US Army Corps of Engineers®

PUBLIC NOTICE

Applicant for land use outgrant:
Yuba County Water Agency

Public Comment Period:
Begins: July 16, 2026
Ends: August 16, 2026

TO WHOM IT MAY CONCERN: The Sacramento District of the U.S. Army Corps of Engineers has received a land use application from Yuba County Water Agency. The purpose of this public notice is to solicit comments from the public regarding the work described below:

TITLE: Lower Yuba River Daguerre Point Nature-Like Fishway Project

SUBJECT: The Yuba County Water Agency (Yuba Water) is proposing to construct, operate, and maintain the Lower Yuba River Daguerre Point Nature-like Fishway (NLF) Project (Daguerre NLF Project). The Daguerre NLF Project occurs within real property interests of the United States and requires a land use outgrant from the Sacramento District U.S. Army Corps of Engineers (USACE). USACE's potential issuance of a land use outgrant is a federal action and requires compliance with pertinent environmental laws and regulations. This public notice will inform USACE's consideration of the land use application for the Daguerre NLF Project.

LOCATION: The Daguerre NLF Project is located near Daguerre Point Dam (DPD) on the lower Yuba River within Yuba County, California (Attachment 1). The lower Yuba River extends 24.3 miles from its upstream terminus at Englebright Dam downstream to its confluence with the lower Feather River. The specific project site (Attachments 2 and 3) would be located at Daguerre Point, which is located about 9 miles northeast of the city of Marysville and about 11.5 river miles (RM) upstream of the confluence of the Yuba and Feather rivers.

PROJECT DESCRIPTION: Yuba Water is proposing to construct, operate and maintain a nature-like fishway and other facility components to improve fish passage on the lower Yuba River at Daguerre Point. The Daguerre NLF Project is comprised of the NLF channel and embankments; relocation of the existing South Canal Diversion (SCD) Intake, including replacement of the existing permeable rockfill fish exclusion structure with a modernized fish screen; filling of the existing SCD head pond to create a sloping floodplain restoration area along the shoreline on the south bank of the river; construction of access roads; and operations and maintenance activities.

The NLF will create improved, volitional passage around DPD for fish under a broad range of flow conditions and contribute toward recovery goals for state and federally listed species (spring-run Chinook salmon, steelhead, and green sturgeon), economically valuable species (fall/late fall-run Chinook salmon and white sturgeon), and culturally important species (lamprey). Restoration of unimpeded, volitional

upstream passage at DPD for adult steelhead and Chinook salmon and minimizing predation of juvenile salmonid outmigrants was identified as a “Priority 1” recovery action[1] in the NMFS (2014) Central Valley Chinook Salmon and Steelhead Recovery Plan. Providing volitional green sturgeon passage at DPD is identified as a “Priority 2” recovery action[2] in the NMFS (2018) green sturgeon Recovery Plan.

Relocation of the SCD will mitigate habitat conditions that can increase predation risk for juvenile salmonids and result in the creation of between 4 and 5 acres of new riparian floodplain habitat.

EXISTING CONDITIONS: The project area occurs within a highly modified river corridor shaped by more than a century of hydraulic mining, dredging, and flood-control activities. DPD was originally constructed by the California Debris Commission as a hydraulic mining debris barrier. The California Debris Commission was decommissioned by Congress in 1986 and DPD was transferred to USACE to operate and maintain. The surrounding landscape consists of dredge tailings, engineered embankments, remnant floodplain surfaces, and water diversion facilities associated with the Browns Valley, Hallwood-Cordua, and South Canal diversions. Wetland habitats and riparian vegetation are present along the river margin and in low-lying areas among dredge tailings. Current land uses in and around the project area include water resources infrastructure, flood control facilities, agriculture, recreation, riparian habitat, and rural residential development. The lower Yuba River is of substantial ecological, cultural, recreational, and economic importance and is subject to management and regulatory oversight by multiple federal, state, and local entities.

ENVIRONMENTAL IMPACTS OF DAGUERRE NLF PROJECT: A decision to grant a land use outgrant is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. The sections below summarizes key environmental laws and regulations that will require consideration within USACE’s decision.

National Environmental Policy Act (NEPA): USACE will prepare an Environmental Assessment to evaluate the impacts of USACE’s potential authorization of the Daguerre NLF Project on the environment, including related social and economic effects.

Clean Water Act: the Daguerre NLF Project would impact waters of the U.S. and would require a Clean Water Act (CWA) Section 404 permit from USACE. In addition, Section 401 of the CWA requires a water quality certification or a waiver from the State Water Resources Control Board. Yuba Water is in the process of applying for certification.

Endangered Species Act: The Daguerre NLF Project may affect federally-listed endangered or threatened species (e.g., spring-run Chinook salmon, steelhead, green sturgeon; Valley Elderberry Longhorn Beetle) or their designated critical habitat. Such

[1] “Priority 1” actions for listed Central Valley salmonids are those that address the most important threats within an area or watershed (NMFS 2014).

[2] “Priority 2” actions are those that must be taken to prevent a significant decline in population numbers, habitat quality, or other significant negative impacts short of extinction (NMFS 2018).

species and habitats are protected by the Federal Endangered Species Act (ESA). USACE will initiate consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS), pursuant to Section 7 of the ESA, as appropriate.

Essential Fish Habitat: The Daguerre NLF Project may affect Essential Fish Habitat. USACE will initiate consultation with the National Marine Fisheries Service, pursuant to Section 305 of the Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

Historic Properties: Potentially eligible historic properties and cultural resources may be affected by the Daguerre NLF Project. USACE will initiate consultation with the State Historic Preservation Officer and Native American Tribes under Section 106 of the National Historic Preservation Act, as appropriate.

LIMITS OF LAND USE OUTGRANT: This public notice is limited to USACE's potential authorization of a land use outgrant. Yuba Water has the responsibility to acquire all other permissions or authorizations that may be required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and/or Section 404 of the Clean Water Act (33 U.S.C. Section 1344). Approval by USACE does not authorize any injury to the property or rights of others.

EVALUATION FACTORS: The decision to grant a land use outgrant must consider whether the Daguerre NLF Project would interfere with the operation of the USACE project (DPD) and whether the Daguerre NLF Project is in the public interest.

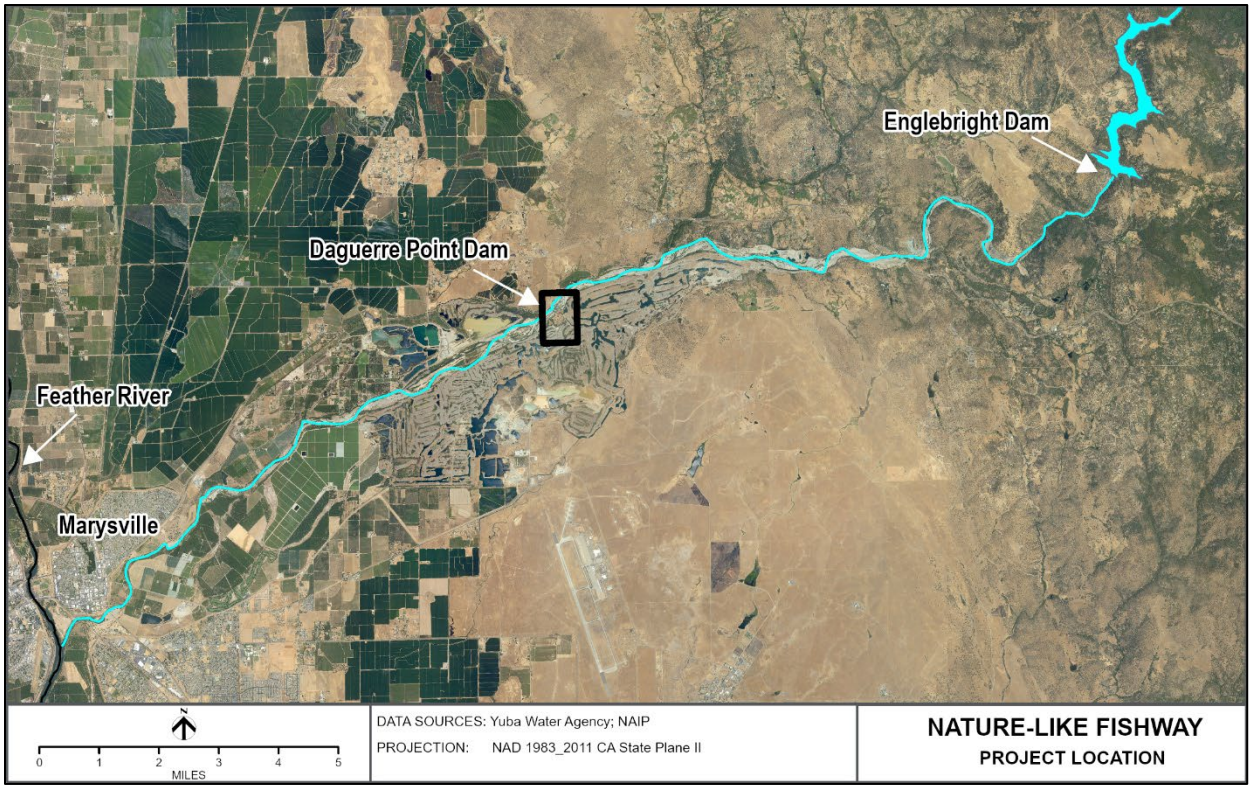
USACE will evaluate the design and construction of the Daguerre NLF Project to determine whether it would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes, or outputs.

USACE will evaluate public interest factors to determine whether benefits of the Daguerre NLF Project are commensurate with risks. Factors that may be relevant to the public interest include, but are not limited to, conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, and recreation. In addition, this evaluation will consider information received from interested parties, including tribes, agencies, and the public. If the reasonably foreseeable detriments are found to outweigh the benefits that may be reasonably expected to accrue from the proposal, the Daguerre NLF Project may be considered to be injurious to the public interest.

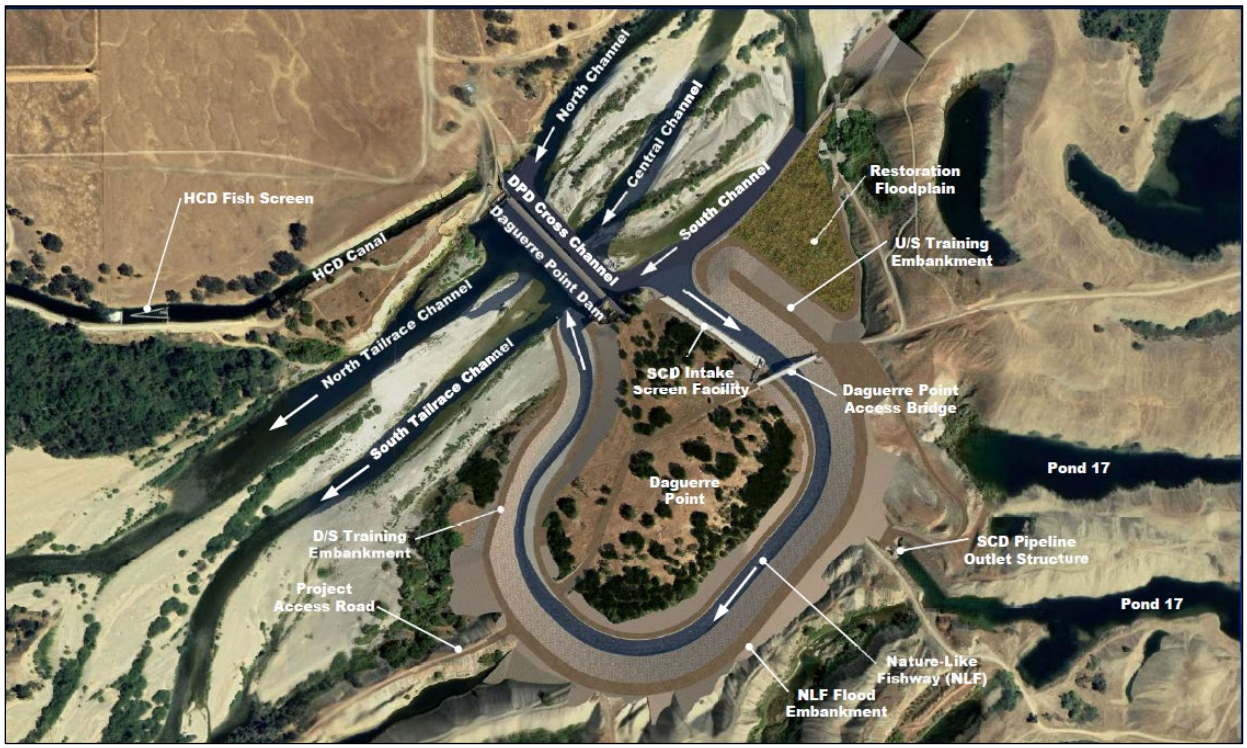
PUBLIC INVOLVEMENT: The purpose of this notice is to solicit comments from the public (federal, state, and local agencies and officials; tribes; individuals; and other interested parties) regarding USACE's potential issuance of a land use outgrant for Yuba Water to construct the Lower Yuba River Daguerre Point Nature-Like Fishway

Project. Comments will be used to assess impacts on endangered species, historic properties, water quality, recreation, general environmental effects, and other public interest factors as appropriate. Comments will be used in the preparation of an Environmental Assessment pursuant to the National Environmental Policy Act. Comments should be focused on the geographic area of the action that would be directly or indirectly affected by the Lower Yuba River Daguerre Point Nature-Like Fishway Project. Comments received within 30 days of publication of this notice will be considered by USACE . Please note that all comment letters received are subject to release to the public through the Freedom of Information Act.

SUBMITTING COMMENTS: Comments must be submitted electronically to CESPK-NLF_Project_Comments@usace.army.mil . Please reference the Daguerre NLF Project in the subject line. Comments must be submitted to USACE on or before August 16, 2026.



Attachment 1. Vicinity of the Daguerre NLF Project.



Attachment 2. Location of the Daguerre NLF Project.



Attachment 3. Rendering of the proposed NLF project features around Daguerre Point and DPD.