

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

County Service Area 34 Winchell Cove Pipeline Project

FONSI-10-045

Recommended by:



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Date: 02/25/2013

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Date: 4/3/13

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Date: 04/01/13

Approved by:

for 

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Date: 4/5/13



Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the South-Central California Area Office of the Bureau of Reclamation (Reclamation), has determined that issuing a license to Fresno County (County) to construct, maintain, and operate a water pipeline within Reclamation land is not a major Federal action that will significantly affect the quality of the human environment and an Environmental Impact Statement is not required. This Finding of No Significant Impact (FONSI) is supported by Reclamation's Final Environmental Assessment (EA)/Initial Study (IS) number, EA/IS-10-045, *County Service Area 34 Winchell Cove Pipeline Project*, and is hereby incorporated by reference. The EA/IS was jointly prepared by Reclamation as lead Federal agency and the County as lead State agency to satisfy the requirements of both NEPA and the California Environmental Quality Act (CEQA), respectively.

Reclamation provided the public with an opportunity to comment on the Draft EA/IS and Draft FONSI between July 18, 2011 and August 18, 2011. Concurrently, the County provided the public with an opportunity to comment on the Draft EA/IS in accordance with CEQA. Reclamation and the County received three comment letters from the following agencies: U.S. Fish and Wildlife Service (Service), U.S. Environmental Protection Agency, and the California Department of Fish and Wildlife (previously California Department of Fish and Game). The comment letters and response to comments are included in Appendix E of the Final EA/IS.

Background

In 1988, Reclamation entered into an agreement with the County and issued a license allowing the County to construct, operate, and maintain a pump station, water pipeline, electrical conduits, transformers, and related electrical appurtenances located at Winchell Cove within the Millerton Lake State Recreation Area, in Fresno County, California. These facilities transport Central Valley Project water to be used by County Service Area (CSA) 34 for domestic and irrigation purposes. In 2009 one of two pumps failed and in 2010 a check valve failed, presumably due to excessive wear and tear caused by near-constant single pump operation. The County ordered a restricted-use mandate during peak summer use to ensure that the existing system can continue to provide enough water to CSA 34 without causing further damage to the facilities. The failed pump was replaced in 2010; however, the County is still concerned over the existing system's ability to function properly for the short and long-term.

Proposed Action

The County is proposing to install a new pipeline parallel to the existing pipeline, which will keep flow velocities at a level that will not cause excessive pipe wear, head loss, or water hammer in the system. The new pipeline will require Reclamation to issue a license agreement to the County to construct, operate, and maintain the new proposed pipeline within lands owned and managed by Reclamation (Proposed Action). The new pipeline will provide system flexibility, improve water supply reliability, and provide more efficient operations in the delivery of raw water to the existing users within County Service Area 34.

Environmental Commitments

The County will implement the environmental commitments listed in Table 1 to reduce environmental consequences associated with the Proposed Action. Environmental consequences for resource areas assume the commitments specified will be fully implemented.

Table 1 Environmental Protection Measures

Resource	Protection Measure
Water Resources	<p>WR-1: Construction contractors shall comply with the State’s National Pollution Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Permit). The Central Valley Regional Water Quality Control Board (CVRWQCB) requires that all construction sites have adequate control measures to prevent the discharge of sediment and other pollutants to streams. To comply with the permit, a qualified Stormwater Pollution Protection Plan (SWPPP) developer will file a Notice of Intent (NOI) with the CVRWQCB and prepare a SWPPP prior to construction. A copy of the SWPPP must be obtained and remain onsite during construction activities. Control measures are required prior to and throughout the rainy season. Water quality Best management Practices (BMPs) to be identified in the SWPPP are listed in Section 3.1.3 of EA/IS-10-045.</p>
Biological Resources	<p>BIO-1: A Biological Opinion with an incidental take statement was obtained from the Service for impacts to California Tiger Salamander (CTS). BMPs, proposed conservation measures, reasonable and prudent measures, and terms and conditions identified within the Biological Opinion, including the purchase of preservation credits from an approved conservation bank, shall be implemented. The incidental take statement shall be submitted to the CDFG to determine whether the implementation of the protective and mitigation measures would avoid take of CTS, as defined under California Endangered Species Act (CESA). If the CDFG determines that take as defined under CESA would likely occur, the applicant shall obtain an Incidental Take Permit prior to construction. All conditions of the permit, if required, shall be implemented. At a minimum, the proposed mitigation measures to be implemented to compensate for take of CTS are listed in Section 3.3.3 of EA/IS-10-045.</p> <p>BIO-2: Mitigation measures shall be implemented to avoid temporary impacts to potential habitat for Western Spadefoot Toad (WST) and American badger as listed in Section 3.3.3 of EA/IS-10-045.</p> <p>BIO-3: Mitigation measures shall be implemented to avoid impacts to potential nesting habitat for Swainson’s hawk as listed in Section 3.3.3 of EA/IS-10-045.</p> <p>BIO-4: Mitigation measures shall be implemented to avoid project-related impacts to nest sites for birds of prey and migratory birds as listed in Section 3.3.3 of EA/IS-10-045. These measures would also mitigate for impacts to roosting bats.</p> <p>BIO-5: Conservation measures shall be implemented to avoid potential short-term adverse effects to San Joaquin Kit Fox (SJKF) in accordance with the U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior To or During Ground Disturbance (2011) (Recommendations) for linear projects as listed in Section 3.3.3 of EA/IS-10-045.</p> <p>BIO-6: Mitigation measures shall be implemented to avoid potential short-term adverse effects to waters of the U.S.as listed in Section 3.3.3 of EA/IS-10-045.</p>
Cultural Resources	<p>CR-1: In the unlikely event that previously unknown cultural materials, such as flaked stone, groundstone, or historic debris are inadvertently discovered during grounddisturbing activities, work shall stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop treatment measures in consultation with appropriate agencies in accordance with 36 CFR Part 800.13. In the case of such a discovery, Reclamation’s archaeologists shall be notified and be given an opportunity to assess the find prior to work starting again in the immediate vicinity of the find.</p> <p>CR-2: If human remains are encountered on non-Federal and non-Tribal lands, work shall halt in the vicinity of the discovery and the Fresno County Coroner shall be notified immediately. At the same time, an archaeologist shall be contacted to evaluate the find.</p>

Resource	Protection Measure
	<p>If the Coroner determines that the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this determination. The Most Likely Descendant (MLD) of the deceased will be contacted by the Native American Heritage Commission (NAHC), and work will not resume until the MLD has made a recommendation for the treatment of, with appropriate dignity, the human remains and any associated grave goods, as provided in PRC, Section 5097.98. Work may resume if the NAHC is unable to identify an MLD or the descendant fails to make a recommendation within 48 hours.</p> <p>CR-3: Pursuant to Reclamation Directives and Standards LND 07-01, the inadvertent discovery of human remains on Reclamation land shall require immediate oral notification of the find to Reclamation cultural resources staff, as well as a written report of the discovery within 48 hours. Additionally, activity in the area shall cease and the find stabilized and protected until authorization to proceed is provided by Reclamation. Such discoveries require compliance with all appropriate Federal cultural resources laws and may require further Section 106 consultation. If the human remains are determined to be Native American, the discovery shall be handled in accordance with Native American Graves Protection and Repatriation Act (NAGPRA) regulations (43 CFR Part 10).</p> <p>CR-4: If human remains are encountered on Tribal lands, work shall halt in the vicinity of the find and the Fresno County Coroner, Reclamation archaeologist(s), and the Table Mountain Rancheria's Cultural Resources Director shall be notified immediately, pursuant to 36 CFR Part 800.13 of National Historic Preservation Act (NHPA), Post-Review Discoveries, and 43 CFR § 10.4 (2006) of NAGPRA, Inadvertent Discoveries. No further ground disturbance shall occur in the vicinity of the find until the County Coroner, Tribal Official, and Reclamation archaeologist have examined the find and agreed on an appropriate course of action.</p>
Air Quality	AQ-1: The project proponent shall ensure through contractual obligations that the particulate matter control measures listed in Section 3.6.3 of EA/IS-10-045 are implemented during construction, as required by the San Joaquin Valley Air Pollution Control District.
Global Climate	AQ-2: The project proponent shall ensure through contractual obligations that the BMPs listed in Section 3.7.3 of EA/IS-10-045 are implemented during construction to minimize greenhouse gas emissions.
Geology & Soils*	<p>GS-1: To eliminate potential impacts resulting from excessive erosion and loss of topsoil, the project proponent shall comply with the NPDES Construction General Permit, including implementation of appropriate erosion and sediment control measures. Compliance with the General Permit requires developing a site specific SWPPP that shall identify the location of temporary erosion control features necessary to direct and filter stormwater runoff during construction activities. Temporary erosion control features used during construction may include, but are not limited to, silt fences, fiber rolls, erosion control blankets, temporary sediment basins, and rock bag dams. The SWPPP shall also identify BMPs that would reduce the transportation of pollutants offsite. The SWPPP shall be implemented during the construction and operation of the project. The above mitigation will also minimize impacts to Water Quality.</p> <p>GS-2: All underground facilities shall be designed using durable materials. All project facilities shall be designed in accordance with the National Association of Corrosion Engineers (NACE) standards for special coatings and/or cathodic protection systems using specific soils data.</p>
Hazards & Hazardous Materials*	HZ-1: The mitigation measures listed in Section 4.1.8.3 of EA/IS-10-045 are recommended to decrease the risk of fire during construction of the Proposed Project.
Transportation/Traffic*	T-1: The County shall ensure, through contractual obligations, that the mitigation measures listed in Section 4.1.16.3 of EA/IS-10-045 to reduce or eliminate construction-related traffic impacts are implemented. This will include the preparation of a traffic control plan, coordination with local emergency service providers, and maintaining at least one open lane of traffic on Winchell Cove Road at all times.
*Note: These requirements are specific to the CEQA analysis conducted by the County.	

Reclamation's finding that implementation of the Proposed Action will result in no significant impact to the quality of the human environment is supported by the following factors:

FINDINGS

Water Resources

Potential impacts to water resources will result from construction-related activities such as: earth moving, grading, trenching, and excavation within or near Millerton Lake. Construction equipment and materials have the potential to leak fluids, thereby discharging additional pollutants into stormwater. To mitigate these potential effects, required erosion and pollutant control measures will be employed in compliance with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit prior to and throughout construction. The permit requires the preparation and implementation of a stormwater pollution prevention plan (SWPPP) that include best management practices (BMP) that will prevent impacts to surface water and groundwater quality from erosion, sediment, trash, and other pollutants. The SWPPP will identify BMPs and the location of erosion control features recommended to direct and filter stormwater runoff during construction of the proposed pipeline.

Construction of the proposed pipeline within the lakebed of Millerton Lake will not occur while the lakebed is submerged. After construction, all surfaces will be graded and restored to existing elevations and conditions. A Section 404 Permit from the United States Army Corps of Engineers and Section 401 water quality certification from the Central Valley Regional Water Quality Control Board will be required for impacts to wetlands and waters of the U.S. resulting from installation of pipeline within the Millerton Lake bed.

The Proposed Action will not increase the quantity of diversion from Millerton Lake beyond what was previously approved by Reclamation. Approximately 0.56 miles of the proposed pipeline will be located within the Millerton Lake bed, which is designated as Flood Zone A, subject to inundation by the 100-year flood. However, all project features will be located underground, and all surfaces will be graded and restored to existing elevations and conditions after construction is completed. Thus, the project will not place fill within a floodplain, or alter or redirect flood flows.

Through implementation of Mitigation Measure WQ-1 as outlined in Table 1 and presented in Section 3.1.3 in the Final EA/IS, the Proposed Action will have no significant impact on water resources.

Land Use

The Proposed Action will not alter any existing land uses and thus will be consistent with the existing zoning, general, and land use plans. The proposed pipeline will not increase water supplies over existing water rights and will not support growth that has not been previously analyzed within approved land use plans. Construction and operation of the Proposed Action will not result in conflicts with existing land use since the pipeline will be buried. Land use impacts will be temporary during construction; therefore, the Proposed Action will have no significant impact to existing land use.

Biological Resources

California Endangered Species Act (CESA)

As the lead State Agency for the Proposed Action, the County is required to comply with CESA and CEQA and since the EA/IS is a joint document between Reclamation and the County, the following species were included in the analysis: pallid bat (*Antrozous pallidus*), American badger (*Taxidea taxus*), and western spadefoot toad (*Spea [=Scaphiopus] hammondi*), and the California tiger salamander (CTS, *Ambystoma californiense*) were addressed as CESA-listed species. Construction activities will result in disturbance of potential roost sites for pallid bat and spotted bat within the blue oak woodland through temporary increases in ambient noise levels and increased human activity within the Proposed Action area. Construction activities have the potential to affect American badger by temporarily disturbing upland habitat within the nonnative annual grassland. Construction activities have a potential to affect western spadefoot toad and CTS. Approximately 0.17 acres of upland habitat within the nonnative annual grassland will be temporarily disturbed due to trenching activities associated with the installation of the proposed pipeline. Environmental commitments listed in Table 1 and presented in Section 3.3.3 in Final EA/IS-10-045 will minimize the potential for individuals to be harmed during construction activities and prevent a population-level effect. As a result, the Proposed Action will have no significant impact to these species.

Migratory Bird Treaty Act (MBTA)

Construction activities could result in disturbance of Swainson's hawk (*Buteo swainsoni*) nest sites within the blue oak woodland through temporary increases in ambient noise levels and increased human activity within the Proposed action area. Potential disruption of nesting Swainson's hawk during construction of the Proposed Actions could result in the abandonment of active nests. Environmental commitments listed in Table 1 and presented in Section 3.3.3 in Final EA/IS-10-045 will minimize the potential for disruption of Swainson's hawks. These measures comply with the *State Fish and Game Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California* (CDFG 1994). The Proposed will temporarily affect Swainson's hawk foraging habitat through trenching activities within the nonnative annual grassland. Approximately 0.17 acres of foraging habitat will be temporarily impacted by the Proposed Actions; however, the California Department of Fish and Wildlife (formally California Department of Fish and Game) considers loss of greater than five acres of foraging habitat to be significant. In addition, the Proposed Action will not result in a change in land use as project components will be located underground, and all surfaces will be restored to existing conditions after construction is completed.

Construction activities will result in disturbance of nest sites for migratory birds and other birds of prey within the blue oak woodland through temporary increases in ambient noise levels and increased human activity within the proposed action area. As described previously, environmental commitments listed in Table 1 will minimize the potential for impacts to migratory birds; therefore, Reclamation has determined that the Proposed Action will not result in take of species protected under the MBTA.

Federal Endangered Species Act (FESA)

Under Section 7 of the FESA, Reclamation has made the determination that the Proposed Action will have no effect to San Joaquin kit fox (SJKF, *Vulpes macrotis mutica*) and vernal pool fairy

shrimp (VPFS, *Branchinecta lynchi*) or their critical habitat, and may adversely affect CTS (*Ambystoma californiense*) and CTS critical habitat.

California Tiger Salamander and their Critical Habitat Approximately 0.9 acre of Unit 2 of central CTS habitat will be temporarily impacted by the implementation of the proposed project. The portion of the Unit that is affected is very small and consists of upland refugia without any potential breeding habitat. The primary constituent elements (PCEs) affected only reflect the non-breeding portion of the central CTS' life cycle. The applicant will purchase conservation credits from a Service-approved conservation bank equal to at least 2.7 acres before any ground-breaking construction activities begin on the proposed project. Reclamation received a non-jeopardy biological opinion from the Service on February 4, 2013.

San Joaquin Kit Fox Although unlikely, SJKF has the potential to forage within the blue oak woodland and nonnative annual grassland in the vicinity of the Proposed Action area. The Proposed Action area does not provide denning habitat for SJKF. The Proposed Action area contains only marginal foraging habitat as only one occurrence documented over 17 years ago has been recorded within a ten-mile radius of the Proposed Action area. Several barriers, including the San Joaquin River, Millerton Lake, the Friant-Kern Canal, Auberry Road, and Friant Road, inhibit the continuity of surrounding vegetative communities, and therefore reduce the likelihood that SJKF will forage within the Proposed Action area. In addition, the environmental commitments in Table 1 will minimize any potential for individuals to be harmed during construction activities; therefore, the Proposed Action will have no effect on SJKF.

Vernal Pool Fairy Shrimp Critical Habitat Approximately 0.70 acres of the Proposed Action area lies within designated critical habitat Unit 2 (Northeast Fresno-Southern San Joaquin Valley Geographic Region) for VPFS. The new pipeline will temporarily disturb 0.018 percent of Critical habitat Unit 2. The Proposed Action will not result in a change in land use as project components will be located underground, and all surfaces will be restored to existing conditions after construction is completed. Additionally, the project area does not contain any PCEs for VPFS habitat as there are no vernal pools located within 300 feet of the proposed pipeline alignment. Therefore, critical habitat Unit 2 will not be permanently modified or removed by the Proposed Actions. The Proposed Action will have no effect to VPFS or VPFS critical habitat.

Cultural Resources

Under the Proposed Action, trenching for the parallel pipeline will occur immediately adjacent to the area previously disturbed during the original pipeline installation. During cultural resources field surveys conducted when the first pipeline was constructed, and more recently in association with the current project, no cultural resources were identified within the Proposed Action area of potential effects. Further, based on soil survey information and geoarchaeology sensitivity studies for the region, the potential for buried archaeological resources in the Proposed Action area is low to very low. In the unlikely event that buried cultural resources are discovered, mitigation measures outlined in Table 1 and presented in Section 3.4.4 of the Final EA/IS will be implemented. Pursuant to 36 CFR § 800.4(d)(1), Reclamation consulted with and received concurrence from the California State Historic Preservation Officer (SHPO) on a finding of no historic properties affected for the Proposed Action. A copy of the SHPO concurrence letter is provided in Appendix G of the Final EA/IS.

Indian Sacred Sites

The Native American Heritage Commission was asked to review the Sacred Lands file for known sacred sites within the Proposed Action area. There are no known sacred sites located within the area of potential effects. Therefore, the Proposed Action will have no impact on known Indian sacred sites and/or prohibit access to and ceremonial use of these resources.

Indian Trust Assets

A portion of the proposed pipeline will extend through an existing CSA 34 public utility easement located on Table Mountain Rancheria tribal trust land. The proposed pipeline will be buried underground and will not impact land uses within the tribal trust land. In addition, the pipeline will not require a new or modified easement that will be recorded on tribal trust land. No other Indian Trust Assets (ITA) are located within the Proposed Action's area of potential effects. Therefore, the Proposed Action will have no significant impact on ITA.

Socioeconomic Resources/Environmental Justice

Short-term impacts from constructing the proposed pipeline will not have a disproportionately high and adverse human health or environmental effect on low-income or minority populations because no low-income or minority populations are present adjacent to or near the proposed pipeline alignment. The Proposed Action will have no impact to socioeconomic resources or conditions related to environmental justice.

Air Quality

Short-term air quality impacts will be associated with construction, and will generally arise from dust generation (fugitive dust) and operation of construction equipment. Fugitive dust results from land clearing, grading, excavation, concrete work, and vehicle traffic on paved and unpaved roads. Comparison of the estimated Proposed Action emissions with the thresholds for Federal conformity determinations indicate that the estimated project emissions are below these thresholds. Operation of the Proposed Action will not result in an increase in maintenance or worker trips over current levels for the existing pipeline. No operational emissions are expected and no operating permit is required.

Diesel particulate matter (DPM) and fugitive dust are of concern during the construction phase of the proposed pipeline. Construction will include grading, trenching, and paving. These activities utilize heavy equipment, which use diesel fuel and emit DPM. The nearest sensitive receptor is located approximately 550 feet south of the pipeline alignment within Millerton Lake, and approximately 1,880 feet east of the on-land pipeline alignment. Due to the distance of the nearest sensitive receptor, topography, and the dissipation rate of DPM and fugitive dust emitted during construction, sensitive receptors will not be exposed to fugitive dust or substantial concentrations of DPM. Overall, the Proposed Action will have no significant impact to air quality.

Global Climate Change

Construction-related greenhouse gas (GHG) emissions are significantly below the 25,000 metric-tons per year *de minimis* threshold. The Proposed Action is estimated to emit 144.83 tons of GHG during construction. These emissions are short-term and temporary during construction. In addition, implementation of Mitigation Measure AQ-2 as outlined in Table 1 and presented in

Section 3.7.3 of Final EA/IS-10-045 will further reduce construction-related GHG emissions. The Proposed Action will have no significant impact to the global climate.

Cumulative Impacts

Cumulative impacts result from incremental impacts of the Proposed Action when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. To determine whether cumulatively significant impacts are anticipated from the Proposed Action, the incremental effect of the alternative was examined together with impacts from past, present, and reasonably foreseeable future actions in the same geographic area on the following resources:

Water Resources

Construction of the Proposed Action and potential cumulative projects in the vicinity of the project site will be required to comply with the NDPEs General Permit, which is intended to reduce the potential for cumulative impacts to water quality during construction. The Proposed Action will not result in additional stormwater run-off or contribute to cumulative effects associated with drainage. Similar to the Proposed Action, cumulative development projects will be subject to local, state, and federal regulations designed to minimize cumulative impacts to water resources. Mitigation measures for the Proposed Action in combination with compliance with City, state, and federal regulations, are expected to reduce cumulatively considerable impacts to water quality. On-going operation of the Proposed Action will not introduce new impervious surfaces which will result in additional off-site flows; therefore, the Proposed Action will not contribute to cumulative flood related impacts. The Proposed Action will not contribute significantly to cumulative impacts to water resources.

Biological Resources

Cumulative projects in the vicinity of the project site, including growth resulting from build-out of the Millerton New Town Plan, are anticipated to permanently remove plant and wildlife resources, which could affect special-status species and their habitat, nesting and foraging habitat for resident and migratory birds, and/or local policies or ordinances protecting biological resources. The effects of the Proposed Actions are temporary in nature, and do not contribute to a cumulative direct or indirect loss of sensitive or special-status wildlife species and their habitat (including CTS critical habitat), loss of migratory birds, or conflict with local plans or policies protecting biological resources. The Proposed Actions will not contribute to cumulative impacts to biological resources.

Air Quality

As shown in Table 3-4 of Final EA/IS-10-045, project emissions of nitrogen oxides and reactive organic gases do not exceed thresholds established by the San Joaquin Valley Air Pollution Control District. Carbon monoxide (CO) and particulate matter (PM₁₀) emissions are considered local pollutants, due to the rapid rate at which these pollutants disperse. Due to the distance of the nearest sensitive receptor (approximately 550 feet) to the pipeline alignment, the project will not expose sensitive receptors to high cumulative concentrations of CO and PM₁₀.

Global Climate

GHG impacts are considered cumulative impacts; however, as discussed in Section 3.7.6, the estimated annual carbon dioxide equivalent emissions required to construct the proposed pipeline will be 144.83 tons (131.80 metric tons) per year, which is well below the 25,000 metric tons per year threshold for reporting GHG emissions. As a result, the Proposed Action is not expected to contribute cumulative significant impacts to global climate change

CVP water allocations are made dependent on hydrologic conditions and environmental requirements. Since Reclamation operations and allocations are flexible, any changes in hydrologic conditions due to global climate change will be addressed within Reclamation's operation flexibility and therefore water resource changes due to climate change will be the same with or without the Proposed Action.

Other Resources

As the Proposed Action will not result in any direct or indirect impacts on land use, cultural resources, Indian Sacred Sites, ITA, economically disadvantage or minority populations, or socioeconomic resources, it will not contribute cumulatively to impacts on these resources.