



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 (19173)
CENTRAL VALLEY FLOOD PROTECTION BOARD
for the
BRANNAN-ANDRUS SACRAMENTO RIVER BANK PROTECTION PROJECT
SACRAMENTO COUNTY, CA

I have reviewed and evaluated the information presented in the Environmental Assessment (EA) prepared for the Brannan-Andrus Sacramento River Bank Protection Project. The proposed project is located on the left bank of the Sacramento River, on Brannan Island in Sacramento County, California. In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the Brannan-Andrus Levee Maintenance 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 (USACE) to alter the Sacramento River Flood Control Project, an existing federal flood risk management project, authorized by Flood Control Act of 1917, as modified by the Acts of 1937 and 1941.

The Proposed Action consists of levee repairs for erosion control and habitat enhancement at three locations along the Sacramento River. Proposed construction would occur on approximately 1.2 nautical mile of waterside levee and channel margin located on the left bank of the Sacramento River, adjacent to Brannan Island. Construction of the new levee slope at each of the three sites would occur in three phases: 1) placing rock slope protection (RSP) and 6-inch minus backfill material; 2) placing geogrid material and the Gripper/Terrabag System; and 3) placing planting fill to complete final grade. Work on the levee slopes would occur using barges, work boats, tugs, and excavators.

The public was provided notice of the proposed project by an email sent to interested parties and concurrent posting on the Sacramento District Public Notices website. The notice was available for public comment from February 05, 2021, through February 22, 2021. No comments on the project were received.

The possible consequences of the work described in the EA have been studied with consideration given to environmental, social, economic, and engineering feasibility. The USACE 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 (08FBDT00-2021-F-0162) dated June 22, 2021, with their determination that the project can be appended to the USFWS's December 1, 2004, *Formal Programmatic Consultation on the Issuance of Section 10 and 404 Permits for Projects with Relatively Small Effects on the Delta Smelt (*Hypomesus transpacificus*) and its Critical Habitat* (Service File Number: 1-1-04-F-0345). The USFWS also

determined that the proposed project may affect, but is not likely to adversely affect designated critical habitat for delta smelt. The NMFS issued a biological opinion, dated September 21, 2021 (WCR-2021-01158), for the federally listed as threatened southern Distinct Population Segment (sDPS) green sturgeon (*Acipenser medirostris*), California Central Valley steelhead DPS (*Oncorhynchus mykiss*), Central Valley spring-run Chinook salmon Evolutionarily Significant Unit (ESU) (*O. tshawytscha*), and federally listed as endangered Sacramento River winter-run Chinook salmon ESU (*O. tshawytscha*). The NMFS also reviewed the proposed action for potential effects on essential fish habitat (EFH) designated under the Magnuson-Stevens Act and concluded the terms and conditions, and conservation recommendations in the biological opinion contain adequate measures to avoid, minimize, and serve to offset the adverse effects to EFH.

The SHPO issued a letter (COE_2019_1001_002) dated October 29, 2019, concurring with the USACE determination of eligibility, and finding of effects. USACE also sent initial consultation letters to all tribes identified by the NAHC as having ancestral ties to the project area. Three tribes responded and all comments and requests were addressed. Due to project description changes USACE reinitiated consultation with the SHPO and interested tribes. The SHPO issued a letter (COE_2019_1001_002) dated April 01, 2022, with no comments on the revised area of potential effects and concurred with the USACE determination of eligibility and finding of effects. The Yocha DeHe responded by email on March 22, 2022, that they had no comment on the project and requested any correspondence be deferred to the Wilton Rancheria. No other responses were received from other Indian tribes

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: _____