



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: DWR Boat Ramp (19514)

PUBLIC NOTICE COMMENT PERIOD:

Begins: August 06, 2020

Ends: September 05, 2020

REQUESTER: In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the California Department of Water Resources (DWR) (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.

LOCATION: Yolo Bypass (Toe Drain/Tule Canal), Yolo County, California (Attachment 1, 2, and 3).

REQUESTER'S PROPOSED ACTION: To construct a boat ramp along the left (east) bank toe drain of the Yolo Bypass; to place rock slope protection around the boat ramp; and to authorize the existing downstream facing access road on the Navigation Levee slope. The purpose of the Project is to build a boat ramp, at an existing site used to launch boats that will provide improved boating access to the Yolo Bypass and Cache Slough Complex to conduct various activities including scientific monitoring and habitat management. Potential users of the boat ramp include, but are not limited to, DWR, Division of Boating and Waterways, and California Department of Fish and Wildlife. The boat ramp will be approximately 40 feet long and 16 feet wide, constructed of articulating concrete block mats.

The existing concrete material at the site (remnant ramp) will be lifted and separated into sections and placed into the eroded scours on each side of the ramp area, elevating the grade. Alternatively, the material may also be used as base material for the new ramp or disposed of offsite. The long reach excavator will make the slope for the ramp. Mechanical equipment will be located on dry land and extend its arm and bucket into the water for construction.

New 4"x6" rock will be placed on the area of the ramp approximately the width of the existing concrete material (10 feet) plus one foot on either side, for a total width of approximately 12 feet. Once the degree of slope is set, the ACB mat sections will be placed on the rock to create the boat ramp. The ACB mats will then be locked in place

with approximately two feet of 4"x6" rock along the sides and toe of the ramp to prevent scour. (Attachment 4 and 5).

ENVIRONMENTAL IMPACTS OF PROPOSED ACTION: Vegetation in the project site is dominated by non-native vegetation annual grasses with some other ruderals such as Himalayan blackberry, yellow star thistle, chicory, and mustard. A narrow strip of riparian habitat consisting mostly of trees growing in the area are adjacent to the channel and include cottonwood and walnut. Frequent disturbance in the area include vehicular travel and goat/cow grazing.

The National Marine Fisheries Service (NMFS) issued a Letter of Concurrence (LOC) for the proposed DWR Boat Ramp project. NMFS concurs that the Central Valley spring-run Chinook salmon, California Central Valley Steelhead, Southern distinct population segment (sDPS) of the North American green sturgeon and these species' critical habitats are not likely to be adversely affected by the proposed Boat Ramp. Additionally, NMFS determined that there is no essential fish habitat (EFH) in the action area.

The United States Fish and Wildlife Service (USFWS) issued a Letter of Concurrence (LOC) for the proposed DWR Boat Ramp project. USFWS concurs that the proposed DWR Boat Ramp may affect, but is not likely to adversely affect the federally-threatened giant garter snake and the federally-threatened delta smelt, including delta smelt critical habitat.

Cultural resources documentation will be prepared for the proposed project and USACE will initiate consultation with Native American tribes and the State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act.

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 Sacramento 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 Sacramento 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 DWR Boat Ramp, 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. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act.

SUBMITTING COMMENTS: Written comments, referencing Identification Number 19514 must be submitted to the office listed below on or before September 05, 2020.

Oren M. Ruffcorn, Biologist
U.S. Army Corps of Engineers, Sacramento District
1325 J Street, Room 1460
Sacramento, California 95814-2922

Email: *CESPK-408-PN@usace.army.mil*

Attachments:

Project Location



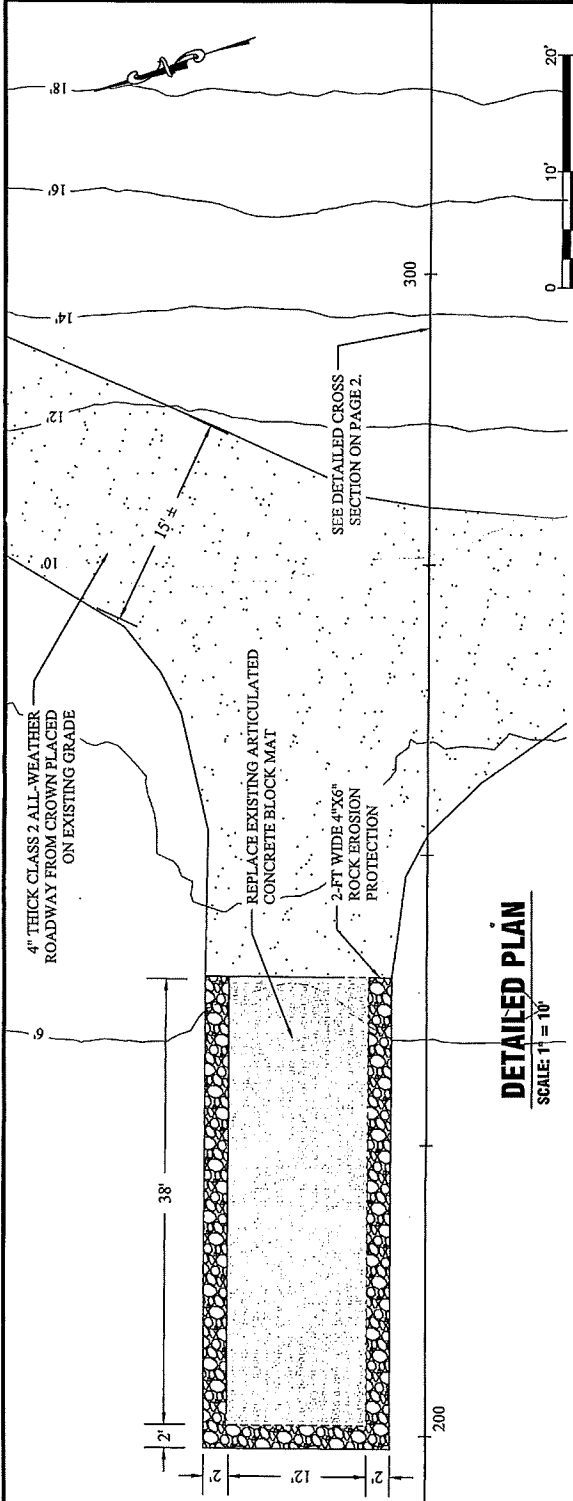
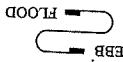
2) Location map

Project Footprint

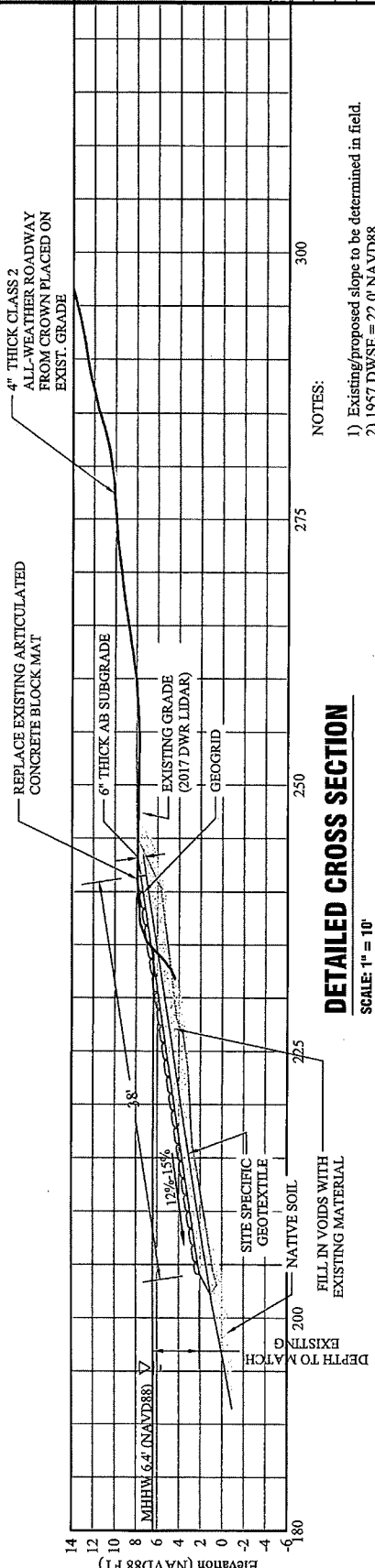


3) Map of the proposed project footprint

PROSPECT SLOUGH / TULE CANAL



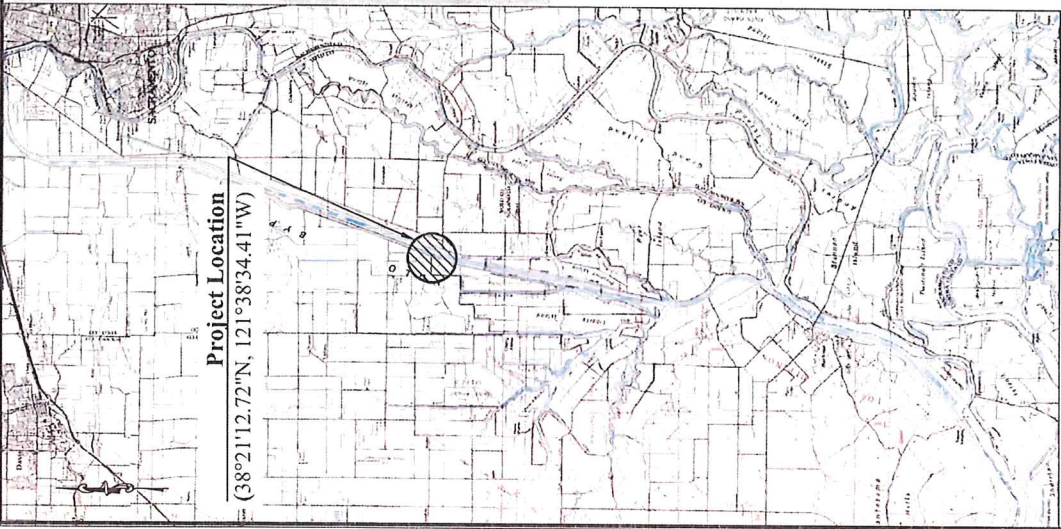
DETAILED PLAN
SCALE: 1" = 10'



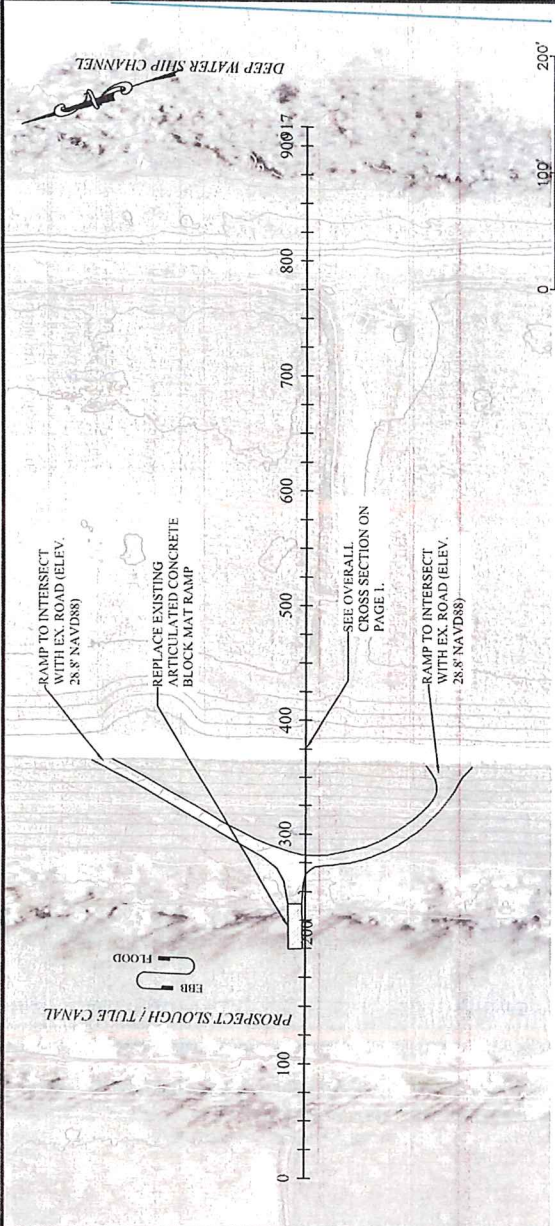
DETAILED CROSS SECTION
SCALE: 1" = 10'

- NOTES:
- Existing/proposed slope to be determined in field.
 - 1957 DWSE = 22.0' NA VD88
 - Verify MHHW in field.
 - All material placed within the waterway shall be free of fine sediment and asphalt

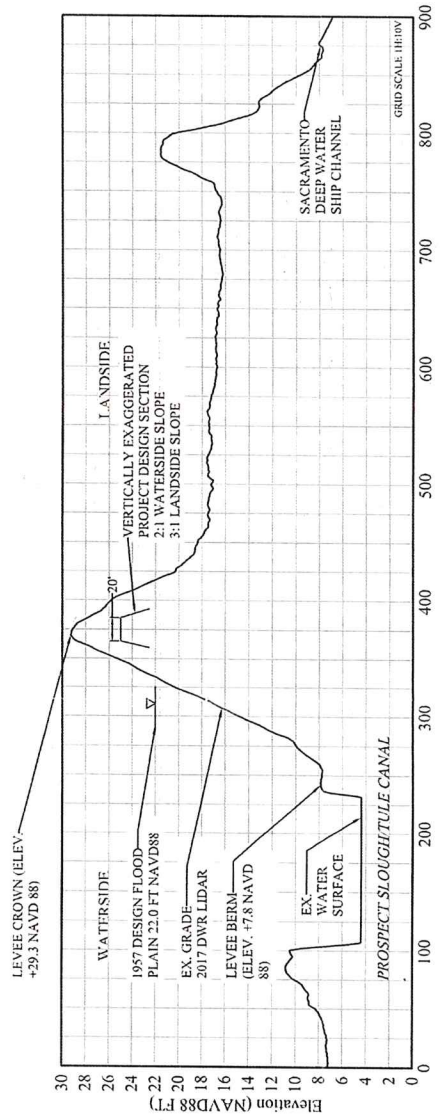
MBK ENGINEERS 455 University Ave, Suite 100 Sacramento, California 95825 Phone: (916) 456-4400 • Fax: (916) 456-0253	REVISION NO. DATE	DETAILED PLAN AND CROSS SECTION YOLO BOAT RAMP PROJECT DEPT. OF WATER RESOURCES PROSPECT SLOUGH / TULE CANAL	SCALE: AS SHOWN JOB NO.: 003-513 BY: EP CHK: NH DATE: 02/11/20 SHEET 2 OF 2 SHEETS
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VICINITY MAP
SCALE: 1" = 4 MILES



SITE PLAN
SCALE: 1" = 100'



OVERALL CROSS SECTION
SCALE: 1" = 100'

NOTES:

* 1957 DWSE = 22.0' NAVD88

		455 University Ave, Suite 100 Sacramento, California 95825 Phone: (916) 456-4100 • Fax: (916) 456-0253	
NO.	DATE	REVISION	
DETAILED PLAN AND CROSS SECTION DEPT. OF WATER RESOURCES PROSPECT SLOUGH / TULE CANAL YALO BOAT RAMP PROJECT			
SCALE:	AS SHOWN	JOB NO.:	5033-5.3
BY:	EP	CHK.:	NH
DATE:	02/17/20	SHEET:	1
			2