

**FINAL ENVIRONMENTAL IMPACT STATEMENT**

**408 PERMISSION AND 404 PERMIT TO THREE RIVERS  
LEVEE IMPROVEMENT AUTHORITY**

**FOR THE**

**FEATHER RIVER LEVEE REPAIR PROJECT, CALIFORNIA  
SEGMENT 2**

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**APPENDIX K – PROJECT SCOPING**

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**October 2008**

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October 2008



**DEPARTMENT OF DEFENSE****Department of the Army; Army Corps of Engineers****Notice of Intent To Prepare an Environmental Impact Statement for 408 Permission and 404 Permit to Three Rivers Levee Improvement Authority for the Feather River Levee Repair Project, California, Segment 2**

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** The action being taken is the preparation of an Environmental Impact Statement (EIS) for the issuance of both the 408 permission to the Central Valley Flood Protection Board and 404 Permit to Three Rivers Levee Improvement Authority (TRLIA) for their work on the Feather River Levee Repair Project (FRLRP). Under 33 U.S.C. 408, the Chief of Engineers grants permission to alter an existing flood control structure if it is not injurious to the public interest and does not impair the usefulness of such work. Under section 404 of the Clean Water Act, the District Engineer permits the discharge of dredged or fill material into waters of the United States if the discharge meets the requirements of the Environmental Protection Agency's 404(b)(1) guidelines and is not contrary to the public interest. The FRLRP is located in Yuba County, CA. TRLIA is requesting this permission and permit in order to complete construction along the east levee of the Feather River.

**DATES:** A public scoping meeting will be held March 10, 2008, 6:30 to 8:30 at the Yuba County Government Center, 915 8th Street, Marysville, CA. Send written comments by April 9, 2008 to the address below.

**ADDRESSES:** Send written comments and suggestions concerning this study to Mr. John Suazo, U.S. Army Corps of Engineers, Sacramento District, Attn: Planning Division (CESPK-PD-R), 1325 J Street, Sacramento, CA 95814. Requests to be placed on the mailing list should also be sent to this address.

**FOR FURTHER INFORMATION CONTACT:**

Questions about the proposed action and EIS should be addressed to John Suazo at (916) 557-6719, e-mail: [john.suazo@usace.army.mil](mailto:john.suazo@usace.army.mil) or by mail to (see **ADDRESSES**).

**SUPPLEMENTARY INFORMATION:**

1. *Proposed Action.* The U.S. Army Corps of Engineers is preparing an EIS to analyze the impacts of the work proposed by TRLIA from the implementation of the FRLRP, Segment 2. The FRLRP, Segment 2 is being

constructed by TRLIA to improve flood protection to portions of Yuba County and Reclamation District (RD) 784.

2. *Alternatives.* The EIS will address an array of flood control improvement alternatives along Segment 2. Alternatives analyzed during the investigation will include a combination of one or more flood protection measures. These measures include seepage berms, stability berms, setback levees, seepage cutoff walls, and relocation of a pump station.

3. *Scoping Process.* a. The Corps has initiated a process to involve concerned individuals, and local, State, and Federal agencies. A public scoping meeting will be held on March 10, 2008 to present information to the public and to receive comments from the public.

b. Significant issues to be analyzed in depth in the EIS include effects on hydraulic, wetlands and other waters of the U.S., vegetation and wildlife resources, special-status species, cultural resources, land use, fisheries, water quality, air quality, transportation, and socioeconomics; and cumulative effects of related projects in the study area.

c. The Corps is consulting with the State Historic Preservation Officer to comply with the National Historic Preservation Act, and the National Marine Fisheries Service and the U.S. Fish and Wildlife Service to comply with the Endangered Species Act. Coordination with the National Marine Fisheries Service has been completed; coordination with U.S. Fish and Wildlife Service is still ongoing.

d. A 45-day public review period will be provided for individuals and agencies to review and comment on the draft EIS. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the draft EIS circulation.

4. *Availability.* The draft EIS is scheduled to be available for public review and comment in early 2008.

Dated: February 22, 2008.

**Thomas C. Chapman,**

*COL, EN, Commanding.*

[FR Doc. E8-3919 Filed 2-28-08; 8:45 am]

**BILLING CODE 3710-EZ-P**

**DEPARTMENT OF DEFENSE****Department of the Army; Army Corps of Engineers****Notice of Intent To Prepare an Environmental Impact Statement for the American River Common Features General Reevaluation Report, Sacramento, CA**

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers; DOD.

**ACTION:** Notice of intent.

**SUMMARY:** The action being taken is the preparation of an environmental impact statement (EIS) for the American River Common Features General Reevaluation Report (GRR). The Common Features Project GRR will re-evaluate the currently authorized plan as well as develop and evaluate other viable alternatives, including a locally-preferred plan, with the goal of identifying a comprehensive plan that will lower the risk of flooding in and around the City of Sacramento. The Common Features Project GRR is located in Sacramento, Sutter and Yolo Counties, CA.

**DATES:** A series of public scoping meetings will be held as follows:

1. March 5, 2008, 5 to 7 p.m. at The Elk's Lodge.
2. March 6, 2008, 5 to 7 p.m. at Arden Park Community Center, Room A.
3. March 10, 2008, 3 to 6 p.m. at The Library Galleria East Meeting Room.
4. March 13, 2008, 5 to 7 p.m. at The Sierra Health Foundation.

Send written comments by April 11, 2008 to the address below.

**ADDRESSES:** Written comments and suggestions concerning this study may be submitted to Ms. Elizabeth Holland, U.S. Army Corps of Engineers, Sacramento District, Attn: Planning Division (CESPK-PD-R), 1325 J Street, Sacramento, CA 95814. Requests to be placed on the mailing list should also be sent to this address. The location of the public meetings is as follows; The Elks Lodge, 6446 Riverside Blvd., Sacramento, CA; Arden Park Community Center, 1000 La Sierra Drive, Sacramento, CA; Library Galleria, 828 "I" Street, Sacramento, CA; and Sierra Health Foundation, 1321 Garden Highway, Sacramento, CA.

**FOR FURTHER INFORMATION CONTACT:**

Questions about the proposed action and EIS should be addressed to Liz Holland at (916) 557-6763, e-mail [Elizabeth.g.holland@usace.army.mil](mailto:Elizabeth.g.holland@usace.army.mil) or by mail to (see **ADDRESSES**).

**SUPPLEMENTARY INFORMATION:**

1. *Proposed Action.* The U.S. Army Corps of Engineers is preparing an EIS

# Public Comment on Yuba Levees Sought

***Published in the Sacramento Bee 1:00 a.m. PDT Sunday, March 9, 2008***

MARYSVILLE – The public will have a chance to review and comment Monday on a \$190 million levee setback project on the Feather River in Yuba County.

The U.S. Army Corps of Engineers is preparing an environmental impact statement on the project. The Three Rivers Levee Improvement Authority proposed to move 5.7 miles of levee near Olivehurst farther away from the Feather River. The goal is to create more habitat and room for the river to flood, reduce strain on the levee and improve flood protection.

Before construction can begin, the corps must grant approval to demolish the existing levee and build the new one. It also must approve a Clean Water Act permit.

To justify the permits, the corps will first study environmental effects of the setback levee, seepage berms and cutoff walls, relocation of a pump station, and effects on water quality, wildlife and habitat.

The public can learn about the project and comment on the study process from 6:30 p.m. to 8:30 p.m. Monday at the Yuba County Government Center, 915 Eighth St., Marysville.

For detail, call John Suazo at (916) 557-6719.

– Matt Weiser

U.S. Army Corps of Engineers

Scoping Meeting for the Environmental Impact Statement for  
Segment 2 of the Feather River Levee Repair Project

Sign-In Sheet

Monday, March 10, 2008

6:30-8:30 p.m.

Please list your name, any agency or organization you represent, mailing address, and telephone number or e-mail address.

Name	Organization	Mailing Address	Telephone Number or E-Mail Address
Thomas Foley	Concerned Citizens	1840 S 708 9th Street Marysville	CEO@CERC.CE
WALTER WHITENTON		5923 CORN AVE OLIVE BRIST	530-743-8381
RUSS SHERMAN	KIEWIT	5000 MARSH DR. CONCORD CA 94520	russell.sherman@kiewit.com
Doreen Young		2171 Lindenmeir Dr Plumas Lake, CA	dty1968@sbcglobal.net
Mary Jane Griggs	Yuba Co BOS		
Brent Hasty		3024 Plumas - Av boss Pl	bhastey@net
Kevin + Aaron McLaughlin		1728 Ceoff Ct, Plumas Lake	av@rscowgirl.com @mcdot.net
PAUL BRUNNER	TRUIA		

# SCOPING COMMENTS

**From:** Tom Foley , Concerned Citizens for Responsible Growth  
**Sent:** Wednesday, April 09, 2008 10:13 AM  
**To:** Suazo, John SPK  
**Subject:** EIS Feather River Levee Repair Project (FRLRP) Segment 2 Yuba County

Mr Suazo; This EIS process is an opportunity for the public interest to be much better served regarding the economic cost-benefit analysis of Federally funded flood control projects.

Catastrophic Flooding Risk Reduction is or should be USACEs primary objective regarding flood control projects. Federal flood control funds not being limitless; public safety is best achieved by the wise expenditure of flood control resources.

Catastrophic Flooding Risk Reduction involves the probability of flooding occurrence and the probability of damages-cost subsequent to flooding. The benefit to cost of a flood control project is severally limited if a completed project lowers the probability of occurrences but at the same time raises the probability of damages-cost by inducing further development in the benefit area.

Stated Federal flood control policy is that Federal flood control projects should not induced floodplain development. In the absence of any restriction on future floodplain development as part of a flood control project;that project will induce growth which will contravene Federal policy. CCRG Inc recommends that the EIS require significant mitigation for the growth inducing impact of the project. Hopefully, meaning that no 408 be issued and no Federal 104 credits be awarded if no floodplain development restrictions are implemented in the RD 784 area of benefit.

As lead agency USACE can lead the way to better catastrophic risk assessment which leads to wiser, more effective catastrophic risk amelioration. A catastrophic flooding event such as Katrina has economic costs far beyond the "area of benefit" . That being true, the true cost to benefit of catastrophic flood risk reduction projects has probably not been accurately accounted for in past projects.

The assessing or modeling of risks and risk reduction is arcane and complex.But it is far too"risky" not to work diligently and with dispatch to do better that has been done. Katrina and the sub-prime financial catastrophe are failures of risk modeling.The well-being of the country itself is put at risk when the public agencies responsible remain blind or obtuse to the dangers of relying on inaccurate, outdated risk models.

The risk issue pertains especially to this EIS and this project because the EIS must address that this project does not exist in a flood control vacuum . This project is only a component of State owned project largely designed and funded by USACE. The local and State flood control agencies have brought this and other Central Valley projects forward and presented them to the public as local projects.which will provide a certain level of flood protection to the local area. But the history is that the many failures of local area efforts to achieve local area flood protection by means of local projects necessitated the turning over of Central Valley flood protection to the Feds through USACE and the State of California through the`Reclamation Board.

This is not a local flood control project.It can only be a component of the State- Federal Project The set-back is an incremental improvement ,which cumulatively combined with other projects will make up the Project with a capital p.

What is the cumulative impact of incorporating various local projects into the State-Federal Project? Katrina taught us a hard lesson--- tremendous horrific catastrophic risk is inherently incurred if local projects are incorporated into a Federal Project without prior stringent review,revision and rebuilding.

It is critically,nationally, and Federally important that Central Valley urban areas be given no less than 500 year protection very soon. Does the setback do its part toward that 500 year goal. The setback EIS can determine if it does. The cost benefit advantage of a more easterly alignment of the setback should be explored in the EIS.

Will the EIS process be respected for the setback? TRLIA in its CEQA EIR said an NEPA EIS was not needed. Consistent with its so far successful brinkmanship pattern TRLIA has since disputed the need for the EIS and delayed the initiation of the EIS to March 2008. The late start to the EIS caused by TRLIA has been

played by TRLIA into another brinkmanship ploy. TRLIA came before the Central Valley Flood Protection Board 3-21-08 for the setback permit. Members of the Board were hesitant to give a Board permit to allow the set-back construction to begin without the 408 permit. The scenario played to the Board by TRLIA was that waiting on the EIS and the 408 permit would mean the area would face another winter without adequate flood protection. The Board reluctantly granted the permit. At that same 3-21-08 CVFPB meeting DWR assured the Board that proceeding without the 408 permit was okay with DWR. DWR said it was willing to waive 104 credits to ensure 2008 completion.

What happens to the validity of the EIS if the setback is constructed before the EIS is completed. TRLIA insinuated to the Board that USACE had no serious problems with the setback project as proposed by TRLIA. I guess the Board accepted that ploy by TRLIA. I was at that meeting no such thing was said or hinted at by USACE. An unchallenged assertion by TRLIA that 408 approval is a foregone conclusion invalidates the EIS and says to everyone that, as TRLIA has said the EIS was not needed. The EIS is only needed if the public will benefit from its more stringent review of the project. The possibility of a more stringent review is inconsistent with TRLIA's assurances to the State that the EIS will be a rubber stamp to its EIR. This is a glaring inconsistency to which the State has been willingly blind to so far.

Allowing this project to be designed by a local agency with little State -Fed oversight compromises the integrity of the State- Federal project which protects 500,000 persons and billions of dollars of property. Those 500,000 persons, the billions of dollars of property and the health of the California economy are left at risk due to local agency half hearted and hap-hazard flood control efforts. If the State will not assume its Central Valley flood control responsibilities, can we be faulted to wish for more from the USACE through this EIS process. USACE can reasonably require that Fed permits or 104 credits only be given to projects that meet high standards.

CCRG Inc has had a front row seat in since 2004 in what passes for comprehensive Central Valley flood control planning. It isn't pretty and it isn't comprehensive. We involved ourselves and the more we learned the more we have realized that local flood control agencies such as TRLIA in Yuba County are heavily influenced by private development interests. What that has meant for the public is that Central Valley flood control projects which are nationally important have been left in the hands of those who could not be less interested in what needs to be done in the public interest.

In 2003 DWR informed the public and the Yuba County Board of Supervisors that the RD 784 area does not have adequate 100 year flood protection. At that time construction was beginning the first of 10,000 houses slated for an area that flooded in 1986 and 1997. Had the Board of Supervisors instituted a levee infrastructure impact fee ordinance in 2003 which they did later institute in 2006 we estimate \$50 million more would have come that did come from the developers.

Five years later the area does not yet have adequate flood protection. The yet unrepaired Feather River levee is an 20 year levee.

Concerned Citizens for Responsible Growth CCRG Inc has been sincere in its efforts. Could close cooperation between the State and USACE ensure that the public receives the benefits of rigorous EIS review, while at the same time is not forced to forgo the completion of the project in 2000? Thank -you Tom Foley CEO Concerned Citizens for Responsible Growth ceo@ccrg.cc 530-218-7058





## Public Scoping Meeting Directory of Stations

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Yuba County Government Center  
915 Eighth Street, Marysville  
Monday, March 10, 2008, 6:30–8:30 p.m.

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### Station 1 Project History

- ▶ Feather River Levee Repair Project (FRLRP) EIR
- ▶ Permitting and Implementation of Alternative 2 of the FRLRP
- ▶ TRLIA's Four-Phase Program of Flood Control Improvements for Southwestern Yuba County

### Station 2 Proposed Action and Alternatives

- ▶ Project Area
- ▶ Proposed Action and Alternatives

### Station 3 EIS Process

- ▶ NEPA Compliance for Segment 2 of the Feather River Levee Repair Project
- ▶ EIS Organization
- ▶ Outline of the state and federal environmental review processes for the project

### Station 4 NEPA Issues

- ▶ Topics of Concern
  - Land Use
  - Geology and Soils
  - Water Resources and Geomorphology
  - Fisheries
  - Terrestrial Biological Resources
  - Cultural Resources
  - Air Quality
  - Noise and Vibration
  - Transportation and Circulation
  - Public Services, Utilities, and Service Systems
  - Paleontological Resources
  - Socioeconomics and Environmental Justice
- ▶ Jurisdictional Wetland Features in the Segment 2 Project Area

### Court Reporter

A court reporter is available to record spoken comments.

### How to Provide Comments

*We welcome your input on the scope and content of the EIS. Comment forms for written comments are available at the sign-in table. You may provide your written comments at this public scoping meeting, or you may mail your comments to: Mr. John Suazo, U.S. Army Corps of Engineers, Sacramento District, Attn: Planning Division (CESPK-PD-R), 1325 J Street, Sacramento, CA 95814, or by e-mail to: [john.suazo@usace.army.mil](mailto:john.suazo@usace.army.mil).*

*All comments must be received **no later than 5:00 p.m. on April 9, 2008.***