



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET NW
WASHINGTON, D.C. 20314-1000

AUG 02 2007

CECW-P

MEMORANDUM FOR Commander, South Pacific Division

SUBJECT: Section 408 Approval of a Flood Control Project Alteration – Sacramento River Flood Control Project, Feather and Yuba Rivers, California

1. Reference CESPCK-DE Memorandum dated 22 June 2007, subject as above; subsequent CESPCK email dated 11 July 2007, transmitting documents to complete the package; and CESPDC memo dated 31 July 2007, subject as above.
2. The Section 408 permit application for the subject alteration is approved. The alteration is for the purposes of strengthening the two levee segments (1 and 3) and restoring protection to match the 1957 flood design profile. Please note the companion application for Section 104 credit consideration was transmitted to the Assistant Secretary of the Army (Civil Works) for action on 26 July 2007. You should caution the local sponsors that formal approval from the ASA(CW) must be obtained prior to the start of construction in order for the work to qualify for any potential Section 104 credit. Also note that contract award is considered the start of construction.
3. Since it is anticipated that we will have more levee alterations in California, we need to adequately address cumulative effects and overlapping scopes. To accomplish this, one approach would be to prepare a programmatic level Environmental Impact Statement. Subsequent levee alteration requests could then tier off of and incorporate findings documented in the master EIS by reference. Until the potential cumulative effects of numerous levee alterations and related actions in the region are described in a programmatic NEPA document we will be hesitant to approve additional 408 requests for alterations to Federal flood damage reduction projects.
4. Please note that the discussion of flood protection in terms such as 100-year or 200-year level of protection is acceptable to comply with NEPA and other environmental statutes. However, a risk-based analysis as required by ER 1105-2-100 and ER 1105-2-101 will be needed to determine the terms of any eventual Section 104 reimbursement.

FOR THE COMMANDER:

A handwritten signature in black ink, appearing to read "S. L. Stockton".

STEVEN L. STOCKTON, P.E.
Deputy Director of Civil Works