



**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 (CCC 6B8348)**  
**CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION**  
**DISTRICT**  
**for the**  
**Grayson and Walnut Creeks Levee Improvement Project**  
**Contra Costa County, California**

I have reviewed and evaluated the information presented in the Environmental Assessment (EA) prepared for the Grayson and Walnut Creeks Levee Improvement project. The proposed project is located along Grayson and Walnut Creeks in Contra Costa County, California. In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the Costa County Flood Control and Water Conservation District (requester and non-federal sponsor of the federally authorized project) from the U.S. Army Corps of Engineers (USACE) to alter the Walnut Creek Project, an existing federal flood risk management project, authorized by the Flood Control Act of 1960.

This project is proposed to raise the left (western) levees of Grayson and Walnut Creeks along the Central Contra Costa County Sanitary District (CCCCSD) treatment plant. The total length of the project is 7,500 feet. Hydraulic modeling of Walnut and Grayson Creeks indicate that the height of fill required along the levees is, on average, approximately 2.7 feet. Approximately 3 acres of levee access road will be cleared and graded to accommodate the levee rehabilitation. After stripping, the existing levee surface will be scarified, moisture-conditioned to optimum, and compacted to 90 percent relative density prior to placement of fill. Additional fill will be moisture-conditioned to optimum, placed in lifts 8 inches or less, and compacted to 90 percent relative density. On the levee crest, the upper 6-inches of subgrade will be compacted to at least 95 percent relative compaction. After the levee has been brought to grade, the levee access road will be surfaced with 6 inches of compacted aggregate base. At Imhoff Drive the earthen levee will need to be sloped to conform to the existing roadway grade, thus requiring installation of floodwalls to provide closure.

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 December 20, 2023, to January 19, 2024. One comment was received from Contra Costa Water District that was forwarded and addressed by the Costa County Flood Control and Water Conservation District 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 USACE coordinated environmental effects with the State Historic Preservation Officer (SHPO), and other federal and state resource agencies. The USACE sent consultation

letters dated December 20, 2023, and January 25, 2024, to the SHPO and Amah Mutshun Tribal Band, Chicken Ranch Rancheria of Me-Wuk Indians, Confederated Villages of Lisjan, Guidiville Indian Rancheria, Indian Canyon Mutsun Band of Costanoan, Muwekma Ohlone Indian Tribe of the SF Bay Area, North Valley Yokuts Tribe, Ohlone Indian Tribe, and Wilton Rancheria. The Amah Mutshun Tribal Band, Confederated Villages of Lisjan tribes, and the Wilton Rancheria responded to the project and all comments and requests were addressed by USACE. USACE received a Letter of Concurrence from the SHPO dated February 13, 2024, for the determination of No Historic Properties Affected.

USACE is aware of the November 12, 2024, decision in *Marin Audubon Society v. Federal Aviation Administration*, No. 23-1067 (D.C. Cir. Nov. 12, 2024). To the extent that a court may conclude that the Council on Environmental Quality regulations implementing NEPA are not judicially enforceable or binding on this agency action, USACE has nonetheless elected to follow those regulations at 40 C.F.R. Parts 1500–1508, in addition to the USACE procedures/regulations implementing NEPA at 33 C.F.R. Part 230, to meet the agency’s obligations under NEPA, 42 U.S.C. §§ 4321, et seq.

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: \_\_\_\_\_

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

DATE APPROVED: \_\_\_\_\_