

Finding Of No Significant Impact (FONSI)

LC-17-21

for

Dennis Underwood Conservation Area Draft Environmental Assessment/Initial Study with a Negative Declaration and Final Negative Declaration

Boulder City, Nevada

Based on a thorough analysis of the potential environmental impacts presented in the Environmental Assessment /Initial Study with a Negative Declaration (EA/IS-ND) and Final Negative Declaration the Bureau of Reclamation (Reclamation) finds that implementation of the Proposed Action will not significantly affect the quality of the human environment within or adjacent to the project area, therefore an Environmental Impact Statement will not be prepared.

Accordingly, this FONSI is submitted to document environmental review and evaluation of the Proposed Action Alternative in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended.

Prepared: Faye Streier Date: January 3, 2019
Natural Resource Specialist

Recommended: [Signature] Date: 3 Jan 19
Manager, Environmental Compliance Group

Approved: [Signature] Date: Jan 8, 2019
Program Manager, Lower Colorado River Multi-Species Conservation
Program

Background

The Bureau of Reclamation (Reclamation) is proposing to develop the Dennis Underwood Conservation Area (Project) to create, enhance, and restore native habitat on behalf of the Lower Colorado River Multi-Species Conservation Program (LCR MSCP). The October, 2018 “Dennis Underwood Conservation Area Draft Environmental Assessment/Initial Study with a Negative Declaration (EA/IS-ND)” was prepared by Reclamation as the lead Federal agency under the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.), and the Metropolitan Water District of Southern California (Metropolitan), as the lead State agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).

The EA/IS-ND was issued by Reclamation and Metropolitan for public comment in October, 2018. In December, 2018, Metropolitan prepared the “Final Negative Declaration, Responses to Comments on the Draft EA/IS-ND” (Final Negative Declaration) in coordination with Reclamation. Reclamation hereby adopts the Final Negative Declaration. No changes were made to the EA/IS-ND as a result of the comment period, so a Final EA/IS-ND will not be produced. Further information can be found in this FONSI in the Section titled “Comments Received on the Draft EA/IS-ND”. The EA/IS-ND and Final Negative Declaration are incorporated by reference into this FONSI and are attached (Attachment A).

Alternatives Considered

A No Action Alternative and a Proposed Action/Project Alternative were considered. Under the No Action Alternative, Metropolitan would not issue an easement for conservation purposes to Reclamation. Reclamation would not develop the Conservation Area at this location to meet the goals of the LCR MSCP. The 635 acres of land would remain under the management of Metropolitan. The LCR MSCP would seek other locations in California to develop a conservation area which may not have the desired physical characteristics or size requirements.

The Proposed Action/Project

Under the Proposed Action/Project Metropolitan will grant an easement for conservation purposes to Reclamation allowing for the creation, management, and maintenance of 461 acres of cottonwood-willow and 167 acres of honey mesquite land cover types to be created by Reclamation’s LCR MSCP at the Project site. The Project site is previously irrigated agricultural land located within the Palo Verde Irrigation District (PVID), in Imperial County, California, approximately 18 miles south of Blythe, California. Reclamation will construct, operate, maintain, and monitor the Project. A detailed description of the Project can be found in Section 2 of the EA/IS-ND.

Environmental Commitments

The following measures will be implemented as part of the Proposed Action/Project to reduce or eliminate impacts to resources

Resource Area	Measures
Air Quality	<p>To reduce dust emissions:</p> <ol style="list-style-type: none"> 1. All grading activities shall be suspended when winds exceed 25 miles per hour. 2. All disturbed areas, including Bulk Material storage which is not being actively utilized, shall be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emissions by using water, chemical stabilizers, dust suppressants, tarps, or other suitable material such as vegetative ground cover. 3. All on-site and off-site unpaved roads will be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants, and/or watering. 4. All unpaved traffic areas one (1) acre or more with 75 or more average vehicle trips per day will be effectively stabilized and visible emission shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering. 5. The transport of Bulk Materials shall be completely covered unless six inches of freeboard space from the top of the container is maintained with no spillage and loss of Bulk Material. In addition, the cargo compartment of all Haul Trucks is to be cleaned and/or washed at delivery site after removal of Bulk Material. 6. All Track-Out or Carry-Out will be cleaned at the end of each workday or immediately when mud or dirt extends a cumulative distance of 50 linear feet or more onto a paved road within an urban area. 7. Movement of Bulk Material handling or transfer shall be stabilized prior to handling or at points of transfer with application of sufficient water, chemical stabilizers, or by sheltering or enclosing the operation and transfer line. 8. The construction of any new Unpaved Road is prohibited within any area with a population of 500 or more unless the road meets the definition of a Temporary Unpaved Road. Any Temporary Unpaved Road shall be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emission by paving, chemical stabilizers, dust suppressants, and/or watering. <p>To reduce pollutant emissions:</p> <ol style="list-style-type: none"> 9. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specifications to maximize efficient burning of vehicle fuel. 10. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site Haul Trucks in order to minimize exhaust emissions from truck idling.

Resource Area	Measures
Biological Resources	<ol style="list-style-type: none"> <li data-bbox="407 317 1437 457">1. The Project Area biological education program will be provided to staff and contractors by an approved biologist. This education program includes information to aid in species identification, current status, and actions to take to avoid impacts to wildlife. <li data-bbox="407 499 1437 856">2. To reduce spread and/or introduction of noxious and invasive species, equipment used for this Proposed Action shall be thoroughly cleaned prior to entering the Project Area. The cleaning process will ensure that all dirt and debris that may harbor noxious or invasive weeds seeds are removed and disposed of at an appropriate facility. Reclamation’s <i>Inspection and Cleaning Manual for Equipment and Vehicles to Prevent the Spread of Invasive Species: 2012 Edition</i> should be referenced for inspection and cleaning activities. The manual can be found at: https://www.usbr.gov/mussels/prevention/docs/EquipmentInspectionandCleaningManual2012.pdf <li data-bbox="407 898 1437 1003">3. To ensure compliance to the LCR MSCP HCP, all applicable LCR MSCP HCP Conservation Measures will be incorporated into the design, construction, operation, and maintenance of the Proposed Action. <li data-bbox="407 1045 1437 1297">4. To the extent feasible, all work for Phases 1 and 2 shall be conducted outside the migratory bird breeding season (February 1 to September 15). If ground disturbance or vegetation clearing is needed during the breeding/nesting season for any phase, a pre-construction survey will be completed by the Project Biologist and a buffer (distance to be determined) will be enforced around all nests until the young have fledged and left the nest.
Cultural Resources	<ol style="list-style-type: none"> <li data-bbox="407 1430 1437 1682">1. In the event of an unanticipated discovery, all operations in the area of the discovery will cease and a Reclamation Lower Colorado Regional Office archaeologist will be contacted. “Discovery” means the encounter of any previously unidentified or incorrectly identified cultural resource including, but not limited to, archaeological deposits, human remains, or places reported to be associated with Native American religious beliefs and practices.
Hazardous Materials	<ol style="list-style-type: none"> <li data-bbox="407 1787 1437 1850">1. A State of California Storm Water Pollution Prevention Permit will be prepared for the Project prior to excavation activities

Resource Area	Measures
Hazardous Materials continued	<ol style="list-style-type: none"> <li data-bbox="407 260 1409 590"> 2. Discovered Contaminants Protections - Should contaminants be identified, activity on the site shall cease and a qualified Reclamation Hazardous Materials Specialist for the Project shall be retained to conduct the following: <ul style="list-style-type: none"> <li data-bbox="456 411 1089 443">• Obtain samples of the suspected contaminants <li data-bbox="456 449 1263 512">• Require lab analysis and access findings to identify specific contaminants <li data-bbox="456 518 1377 590">• Ensure appropriate remediation is conducted and completed in accordance to the regulations specific to the contaminants identified. <li data-bbox="407 632 1422 1184"> 3. Toxic Substances Protections - To ensure toxic substances are not released into the aquatic environment, the following measures shall be followed: <ul style="list-style-type: none"> <li data-bbox="456 705 1365 768">• All engine-powered equipment shall be well-maintained and free of leaks of fuel, oil, hydraulic fluid or any other potential contaminant. <li data-bbox="456 774 1422 884">• Staging areas for refueling of equipment shall be located away from the River to prevent any accidental fuel leakage from contaminating surface water. <li data-bbox="456 890 1422 1184">• A spill prevention and response plan shall be prepared in advance of the commencement of work; a spill kit with appropriate clean-up supplies shall be kept on hand during operations. <ol style="list-style-type: none"> <li data-bbox="505 1005 1422 1110">a. For refueling and maintenance of mobile equipment, only approved and certified fuel cans with “no-spill” spring-loaded nozzles shall be used. <li data-bbox="505 1117 1377 1184">b. All spill cleanup materials or other liquid or solid wastes shall be securely containerized and labeled in the field. <li data-bbox="407 1226 1393 1446"> 4. The application and control of herbicides and pesticides shall be in accordance with the Toxic Substances Control Act (TSCA) and the U.S. Environmental Protection Agency (EPA) labeling requirements including but not limited to: <ul style="list-style-type: none"> <li data-bbox="456 1373 1052 1404">• Requiring a certified and trained applicator <li data-bbox="456 1411 1203 1446">• Application of the material in accordance with its label <li data-bbox="407 1488 1422 1772"> 5. A Hazardous Materials Management Plan addressing storage, use, transportation, and disposal of solid waste, hazardous material, and hazardous waste anticipated to be used or generated at the Project area shall be prepared. The plan shall identify all hazardous materials that will be used, stored, or transported at the site. It shall establish inspection procedures, storage requirements, storage quantity limits, inventory control, nonhazardous product substitutes, disposition of excess materials, and procedures for notification of emergency response authorities. <li data-bbox="407 1814 1409 1877"> 6. Prior to any hazardous materials being stored at the Project site, a Hazardous Materials Authorization form shall be completed and submitted

Resource Area	Measures
Hazardous Materials continued	to Reclamation’s Regional Hazardous Materials Coordinator. Only approved materials may be stored at the Project area.
Hydrology and Water Quality	
	<ol style="list-style-type: none"> 1. The design will utilize as much of the existing water related infrastructure as possible to minimize construction of new structures. 2. Detention basins will be constructed to prevent flood damage to the Project and its facilities.

Comments Received on the Draft EA/IS-ND

Metropolitan received three comment letters on the EA/IS-ND. Two of the letters were from the California Governor’s Office of Planning and Research State Clearinghouse and Planning Unit (State Clearinghouse), which coordinates the state-level review of CEQA documents. The first letter confirmed completion of the State Clearinghouse review process, the second letter transmitted the third letter; a comment letter from the California Department of Fish and Wildlife (CDFW).

The CDFW comments were: the requirement of the California Endangered Species Act Incidental Take Permit (CESA Permit) to protect established habitat in perpetuity, a request for further consultation on meeting the requirements of the CESA permit, the potential for burrowing owls to occupy the Project area, Global Positioning System (GPS) coordinates for the Project site, and whether recreational activities would be permitted at the Project site.

The response to these comments clarifies the perpetuity requirement in the CESA Permit and confirms the availability of Metropolitan, Reclamation and other interested permittees to consult with CDFW. The response explains that potential impacts to burrowing owls were addressed in the LCR MSCP Final Programmatic Environmental Impact Statement/Environmental Impact Report, from which the Draft EA/IS-ND is tiered, and that burrowing owl surveys will be conducted. Construction of the Project will begin in February, 2018. Burrowing owl and other migratory bird surveys will be conducted prior to construction of the Project, and appropriate avoidance measures implemented. The burrowing owl surveys will be conducted in accordance with the 1993 Burrowing Owl Survey Protocol and Mitigation Guidelines. The response also thanks CDFW for the GPS information and confirms that the Project site is not currently open for public access or recreation, and will not be open for these uses when the Project site is developed. No changes were made to the document as a result of these comments and no significant issues were identified.

The letters, and full responses to comments can be found in the Final Negative Declaration.

Environmental Impacts and Findings

Implementation of the Proposed Action/Project will not result in significant impacts to any of the resources evaluated in the EA/IS-ND. The reasons for this determination are summarized by resource below.

Aesthetics/Visual Resources

The Project will not degrade the visual character of the site or surrounding areas and will enhance the visual character once it is developed. No negative cumulative impacts are anticipated.

Agricultural Resources

The Project site includes Prime Farmland and Farmland of Statewide importance as defined by the Farmland Protection Policy Act (FPPA). An evaluation conducted using the California Land Evaluation and Site Assessment Model concluded that alternate sites for the Project do not need to be considered. The Project will be in compliance with the FPPA, the Williamson Act, and Imperial County plans and rules. No cumulative impacts were identified.

Air Quality

Air pollutant emissions generated by the implementation of the Project during construction and operations will not exceed the daily and annual emission thresholds established by the Imperial County Air Pollution Control District. No measurable cumulative impacts were identified.

Biological Resources

This project is consistent with the LCR MSCP goal to create two-thirds of the LCR MSCP habitat on agricultural lands. This site-specific analysis is consistent with the goals and analysis in the LCR MSCP Environmental Impact Statement /Environmental Impact Report (LCR MSCP EIS/EIR). No substantial adverse effects to candidate, sensitive or special status species are anticipated. No riparian or wetland habitat will be impacted. Cumulative impacts to biological resources from implementation of the LCR MSCP program were disclosed and analyzed in the LCR MSCP EIS/EIR. No long-term adverse cumulative impacts were identified. Beneficial cumulative impacts were identified.

Cultural and Paleontological Resources

No cultural resources have been identified in the Project area. Reclamation consulted with the California State Historic Preservation Officer (SHPO) on a “no historic properties affected” determination. The SHPO concurred with this determination. Reclamation also consulted with appropriate tribes and no potential impacts were identified by the tribes. No paleontological resources have been identified at the Project site.

Geology and Soils

No adverse impacts to geology and soils were identified. Beneficial impacts to soils were identified because restoration of habitat will provide stability to the topsoil and reduce erosion. No cumulative impacts were identified.

Greenhouse Gas Emissions

Construction of the Project will generate temporary GHG emissions as a result of equipment operations. There are no GHG thresholds established for NEPA analysis but the potential emissions calculated for the Project were well below the threshold used for CEQA analysis.

Hazards and Hazardous Materials

No hazardous substances have been identified at the Project location. The Project will incorporate numerous design measures to prevent release of hazardous materials. No adverse impacts from hazards or hazardous materials have been identified. No cumulative impacts have been identified.

Hydrology and Water Quality

The Project will be in compliance with California and Palo Verde Valley irrigation water discharge requirements. No water quality standards will be violated. Irrigation water for the Project will come from Palo Verde Irrigation District's surface water delivery system, no depletion of groundwater will occur. No adverse impacts to hydrology and water quality were identified. No cumulative impacts have been identified.

Land Use Planning

No impacts to communities or conflicts with applicable land use plans, policies, or regulations were identified. No cumulative impacts have been identified.

Mineral Resources

There will be no direct, indirect, or cumulative impacts to mineral resources as none have been identified at the Project site.

Noise

There may be an increase in the ambient noise at the Project site during construction but there are no sensitive receptors (residences, schools, hospitals etc.) that will be affected. No negative impacts from noise are anticipated. No measurable cumulative impacts were identified.

Population and Housing

The Project will not induce population growth or require the construction of new housing. No direct, indirect, or cumulative impacts to population and housing are anticipated.

Public Services

There are no structures or new facilities associated with the Project, so there will be no direct, indirect, or cumulative impacts to public services.

Recreation

There will be no direct, indirect, or cumulative impacts to recreation as the Project area is currently private property with no recreation facilities, and none are planned as part of the Project.

Transportation/Traffic

The Project will generate minor amounts of traffic but will not cause a change in traffic patterns, or increase traffic hazards. There will be no negative impacts to transportation and traffic. No cumulative impacts have been identified.

Utilities and Service Systems

The Project will be in compliance with California and Palo Verde Valley irrigation water discharge requirements. No new water, wastewater, or stormwater facilities will be constructed. There will be no direct, indirect, or cumulative impacts to utilities and service systems.

Indian Trust Assets (ITA)

ITAs have not been identified in the project area, therefore no direct, indirect or cumulative impacts to ITAs are anticipated.

Indian Sacred Sites

No Indian sacred sites have been identified in the Project area, therefore no direct, indirect or cumulative impacts to Indian sacred sites are anticipated.

Environmental Justice

The Proposed Action will not result in disproportionately high and adverse human health or environmental effects on minority and low-income populations

**Attachment A to
FONSI LC-17-21**