

RECLAMATION

Managing Water in the West

DRAFT FINDING OF NO SIGNIFICANT IMPACT

County Service Area 34 Winchell Cove Pipeline Project

FONSI-10-045

Recommended by:

Date: _____
Michael Inthavong
Natural Resources Specialist
South-Central California Area Office

Concurred by:

Date: _____
Chuck Siek
Supervisory Natural Resources Specialist
South-Central California Area Office

Concurred by:

Date: _____
Randy English
Chief, Resources Management Division
South-Central California Area Office

Approved by:

Date: _____
Laura Myers
Deputy Area Manager
South-Central California Area Office



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 Draft Finding of No Significant Impact (FONSI) is supported by Reclamation's Draft 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 Draft 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 intends to provide the public with an opportunity to comment on the Draft EA/IS and Draft FONSI during a 30-day review period.

Concurrently and through the State Clearing House, the County intends to provide the Draft EA/IS available for public comments in accordance with the CEQA.

Background / Proposed Action

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.

The County is proposing to install a new pipeline parallel to the existing pipeline, which will keep flow velocities at a level that would not cause excessive pipe wear, head loss, or water hammer in the system. The new pipeline will require Reclamation to issue a license agreement with 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.

Findings

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:

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 BMP 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 below and presented in Section 3.1.3 in the Draft 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)

Reclamation is not required to analyze affected species protected by CESA; however, since the Draft 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] hammondii*).

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. 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. Recommended mitigation measures as outlined in Table 1 below and presented in Section 3.3.3 in the Draft EA/IS 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)

Under the MBTA, Reclamation has made the determination that the Proposed Action will have no effect on protected species. This determination is based on environmental protection measures summarized in Table 1 and the following:

Swainson's Hawk and other Potential Birds Construction activities can potentially result in disturbance of potential 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. Recommended mitigation measures will minimize the potential for disruption of Swainson's hawks through identification and avoidance of active nests. 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 Action have the potential to 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. The California Department of Fish and Game considers loss of greater than five acres of foraging habitat to be significant. The Proposed Actions 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. Recommended mitigation measures will minimize the potential for disruption of active nests through identification and avoidance.

Therefore, the Proposed Action will have no significant impact to birds protected by 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*) critical habitat, and may adversely affect California tiger salamander (CTS - *Ambystoma californiense*) and CTS critical habitat.

California Tiger Salamander 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. The Proposed Action may affect and is likely to adversely affect CTS. To compensate for take of CTS, before construction activities within the nonnative annual grassland areas of the Proposed Action site, three preservation credits will be obtained from a United States Fish and Wildlife Service (USFWS) approved conservation bank for every acre of upland habitat temporarily impacted. The expansion of permanent habitat at a three-to-one ratio for CTS via the purchase of preservation credits will off-set the temporary loss of micro-habitat within the Proposed Action area. Therefore, the preservation of 0.51 acres of suitable habitat will compensate for any adverse effects to this species. Reclamation is currently in formal consultation with the USFWS and is seeking concurrence on this determination.

California Tiger Salamander Critical Habitat Approximately 1.14 acres of the Proposed Action area lies within designated critical habitat Unit 2 (Southern San Joaquin Region) for CTS. Critical habitat Unit 2 comprises a total of 4,960.5 acres. The Proposed Action will temporarily disturb 0.023 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. Therefore, critical habitat Unit 2 will not be permanently modified by the Proposed Action. Temporary construction activities associated with the Proposed Action that extend through non-native grassland may adversely affect 0.17 acres of critical habitat for CTS. Before construction activities within the nonnative annual grassland areas of the project, three preservation credits will be obtained from a USFWS-approved conservation bank for every acre of upland habitat temporarily impacted. The expansion of permanent habitat at a three-to-one ratio for CTS via the purchase of preservation credits will off-set the temporary adverse effects to critical habitat within the action area. Reclamation is currently in formal consultation with the USFWS and is seeking concurrence on this determination.

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. Precautionary mitigation measures are recommended to minimize the potential for individuals to be harmed during construction activities. The Proposed Action will result in no significant impact to 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 significant impact to 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 below and presented in Section 3.4.4 of the Draft EA/IS will be implemented. Therefore, the Proposed Action will have no significant impact on cultural resources. Reclamation is currently in the process of consulting with the State Historic Preservation Officer for concurrence on a determination of no historic properties affected, pursuant to 36 CFR Part 800.4(d)(1).

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

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 the Draft EA/IS will further reduce construction-related GHG emissions. The Proposed Action will have no significant impact to the global climate.

Indian Trust Assets (ITA)

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. The pipeline will not require a new or modified easement that will be recorded on tribal trust land. No other ITA are located within the Proposed Action's area of potential effects. Therefore, the Proposed Action will have no significant impact on ITA.

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.

Cumulative Impacts

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. Therefore, the Proposed Action will not contribute significantly to cumulative impacts to water resources.

The proposed pipeline alignment is consistent with the existing zoning, general plans, and land use plans. All ground disturbances will be temporary; therefore, the Proposed Action will not contribute significantly to cumulative impacts to existing land use.

The effects of the Proposed Action 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, loss of migratory birds, or conflict with local plans or policies protecting biological resources. In addition, Mitigation Measures Bio-1 through 6 as outlined in Table 1 below and Section 3.3.3 in the Draft EA/IS will avoid, minimize, and/or mitigate potential effects to biological resources. The Proposed Action will not contribute significantly to cumulative impacts to biological resources.

As there are no known cultural resources recorded within the current area of potential effects, there will be no cumulative impacts to cultural resources as a result of the Proposed Action.

A cumulative air quality analysis considers a project over time and in conjunction with other related past, present, and reasonably foreseeable future projects. The San Joaquin Valley Air Pollution Control District (SJVAPCD) recommends that a project's impact on the ambient concentrations of ozone, particulate matter of size less than 10 microns (PM₁₀), and carbon monoxide (CO) be analyzed in conjunction with other foreseeable projects. Under the SJVAPCD guidelines, a significant cumulative impact will occur if a project exceeds the SJVAPCD thresholds of 10 tons per year of reactive (ROG) or oxides of nitrogen (NO_x). As shown in Table 3-4 in the Draft EA/IS, estimated project emissions of NO_x and ROG do not exceed these thresholds. CO and 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. The Proposed Action will not contribute significantly to cumulative impacts to air quality.

GHG impacts are considered to be cumulative impacts. GHG generated by the Proposed Action is estimated to be 144.83 metric-tons, which is well-below the threshold (25,000 tons/year) magnitude required for reporting. Taking into consideration the implementation of mitigation measures, the Proposed Action will not contribute significantly to cumulative impacts to changes in the global climate.

Since conditions related to socioeconomic resources and environmental justice will not be impacted by the Proposed Action, there will be no cumulative impacts to these resources.

No additional easements are required for the portion of the pipeline being constructed within tribal trust land, construction activities are temporary, and the pipeline will be buried; therefore, the Proposed Action will not contribute significantly to cumulative impacts to ITA. Since no Indian sacred sites will be effected by the Proposed Action, there will be no cumulative impact to this resource.

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, the Applicant will file a Notice of Intent (NOI) with the CVRWQCB and prepare a Stormwater Pollution Protection Plan (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.</p>
Biological Resources	<p>BIO-1: A Biological Opinion with an incidental take statement shall be obtained from the Service and an Incidental Take Permit shall be obtained from the CDFG for impacts to California Tiger Salamander (CTS) prior to construction. All conditions of the statement and permit, including preservation and compensatory measures required by Service and by CDFG, shall be implemented. Future maintenance and operations activities for the Proposed Action shall be covered within the statement and permit. At a minimum, the proposed mitigation measures to be implemented to compensate for take of CTS are listed in Section 3.3.3..</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.</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.</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. 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 <i>U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior To or During Ground Disturbance</i> (2011) (Recommendations) for linear projects as listed in Section 3.3.3.</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.</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 ground-disturbing 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. If the Coroner determines that the human remains are of Native American origin, the</p>

Resource	Protection Measure
	<p>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 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 Public Resources Code, Section 5097.98. Work may resume if 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 Reburial 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 NHPA, Post-Review Discoveries, and 43 C.F.R. § 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 (PM) control measures listed in Section 3.6.3 are implemented during construction, as required by the San Joaquin Valley Air Pollution Control District (SJVAPCD).
Global Climate	AQ-2: The project proponent shall ensure through contractual obligations that the best management practices listed in Section 3.7.3 are implemented during construction to minimize GHG emissions.