

**Meeting of the Central Valley Flood Protection Board  
June 23, 2023**

**Staff Report for the  
Request to Initiate Project Review Pursuant to Title 33, USC Section 408  
Agenda Item 10C**

**Tudor Flood Risk Reduction Project, Feather River West Levee  
Sutter County**

**1.0 – ITEM**

Approval of an initial Statement of No Objection (Attachment A) to the U.S. Army Corps of Engineers (USACE), pursuant to federal Title 33, USC Section 408, requesting initiation of, in cooperation with Sutter Butte Flood Control Agency and other federal agencies, a joint review of a possible modification to the State-Federal flood control project.

**2.0 – APPLICANT**

Sutter Butte Flood Control Agency (SBFCA).

**3.0 – PROJECT LOCATION**

The Tudor Flood Risk Reduction Project (Project) is located approximately sixteen miles south of Yuba City in Sutter County. The Project footprint starts at the intersection of the Sutter Bypass east levee and the Feather River west levee in Sutter County and continues approximately 8,800 linear feet east to the intersection with Highway 99. The Project location is shown in (Attachment B).

**4.0 – PROJECT DESCRIPTION**

The purpose of the Project is to address under seepage and through seepage issues, which pose a threat to levee integrity. The proposed work includes 8,800 linear feet of soil-bentonite cutoff wall that will be 38 and 64 feet deep as measured from the working surface to the bottom of wall. The cutoff wall will be constructed using an open trench

excavation method and the minimum width of the open trench cutoff wall will be 36 inches. At the eastern end, this Project will end with a cutoff wall paralleling Highway 99 for approximately 100-ft. A pressurized water pipeline crossing will also be removed and replaced to accommodate cutoff wall construction. Levee District 1 Sutter will operate and maintain the proposed alterations in accordance with the Sacramento River Flood Control Project operation and maintenance manual associated with this section of levee. The Project design and permitting will be funded by Sutter Butte Flood Control Agency (SBFCA), and they are working on securing some additional funding from State or Federal sources to cost share for the construction, but no State or Federal funding has been secured as of now.

The Project is currently not part of an ongoing or authorized federal study and is not eligible for credit under Section 221 of the Flood Control Act of 1970. Therefore, the Central Valley Flood Control Board (Board) is not seeking Section 221 credit. Approval under Section 404 of the Clean Water Act is anticipated to be required for these alterations. The Project requires lands owned by the non-federal sponsor but will not require any lands owned by the USACE.

## **5.0 – CALIFORNIA ENVIRONMENTAL QUALITY ACT ANALYSIS AND FINDINGS**

The proposed activity consists of the Board sending a “Statement of No Objection” to USACE stating that the Board, as the non-federal sponsor, has no objection to USACE initiating a Section 408 review of the proposed Project. This request complies with the requirements of USACE’s Engineering Circular 1165-2-220 that the non-federal sponsor submit a Statement where the requester of the review is not the non-federal sponsor.

The proposed action consists of the Board transmitting a Statement of No Objection letter to initiate the USACE Section 408 request. This action will not have a significant effect on the environment and does not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and thus, is not a “project” for purposes of the CEQA (CEQA Public Resources Code Section § 21065; CEQA Guidelines § California Code of Regulations, Title 14, 15378(a)). Moreover, the Board will perform a full CEQA compliance review prior to approving any permit for which it has jurisdiction.

**6.0 – STAFF RECOMMENDATION**

Staff recommends the Board:

**Find:**

- The transfer of the Statement of No Objection letter to USACE is a continuing administrative activity and is thus not a project (CEQA Public Resources Code Section 21065; CEQA California Code of Regulations, Title 14, Section 15378(a)).

**Approve:**

- The initial Statement of No Objection to the USACE in substantially the form provided.

**Direct:**

- The Executive Officer to sign and send the letter to the USACE.

**7.0 – ATTACHMENTS**

- A. Initial Statement of No Objection
- B. Project Location Maps

**8.0 – REVIEWERS**

|                     |   |
|---------------------|---|
| Prepared by:        | Dustin Sanoski, Senior Engineer<br>Angela Nguyen-Tan, Senior Environmental Scientist  |
| Board Staff Review: | Greg Harvey, Flood System Improvement Branch Chief<br>Andrea Buckley, Environmental Services and Land<br>Management Division Chief<br>Michael C. Wright, Chief Engineer |
| Board Legal Review: | Jit Dua, Board Counsel  |

**CENTRAL VALLEY FLOOD PROTECTION BOARD**

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June 23, 2023

Colonel Chad W. Caldwell, P.E.  
District Commander  
U.S. Army Corps of Engineers, Sacramento District  
1325 J Street  
Sacramento, California 95814

Subject: Request to initiate project review pursuant to Title 33, USC Section 408, for the Tudor Flood Risk Reduction Project, Feather River West Levee

Dear Colonel Caldwell:

Pursuant to Title 33, USC Section 408 (Section 408) as described by the U.S. Army Corps of Engineers (USACE) Engineering Circular 1165-2-220, Section 408, Paragraph 11 a. (Basic Requirements for a Complete Section 408 Request), the Central Valley Flood Protection Board (Board) offers a "Statement of No Objection" to initiate the Section 408 process for the joint review of alterations proposed in the Tudor Flood Risk Reduction Project (Project) along the Feather River West Levee in Sutter County.

As the non-federal sponsor for the Project, the Board is aware of the scope of the Section 408 request and supports the request being submitted for review. The Project is located approximately sixteen miles south of Yuba City in Sutter County. The Project footprint starts at the intersection of the Sutter Bypass east levee and the Feather River west levee in Sutter County and continues approximately 8,800 linear feet east to the intersection with Highway 99.

The purpose of the Project is to address under seepage and through seepage issues, which pose a threat to levee integrity. The proposed work includes 8,800 linear feet of soil-bentonite cutoff wall that will be 38 and 64 feet deep as measured from the working surface to the bottom of wall. The cutoff wall will be constructed using an open trench excavation method and the minimum width of the open trench cutoff wall will be 36 inches. At the eastern end, this Project will end with a cutoff wall paralleling Highway 99 for approximately 100-ft. A pressurized water pipeline crossing will also be removed and replaced to accommodate cutoff wall construction. Levee District 1 Sutter will operate and maintain the proposed alterations in accordance with the Sacramento River Flood Control Project operation and maintenance manual associated with this section of levee. The Project design and permitting will be funded by Sutter Butte Flood Control Agency (SBFCA), and they are working on securing some additional funding

Attachment A: Initial Statement of No Objection (cont.)

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from State or Federal sources to cost share for the construction, but no State or Federal funding has been secured as of now.

The Project is currently not part of an ongoing or authorized Federal study and is not eligible for credit under Section 221 of the Flood Control Act of 1970. Therefore, the Board is not seeking Section 221 credit. Approval under Section 404 of the Clean Water Act is anticipated to be required for these proposed alterations. The Project requires lands owned by the non-federal sponsor but will not require any lands owned by the USACE.

The Board requests the USACE, in cooperation with other federal agencies and SBFCA, to initiate a joint review of possible alterations for the Project. The Board, on behalf of SBFCA, will seek approval from the USACE to make necessary alterations to the levee system to achieve the Project purpose.

If you have any questions regarding this Statement of No Objection, please contact me at (916) 709-0160 or by email at [Chris.Lief@cvflood.ca.gov](mailto:Chris.Lief@cvflood.ca.gov), or your staff may contact Dustin Sanoski of my staff at (916) 698-2238 or by email at [dustin.sanoski@cvflood.ca.gov](mailto:dustin.sanoski@cvflood.ca.gov).

Sincerely,

Chris Lief  
Executive Officer

Encl.: Section 408 Request from SBFCA dated June 12, 2023

cc: Michael Bessette, Executive Director, SBFCA  
Chandra Jenkins, USACE Section 408 Coordinator  
Chris Fritz, R&F Engineering

Attachment B: Project Location Maps



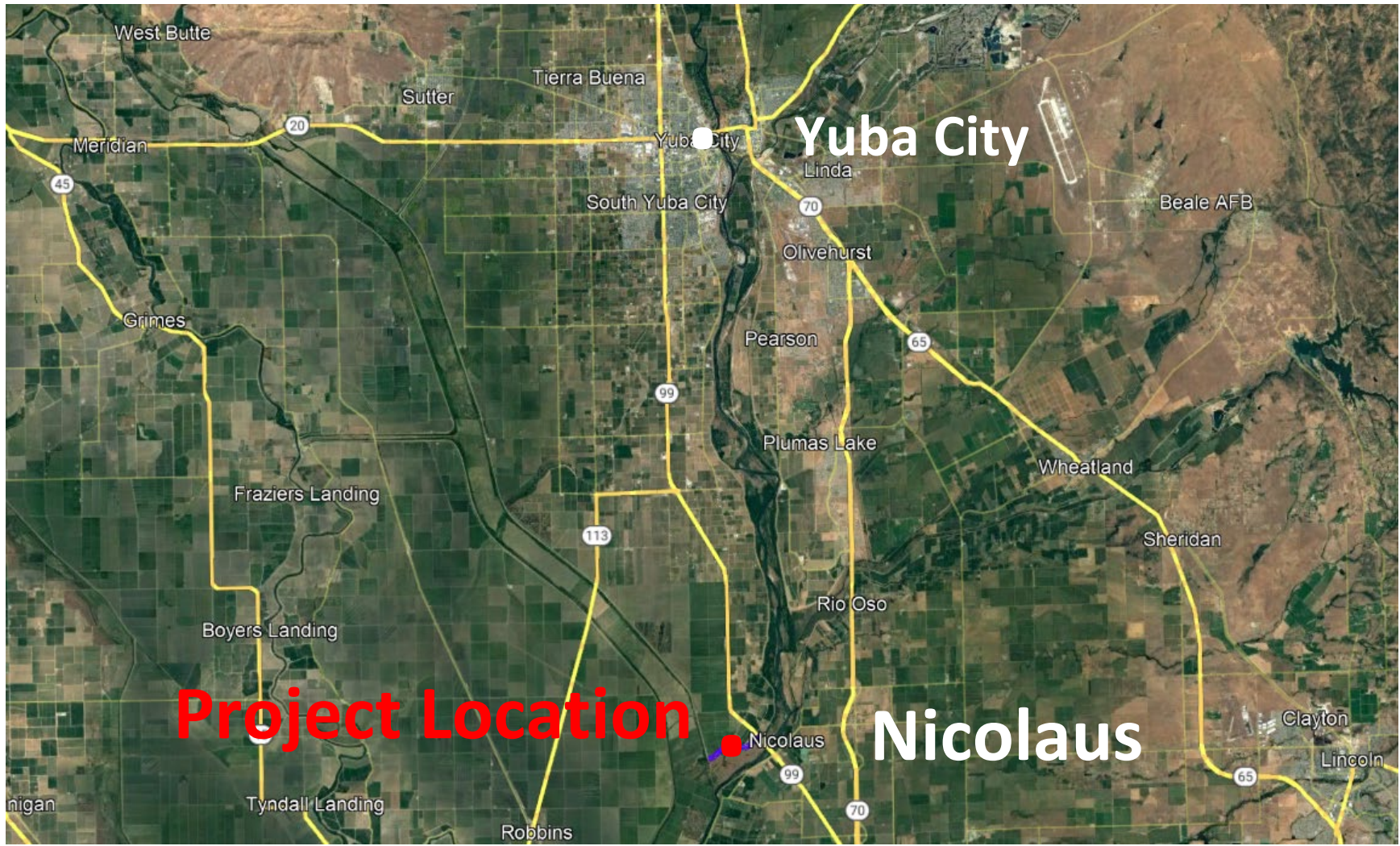
Tudor Flood Risk Reduction Project  
Initial Statement of No Objection

Source: Google Earth

Figure 1: Regional Map



Attachment B: Project Location Maps (cont.)



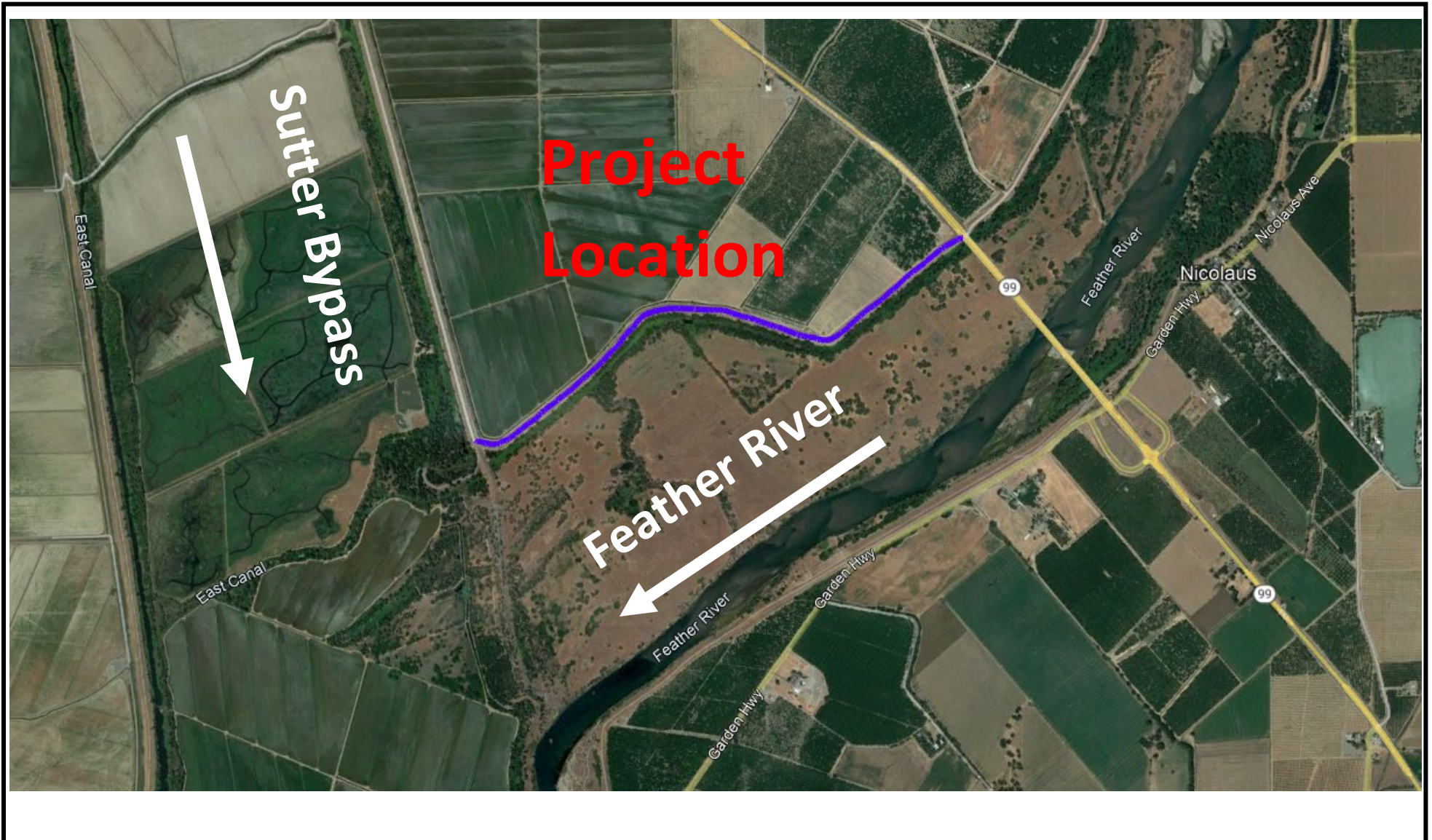
Tudor Flood Risk Reduction Project  
Initial Statement of No Objection

Source: Google Earth

Figure 2: Vicinity Map



Attachment B: Project Location Maps (cont.)



Tudor Flood Risk Reduction Project  
Initial Statement of No Objection

Source: Google Earth

Figure 3: Project Location