



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 (19792)
CENTRAL VALLEY FLOOD PROTECTION BOARD
for the
UPPER SWANSTON RANCH INC. IRRIGATION AND FISH PASSAGE
IMPROVEMENT PROJECT
YOLO COUNTY, CA

The U.S. Army Corps of Engineers, Sacramento District (USACE) has reviewed and evaluated the information presented in the Environmental Assessment (EA) dated October 2023 prepared by the U.S. Bureau of Reclamation (BOR) for the Upper Swanston Ranch Inc., Irrigation and Fish Passage Improvement Project. The proposed alteration is located adjacent to Tule Canal within the Yolo Bypass in Yolo County, CA. In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, Swanston Ranch, Inc (requester) has requested permission through the Central Valley Flood Protection Board (CVFPB) (non-federal sponsor of the federally authorized project) from 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 alteration includes implementation of the Upper Swanston Ranch Inc. Irrigation and Fish Passage Improvement Project. The proposed alteration is located at approximately 38.584187°N 121.585262°W NAD83 within Yolo County, CA. Specific components of the alteration include:

- Installation of a pump station, set in a 14-foot x 16-foot concrete wet well approximately 16 feet below grade, west of Tule Canal. Installation of two 14-foot-diameter stainless steel mechanical brush-cleaned cone screens on a concrete pad within a sheet pile alcove (approximately 20 feet deep). The system includes a pipe manifold under the concrete pad with sediment clean-outs that would connect the fish screens to two 36-inch pipes extending to the pump station. Installation of one 6-inch-diameter, 24-feet-tall steel pole with 4-inch weather head attached to the new pump station to support electrical connection.
- Installation of approximately 3,300 feet of 48-inch-diameter HDPE irrigation pipe connecting the pump station to an improved holding reservoir to the north.
- Construction of an embankment and outfall across an existing canal to create a new holding reservoir. The outfall will include installation of a new splash board riser and 36-inch-diameter corrugated metal pipe with flap gate, set in an 8-foot tall x 5-foot wide precast concrete box to allow water drainage from irrigation to return to Tule Canal and will be backfilled with approximately 1,000 cubic yards of soil to bring the outfall embankment to match the existing ground. Installation of Class III rock slope protection leading to the holding reservoir.

- Removal of existing abandoned wood piers.

The proposed project is funded by the BOR; therefore, in a letter dated June 9, 2023, USACE designated the BOR as 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 proposed 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. USACE has reviewed the EA and finds that the EA meets the standards for an adequate environmental assessment under NEPA, the Council on Environmental Quality implementing regulations, and USACE NEPA implementing regulations at 33 CFR Part 230. The California Department of Water Resources is the California Environmental Quality Act lead for this 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 February 27, 2024, to March 28, 2024. The Sacramento Municipal Utility District (SMUD) submitted a comment on March 27, 2024, raising concerns regarding a natural gas pipeline within 100 feet of the project area and requested and requested further coordination and discussion with the project proponents. USACE confirmed receipt of the comment on March 29, 2024, and forwarded the comment to the CVFPB. A virtual coordination meeting between the project proponent, the CVFPB, USACE, and SMUD was held on April 25, 2024. The project proponent provided a letter to SMUD on April 25, 2024, addressing all comments and concerns. Additionally, the Yocha Dehe Wintun Nation (YDWN) submitted a comment on March 29, 2024, stating that the proposed project is within the aboriginal territories of the YDWN and requested project updates. USACE responded on April 4, 2024, stating that the BOR is acting as lead federal agency and directed the YDWN to contact the BOR for tribal correspondence.

The possible consequences of the work described in the EA have been studied with consideration given to environmental, social, economic, and engineering feasibility. The BOR coordinated environmental effects with the U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), California State Historic Preservation Officer (SHPO), and other federal and state resource agencies. The USFWS issued a letter of concurrence (08FBDT00-2023-I-0134555) dated October 18, 2023 for effects to the federally threatened giant garter snake (*Thamnophis gigas*), delta smelt (*Hypomesus transpacificus*), and delta smelt critical habitat. The NOAA Restoration Center (RC) reviewed the BOR application to the NOAA RC's Central Valley Office Programmatic Approach (Program) and determined that the proposed project fits within the scope of the Program in an email dated November 30, 2023. The BOR received Endangered Species Act Section 7 and Magnuson-Stevens Conservation and Management Act Section 305(b)(2) coverage under the Program's Programmatic Biological Opinion with NMFS (WCR-2017-8) for winter-run Chinook salmon, spring-run Chinook salmon, steelhead, green sturgeon, and Chinook salmon essential fish habitat.

The BOR initiated consultation with SHPO in a letter dated October 12, 2023 requesting concurrence on their finding of no adverse effects to historic properties

pursuant to 36 CFR § 800.5(b). SHPO failed to comment on the BOR finding within the 30-day timeframe pursuant to the regulations at 36 CFR § 800.4(d)(1)(i). The BOR sent letters inviting tribes to participate in the Section 106 consultation process on July 17, 2023. The letters were sent to the Kletsel Dehe Wintun Nation of the Cortina Rancheria, Shingle Springs Band of Miwok Indians, United Auburn Indian Community, Wilton Rancheria, and the Yocha Dehe Wintun Nation. The Yocha Dehe Wintun Nation responded in a letter dated August 29, 2023, stating that the proposed project could impact known cultural resources and recommended cultural monitors during development and ground disturbance. The BOR responded to the Tribe via email acknowledging the comment and invited further coordination on the issue.

In accordance with Executive Order 14008, USACE used the Climate and Economic Justice Screening Tool, to identify one community with environmental justice concerns in the project area. The proposed alteration is located within Census tract 06113010102 in Yolo County (Attachment 10). The community has been identified as disadvantaged in five categories, including for climate change. Specifically, census tract 06113010102 has been identified as disadvantaged in the category of climate change due to an expected agriculture loss rate in the 99th percentile with an associated socioeconomic threshold of low income in the 68th percentile. The proposed alteration would improve fish passage conditions associated with agricultural irrigation within and would not result in any conditions that would contribute toward the factors for which the census tract 06113010102 has been identified as disadvantaged. In accordance with Executive Order 12898, USACE has determined that approval of the alteration would not directly or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin nor would it have a disproportionate effect on minority or low-income communities. Furthermore, in accordance with Executive Order 14096, USACE has analyzed the effects of the project and considered the best available science and information on disparate health effects and risks arising from the project and has determined there would be no disparate health effects due to the project.

Based upon the USACE review of the EA (incorporated herein by reference), information provided by the requester, and interested parties, USACE has determined this permission will not have a significant effect on environmental, social, or cultural resources. Based on these considerations, USACE concludes 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: _____
Mark J. DeRocchi, P.E.
Chief, Engineering Division

DATE APPROVED: _____