



— BUREAU OF —
RECLAMATION

**FINDING OF NO SIGNIFICANT IMPACT (FONSI-24-01-BDO,
CGB-ED-2024-021)**

Prospect Island Tidal Habitat Restoration Project

**Pursuant to Adopted Prospect Island Tidal Habitat Restoration
Project Environmental Assessment and Finding of No Significant
Impact, June 2019**

**Department of the Army - U.S. Army Corps of Engineers,
Sacramento District**

Bay-Delta Office, Sacramento, CA

Recommended by:

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Mission Statements

The U.S. Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated Island Communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

Background

Through its delegated authority Public Law 102-575, Title XXXIV, Central Valley Project Improvement Act, Sections 3406 (b)(4) and 3407(e), the Bureau of Reclamation (Reclamation) is providing funding to the California Department of Water Resources (DWR) to undertake habitat restoration activities that includes breaching of the Prospect Island levee along Miner Slough in Solano County, California, and adjacent levee on Ryer Island, which is part of the Sacramento River Flood Control Project. The U.S. Army Corps of Engineers (USACE), as the designated federal lead, completed a final Environmental Assessment (EA) that analyzed the construction and permitting of the tidal habitat restoration activities at Prospect Island. On September 18, 2019, USACE signed a Finding of No Significant Impact (FONSI) for the entitled Prospect Island Title Habitat Restoration Project. Reclamation became involved as a funding source for the Proposed Action after the USACE completed their 2019 FONSI.

The 2019 EA and subsequent FONSI was prepared by the USACE to satisfy the procedural requirements of the National Environmental Policy Act (P.L. 91-190, as amended; (NEPA).

Alternatives Including Proposed Action

No Action Alternative

Under the No Action Alternative, Reclamation would not provide funding to DWR, and DWR would need to find alternative funding sources. If DWR could not obtain alternative funding, existing levee conditions would not be enhanced at Prospect Island. Prospect Island has a history of levee failures and future levee breaching is likely to occur naturally.

Proposed Action Alternative

Reclamation's action is to provide funding to DWR to restore tidal connectivity to Prospect Island through the series of activities described in the USACE's 2019 EA and subsequent FONSI. Reclamation's funding of DWR's restoration action would create approximately 463 acres of tidal perennial aquatic habitat and 1,056 acres of tidal freshwater emergent wetland habitat. It would also provide wetland species with access to over nine miles of riparian and scrub-shrub vegetated levees within Prospect Island. Creating such habitats and habitat access will likely have a range of long-term ecosystem benefits, including enhancement of primary productivity and food availability for fisheries in the Delta; an increase in the quantity and quality of salmonid rearing habitat and habitat for other listed species; enhancement of water quality, recreation, and carbon sequestration in tidal marshes; promotion of habitat resiliency; and promotion of habitat conditions that support native species.

Public Review

Coordination and public involvement conducted during the development of the USACE's Prospect Island Title Habitat Restoration Project EA included inviting public review and comment on the USACE's Proposed Action. Public Notice was issued on March 1, 2018, and

open for comment through March 30, 2018. It was made available to the public via the Sacramento District USACE Project Public Notices website. USACE received comments from Caltrans, Islands Inc., National Marine Fisheries Service (NMFS), Local Agencies of the North Delta, U.S. Environmental Protection Agency, and the Yocha Dehe Wintun Nation. USACE's responded to substantive comments.

Findings

Reclamation has determined the USACE EA and associated FONSI sufficiently describe the existing environmental resources and potential impacts as a result of implementing Reclamation's Proposed Action Alternative. USACE considered potential short-term and long-term effects of their Proposed Action, both beneficial and adverse. The USACE EA and FONSI was prepared in accordance with the NEPA, Council on Environmental Quality regulations (40 Code of Federal Regulations Parts 1500-1508).

This FONSI is based on analysis contained within the USACE 2019 EA as well as, additional coordination with USACE. The following are the reasons why the impacts of the Proposed Action are not significant, with respect to the affected environment and degree of effects of the action (40 CFR 1501.3(b)).

1. Section 106 of the National Historic Preservation Act (16 U.S.C. § 470 et seq.): Reclamation determined that there would be no historic properties affected as a result of the undertaking, in accordance with 36 CFR 800.4(d)(1). The California State Historic Preservation Officer (SHPO) was consulted on this determination via email letter on June 17, 2024. SHPO issued a letter of concurrence on July 17, 2024 (BUR_2024_0617_001).

Reclamation invited, via letter dated June 3, 2024, three federally recognized tribes (the Kletsel Dehe Band of Wintun Nation of the Cortina Rancheria, the United Auburn Indian Community of the Auburn Rancheria, and the Yocha Dehe Wintun Nation) to assist in identifying sites of religious and cultural significance. No tribes, individuals, or tribal organizations have responded to Reclamation's initial consultation letters.

2. Section 7 Endangered Species Act: The U.S. Fish and Wildlife Service (USFWS) issued a Biological Opinion (08FBDT00-2018-F-0069), dated May 7, 2018, to USACE determining that the Proposed Action may affect giant garter snake (*Thamnophis gigas*), and Delta smelt (*Hypomesus transpacificus*). Additionally, the USFWS concurred that the Proposed Action may affect, but is not likely to adversely affect the valley elderberry longhorn beetle (*Desmocerus californicus dimporphus*).

NMFS issued a Biological Opinion (WCR-2018-9356), dated June 29, 2018, determining that the Proposed Action may affect, but is not likely to adversely affect California Central Valley steelhead (*Oncorhynchus mykiss*), Central Valley spring-run Chinook salmon (*O. tshawytscha*), Sacramento River winter-run Chinook salmon (*O. tshawytscha*), and southern distinct population segment of North American green sturgeon (*Acipenser medirostris*).

3. The Proposed Action will not significantly affect public health or safety (40 CFR 1501.3(b)(2)(iii)).
4. The Proposed Action will not violate Federal, state, Tribal or local law protecting the environment (40 CFR 1501.3(b)(2)(iv)).
5. The Proposed Action will not affect any Indian Trust Assets (512 DM 2, Policy Memorandum – July 2, 1993).
6. Implementing the Proposed Action will not disproportionately affect minorities or low-income populations and communities (EO 12898 – February 11, 1994).
7. The Proposed Action will not limit access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007 – May 24, 1996 and 512 DM 3 – June 5, 1998).

Decision

Pursuant to (40 CFR 1500.4(q) and 43 CFR 46.120(d)) Reclamation shall adopt the USACE 2019 Prospect Island Title Habitat Restoration Project EA and FONSI and provide the funding necessary to implement the Proposed Action Alternative.

Reference:

Department of the Army, U. S. Army Corps of Engineers, Sacramento District (USACE). 2019. Prospect Island Tidal Habitat Restoration Project Environmental Assessment and Finding of No Significant Impact.