RECLAMATION

Managing Water in the West

Final Environmental Assessment

Acquisition of Land from John Hubbell, et al. (Hubbell Property), San Justo Reservoir, San Felipe Division, Central Valley Project, CA

EA-06-141

U.S. Department of the Interior
Bureau of Reclamation
Mid Pacific Region
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List of Acronyms, Abbreviations, and Definition of Terms

AF/yr	acre-feet per year
CDFG	California Department of Fish and Game
CNDDB	California Native Diversity Data Base
CVP	Central Valley Project
DOI	Department of Interior
ESA	Endangered Species Act
FWCA	Fish and Wildlife Coordination Act
ITAs	Indian Trust Assets
M&I	Municipal and Industrial
Reclamation	Bureau of Reclamation
SBCWD	San Benito County Water District
USFWS	U.S. Fish and Wildlife Service

Section 1 Purpose and Need for Action

1.1 Background

The Bureau of Reclamation (Reclamation) proposes to purchase a 41.56-acre parcel of land from an adjacent land owner. This parcel of land is susceptible to landslides due to seepage from the San Justo Reservoir. The property proposed for purchase is located near San Justo Reservoir in San Benito County, California and can be located on the Hollister 7.5 Minute Topographic USGS Quadrangle in Township 13 S, Range 5 E, APN 021-140-31 (Figures 1 and 2).

1.2 Purpose and Need

Reclamation proposes to purchase a 41.56-acre parcel of land from an adjacent land owner. The purpose of the land purchase is to compensate the landowner for the loss of the land use. The loss of land use is due to landslides (Figures 3 and 4) on landowners' property caused by the seepage of water from San Justo Reservoir. The San Justo Reservoir is federally owned and managed by Reclamation.

Section 2 Alternatives Including Proposed Action

2.1 Alternative A – No Action

Reclamation would not purchase land from an adjacent land owner west of the San Justo dike. John Hubbell, et al would continue ownership. Landowner would not be able to use land for grazing or homesites. Litigation for seepage and landslide problems on private land to the west of the San Justo dike would likely not be avoided.

2.2 Alternative B - Proposed Action

Reclamation proposes to purchase, in fee title at fair market value, a 41.56-acre parcel of land from the adjacent land owner, John Hubbell, et al. The land is situated in San Benito County, state of California, Hollister Quad, Township 13 S., Range 5 E., APN 021-140-31. This alternative does not involve construction of new facilities, alterations to any existing facilities, or alterations to maintenance schedules and operational procedures.

Prior to approval, Reclamation must request funding from Congress to purchase the land. Congress must then appropriate these funds. Funds would become part of Reclamation's Tracy Office's budget. The cost of the land purchase to the Tracy Office would be reflected in the San Benito County Water District and Santa Clara Valley Water District water rates. San Benito County Water District and Santa Clara Valley Water District are part of the San Felipe Division. Currently, all capital costs for the San Felipe Division are pooled.

Figure 1 Hubbell Property, parcel No. APN 021-140-31

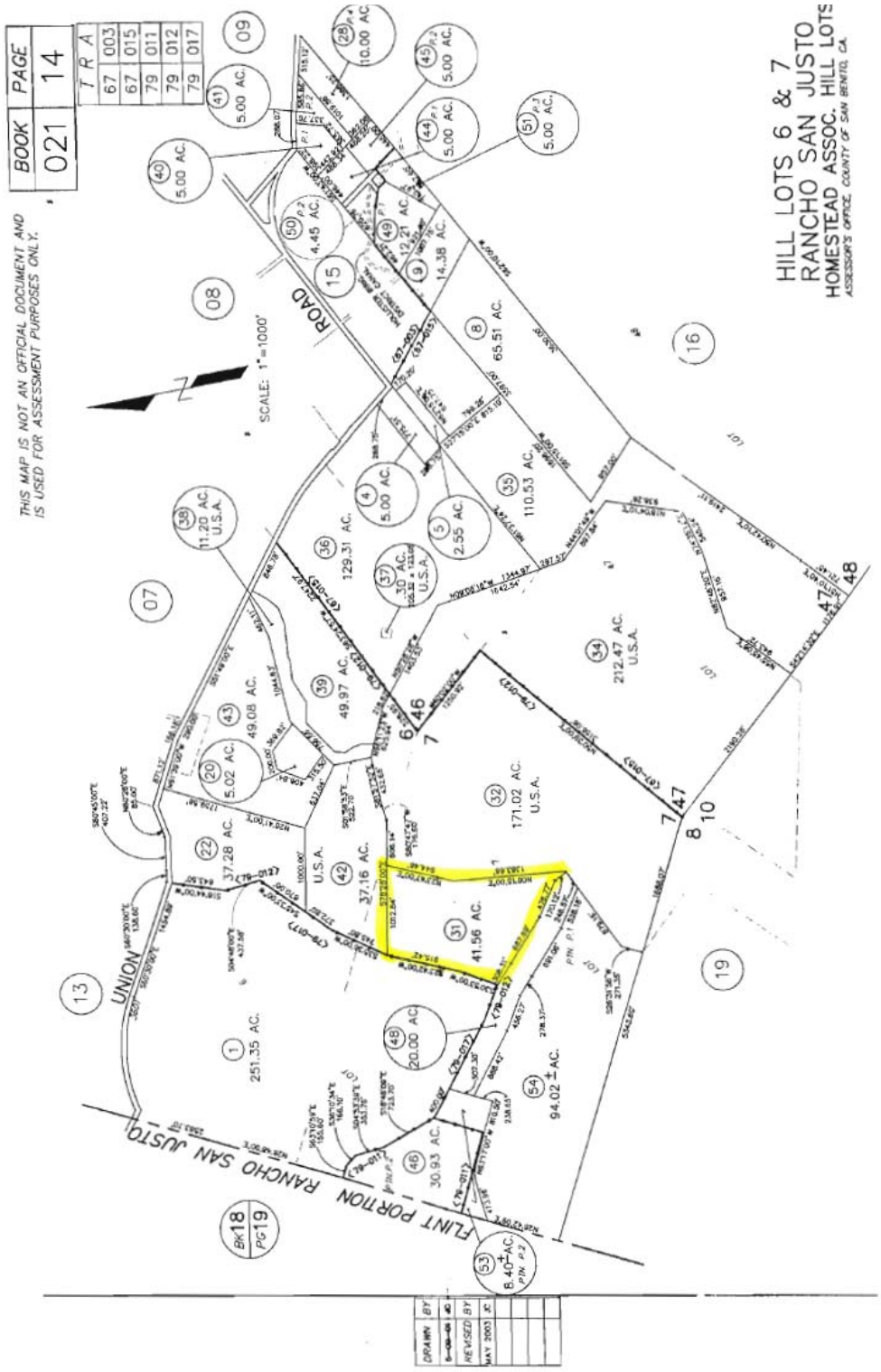

Figure 2 Ranch San Justo Hill Lots

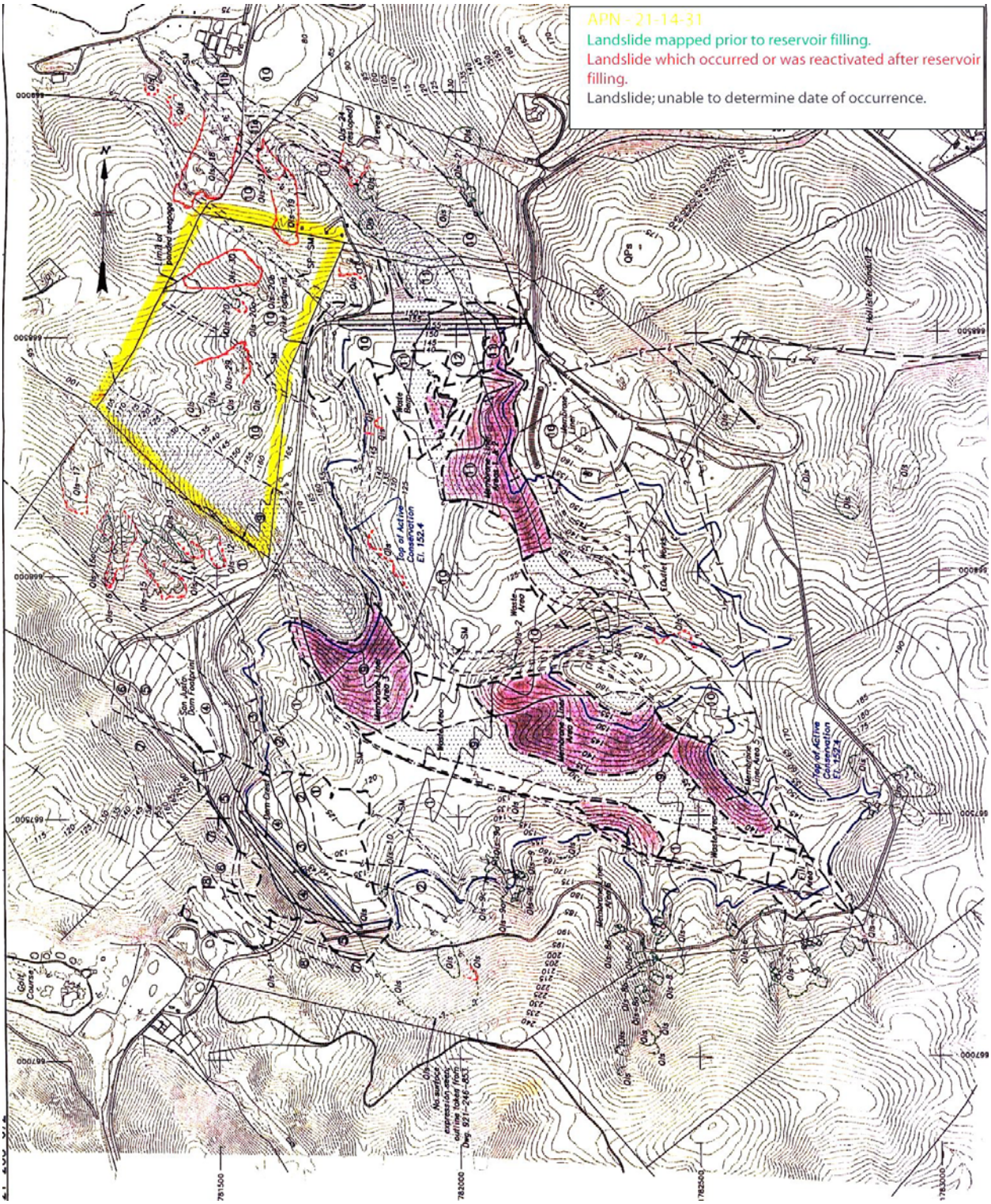

Figure 3 San Justo Dam, Location of Landslides (from drawing No. 921-208-672)

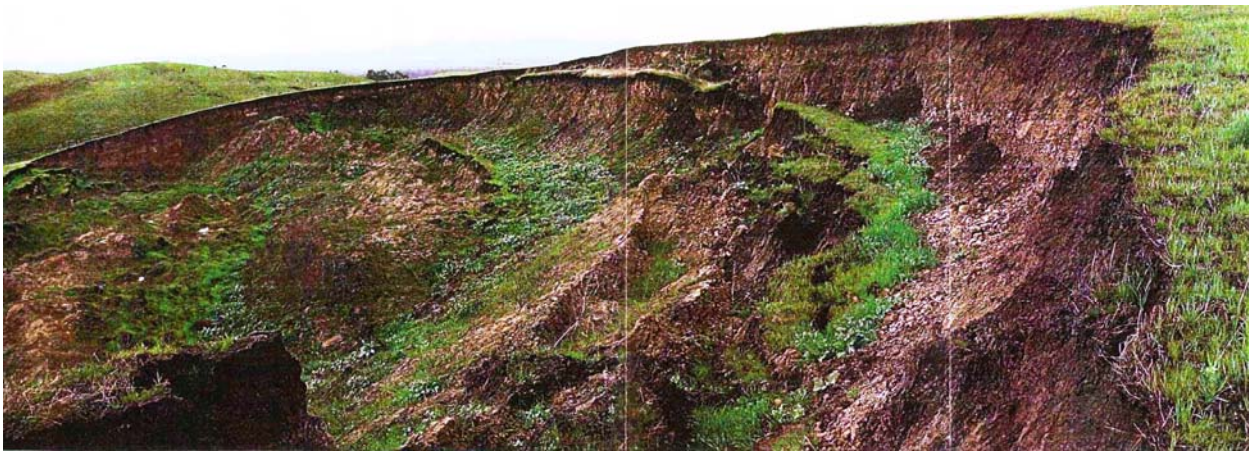

Figure 4 Landslide damage to private property

2.3 Alternatives Eliminated From Further Study

A series of alternatives to address the seepage and landslides were developed by Reclamation and evaluated by technical staff. Those alternatives are described below (Reclamation 2005):

Alternative	Probability of Success	Comments
Partial Geomembrane Liner	Likely	High cost. Easy to construct. Most likely to minimize or eliminate seepage through reservoir rim if all seepage ingress points are identified and covered.
Full Geomembrane Liner	Very Likely	High cost. Easy to construct. Most likely to minimize or eliminate seepage through reservoir rim.
Partial Impervious Earthfill Liner	Unlikely	High cost. Not very effective in eliminating seepage based on previous Reclamation experience.
Chemical Liner	Unknown	Low cost. Long-term effects unknown. Has not been used by Reclamation in this type of application.
Interceptor Wells	Unlikely	Low cost even considering pumping costs over 50-year period. Existing wells installed in unit 11 have been very successful in capturing seepage. May be more difficult to locate sand units where seepage is occurring in

		unit 10 (require more field investigations).
Cutoff Wall	Unlikely	High cost. No positive seepage cutoff. May not be feasible due to depth required.
Permanent Reservoir Restriction	Very Likely	Low cost. May seriously impact water delivery capability.

It could take several years to acquire the appropriate funding to complete seepage remediation projects. The landslides in the area would continue and the existing landowner would not be able to use the land to pay taxes or for economical gain. Any seepage remediation projects would be separate actions and would undergo separate environmental reviews and analysis prior to approvals.

Section 3 Affected Environment & Environmental Consequences

3.1 Water Resources

3.1.1 Affected Environment

Water supply in northern San Benito County for agricultural and municipal and industrial (M&I) uses is received from local groundwater, local surface water, and surface water purchased from Reclamation's Central Valley Project (CVP) and imported to the County via the San Felipe project. Local surface water contributes to water supply in the form of water that percolates in stream channels and through soils to groundwater. The San Justo Reservoir capacity is 10,308 acre-feet.

San Benito County has a contract for a total supply of 35,550 acre-feet per year (AF/yr) for agricultural uses and 8,250 AF/yr for M&I supplies. San Benito County Water District imports surface water under contract to Reclamation via the San Felipe Unit of the federal CVP. This water is imported from San Luis Reservoir through the Pacheco Tunnel, the Pacheco Conduit and the Hollister Conduit. The Hollister Conduit terminates at San Justo Reservoir. San Justo Reservoir is used to store and manage imported water distributed from approximately 120 miles of pressurized pipeline laterals (San Benito County Water District 2003).

San Justo Dam forms the reservoir and is a 146-foot high earthfill structure located about 3 miles southwest of Hollister with a crest length of 1,105 feet long. These features form a reservoir with a 10,308 acre-foot capacity.

San Justo Reservoir was completed in January 1986 and serves as an offstream storage facility. Water from Hollister Conduit is stored in the reservoir and is released during the winter months (U.S. Bureau of Reclamation 2007).

To control seepage, Reclamation installed a 40-millimeter-thick, high-density, polyethylene membrane liner in the reservoir which was covered with earthfill to protect it against damage. The construction of the reservoir was finished by September 1986; the first filling began in 1987.

After the initial filling of San Justo Reservoir, seepage was observed in 1988 exiting from a hillside approximately 200 feet downstream from the dike causing saturation of soil and landslides on private land to the north of the dike and onto munitions plant property owned by Teledye (now Pacific Scientific).

Following the seepage discovery, a filter/drainage blanket with interior drainpipes (horizontal drains) was installed to collect and contain the seepage flow. Four interceptor wells and a pumpback system were installed in 1989 to intercept the seepage and to pump it back to the reservoir. The interceptor wells and pumpback system managed the seepage adequately for the first few years; however, in 1997, the San Benito County Water District (SBCWD) began keeping the reservoir full year-round, rather than letting it fluctuate seasonally. This resulted in more seepage and landslides on the lands to the north and northwest of the reservoir from a different sand unit. The interceptor wells and pump back system only manages the seepage in the original (1988) slide areas.

The groundwater storage capacity of the San Benito County portion of the Gilroy-Hollister Groundwater Basin is approximately 500,000 AF/yr within 200 feet of the ground surface (San Benito County Water District 2003).

3.1.2 Environmental Consequences

No Action

Reclamation would not purchase land from the adjacent land owner. John Hubbell, et al would continue ownership. Because no changes to current operations would occur, no adverse impacts to surface water resources would occur with this alternative.

Proposed Action

Under the proposed action, Reclamation would purchase in fee title at fair market value a 41.56-acre parcel of land from an adjacent land owner. The Proposed Action would not alter any CVP or San Benito County Water District (SBCWD) entitlement or impede any obligations to deliver water to SBCWD, fish, or wildlife purposes. The proposed action is strictly administrative in nature. Therefore, the land acquisition would not result in substantial effects to surface water resources.

Cumulative Effects

A cumulative impact is an impact that results from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes with such actions. Cumulative impacts can result from individually minor, but collectively significant actions taking place over a period of time (40 CFR 1508.7). The proposed action to purchase the 41.56-acre parcel of land from an adjacent land owner would not change operations, overall water supplies or water service obligations. Therefore, the proposed action would not contribute to cumulative impacts on surface water quality or quantity when considered with other past, present, or reasonably foreseeable future actions.

3.2 Land Use

3.2.1 Affected Environment

The project area is dominated by agriculture and grassland. Development in the surrounding area has occurred recently as discussed in the Socio-economic Section below.

No Action

Reclamation would not purchase land from the adjacent land owner. John Hubbell, et al would continue ownership. The landslides on the property would continue to make land unavailable for grazing or homesites. In its existing state, the land (APN 021-140-31) has become incapable of being reasonably beneficial to the landowner. Future land use and actions on this parcel are not known at this time.

Proposed Action

Under the proposed action, Reclamation would own title to 41.56 acres adjacent to San Justo Dam. The land would continue to be unmanaged and would not be included in the San Justo Reservoir park boundary. No new facilities would be constructed; existing facilities would not be modified. The proposed action would not result in increased or decreased water supplies to SBCWD that would induce growth or land use changes. The landslides on the property would continue to make land unavailable for grazing and homesites. No changes to land use would occur. The proposed action would be strictly administrative in nature. Therefore, the land acquisition would not result in substantial effects to land resources or use in the SBCWD.

As in the No Action alternative, landslides in the area would continue. There may be seepage remediation in the future; however, details of such remediation are not known at this time. Any future remediation would require additional environmental review.

Cumulative Effects

The landslides would continue on the property. Future land use and actions on this parcel are not known at this time. As mentioned previously, any future changes would require additional environmental review. The purchase of the land does not result in changes to conditions of this land. Since no changes would occur to existing conditions, the change in ownership of the land would not contribute to cumulative impacts on land use.

3.3 Biological Resources

3.3.1 Affected Environment

The subject parcel is dominated by grassland habitat and is subject to landslides due to seepage from the nearby reservoir. Grassland habitat in this area is characterized primarily by introduced annual grasses and introduced and native annual forbs. The parcel is also characterized, in part, by an area with soil slumping, which has presumably resulted from subsoil seepage. A pond does not currently exist on the parcel; however, it has been reported that a pond of less than ½ acre might develop with seepage from San Justo Reservoir. The toe of the landslide on the parcel was revisited on February 14, 2007 and seepage was present (Figure 5). Approximately 4,000 square feet of area at the toe of the landslide was saturated. The saturated area was a semi-liquid mixture of water, soil, silt, and clay (Figure 6). Residual matter from standing cattails

(*Typha* sp.) covered an undetermined portion of the saturated area (Figure 7), suggesting that sufficient moisture was present to support cattail growth.

The boundary of the subject property is approximately 1/2 mile from a pond located near the base of San Justo Dam, known as the "frog pond." This pond is known to harbor California red-legged frog, a threatened species (USFWS 2004). Additionally, California tiger salamander has been recorded approximately 2/3 mile from the subject property boundary (CNDDB 2006). The home range for San Joaquin kit fox (SJKF; *Vulpes macrotis mutica*) includes the property, but the nearest record in the California Natural Diversity Database identified for this species is approximately 5½ air miles away, and dated from 1992 (CNDDB 2006). Additional records for SJKF exist farther north, east and south of the site, but not immediately west of the town of Hollister, California and near San Justo Reservoir (CNDDB 2006). The Endangered Species Recovery Program has identified records of SJKF at about the same or greater distances and from the site, with the nearest record approximately 5 air miles from the site, and dating to 1972. Federally listed plants are not known to occur in the immediate area or on the parcel and the parcel does not include designated critical habitat.

The parcel is within the dispersal range of California tiger salamander (CTS; *Ambystoma californiense*) and may provide habitat for this species. Additionally, California red-legged frog (CRLF; *Rana aurora draytonii*), a species which inhabits the "frog pond, also may use the parcel, particularly when dispersing during the breeding season. SJKF also could travel across the parcel and forage in the grassland habitat. SJKF is probably less likely to occur on the parcel compared with CTS and CRLF, based on recent records and the fact that the property is near the edge of SJKF range.

Presently, the San Justo Reservoir is operated, and has been operated for some time, at a lowered pool level to reduce seepage and prevent further slumping. The baseline condition thus includes operation of the reservoir at the reduced level, and no pond on the parcel. Changes that might affect this condition and listed species would require further environmental review. For example, if water levels at the reservoir are increased in the future, and as a consequence of seepage a pond is formed on the parcel that attracts listed species (e.g., California tiger salamander, California red-legged frog) that then colonize the pond, this or other actions (such as lowering the reservoir) might affect the listed species and would require further environmental review.

3.3.2 Environmental Consequences

No Action

Reclamation would not purchase land from an adjacent land owner. John Hubbell, et al would continue ownership. The landslides on the property would continue to make land unavailable for grazing and homesites.

Proposed Action

Purchase of the property by Reclamation is an administrative action and management of the property would not change following acquisition. The land currently is unmanaged. Because no change would occur to management of the property following acquisition, the action would not affect biological resources including listed species or critical habitat. However, if management of the parcel is to be changed, further environmental review for potential effects under the Endangered Species Act would be required.

Cumulative Effects

Future land use and actions on this parcel are not known at this time. The parcel of land would continue to be susceptible to landslides due to seepage from San Justo Reservoir. The change in ownership of this parcel would not change existing habitat or foraging opportunities for biological resources in the area. Therefore, the proposed action would not contribute to cumulative impacts to biological resources. If management of the parcel is to be changed, further environmental review for potential effects under the Endangered Species Act would be required.

Figure 5 Section of seepage area

Figure 6 Semi-liquid mixture of water, soil, silt, and clay

Figure 7 Residual matter from standing cattails

3.4 Recreation

3.4.1 Affected Environment

The San Justo Dam and Reservoir are features of the San Felipe Project. The reservoir is approximately 3 miles southwest of Hollister, California. The San Justo Reservoir park offers recreation to anglers, boaters, windsurfers, picnickers, and mountain bikers. The California Department of Fish and Game regularly stocks the lake with trout (San Benito County 2007).

No Action

Reclamation would not purchase land from an adjacent land owner. John Hubbell, et al. would continue ownership. No changes to current operations would occur.

Proposed Action

The proposed alternative would be an administrative action only and, as such, there would be no changes to current operations of the reservoir or lands. The purchase of the land would not result in major impacts to recreation or recreational resources. It would not interfere with recreational opportunities at San Justo Reservoir.

Cumulative Effects
If approved, Reclamation would own this land. However, access to the land for recreational opportunities would be restricted to the existing San Justo Reservoir park boundaries. Reclamation would post "No Trespassing" signs on the boundaries. The proposed action to purchase land from an adjacent land owner would not contribute to cumulative impacts on recreation when considered with other past, present, or reasonably foreseeable future actions.

3.5 Aesthetics

3.5.1 Affected Environment

According to the U.S. Department of Transportation (1988), "Aesthetics is the science or philosophy concerned with the quality of visual experience." When considering visual experience, you need to consider both the visual resources and the viewer response which is affected by the viewer location, activity, and values.

San Benito County covers approximately 1,396 square miles ranging in elevation from near sea level to over 5,000 feet. It is bordered to the north by Santa Clara and Santa Cruz counties, Merced and Fresno counties to the east, and Monterey County on the west and south. Hollister is the county seat. It has a temperate year-round climate with a striking variety of landscapes. Its nearness to the San Francisco Bay area provides many recreational, educational and cultural opportunities (San Benito County 2007).

The affected parcel, APN 021-140-31, viewscape would be rolling hills of grassland.

3.5.2 Environmental Consequences

No Action
Reclamation would not purchase land from an adjacent land owner. John Hubbell, et al would continue ownership. Landslides would continue to occur.

Proposed Action
The proposed alternative would be an administrative action only and, as such, there would be no changes or impacts to aesthetics resulting from the purchase. The proposed project does not involve the construction of new facilities or modification of existing infrastructure. All operations and maintenance activities would continue under existing conditions. As in the no action alternative, landslides would continue to occur. Future land use and actions on this parcel are not known at this time. Any future changes would require additional environmental review.

Cumulative Effects
The proposed action to purchase land from an adjacent land owner would not contribute to cumulative impacts on aesthetics when considered with other past, present, or reasonably foreseeable future actions. Landslides would continue to occur. Future land use and actions on this parcel are not known at this time. As mentioned previously, any future changes would require additional environmental review.

3.6 Soils and Geology

3.6.1 Affected Environment

The San Justo Dam and Reservoir are located near the center of the Coast Ranges Province of California. The province is characterized by north-west-tending valleys and mountain ranges formed along major faults. Uplifted, pre-Cenozoic "basement" rock, comprising a series of narrow v-shaped canyons and ridges flanked by rolling foothills, shape the mountain ranges. The Franciscan Assemblage and the Great Valley Sequence lie beneath the Diablo Range to the east. To the west, the granitic Sur Series, where "basement" rock is partially blanketed by Cenozoic sedimentary rock, lie beneath the Gabilan Range. East and south of Hollister, the Diablo Range and the Gabilan Range are capped by Mesozoic volcanic flows. The valleys are filled with Cenozoic marine and nonmarine sediments. Pliocene lakebed sediments are common below elevation 122 meters in the valleys east of the San Andreas Rift Zone.

The dam and reservoir sites are located within the eastern foothills of the Gabilan Range. In this area, the foothills are underlain by unhardened, compact sediments believed to be of Pliocene-Pleistocene age (Reclamation 2007).

Prior to reservoir construction, landslides had occurred in the vicinity due to high water tables, soil types, and sloping hillsides. However, this parcel of land was adequate to support grazing prior to constructing the reservoir. The seepage from the reservoir along the sand layers is a prime factor in the growth of the landslides on the Hubbell property. Presently, the property has so many landslides of noteworthy size that it could not support grazing. It is not known whether the land could have been used as a homesite prior to filling of the reservoir. San Benito County would require a geotechnical report to determine the suitability of the site if a homesite(s) was proposed. John Hubbell et al., the landowners west of the dike, are willing sellers of the land to Reclamation (Reclamation 2005).

Reclamation completed its 2003 San Justo Dam seepage and landslides geologic report and determined that seepage from the reservoir along the sand layers is contributing to the landslides in the area and increasing the risk of additional landslides.

3.6.2 Environmental Consequences

No Action

Reclamation would not purchase land from an adjacent land owner. The parcel of land would continue to be susceptible to landslides due to seepage from San Justo Reservoir.

Proposed Action

Under the proposed action, Reclamation would own title adjacent to San Justo Dam. There would not be new facilities constructed; existing facilities would not be modified. The proposed action would be strictly administrative in nature. Therefore, the change in ownership would not result in adverse impacts on soils and geology. In addition, because no new facilities would be constructed with this project, no discussion of seismic hazards or Alquist-Priolo Act compliance is warranted. There may be some seepage remediation in the future; however, it is not known at this time what remedies would occur. Seepage remediation would be a separate action and would undergo separate environmental review and analysis prior to approval.

Cumulative Effects
Earthquake shaking may make landslides in the area more mobile. Because of the large seismic loads, the possibility of accelerated movement of landslides after an earthquake has been discussed over the past several years. Large, rapid moving slides are not common in cohesive materials and no case histories were found to support the idea that this landslide would become a rapid debris flow, even under earthquake loading. Furthermore, highly mobile landslides were not observed following the Loma Prieta earthquake of October 17, 1989 that was strongly felt at San Justo Reservoir.

Per email dated February 9, 2007 from Reclamation's Civil Engineer (L. Partridge), the landslides have been evaluated by appropriate staff from the Technical Support Center and have determined that there is no immediate threat to the dam. Any continued movement of the land and backward erosion of the sand layers to the reservoir would take a long time. Intervention would occur early enough in the process to prevent a breach of the reservoir. The Technical Support Center (through its contractor) also reviewed the potential for liquefaction and determined that it is unlikely that landslide material would liquefy. Sudden movement of mass in not expected.

The change in ownership does not change existing conditions and would not contribute to cumulative impacts on soils and geology when considered with other past, present, or reasonably foreseeable future actions. However, landslides would continue to occur with or without the land purchase. There may be some seepage remediation in the future; however, the details of such remediation are not known at this time. Any future seepage remediation would require additional environmental review.

3.7 Cultural Resources

3.7.1 Affected Environment

San Justo Dam is located about 3 miles southwest of Hollister. Evidence suggests that the Ausayma Indians dwelt in the Hollister vicinity since 5,000 B.C. Generally, they were divided among "tribelets" occupying villages of less than 200 people. Communities likely occupied sites along Santa Ana Creek east of Hollister and San Benito River. Ausaymas were exclusively hunter-gatherers. The tribal community was subsistence-based. In 1868, 50 farmers formed the San Justo Homestead Association and purchased 21,000 acres of land from sheep rancher, Colonel William Hollister. Land was subdivided to homesteads and set aside 100 acres for a town site. Hollister was voted by the association as the city name. After the city was incorporated it became the seat of government for the newly-formed San Benito County in 1874. (Hollister 2005)

3.7.2 Environmental Consequences

No Action
Reclamation would not purchase land from an adjacent land owner. John Hubbell, et al would continue ownership. Landslides in the area would continue. Because no changes to current operations or conditions would occur, no impacts to cultural resources would occur with this alternative.

Proposed Action
The purchasing of land from private to Federal ownership is an administrative action and is not the type of action that has the potential to affect historic properties or cultural resources.

Cumulative Effects
The change in ownership has no known cumulative effects on cultural resources.

3.8 Indian Trust Assets

3.8.1 Affected Environment

Indian Trust Assets Indian Trust Assets (ITAs) are legal interests in property held in trust by the U.S. for federally-recognized Indian tribes or individual Indians. An Indian trust has three components: (1) the trustee, (2) the beneficiary, and (3) the trust asset. ITAs can include land, minerals, federally-reserved hunting and fishing rights, federally-reserved water rights, and in-stream flows associated with trust land. Beneficiaries of the Indian trust relationship are federally-recognized Indian tribes with trust land; the U.S. is the trustee. By definition, ITAs cannot be sold, leased, or otherwise encumbered without approval of the U.S. The characterization and application of the U.S. trust relationship have been defined by case law that interprets Congressional acts, executive orders, and historic treaty provisions.

Consistent with President William J. Clinton's 1994 memorandum, "Government-to-Government Relations with Native American Tribal Governments," Bureau of Reclamation (Reclamation) assesses the effect of its programs on tribal trust resources and federally-recognized tribal governments. Reclamation is tasked to actively engage federally-recognized tribal governments and consult with such tribes on government-to-government level (59 Federal Register 1994) when its actions affect ITAs.

The U.S. Department of the Interior (DOI) Departmental Manual Part 512.2 ascribes the responsibility for ensuring protection of ITAs to the heads of bureaus and offices (DOI 1995). Part 512, Chapter 2 of the Departmental Manual states that it is the policy of the Department of the Interior to recognize and fulfill its legal obligations to identify, protect, and conserve the trust resources of federally recognized Indian tribes and tribal members. All bureaus are responsible for, among other things, identifying any impact of their plans, projects, programs or activities on ITAs; ensuring that potential impacts are explicitly addressed in planning, decision, and operational documents; and consulting with recognized tribes who may be affected by proposed activities. Consistent with this, Reclamation's Indian trust policy states that Reclamation will carry out its activities in a manner which protects ITAs and avoids adverse impacts when possible, or provides appropriate mitigation or compensation when it is not. To carry out this policy, Reclamation incorporated procedures into its NEPA compliance procedures to require evaluation of the potential effects of its proposed actions on trust assets (Reclamation 1993). Reclamation is responsible for assessing whether the proposed project has the potential to affect ITAs. Reclamation will comply with procedures contained in Departmental Manual Part 512.2, guidelines, which protect ITAs.

3.8.2 Environmental Consequences

No Action
The No Action alternative would not affect Indian Trust Assets (ITAs).

Proposed Action
There are no ITAs affected by this proposed project. The nearest ITA is approximately 8.9 miles south/southeast of the proposed action and it is a Public Domain Allotment.

Cumulative Effects
The proposed action is the same as the no action. It does not lead to additional projects and would not contribute to cumulative effects on ITAs.

3.9 Socioeconomic Resources

3.9.1 Affected Environment

According to the City of Hollister, in the past 10 years, population increased by nearly 80%, from 19,212 residents in 1990 to 34,314 in 2000, at an annual growth rate of 6%. During that same period, the number of housing units increased by nearly 60% (City of Hollister 2005).

In the land's existing state, the land (APN 21-14-31) has become incapable of being reasonably beneficial to the landowner. Hubbell, et al own approximately 88 acres of other lands in the vicinity.

3.9.2 Environmental Consequences

No Action
Reclamation would not purchase land from an adjacent land owner. John Hubbell, et al would continue ownership. The landslides would continue and cause the land to be non-functioning for grazing or homesites. The land (APN 21-14-31) would not be reasonably beneficial to the landowner. The existing landowner would not be able to use his land to offset the property taxes or for economical gain. The no action could result in more money involved if a lawsuit were to ensue.

Proposed Action
Under the proposed action, Reclamation would own title to 41.56 acres adjacent to San Justo Dam. No new facilities would be constructed, nor would existing facilities be modified. The proposed action would be strictly administrative in nature. The Proposed Action would provide a slight benefit by avoiding a costly lawsuit compared to the No Action alternative. Therefore, the Title Transfer would not result in adverse impacts on socioeconomic resources with this alternative. San Benito County would no longer receive revenue from property taxes on this land since the Federal Government cannot be taxed by states or counties. The lack of property tax on this small parcel of land that is zoned for *agriculture* would not result in major losses of revenue for the County.

Cumulative Effects
The proposed action to purchase a 41.56-acre parcel of land from an adjacent land owner has no known adverse cumulative impacts on socioeconomic resources when considered with other past, present, or reasonably foreseeable future actions. Reclamation would purchase the land at fair market price for the loss of this land to compensate Hubbell, et al. for the loss.

3.10 Environmental Justice

3.10.1 Affected Environment

Environmental justice refers to the fair treatment of peoples of all races, income levels, and cultures with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment implies that no person or group of people should shoulder a disproportionate share of negative impacts resulting from the execution of federal programs.

Executive Order 12898, dated February 11, 1994, establishes the achievement of environmental justice as a federal agency priority. The memorandum accompanying the order directs heads of departments and agencies to analyze the environmental effects of federal actions, including human health, economic, and social effects when required by the National Environmental Policy Act, and to address significant and adverse effects on minority and low-income communities.

General population demographic characteristics of the area based on U.S. Census data (Table 2) is listed below (U.S. Census 2000).

Table 1 Census 2000 Demographic Profile Highlights

Race	Number	%
White	20,341	59.1
Black or African American	469	1.4
American Indian and Alaska Native	390	1.1
Asian	965	2.8
Native Hawaiian and Other Pacific Islander	63	0.2
Two or more races	1,873	5.4
Hispanic or Latino (of any race)	18,949	55.1
Household population	34,242	99.5
Group quarters population	171	0.5
Average household size	3.52	(X)
Average family size	3.82	(X)
Total housing units	9,924	
Occupied housing units	9,716	97.9
Owner-occupied housing units	6,506	67.0
Renter-occupied housing units	3,210	33.0
Vacant housing units	208	2.1
Median family income	57,494	
Families below poverty level		6.9

3.10.2 Environmental Consequences

No Action

Reclamation would not purchase land from an adjacent land owner. John Hubbell, et al would continue ownership. Landslides would continue. Landslides have caused the land to be non-functional for grazing and homesites. Future land use is unknown.

Proposed Action

The proposed project does not involve the construction of new facilities or modification of existing infrastructure; no adverse impacts to minority or disadvantaged populations would occur.

Cumulative Effects

The proposed action to purchase in fee title at fair market value a 41.56-acre parcel of land from an adjacent land owner is an administrative action and would not contribute to cumulative impacts on environmental justice when considered with other past, present, or reasonably foreseeable future actions. Future land use and actions on this parcel are not known at this time. Any future changes would require additional environmental review.

Section 4 Consultation and Coordination

4.1 Fish and Wildlife Coordination Act (16 USC. 651 et seq.)

The Fish and Wildlife Coordination Act (FWCA) requires that Reclamation consult with fish and wildlife agencies (federal and state) on all water development projects that could affect biological resources. The implementation of the CVPIA has been jointly analyzed by Reclamation and the USFWS and is being jointly implemented. The Proposed Action does not involve construction projects. Therefore, the FWCA does not apply.

4.2 Endangered Species Act (16 USC. 1521 et seq.)

Section 7 of the Endangered Species Act (ESA) requires federal agencies, in consultation with the Secretary of the Interior, to ensure that their actions do not jeopardize the continued existence of federally endangered or threatened species, or result in the destruction or adverse modification of the critical habitat of these species. Purchase of the property by Reclamation is an administrative action and management of the property would not change following acquisition. The land currently is unmanaged. Because no change would occur to management of the property following acquisition, the action would not affect biological resources including listed species or critical habitat. Therefore, no consultation is required under the ESA.

Consultation with the National Oceanographic and Atmospheric Administration would not be required as the proposed action would not affect anadromous salmonids.

4.3 National Historic Preservation Act (15 USC 470 et seq.)

Section 106 of the National Historic Preservation Act requires federal agencies to evaluate the effects of federal undertakings on historical, archaeological and cultural resources. Due to the nature of the Proposed Action, there would be no effect on any historical, archaeological or cultural resources, and no further compliance actions are required.

4.4 Migratory Bird Treaty Act (16 USC Sec. 703 et seq.)

The Migratory Bird Treaty Act implements various treaties and conventions between the U.S. and Canada, Japan, Mexico and the former Soviet Union for the protection of migratory birds. Unless permitted by regulations, the Act provides that it is unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not. Subject to limitations in the Act, the Secretary of the Interior (Secretary) may adopt regulations determining the extent to which, if at all, hunting, taking, capturing, killing, possessing, selling, purchasing, shipping, transporting or exporting of any migratory bird, part, nest or egg will be allowed, having regard for temperature zones, distribution, abundance, economic value, breeding habits and migratory flight patterns.

The Proposed Action would have no effect on birds protected by the Migratory Bird Treaty Act.

4.5 Executive Order 11988 – Floodplain Management and Executive Order 11990 - Protection of Wetlands

Executive Order 11988 requires Federal agencies to prepare floodplain assessments for actions located within or affecting flood plains, and similarly, Executive Order 11990 places similar requirements for actions in wetlands. The change in ownership would not affect either concern.

Section 5 Environmental Commitments

Reclamation would post “No Trespassing” signs along the boundary of the property to restrict public access.

Section 6 List of Preparers and Reviewers

Patti Clinton, Natural Resource Specialist, SCCAO
Lynne Silva, Environmental Protection Specialist, SCCAO
Laura Myers, Natural Resource Specialist, SCCAO
Ned Gruenhagen, Wildlife Biologist, SCCAO]
Adam Nickels -Archaeologist – Mid Pacific Region
Patricia Riveria, Indian Trust Representative, Mid Pacific Region

Section 7 References

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