



**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 (19687)**  
**CENTRAL VALLEY FLOOD PROTECTION BOARD**  
**for the**  
**NORTH DELTA FISH CONSERVATION BANK RESTORATION PROJECT**  
**YOLO COUNTY, CA**

I have reviewed and evaluated the information presented in the Environmental Assessment (EA) prepared for the North Delta Fish Conservation Bank Restoration Project. The proposed project is located in the Yolo Bypass in unincorporated Yolo, CA. In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the Liberty Island Holdings II, LLC (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 project would create approximately 811 acres of habitat for Delta native fish species within the Yolo Bypass by lowering approximately 4,335 linear feet of two east-west drainage & irrigation berms along the northern edge of the bank to approximately 5.1 feet NAVD 88; to excavate three subtidal breaches and channels along the northernmost edge of the bank; to widen a previously existing breach to improve circulation and tidal connectivity; to lower an approximately 20-acre floodplain along the northern boundary of the bank to create a tidal emergent marsh; to remove a water control structure along the northern edge of the bank; to control invasive aquatic weeds; and to protect and enhance the existing tule marsh and riparian scrub shrub habitat along the shoreline. This project is the second phase of the Liberty Island Conservation Bank 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 6, 2024, through March 7, 2024, inviting public comment on the Proposed Action. No comments or inquiries were received in response to the Public Notice.

The possible consequences of the work described in the EA have been studied with consideration given to environmental, social, economic, and engineering feasibility. 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. USFWS issued a biological opinion (2023-0099882-S7-001-R001), dated April 21, 2025, for potential adverse effects to the federally listed as threatened giant garter snake (*Thamnophis gigas*) (GGs) and the federally proposed as threatened northwestern pond turtle (*Actinemys marmorata*) (NWPT), and USFWS concurred that the project may affect, but is not likely to adversely the federally listed as endangered San Francisco Bay-Delta distinct population segment (DPS) of the longfin smelt (*Spirinchus thaleichthys*) (longfin smelt DPS). In addition, USFWS previously issued a letter of concurrence (08FBDT00-2012-1-0002) dated May 01, 2012, determining that a previous iteration of this project is not likely to adversely affect the delta smelt or adversely modify its critical habitat. NMFS issued a letter (2011/03779), dated June 11, 2013, regarding the prior version of the

project concurred with USACE that the project may affect, but is not likely to adversely affect, federally listed Sacramento River winter-run Chinook salmon evolutionary significant unit (ESU) (*Oncorhynchus tshawytscha*), threatened Central Valley spring-run Chinook salmon ESU (*O. tshawytscha*), threatened California Central Valley steelhead distinct population segment (DPS) (*O. mykiss*), the threatened Southern DPS of North American green sturgeon (*Acipenser medirostris*), or any of their respective designated critical habitats. In addition, NMFS determined that the proposed action would adversely affect EFH for Pacific salmon, however, the proposed action includes adequate measures described in the ESA Section 7 consultation to avoid, minimize, or otherwise offset the adverse effects to EFH. NMFS issued a letter dated June 06, 2023, and determined that the currently proposed actions would not alter the effects previously analyzed in the 2013 letter of concurrence. Therefore, NMFS has determined reinitiation is not warranted.

USACE sent consultation letters, dated October 16, 2023, and February 08, 2024, to the Kletsel Dehe Band of Wintun Indians, North Valley Yokuts Tribe, United Auburn Indian Community of the Auburn Rancheria, Wilton Rancheria, and the Yocha Dehe Wintun Nation (Yocha Dehe), identified by the Native American Heritage Commission. The Yocha Dehe responded by letter dated March 25, 2024, stating they have a cultural interest and authority in the proposed project area and would like to continue to receive updates on the project. Upon completion of the Section 106 consultation Yocha Dehe was directed to the CVFPB for project specific updates. No other responses were received from other Indian tribes. USACE initiated consultation with the SHPO by letter dated February 08, 2024, requesting consultation on our determination that P-57-000588 (Liberty Island Levee) is ineligible for listing on the National Register of Historic Places (NRHP) and to also request conditional comment on our finding of *No Historic Properties Affected* (36 CFR § 800.4[d][1]) for the undertaking. USACE continued consultation by letter dated June 17, 2024, with the determination that: the Liberty Island Levee is ineligible for listing on the NRHP due its lack of integrity and failure to meet any of the National Register criteria, there are no historic properties within the APE, and that a finding of No Historic Properties Affected is appropriate for the undertaking (36 CFR § 800.4[d][1]). SHPO failed to respond to either consultation request. After 30 days from the June 17, 2024, letter, USACE concluded Section 106 consultation per 36 CFR 800.3(c)(4). In the event of an inadvertent discovery, USACE would comply with 36 CFR § 800.13(b).

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: MOQUETTE.LYNN.1231838631

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Mark J. DeRocchi, P.E.  
Chief, Engineering Division  
Sacramento District, U.S. Army Corps of Engineers

DATE APPROVED: July 18, 2025