



US Army Corps
of Engineers®
Seattle District

Public Notice

REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER 33 USC 408 (Section 408) & NOTICE TO PREPARE AN ENVIRONMENTAL ASSESSMENT

U.S. Army Corps of Engineers
Planning and Environmental & Cultural
Resources Branch
ATTN: Section 408 Coordinator
4735 E. Marginal Way S., Bldg. 1202
Seattle, WA 98134-2388

Public Notice Date: June 24, 2025
Expiration Date: July 9, 2025
Reference: 408-NWS-2023-0045
Name: Nob Hill Levee Setback

Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), Seattle District has received a request for permission to alter a Federal project pursuant to Section 14 of the Rivers and Harbors Act of 1899, as codified in 33 USC § 408 (Section 408). The Seattle District is soliciting comments on the proposed work.

PROJECT TITLE: Nob Hill Levee Setback (Section 408 Reference Number: 408-NWS-2023-0045)

REQUESTER: Yakima County

LOCATION: The Nob Hill Levee Setback project is in Yakima County, at the downstream (southeastern) end of the Yakima Authorized Right Bank Levee (a Federal project).

WATERWAY: Yakima River, Washington

PROJECT PURPOSE: Yakima County has requested permission from USACE to set back (remove and reconstruct further from the river) approximately 650 feet at the downstream end of the Yakima Authorized Right Bank Levee for ecosystem restoration purposes.

PROJECT DESCRIPTION: The Nob Hill levee setback is part of Yakima County's larger Yakima River Gap to Gap Ecosystem Restoration Project. The overall project goal and the goal of the Nob Hill setback is to restore natural morphologic processes supporting channel complexity and habitat. The project aims to reactivate the Yakima River floodplain to reduce flood elevations and velocities as well as increase fish access to back channel habitat. The Nob Hill setback project would consist of

removing approximately 650 feet of the Yakima Authorized Right Bank Levee at its downstream end and reconstructing it landward (southwest) of its current location (Figure 1). The upstream end of the setback would tie into the existing levee, and access along the top of the levee would be maintained. The downstream end of the setback would be approximately 120 feet landward of the levee's current location.

EVALUATION: USACE has determined that the Nob Hill Levee Setback would constitute an alteration to the Federal Project, and therefore requires permission under Section 408.

NATIONAL ENVIRONMENTAL POLICY ACT: A decision on a Section 408 request is a federal action subject to the National Environmental Policy Act (NEPA) and other federal environmental and cultural resources compliance requirements. USACE will complete the appropriate NEPA decision document commensurate with the scope and impacts of the 408 approval (Categorical Exclusion, Finding of No Significant Impact, or Record of Decision). If an Environmental Assessment is prepared it will analyze two scenarios: 1) no action (i.e., no 408 approval) and 2) requester's proposed alteration as discussed above. If significant effects on the quality of the human environment are subsequently identified and cannot be mitigated, USACE will initiate an Environmental Impact Statement (EIS) and afford all the appropriate participation opportunities attendant to an EIS. The public is invited to comment on the impacts of the proposal on the quality of the human environment.

AUTHORITY: The authority to grant permission for temporary or permanent use, occupation, or alteration of any USACE civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified in 33 USC 408 ("Section 408"). Section 408 authorizes the Secretary of the Army, on the recommendation of the Chief of Engineers, to grant permission for the alteration or occupation or use of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Secretary of Army's authority under Section 408 has been delegated to USACE, Chief of Engineers. USACE Chief of Engineers has further delegated the authority to USACE, Directorate of Civil Works and Division and District Engineers, depending upon the nature of the activity.

LIMITS OF SECTION 408 AUTHORITY: A requester has the responsibility to acquire all other permissions or authorizations required by Federal, state, and local laws or regulations, including any required permits from USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC Section 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413). In addition, an approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

PUBLIC INVOLVEMENT: Comments on this Public Notice will be accepted and made part of the evaluation record and will be considered in determining whether the

proposed alteration would be injurious to the public interest or would impair the usefulness of the Federal project as well as assessing the impacts of the proposal on the quality of the human environment. Interested parties may submit in writing any comments concerning this notice. USACE will consider all submissions received before the expiration date of this notice.

This Public Notice and final NEPA documentation will be posted to the following website: <http://www.nws.usace.army.mil/Business-With-Us/Section408/>

SUBMITTING COMMENTS: Comments pertaining to this public notice must be submitted via email or conventional mail on or before July 9, 2025, and include Reference Number 408-NWS-2023-0045. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act, including personally identifiable information such as names, phone numbers, and addresses.

All email comments should be sent to: CENWS-Section408@usace.army.mil.

Conventional mail comments should be sent to: Planning, Environmental and Cultural Resources Branch, ATTN: Section 408 Coordinator, 4735 E. Marginal Way S. Bldg. 1202, Seattle, WA 98134-2388

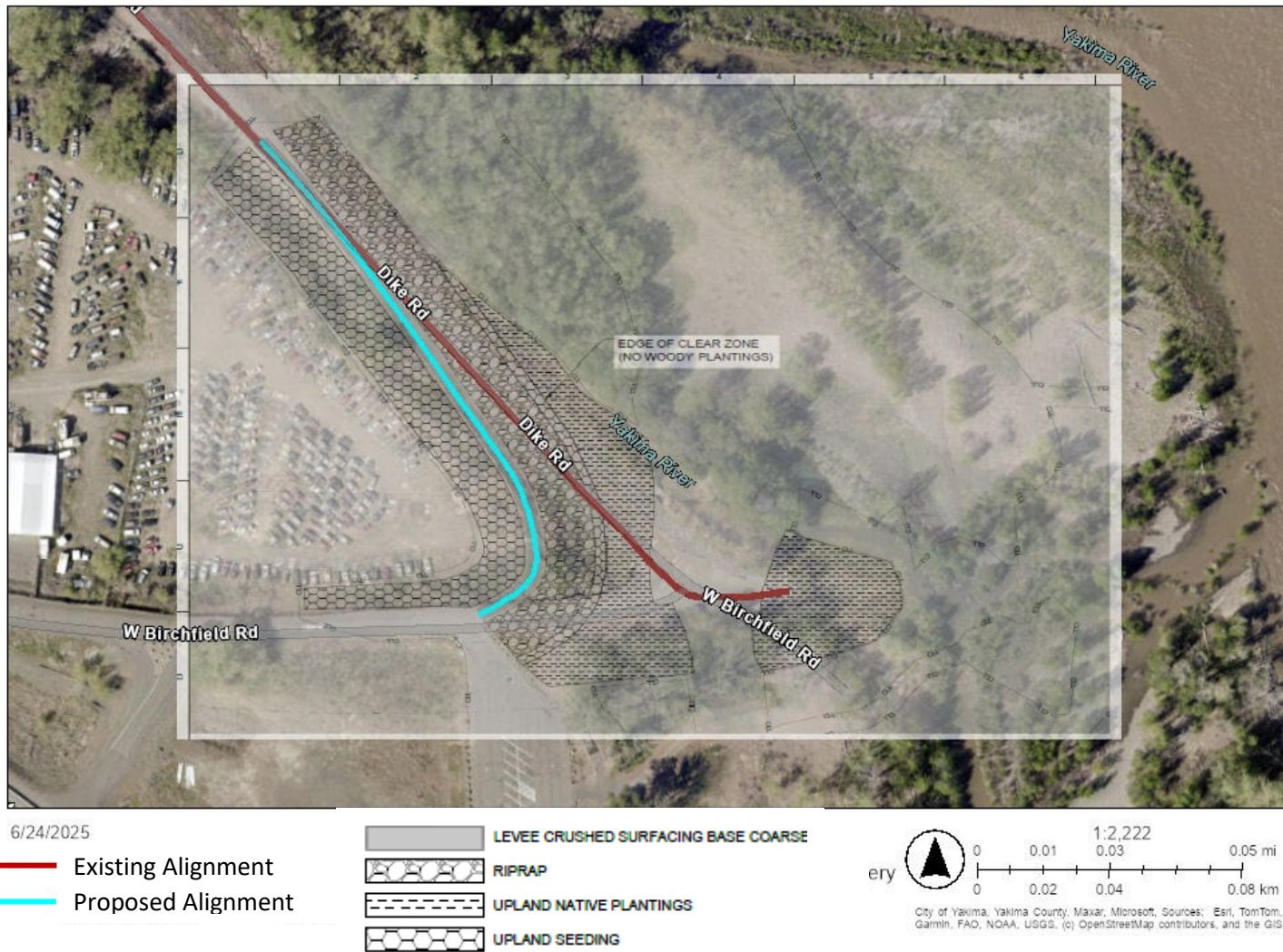


Figure 1 – 65% Design of Proposed Nob Hill Setback Levee with Existing & Proposed Alignments