

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION**

MID-PACIFIC REGION

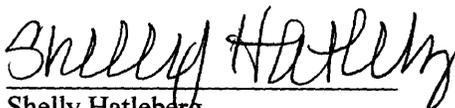
SACRAMENTO, CALIFORNIA

FINDING OF NO SIGNIFICANT IMPACT

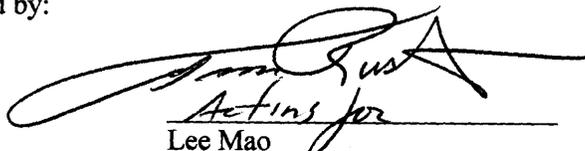
**Pelger Mutual Water Company Groundwater Production Element
Project & Sutter Mutual Water Company Groundwater Monitoring
Project – Sacramento Valley Integrated Regional Water Management
Program Grant**

FONSI 11-13-MP

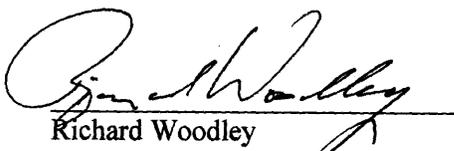
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RECLAMATION
Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Pelger Mutual Water Company Groundwater Production Element Project & Sutter Mutual Water Company Groundwater Monitoring Project – Sacramento Valley Integrated Regional Water Management Program Grant

FONSI 11-13-MP

BACKGROUND

In accordance with the National Environmental Policy Act (NEPA), the Bureau of Reclamation (Reclamation) has prepared an Environmental Assessment (EA) for the *Pelger Mutual Water Company Groundwater Production Element Project & Sutter Mutual Water Company Groundwater Monitoring Project – Sacramento Valley Integrated Regional Water Management Program Grant*, dated September 2011. The EA and Finding of No Significant Impact (FONSI) were released for a 30-day public review on September 28, 2011. Letters were received from California Department of Fish and Game and Caltrans.

Under the Sacramento Valley Integrated Regional Water Management Program (SVIWRMP) Grants Program, Reclamation provides financial assistance to support activities that promote the preparation and revision of written regional water management/conservation plans, implement activities identified in written water management plans, demonstrate new or previously unknown water management technologies and practices, and promote improved understanding of good water use practices and principles. Reclamation is providing financial assistance to the Pelger Mutual Water Company (PMWC) and Sutter Mutual Water Company (SMWC) for SVIRWMP revision and implementation. PMWC's and SMWC's Groundwater Production Element Project (Proposed Action) includes the installation of one groundwater well to supplement existing surface water and groundwater supplies (PMWC) and one groundwater monitoring well (SMWC). The Proposed Action would improve the flexibility and reliability of PMWC's and SMWC's water supply, particularly during dry and critically dry water years.

FINDINGS

In accordance with NEPA, as amended, the Mid-Pacific Regional Office of Reclamation has found that the Proposed Action is not a major federal action that would significantly affect the quality of the human environment. Consequently, an environmental impact statement is not required. This finding of no significant impact is based on the following:

1. Surface Water Resources

Construction - Effects on surface water quality could occur during the construction phase of the Proposed Action because of stockpile erosion and spoil piles. Prior to construction activities, the contractor would develop and implement a Stormwater Pollution Prevention Plan (SWPPP) to reduce sediment discharged from the site. Implementing the SWPPP, in conjunction with the use of best management practices, would reduce potential impacts on surface water quality, thus resulting in no significant impacts to surface water resources from construction activities.

Operation - No streams are located within the area of forecast incremental drawdown of one foot or greater in the shallow aquifer; however, because the Sacramento River is the largest stream in the Sacramento Valley Groundwater Basin, forecast stream effects are compared with available measured streamflow data. The peak reduction of streamflow in the Sacramento River that could occur because of the Proposed Action would represent a very small percentage (less than 0.5 percent) of the total streamflow and would have no significant effect on surface water within the project area. The proposed SMWC groundwater monitoring well would have no operational effects on surface water.

2. Groundwater Resources

Construction - No impacts on local groundwater levels are anticipated as part of the well drilling and installation process.

Operation - Incremental drawdown, resulting from project implementation in the regional aquifer, is forecast to be no more than approximately 11 feet by the end of the pumping season, with an incremental drawdown typically not exceeding five to 10 feet in most areas. The maximum incremental drawdown of 11 feet is forecast at 0.25 mile from the proposed well. This incremental drawdown is forecast to dissipate to approximately 3.5 feet within one mile of the well. This magnitude of incremental drawdown would not affect groundwater levels such that yields of pre-existing nearby wells would decrease to a rate that would not support existing land uses. Additionally, groundwater elevations would return to pre-project levels, because the groundwater subbasin would refill each spring, with the possible exception of multi-year droughts. Forecast incremental drawdown in the shallow aquifer would not exceed five feet and would have no adverse effects on shallow aquifer drawdown. The proposed SMWC monitoring well would have no operational effects on groundwater, land subsidence, or groundwater quality.

3. Land Use/Agricultural Resources

Construction - There would be no impacts on land use resulting from the construction of the Proposed Action. The proposed well locations are unoccupied and currently in use for agricultural purposes. No other projects are anticipated at these locations within the near future, so construction would not hinder the existing or planned use of the sites.

Operation - Operation of the Proposed Action would have no effects on land use. The Proposed Action would be implemented to support existing agricultural land uses, which would be a beneficial effect.

4. Biological Resources

Construction – The proposed well locations are in highly compacted and disturbed areas. There are agricultural drainages, irrigation canals, wetlands and a narrow riparian band in the vicinity of the Proposed Action area that are considered suitable aquatic habitats that could support giant garter snake (GGS). GGS is unlikely to be within the immediate area where construction will occur for the PMWC and SMWC wells; however, they could be found within the adjacent canals or nearby wetland/riparian areas. Although these areas could be used as migratory corridors, construction will occur during the snake's inactive period (after mid-October). Implementing measures specified in the EA and Biological Assessment would reduce the overall impact such that GGS would not likely be adversely affected (the U.S. Fish and Wildlife Service concurred with Reclamation's determination in letters dated November 21, 2011 and January 11, 2012).

Adherence to the proposed avoidance and minimization measures in the EA would protect migratory bird species that could be affected by the project and would reduce the impact such that no adverse effect on nesting birds would occur.

Operation – No effects on biological resources as a result of operational activities associated with this project.

5. Cultural Resources

The Proposed Action is the type of activity that has the potential to affect historic properties. A records search, a cultural resources survey, and Tribal consultation identified historic properties within the Area of Potential Affect. All project activities will not adversely affect historic properties pursuant to 36 CFR Part 800.5(b). Constructing the proposed production and monitoring wells and connecting the PMWC production well discharge pipeline to the PMWC Lateral SL-17S will not diminish its structural integrity and will not adversely impact the historic characteristics that make the canal eligible for listing on the National Register of Historic Places under Criteria A and B. The function of the canal will not change. Since no historic properties would be adversely affected, no cultural resources would be impacted as a result of implementing the Proposed Action. Reclamation consulted with the State Historic Preservation Officer (SHPO) September 20, 2011 regarding a finding of no adverse effect to historic properties affected pursuant to 36 CFR § 800.5(b). SHPO concurred with Reclamations' findings and determination on September 26, 2011. As the Proposed Action will not adversely affect historic properties, and SHPO has concurred, Reclamations' responsibilities under Section 106 of the National Historic Preservation Act are fulfilled.

6. Indian Trust Assets

There would be no impacts on Indian Trust Assets because there are none in the Proposed Action area.

7. Environmental Justice

Construction - Construction activities associated with the Proposed Action would require a local or regional contractor, who would likely employ local or regional workers. If workers were temporarily relocated into the area during the construction phase, the construction effort would likely result in local revenue for lodging, food, and construction-related materials and equipment. Construction-related environmental justice effects are expected to be positive; no significant impacts would occur.

Operation - Implementing the Proposed Action would increase water supply reliability resulting in beneficial effects on agricultural production-related employment. Project-related environmental justice effects are expected to be positive; no significant impacts would occur.

8. Air Quality

Construction - The short-term increase in emissions during construction would not have a significant impact on air quality because construction would generate minimal emissions and incremental emissions would be less than federal and state standards.

Operation - Operation of the proposed PMWC well would require electricity to operate the pump and would not generate onsite emissions. The proposed SMWC well would be used for monitoring so there would be no operational features. Therefore, the Proposed Action would not have a significant effect on air quality.

9. Climate Change

Construction - Construction of the Proposed Action would result in a minor, short-term increase in greenhouse gas (GHG) emissions (total of approximately 50 metric tons of CO₂). There would be no significant long-term impacts to climate change as a result of the Proposed Action.

Operation - Operation of the Proposed Action is not expected to generate additional indirect GHGs, associated with the electricity used to operate the pump, to the extent that they would cause an adverse impact. Emissions from electricity use are considered indirect emissions; the Proposed Action would not include a direct GHG emissions source, such as an onsite stationary source. The proposed SMWC well would be used for monitoring, so there would be no operational features.

10. Cumulative Impacts

No cumulative impacts are anticipated as a result of the Proposed Action.

11. Comments Received on Draft EA

Following is a summary of comments received, with responses to the comments.

California Department of Fish and Game, addressed to Max Sakato, RD 1500, dated October 3, 2011

Comment 1-1:

Giant garter snake is designated as threatened pursuant to CESA and occurs in the vicinity of the Project in waterways and adjacent upland habitat. The project could result in take of garter snake if sufficient avoidance measures are not required in the MND because all of the proposed well locations are in the immediate vicinity of potential garter snake aquatic habitat. Section 2.3.5 provides measures that are “recommended” to help avoid impacts on protected species. These measures include consulting with the United States Fish and Wildlife Service (USFWS) and implementing mitigation measures that they provide, and a preconstruction survey for giant garter snake conducted by a qualified biologist no more than 24 hours prior to construction activities. Table 2-1 also indicates that a buffer of 200-feet from banks of aquatic habitat would be established and that construction activities in giant garter snake habitat would be conducted between May 1st and October 1st unless other measures are required by the USFWS. The MND does not explicitly include any mitigation requirements, only the recommendations that are discussed in Section 2.3.5.

These recommendations are insufficient to ensure that take of giant garter snake will not occur as a result of the project, and that impacts to giant garter snake are reduced to a level of less than significant. These recommendations should be expanded to ensure complete avoidance of take, and made into mitigation requirements of the MND, not recommendations. The recommendation to implement measures required by the USFWS is deferred mitigation, and is unenforceable by the lead agency. Mitigation and avoidance requirements must be enforceable by the lead agency pursuant to CEQA guidelines Section 15126.4. In addition, because giant garter snake is protected pursuant to the CESA, the DFG should be consulted regarding any potential impacts to the species, not just the USFWS. Section 2.3.5 goes on to recommend that a qualified biologist conduct a preconstruction survey for giant garter snake no more than 24 hours prior to construction activities. The MND should require that the biologist be approved by the DFG and indicate the standards by which the survey will be conducted. Simply conducting the survey is insufficient to avoid take or impacts to giant garter snake. The MND should indicate what actions will be taken if giant garter snake is found during the survey or during Project activities, such as immediately stopping work and contacting the DFG. The MND should require that the biologist have the authority to stop all work if a giant garter snake is encountered. The MND should also either require the biologist to be on site during Project construction, or that some other DFG-approved exclusion measures are implemented to ensure that giant garter snakes do not enter the Project site. Table 2-1 indicates that a 200 foot buffer from the banks of aquatic habitat would be required, but based on the figures in the MND, it appears that this requirement has not been incorporated into the Project design, as the banks of giant garter snake aquatic habitat can extend beyond the water line, and some of the wells appear to be within 200-feet of aquatic habitat. Project construction should only occur during the giant garter snake active season, and this should be made a clear avoidance measure requirement in the MND. In order to avoid the necessity of an incidental take permit for take of giant garter snake pursuant to CESA, all of the measure above should be made clear mitigation requirements in the MND, not recommendations. The MND should include these and all other necessary mitigation measures that will reduce these potential impacts to giant garter snake to below a level of significance.

Response 1-1:

CDFG was contacted on October 24, 2011, regarding their comment letter addressing the potential impacts to GGS. During the discussion between Heather Waldrop/CH2M HILL and Jeb Bjerke/CDFG, it was agreed that PMWC and SMWC would promptly hire a CDFG-approved wildlife biologist to survey the project areas and fully enclose each project area with exclusionary fencing to eliminate the potential for GGS to enter the project sites. The fencing will be maintained and monitored until project construction activities cease. This measure will help reduce the potential for GGS to enter the project site and be injured or killed during project construction. The surveys were conducted on November 1, 2011, and exclusionary fencing was installed around the entire perimeter of the project area for both the production well and monitoring well sites.

The following additional avoidance and minimization measures will further reduce the potential to affect GGS:

- “To the extent possible, new facilities and construction support areas (e.g., new temporary access roads, new staging areas, and new stockpile areas) would be situated outside a 250-foot buffer from wetland habitat. The following standard avoidance and minimization measures for GGS would be implemented during construction (see below).
 - Construction will occur outside of the GGS active period (May 1 to October 1), and the project area will be surveyed by a USFWS/CDFG-approved biologist for the occurrence of GGS. Exclusionary fencing (such as silt fencing) will be installed around the project disturbance area to reduce the potential for GGS to migrate into the project area. Exclusionary fencing will be monitored and maintained until construction activities cease.
 - Movement of heavy equipment will be confined to existing roadways and identified staging areas to minimize habitat disturbance.
 - Clearing will be confined to the minimal area necessary to facilitate construction. Project boundaries will be clearly flagged, and construction personnel and equipment will stay within designated work limits. Construction will not occur within 20 feet of the top of bank of the irrigation canal located north of the project site. A silt fence will be installed along the north side of the project site to identify this avoidance area. Although there is not enough room to maintain this 20-foot buffer near the entrance to the project site (where no construction will occur), silt fencing will be installed as far from the top of the bank as possible.
 - Construction personnel will receive a USFWS-approved worker environmental awareness training. This training instructs workers to recognize GGS and its habitat(s).
 - A USFWS/CDFG-approved biologist will survey the project area for GGS 24 hours before construction activities. Survey of the project area will be repeated if a lapse in construction activity for 2 weeks or greater has occurred. If a GGS is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it has been determined that the GGS will not be harmed.
 - A USFWS/CDFG-approved biological monitor will be present at the project site during initial ground disturbance.
 - In the event that take cannot be avoided, CDFG and USFWS will be contacted for information before starting the action.

- Disturbance of vegetation shall be kept to a minimum.
- No equipment shall be operated in stream channels.
- No intentional harassment, killing, or collection of plants or animals at or around the work sites shall occur.
- No off-road travel or work is permitted; all vehicles must be confined to existing roads.
- All trash, including food-related trash and cigarette butts, must be properly disposed of and removed.
- Storage of hazardous materials, such as fuel and oil shall not be allowed within 150 feet of waterways. Any chemical spills must be cleaned up immediately and reported as soon as possible.”

Project construction for both the production and monitoring wells is scheduled to commence January 2012 and last a maximum of 5 weeks. Preconstruction surveys will take place 24 hours before construction activities commence, and the project area will be resurveyed if a lapse of more than 2 weeks occurs during construction activities. Additionally, a CDFG-approved biological monitor will be onsite during initial ground-disturbance activities.

Additionally, Reclamation initiated consultation with USFWS on October 19, 2011 for PMWC’s well and November 9, 2011 for SMWC’s well, in accordance with Section 7 of the Endangered Species Act, regarding the potential to affect GGS. The biological assessment prepared for the project listed several measures to avoid take of GGS, and now included in this EA/IS as additional minimization and avoidance measures.

Comment 1-2:

Swainson’s hawk is designated as threatened pursuant to CESA and occurs throughout Sutter County. Swainson’s hawk often utilizes trees in riparian areas and solitary trees for nesting and open landscapes for foraging. The DFG is concerned with potential impacts to raptors nesting behavior as a result of project construction. Project construction could potentially result in significant impacts to nesting raptors including nest abandonment, starvation of young, and/or reduced health and vigor of eggs or nestlings that could result in death. Table 2-1 of the MND indicates that a 0.5 mile buffer will be established around active nests where no activities will occur between March 1st and September 15th or until the young have fledged. Section 2.3.5 also provides measures that are “recommended” to help avoid impacts on Swainson’s hawk.

These recommendations are insufficient to ensure that take of Swainson’s hawk will not occur as a result of the Project, and that impacts to Swainson’s hawk are reduced to a level of less than significance. These recommendations should be expanded to ensure complete avoidance of take, and made into mitigation requirements of the MND, not recommendations. The MND should require that the nest survey biologist be approved by the DFG, and indicate the standards by which the survey will be conducted. The MND should describe the circumstances under which the biologist should contact the DFG and USFWS. Surveys should be conducted for nesting birds, including Swainson’s hawk, during the nesting season of February 1st through September 30th. The MND provides conflicting date ranges for when surveys must be conducted and buffers established. Construction activities shall be postponed if they may result in disturbance of an active nest, as determined by the

qualified biologist. No construction activities within 0.5 mile of an active Swainson's hawk nest may occur without written permission from the DFG. In order to avoid the necessity of an incidental take permit for take of Swainson's hawk pursuant to CESA, all of the measures above should be made clear mitigation requirements of the MDN, not recommendations. The MND should include these and all other necessary mitigation measures that will reduce these potential impacts to Swainson's hawk and other nesting birds to below a level of significance."

Response 1-2:

Construction is expected to occur in January/February of 2012. As originally stated in the Draft EA/IS, the timing of construction will occur outside of the nesting season for Swainson's hawk. However, as stated in Section 2.3.5, Specific Actions to Minimize Potential Impacts on Biological Resources, of the Draft EA/IS, if construction were to be rescheduled to occur within the nesting season, avoidance and minimizations measures will be implemented to avoid impacts on Swainson's hawk. The following additional measures, recommended by CDFG, will be implemented if construction is rescheduled to occur within the nesting season for Swainson's hawk:

- Construction activities will commence prior to the nesting season (March 1 through September 30).
- A qualified biologist approved by CDFG will conduct surveys.
- The surveys would take place using the methodology outlined in the *Recommended Timing and Methodology For Swainson's Hawk Nesting Surveys in California Central Valley* as established by the Technical Advisory Committee in May 2000.
- If construction occurs during the nesting season, a qualified biologist would perform preconstruction surveys within 14 days before construction to detect the presence of any nesting birds within or adjacent to the proposed well locations. If construction occurs during the non-breeding season for nesting birds (September 30 through March 1).
- Construction activities shall be postponed if they may result in disturbance of an active nest, as determined by the qualified biologist.

Comment 1-3:

The MND should identify clear windows of construction and other measures that will minimize impacts.

Response 1-3:

Construction is expected to occur in January/February of 2012. The duration of construction is estimated at 30 working days for the PMWC production well and 15 working days for the SMWC monitoring well.

Comment 1-4:

In order to comply with Public Resources Code Section 21081.6, detailed monitoring programs should be developed for all mitigation measures required in the MND. The monitoring programs should include specific criteria to measure effectiveness of mitigation measures, clear timelines for implementation, identification of responsible parties, performance criteria for the mitigation measures, and monitoring reports submitted to the lead agency and the DFG which include corrective recommendations that shall be implemented in order to ensure that mitigation efforts are successful.

Response 1-4:

PMWC and SMWC will each adopt a mitigation monitoring and reporting program in compliance with California Public Resources Code, sections 15097 and 21081.6.

Comment 1-5:

The MND will also be subject to CEQA filing fees pursuant to Fish and Game Code Section 711.4, which must be paid at the time the Notices of Determination for the MND is filed.

Response 1-5:

RD 1500, a local agency, is the lead agency for the project. For projects with local lead agencies, the county clerk collects applicable filing fees at the time the Notice of Determination is filed. When RD 1500 files the Notice of Determination, the appropriate filing fees will be submitted.