandum. The USFWS confirmed by email dated January 14, 2022, that additional changes to the project are consistent with the concurrence memorandum. The NMFS issued a Biological Opinion (BO; WCR-2015-2703) dated July 14, 2015, for potential adverse effects to the federally listed endangered Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*) evolutionarily significant unit (ESU), threatened California Central Valley (CCV) spring-run Chinook salmon ESU, (*O. tshawytscha*) or threatened CCV steelhead distinct population segment (DPS) (*O. mykiss*), their designated critical habitats and provided essential fish habitat (EFH) conservation recommendations for Pacific salmon. Subsequently the NMFS has confirmed recent changes to the project are covered under the existing BO.

Letters were sent dated March 09, 2022, to the Buena Vista Rancheria, Lone Band of Miwok Indians of California, Shingle Springs Band of Miwok Indians Shingle Springs Rancheria, United Auburn Indian Community (UAIC), and the Wilton Rancheria, to invite their participation in the Section 106 consultation process. The UAIC responded on March 29, 2022, requesting the current status of the project and report. The status and report were provided and no other responses were received. The SHPO issued a letter (BUR_2015_0908_001) dated May 3, 2022, concurring with the determination of eligibility and no adverse effects to historic properties.

On January 27, 2021, Executive Order 14008 was issued. USACE used the Climate and Economic Justice Screening Tool to identify one community with environmental justice concerns in the project area. Census tract 06067008910 in Sacramento County is adjacent to the proposed alteration on the southern bank of the American River. The community has been identified as disadvantaged in the category of climate change. Specifically, the community is experiencing an “expected agriculture loss rate” above the 90th percentile. However, the proposed alteration would not result in conversion or

loss of any agricultural lands and therefore USACE has determined the project would not contribute toward any environmental justice concerns in the disadvantaged community.

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: _____