



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT  
1325 J STREET  
SACRAMENTO CA 95814-2922

408 Permission Section

**PUBLIC NOTICE**

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

**TITLE:** Sutter Bypass Irrigation Well and Infrastructure (19329).

**PUBLIC NOTICE COMMENT PERIOD:**

Begins: January 2, 2019

Ends: February 1, 2019

**REQUESTER:** In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, Generations Farmland (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 the Flood Control Act of 1917.

**LOCATION:** The proposed project is located within the Sutter Bypass floodway, along the right (west) un-leveed bank of the Feather River, approximately 4.5 miles east of Knights Landing, in Sutter County, California (Attachment 1).

**REQUESTER'S PROPOSED ACTION:** The proposed project is to construct a new agricultural irrigation well, support pump, elevated steel platform with steel stairs, electrical equipment with infrastructure, and a steel irrigation line on private property within the Sutter Bypass floodway (Attachment 2). To construct the well, an existing 6-inch test borehole would be reamed, by reverse rotary method, to 32-inches in diameter to a depth of 300 feet using a mud rotary direct circulation rig. This would require clearing and grubbing of the area around the borehole for temporary staging of the drill rig, tool trailer, and a containment pit. The containment pit would measure 50-feet long, 6-feet wide, and 6-feet deep and would be temporarily utilized during the drilling. A 7-foot by 7-foot concrete well pad would be constructed around the well casing, on which the well pump would be mounted. Approximately 15-feet to the east of the well, an 8-foot by 8-foot elevated steel platform with steel stairs would be constructed for the electrical equipment to operate the pump. A new utility pole would be installed approximately 20-feet to 100-feet southeast of the platform in order to power the electrical equipment. The pump would provide water to an underground 12-inch diameter irrigation pipe installed using open trench methods. There would be no in-water work and all access routes would be on developed roads (Attachment 3).

**ENVIRONMENTAL IMPACTS OF PROPOSED ACTION:** The proposed project is located within the Sutter Bypass; the area west of the proposed project is primarily agricultural land, and to the east is a strip of wooded riparian habitat approximately 370 feet wide adjacent to the Feather River. Two irrigation canals are directly adjacent to the project area. The proposed project would be set back from the Feather River and would not require any in-water work, no effects to fish species or water quality are expected. The construction area would need to be cleared and grubbed; however, the vegetation in this area primarily consists of weedy ruderal species and there would be no removal of woody riparian vegetation.

The Sutter Bypass in general may provide habitat for a number of species federally listed under the Endangered Species Act. The specific project area is currently being evaluated for habitat suitability for federally listed species.

A cultural resources inventory report will be prepared and USACE will initiate any appropriate consultations with Native American tribes and the State Historic Preservation Officer.

**AUTHORITY:** The authority to grant permission for temporary or permanent use, occupation or alteration of any USACE civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 U.S.C. 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 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. Section 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 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 Sutter Bypass Irrigation Well and Infrastructure Project, 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 19329 must be submitted to the office listed below on or before February 1, 2019.

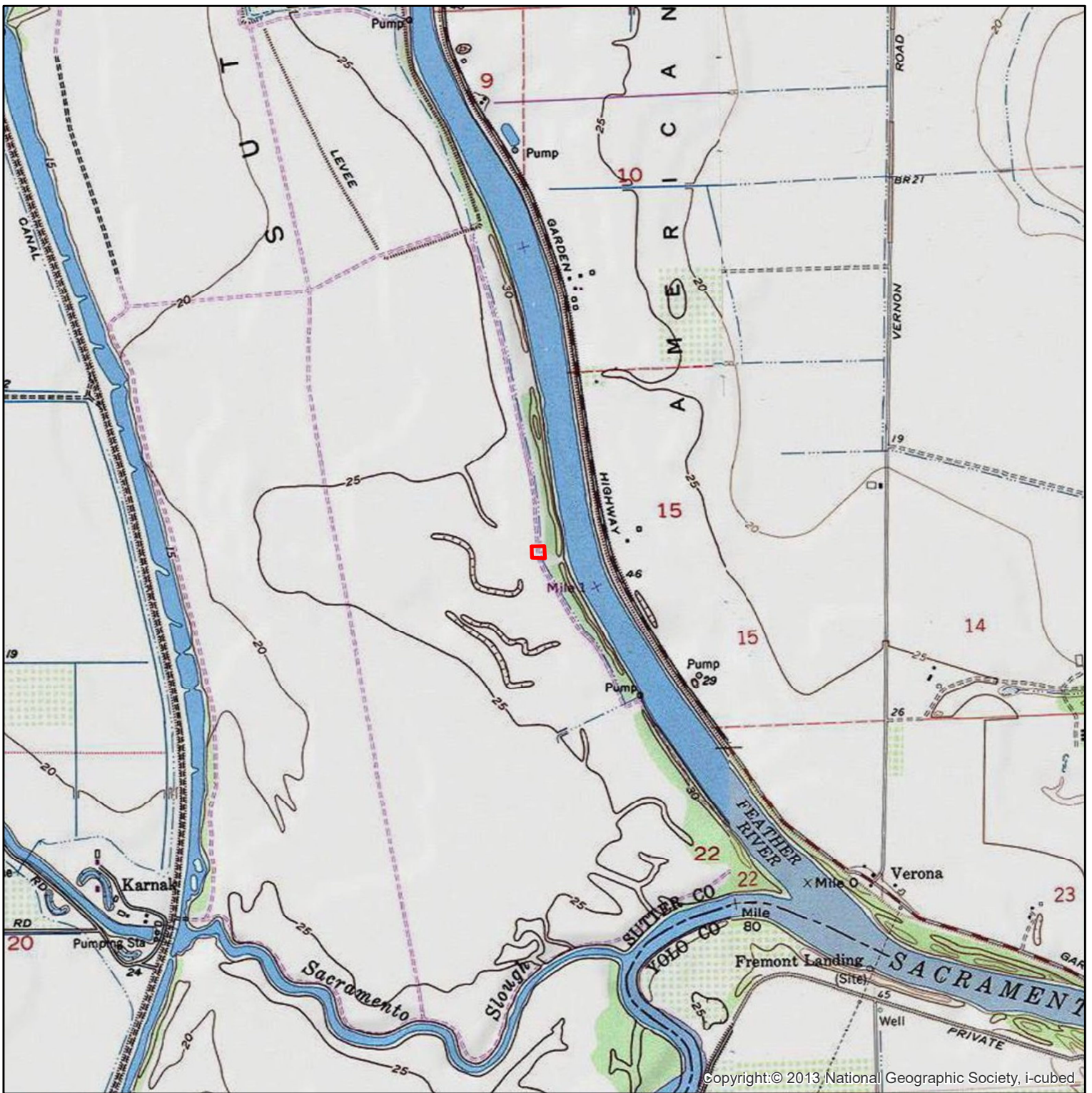
Kaleigh Maze, Biologist  
US Army Corps of Engineers, Sacramento District  
1325 J Street, Room 1460  
Sacramento, California 95814-2922

Email: [Kaleigh.Maze@usace.army.mil](mailto:Kaleigh.Maze@usace.army.mil)

Attachments:

- 1) Vicinity map
- 2) Site layout
- 3) Access route map

**Attachment 1 – Vicinity Map**



**19329 - Sutter Bypass  
Irrigation Well**

**U.S. Army Corps of Engineers**  
1325 J. Street  
Sacramento, CA 95814  
916-557-6732

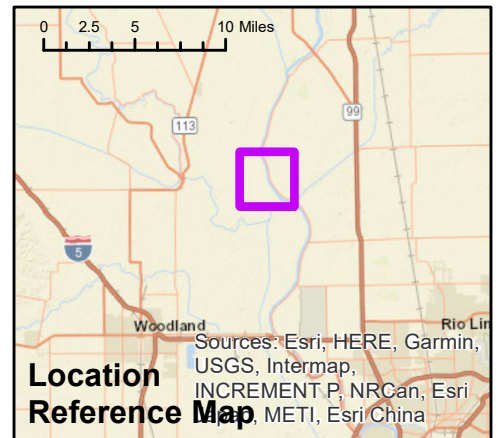
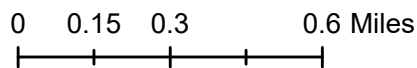
Map Created By: Kaleigh Maze  
Date Created: 27 December 2018

**Legend**

 Area of Potential Effects



1:24,000



## Attachment 2 – Site Layout

# 9037 T/Ag

Approximate Platform  
Orientation

50 ft



**Attachment 3 – Access Route Map**





# ACCESS ROUTE

