



## DEPARTMENT OF THE ARMY

SOUTH PACIFIC DIVISION, U.S. ARMY CORPS OF ENGINEERS  
Phillip Burton Federal Building  
Post Office Box 36023  
450 Golden Gate Avenue  
SAN FRANCISCO, CALIFORNIA 94102

Executive Office

**FINDING OF NO SIGNIFICANT IMPACT  
408 PERMISSION (Permission No. 19477)  
CENTRAL VALLEY FLOOD PROTECTION BOARD  
for the  
LOOKOUT SLOUGH TIDAL HABITAT RESTORATION AND FLOOD IMPROVEMENT  
PROJECT  
SOLANO COUNTY, CALIFORNIA**

I have reviewed and evaluated the information presented in the Environmental Assessment (EA) prepared for the Lookout Slough Tidal Habitat Restoration and Flood Improvement Project. The proposed project is located within the Yolo Bypass, in unincorporated Solano County, California. In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the Ecosystem Investment Partners (EIP) (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.

EIP is proposing to create approximately 3,164 acres of habitat for listed and vulnerable native species within a portion of Reclamation District 2098. In addition to habitat restoration needs, the proposed project intends to fulfill flood protection needs. The project components are designed to reduce flood risk, enhance fish and wildlife habitat, and create additional public benefits, such as sustaining agricultural production, improving water quality, increasing groundwater recharge, supporting commercial fisheries, and providing public recreation opportunities.

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 March 24, 2020, to May 23, 2020. Nine total responses were received and a summary of these comments and the USACE response to each substantive comment has been addressed 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 U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), State Historic Preservation Officer (SHPO), and other federal and state resource agencies. The USFWS issued a biological opinion (08FBDT00-2020-F-0181) dated October 26, 2020, for potential adverse effects to the federally threatened giant garter snake (*Thamnophis gigas*) and delta smelt (*Hypomesus transpacificus*). Additionally, the USFWS concurred that the

proposed project may affect, but is not likely to adversely affect the federally threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and least Bell's vireo (*Vireo bellii pusillus*). After the USFWS issued the biological opinion, EIP modified its project description to include the possibility of nighttime activities such as refueling and maintenance, as described in the EA Section 2.3.6 and Chapter 3. Until USACE reinitiates consultation with USFWS for nighttime activities and receives a new or amended biological opinion, USACE will ensure that EIP works only during the day and pursuant to the terms and conditions of the October 26, 2020 biological opinion. The NMFS determined that the project fits within the scope of their programmatic biological opinion, *NOAA Restoration Center's Program to Facilitate Implementation of Restoration Projects in the Central Valley of California* (WCR-2017-8532) dated August 31, 2018, for potential effects to the federally threatened California Central Valley steelhead (*Oncorhynchus mykiss*), Central Valley spring-run Chinook salmon (*O. tshawytscha*), southern distinct population segment of North American green sturgeon (*Acipenser medirostris*), and the federally endangered Sacramento River winter-run Chinook salmon (*O. tshawytscha*). USACE has determined that reinitiation with NMFS is not required for nighttime work because that work would occur in upland areas and away from tidal waters, thus no additional effects to listed species and/or designated critical habitat under NMFS' jurisdiction are anticipated.

The USACE sent consultation letters, dated December 11, 2017, to the Cortina Rancheria – Kletsel Dehe Band of Wintun Indians, United Auburn Indian Community of the Auburn Rancheria, and the Yocha Dehe Wintun Nation (Yocha Dehe), identified by the Native American Heritage Commission. The Yocha Dehe responded to the March 2020 public notice stating they were not aware of any cultural resources within the APE and that a cultural monitor was not necessary. No other responses were received from other Indian tribes. The USACE determined there would be no historic properties affected as a result of the undertaking. The SHPO issued a letter (COE\_2020\_0330\_001) dated April 30, 2020, concurring with USACE that the cultural resources identified are ineligible for the NRHP and that no historic properties affected for this undertaking.

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.

---

Date

---

Paul E. Owen  
Brigadier General, U.S. Army  
Commanding