Operations and Readiness Branch

PUBLIC NOTICE

REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEEERS PROJECT UNDER SECTION 408

TITLE: Colusa Boat Launch Facility, 2641-1

PUBLIC NOTICE COMMENT PERIOD:
Begins: February 15, 2017
Ends: March 17, 2017

REQUESTER: In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the City of Colusa (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 floodplain and the west levee of the Sacramento River, an existing Federal flood risk management project, authorized by the Flood Control Act of 1917.

LOCATION: The proposed project is located on the waterside of the west bank levee of the Sacramento River, east of Roberts Road and north of 10th Street in Colusa, Colusa County, California (Attachments 1 and 2). The project site is approximately 15.5 acres and is located between the Colusa-Sacramento River State Recreation Area and the Colusa Scenic Levee Park.

REQUESTER'S PROPOSED ACTON: The City of Colusa proposes to redevelop an existing day use and boat launch facility, including regrading, excavation, and fill of the existing site (Attachment 3). The proposed project would also include construction of a 42' x 190' two-lane boat launch ramp, piles and floating docks, a restroom, a parking area, a walkway, a fish cleaning station, an information/ticket kiosk, traffic signs, a 2-inch electrical conduit and ramp lighting, a 1-inch water service pipe, and a 3-inch sewer pipe through the levee.

1) Environmental Setting: The assessment area lies in the City Limits of Colusa and within the banks of the Sacramento River levee system. The site is bordered by the Sacramento river to the east, downtown Colusa to the south; light industrial and agriculture land uses to the west; and public land with riparian forest to the north. The area experiences a Mediterranean climate with hot dry summers and cool wet winters. Annual rainfall ranges between 10 and 20 inches. There are typically 266 or more days in the growing season. The property is composed of variable terrain including the slopes of the levee, the open water of the Sacramento River, and a leveled park-like setting of grass fields and parking lots. Elevations range from approximately 35 feet to 75 feet above mean sea level (msl). The existing parking lot, picnic area and camping exist on a terrace at approximately 65 feet to 71 feet msl. The site is in the shape of a triangle and contains an existing boat launching ramp, parking lot, picnic area, camping area and appurtenant structures in a park like setting. Robert's Canal defines the northwestern boundary and the Sacramento levee system bounds the south and western boundary. The Sacramento River channel is to the east. Currently the site is used as a camping, picnic and day use area. The existing boat launch experiences operational functionality during late summer through winter, due to the lack of water depth and siltation of Robert's Canal.

2) Proposed Improvements Ramp Construction: The lower portion of the ramp (below river low water) will likely be constructed in water by placing precast concrete planks on top of a prepared gravel base with steel rails. If during the construction turbidity develops, silt curtains would be used to contain it. This work would be performed with a crane located onshore and a construction crew of 4-6 workers utilizing hand power tools and a generator in addition to the crane. Fill material will be placed from the top of the slope to form the side of the ramp at Robert's Ditch, with rock slope protection on the surface. As an alternative method, the contractor may use a coffer dam around the entire ramp to allow construction in the dry. There are now portable cofferdams made of tubes that are filled with water to form the water retaining dam. The upper portion of the ramp (above low water) will be cast in place at a low stage so that wet concrete will not be in contact with the River. This work would be performed by a similar crew to the in-water work but will not require a crane. The concrete would be trucked in from offsite to cast the ramp.

3) Pile Driving: The method of installation for the new piles will depend on the pile type, which has not been finalized pending analysis and geotechnical investigation. It is anticipated that the piles will be concrete or steel between 12-18 inches in diameter. Best management practices will be used to install the piles to minimize turbidity and sound levels. If concrete is used, they would be driven with an impact hammer. Due to the smaller size and shallow water, it is not anticipated that sound levels underwater be significant. If the piles are steel, they would be installed with a vibratory hammer to minimize sound levels underwater.

4) Docks: The docks will be constructed of concrete or fiberglass and would be premanufactured offsite. They would be trucked to the site and floated into place and secured to the piles.

5) Associated Facilities: In the upland areas a new bathroom, fish cleaning station, information/ticket kiosk and parking area will be established

ENVIRONMENTAL IMPACTS OF PROPOSED ACTION: The Sacramento River contains habitat for the federally endangered Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*), the threatened Central Valley spring-run Chinook salmon (*O. tshawytscha*), the threatened California Central Valley steelhead (*O. mykiss*), and the threatened southern distinct population segment of North American green sturgeon (*Acipenser medirostris*), as well as designated critical habitat for the above-listed species. The proposed project site includes approximately 2.56 acres of the Sacramento River and Roberts Channel (Attachment 2), approximately 0.41 acres of riverine habitat would be affected, primarily associated with impacts to riparian vegetation along the south side of Roberts Channel. The Corps has determined that the proposed action may affect, but is not likely to adversely affect Endangered Species Act-listed species and/or their respective designated critical habitats under the jurisdiction of the National Marine Fisheries Service (NMFS). The Corps received a letter from NMFS, dated July 1, 2016, concurring with the Corps' determination of effects.

The proposed project site also contains habitat for the following federally threatened species under the jurisdiction of the U.S. Fish and Wildlife Service (USFWS): valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), western yellow-billed cuckoo (*Coccyzus americanus*), and giant garter snake (*Thamnophis gigas*). An undeveloped portion of the State Recreation Area to the north of the project area is incorporated in the proposed critical habitat unit 2 for the western yellow-billed cuckoo; there is no critical habitat for valley elderberry longhorn beetle or giant garter snake within the project area. Approximately six elderberry (*Sambucus* sp.) shrubs, the host plant for the valley elderberry longhorn beetle, are located

within the project area (Attachment 4). However, the City of Colusa has proposed establishment of a minimum 20 foot buffer around each elderberry shrub, and restoration of any vegetation damaged within 100 feet of any elderberry shrub. The Corps has determined that the proposed action may affect, but is not likely to adversely affect Endangered Species Act-listed species and/or their respective designated critical habitats under the jurisdiction of the USFWS. On October 06, 2016, the Corps received a letter of concurrence completing informal consultation under Section 7 of the Endangered Species Act with the USFWS.

One historic-era cultural resource has been identified within the proposed project area, the Colusa City Dump, a facility that operated until approximately 1955. The Corps has concluded that the Colusa City Dump is not eligible for inclusion in the National Register of Historic Places, and has requested concurrence from the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act. The Corps has also initiated consultation with local Native American tribes.

AUTHORITY: The authority to grant permission for temporary or permanent use, occupation or alteration of any U.S. Army Corps of Engineers (USACE) civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 USC 408 ("Section 408"). Section 408 authorizes the Secretary of the Army, on the recommendation of the Chief of Engineers, to grant permission for the alteration or occupation or use of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Secretary of Army's authority under Section 408 has been delegated to the USACE, Chief of Engineers. The USACE Chief of Engineers has further delegated the authority to the USACE, Directorate of Civil Works and Division and District Engineers, depending upon the nature of the activity.

LIMITS OF SECTION 408 AUTHORITY: A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC Section 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413). In addition, an approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

EVALUATION FACTORS: The decision whether to grant the requested permission for project alteration under Section 408 will be based on several factors. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. Review of requests for alteration will be reviewed by a USACE technical review team considering the following factors:

1) Impair the Usefulness of the Project Determination. The review team will determine if the proposed alteration would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs. In order for an alteration to be approved, the Requester must demonstrate that the alteration does not impair the usefulness of the federally authorized project.

2) Injurious to the Public Interest Determination. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest evaluation depend upon the type of USACE project being altered and the nature of the proposed alteration and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk,

induced damages, navigation, shore erosion or accretion, and recreation. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The benefits that reasonably may be expected to accrue from the proposal must be compared against its reasonably foreseeable detriments. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks and by the net impact of the alteration on the public interest using the public interest factors.

3) Environmental Compliance. A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While USACE is responsible for ensuring environmental compliance, the requester is responsible for providing all information that the district identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and procedures. NEPA and other analysis completed to comply with other environmental statutes (e.g. Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the USACE project. The district will work with the requester to determine the requirements, which will be scaled to the likely impacts of the proposed alteration and should convey the relevant considerations and impacts in a concise and effective manner.

PUBLIC INVOLVEMENT: The purpose of this notice is to solicit comments from the public; federal, state, and local agencies and officials; tribes; and other interested parties regarding the Colusa Boat Launch Facility, a proposed alteration to an existing federally authorized project. Comments received within 30 days of publication of this notice will be used in the evaluation of potential impacts of the proposed action on important resources and in the evaluation of whether the proposed alteration would be injurious to the public interest and/or would impair the usefulness of the authorized project. Only the specific activities that have the potential to occupy, use or alter the Sacramento River Flood Control Project will be evaluated. Please limit comments to the area of the alteration and those adjacent areas that would be directly or indirectly affected by the alteration to the Sacramento River Flood Control Project.

SUBMITTING COMMENTS: Written comments, referencing Identification Number 2641-1 must be submitted to the office listed below on or before March 17, 2017.

Brian Luke, Natural Resources Specialist
US Army Corps of Engineers, Sacramento District
1325 J Street, Room 1460
Sacramento, California 95814-2922

Email: Brian.J.Luke@usace.army.mil

Attachments:
1) Vicinity map
2) Site map
3) Project plans
4) Locations of elderberry shrubs within the project area