

# RECLAMATION

*Managing Water in the West*

## Draft FINDING OF NO SIGNIFICANT IMPACT

### Long-term Contract for the Exchange of Water between the Bureau of Reclamation and Byron- Bethany Irrigation District – Delta Division and San Luis Unit

**FONSI-09-149**

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# 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 an Environmental Impact Statement (EIS) is not required to approve the execution of a long-term (up to 40-year) exchange contract and a long-term (up to 40-year) license with Byron-Bethany Irrigation District (BBID). This Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA)-09-149 *Long-term Contract for the Exchange of Water between the Bureau of Reclamation and Byron-Bethany Irrigation District – Delta Division and San Luis Unit*, and is hereby incorporated by reference.

## Background

BBID is a multicounty special district, established under state law primarily to provide water to lands in Alameda, Contra Costa, and San Joaquin Counties. BBID has two water service areas: a Central Valley Project (CVP) water service area (approximately 5,800 acres) that receives CVP water and the Bryon Service area (approximately 16,300 acres) which is served by non-CVP water. BBID is located in the vicinity of the City of Tracy (City) and portions of the district overlap with the current City boundaries as well as the City's sphere of influence. Although BBID is primarily an agricultural district, urban development has increased conversion of land use from agriculture to municipal and industrial (M&I). Since the 1990s, approximately 6,000 acres of land in BBID have been converted to M&I use. Under agreements with the City, BBID provides raw water for treatment and retail delivery to a portion of BBID's M&I customers located within the area of overlapping City and BBID boundaries.

The approximately 6,000 acre Tracy Hills Development (Tracy Hills) has been proposed for construction in the southwest portion of the City. The development will include up to 5,499 dwelling units, ranging from estate lots to apartments (Tracy Hills Specific Plan Environmental Impact Report 1997). In 1998, the City annexed Tracy Hills and in 1999, 2006 acres of Tracy Hills was annexed into BBID's Raw Water Service Area 2 (RWSA2). As RWSA2 is located within BBID's Byron Service area, BBID intends to use a portion of their pre-1914 water right entitlement to meet the water needs of the development. Buildout of Tracy Hills is expected to occur over a period of 30 years, beginning in 2014.

The 1999 BBID annexation agreement identified a potential need in RWSA2 for up to 6,000 acre-feet (AF) per year (AFY) of water. However, the annexation agreement was amended in 2003 in order to clarify the financial terms and water delivery options for Tracy Hills. Included among the changes to the annexation agreement was a reduction in the Tracy Hills water demand and, thus, a reduction in the maximum BBID allocation of water needed in RWSA2. In accordance with the 2003 amended BBID annexation agreement, a maximum of 4,500 AFY of raw water is required to meet M&I purposes within RWSA2.

On May 28, 2003, BBID and the California Department of Water Resources (DWR) executed an agreement addressing their respective operations, including an acknowledgement by DWR of BBID's right to divert up to 50,000 AFY of water from the San Joaquin-Sacramento River Delta

(BBID and DWR 2003). The 2003 agreement reaffirms BBID's current point of diversion in the Intake Channel (Milepost [MP] 1.83) to the Harvey O. Banks Pumping Plant. The 2003 agreement acknowledges that BBID may "furnish water...to the Tracy Hills portion of the District" (BBID and DWR 2003). Pursuant to the 2003 agreement with DWR, delivery of water under BBID's pre-1914 water right to Tracy Hills is limited to months during the historic irrigation season (March through October). In order to deliver water to the development over a 12-month period, BBID has requested that Reclamation enter into a long-term exchange contract for introduction of up to 4,500 AF of their pre-1914 water right water (non-CVP water), plus up to an additional 225 AFY to cover conveyance losses, at MP 3.32R on the Delta-Mendota Canal (DMC). BBID has also requested a long-term license for placement, maintenance, and operation of a pipeline within Reclamation's rights-of way (ROW).

## **Proposed Action**

Reclamation proposes to execute a long-term (up to 40-year) exchange contract and a long-term (up to 40-year) license with BBID for introduction of up to 4,500 AFY, plus up to an additional 225 AFY to cover conveyance losses, of its non-CVP water at MP 3.32R between March and October to meet Tracy Hills demand. All introduced water will be exchanged with Reclamation at the point of introduction. Exchanged water will either be delivered to MP 15.88L for treatment at the City's water treatment plant prior to delivery to Tracy Hills or will be stored within San Luis Reservoir for later delivery. Exchanged water may only be used within the Consolidated Place of Use as shown in Appendix A of EA-09-149. As the exchanged water stored in San Luis Reservoir cannot be pumped upstream for delivery to MP 15.88L when called upon, the stored exchanged water will be used by Reclamation to meet CVP demands and a like amount of CVP water will be delivered to MP 15.88L.

Introduction of BBID's non-CVP water and storage of exchanged water will be scheduled annually with Reclamation and will be subject to excess capacity, operational constraints, and environmental requirements, as applicable. No Project Use Power will be used for the Proposed Action.

The license will allow BBID to access federal land to install an aboveground pipeline at the DMC as well as maintain and operate the structure on Reclamation's ROW. No construction or modifications to the DMC are required for the Proposed Action; however, improvements to existing BBID facilities as well as a new underground pipeline will be required for introduction of BBID's non-CVP water to the DMC as described in EA-09-149.

## **Environmental Commitments**

BBID shall implement the following environmental protection measures to reduce environmental consequences associated with the Proposed Action (Table 1).

Environmental consequences for resource areas assume the measures specified will be fully implemented. Copies of all reports and monitoring shall be submitted to Reclamation.

**Table 1 Environmental Protection Measures and Commitments**

<b>Resource</b>	<b>Protection Measure</b>
Water Resources	Prior to construction, a Qualified Stormwater Pollution Prevention Plan (SWPPP) Developer will prepare a SWPPP and a Qualified SWPPP Practitioner will implement the SWPPP in order to minimize the amount of pollutants discharged in storm water from the site.
Water Resources	BBID must comply with Reclamation's water quality standards as described in Appendix C of EA-09-149.
Biological Resources	At least thirty (30) calendar days prior to ground disturbance, BBID shall (a) purchase compensation land for the loss of habitat, place a Service approved conservation easement on that land, and arrange for Service approved management and endowment, or (b) purchase and endow compensation land with a Service approved conservation bank.
Biological Resources	<p>U.S. Fish and Wildlife Service (Service)-approved biologist will conduct pre-construction protocol level surveys (Appendix D of EA-09-149) for California red-legged frogs. In addition the following measures will be implemented to protect California red-legged frogs:</p> <ul style="list-style-type: none"> <li>• Pumping facility construction will be limited to a fenced area less than 0.5 acre, and pipeline will be constructed between June 1 and September 30 (period during which California red-legged frogs are considered least likely to move over land in the area).</li> <li>• "Amphibian-friendly" barrier fencing with bright-colored flagging will be constructed and maintained within 50 feet of the pipeline construction corridor to restrict movement of California red-legged frogs from the nearby ponds into the project area.</li> <li>• Preventive measures will be implemented to reduce siltation and contaminated runoff to protect water quality within creeks and wetlands inhabited by California red-legged frogs.</li> </ul>
Biological Resources	Pre-construction protocol level surveys (Appendix E in EA-09-149) for San Joaquin kit fox shall be completed no fewer than 14 days and no more than 30 days prior to the onset of any ground-disturbing activity. Standard San Joaquin kit fox avoidance measures must be implemented prior to and during the proposed work. Specific attention should be provided to project schedule and seasonal constraints associated with clearance of potential San Joaquin kit fox dens that may be natal dens.
Biological Resources	Small mammal burrows and other refugia suitable for aestivation habitat (e.g., underground holes, cracks, or niches), observed during the preconstruction surveys will be retained for California tiger salamander in adjacent uplands.
Biological Resources	A protocol-level field survey (Appendix F in EA-09-149) for burrowing owls will be completed prior to ground disturbance. Measures for avoiding "take" of burrowing owl as described in Appendix F of EA-09-149 will be implemented during construction. Specific attention should be provided to project schedule and seasonal constraints associated with clearance of burrows (i.e., passive relocation) that may be occupied by nesting burrowing owls.
Biological Resources	Trenches will be covered overnight where feasible. If trenches must be left open, minimum 3:1 slope dirt ramps will be used for passive escape.
Biological Resources	Work will be confined to daylight hours to minimize potential significant effects to listed species as most activity by California red-legged frogs, California tiger salamander, and San Joaquin kit fox is nocturnal.
Biological Resources	A Service-approved biologist will be onsite at the beginning of the Project and will visit the site periodically throughout construction to ensure that practicable measures are employed to avoid incidental disturbance of California red-legged frogs, California tiger salamander, and San Joaquin kit fox and their habitats. Relocation of California red-legged frogs or California tiger salamander, if necessary, will be to the nearest suitable California ground squirrel burrow outside the barrier fencing.
Cultural Resources	If cultural resources or materials are discovered during ground-disturbing activities, the work near the discovery will cease. Reclamation's archaeologist will be contacted and the area will be protected until the find is evaluated by a qualified archaeologist.

Resource	Protection Measure
Cultural Resources	If human remains are encountered, the County Coroner will be notified of the find immediately. If the remains are determined to be Native American, the County Coroner will notify the Native American Heritage Commission, which will determine and notify a most likely descendant. The most likely descendant will complete an inspection within 48 hours of notification by the Native American Heritage Commission. The most likely descendant may recommend scientific removal and analysis of human remains and items associated with Native American burials.
Paleontological Resources	If fossil remains are discovered during ground-disturbing activities, the work near the discovery will cease and the area will be protected until the find is evaluated by a qualified paleontologist. The paleontologist will be responsible for sampling and data recovery, if needed; museum storage coordination for specimens and data recovered; and reporting.
Air Quality and Global Climate	<p>The following measures will be implemented to reduce fugitive dust emissions:</p> <ul style="list-style-type: none"> <li>• Idling times will be minimized by either shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations).</li> <li>• Clear signage will be provided for construction workers at all access points.</li> <li>• Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day.</li> <li>• Haul trucks transporting soil, sand, or other loose material offsite will be covered.</li> <li>• Visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. Dry power sweeping will be prohibited.</li> <li>• Construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications. Equipment will be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> <li>• Vehicle speeds on unpaved roads will be limited to 15 mph.</li> </ul>
Hazards and Hazardous Materials	Prior to construction, a Qualified SWPPP developer will prepare a SWPPP that will include best management practices for managing and handling hazardous materials. The SWPPP will define protocol for emergency procedures, handling, and disposal of hazardous materials if an accidental spill occurs during construction.

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 findings:

## Findings

### Water Resources

Under the Proposed Action, Reclamation will execute the proposed long-term contract and license with BBID which will allow BBID to construct an aboveground pipeline within Reclamation ROW in order to introduce up to 4,500 AF, including up to 225 AFY for conveyance losses, of their non-CVP water to the DMC at MP 3.32R. Introduced water, less conveyance losses, will be exchanged with Reclamation at the point of introduction. Exchanged water will either be delivered to MP 15.88L or stored within San Luis Reservoir for later delivery. As the stored water cannot be pumped upstream in the DMC for delivery to MP 15.88L when called upon, stored exchanged water will be used by Reclamation to meet CVP demands and an equivalent amount of CVP water will be delivered to MP 15.88L via the DMC. No additional CVP water will be pumped in order for this to occur as the stored water will be used to meet CVP demands in lieu of CVP water which will then be delivered to MP 15.88L.

Introduction and storage of the exchanged water is dependent on available capacity and operational constraints; therefore, the Proposed Action will not interfere with the normal operations of federal facilities nor will it impede any CVP obligations to deliver water to other contractors or to local fish and wildlife habitat nor will the Proposed Action interfere in the quantity or timing of diversions by the CVP from the Delta.

### ***Water Quality***

All waters introduced into the DMC must meet Reclamation water quality standards as described in Appendix B (currently Title 22 of the California Code of Regulations). If, through monitoring, BBID's non-CVP water fails to meet the criteria for discharging non-CVP water into federal facilities, the water will not be introduced into the DMC until subsequent testing has demonstrated that the water quality has been met by the criteria as outlined in Tables 5, 6 and 7 of Appendix B. Surface water quality at the ephemeral water feature and stock pond located east and downslope of the proposed pipeline could be affected as a result of construction related to the Proposed Action due to potential erosion of stockpiles and spoil piles. As described in Section 2.2.2 of EA-09-149 and included in Table 1, a SWPPP will be prepared by a Qualified SWPPP Developer and implemented during construction to minimize these potential impacts. Therefore, there will be no significant impacts to water quality as a result of the Proposed Action.

### ***BBID Operations***

The amount of water diverted by BBID for the contract is part of their existing water rights entitlement and will not require any new diversions. This water is only a small percentage of their total entitlement (approximately 9 percent) and will not impact BBID's ability to service other agricultural or M&I users. In addition, construction activities for the Proposed Action that could impact BBID's deliveries will be timed in order to prevent impacts to their existing water users. Therefore, there will be no impacts to water resources within BBID.

### ***City of Tracy Operations***

BBID is currently pursuing a wholesale water agreement with the City for treatment and delivery of the exchanged water to Tracy Hills. Exchanged water to be delivered at MP 15.88L for treatment by the City will be coordinated with the City prior to delivery in order to prevent any impacts to the City's water resources and infrastructure. Alternative supplies from existing City supplies will be available for use within the Tracy Hills Development on a temporary basis should the introduction of BBID's non-CVP water and/or the exchanged water be subject to excess capacity or operational constraints; therefore, there will be no significant impacts to the City's water resources.

### ***Groundwater***

No groundwater will be pumped under the Proposed Action. The use of surface water within Tracy Hills is not expected to impact groundwater levels as it will not be used to meet M&I demands. The proposed improvements at or near Pump Station 3 will not disturb soil below the water level in the intake channel; however, should any groundwater be encountered, portable sumps will be used in accordance with best management practices identified in the SWPPP developed for the Proposed Action. In addition, dewatering of trenches along the pipeline route or near the DMC is not anticipated; however, if needed, trenches will also be dewatered using

portable sump pumps in accordance with the SWPPP. Therefore, there will be no significant impacts to groundwater resources as a result of the Proposed Action.

### **Land Use**

The existing trend of land use conversion within the San Joaquin Valley from farmland to urban land uses will continue as it has in the past with or without the Proposed Action. The Proposed Action will not conflict with existing zoning for agricultural use or promote the conversion of farmland to non-agricultural use within the Proposed Action area.

Construction of the proposed pipeline and modification of BBID's facilities will impact approximately 5.9 acres of temporary disturbance which include a 2.9-acre construction corridor for the new pipeline, a 2-acre laydown and stockpiling area located adjacent to and west of Pump Station 3, a 0.3-acre construction area associated with Pump Station 3, and 0.5 acres of gravel placement within the footprint of the existing access road for shoring purposes that are currently defined as grazing land. The Proposed Action will not conflict with existing zoning for agricultural use or promote the conversion of farmland to non-agricultural use because impacts either will be temporary or will occur in areas already containing irrigation facilities. Although a portion of this area is listed under Williamson Act contracts, the construction of irrigation facilities is considered to be a compatible agricultural use and will not change its land use designation. In addition, the majority of the area impacted by construction will be restored to its original use once construction was completed. Therefore, the Proposed Action will not result in significant impacts on land use.

### **Biological Resources**

Many of special-status plants and animals described in Table 3-1 of EA-09-149 are unlikely to occur within the boundaries of the disturbed land areas. However, birds protected by the Migratory Bird Treaty Act and federally-listed species and critical habitat that occur or could occur in the vicinity of the Proposed Action area include: burrowing owl, California red-legged frog, California red-legged frog critical habitat, California tiger salamander, and San Joaquin kit fox.

#### ***Migratory Birds***

There is potential nesting habitat for burrowing owl in the action area. Potential impacts to burrowing owls will be avoided and or minimized by implementing the environmental protection measures described in Table 1. Therefore, there will be no take of birds protected under the Migratory Bird Treaty Act.

#### ***Federally-listed Species***

Construction activities will result in the temporary disturbance of up to 5.2 acres of suitable upland habitat for California red-legged frog, California tiger salamander, and San Joaquin kit fox. The 5.2 acres of temporary disturbance include a 2.9-acre construction corridor for the new pipeline, a 2-acre laydown and stockpiling area located adjacent to and west of Pump Station 3, and a 0.3-acre construction area associated with Pump Station 3. Stabilization of the access road may also prevent species from crossing to suitable upland habitat of up to 0.5 acres. In addition, construction activities associated with improvements to Pump Station 3 will result in the permanent loss of up to 0.2 acres of suitable upland habitat for the California red-legged frog, California tiger salamander, and San Joaquin kit fox.



Activities associated with the construction may result in the entombment or crushing of any wildlife located in small mammal burrows within the pipeline construction corridor, construction area associated with Pump Station 3, and laydown and stockpiling area located adjacent to Pump Station 3. Crushing of burrows could also reduce the number of prey species (e.g., California ground squirrel) in the area for San Joaquin kit fox. In addition, individuals that are exposed on the surface during excavation or grading may also be crushed and killed or injured by construction activities. Likewise, individuals that take refuge under equipment or materials at night when moving across the landscape may be harmed during the day when equipment or materials are moved.

An unknown number of California red-legged frog, California tiger salamander, and San Joaquin kit fox could fall into the trenches for the new turnout and pipeline and be killed (through desiccation, entombment, or predation) if those trenches are left open overnight. Even with the use of “amphibian-friendly” barrier fencing wildlife could become trapped.

Construction activities will result in a temporary increase in vehicle traffic on the improved and unimproved roadways that lead to the construction site. Although, the increase in traffic is likely to occur only on Bruns Road, Kelso Road, and the unimproved road into the site, an unknown number of dispersing California red-legged frog, California tiger salamander, or San Joaquin kit fox may experience roadway mortality during construction.

Environmental protective measures will be implemented by BBID in order to avoid and/or minimize potential impacts to federally listed species and their critical habitat. These measures will include, but are not limited to, the following: preconstruction surveys, installation of “amphibian-friendly” barrier fencing, amphibian relocation, construction monitoring, construction personnel training, dry-weather work outside exclusion zones, and use of qualified biologists during surveys and monitoring. In addition, once construction is complete, stockpiled topsoil will be used to cover the disturbed area to redistribute the existing seed bank. Therefore, Reclamation has determined that the Proposed Action may affect, but is not likely to jeopardize, the continued existence of California red-legged frog, California red-legged frog critical habitat, California tiger salamander, and San Joaquin kit fox and has requested formal consultation with the Service pursuant to Section 7 of the Endangered Species Act. The EA will not be finalized until consultation is complete.

The impacts associated with the permanent loss of 0.2 acres of habitat are similar to those described above for the temporary loss of habitat (except that the impacts will be permanent) and compensatory habitat will be provided in coordination with and in agreement with the Service and the California Department of Fish and Game.

### **Cultural Resources**

The Proposed Action was determined to be the type of action that had the potential to cause effects to historic properties. Accordingly, Reclamation initiated the Section 106 process which included a review of existing records and literature, a field reconnaissance, and Native American consultation as documented in the report by CH2M Hill titled “Cultural Resources Assessment of a 5.9-acre Parcel for the Tracy Hills Water Supply Project, Byron Bethany Irrigation District, Alameda County, California” (August 2011). These efforts resulted in the identification of four

built-environment historic cultural resources in the APE (DMC, Canal 70, Canal 120, and Canal 155), all of which are water conveyance features. Based on these efforts, Reclamation determined that there will be no significant effect to historic properties, made pursuant to 36 CFR Part 800.5(b), and initiated consultation with the State Historic Preservation Officer (SHPO) on September 7, 2011. No response to date has been received by SHPO. Due to the passage of more than 30 days for the SHPO review period, Reclamation has concluded the Section 106 process for this undertaking.

Environmental protection measures have been included in the Proposed Action (see Table 1) should cultural resources be uncovered during construction activities. These measures will minimize any potential impacts to cultural resources should they be discovered.

### **Indian Sacred Sites**

The Proposed Action will not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites. There will be no impacts to Indian sacred sites as a result of the Proposed Action.

### **Indian Trust Assets**

On February 8, 2010, Reclamation determined that the Proposed Action will not impact Indian trust assets as there are none in the Proposed Action area. The nearest Indian trust asset is Lytton Rancheria approximately 42 miles northwest of the Proposed Action area.

### **Environmental Justice**

The Proposed Action does not propose any features that will result in significant human health or environmental effects, have any physical effects on minority or low-income populations, and/or alter socioeconomic conditions of populations that reside or work in the vicinity of the Proposed Action.

### **Socioeconomic Resources**

The water associated with the Proposed Action will be used by Tracy Hills which has already been planned and approved for development by the City. Construction activities may provide temporary beneficial impacts through employment opportunities for local residents. Therefore, there may be a slight beneficial impact to socioeconomic resources as a result of the Proposed Action.

### **Air Quality**

Operation of the pipeline will not contribute to criteria pollutants as delivery of water to the DMC will be done via electrical pumps. Air quality emissions from electrical power have been considered in environmental documentation for the generating power plant and are part of the existing baseline conditions. In addition, movement of water in the DMC between MP 3.32R and MP 15.88L will be done via gravity and will not result in air quality impacts. However, construction activities such as excavation, grading, and vehicle travel will cause an increase in inhalable particulate matter between 2.5 and 10 microns in diameter (PM<sub>10</sub>) and particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>) due to dust and exhaust emissions. In addition, exhaust emissions of nitrogen oxides and reactive organic gases from construction can contribute to ozone formation. Emissions of carbon monoxide and sulfur dioxide were also calculated for

construction activities. Environmental protection measures have been incorporated into the Proposed Action in order to minimize emissions from construction activities (see Table 1). In addition, construction exhaust emissions and fugitive dust emissions were estimated using the URBEMIS Version 9.2.4 and were found to be less than the Bay Area Air Quality Management District's thresholds of significance; therefore, there will be no significant impacts to air quality as a result of the Proposed Action and a conformity analysis pursuant to the Clean Air Act is not required.

### **Global Climate**

The Proposed Action will involve short-term impacts consisting of emissions during construction and long-term impacts attributable to operation of BBID's Pump Station 3. Construction emissions of carbon dioxide (CO<sub>2</sub>) were estimated using the URBEMIS Version 9.2.4 as 139 metric tons (see Appendix G of EA-09-149). This amount has been converted to CO<sub>2</sub> equivalents (CO<sub>2e</sub>) using the Environmental Protection Agency's Greenhouse gases (GHG) Equivalencies Calculator as 147 metric tons of CO<sub>2e</sub>.

Operation of BBID's Pump Station 3 will vary annually, but has been estimated using the EPA's GHG Equivalencies Calculator for the maximum (8 month) pump-in schedule. Estimated emissions for CO<sub>2e</sub> for operation of BBID's Pump Station 3 will be about 752 metric tons per year of CO<sub>2e</sub> (Table 3-5 in EA-09-149), which is negligible compared to the EPA's 25,000 metric tons per year threshold for annually reporting GHG emissions (EPA 2009). Accordingly, construction and operations under the Proposed Action will result in below *de minimis* impacts to global climate change.

### **Cumulative Impacts**

Cumulative impacts result from incremental impacts of the Proposed Action or No Action alternative when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. To determine whether cumulatively significant impacts are anticipated from the Proposed Action or the No Action alternative, the incremental effect of both alternatives were examined together with impacts from past, present, and reasonably foreseeable future actions in the same geographic area.

As in the past, hydrological conditions and other factors are likely to result in fluctuating water supplies which drives requests for water service actions. Water districts aim to provide water to their customers based on available water supplies and timing, all while attempting to minimize costs. A myriad of water service actions are approved and executed each year to facilitate water needs. Each water service transaction involving Reclamation undergoes environmental review prior to approval.

Existing or foreseeable projects, in addition to the proposed long-term contract and license with BBID, which could affect or could be affected by the Proposed Action or No Action alternative, include the following:

**Delta-Mendota Canal/California Aqueduct Intertie** A 500 linear feet intertie has been constructed by Reclamation and DWR in an unincorporated area of the San Joaquin Valley in Alameda County, west of the city of Tracy. The intertie is a shared federal-state water system improvement that connects the DMC (federal facility) and the California Aqueduct (state facility) via two 108-inch-diameter pipes and pumping capacity of 467 cfs. The Intertie addresses DMC conveyance conditions that had restricted use of the Jones Pumping Plant to less than its design capacity, potentially restoring as much as 35,000 AF of average annual deliveries to the CVP. Reclamation and DWR prepared an EIS/EIR for the intertie and a Record of Decision (ROD) was completed December 28, 2009.

**South-of-Delta Accelerated Water Transfer Program** The Central Valley Project Improvement Act (CVPIA) was signed into law in 1992 to mandate changes in management of the CVP. In addition to protecting, restoring, and enhancing fish and wildlife, one of the other purposes of the CVPIA is to increase water-related benefits provided by the CVP to the State of California through expanded use of voluntary water transfers and improved water conservation. To assist California urban areas, agricultural water users, and others in meeting their future water needs, Section 3405(a) of the CVPIA authorizes all individuals or districts who receive CVP water under water service or repayment contracts, water rights settlement contracts or exchange contracts to transfer, subject to certain terms and conditions, all or a portion of the water subject to such contract to any other California water users or water agency, State or Federal agency, Indian Tribe, or private non-profit organization for project purposes or any purpose recognized as beneficial under applicable State law.

After enactment of the CVPIA, Reclamation has historically acknowledged water transfers and/or exchanges between CVP contractors geographically situated within the same region and who are provided water service through the same CVP facilities under an Accelerated Water Transfer Program. In 2010, Reclamation approved the continuation of the South-of-Delta Accelerated Water Transfer Program through February 29, 2016. Reclamation prepared EA-10-051, *Accelerated Water Transfers and Exchanges, Central Valley Project, South of Delta Contractors 2011-2015* and a FONSI was signed on February 14, 2011.

**Exchange Contractors 25-Year Water Transfer Program** The San Joaquin River Exchange Contractors are currently transferring up to 130,000 AF of their substitute water to Reclamation under a 10-year (March 1, 2005, through February 28, 2014) water transfer program. Under the current program, the San Joaquin River Exchange Contractors develop sources of water to temporarily reduce the need for delivery of substitute water by Reclamation. The sources of water developed by the San Joaquin River Exchange Contractors include a maximum of 80,000 AF from conservation, tailwater recapture, and groundwater as well as a maximum of 50,000 AF from voluntary temporary land fallowing. For each AF of water developed by the San Joaquin River Exchange Contractors, an in-kind amount of water is considered acquired and left within the CVP for Reclamation to deliver to CVP contractors or wildlife areas. Reclamation and the San Joaquin River Exchange Contractors prepared an EIS/EIR for the 10 year program and a ROD was completed March 23, 2005. As the program will expire soon, Reclamation and the San Joaquin River Exchange Contractors have proposed extending the program for another 25 years. A draft EIS/EIR was released for a 60-day public review on May 4, 2012.

**Meyers Farms Groundwater Banking Program** The Meyers Family Farm Trust pursued development of the Meyers Farm Water Bank to store water in above-normal and wet years for later use during below-normal, dry, and critically-dry years. Under the banking program, CVP and non-CVP water to be banked flows from the Mendota Pool into five recharge ponds. Banked water is later extracted and pumped into Mendota Pool for exchange with Reclamation. The original project was analyzed in EA-05-09 *Meyers Farm Water Banking Project – Mendota, California* and a FONSI signed May 9, 2005. Two supplemental EAs and FONSIs for the project were prepared to increase the annual extraction rate and to add Banta-Carbona Irrigation District's non-CVP surface water to the banking program. In addition, Reclamation has recently received a request to increase the rate of extraction from Meyers Bank from 6,316 AFY to 10,526 AFY, to amend the cumulative total amount of CVP water banked from 35,000 AF to 60,000 AF at any given time, to increase the amount of Banta Carbona Irrigation District's non-CVP water conveyed in the DMC for banking from 5,000 AFY to 10,000 AFY, to approve the annual transfer of up to 5,000 AFY of Banta Carbona Irrigation District's CVP water in-lieu of their non-CVP water for banking at Meyers Bank, and to deliver banked water via exchange to other areas within the service area of San Luis Water District. A draft EA was released for a 30-day public review on July 2, 2012.

**Groundwater Pump-in Programs for San Luis Unit and Delta Division Contractors** Under this project, participating CVP contractors within the Delta Division and San Luis Unit of the CVP could pump up to 50,000 AF total of groundwater into the DMC between March 1, 2012 through February 28, 2014 (Contract Years 2012 and 2013). The project was analyzed in EA-12-005 *Two-Year Exchange Agreements and/or Warren Act Contracts for Conveyance of Groundwater in the Delta-Mendota Canal – Contract Years 2012 through 2014 (March 1, 2012 – February 28, 2014)* and a FONSI was completed on May 8, 2012. The action was previously conducted between March 1, 2010 through February 28, 2012 (Contract Years 2010 and 2011) and analyzed in EA-09-169. It is likely that these actions will be requested in the future.

**Mercy Springs Water District and Fresno Slough Water District Multi-Year Transfers to Angiola Water District** Reclamation has received a request from Mercy Springs and Fresno Slough to approve the annual transfer up to 1,300 AFY of Mercy Springs' CVP water and up to 4,000 AFY of Fresno Slough's CVP water over a nine-year period to Angiola Water District. An EA that analyzed the impacts of the proposed transfers entitled *Mercy Springs Water District and Fresno Slough Water District Multi-Year Transfers to Angiola Water District* was released for a 30-day public review on July 9, 2012.

**Five-year Warren Act Contracts for Banta-Carbona Irrigation District, Byron Bethany Irrigation District, Patterson Irrigation District, and West Stanislaus Irrigation District** Reclamation has executed five-year Warren Act contracts with Banta-Carbona Irrigation District, BBID, Patterson Irrigation District, and West Stanislaus Irrigation District for the conveyance and storage per contractor of up to 10,000 AFY of non-CVP surface water in the DMC through February 28, 2016. The project was analyzed in EA-09-156, *Five-year Warren Act Contracts for Banta-Carbona Irrigation District, Byron Bethany Irrigation District, Patterson Irrigation District, and West Stanislaus Irrigation District* and a FONSI was signed on March 8, 2010. In April 2012, Reclamation received a request from BBID to approve delivery of up to 5,000 AFY of their non-CVP water to Westlands Water District via the San Luis Canal. The additional

points of delivery were analyzed in supplemental EA-12-052 *Additional Point of Delivery for Byron Bethany Irrigation District's non-Central Valley Project Water to Westlands Water District* and a FONSI was signed on June 15, 2012.

**Byron Bethany Irrigation District Long-term Water Transfer to Zone 7** BBID has entered into a long-term water transfer agreement with Zone 7 of the Alameda County Flood Control and Water Conservation District. Under the agreement, Zone 7 may purchase up to 5,000 AF of surplus water, with a minimum delivery of 2,000 AF from BBID for use within Zone 7. Surplus water is made available from BBID through temporary fallowing, permanent conversion of farmland, and water conservation. The Zone 7 water transfer was accounted for in a water supply study conducted by BBID prior to the 1999 annexation of 2,006 acres of Tracy Hills into BBID's RWSA2.

Reclamation's Proposed Action is the execution of a long-term contract and license with BBID for introduction of up to 4,500 AF, including up to 225 AFY to cover conveyance losses, of their non-CVP water to the DMC at MP 3.32R for exchange with Reclamation. Exchanged water will either be delivered to MP 15.88L or stored within San Luis Reservoir for later delivery as described previously. Introduction and storage of non-CVP water or exchanged water, including the Proposed Action, is subject to available capacity and operation constraints.

BBID's non-CVP water under the Proposed Action is approximately 9 percent of their pre-1914 water rights entitlement. Combined with the five year Warren Act contract described above, BBID has proposed to introduce for transfer or exchange up to 9,725 AFY of their pre-1914 entitlement into the DMC which is approximately 19 percent of their entitlement and will not impact BBID's ability to service other agricultural or urban water users; therefore, the Proposed Action will not cumulatively impact surface water resources within BBID.

Water service actions, like those described above, do not result in increases or decreases of water diverted from rivers or reservoirs. Each water service transaction involving CVP and non-CVP water undergoes environmental review prior to approval. The Proposed Action and No Action alternative and other similar projects will not interfere with the projects listed above, nor will they hinder the normal operations of the CVP and Reclamation's obligation to deliver water to its contractors or to local fish and wildlife habitat. Neither alternative, when added to other water service actions, will result in cumulative effects to surface water resources beyond historical fluctuations and conditions.

In recent years, land use changes within the San Joaquin Valley have involved the urbanization of agricultural lands. These types of changes are typically driven by economic pressures and are as likely to occur with or without the Proposed Action. In addition, land use within the Proposed Action area will be returned to its current use once construction was complete. Accordingly, no cumulative significant impacts on land use are anticipated.

Numerous activities continue to eliminate habitat for listed and proposed threatened and endangered species in the San Joaquin Valley. Habitat loss and degradation affecting both animals and plants continue as a result of urbanization, oil and gas development, road and utility right-of-way management, flood control projects, climate change, grazing by livestock, and

agricultural practices. Listed and proposed animal species are also affected by poisoning, shooting, increased predation associated with human development, and reduction of food sources. All of these nonfederal activities are expected to continue to significantly affect listed and proposed species in the San Joaquin Valley. The Proposed Action will temporarily disturb 5.7 acres of California red-legged frog and California tiger salamander uplands dispersal habitat during construction activities. This habitat will be returned to its preexisting condition once construction is complete. However, the Proposed Action will eliminate 0.2 acres of non-native grassland habitat that is considered suitable habitat for San Joaquin kit fox and which could also be utilized by California red-legged frog and California tiger salamander. BBID will implement appropriate avoidance and minimization measures to address impacts to habitat as needed to minimize potential cumulative impacts.

The only cultural resources identified within the APE are four water conveyance features (DMC, Canal 70, Canal 120, and Canal 155). As none of these will be impacted by the Proposed Action and environmental protection measures have been included in the Proposed Action to minimize impacts should any cultural resources be uncovered during construction, there will be no cumulative significant impacts to cultural resources.

The Proposed Action, when added to other existing and proposed actions, may have a slight beneficial contribution to socioeconomics as it will help support and maintain jobs; however, these will be within historical variations and will not contribute to cumulative impacts.

The Proposed Action, when added to other existing and proposed actions, will not contribute to cumulative impacts to air quality since construction activities are short-term and well below *de minimis* thresholds. In addition, BBID has incorporated control measures in order to reduce any potential cumulative air quality impacts associated with the Proposed Action.

GHG impacts are considered cumulative impacts. Estimated annual CO<sub>2e</sub> emissions for operation of BBID's Pump Station 3 are 752 metric tons per year, which is well below the 25,000 metric tons per year threshold for reporting GHG emissions. As a result, the Proposed Action is not expected to contribute cumulative significant impacts to global climate change. CVP water allocations are made dependent on hydrologic conditions and environmental requirements. Since Reclamation operations and allocations are flexible, any changes in hydrologic conditions due to global climate change will be addressed within Reclamation's operation flexibility and therefore water resource changes due to climate change will be the same with or without the Proposed Action.

As there will be no indirect or direct impacts to Indian Sacred Sites, Indian trust assets, or minority or disadvantaged populations, there will be no cumulative impacts.

# RECLAMATION

*Managing Water in the West*

**Draft Environmental Assessment**

## **Long-term Contract for the Exchange of Water between the Bureau of Reclamation and Byron- Bethany Irrigation District – Delta Division and San Luis Unit**

**EA-09-149**



**U.S. Department of the Interior  
Bureau of Reclamation  
Mid Pacific Region  
South-Central California Area Office  
Fresno, California**

**October 2012**



## **Mission Statements**

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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# Section 1 Introduction

## 1.1 Background

Byron-Bethany Irrigation District (BBID) is a multicounty special district, established under state law primarily to provide water to lands in Alameda, Contra Costa, and San Joaquin Counties. BBID has two water service areas: a Central Valley Project (CVP) water service area (approximately 5,800 acres) that receives CVP water and the Bryon Service area (approximately 16,300 acres) which is served by non-CVP water (Figure 1-1). BBID is located in the vicinity of the City of Tracy (City) and portions of the district overlap with the current City boundaries as well as the City's sphere of influence (Figure 1-1). Although BBID is primarily an agricultural district, urban development has increased conversion of land use from agriculture to municipal and industrial (M&I). Since the 1990s, approximately 6,000 acres of land in BBID have been converted to M&I use. Under agreements with the City, BBID provides raw water for treatment and retail delivery to a portion of BBID's M&I customers located within the area of overlapping City and BBID boundaries.

The approximately 6,000 acre Tracy Hills Development (Tracy Hills) has been proposed for construction in the southwest portion of the City (Figure 1-1). The development would include up to 5,499 dwelling units, ranging from estate lots to apartments (Tracy Hills Specific Plan Environmental Impact Report 1997). In 1998, the City annexed Tracy Hills and in 1999, 2006 acres of Tracy Hills was annexed into BBID's Raw Water Service Area 2 (RWSA2). As RWSA2 is located within BBID's Byron Service area, BBID intends to use a portion of their pre-1914 water right entitlement to meet the water needs of the development. Buildout of Tracy Hills is expected to occur over a period of 30 years, beginning in 2014.

The 1999 BBID annexation agreement identified a potential need in RWSA2 for up to 6,000 acre-feet (AF) per year (AFY) of water. However, the annexation agreement was amended in 2003 in order to clarify the financial terms and water delivery options for Tracy Hills. Included among the changes to the annexation agreement was a reduction in the Tracy Hills water demand and, thus, a reduction in the maximum BBID allocation of water needed in RWSA2. In accordance with the 2003 amended BBID annexation agreement, a maximum of 4,500 AFY of raw water is required to meet M&I purposes within RWSA2.

On May 28, 2003, BBID and the California Department of Water Resources (DWR) executed an agreement addressing their respective operations, including an acknowledgement by DWR of BBID's right to divert up to 50,000 AFY of water from the San Joaquin-Sacramento River Delta (BBID and DWR 2003). The 2003 agreement reaffirms BBID's current point of diversion in the Intake Channel (Milepost [MP] 1.83) to the Harvey O. Banks Pumping Plant. The 2003 agreement acknowledges that BBID may "furnish water...to the Tracy Hills portion of the District" (BBID and DWR 2003). Pursuant to the 2003 agreement with DWR, delivery of water under BBID's pre-1914 water right to Tracy Hills is limited to months during the historic irrigation season (March through October). In order to deliver water to the development over a 12-month period, BBID has requested that the Bureau of Reclamation (Reclamation) enter into a

long-term exchange contract for introduction of up to 4,500 AF of their pre-1914 water right water (non-CVP water), plus up to an additional 225 AFY to cover conveyance losses, at MP 3.32R on the Delta-Mendota Canal (DMC). BBID has also requested a long-term license for placement, maintenance, and operation of a pipeline within Reclamation's rights-of way (ROW).

## **1.2 Need for the Proposed Action**

Diversion of that portion of BBID's non-CVP water needed to serve BBID's RWSA2 is limited by agreement to the historic irrigation season as described above; however, a reliable 12-month annual water supply is needed, and could be facilitated through implementation of the Proposed Action with Reclamation.

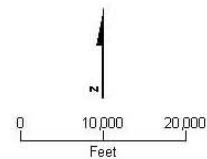
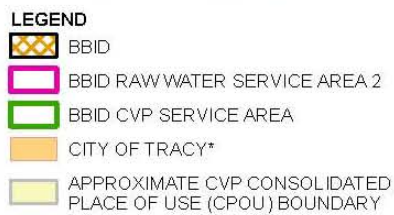
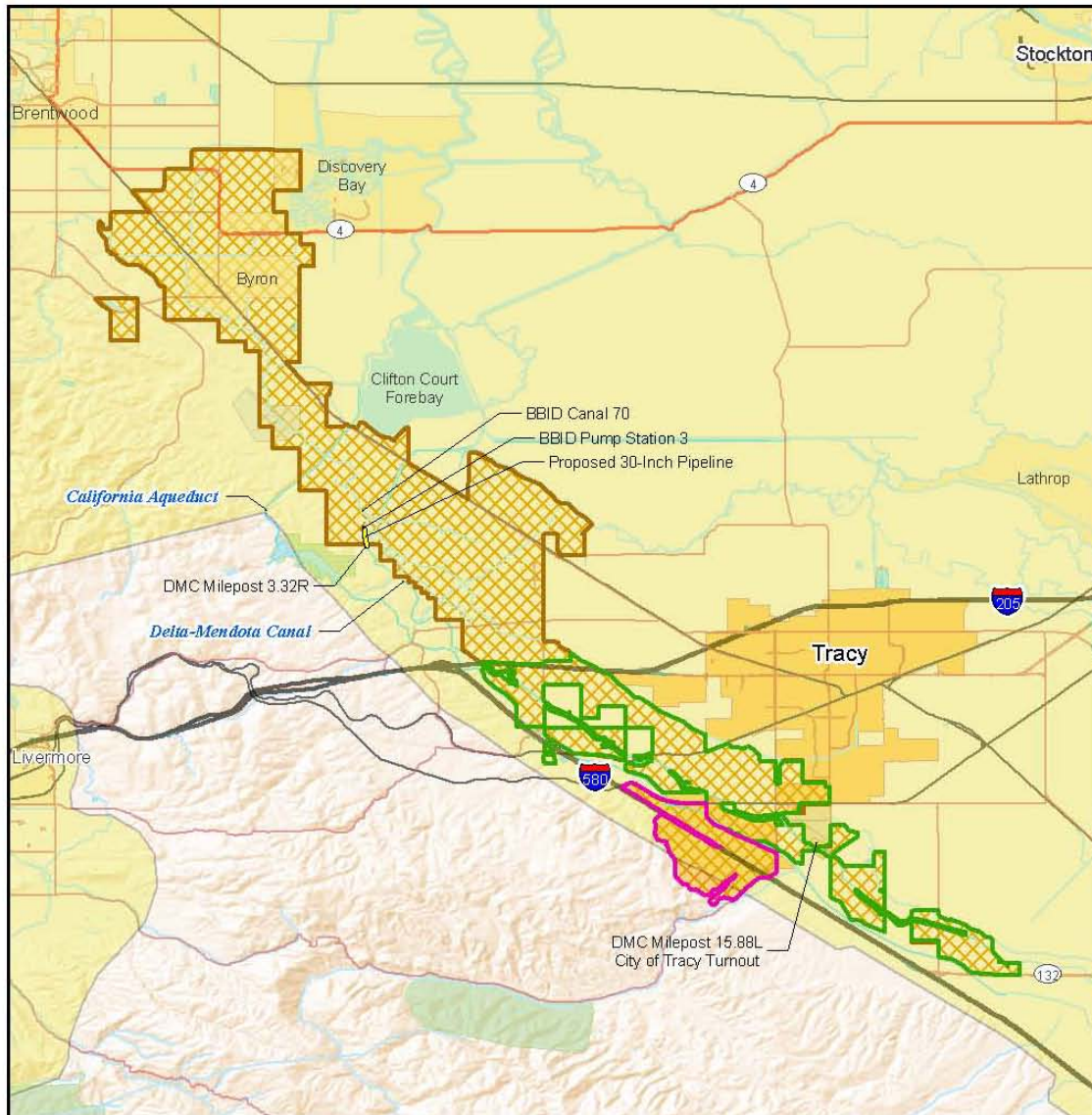
## **1.3 Scope**

This Environmental Assessment (EA) was prepared to analyze the possible impacts of entering into a long-term (up to 40 year) exchange contract and long-term (up to 40 year) license with BBID for placement, maintenance, and operation of a pipeline within Reclamation's ROW associated with the introduction of BBID's non-CVP water to the DMC at MP 3.32R.

This EA does not analyze the impacts of the build-out of Tracy Hills because Reclamation does not have land use authority or jurisdiction over the development. The City, which has land use authority over the Tracy Hills Development Project, has approved the Tracy Hills Specific Plan. Impacts relating to the Tracy Hills Development were analyzed separately by the City under a Final Environmental Impact Report (EIR) and certified by the City January 1, 1998 (City of Tracy 1997).

## **1.4 Resources of Potential Concern**

This EA will analyze the affected environment of the Proposed Action and No Action Alternative in order to determine the potential direct and indirect impacts and cumulative effects to the following resources: Water Resources, Land Use, Biological Resources, Cultural Resources, Indian Sacred Sites, Indian Trusts Assets, Socioeconomic Resources, Environmental Justice, Air Quality, and Global Climate.



\* Source = City of Tracy GIS database.

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**Figure 1-1 Proposed Action Area**

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## Section 2 Alternatives Including the Proposed Action

This EA considers two possible actions: the No Action Alternative and the Proposed Action. The No Action Alternative reflects future conditions without the Proposed Action and serves as a basis of comparison for determining potential effects to the human environment.

### 2.1 No Action Alternative

Reclamation would not execute a long-term (up to 40 year) exchange contract with BBID for introduction of up to 4,500 AFY, plus up to an additional 225 AFY to cover conveyance losses, of their non-CVP water. In addition, Reclamation would not execute a long-term (up to 40-year) license for construction of BBID's new discharge pipeline within Reclamation ROW at MP 3.32R of the DMC.

Alternative water supplies were discussed in Section 4.3.4 of the *Tracy Hills Specific Plan* and Appendix B of the *Tracy Hills Specific Plan* Final Environmental Impact Report (City of Tracy 1997). It is likely that a water supply among those that were evaluated in the Final EIR would be developed to meet the needs of the proposed Tracy Hills development. All other conditions are assumed to remain the same as existing conditions.

### 2.2 Proposed Action

Reclamation proposes to execute a long-term (up to 40-year) exchange contract and a long-term (up to 40-year) license with BBID as described below.

#### 2.2.1 Exchange Contract

BBID would introduce up to 4,500 AFY, plus up to an additional 225 AFY to cover conveyance losses, of its non-CVP water at MP 3.32R between March and October to meet Tracy Hills demand. All introduced water would be exchanged with Reclamation at the point of introduction. Exchanged water would either be delivered to MP 15.88L for treatment at the City's water treatment plant prior to delivery to Tracy Hills or would be stored within San Luis Reservoir for later delivery. Exchanged water may only be used within the Consolidated Place of Use as shown in Appendix A. As the exchanged water stored in San Luis Reservoir cannot be pumped upstream for delivery to MP 15.88L when called upon, the stored exchanged water would be used by Reclamation to meet CVP demands and a like amount of CVP water would be delivered to MP 15.88L.

Introduction of BBID's non-CVP water and storage of exchanged water would be scheduled annually with Reclamation and would be subject to excess capacity, operational constraints, and environmental requirements, as applicable. No Project Use Power would be used for the Proposed Action.



### **2.2.2 Long-term License**

Reclamation proposes to execute a long-term (up to 40-year) license with BBID. The license would allow BBID to access federal land to install an aboveground pipeline at the DMC as well as maintain and operate the structure on Reclamation's ROW. No construction or modifications to the DMC are required for the Proposed Action; however, improvements to existing BBID facilities as well as a new underground pipeline would be required for introduction of BBID's non-CVP water to the DMC (Figure 2-1). Specific construction activities would include the following:

#### ***Pump Station***

Proposed Pump Station 3 improvements include a new pump, motor, and associated facilities. The current Pump Station 3 site would need to be modified slightly by installing a retaining wall to improve access. The existing 16-cubic foot per second (cfs) pump and motor would be replaced with a larger 20-cfs pump and approximately 500-horsepower motor to accommodate increased pumping requirements. A new precast building would replace and be in the same location as the existing motor control center building. A new reinforced concrete pad and larger transformer would replace the existing pole-mounted transformers and would be located directly below the existing transformers. See Appendix B for preliminary Project designs.

#### ***Proposed Pipeline***

The proposed 30-inch diameter pipeline would be approximately 0.4 mile long. A geotechnical investigation would be performed prior to construction. The investigation would consist of excavating up to three test pits equally spaced along the pipeline route at a depth of 6 to 7 feet and a top area of 6 by 10 feet. The pits would be backfilled after soil samples were obtained and a report would be prepared to summarize the results of the investigation.

Pipeline material would be either welded steel or ductile iron pipe. The pipeline would be aligned and buried in a general southern direction directly between Pump Station 3 and the DMC. A turnout would be provided to deliver water at the intersection with Canal 155 to supplement the existing Canal 155 pump (11 cfs) as needed.

The proposed pipeline would transition from belowground to aboveground at the DMC and discharge near the headwall of the DMC. A concrete pad would likely be poured where the pipe leaves the ground. Pipe support would likely be installed to support the aboveground pipe as well. The discharge would consist of a 45 degree elbow, angled toward the DMC and would be approximately three feet above the high water level of the DMC to prevent siphoning. See Appendix B for preliminary Project designs.

An underground corrugated pipe currently connects Canal 155 to an existing stock pond located west of Canal 155. Water leaves Canal 155 through a manmade feature that supplies a short surface flow of water before it goes back into the underground corrugated pipe and resurfaces to continue surface flow into the stock pond. The underground pipe would be temporarily removed during construction and replaced above the proposed pipeline after its installation. Water would be rerouted over the trench to the stock pond during construction. After construction, the entire length of the corrugated pipeline would be restored to its existing condition.

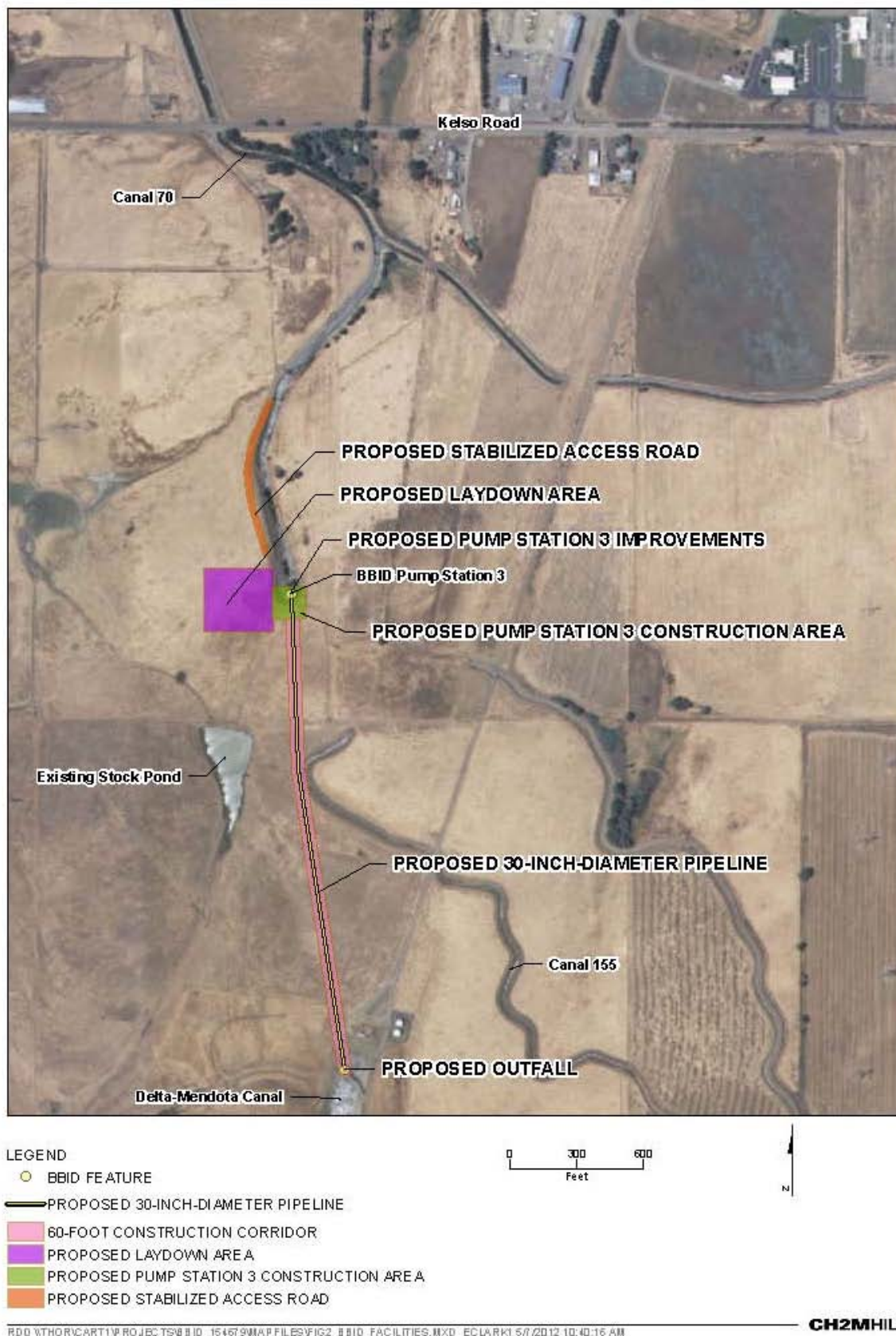


Figure 2-1 Construction Details

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The need for dewatering trenches along the pipeline route or near the DMC is not anticipated; however, if needed, trenches would be dewatered using portable sump pumps in accordance with a Stormwater Pollution Prevention Plan (SWPPP) prepared for the Project.

### ***Access and Construction***

Access to the construction site would be via an existing gravel access road connecting Kelso Road to the pumping plant and proposed laydown area. Approximately 250 yards of the existing access road directly north of Pump Station 3 would be stabilized with 30-foot-wide by 4-inch-thick layer of compacted aggregate base to allow for daily construction traffic (Figure 2-1).

The total area of disturbance required to complete the proposed improvements at Pump Station 3 is approximately 0.5 acre, less than 0.2 acre of which would be permanent disturbance. The proposed disturbance and laydown areas are shown on Figure 2-1. In addition, an approximately 2-acre laydown and stockpiling area would also be required adjacent to and west of Pump Station 3. The laydown area would be used to temporarily store contractor equipment, spoils, and other materials, including pipe. Installation of the pipeline would require a temporary 60-foot-wide disturbance area to accommodate the actual pipe trench, construction equipment, excavated materials, pipe laydown, and access. Access along the pipeline corridor would be provided within the proposed 60-foot temporary work space required to install the pipeline. There is little vegetation that would require clearing. The use of pesticides is not anticipated. Topsoil (if evident) would be stripped for the trench surface area and stockpiled to be returned later to the trench surface.

The integrity (quantity and quality) of adjacent aquatic habitat would be maintained through the use of a bypass to temporarily divert water flowing to the adjacent stock pond through the existing corrugated metal pipe that crosses the pipeline as described previously.

Staging the site would take approximately one month, which would include stabilizing 0.5 acres of the access road, clearing and grubbing the pipeline corridor, and demolishing the pump station facilities to be replaced. Concurrent work would begin on pipeline installation and Pump Station 3 improvements (Figure 2-1).

Onsite construction equipment would include one excavator, one loader, one dump truck, one compactor, and one small crane. The approximate volume of earthwork required would be about 600 cubic yards of total cut, which would be spread out along the pipeline corridor upon completion. It is anticipated that no borrow material (from onsite sources) would be needed, but import material might be required for fill around the pipeline.

Construction of the Proposed Action facilities is anticipated to take approximately 8 to 10 months to complete and is scheduled to be initiated late 2013. Pipeline installation is anticipated to take approximately 3 months, and work associated with the pump station improvements would likely take 4 to 5 months. Construction activities would be limited to weekdays during business hours, approximately between 7 a.m. to 7 p.m.

### ***Operation and Maintenance***

Operation and maintenance of the proposed pipeline by BBID is expected to be limited to repairing leaks, if any and obtaining corrosion test readings annually to monitor pipeline

resistance to corrosion as well as any requirements provided for under the long-term license for the portion of the pipeline within Reclamation's ROW. Existing roads (dirt and gravel) would be used for access when needed.

Power to operate and maintain BBID's facilities would be supplied by BBID. As described previously, no Project-Use Power would be used for the Proposed Action.

### 2.2.3 Environmental Commitments

BBID shall implement the following environmental protection measures to reduce environmental consequences associated with the Proposed Action (Table 2-1).

Environmental consequences for resource areas assume the measures specified would be fully implemented. Copies of all reports and monitoring shall be submitted to Reclamation.

**Table 2-1 Environmental Protection Measures and Commitments**

<b>Resource</b>	<b>Protection Measure</b>
Water Resources	Prior to construction, a Qualified SWPPP Developer would prepare a SWPPP and a Qualified SWPPP Practitioner would implement the SWPPP in order to minimize the amount of pollutants discharged in storm water from the site.
Water Resources	BBID must comply with Reclamation's water quality standards as described in Appendix C.
Biological Resources	At least thirty (30) calendar days prior to ground disturbance, BBID shall (a) purchase compensation land for the loss of habitat, place a Service approved conservation easement on that land, and arrange for Service approved management and endowment, or (b) purchase and endow compensation land with a Service approved conservation bank.
Biological Resources	U.S. Fish and Wildlife Service (Service)-approved biologist would conduct pre-construction protocol level surveys (Appendix D) for California red-legged frogs. In addition the following measures would be implemented to protect California red-legged frogs: <ul style="list-style-type: none"> <li>• Pumping facility construction would be limited to a fenced area less than 0.5 acre, and pipeline would be constructed between June 1 and September 30 (period during which California red-legged frogs are considered least likely to move over land in the area).</li> <li>• "Amphibian-friendly" barrier fencing with bright-colored flagging would be constructed and maintained within 50 feet of the pipeline construction corridor to restrict movement of California red-legged frogs from the nearby ponds into the project area.</li> <li>• Preventive measures would be implemented to reduce siltation and contaminated runoff to protect water quality within creeks and wetlands inhabited by California red-legged frogs.</li> </ul>
Biological Resources	Pre-construction protocol level surveys (Appendix E) for San Joaquin kit fox shall be completed no fewer than 14 days and no more than 30 days prior to the onset of any ground-disturbing activity. Standard San Joaquin kit fox avoidance measures must be implemented prior to and during the proposed work. Specific attention should be provided to project schedule and seasonal constraints associated with clearance of potential San Joaquin kit fox dens that may be natal dens.
Biological Resources	Small mammal burrows and other refugia suitable for aestivation habitat (e.g., underground holes, cracks, or niches), observed during the preconstruction surveys would be retained for California tiger salamander in adjacent uplands.
Biological Resources	A protocol-level field survey (Appendix F) for burrowing owls would be completed prior to ground disturbance. Measures for avoiding "take" of burrowing owl as described in Appendix F would be implemented during construction. Specific attention should be provided to project schedule and seasonal constraints associated with clearance of burrows (i.e., passive relocation) that may be occupied by nesting burrowing owls.

Resource	Protection Measure
Biological Resources	Trenches would be covered overnight where feasible. If trenches must be left open, minimum 3:1 slope dirt ramps would be used for passive escape.
Biological Resources	Work would be confined to daylight hours to minimize potential adverse effects to listed species as most activity by California red-legged frogs, California tiger salamander, and San Joaquin kit fox is nocturnal.
Biological Resources	A Service-approved biologist would be onsite at the beginning of the Project and would visit the site periodically throughout construction to ensure that practicable measures are employed to avoid incidental disturbance of California red-legged frogs, California tiger salamander, and San Joaquin kit fox and their habitats. Relocation of California red-legged frogs or California tiger salamander, if necessary, would be to the nearest suitable California ground squirrel burrow outside the barrier fencing.
Cultural Resources	If cultural resources or materials are discovered during ground-disturbing activities, the work near the discovery would cease. Reclamation's archaeologist would be contacted and the area would be protected until the find is evaluated by a qualified archaeologist.
Cultural Resources	If human remains are encountered, the County Coroner would be notified of the find immediately. If the remains are determined to be Native American, the County Coroner would notify the Native American Heritage Commission, which would determine and notify a most likely descendant. The most likely descendant would complete an inspection within 48 hours of notification by the Native American Heritage Commission. The most likely descendant may recommend scientific removal and analysis of human remains and items associated with Native American burials.
Paleontological Resources	If fossil remains are discovered during ground-disturbing activities, the work near the discovery would cease and the area would be protected until the find is evaluated by a qualified paleontologist. The paleontologist would be responsible for sampling and data recovery, if needed; museum storage coordination for specimens and data recovered; and reporting.
Air Quality and Global Climate	<p>The following measures would be implemented to reduce fugitive dust emissions:</p> <ul style="list-style-type: none"> <li>• Idling times would be minimized by either shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations).</li> <li>• Clear signage would be provided for construction workers at all access points.</li> <li>• Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) would be watered two times per day.</li> <li>• Haul trucks transporting soil, sand, or other loose material offsite would be covered.</li> <li>• Visible mud or dirt track-out onto adjacent public roads would be removed using wet power vacuum street sweepers at least once per day. Dry power sweeping would be prohibited.</li> <li>• Construction equipment would be maintained and properly tuned in accordance with manufacturer's specifications. Equipment would be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> <li>• Vehicle speeds on unpaved roads would be limited to 15 mph.</li> </ul>
Hazards and Hazardous Materials	Prior to construction, a Qualified SWPPP developer would prepare a SWPPP that would include best management practices for managing and handling hazardous materials. The SWPPP would define protocol for emergency procedures, handling, and disposal of hazardous materials if an accidental spill occurs during construction.

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## Section 3 Affected Environment and Environmental Consequences

This section identifies the potentially affected environment and the environmental consequences involved with the Proposed Action and the No Action Alternative, in addition to environmental trends and conditions that currently exist.

### 3.1 Water Resources

#### 3.1.1 Affected Environment

##### ***Central Valley Project***

CVP water is used for the irrigation of agricultural areas, for M&I uses, for the restoration of fisheries and aquatic habitat in the waterways that have been affected by water development, for wildlife refuges, and for other purposes. The largest use of CVP water is for agricultural irrigation. The greatest demand for irrigation water occurs in mid- to late summer, as crops mature and crop water use increases. During the winter, farmers also use water for frost control and pre-irrigation of fields to saturate the upper soil.

The amount of CVP water available each year for contractors is based, among other considerations, on the storage of winter precipitation and the control of spring runoff in the Sacramento and San Joaquin River basins. Reclamation's delivery of CVP water diverted from these rivers is determined by state water right permits, judicial decisions, and state and federal obligations to maintain water quality, enhance environmental conditions, and prevent flooding.

**Delta Division** The Delta Division provides for the transport of water through the central portion of the Central Valley, including the Sacramento-San Joaquin Delta (Delta). The main features of the division are the Delta Cross Channel, Contra Costa Canal, Jones Pumping Plant, and the DMC, constructed and operated by Reclamation. This system provides full and supplemental water, as well as temporary water service, for a total of about 380,000 acres of farmland (Reclamation 2011a).

The Jones Pumping Plant consists of an inlet channel, pumping plant, and discharge pipes. Water in the Delta is lifted 197 feet into the DMC. Each of the six pumps at Tracy is powered by a 22,500 horsepower motor and is capable of pumping 767 cfs. Power to run the pumps are supplied by CVP power plants. The water is pumped through three 15-foot-diameter discharge pipes and carried about one mile up to the DMC. The intake canal includes the Tracy Fish Screen, which was built to intercept downstream fish so they may be returned to the main channel to resume their journey to the ocean (Reclamation 2011a).

The DMC carries water southeasterly from the Jones Pumping Plant along the west side of the San Joaquin Valley for irrigation supply, for use in the San Luis Unit, and to replace San Joaquin River water stored at Friant Dam and used in the Friant-Kern and Madera systems. The canal is about 117 miles long and terminates at the Mendota Pool, about 30 miles west of Fresno. The



initial diversion capacity is 4,600 cfs, which is gradually decreased to 3,211 cfs at the terminus (Reclamation 2011a).

### ***Byron-Bethany Irrigation District***

BBID is a Delta Division CVP contractor that receives its CVP supply from various turnouts on the DMC. As described previously, BBID is a multicounty special district with two water service areas: a CVP water service area (approximately 5,800 acres) that receives CVP water and the Bryon Service area (approximately 16,300 acres) which is served by non-CVP water. BBID's CVP water supply is used for irrigation and M&I purposes; however, only a portion of the district's CVP supply is subject to Reclamation's M&I water shortage policy. Under agreements with the City, BBID provides raw CVP water for treatment and retail delivery to a portion of their M&I customers located within the area of overlapping City and BBID boundaries.

BBID's point of diversion for their non-CVP water is at MP 1.83 of the intake channel to the Harvey O. Banks Pumping Plant. BBID's pre-1914 water rights were established by the Byron Bethany Irrigation Company. In 1921, BBID acquired the Company's irrigation facilities and water rights. BBID's diversion facilities were moved to the State Water Project (SWP) Banks Pumping Plant Intake Channel in 1964 when the SWP was constructed. BBID's diversion facility at Pump Station 1-S is downstream from the SWP Skinner Fish Facility, which protects Delta fish species of concern from entrainment at the SWP Banks Pumping Plant. Under its operational agreement with DWR, BBID has agreed to limit its diversions at the SWP Banks Pumping Plant Intake Channel to 50,000 AFY (BBID and DWR 2003).

BBID's distribution system is segregated into the Byron Division (north of the Banks Intake Channel) and the Bethany Division (south of the Banks Intake Channel). Open canals and pump stations are the primary distribution system infrastructure, but major portions of the system consist of pipelines to deliver water supplies to customers during the irrigation season.

BBID conducted a water supply study prior to the 1999 annexation of RWSA2 which found that BBID had an adequate supply of water to meet the projected need in RWSA2 due to water use efficiency and conversion of agricultural lands to urban areas.

**Water Quality** The quality of BBID's non-CVP water supply depends on the time of year and Delta hydrology and operations, but is sufficient for intended agricultural and M&I uses (CH2M Hill 2001). BBID's non-CVP water supply is of equivalent quality to the source water for the SWP (same source, common facilities) and of similar quality to CVP water pumped at Jones Pumping Plant into the DMC.

### ***City of Tracy***

The City is also a Delta Division CVP contractor that receives its CVP supply from a turnout on the DMC downstream from BBID (MP 15.88L). In addition to its' CVP supplies, the City has non-CVP water (surface water and groundwater) that are used to meet M&I demands. Because its' non-CVP and CVP water supplies are used for M&I purposes, they must be treated before delivery. The treatment process consists of chemical oxidation, coagulation, flocculation, filtration, and chlorination. In addition, chloramines (the combination of chlorine and a small amount of ammonia) are used as the residual disinfectant in the water distribution system.

CVP water from MP 15.88L on the DMC is transferred by pipeline to the water treatment plant and, after treatment, transferred by pipeline to M&I users. The City provides water service to all of its approximately 78,000 residents and to approximately 400 residents of the Larch-Clover County Services District. The City also provides retail water service to the unincorporated Patterson Business Park pursuant to its wholesale water agreement with BBID. The City currently delivers approximately 18,000 AFY within its service territory and expects that demand will grow to 27,000 AFY by the year 2020 (City of Tracy 2005).

### **Groundwater Resources**

BBID, the City, and Tracy Hills are located within the Tracy subbasin of the San Joaquin Valley Groundwater Basin (DWR 2003). Groundwater within the subbasin occurs within the Upper and Lower Zones, which are separated by the Corcoran Clay (Reclamation 2010a). The Upper Zone contains both semi-confined and unconfined water in an upper section of the Tulare Formation, and younger deposits above the Corcoran Clay. Although semi-confined in some regions, the Upper Zone is commonly referred to as the unconfined aquifer. The Lower Zone contains confined water in a lower section of the Tulare Formation, below the Corcoran Clay. The cumulative thickness of the Tulare Formation deposits ranges from a few hundred feet near the Coast Range foothills to the west of the DMC to about 3,000 feet along the trough of the valley below the San Joaquin River (Reclamation 2010a).

Groundwater levels studied within this area were reported to be at their lowest levels in the late 1960s, before surface water was imported (Reclamation 2010b). After the CVP began delivery to the area in 1967, groundwater levels gradually increased, falling temporarily during the 1976-1977 droughts. Generally, the subbasin groundwater levels increased by approximately 2 feet from 1970 to 2000, and groundwater levels have fluctuated around this level since that time, with no clear trend.

## **3.1.2 Environmental Consequences**

### **No Action**

Under the No Action Alternative, Reclamation would not execute the proposed long-term contract or license with BBID. Alternative water supplies were discussed in Section 4.3.4 of the *Tracy Hills Specific Plan* and Appendix B of the *Tracy Hills Specific Plan* Final EIR (City of Tracy 1997). It is likely that a water supply among those that were evaluated in the Final EIR would be developed to meet the needs of the proposed Tracy Hills development. If any of these supplies involve a federal action by Reclamation they would undergo separate environmental review. BBID would continue to deliver their CVP and non-CVP water to their customers as they have in the past. There would be no impact to the DMC or CVP deliveries as conditions would remain the same as existing conditions.

### **Proposed Action**

**CVP Operations** Under the Proposed Action, Reclamation would execute the proposed long-term contract and license with BBID which would allow BBID to construct an aboveground pipeline within Reclamation ROW in order to introduce up to 4,500 AF, including up to 225 AFY for conveyance losses, of their non-CVP water to the DMC at MP 3.32R. Introduced water, less conveyance losses, would be exchanged with Reclamation at the point of

introduction. Exchanged water would either be delivered to MP 15.88L or stored within San Luis Reservoir for later delivery. As the stored water cannot be pumped upstream in the DMC for delivery to MP 15.88L when called upon, stored exchanged water would be used by Reclamation to meet CVP demands and an equivalent amount of CVP water would be delivered to MP 15.88L via the DMC. No additional CVP water would be pumped in order for this to occur as the stored water would be used to meet CVP demands in lieu of CVP water which would then be delivered to MP 15.88L. Introduction and storage of the exchanged water is dependent on available capacity and operational constraints; therefore, the Proposed Action would not interfere with the normal operations of federal facilities nor would it impede any CVP obligations to deliver water to other contractors or to local fish and wildlife habitat nor would the Proposed Action interfere in the quantity or timing of diversions by the CVP from the Delta.

**Water Quality** All waters introduced into the DMC must meet Reclamation water quality standards as described in Appendix B (currently Title 22 of the California Code of Regulations). If, through monitoring, BBID's non-CVP water fails to meet the criteria for discharging non-CVP water into federal facilities, the water would not be introduced into the DMC until subsequent testing has demonstrated that the water quality has been met by the criteria as outlined in Tables 5, 6 and 7 of Appendix B. Surface water quality at the ephemeral water feature and stock pond located east and downslope of the proposed pipeline could be affected as a result of construction related to the Proposed Action (see Section 2.2.2) due to potential erosion of stockpiles and spoil piles. As described in Section 2.2.2 and included in Table 2-1, a SWPPP would be prepared by a Qualified SWPPP Developer and implemented during construction to minimize these potential impacts. Therefore, there would be no adverse impacts to water quality as a result of the Proposed Action.

**BBID Operations** The amount of water diverted by BBID for the contract is part of their existing water rights entitlement and would not require any new diversions. This water is only a small percentage of their total entitlement (approximately 9 percent) and would not impact BBID's ability to service other agricultural or M&I users. In addition, construction activities for the Proposed Action that could impact BBID's deliveries would be timed in order to prevent impacts to their existing water users. Therefore, there would be no impacts to water resources within BBID.

**City of Tracy Operations** BBID is currently pursuing a wholesale water agreement with the City for treatment and delivery of the exchanged water to Tracy Hills. Exchanged water to be delivered at MP 15.88L for treatment by the City would be coordinated with the City prior to delivery in order to prevent any impacts to the City's water resources and infrastructure. Alternative supplies from existing City supplies would be available for use within the Tracy Hills Development on a temporary basis should the introduction of BBID's non-CVP water and/or the exchanged water be subject to excess capacity or operational constraints; therefore, there would be no adverse impacts to the City's water resources.

**Groundwater** No groundwater would be pumped under the Proposed Action. The use of surface water within Tracy Hills is not expected to impact groundwater levels as it would not be used to meet M&I demands. The proposed improvements at or near Pump Station 3 would not disturb soil below the water level in the intake channel; however, should any groundwater be

encountered, portable sumps would be used in accordance with best management practices identified in the SWPPP developed for the Proposed Action. In addition, dewatering of trenches along the pipeline route or near the DMC is not anticipated; however, if needed, trenches would also be dewatered using portable sump pumps in accordance with the SWPPP. Therefore, there would be no adverse impacts to groundwater resources as a result of the Proposed Action.

### ***Cumulative Impacts***

Cumulative impacts result from incremental impacts of the Proposed Action or No Action alternative when added to other past, present, and reasonably foreseeable future actions.

Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. To determine whether cumulatively significant impacts are anticipated from the Proposed Action or the No Action alternative, the incremental effect of both alternatives were examined together with impacts from past, present, and reasonably foreseeable future actions in the same geographic area.

As in the past, hydrological conditions and other factors are likely to result in fluctuating water supplies which drives requests for water service actions. Water districts aim to provide water to their customers based on available water supplies and timing, all while attempting to minimize costs. A myriad of water service actions are approved and executed each year to facilitate water needs. Each water service transaction involving Reclamation undergoes environmental review prior to approval.

Existing or foreseeable projects, in addition to the proposed long-term contract and license with BBID, which could affect or could be affected by the Proposed Action or No Action alternative, include the following:

**Delta-Mendota Canal/California Aqueduct Intertie** A 500 linear feet intertie has been constructed by Reclamation and DWR in an unincorporated area of the San Joaquin Valley in Alameda County, west of the city of Tracy. The intertie is a shared federal-state water system improvement that connects the DMC (federal facility) and the California Aqueduct (state facility) via two 108-inch-diameter pipes and pumping capacity of 467 cfs. The Intertie addresses DMC conveyance conditions that had restricted use of the Jones Pumping Plant to less than its design capacity, potentially restoring as much as 35,000 AF of average annual deliveries to the CVP. Reclamation and DWR prepared an Environmental Impact Statement (EIS)/EIR for the intertie and a Record of Decision (ROD) was completed December 28, 2009 (Reclamation 2012a).

**South-of-Delta Accelerated Water Transfer Program** The Central Valley Project Improvement Act (CVPIA) was signed into law in 1992 to mandate changes in management of the CVP. In addition to protecting, restoring, and enhancing fish and wildlife, one of the other purposes of the CVPIA is to increase water-related benefits provided by the CVP to the State of California through expanded use of voluntary water transfers and improved water conservation. To assist California urban areas, agricultural water users, and others in meeting their future water needs, Section 3405(a) of the CVPIA authorizes all individuals or districts who receive CVP water under water service or repayment contracts, water rights settlement contracts or exchange contracts to transfer, subject to certain terms and conditions, all or a portion of the water subject

to such contract to any other California water users or water agency, State or Federal agency, Indian Tribe, or private non-profit organization for project purposes or any purpose recognized as beneficial under applicable State law.

After enactment of the CVPIA, Reclamation has historically acknowledged water transfers and/or exchanges between CVP contractors geographically situated within the same region and who are provided water service through the same CVP facilities under an Accelerated Water Transfer Program. In 2010, Reclamation approved the continuation of the South-of-Delta Accelerated Water Transfer Program through February 29, 2016. Reclamation prepared EA-10-051, *Accelerated Water Transfers and Exchanges, Central Valley Project, South of Delta Contractors 2011-2015* and a Finding of No Significant Impact (FONSI) was signed on February 14, 2011 (Reclamation 2011b).

**Exchange Contractors 25-Year Water Transfer Program** The San Joaquin River Exchange Contractors are currently transferring up to 130,000 AF of their substitute water to Reclamation under a 10-year (March 1, 2005, through February 28, 2014) water transfer program. Under the current program, the San Joaquin River Exchange Contractors develop sources of water to temporarily reduce the need for delivery of substitute water by Reclamation. The sources of water developed by the San Joaquin River Exchange Contractors include a maximum of 80,000 AF from conservation, tailwater recapture, and groundwater as well as a maximum of 50,000 AF from voluntary temporary land fallowing. For each AF of water developed by the San Joaquin River Exchange Contractors, an in-kind amount of water is considered acquired and left within the CVP for Reclamation to deliver to CVP contractors or wildlife areas. Reclamation and the San Joaquin River Exchange Contractors prepared an EIS/EIR for the 10 year program and a ROD was completed March 23, 2005. As the program will expire soon, Reclamation and the San Joaquin River Exchange Contractors have proposed extending the program for another 25 years. A draft EIS/EIR was released for a 60-day public review on May 4, 2012 (Reclamation 2012b).

**Meyers Farms Groundwater Banking Program** The Meyers Family Farm Trust pursued development of the Meyers Farm Water Bank to store water in above-normal and wet years for later use during below-normal, dry, and critically-dry years. Under the banking program, CVP and non-CVP water to be banked flows from the Mendota Pool into five recharge ponds. Banked water is later extracted and pumped into Mendota Pool for exchange with Reclamation. The original project was analyzed in EA-05-09 *Meyers Farm Water Banking Project – Mendota, California* and a FONSI signed May 9, 2005 (Reclamation 2005). Two supplemental EAs and FONSI for the project were prepared to increase the annual extraction rate and to add Banta-Carbona Irrigation District's non-CVP surface water to the banking program. In addition, Reclamation has recently received a request to increase the rate of extraction from Meyers Bank from 6,316 AFY to 10,526 AFY, to amend the cumulative total amount of CVP water banked from 35,000 AF to 60,000 AF at any given time, to increase the amount of Banta Carbona Irrigation District's non-CVP water conveyed in the DMC for banking from 5,000 AFY to 10,000 AFY, to approve the annual transfer of up to 5,000 AFY of Banta Carbona Irrigation District's CVP water in-lieu of their non-CVP water for banking at Meyers Bank, and to deliver banked water via exchange to other areas within the service area of San Luis Water District. A draft EA was released for a 30-day public review on July 2, 2012 (Reclamation 2012c).

**Groundwater Pump-in Programs for San Luis Unit and Delta Division Contractors** Under this project, participating CVP contractors within the Delta Division and San Luis Unit of the CVP could pump up to 50,000 AF total of groundwater into the DMC between March 1, 2012 through February 28, 2014 (Contract Years 2012 and 2013). The project was analyzed in EA-12-005 *Two-Year Exchange Agreements and/or Warren Act Contracts for Conveyance of Groundwater in the Delta-Mendota Canal – Contract Years 2012 through 2014 (March 1, 2012 – February 28, 2014)* and a FONSI was completed on May 8, 2012 (Reclamation 2012d). The action was previously conducted between March 1, 2010 through February 28, 2012 (Contract Years 2010 and 2011) and analyzed in EA-09-169. It is likely that these actions would be requested in the future.

**Mercy Springs Water District and Fresno Slough Water District Multi-Year Transfers to Angiola Water District** Reclamation has received a request from Mercy Springs and Fresno Slough to approve the annual transfer up to 1,300 AFY of Mercy Springs' CVP water and up to 4,000 AFY of Fresno Slough's CVP water over a nine-year period to Angiola Water District. An EA that analyzed the impacts of the proposed transfers entitled *Mercy Springs Water District and Fresno Slough Water District Multi-Year Transfers to Angiola Water District* was released for a 30-day public review on July 9, 2012 (Reclamation 2012e).

**Five-year Warren Act Contracts for Banta-Carbona Irrigation District, Byron Bethany Irrigation District, Patterson Irrigation District, and West Stanislaus Irrigation District** Reclamation has executed five-year Warren Act contracts with Banta-Carbona Irrigation District, BBID, Patterson Irrigation District, and West Stanislaus Irrigation District for the conveyance and storage per contractor of up to 10,000 AFY of non-CVP surface water in the DMC through February 28, 2016. The project was analyzed in EA-09-156, *Five-year Warren Act Contracts for Banta-Carbona Irrigation District, Byron Bethany Irrigation District, Patterson Irrigation District, and West Stanislaus Irrigation District* and a FONSI was signed on March 8, 2010 (Reclamation 2010c). In April 2012, Reclamation received a request from BBID to approve delivery of up to 5,000 AFY of their non-CVP water to Westlands Water District via the San Luis Canal. The additional points of delivery were analyzed in supplemental EA-12-052 *Additional Point of Delivery for Byron Bethany Irrigation District's non-Central Valley Project Water to Westlands Water District* and a FONSI was signed on June 15, 2012 (Reclamation 2012f).

**Byron Bethany Irrigation District Long-term Water Transfer to Zone 7** BBID has entered into a long-term water transfer agreement with Zone 7 of the Alameda County Flood Control and Water Conservation District. Under the agreement, Zone 7 may purchase up to 5,000 AF of surplus water, with a minimum delivery of 2,000 AF from BBID for use within Zone 7. Surplus water is made available from BBID through temporary fallowing, permanent conversion of farmland, and water conservation. The Zone 7 water transfer was accounted for in a water supply study conducted by BBID prior to the 1999 annexation of 2,006 acres of Tracy Hills into BBID's RWSA2.

Reclamation's Proposed Action is the execution of a long-term contract and license with BBID for introduction of up to 4,500 AF, including up to 225 AFY to cover conveyance losses, of their

non-CVP water to the DMC at MP 3.32R for exchange with Reclamation. Exchanged water would either be delivered to MP 15.88L or stored within San Luis Reservoir for later delivery as described previously. Introduction and storage of non-CVP water or exchanged water, including the Proposed Action, is subject to available capacity and operation constraints.

BBID's non-CVP water under the Proposed Action is approximately 9 percent of their pre-1914 water rights entitlement. Combined with the five year Warren Act contract described above, BBID has proposed to introduce for transfer or exchange up to 9,725 AFY of their pre-1914 entitlement into the DMC which is approximately 19 percent of their entitlement and would not impact BBID's ability to service other agricultural or urban water users; therefore, the Proposed Action would not cumulatively impact surface water resources within BBID.

Water service actions, like those described above, do not result in increases or decreases of water diverted from rivers or reservoirs. Each water service transaction involving CVP and non-CVP water undergoes environmental review prior to approval. The Proposed Action and No Action alternative and other similar projects would not interfere with the projects listed above, nor would they hinder the normal operations of the CVP and Reclamation's obligation to deliver water to its contractors or to local fish and wildlife habitat. Neither alternative, when added to other water service actions, would result in cumulative effects to surface water resources beyond historical fluctuations and conditions.

## **3.2 Land Use**

### **3.2.1 Affected Environment**

Although BBID is primarily an agricultural district, portions of the District overlap with the City's current boundaries and are within the sphere of influence for the City. Because of recent urbanization and other factors, the amount of agricultural lands in production has been generally declining. In addition to the variation in cropping from year to year, a limited number of growers in the District occasionally fallow (not irrigate) portions of their land. Fallowing land can also be attributed to a number of factors, such as market conditions, desirability to rotate crops off a portion of property to improve productivity, and grower preference. Since 1990, approximately 6,000 acres of land in BBID have been converted from agriculture to M&I use.

The construction activities associated with the Proposed Action are located in an unincorporated part of Alameda County, mostly on private land approximately six miles southeast of Byron. The land is classified by the California Department of Conservation, Division of Land Resource Protection, as "Grazing Land," which is defined as "land on which the existing vegetation is suited to the grazing of livestock" (California Department of Conservation 2008). The area is currently zoned as agriculture, with a General Plan designation as large parcel agriculture by Alameda County (City of Tracy 2006). The primary use within this area is grazing. The affected parcels are also bound in Land Conservation Act of 1965 (Williamson Act) contracts.

### 3.2.2 Environmental Consequences

#### **No Action**

There would be no impact to land use as conditions would remain the same as existing conditions.

#### **Proposed Action**

The existing trend of land use conversion within the San Joaquin Valley from farmland to urban land uses would continue as it has in the past with or without the Proposed Action. The Proposed Action would not conflict with existing zoning for agricultural use or promote the conversion of farmland to non-agricultural use within the Proposed Action area.

Construction of the proposed pipeline and modification of BBID's facilities would impact approximately 5.9 acres of temporary disturbance which include a 2.9-acre construction corridor for the new pipeline, a 2-acre laydown and stockpiling area located adjacent to and west of Pump Station 3, a 0.3-acre construction area associated with Pump Station 3, and 0.5 acres of gravel placement within the footprint of the existing access road for shoring purposes that are currently defined as grazing land. The Proposed Action would not conflict with existing zoning for agricultural use or promote the conversion of farmland to non-agricultural use because impacts either would be temporary or would occur in areas already containing irrigation facilities. Although a portion of this area is listed under Williamson Act contracts, the construction of irrigation facilities is considered to be a compatible agricultural use and would not change its land use designation. In addition, the majority of the area impacted by construction would be restored to its original use once construction was completed. Therefore, the Proposed Action would not result in adverse impacts on land use.

#### **Cumulative Impacts**

In recent years, land use changes within the San Joaquin Valley have involved the urbanization of agricultural lands. These types of changes are typically driven by economic pressures and are as likely to occur with or without the Proposed Action. In addition, land use within the Proposed Action area would be returned to its current use once construction was complete. Accordingly, no cumulative adverse impacts on land use are anticipated.

## 3.3 Biological Resources

### 3.3.1 Affected Environment

Reconnaissance-level biological field surveys were conducted on September 16, 2009 and on June 25, 2010 within the construction area associated with the Proposed Action (CH2M Hill 2009, Bumgardner Biological Consulting 2010). Information on the biological resources within this area, such as dominant vegetation type, habitat features, and overall site conditions, was noted during the surveys. These resources were further evaluated as to their potential to support special-status plant and wildlife species in the area.

### 3.3.2 Affected Environment

The construction area associated with the Proposed Action is dominated by California annual grassland, as classified by California Department of Fish and Game (CDFG, CDFG 2003) and Holland (1986). This is a naturalized community, although most of the species are nonnative.



Dominant plant species observed in the area during the field surveys include yellow star-thistle (*Centaurea solstitialis*), rat-tail fescue (*Vulpia myuros*), gum plant (*Grindelia* sp.), and dove weed (*Croton setigerus*) (Bumgardner Biological Consulting 2010). While most of the grassland habitat in the action area is actively grazed, it continues to provide valuable habitat for plants and wildlife.

An existing stock pond is located on the western edge of the proposed pipeline alignment (Figure 2-1) with wetland vegetation found along the margins of the pond, including rabbits foot grass (*Polypogon monspeliensis*), rush (*Scirpus acutus*), mana grass (*Glyceria* sp.), and spike rush (*Eleocharis macrostachya*). The sources of water for the stock pond are surface flows and from an upslope pipe that exits from under Canal 155.

Wetland “seep” vegetation (e.g., *Juncus* sp.) occurs upslope of the stock pond along a narrow swath that runs parallel to Canal 155 and is apparently associated with leakage from the unlined canal. No water pools are associated with this “seep” vegetation given the slope of the embankment. The vegetation is maintained by saturated soils. The “seep” is not considered a jurisdictional water of the United States given that it is supported by water from a constructed water conveyance structure.

Reclamation requested an official species list from the Service via the Sacramento Field Office’s website, [http://www.fws.gov/sacramento/ES\\_Species/Lists/es\\_species\\_lists-form.cfm](http://www.fws.gov/sacramento/ES_Species/Lists/es_species_lists-form.cfm), on December 20, 2011 (document number: 111220045541). The list is for the following U.S. Geological Survey 7½-minute topographic quadrangles: Tracy, Midway, Altamont, Holt, Union Island, Woodward Island, Brentwood, Byron Hot Springs, and Clifton Court Forebay (Service 2011). Reclamation further queried the CDFG California Natural Diversity Database (CNDDB) for records of protected species within 10 miles of the construction area associated with the Proposed Action (CNDDB 2011). A summary table (Table 3-1) was created from the Service species list, CNDDB records, CH2M Hill findings, and additional information within Reclamation’s files.

**Table 3-1 Federal Protected Species List for the Proposed Action**

Species	Status <sup>1</sup>	Effects <sup>2</sup>	Occurrence in the Study Area <sup>3</sup>
<b>AMPHIBIANS</b>			
California red-legged frog ( <i>Rana draytonii</i> )	T, X	LAA	<b>Present.</b> CNDDB <sup>4</sup> -recorded occurrences in Proposed Action area. Critical habitat present.
California tiger salamander, central population ( <i>Ambystoma californiense</i> )	T	LAA	<b>Present.</b> CNDDB-recorded occurrences in Proposed Action area. Suitable habitat present.
<b>FISH</b>			
Central California coastal steelhead ( <i>Oncorhynchus mykiss</i> )	T NMFS	NE	<b>Absent.</b> No natural waterways within the species’ range would be affected by the Proposed Action.
Central Valley spring-run chinook salmon ( <i>Oncorhynchus tshawytscha</i> )	T NMFS	NE	<b>Absent.</b> No natural waterways within the species’ range would be affected by the Proposed Action.
Central Valley steelhead ( <i>Oncorhynchus mykiss</i> )	T, X NMFS	NE	<b>Absent.</b> No natural waterways within the species’ range would be affected by the Proposed Action.
Delta smelt ( <i>Hypomesus transpacificus</i> )	T, X	NE	<b>Absent.</b> No natural waterways within the species’ range would be affected by the Proposed Action.

Species	Status <sup>1</sup>	Effects <sup>2</sup>	Occurrence in the Study Area <sup>3</sup>
Green sturgeon ( <i>Acipenser medirostris</i> )	T NMFS	NE	<b>Absent.</b> No natural waterways within the species' range would be affected by the Proposed Action.
Winter-run chinook salmon, Sacramento River ( <i>Oncorhynchus tshawytscha</i> )	E NMFS	NE	<b>Absent.</b> No natural waterways within the species' range would be affected by the Proposed Action.
<b>INVERTEBRATES</b>			
Conservancy fairy shrimp ( <i>Branchinecta conservatio</i> )	E	NE	<b>Absent.</b> No individuals or vernal pools in area of effect.
Longhorn fairy shrimp ( <i>Branchinecta longiantenna</i> )	E, X	NE	<b>Absent.</b> No individuals or vernal pools in area of effect. Proposed Action area not within designated critical habitat.
Valley elderberry longhorn beetle ( <i>Desmocerus californicus dimorphus</i> )	T	NE	<b>Absent.</b> No individuals or habitat in area of effect.
Vernal pool fairy shrimp ( <i>Branchinecta lynchi</i> )	T, X	NE	<b>Absent.</b> No individuals or vernal pools in area of effect. Proposed Action area not within designated critical habitat.
Vernal pool tadpole shrimp ( <i>Lepidurus packardii</i> )	E	NE	<b>Absent.</b> No individuals or vernal pools in area of effect.
<b>MAMMALS</b>			
Riparian brush rabbit ( <i>Sylvilagus bachmani riparius</i> )	E	NE	<b>Absent.</b> No CNDDDB-recorded occurrences in Proposed Action area.
San Joaquin kit fox ( <i>Vulpes macrotis mutica</i> )	E	LAA	<b>Present.</b> Several CNDDDB-recorded occurrences in vicinity of Proposed Action area. Suitable foraging habitat is present and small mammal burrows located onsite may provide denning opportunities for this species.
<b>PLANTS</b>			
Contra Costa goldfields ( <i>Lasthenia conjugens</i> )	E, X	NE	<b>Absent.</b> No individuals or habitat in area of effect. Proposed Action area not within designated critical habitat.
Large-flowered fiddleneck ( <i>Amsinckia grandiflora</i> )	E, X	NE	<b>Absent.</b> No individuals or habitat in area of effect. Proposed Action area not within designated critical habitat.
Palmate-bracted bird's-beak ( <i>Cordylanthus palmatus</i> )	E	NE	<b>Absent.</b> No individuals or habitat in area of effect.
<b>REPTILES</b>			
Alameda whipsnake ( <i>Masticophis lateralis euryxanthus</i> )	T, X	NE	<b>Absent.</b> No individuals or habitat in area of effect. Proposed Action area not within designated critical habitat.
Giant garter snake ( <i>Thamnophis gigas</i> )	T	NE	<b>Absent.</b> No individuals or habitat in area of effect.
<sup>1</sup> Status= Listing of Federally special status species E: Listed as Endangered T: Listed as Threatened X: Critical Habitat designated for this species NMFS: species under the jurisdiction of the National Marine Fisheries Service <sup>2</sup> Effects = Effect determination NE: No Effect LAA: May affect, likely to adversely affect <sup>3</sup> Definition Of Occurrence Indicators Present: Species recorded in area and suitable habitat present Absent: Species not recorded in study area and/or habitat requirements not met <sup>4</sup> CNDDDB = California Natural Diversity Database 2011			

### ***Migratory Birds***

The non-native grassland within the construction area associated with the Proposed Action may be used as foraging habitat by burrowing owl (*Athene cunicularia*), a bird species protected under the Migratory Bird Treaty Act. This small ground-dwelling owl is a yearlong-resident that prefers to return to previously used breeding areas and nesting burrows (Rich 1984, Lutz and Plumpton 1999). They live in ground squirrel and other mammal burrows that are appropriated and enlarged for their purposes (Martin 1973, CDFG 1995). Burrowing owls have been documented in the vicinity of the construction area (CNDDDB 2011). Therefore, burrowing owls have the potential to occur in the Proposed Action area.

### ***Federally-listed Species***

Federal protected species with the potential for occurring in the action area include the following: California red-legged frog, California red-legged frog critical habitat, California tiger salamander, and San Joaquin kit fox (Table 3-1).

The non-native grassland within the construction area supports a relatively large population of California ground squirrels (*Otospermophilus beecheyi*). Consequently, burrows are scattered throughout the action area (CH2M Hill 2009, Bumgardner Biological Consulting 2010). These burrows can be used by California red-legged frog, California tiger salamander, and may also be used by San Joaquin kit fox; all of which have been sited within the vicinity of the action area (CNDDDB 2011).

**Critical Habitat** A portion of the laydown area (Figure 2-1) occurs within Unit CCS-2B California red-legged frog critical habitat, as designated March 17, 2010 (Service 2010). This unit of California red-legged frog critical habitat also overlaps the stock pond adjacent to the construction area and provides suitable aquatic breeding habitat for California red-legged frog and California tiger salamander (CH2M Hill 2009, Bumgardner Biological Consulting 2010).

## **3.3.3 Environmental Consequences**

### ***No Action***

Under the No Action Alternative, no modifications to existing facilities or new construction would occur and existing conditions would not change. Therefore, biological resources would not be affected in the Proposed Action area.

### ***Proposed Action***

Many of special-status plants and animals described in Table 3-1 above are unlikely to occur within the boundaries of the disturbed land areas. However, birds protected by the Migratory Bird Treaty Act and federally-listed species and critical habitat that occur or could occur in the vicinity of the Proposed Action area include: burrowing owl, California red-legged frog, California red-legged frog critical habitat, California tiger salamander, and San Joaquin kit fox.

**Migratory Birds** There is potential nesting habitat for burrowing owl in the action area. Potential impacts to burrowing owls would be avoided and or minimized by implementing the environmental protection measures described in Table 2-1. Therefore, there would be no take of birds protected under the Migratory Bird Treaty Act.

**Federally-listed Species** Construction activities would result in the temporary disturbance of up to 5.2 acres of suitable upland habitat for California red-legged frog, California tiger salamander, and San Joaquin kit fox. The 5.2 acres of temporary disturbance include a 2.9-acre construction corridor for the new pipeline, a 2-acre laydown and stockpiling area located adjacent to and west of Pump Station 3, and a 0.3-acre construction area associated with Pump Station 3. Stabilization of the access road may also prevent species from crossing to suitable upland habitat of up to 0.5 acres. In addition, construction activities associated with improvements to Pump Station 3 would result in the permanent loss of up to 0.2 acres of suitable upland habitat for the California red-legged frog, California tiger salamander, and San Joaquin kit fox.

Activities associated with the construction may result in the entombment or crushing of any wildlife located in small mammal burrows within the pipeline construction corridor, construction area associated with Pump Station 3, and laydown and stockpiling area located adjacent to Pump Station 3. Crushing of burrows could also reduce the number of prey species (e.g., California ground squirrel) in the area for San Joaquin kit fox. In addition, individuals that are exposed on the surface during excavation or grading may also be crushed and killed or injured by construction activities. Likewise, individuals that take refuge under equipment or materials at night when moving across the landscape may be harmed during the day when equipment or materials are moved.

An unknown number of California red-legged frog, California tiger salamander, and San Joaquin kit fox could fall into the trenches for the new turnout and pipeline and be killed (through desiccation, entombment, or predation) if those trenches are left open overnight. Even with the use of “amphibian-friendly” barrier fencing wildlife could become trapped.

Construction activities would result in a temporary increase in vehicle traffic on the improved and unimproved roadways that lead to the construction site. Although, the increase in traffic is likely to occur only on Bruns Road, Kelso Road, and the unimproved road into the site, an unknown number of dispersing California red-legged frog, California tiger salamander, or San Joaquin kit fox may experience roadway mortality during construction.

Environmental protective measures would be implemented by BBID in order to avoid and/or minimize potential impacts to federally listed species and their critical habitat. These measures would include, but are not limited to, the following: preconstruction surveys, installation of “amphibian-friendly” barrier fencing, amphibian relocation, construction monitoring, construction personnel training, dry-weather work outside exclusion zones, and use of qualified biologists during surveys and monitoring. In addition, once construction is complete, stockpiled topsoil would be used to cover the disturbed area to redistribute the existing seed bank. Therefore, Reclamation has determined that the Proposed Action may affect, but is not likely to jeopardize, the continued existence of California red-legged frog, California red-legged frog critical habitat, California tiger salamander, and San Joaquin kit fox and has requested formal consultation with the Service pursuant to Section 7 of the Endangered Species Act. This EA will not be finalized until consultation is complete.

The impacts associated with the permanent loss of 0.2 acres of habitat are similar to those described above for the temporary loss of habitat (except that the impacts would be permanent) and compensatory habitat would be provided in coordination with and in agreement with the Service and CDFG.

### ***Cumulative Impacts***

Numerous activities continue to eliminate habitat for listed and proposed threatened and endangered species in the San Joaquin Valley. Habitat loss and degradation affecting both animals and plants continue as a result of urbanization, oil and gas development, road and utility right-of-way management, flood control projects, climate change, grazing by livestock, and agricultural practices. Listed and proposed animal species are also affected by poisoning, shooting, increased predation associated with human development, and reduction of food sources. All of these nonfederal activities are expected to continue to adversely affect listed and proposed species in the San Joaquin Valley. The Proposed Action would temporarily disturb 5.7 acres of California red-legged frog and California tiger salamander uplands dispersal habitat during construction activities. This habitat would be returned to its preexisting condition once construction is complete. However, the Proposed Action would eliminate 0.2 acres of non-native grassland habitat that is considered suitable habitat for San Joaquin kit fox and which could also be utilized by California red-legged frog and California tiger salamander. BBID would implement appropriate avoidance and minimization measures to address impacts to habitat as needed to minimize potential cumulative impacts.

## **3.4 Cultural Resources**

Cultural resources is a broad term that includes prehistoric, historic, architectural, and traditional cultural properties. The National Historic Preservation Act (NHPA) of 1966 is the primary Federal legislation that outlines the Federal Government's responsibility to cultural resources. Section 106 of the NHPA requires the Federal Government to take into consideration the effects of an undertaking on cultural resources listed on or eligible for inclusion in the National Register of Historic Places (National Register). Those resources that are on or eligible for inclusion in the National Register are referred to as historic properties.

The Section 106 process is outlined in the Federal regulations at 36 CFR Part 800. These regulations describe the process that the Federal agency (Reclamation) takes to identify cultural resources and the level of effect that the proposed undertaking will have on historic properties. In summary, Reclamation must first determine if the action is the type of action that has the potential to affect historic properties. If the action is the type of action to affect historic properties, Reclamation must identify the area of potential effects (APE), determine if historic properties are present within that APE, determine the effect that the undertaking will have on historic properties, and consult with the State Historic Preservation Office (SHPO), to seek concurrence on Reclamation's findings. In addition, Reclamation is required through the Section 106 process to consult with Indian Tribes concerning the identification of sites of religious or cultural significance, and consult with individuals or groups who are entitled to be consulting parties or have requested to be consulting parties.

### 3.4.1 Affected Environment

A systematic pedestrian cultural resource survey of the construction area associated with the Proposed Action was conducted from September 13 through September 16, 2010 (CH2M Hill 2010). Observed sediment is typical of agricultural fields in the area and consists of dark, fine-grained alluvial deposition. Surface visibility during the survey varied from excellent (100 percent) to fair (40 percent), depending on amount of surface vegetation. Disturbances within the area included road compaction and typical agricultural activities, including discing and earthmoving activities. Other disturbances are related to irrigation, such as grading for canals and ditches, as well as constructing small raised areas to control irrigation waters (CH2M Hill 2010).

The DMC, Canal 70, Canal 120, and Canal 155 were visited during the survey. Canals 120 and 155 were recorded on Department of Parks and Recreation forms. Canals 70, 120, and 155 are part of the historic BBID system and visible on the 1947 *Byron, California* 15-foot War Department topographic quadrangle map. The DMC is part of the historic CVP. BBID's Pump Station 3 was originally constructed in 1966 (Gilmore 2010). No other cultural resources were identified during the survey.

A literature search was requested from the California Historical Resources Information System Northwestern Information Center on September 2, 2010 which revealed 15 previous studies had been conducted within a 0.5-mile buffer zone around the APE (CH2M Hill 2010). Five of these studies were conducted within the APE. No previously recorded resources were identified within the APE. Six resources were identified in the 0.5-mile buffer area, including the Tracy Pumping Station, Canal 70, and the Tracy Substation. Review of historical maps showed the following historic features within the APE: the DMC, Canal 70, Canal 120, and Canal 155 (CH2M Hill 2010). The DMC is recorded elsewhere in Alameda County as Site P-01-10435 and in neighboring San Joaquin County as Site P-39-89. A segment of Canal 70, which is just north of the APE, is recorded as Site P-01-10445. No information was provided on the site record for Site P-01-10445 (CH2M Hill 2010).

### 3.4.2 Environmental Consequences

#### **No Action**

There would be no impact to cultural resources as conditions would remain the same as existing conditions.

#### **Proposed Action**

The Proposed Action was determined to be the type of action that had the potential to cause effects to historic properties. Accordingly, Reclamation initiated the Section 106 process which included a review of existing records and literature, a field reconnaissance, and Native American consultation as documented in the report by CH2M Hill titled "Cultural Resources Assessment of a 5.9-acre Parcel for the Tracy Hills Water Supply Project, Byron Bethany Irrigation District, Alameda County, California" (August 2011). These efforts resulted in the identification of four built-environment historic cultural resources in the APE (DMC, Canal 70, Canal 120, and Canal 155), all of which are water conveyance features. Based on these efforts, Reclamation determined that there would be no adverse effect to historic properties, made pursuant to 36 CFR Part 800.5(b), and initiated consultation with SHPO on September 7, 2011. No response to date

has been received by SHPO. Due to the passage of more than 30 days for the SHPO review period, Reclamation has concluded the Section 106 process for this undertaking.

Environmental protection measures have been included in the Proposed Action (Table 2-1) should cultural resources be uncovered during construction activities. These measures would minimize any potential impacts to cultural resources should they be discovered.

### **Cumulative Impacts**

Since the No Action alternative would not have direct or indirect impacts on cultural resources, there would be no cumulative impacts as a result of this alternative. The only cultural resources identified within the APE are four water conveyance features (DMC, Canal 70, Canal 120, and Canal 155). As none of these would be impacted by the Proposed Action and environmental protection measures have been included in the Proposed Action to minimize impacts should any cultural resources be uncovered during construction, there would be no cumulative adverse impacts to cultural resources.

## **3.5 Socioeconomic Resources**

### **3.5.1 Affected Environment**

The annual average unemployment rate for Alameda and San Joaquin counties was 15.3 and 10.5 percent in 2009 which has since risen to 17.5 and 11.0 in 2011 (Table 3-2). Alameda County's unemployment rate in 2009 and 2011 has remained only slightly higher than the State as a whole; however, San Joaquin County was four to five percentage points higher in 2009 than Alameda County and the State. This has since risen to five to six percentage points higher in 2011 (Table 3-2).

**Table 3-2 2011 Preliminary Monthly Labor Force Data**

	Labor Force in 2011	Number Employed in 2011	Per Capita Income <sup>1</sup> in 2009	Unemployment Rate in 2009	Unemployment Rate in 2011
Alameda County	751,500	668,900	\$33,831	10.5%	11.0%
San Joaquin County	294,400	242,900	\$22,767	15.3%	17.5%
California	18,131,700	15,874,800	\$29,020	11.3%	12.4%
Source: EDD 2009 and 2011 and U.S. Census Bureau 2011					
<sup>1</sup> Amounts are based on 2009 numbers as the most recent data available from the U.S. Census Bureau.					

### **3.5.2 Environmental Consequences**

#### **No Action**

Under the No Action Alternative, the Tracy Hills development would be required to find alternative water supplies such as those discussed in Section 4.3.4 of the *Tracy Hills Specific Plan* and Appendix B of the *Tracy Hills Specific Plan* Final EIR (City of Tracy 1997). It is likely that a water supply among those that were evaluated in the Final EIR would be developed to meet the needs of the proposed Tracy Hills development. If any of these supplies involve a federal action by Reclamation they would undergo separate environmental review. BBID would continue to deliver their CVP and non-CVP water to their customers as they have in the past. Therefore, there would be no impact to socioeconomic resources as conditions would remain the same as existing conditions.

**Proposed Action**

The water associated with the Proposed Action would be used by Tracy Hills which has already been planned and approved for development by the City. Construction activities may provide temporary beneficial impacts through employment opportunities for local residents. Therefore, there may be a slight beneficial impact to socioeconomic resources as a result of the Proposed Action.

**Cumulative Impacts**

The Proposed Action, when added to other existing and proposed actions, may have a slight beneficial contribution to socioeconomics as it would help support and maintain jobs; however, these would be within historical variations and would not contribute to cumulative impacts.

**3.6 Air Quality**

Section 176 (C) of the Clean Air Act (42 U.S.C. 7506 (C)) requires any entity of the federal government that engages in, supports, or in any way provides financial support for, licenses or permits, or approves any activity to demonstrate that the action conforms to the applicable State Implementation Plan (SIP) required under Section 110 (a) of the Federal Clean Air Act (42 U.S.C. 7401 [a]) before the action is otherwise approved. In this context, conformity means that such federal actions must be consistent with SIP's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards and achieving expeditious attainment of those standards. Each federal agency must determine that any action that is proposed by the agency and that is subject to the regulations implementing the conformity requirements would, in fact conform to the applicable SIP before the action is taken.

On November 30, 1993, the Environmental Protection Agency (EPA) promulgated final general conformity regulations at 40 CFR 93 Subpart B for all federal activities except those covered under transportation conformity. The general conformity regulations apply to a proposed federal action in a non-attainment or maintenance area if the total of direct and indirect emissions of the relevant criteria pollutants and precursor pollutant caused by the proposed action equal or exceed certain *de minimis* amounts thus requiring the federal agency to make a determination of general conformity.

**3.6.1 Affected Environment**

Construction activities associated with the Proposed Action occur within Alameda County. Alameda County is part of the San Francisco Bay Area Air Basin (SFBAAB) which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The pollutants of greatest concern in the Bay Area are carbon monoxide (CO), ozone (O<sub>3</sub>), O<sub>3</sub> precursors such as reactive organic gases (ROG) and nitrogen oxides (NO<sub>x</sub>), inhalable particulate matter between 2.5 and 10 microns in diameter (PM<sub>10</sub>) and particulate matter less than 2.5 microns in diameter [PM<sub>2.5</sub>] (CARB 2011).

The SFBAAB has reached Federal and State attainment status for CO, nitrogen dioxide (NO<sub>2</sub>), and sulfur dioxide (SO<sub>2</sub>) and Federal attainment status for PM<sub>10</sub>. The SFBAAB is designated as nonattainment for the Federal O<sub>3</sub> and PM<sub>2.5</sub> standards and nonattainment for the State O<sub>3</sub>, PM<sub>10</sub>,



and PM<sub>2.5</sub> standards (Table 3-3).

**Table 3-3 San Francisco Bay Area Air Basin Attainment Status**

Pollutant	California Attainment Status	National Attainment Status
O <sub>3</sub>	Nonattainment	Nonattainment
CO	Attainment	Attainment
NO <sub>2</sub>	Attainment	Unclassified
SO <sub>2</sub>	Attainment	Attainment
PM <sub>10</sub>	Nonattainment	Unclassified
PM <sub>2.5</sub>	Nonattainment	Nonattainment

Source: BAAQMD 2011

### 3.6.2 Environmental Consequences

#### **No Action**

There would be no impact to air quality as conditions would remain the same as existing conditions.

#### **Proposed Action**

Operation of the pipeline would not contribute to criteria pollutants as delivery of water to the DMC would be done via electrical pumps. Air quality emissions from electrical power have been considered in environmental documentation for the generating power plant and are part of the existing baseline conditions. In addition, movement of water in the DMC between MP 3.32R and MP 15.88L would be done via gravity and would not result in air quality impacts. However, construction activities such as excavation, grading, and vehicle travel would cause an increase in PM<sub>10</sub> and PM<sub>2.5</sub> due to dust and exhaust emissions. In addition, exhaust emissions of NO<sub>x</sub> and ROG from construction can contribute to O<sub>3</sub> formation. Emissions of CO and SO<sub>2</sub> were also calculated for construction activities. Environmental protection measures have been incorporated into the Proposed Action in order to minimize emissions from construction activities (Table 2-1). In addition, construction exhaust emissions and fugitive dust emissions were estimated using the URBEMIS Version 9.2.4 (Appendix G). Construction emissions from the Proposed Action are compared to the BAAQMD daily average significance thresholds in Table 3-4.

**Table 3-4 Construction Emissions Comparison to BAAQMD Daily Significance Thresholds**

Emission Source	Emissions (lb/day)					
	ROG	CO	NOx	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Total	3.8	15.9	32.4	0.0028	4.3	1.7
BAAQMD Thresholds <sup>1</sup>	54	NE	54	NE	82 <sup>2</sup>	54

<sup>1</sup>Source: BAAQMD 2010  
<sup>2</sup>Applies to exhaust emissions only  
 NE = Threshold has not been established

As shown in Table 3-4, construction emissions would be less than the BAAQMD's thresholds of significance; therefore, there would be no adverse impacts to air quality as a result of the Proposed Action and a conformity analysis pursuant to the Clean Air Act is not required.

#### **Cumulative Impacts**

The Proposed Action, when added to other existing and proposed actions, would not contribute to cumulative impacts to air quality since construction activities are short-term and well below *de*

*minimis* thresholds. In addition, BBID has incorporated control measures in order to reduce any potential cumulative air quality impacts associated with the Proposed Action.

### 3.7 Global Climate

Climate change refers to significant change in measures of climate (e.g., temperature, precipitation, or wind) lasting for decades or longer. Many environmental changes can contribute to climate change [changes in sun's intensity, changes in ocean circulation, deforestation, urbanization, burning fossil fuels, etc.] (EPA 2012a).

Gases that trap heat in the atmosphere are often called greenhouse gases (GHG). Some GHG, such as carbon dioxide (CO<sub>2</sub>), occur naturally and are emitted to the atmosphere through natural processes and human activities. Other GHG (e.g., fluorinated gases) are created and emitted solely through human activities. The principal GHG that enter the atmosphere because of human activities are: CO<sub>2</sub>, methane, nitrous oxide, and fluorinated gasses (EPA 2012a).

During the past century humans have substantially added to the amount of GHG in the atmosphere by burning fossil fuels such as coal, natural gas, oil and gasoline to power our cars, factories, utilities and appliances. The added gases, primarily CO<sub>2</sub> and methane, are enhancing the natural greenhouse effect, and likely contributing to an increase in global average temperature and related climate changes. At present, there are uncertainties associated with the science of climate change (EPA 2012b).

Climate change has only recently been widely recognized as an imminent threat to the global climate, economy, and population. As a result, the national, state, and local climate change regulatory setting is complex and evolving.

In 2006, the State of California issued the California Global Warming Solutions Act of 2006, widely known as Assembly Bill 32, which requires California Air Resources Board (CARB) to develop and enforce regulations for the reporting and verification of statewide GHG emissions. CARB is further directed to set a GHG emission limit, based on 1990 levels, to be achieved by 2020.

In addition, the EPA has issued regulatory actions under the Clean Air Act as well as other statutory authorities to address climate change issues (EPA 2012c). In 2009, the EPA issued a rule (40 CFR Part 98) for mandatory reporting of GHG by large source emitters and suppliers that emit 25,000 metric tons or more of GHG [as CO<sub>2</sub> equivalents (CO<sub>2e</sub>) per year] (EPA 2009). The rule is intended to collect accurate and timely emissions data to guide future policy decisions on climate change and has undergone and is still undergoing revisions (EPA 2012c).

#### 3.7.1 Affected Environment

Global mean surface temperatures have increased nearly 1.8°F from 1890 to 2006 (Intergovernmental Panel on Climate Change 2007). Models indicate that average temperature changes are likely to be greater in the northern hemisphere. Northern latitudes (above 24°North) have exhibited temperature increases of nearly 2.1°F since 1900, with nearly a 1.8°F increase since 1970 alone (Intergovernmental Panel on Climate Change 2007). Without additional

meteorological monitoring systems, it is difficult to determine the spatial and temporal variability and change of climatic conditions, but increasing concentrations of GHG are likely to accelerate the rate of climate change.

More than 20 million Californians rely on the SWP and CVP. Increases in air temperature may lead to changes in precipitation patterns, runoff timing and volume, sea level rise, and changes in the amount of irrigation water needed due to modified evapotranspiration rates. These changes may lead to impacts to California's water resources and project operations.

While there is general consensus in their trend, the magnitudes and onset-timing of impacts are uncertain and are scenario-dependent (Anderson et al. 2008).

### 3.7.2 Environmental Consequences

#### **No Action**

There would be no impact to global climate change as conditions would remain the same as existing conditions.

#### **Proposed Action**

The Proposed Action would involve short-term impacts consisting of emissions during construction and long-term impacts attributable to operation of BBID's Pump Station 3. Construction emissions of CO<sub>2</sub> were estimated using the URBEMIS Version 9.2.4 as 139 metric tons (see Appendix G). This amount has been converted to CO<sub>2e</sub> using the EPA's GHG Equivalencies Calculator as 147 metric tons of CO<sub>2e</sub> (EPA 2012d).

Operation of BBID's Pump Station 3 would vary annually, but has been estimated using the EPA's GHG Equivalencies Calculator for the maximum (8 month) pump-in schedule. A summary of the estimated emissions is included in Table 3-5.

**Table 3-5 Estimated Annual CO<sub>2e</sub> Emissions for the Proposed Action**

Emission Source	Annual hours of operation	Annual CO <sub>2e</sub> Emissions (metric tons)
BBID Pump Station 3	2,926	752
<b>Total</b>		<b>752</b>
Source: EPA 2012d		

Estimated emissions for CO<sub>2e</sub> for operation of BBID's Pump Station 3 would be about 752 metric tons per year of CO<sub>2e</sub> (Table 3-5), which is negligible compared to the EPA's 25,000 metric tons per year threshold for annually reporting GHG emissions (EPA 2009). Accordingly, construction and operations under the Proposed Action would result in below *de minimis* impacts to global climate change.

#### **Cumulative Impacts**

GHG impacts are considered cumulative impacts. Under the No Action alternative, there would be no cumulative impacts to GHG as conditions would remain the same as existing conditions. Estimated annual CO<sub>2e</sub> emissions for operation of BBID's Pump Station 3 are 752 metric tons per year, which is well below the 25,000 metric tons per year threshold for reporting GHG emissions. As a result, the Proposed Action is not expected to contribute cumulative adverse impacts to global climate change.

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

### **3.8 Resources Eliminated from Further Analysis**

Reclamation analyzed the affected environment of the Proposed Action and No Action Alternative and has determined that there is no potential for direct, indirect, or cumulative effects to the following resources:

#### **Indian Sacred Sites**

Sacred sites are defined in Executive Order 13007 (May 24, 1996) as "any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site."

Executive Order 13007 requires Federal land managing agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites.

No impact to Indian sacred sites would occur under the No Action Alternative as conditions would remain the same as existing conditions. The Proposed Action would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or adversely affect the physical integrity of such sacred sites. There would be no impacts to Indian sacred sites as a result of the Proposed Action.

#### **Indian Trust Assets**

Indian trust assets are legal interests in assets that are held in trust by the United States Government for federally recognized Indian tribes or individuals. The trust relationship usually stems from a treaty, executive order, or act of Congress. The Secretary of the Interior is the trustee for the United States on behalf of federally recognized Indian tribes. "Assets" are anything owned that holds monetary value. "Legal interests" means there is a property interest for which there is a legal remedy, such a compensation or injunction, if there is improper interference. Assets can be real property, physical assets, or intangible property rights, such as a lease, or right to use something. Indian trust assets cannot be sold, leased or otherwise alienated without United States' approval. Trust assets may include lands, minerals, and natural resources, as well as hunting, fishing, and water rights. Indian reservations, rancherias, and public domain allotments are examples of lands that are often considered trust assets. In some cases, Indian trust assets may be located off trust land.

No impact to Indian trust assets would occur under the No Action Alternative as conditions would remain the same as existing conditions. On February 8, 2010, Reclamation determined that the Proposed Action would not impact Indian trust assets as there are none in the Proposed Action area. The nearest Indian trust asset is Lytton Rancheria approximately 42 miles northwest of the Proposed Action area.

### **Environmental Justice**

The February 11, 1994, Executive Order 12898 requiring Federal agencies to ensure that their actions do not disproportionately impact minority and disadvantaged populations went into effect. The Proposed Action does not propose any features that would result in adverse human health or environmental effects, have any physical effects on minority or low-income populations, and/or alter socioeconomic conditions of populations that reside or work in the vicinity of the Proposed Action.

## **Section 4 Consultation and Coordination**

### **4.1 Public Review Period**

Reclamation intends to provide the public with an opportunity to comment on the Draft FONSI and Draft EA between October 1, 2012 and October 30, 2012.

### **4.2 Fish and Wildlife Coordination Act (16 U.S.C. § 661 et seq.)**

The Fish and Wildlife Coordination Act requires that Reclamation consult with fish and wildlife agencies (federal and state) on all water development projects that could affect biological resources. The amendments enacted in 1946 require consultation with the Service and State fish and wildlife agencies “whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license”. Consultation is to be undertaken for the purpose of “preventing the loss of and damage to wildlife resources”.

Reclamation has initiated formal consultation with the Service through Section 7 of the Endangered Species Act and has incorporated measures to reduce potential impacts to wildlife resources.

### **4.3 Endangered Species Act (16 U.S.C. § 1531 et seq.)**

Section 7 of the Endangered Species Act requires Federal agencies, in consultation with the Secretary of the Interior and/or Commerce, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of the critical habitat of these species.

Reclamation has determined that the Proposed Action may affect, but is not likely to jeopardize, the continued existence of California red-legged frog, California red-legged frog critical habitat, California tiger salamander, and San Joaquin kit fox and has initiated consultation with the Service pursuant to section 7 of the Endangered Species Act. This EA will not be finalized until consultation is complete.

### **4.4 National Historic Preservation Act (16 U.S.C. § 470 et seq.)**

The NHPA of 1966, as amended (16 U.S.C. 470 et seq.), requires that federal agencies give the Advisory Council on Historic Preservation an opportunity to comment on the effects of an undertaking on historic properties, properties that are eligible for inclusion in the National Register. The 36 CFR Part 800 regulations implement Section 106 of the NHPA.

Section 106 of the NHPA requires federal agencies to consider the effects of federal undertakings on historic properties, properties determined eligible for inclusion in the National Register. Compliance with Section 106 follows a series of steps that are designed to identify interested parties, determine the APE, conduct cultural resource inventories, determine if historic properties are present within the APE, and assess effects on any identified historic properties.

Reclamation determined that there would be no adverse effect to historic properties, made pursuant to 36 CFR Part 800.5(b), and initiated consultation with SHPO on September 7, 2011. No response to date has been received by SHPO. Due to the passage of more than 30 days for the SHPO review period, Reclamation has concluded the Section 106 process for this undertaking.

## **4.5 Clean Water Act (33 U.S.C. § 1251 et seq.)**

### **Section 402**

Section 402 of the Clean Water Act establishes the National Pollutant Discharge Elimination System to regulate point source discharges of pollutants into waters of the United States. A National Pollutant Discharge Elimination System permit sets specific discharge limits for point sources discharging pollutants into waters of the United States and establishes monitoring and reporting requirements, as well as special conditions. The State Water Resources Control Board is the permitting authority in California and has adopted a statewide General Permit for Stormwater Discharges Associated with Construction Activity (Water Quality Order No. 2009-0009-DWQ), which applies to projects resulting in 1 or more acres of soil disturbance.

As required in Section 2.2.3, a Qualified SWPPP Developer would prepare a SWPPP and a Qualified SWPPP Practitioner would implement the SWPPP in order to minimize the amount of pollutants discharged in stormwater from the site.

No pollutants would be discharged into any Waters of the United States under the Proposed Action, so no water quality certifications under Section 401 of the Clean Water Act are required.

No activities such as dredging or filling of wetlands or surface waters would be required for implementation of the Proposed Action, therefore permits obtained in compliance with Clean Water Act section 404 are not required.

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## Section 6 Acronyms and Abbreviations

AF	Acre-feet
AFY	Acre-feet per year
APE	Area of Potential Effect
BAAQMD	San Francisco Bay Area Air Quality Management District
BBID	Byron-Bethany Irrigation District
CARB	California Air Resources Board
CDFG	California Department of Fish and Game
cfs	Cubic feet per second
City	City of Tracy
CNDDB	California Natural Diversity Data Base
CO	Carbon monoxide
CO <sub>2</sub>	Carbon dioxide
CO <sub>2e</sub>	Carbon dioxide equivalents
CVP	Central Valley Project
CVPIA	Central Valley Project Improvement Act
Delta	Sacramento-San Joaquin River Delta
DMC	Delta-Mendota Canal
DWR	California Department of Water Resources
EA	Environmental Assessment
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
FONSI	Finding of No Significant Impact
GHG	greenhouse gases
M&I	Municipal and industrial
MP	Milepost
National Register	National Register of Historic Places
NHPA	National Historic Preservation Act
NO <sub>2</sub>	Nitrogen dioxide
NO <sub>x</sub>	Nitrogen oxides
O <sub>3</sub>	Ozone
PM <sub>10</sub>	Particulate matter between 2.5 and 10 microns in diameter
PM <sub>2.5</sub>	Particulate matter less than 2.5 microns in diameter
Project	Tracy Hills Water Supply Project
Reclamation	Bureau of Reclamation
ROD	Record of Decision
ROG	Reactive organic gases
ROW	Rights-of-way
RWSA2	Raw Water Service Area 2
Service	U.S. Fish and Wildlife Service
SFBAAB	San Francisco Bay Area Air Basin
SHPO	State Historic Preservation Officer
SIP	State Implementation Plan
SO <sub>2</sub>	Sulfur dioxide

SWP	State Water Project
SWPPP	Stormwater Pollution Prevention Plan
Tracy Hills	Tracy Hills Development
Williamson Act	Land Conservation Act of 1965

## Section 7 References

Anderson, J, F Chung, M Anderson, L Brekke, D Easton, M Ejetal, R Peterson, and R Snyder. 2008. Progress on Incorporating Climate Change into Management of California's Water Resources. *Climatic Change* 87(Suppl 1):S91–S108 DOI 10.1007/s10584-007-9353-1

Bay Area Air Quality Management District (BAAQMD). 2011. Air Quality Standards and Attainment Status. Website: [http://hank.baaqmd.gov/pln/air\\_quality/ambient\\_air\\_quality.htm](http://hank.baaqmd.gov/pln/air_quality/ambient_air_quality.htm).

Bumgardner Biological Consulting. 2010. Letter from Michael Bumgardner to Mark Oliver, CH2M HILL addressing the potential for California tiger salamander and California red-legged frog to be affected by the Tracy Hills Water Supply Project. July 2, 2010.

Bureau of Reclamation (Reclamation). 2005. *Meyers Farm Water Banking Project – Mendota, California*. Finding of No Significant Impact/Environmental Assessment (EA-05-09). South-Central California Area Office. Fresno, California.

Bureau of Reclamation (Reclamation). 2010a. *Summary of Available Groundwater Information; American Recovery and Reinvestment Act Central Valley Drought Projects, California*. Mid-Pacific Region Regional Office. Sacramento, California. June.

Bureau of Reclamation (Reclamation). 2010b. *American Recovery and Reinvestment Act of 2009, New Wells Project, Region 1, San Joaquin, Stanislaus and Merced Counties*. Mid-Pacific Region Regional Office. Sacramento, California. June.

Bureau of Reclamation (Reclamation). 2010c. *Five-year Warren Act Contracts for Banta-Carbona Irrigation District, Byron Bethany Irrigation District, Patterson Irrigation District, and West Stanislaus Irrigation District* (EA-09-156). Mid-Pacific Region South-Central California Area Office. Fresno, California. Website: [http://www.usbr.gov/mp/nepa/nepa\\_projdetails.cfm?Project\\_ID=5198](http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=5198).

Bureau of Reclamation (Reclamation). 2011a. Delta Division. Website: [http://www.usbr.gov/projects/Project.jsp?proj\\_Name=Delta%20Division%20Project](http://www.usbr.gov/projects/Project.jsp?proj_Name=Delta%20Division%20Project). Accessed: December 2011.

Bureau of Reclamation (Reclamation). 2011b. *Accelerated Water Transfers and Exchanges, Central Valley Project, South of Delta Contractors 2011-2015* (EA-10-051). Mid-Pacific Region South-Central California Area Office. Fresno, California.

Bureau of Reclamation (Reclamation). 2012a. Delta-Mendota Canal/California Aqueduct Intertie. Available: <http://www.usbr.gov/mp/intertie/index.html>.

Bureau of Reclamation (Reclamation). 2012b. Draft Environmental Impact Statement/ Environmental Impact Report *Water Transfer Program for the San Joaquin River Exchange Contractors Water Authority, 2014-2038*. Mid-Pacific Region Regional Office. Sacramento, California. Website: [http://www.usbr.gov/mp/nepa/nepa\\_projdetails.cfm?Project\\_ID=9086](http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=9086).

Bureau of Reclamation (Reclamation). 2012c. *Amendment to the Meyers Groundwater Banking Exchange Agreement* (EA-11-013). Mid-Pacific Region South-Central California Area Office. Fresno, California. Website: [http://www.usbr.gov/mp/nepa/nepa\\_projdetails.cfm?Project\\_ID=10152](http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=10152).

Bureau of Reclamation (Reclamation). 2012d. *Two-Year Exchange Agreements and/or Warren Act Contracts for Conveyance of Groundwater in the Delta-Mendota Canal – Contract Years 2012 through 2012 (March 1, 2012 – February 28, 2012)* (EA-12-005). Mid-Pacific Region South-Central California Area Office. Fresno, California. Website: [http://www.usbr.gov/mp/nepa/nepa\\_projdetails.cfm?Project\\_ID=9223](http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=9223).

Bureau of Reclamation (Reclamation). 2012e. *Mercy Springs Water District and Fresno Slough Water District Multi-Year Transfers to Angiola Water District* (EA-12-021). Mid-Pacific Region South-Central California Area Office. Fresno, California. Website: [http://www.usbr.gov/mp/nepa/nepa\\_projdetails.cfm?Project\\_ID=10191](http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=10191).

Bureau of Reclamation (Reclamation). 2012f. Additional Point of Delivery of Byron Bethany Irrigation District's Non-Central Valley Project Water to Westlands Water District (SEA-12-052). Mid-Pacific Region South-Central California Area Office. Fresno, California. Website: [http://www.usbr.gov/mp/nepa/nepa\\_projdetails.cfm?Project\\_ID=5198](http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=5198).

Byron-Bethany Irrigation District and California Department of Water Resources (BBID and DWR). 2003. Agreement Between the Department of Water Resources of the State of California and the Byron-Bethany Irrigation District Regarding the Diversion of Water from the Delta. May 28.

California Air Resources Board. 2011. California Air Basins. Website: <http://www.arb.ca.gov/knowzone/basin/basin.htm> Accessed: September.

California Department of Conservation. 2008. Farmland Mapping and Monitoring Program. Alameda County Important Farmland 2008. Division of Land Resource Protection.

California Department of Fish and Game (CDFG). 1995. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game. Sacramento, CA.

California Department of Fish and Game (CDFG). 2003. Biogeographic Data Branch. Vegetation Classification and Mapping Program List of California Terrestrial Natural Communities Recognized by the California Natural Diversity Database. September.

California Employment Development Department (EDD). 2009. Monthly Labor Force Data by Counties. Annual Average 2009 – revised. May 20, 2011. Website: <http://www.labormarketinfo.edd.ca.gov/Content.asp?pageid=1006>.

California Employment Development Department (EDD). 2011. Monthly Labor Force Data by Counties. July 2011 - preliminary. August 19, 2011. Website: <http://www.labormarketinfo.edd.ca.gov/Content.asp?pageid=1006>.

California Natural Diversity Database (CNDDDB). 2011. California Department of Fish and Game's Natural Diversity Database, Version 3.1.1. RareFind 3. Last Updated December 2011.

CH2M Hill. 2001. BBID Recycled Water Feasibility Study. Prepared for BBID. July.

CH2M Hill. 2009. Biological Reconnaissance-level Survey for Tracy Hills Water Supply Project, Technical Memorandum. Prepared by Victor Leighton and Mark Oliver/CH2M HILL for Rick Gilmore/BBID. December 18, 2009.

City of Tracy. 1997. Tracy Hills Specific Plan Final Environmental Impact Report (SCH No. 1995122045).

City of Tracy. 2005. City of Tracy General Plan: Draft Environmental Impact Report. Prepared by Design, Community, and Environment. Berkeley, California.

City of Tracy. 2006. *City of Tracy General Plan*. "Circulation Element" and "Land Use Element." July 20. Available: [http://www.ridetracer.com/modules/dms/file\\_retrieve.php?function=view&obj\\_id=135](http://www.ridetracer.com/modules/dms/file_retrieve.php?function=view&obj_id=135).

California Department of Water Resources (DWR). 2003. California's Groundwater. Bulletin 118 Update.

Environmental Protection Agency (EPA). 2009. Mandatory Reporting of Greenhouse Gases, Final Rule (40 CFR Parts 86, 87, 89 et al.) *Federal Register*. 74(209): 56260-56519.

Environmental Protection Agency (EPA). 2012a. Climate Change – Basic Information. Website: <http://www.epa.gov/climatechange/basicinfo.html>.

Environmental Protection Agency (EPA). 2012b. U.S. Greenhouse Gas Inventory. Website: <http://www.epa.gov/climatechange/ghgemissions/usinventoryreport.html>.

Environmental Protection Agency (EPA). 2012c. Climate Change – Regulatory Initiatives. Website: <http://www.epa.gov/climatechange/initiatives/index.html>.

Environmental Protection Agency (EPA). 2012d. Greenhouse Gas Equivalencies Calculator. Website: <http://www.epa.gov/cleanenergy/energy-resources/calculator.html>.

Gilmore, R. 2010. BBID representative. Personal communication with Mark Leu of CH2M Hill. October 6.

Holland, R.F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. Sacramento, CA. Nongame-Heritage Program, California Department of Fish and Game.

Intergovernmental Panel on Climate Change. 2007. Climate Change 2007: Synthesis Report. Website: [http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4\\_syr.pdf](http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4_syr.pdf). Accessed: April 2011.

Lutz, R.S. and D.L. Plumpton. 1999. Philopatry and nest site reuse by Burrowing Owls: implications for productivity. *Journal of Raptor Research* 33:149-153.

Martin, D.J. 1973. Selected aspects of Burrowing Owl ecology and behavior. *Condor* 5: 446-456.

Rich, T. 1984. Monitoring burrowing owl populations: Implications of burrow re-use. *Wildlife Society Bulletin* 12:178-180.

U.S. Census Bureau. 2011. County Quick Facts. Website: <http://quickfacts.census.gov/qfd/states/06000.html>. Accessed: December 2011.

U.S. Fish and Wildlife Service (Service). 2010. Endangered and threatened wildlife and plants; revised designation of critical habitat for the California red-legged frog. *Federal Register* 75:12816-12959.

U.S. Fish and Wildlife Service (Service). 2011. Federal Species List (document No. 111220045541). Website: [http://www.fws.gov/sacramento/ES\\_Species/Lists/es\\_species\\_lists-form.cfm](http://www.fws.gov/sacramento/ES_Species/Lists/es_species_lists-form.cfm). Accessed: December 2011.

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DRAFT ENVIRONMENTAL ASSESSMENT (09-149)

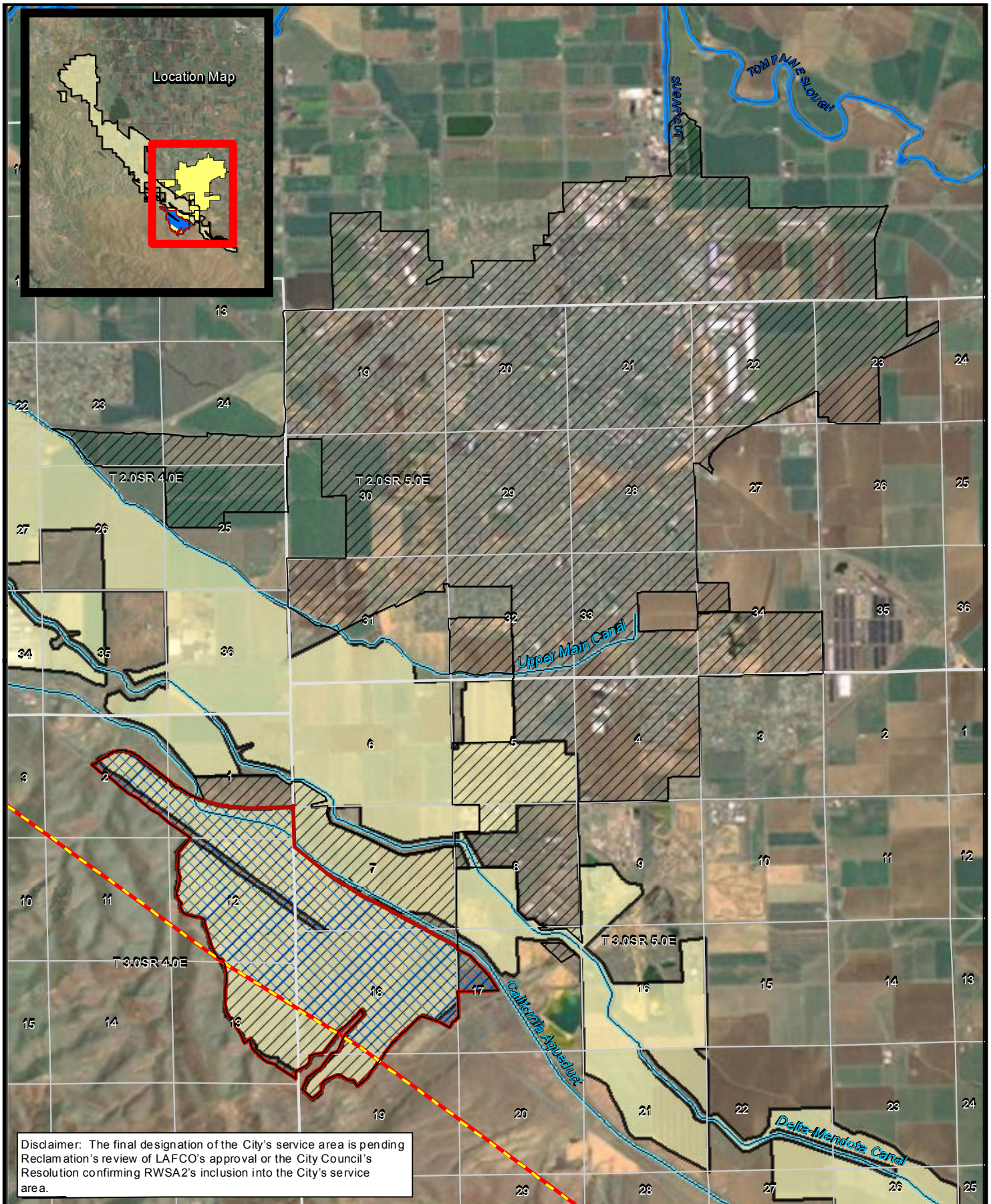
*LONG-TERM CONTRACT FOR THE EXCHANGE OF WATER BETWEEN THE  
BUREAU OF RECLAMATION AND BYRON-BETHANY IRRIGATION DISTRICT –  
DELTA DIVISION AND SAN LUIS UNIT*

**Appendix A**  
**Service Area for Exchanged Water**

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October 2012





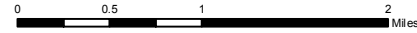
Consolidated POU (CPOU)  
 Tracy Hills Development Raw Water Service Area #2  
 City of Tracy (See Above Disclaimer)  
 Exchanged Water Service Area  
 Byron-Bethany I.D.

Date: May 29, 2012, Revised 7/19/12, 7/30/12, 8/10/12  
 Name: n:\districts\contracts\byron\_bethany\TracyHills.mxd

# Byron-Bethany I.D. Long-Term Exchange Contract

## Exchange Contract No. 11-WC-20-0149

### Exhibit A



**DRAFT**



214-202-97

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DRAFT ENVIRONMENTAL ASSESSMENT (09-149)

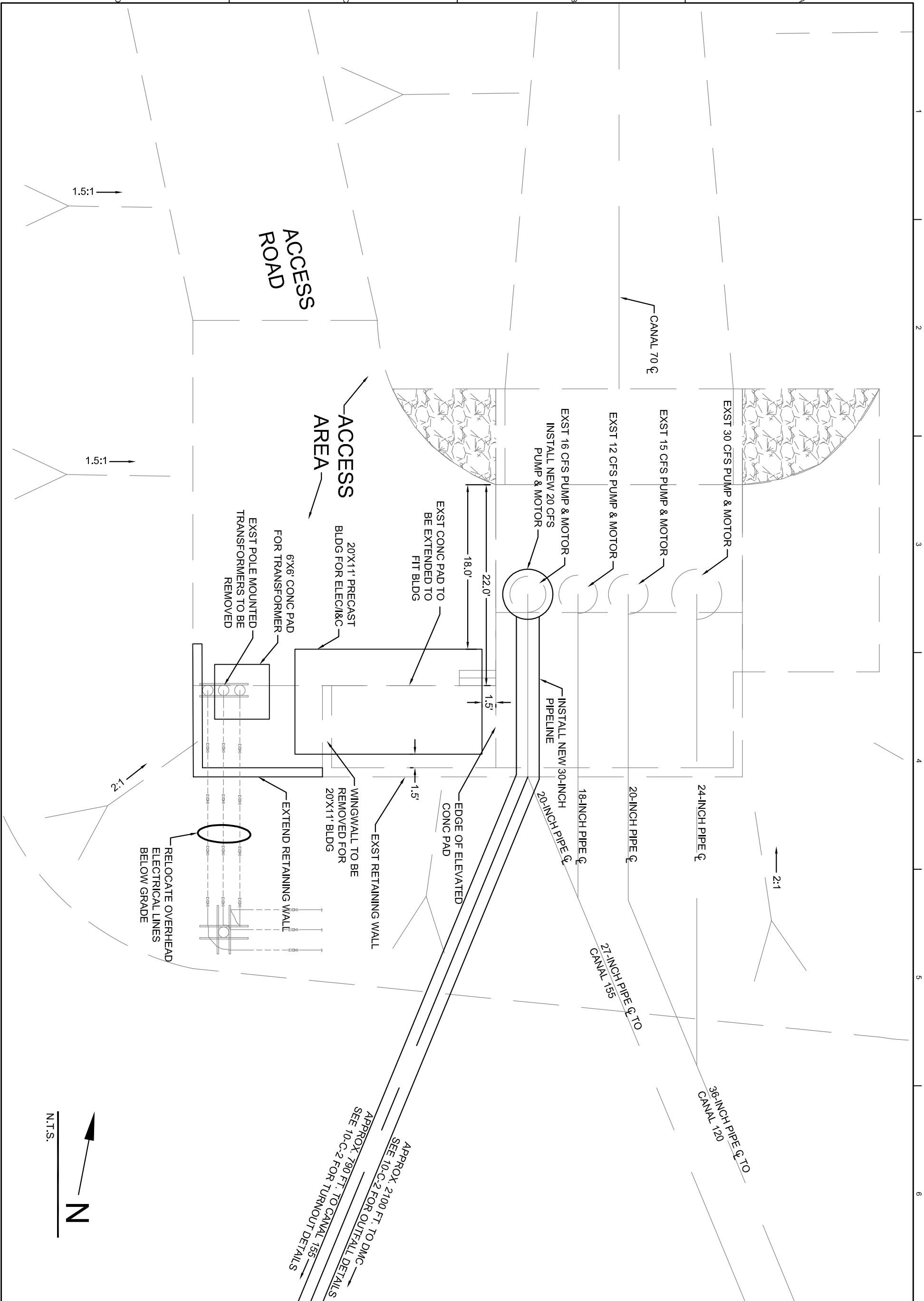
*BYRON-BETHANY IRRIGATION DISTRICT LONG-TERM WATER EXCHANGE  
LONG-TERM CONTRACT FOR THE EXCHANGE OF WATER BETWEEN THE  
BUREAU OF RECLAMATION AND BYRON-BETHANY IRRIGATION DISTRICT –  
DELTA DIVISION AND SAN LUIS UNIT*

**Appendix B**  
**Preliminary Project Designs**

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October 2012





CONCEPTUAL DESIGN																			
NOT FOR CONSTRUCTION																			
				BY		APVD													
NO.		DATE		REVISION															
DSGN		J BORCHARDT		DR		J BORCHARDT		CHK		J SMITH		APVD		J SMITH					
CH2MHILL										BYRON BETHANY IRRIGATION DISTRICT									
CVP/ TRACY HILLS PUMP STATION 3 IMPROVEMENTS																			
VERIFY SCALE										BAR IS ONE INCH ON ORIGINAL DRAWING.									
DATE										JUNE 2009									
PROJ										154679.15.ZZ									
DWG										10-C-1									
SHEET										1 OF 2									



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DRAFT ENVIRONMENTAL ASSESSMENT (09-149)

*LONG-TERM CONTRACT FOR THE EXCHANGE OF WATER BETWEEN THE  
BUREAU OF RECLAMATION AND BYRON-BETHANY IRRIGATION DISTRICT –  
DELTA DIVISION AND SAN LUIS UNIT*

**Appendix C**

**Water quality requirements for use of the Delta-Mendota Canal**

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October 2012

# RECLAMATION

*Managing Water in the West*

## **2012 Delta-Mendota Canal Pump-in Program Water Quality Monitoring Plan**



U.S. Department of the Interior  
Bureau of Reclamation  
Mid-Pacific Region  
South-Central California Area Office

Revised: 06 Feb 2012

**Mission Statements**

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

## List of Abbreviations and Acronyms

Authority	San Luis and Delta-Mendota Water Authority
°C	degrees Celsius
DMC	Delta-Mendota Canal
DMC Headworks	DMC Milepost 2.5, Jones Pumping Plant
DMC Check 13	DMC Milepost 70, O'Neill Forebay
DMC Check 20	DMC Milepost 111, near Firebaugh
DMC Check 21	DMC Milepost 116, terminus at Mendota Pool
COC	chain of custody
CVP	Central Valley Project
DFG	California Department of Fish and Game
EC	electrical conductivity, $\mu\text{S}/\text{cm}$
Exchange Contractors	San Joaquin River Exchange Contractors Water Authority
°F	degrees Fahrenheit
mg/L	milligrams per liter, equivalent to parts per million
QA	Quality Assurance
QC	Quality Control
QCO	Quality Control Officer
Reclamation	U.S. Department of the Interior, Bureau of Reclamation
Regional Board	California EPA, Central Valley Regional Water Quality Board
TDS	Total dissolved solids, mg/L
USGS	U.S. Geological Survey
$\mu\text{g}/\text{L}$	micrograms per liter, equivalent to parts per billion
$\mu\text{S}/\text{cm}$	microSiemens per cm, salinity in water



# 2012 Delta-Mendota Canal Pump-in Program Water Quality Monitoring Plan

## Introduction

The overall supply of Central Valley Project (CVP) water has been reduced by drought and restrictions on pumping from the Sacramento-San Joaquin Delta. Under the Warren Act of 1911, Reclamation may execute temporary contracts to convey non-project water in excess capacity in federal irrigation canals. In 2012, Reclamation proposes to execute temporary contracts with water districts to convey groundwater in the Delta-Mendota Canal (DMC) subject to the monitoring and reporting requirements outlined in this document.

### Estimated 2012 Warren Act Contract Quantities

District	Acre-feet
Banta Carbona ID	5,000
Del Puerto WD	10,000
West Stanislaus ID	3,000
San Luis WD	10,000
Panoche WD	10,000
Pacheco WD	6,000
Mercy Springs WD	6,000
Total	50,000

This document describes the plan for measuring the changes in the quality of water in the DMC caused by the conveyance of groundwater during 2012, plus changes in groundwater elevation to estimate subsidence. Various agencies will use these data to determine the water quality conditions in the DMC, Mendota Pool, and wetlands water supply channels, and physical condition of local groundwater resources.

This document has been prepared by the U.S. Department of the Interior, Bureau of Reclamation (Reclamation), in cooperation with the San Luis & Delta-Mendota Water Authority (Authority), and the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors), with assistance from staff of Banta Carbona Irrigation District, Del Puerto Water District, San Luis Water District, and Panoche Water District. This monitoring plan will be conducted by staff of Reclamation, the Authority, and Water Districts and will complement independent monitoring by other Federal, State, and private agencies.

Several sampling techniques will be used to collect samples of water, including real-time, grab, and composite. The techniques used at each location are summarized in Section 3.



Continuous measurement of specific conductance (salinity) will be recorded at four stations in the canal using sondes connected to digital data loggers. The data will be averaged every 15 minutes, sent via satellite to the California Data Exchange Center where it will be posted in the Internet as preliminary data:

<http://cdec.water.ca.gov/queryDaily.html>

Central Valley Operations Office will post the daily average salinity measurements on its website:

<http://www.usbr.gov/mp/cvo/wqrpt.html>

The real-time data will be collected by Reclamation and used in a mass balance to calculate and predict water quality conditions along the DMC. The calculated results will be reported to various agencies, and compared with independent field measurements collected by the Reclamation, the Exchange Contractors, US Geological Survey, and California EPA Central Valley Regional Water Quality Control Board (Regional Board).

Based on available funding, Reclamation will operate autosamplers at four locations along the DMC and Mendota Pool that will collect daily composite samples for measurement of selenium and salinity.

Reclamation and the Regional Board will collect grab samples from various locations in the watershed to measure selenium and many other parameters.

Reclamation will use these data to assess changes in water quality and groundwater conditions caused by the 2012 DMC Pump-in Program, and will implement the terms and conditions of the 2012 Warren Act Contracts, exchange agreements, and the 2012 Letter from the Exchange Contractors to Reclamation (Appendix 1).

## **Background**

The Delta Division of the federal Central Valley Project (CVP) delivers water to almost a million acres of farmland in the San Joaquin Valley of California. The CVP is also the sole source of clean water for state and federal wildlife refuges and many private wetlands in Fresno, Merced, San Joaquin, and Stanislaus Counties.

The source of water for the Division is delta of the Sacramento and San Joaquin Rivers. This water is suitable in quality for irrigation and wetlands. The region is regularly affected by droughts that reduce the supply of water. Environmental regulations also restrict the operation of the Jones Pumping Plant to divert water from the Delta. The salinity of water in the Delta is highly variable due to the influence of tides and outflow of river water.

The Delta-Mendota Canal (DMC) carries CVP water to farms, communities, and wetlands between Tracy and Mendota. The 116 mile canal is operated and maintained by the San Luis and Delta-Mendota Water Authority (Authority) under contract with

Reclamation. Inflows of tailwater and subsurface water add contaminants to the DMC. The conveyance of groundwater may further degrade the quality of water in the canal.

The districts and refuges in the Delta Division use groundwater to supplement their contractual supply from the CVP. Three Delta Division districts also have riparian rights to water in the San Joaquin River. These other supplies of groundwater and riparian water are called “Non-Project Water” because they have not been appropriated by the United States for the purposes of the CVP.

The Warren Act of 1911<sup>(1)</sup> authorizes Reclamation to execute temporary contracts to impound, store, and carry water in federal irrigation canals when excess capacity is available. Such contracts will be negotiated by Reclamation with Delta Division water districts to allow the introduction of non-project water into the DMC to supplement the supply of CVP water to help farmers deliver enough water to irrigate and sustain valuable permanent crops like grapes, citrus, and deciduous fruit, and to sustain the local multi-billion dollar farming economy.

The quality of local groundwater is variable and must be measured to confirm that there will be no harm to downstream water users when the non-project water is pumped into the DMC. Reclamation has developed a set of standards for the acceptance of non-project water in the DMC based on the requirements of downstream water users.

In 2012, environmental regulations and climate change continue to reduce the supply of surface water for the Central Valley Project. Water managers now must depend on groundwater to supplement surface water for irrigation. However, continuous pumping of groundwater can quickly reduce local aquifers and can cause irreversible damage to facilities through subsidence.

Reclamation will require information about each source of groundwater and more monitoring of the aquifer to measure overdraft, prevent subsidence, and determine the feasibility of continuing this program in the future. Staff from the Authority and water districts will be required to take regular measurements of depth to groundwater, pump rates, and in-stream salinity measurements.

This Monitoring Plan will ensure that monitoring data will measure any changes in the quality of CVP water in the DMC and Mendota Pool, and assess impacts on local aquifers.

### **Monitoring Mission and Goals**

The mission of this monitoring program is to produce physical measurements that will determine the changes in the quality of the water in canal caused by the conveyance of groundwater during 2012. The data will be used to implement the terms of the 2012 Warren Act Contracts and exchange agreements, and to ensure that the quality of CVP water is commensurate with the needs and expectations of water users.

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<sup>1</sup> Act of February 21, 1911, ch. 141, 36 Stat. 925

The monitoring program will also deal with changes to groundwater resources to identify and prevent long-term problems to local aquifers and facilities.

### **Program Goals**

The general goals of monitoring are:

- Evaluate the quality of water in each well, and
- Confirm that the blend of CVP water and groundwater is suitable for domestic, agricultural, and wetlands uses.
- Provide reliable data for regulation of the 2012 DMC Pump-in Program to prevent contamination problems
- Provide measurements of groundwater dynamics (depth, recharge) to identify overdraft and subsidence

### **Study Area**

The Study Area for this program encompasses the Delta-Mendota Canal from Tracy to Mendota, and the Mendota Pool. The canal is divided into two reaches in relation to the O'Neill Forebay and the connection to the State Water Project.

### **Water Quality Standards**

Non-project water must meet the standards listed in Tables 6 and 7. The lists have been developed by Reclamation to measure constituents of concern that would affect downstream water users. In particular, the concentration of selenium in any pump-in water shall not exceed 2 µg/L, the limit for the Grasslands wetlands water supply channels specified in the 1998 Basin Plan.<sup>2</sup> The salinity of each source of pump-in water shall not exceed 1500 mg/L TDS. The other constituents are mainly agricultural chemicals listed in the California Drinking Water Standards (Title 22)<sup>3</sup>.

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<sup>2</sup> California Regional Water Quality Control Board, Central Valley Region, Fourth Edition of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins.  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr.pdf](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr.pdf)

<sup>3</sup> California Code of regulations, Title 22. The Domestic Water Quality and Monitoring Regulations specified by the State of California Health and Safety Code (Sections 4010 4037), and Administrative Code (Sections 64401 et seq.), as amended.  
<http://www.cdph.ca.gov/certlic/drinkingwater/Documents/Lawbook/dwregulations-06-24-2010.pdf>

## Water Quality Monitoring Plan

### In-stream Monitoring

The quality of water in the DMC will be measured at the locations listed in Tables 1, 2, and 3.

Reclamation will operate and maintain the real-time stations listed in Table 1. Based on available funding, Reclamation will continue to collect water samples at the sites listed in Table 2 under the DMC Water Quality Monitoring Program. Reclamation will be responsible for the costs of sampling and analysis of water sampled from the DMC under this monitoring program.

Table 3 is a list of places along the canal near clusters of wells that could pump into the canal under this program. If the real-time monitoring is not sufficient to identify in-stream changes in quality caused by the addition of groundwater, Reclamation may require weekly measurements at the checks listed in Table 3 to determine local effects from groups of wells. For example, if the quantity of CVP water in the canal is limited, Reclamation will require detailed monitoring to identify the individual and cumulative changes in water quality caused by the addition of groundwater.

**Table 1. Real-Time Monitoring Stations**

<b>Location</b>	<b>Operating Agency</b>	<b>Parameters</b>	<b>Frequency</b>	<b>Remarks</b>
DMC Headworks Milepost 3.5	CVO	EC	Real-time	CDEC Site: DMC
DMC Check 13 Milepost 70	CVO	EC	Real-time	CDEC site : ONI
DMC Check 20 Milepost 111	CVO	EC	Real-time	CDEC site : DM2
DMC Check 21 Milepost 116.5	CVO	EC	Real-time	CDEC site : DM3

Key: CDEC: California Data Exchange Center      CVO: Central Valley Operations Office

**Table 2. Water Quality Monitoring Stations**

<b>Location</b>	<b>Operating Agency</b>	<b>Parameters</b>	<b>Frequency</b>	<b>Remarks</b>
DMC Headworks Milepost 3.46	Reclamation	EC, selenium	Daily composite	Autosampler
DMC at McCabe Rd Milepost 68	Reclamation	Various	Monthly	Grab sample
DMC Check 13 Milepost 70	Reclamation	EC, selenium	Daily composite	Autosampler
DMC at Russell Ave Milepost 97.7	Reclamation	EC, selenium, boron, mercury	Monthly	Grab sample
DMC at Telles Farm Bridge Milepost 100	Reclamation	EC, selenium	Monthly	Grabs sampler
DMC at Washoe Ave Milepost 110.1	Reclamation	EC, selenium, boron, mercury	Monthly	Grab sample
DMC Check 21 Milepost 116.5	Reclamation	EC, selenium	Daily composite	Autosampler
CCID Main Canal at Bass Ave	Reclamation	EC, selenium	Daily composite	Autosampler

Key: Reclamation: MP-157 Environmental Monitoring Branch

Note: Frequency may be reduced at Headworks and Check 13 in 2012.

**Table 3. In-Stream Monitoring Stations (Optional)**

<b>Location</b>	<b>Responsible Agency</b>	<b>Parameters</b>	<b>Frequency</b>	<b>Remarks</b>
DMC Check 2 Milepost 16.2	SLDMWA	EC	Weekly	Field measurement
DMC Check 3 Milepost 20.6	SLDMWA	EC	Weekly	Field measurement
DMC Check 6 Milepost 34.4	SLDMWA	EC	Weekly	Field measurement
DMC Check 7 Milepost 38.7	SLDMWA	EC	Weekly	Field measurement
DMC Check 9 Milepost 48.6	SLDMWA	EC	Weekly	Field measurement
DMC Check 12 Milepost 64.0	SLDMWA	EC	Weekly	Field measurement
DMC Check 16 Milepost 85.1	SLDMWA	EC	Weekly	Field measurement
DMC at Telles Bridge Milepost 100.9	SLDMWA	EC	Weekly	Field measurement

Key: SLDMWA: San Luis and Delta-Mendota Water Authority

## **Wellhead Monitoring**

### **Initial Analysis**

All districts participating in the 2012 DMC Pump-in Program must provide the following information about each well to Reclamation prior to pumping groundwater into the DMC:

- the location of each well, pumping rate, and point of discharge into the DMC;
- complete water quality analyses (Table 5 or 6)<sup>4</sup>
- the depth to groundwater in every well before pumping into the DMC commences.

Though most of the wells are privately owned, the Districts must provide access to each well for Reclamation and Authority staff.

All water samples must be sampled and preserved according to established protocols in correct containers. Analyses should be conducted by laboratories that have been approved by Reclamation, listed in Table 7. Each sample of well water must be sampled and analyzed at the expense of the well owner. Reclamation staff will review the analytical results and notify the District which wells may pump into the DMC in 2012.

## **Compliance Monitoring**

### **Daily Salinity**

Mean daily salinity of water in the DMC will be assessed with the sensors along the canal that report real-time data to CDEC, listed in Table 1. Reclamation and the Authority will monitor daily changes in salinity along the canal.

### **Weekly Monitoring**

Reclamation may require weekly measurements of salinity along the DMC if the real-time sensors are not sufficient to identify changes. If necessary, Reclamation will direct the Authority to measure the EC of water in the canal at the places listed in Table 3. These sites are located downstream from clusters of wells that could pump into the DMC. In addition, Reclamation may also direct Authority staff to measure the EC of the water in each active well

The weekly volume of groundwater pumped into the DMC from each well will be measured by the Authority and sent to Reclamation at the end of each week.

## **Selenium Monitoring**

Reclamation will continue to measure selenium in the canal and Mendota Pool with autosamplers listed in Table 2. Reclamation may collect random samples of water from

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<sup>4</sup> Note: Laboratory analyses of water in each well may be measured within three years

various active wells; the cost of these selenium tests will be borne by Reclamation. Based on available funds, Reclamation may also measure boron in the canal and wells.

### **Depth to Groundwater**

The Authority will to measure the depth to groundwater in each active well quarterly. Table 8 is a summary of measurements collected by the Authority since May 1995. The current depth to groundwater in each well will be compared to the depths listed in Table 8. If the current depth exceeds the maximum depth observed in Table 8, then Reclamation will advise the District to stop pumping from that well until the depth of water in the well recovers to an agreed depth, such as the median observed depth.

### **Data Compilation and Review**

All compliance monitoring data collected by the Authority (i.e., flow/ EC/depth of groundwater in each active well, flow/EC in the DMC) will be entered into worksheets and presented each week to Reclamation via e-mail. Reclamation will review the data to identify changes in the quality of water in the canal and in individual wells, and potential changes in the local aquifer that could lead to overdraft or subsidence.

### **Water Quality Monitoring Parameters and Data Management**

The following sections describe the parameters for real-time and laboratory measurement of water quality, as well as methods for quality control, data management, and data reporting.

### **Real-Time Water Quality Monitoring Parameter**

Reclamation and the Central Valley Operations Office have sensors along the DMC that measure salinity and temperature of water. These continuous measurements are posted on the Internet in real-time.

### **Salinity**

Salinity is a measure of dissolved solids in water. It is the sum weight of many different elements within a given volume of water, reported in milligrams per liter (mg/L) or parts per million (ppm). Salinity is an ecological factor of considerable importance, influencing the types of organisms that live in a body of water. Also, salinity influences the kinds of plants and fish that will grow in a water body. Salinity can be estimated by measuring the electrical conductivity (EC) of the water.

Central Valley Operations Office (CVO) uses this conversion factor for estimating Total Dissolved Solids (TDS) from EC:

$$\text{TDS (mg/L)} = \text{EC } (\mu\text{S/cm}) * 0.618 + 16$$

## **Sampling For Laboratory Analyses of Water Quality**

The following sections describe constituents for laboratory analyses of water quality, as well as methods for water quality sampling and chain of custody documentation.

### **Constituents**

Table 5 and 6 are lists of constituents to be measured at in each well that will pump into the DMC during 2012. Parameters include selenium, mercury, boron, nutrients, and other compounds that cannot be measured with field sensors. Table 7 is a list of laboratories whose sampling and analytical practices have been approved by Reclamation.

### **Sampling methods**

Grab samples will be collected in a bucket or bottle from the point of discharge into the canal. Samples of canal water should be collected mid-stream from a bridge or check structure. Grab samples should be poured directly into sample bottles appropriate to the analyses. This technique is for samples collected weekly or less frequently. The analytical laboratory will specify the sample volume, type of bottle, need for preservative, and special handling requirements. Reclamation may train field staff on proper sample collection and handling.

Time composite samples will be collected from the DMC by Reclamation using an autosampler. Daily composite samples will consist of up to eight subsamples taken per day and mixed into one sample. Weekly composite samples will consist of seven daily subsamples mixed into one sample.

### **Chain of Custody documentation**

Chain of custody (COC) forms will be used to document sample collection, shipping, storage, preservation, and analysis. All individuals transferring and receiving samples will sign, date, and record the time on the COC that the samples are transferred.

Laboratory COC procedures are described in each laboratory's Quality Assurance Program Manual. Laboratories must receive the COC documentation submitted with each batch of samples and sign, date, and record the time the samples are transferred. Laboratories will also note any sample discrepancies (e.g., labeling, breakage). After generating the laboratory data report for the client, samples will be stored for a minimum of 30 days in a secured area prior to disposal.

### **Chain of Custody documentation**

Chain of custody (COC) forms will be used to document sample collection, shipping, Quality control (QC) is the overall system of technical activities that measure the attributes and performance of a process, item, or service against defined standards to verify that stated requirements are met.

Quality assurance (QA) is an integrated system of management activities involving, planning, implementation, documentation, assessment, reporting, and quality improvement to ensure that a process, item, or service is of the type and quality needed and expected by the customer.



QA objectives will be used to validate the data for this project. The data will be accepted, rejected, or qualified based on how sample results compare to established acceptance criteria.

The precision, accuracy, and contamination criteria will be used by the QCO to validate the data for this project. The criteria will be applied to the blind external duplicate/split, blank, reference, or spiked samples submitted with the production samples to the analytical laboratories by the participating agencies to provide an independent assessment of precision, accuracy, and contamination.

Laboratories analyze their own QC samples with the client's samples. Laboratory QC samples, including laboratory fortified blanks, matrix spikes, duplicates, and method blanks, assess precision, accuracy, and contamination. Laboratory QC criteria are stated in the analytical methods or determined by each laboratory. Since internal control ranges are often updated in laboratories based on instrumentation, personnel, or other influences, it is the responsibility of the QCO to verify that these limits are well documented and appropriately updated during system audits. The preferred method of reporting the QC results is for the laboratory to provide a QC summary report with acceptance criteria for each QC parameter of interest.

For water samples, the QCO will use a statistical program to determine if current concentrations for parameters at given sites are consistent with the historical data at these sites. A result is determined to be a historical outlier if it is greater than 3 standard deviations from the average value for the site. The presence of an outlier could indicate an error in the analytical process or a significant change in the environment.

Samples must be prepared, extracted, and analyzed within the recommended holding time for the parameter. Data may be qualified if the sample was analyzed after the holding time expires.

Completeness refers to the percentage of project data that must be successfully collected, validated, and reported to proceed with its intended use in making decisions.

Constraints with regard to time, money, safety, and personnel were some of the factors in choosing the most representative sites for this project. Monitoring sites have been selected by considering the physical, chemical, and biological boundaries that define the system under study.

Sites also were selected to be as representative of the system as possible. However, Reclamation will continue to evaluate the choice of the sites with respect to their representativeness and will make appropriate recommendations to the Contracting Officer given a belief or finding of inadequacy.

Comparability between each agency's data is enhanced through the use of Standard Operating Procedures that detail methods of collection and analysis. Each agency has chosen the best available protocol for the sampling and analyses for which it is responsible based on the agency's own expertise. Audits performed by the QCO will

reinforce the methods and practices currently in place and serve to standardize techniques used by the agencies.

#### **Chain of Custody documentation**

Chain of custody (COC) forms will be used to document sample collection, shipping, Real-Time Data – Raw data from field sensors, must be identified as preliminary, subject to change

Provisional Data - Data that have been reviewed by the collecting agency but may be changed pending re-analyses or statistical review

Laboratory Data – Data produced by the laboratory following laboratory QA/QC protocols

#### **Chain of Custody documentation**

Chain of custody (COC) forms will be used to document sample collection, shipping, In-stream data will be collected by Reclamation. Routine measurements of flow, EC, and depth of groundwater in each well will be collected by the Authority and sent to Reclamation each week.

Reclamation will compile these data in a water balance model developed by Reclamation, the Authority, and Exchange Contractors to predict the change in salinity in the canal with the addition of groundwater.

Real-time data will be used to monitor day-to-day patterns and assess actual conditions. The real-time data will be posted in regular e-mail messages to the districts and Authority. Reclamation will compile all flow, water quality, and groundwater data into a final report for future reference.

#### **Chain of Custody documentation**

Chain of custody (COC) forms will be used to document sample collection, shipping, and handling.

#### **Water Quality Requirements**

Each week, Reclamation staff will use the real-time salinity measurements (Table 1) and optional weekly in-stream measurements (Table 3) to monitor and determine the changes in salinity in the DMC, and determine if the groundwater pump-ins have caused these changes. Reclamation staff will compile other water quality data collected for this program and by others do evaluate changes in the canal.

Reclamation and the Authority will allow groundwater to be pumped into the DMC if such water does not cause the concentration of important constituents in the canal to exceed certain thresholds listed in Tables 4a and 4b. The 2012 Exchange Contractors letter will have further conditions for the lower portion of the canal.

**Table 4a. Maximum Allowable Concentration of Seven Constituents in the Upper DMC (between Jones Pumping Plant and Check 13)**

Constituent	Monitoring Location	Maximum concentration in the DMC
Arsenic	McCabe Road	10 µg/L
Boron	McCabe Road	0.7 mg/L
Nitrates as N	McCabe Road	45 mg/L
Selenium	Check 13	2 µg/L
Specific conductance (EC)	Check 13	1,200 µS/cm
Sulfates	McCabe Road	250 mg/L
Total Dissolved Solids*	Check 13	800 mg/L

\*Calculation:  $\text{TDS (mg/L)} = \text{EC (}\mu\text{S/cm)} \times 0.618 + 16$

Reclamation will direct the Districts to stop pumping groundwater into the upper DMC if the concentration of any of these constituents in the canal exceed the maximum allowable concentrations listed in Table 4a.

**Table 4b. Maximum Allowable Concentration of Three Constituents in the Lower DMC**

Constituent	Monitoring Location	Maximum concentration in the DMC
Selenium	Check 21	2 µg/L
Daily Change in TDS	Checks 13 – 20	Less than 30 mg/L
Total Dissolved Solids*	Check 20	450 mg/L

Reclamation will direct the Districts to stop pumping groundwater into the lower DMC if any of the parameters listed in Table 4b are exceeded.

Reclamation will continue to monitor the effects of the six sumps near Firebaugh that pump subsurface groundwater into the canal. Note: the sumps are located downstream of the proposed wells listed in Table 8.

Reclamation reserves the right to modify this monitoring program at any time to change.

Revised: 06 Feb 2012 SCC-107

**Table 5. Water Quality Standards for Acceptance of Groundwater into the Upper Delta-Mendota Canal  
Jones Pumping Plant to Check 13 (O'Neill Forebay)**

							Recommended
Constituent	Units	Maximum Contaminant Level		Detection Limit for Reporting		CAS Registry Number	Analytical Method
Primary							
Aluminum	mg/L	1	(1)	0.05	(2)	7429-90-5	EPA 200.7
Antimony	mg/L	0.006	(1)	0.006	(2)	7440-36-0	EPA 200.8
Arsenic	mg/L	0.01	(1)	0.002	(2)	7440-38-2	EPA 200.8
Barium	mg/L	1	(1)	0.1	(2)	7440-39-3	EPA 200.7
Beryllium	mg/L	0.004	(1)	0.001	(2)	7440-41-7	EPA 200.7
Boron	mg/L	0.7	(16)			7440-42-8	EPA 200.7
Cadmium	mg/L	0.005	(1)	0.001	(2)	7440-43-9	EPA 200.7
Chromium	mg/L	0.05	(1)	0.01	(2)	7440-47-3	EPA 200.7
Lead	mg/L	0.015	(9)	0.005	(8)	7439-92-1	EPA 200.8
Mercury	mg/L	0.002	(1)	0.001	(2)	7439-97-6	EPA 245.1
Nickel	mg/L	0.1	(1)	0.01	(2)	7440-02-0	EPA 200.7
Nitrate (as NO3)	mg/L	45	(1)	2	(2)	7727-37-9	EPA 300.1
Nitrate + Nitrite (sum as nitrogen)	mg/L	10	(1)				EPA 353.2
Nitrite (as nitrogen)	mg/L	1	(1)	0.4	(2)	14797-65-0	EPA 300.1
Selenium	mg/L	0.002	(13)			7782-49-2	EPA 200.8
Thallium	mg/L	0.002	(1)	0.001	(2)	7440-28-0	EPA 200.8
Secondary							
Chloride	mg/L	250	(7)			16887-00-6	EPA 300.1
Copper	mg/L	1	(10)	0.05	(8)	7440-50-8	EPA 200.7
Iron	mg/L	0.3	(6)			7439-89-6	EPA 200.7
Manganese	mg/L	0.05	(6)			7439-96-5	EPA 200.7
Molybdenum	mg/L	0.01	(11)			7439-98-7	EPA 200.7
Silver	mg/L	0.1	(6)			7440-22-4	EPA 200.7
Sodium	mg/L	69	(15)			7440-23-5	EPA 200.7
Specific Conductance	µS/cm	2,200	(7)				SM 2510 B
Sulfate	mg/L	250	(7)			14808-79-8	EPA 300.1
Total Dissolved Solids	mg/L	1,500	(7)				SM 2540 C
Zinc	mg/L	5	(6)			7440-66-6	EPA 200.7
Radioactivity							
Gross Alpha	pCi/L	15	(3)	3	(3)		SM 7110C
Organic Chemicals							
Atrazine	µg/L	1	(4)	0.5	(5)	1912-24-9	EPA 508.1
Bentazon	µg/L	18	(4)	2	(5)	25057-89-0	EPA 515
Carbofuran	µg/L	18	(4)	5	(5)	1563-66-2	EPA 531.1-2
Chlordane	µg/L	0.1	(4)	0.1	(5)	57-74-9	EPA 505
Chlorpyrifos	µg/L	0.025	(14)			2921-88-2	EPA 8141
2,4-D	µg/L	70	(4)	10	(5)	94-75-7	EPA 515.1-4
Diazinon	µg/L	0.16	(14)			333-41-5	EPA 507
Dibromochloropropane (DBCP)	µg/L	0.2	(4)	0.01	(5)	96-12-8	EPA 504.1
Endrin	µg/L	2	(4)	0.1	(5)	72-20-8	EPA 505
Ethylene Dibromide (EDB)	µg/L	0.05	(4)	0.02	(5)	206-93-4	EPA 504.1
Glyphosate	µg/L	700	(4)	25	(5)	1071-83-6	EPA 547
Heptachlor	µg/L	0.01	(4)	0.01	(5)	76-44-8	EPA 505
Heptachlor Epoxide	µg/L	0.01	(4)	0.01	(5)	1024-57-3	EPA 505
Lindane	µg/L	0.2	(4)	0.2	(5)	58-89-9	EPA 505
Methoxychlor	µg/L	30	(4)	10	(5)	72-43-5	EPA 505
Molinate	µg/L	20	(4)	2	(5)	2212-67-1	EPA 525.2
2, 4, 5-TP (Silvex)	µg/L	50	(4)	1	(5)	93-72-1	EPA 515.1-4
Simazine	µg/L	4	(4)	1	(5)	122-34-9	EPA 508.1
Thiobencarb	µg/L	70	(4)	1	(5)	28249-77-6	EPA 525.2
Toxaphene	µg/L	3	(4)	1	(5)	8001-35-2	EPA 505

**Table 5. Water Quality Standards for Acceptance of Groundwater into the Upper Delta-Mendota Canal  
Jones Pumping Plant to Check 13 (O'Neill Forebay)**

Sources:

Title 22. The Domestic Water Quality and Monitoring Regulations specified by the State of California Health and Safety Code (Sections 4010-4037), and Administrative Code (Sections 64401 et seq.), as amended.

- |                                      |                                    |
|--------------------------------------|------------------------------------|
| (1) Title 22, Table 64431-A (mg/L)   | (6) Title 22, Table 64449-A (mg/L) |
| (2) Title 22, Table 64432-A (mg/L)   | (7) Title 22, Table 64449-B (mg/L) |
| (3) Title 22, Table 64442 (pCi/L)    | (8) Title 22, Table 64678-A (mg/L) |
| (4) Title 22, Table 64444-A (mg/L)   | (9) Title 22, Section 64678 (d)    |
| (5) Title 22, Table 64445.1-A (mg/L) | (10) Title 22, Section 64678 (e)   |

[California Drinking Water Regulations Sep 2011](http://www.cdph.ca.gov/certific/drinkingwater/Documents/Lawbook/dwregulations-2011-09-22.pdf)

<http://www.cdph.ca.gov/certific/drinkingwater/Documents/Lawbook/dwregulations-2011-09-22.pdf>

California Regional Water Quality Control Board, Central Valley Region, Fourth Edition of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins.

- (13) Basin Plan, Table III-1 (ug/L) (selenium in Grasslands water supply channels)  
(14) Basin Plan, Table III-2A (ug/L) (chlorpyrifos & diazinon in San Joaquin River from Mendota to Vernalis)

[Sacramento & San Joaquin River Basin Plan 2009](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr.pdf)

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr.pdf](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr.pdf)

Ayers, R. S. and D. W. Westcot, *Water Quality for Agriculture*, Food and Agriculture Organization of the United Nations - Irrigation and Drainage Paper No. 29, Rev. 1, Rome (1985).

- (15) Ayers, Table 1 (mg/L) (sodium)

- (16) Ayers, Table 21 (mg/L) (boron)

[Water Quality Standards for Agriculture 1985](http://www.fao.org/DOCREP/003/T0234E/T0234E00.HTM)

<http://www.fao.org/DOCREP/003/T0234E/T0234E00.HTM>

revised: 10 Jan 2012 SCC-107

**Table 6. Water Quality Standards for Acceptance of Groundwater into the lower Delta-Mendota Canal  
Check 13 (O'Neill Forebay) To Check 21 (Mendota Pool)**

Constituent	Units	Maximum Contaminant Level		CAS Registry Number	Recommended Analytical Method
Bicarbonate	mg/L	61	(5)	71-52-3	SM 2320 A
Boron	mg/L	0.7	(3)	7440-42-8	EPA 200.7
Calcium	mg/L	80	(5)	7440-70-2	EPA 200.5
Chloride	mg/L	40	(5)	189689-94-9	EPA 300.1
Chlorpyrifos	µg/L	0.025	(2)	2921-88-2	EPA 8141
Chromium, total	µg/L	50	(1)	7440-47-3	EPA 200.7
Diazinon	µg/L	0.16	(2)	333-41-5	EPA 507
Hardness	mg/L				calculated
Magnesium	mg/L	16	(5)	7439-95-4	EPA 200.5
Mercury	µg/L	2	(1)	7439-97-6	EPA 245.1
Molybdenum	µg/L	10	(3)	7439-98-7	EPA 200.7
Nickel	µg/L	100	(1)	7440-02-0	EPA 200.7
Nitrate (as NO <sub>3</sub> )	mg/L	45	(1)	7727-37-9	EPA 300.1
Nitrite (as nitrogen)	mg/L	1	(1)	14797-65-0	EPA 300.1
pH	units	5.0 - 7.0	(5)		EPA 150.1
Potassium	mg/L	4.5	(5)	7440-09-7	EPA 200.5
SAR		<2	(5)		calculated
Selenium	µg/L	2	(2)	7782-49-2	EPA 200.8
Sodium	mg/L	69	(3)	7440-23-5	EPA 200.7
Specific Conductance	µS/cm	1,230	(4)		SM 2510 B
Sulfate	mg/L	250	(1)	14808-79-8	EPA 300.1
Total Dissolved Solids	mg/L	800	(4)		SM 2540 C

(1) Title 22. The Domestic Water Quality and Monitoring Regulations specified by the State of California Health and Safety Code (Sections 4010-4037), and Administrative Code (Sections 64401 et seq.), as amended.

(2) California Regional Water Quality Control Board, Central Valley Region, Fourth Edition of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins. Table III-2A

(3) Ayers, R. S. and D. W. Westcot, *Water Quality for Agriculture*, Food and Agriculture Organization of the United Nations - Irrigation and Drainage Paper No. 29, Rev. 1, Rome (1985).

(4) Second Amended Contract for Exchange of Waters, No 11r-1144, Article 9. Quality of Substitute Water.

(5) Spectrum Analytic, Inc. Guide to Interpreting Irrigation Water Analysis. Washington C.H., Ohio  
[http://www.spectrumanalytic.com/support/library/rf/A\\_Guide\\_to\\_Interpreting\\_Irrigation\\_Water\\_Analysis.htm](http://www.spectrumanalytic.com/support/library/rf/A_Guide_to_Interpreting_Irrigation_Water_Analysis.htm)

revised 11/23/2009 SCC-107

**Table 7. Approved Laboratory List for the Mid-Pacific Region Environmental Monitoring Branch**

<b>APPL Laboratory</b>	<b><u>Address</u></b>	908 North Temperance Avenue, Clovis, CA 93611
	<b><u>Contact</u></b>	Diane Anderson (Project Manager) or Cynthia Clark
	<b><u>P/F</u></b>	(559) 275-2175 / (559) 275-4422
	<b><u>Email</u></b>	danderson@applinc.com; cclark@applinc.com
	<b><u>Methods</u></b>	Approved for inorganic and organic parameters in water and soil
<b>Basic Laboratory</b>	<b><u>Address</u></b>	2218 Railroad Avenue Redding, CA 96001 USA
	<b><u>Contact</u></b>	Nathan Hawley, Melissa Hawley, Ricky Jensen
	<b><u>P/F</u></b>	(530) 243-7234 / (530) 243-7494
	<b><u>Email</u></b>	nhawley@basiclab.com (QAO), mhawley@basiclab.com (PM), sthomas@basiclab.com (quotes) poilar@basiclab.com (sample custody), khawley@basiclab.com (sample custody)
	<b><u>CC Info</u></b>	nhawley@basiclab.com, Jennifer Rawson (ext. 203 - invoices) Reanalysis requests need to always be addressed to Melissa Hawley and CC'd to Nathan Hawley Quotes address to Sabrina Thomas and cc Nathan Hawley
	<b><u>Methods</u></b>	Approved for inorganic/organic parameters
<b>Block Environmental Services</b>	<b><u>Address</u></b>	2451 Estand Way Pleasant Hill, CA 94523 USA
	<b><u>Contact</u></b>	David Block
	<b><u>P/F</u></b>	(925) 682-7200 / (925) 686-0399; (925) 382-9760 Cell
	<b><u>Email</u></b>	<a href="mailto:dblock@blockenviron.com">dblock@blockenviron.com</a>
	<b><u>Methods</u></b>	Approved for Toxicity Testing
<b>California Laboratory Services</b>	<b><u>Address</u></b>	3249 Fitzgerald Road Rancho Cordova, CA 95742
	<b><u>Contact</u></b>	Scott Pieters
	<b><u>P/F</u></b>	(916) 638-7301 / (916) 638-4510
	<b><u>Email</u></b>	<a href="mailto:scott@californialab.com">scott@californialab.com</a> (p.m.), <a href="mailto:janet@californialab.com">janet@californialab.com</a> (QA)
	<b><u>Methods</u></b>	Approved for inorganic, organic, and microbiological parameters.
<b>Caltest Analytical Laboratory</b>	<b><u>Address</u></b>	1885 N. Kelly Rd. Napa, CA 94558
	<b><u>Contact</u></b>	Mike Hamilton
	<b><u>P/F</u></b>	(707) 258-4000/(707) 226-1001
	<b><u>Email</u></b>	<a href="mailto:Mike_Hamilton@caltestlabs.com">Mike_Hamilton@caltestlabs.com</a> ; <a href="mailto:info@caltestlabs.com">info@caltestlabs.com</a>
	<b><u>Methods</u></b>	Approved for inorganic parameters
<b>Dept. of Fish &amp; Game - WPCL</b>	<b><u>Address</u></b>	2005 Nimbus Road Rancho Cordova, CA 95670 USA
	<b><u>Contact</u></b>	David B. Crane - Laboratory Director Patty Bucknell - Inorganic Chemist Gail Chow - QA Manager + re-analysis requests (916) 358-2840
	<b><u>P/F</u></b>	(916) 358-2858 / (916) 985-4301, Sample Receiving: (916) 358-0319 Scott or Mary
	<b><u>Email</u></b>	dcrane@ospr.dfg.ca.gov; pbucknell@ospr.dfg.ca.gov; gcho@ospr.dfg.ca.gov
	<b><u>Methods</u></b>	Approved only for metals analysis in tissue, organics pending
<b>Fruit Growers Laboratory</b>	<b><u>Address</u></b>	853 Corporation Street Santa Paula, CA 93060 USA
	<b><u>Contact</u></b>	David Terz, QA Director
	<b><u>P/F</u></b>	(805) 392-2024 / (805) 525-4172
	<b><u>Email</u></b>	davidt@fglinc.com
	<b><u>Methods</u></b>	Approved for all inorganic and organic parameters in drinking water and general physical analysis in soils.

**Table 7. Approved Laboratory List for the Mid-Pacific Region Environmental Monitoring Branch**

<b>Montgomery Watson/Harza Laboratories</b>	<b><u>Address</u></b>	750 Royal Oaks Drive Ste. 100 Monrovia, CA 91016 USA
	<b><u>Contact</u></b>	Bradley Cahoon and Rita Reeves (Project Managers - Sacramento), Linda Geddes* (Project Manager - Monrovia) *Work with Linda after samples arrive at laboratory
	<b><u>P/F</u></b>	(916) 418-8358, (626) 386-1100, Linda - (626) 386-1163, Rita cell 916-996-5929
	<b><u>Email</u></b>	Bradley.Cahoon@us.mwhglobal.com, linda.geddes@mwhglobal.com
	<b><u>CC Info</u></b>	cc. Rita on all communications to Bradley.
	<b><u>Methods</u></b>	<i>Approved for all inorganic, organic, and radiochemistry parameters in drinking water</i>
<b>Moore Twining Laboratories, Inc.</b>	<b><u>Address</u></b>	2527 Fresno Street Fresno, CA 93721 USA
	<b><u>Contact</u></b>	Julio Morales (PM), Maria Manuel (QA Officer), Sample Control (Bottle Orders), Juli Adams (Lab Director); Lisa Montijo (Assistant PM)
	<b><u>P/F</u></b>	(559) 268-7021 / (559) 268-0740
	<b><u>Email</u></b>	juliom@mooretwinning.com; mariam@mooretwinning.com; julia@mooretwinning.com; lisam@mooretwinning.com
	<b><u>Methods</u></b>	<i>Approved for COD by SM5220D and general chemistry including boron analysis (not TOC)</i>
<b>Olson Biochemistry Laboratories</b>	<b><u>Address</u></b>	SDSU: Box 2170, ACS Rm. 133 Brookings, SD 57007 USA
	<b><u>Contact</u></b>	Nancy Thiex, Laboratory Director
	<b><u>P/F</u></b>	(605) 688-5466 / (605) 688-6295
	<b><u>Email</u></b>	Nancy.Thiex@sdstate.edu
	<b><u>CC Info</u></b>	For re-analysis: contact Zelda McGinnis-Schlobohm and Nancy Anderson Zelda.Schlobohm@SDSTATE.EDU, Nancy.Anderson@SDSTATE.EDU For analysis questions only: just CC. Nancy Anderson
	<b><u>Methods</u></b>	<i>Approved for boron, selenium, and molybdenum analyses (except boron in soil; Olson does not have the capability)</i>
<b>Sierra Foothill Laboratory, Inc.</b>	<b><u>Address</u></b>	255 Scottsville Blvd, Jackson, CA 95642
	<b><u>Contact</u></b>	Sandy Nurse (Owner) or Dale Gimble (QA Officer)
	<b><u>P/F</u></b>	(209) 223-2800 / (209) 223-2747
	<b><u>Email</u></b>	sandy@sierrafoothilllab.com, CC: dale@sierrafoothilllab.com
	<b><u>Methods</u></b>	<i>Approved for all inorganic parameters, microbiological parameters, acute and chronic toxicity.</i>
<b>TestAmerica</b>	<b><u>Address</u></b>	880 Riverside Parkway West Sacramento, CA 95605 USA
	<b><u>Contact</u></b>	Linda Laver
	<b><u>P/F</u></b>	(916) 374-4362 / (916) 372-1059 fax
	<b><u>Email</u></b>	Linda.Laver@TestAmericaInc.com
	<b><u>Methods</u></b>	<i>Approved for all inorganic parameters and hazardous waste organics. Ag analysis in sediment, when known quantity is present, request 6010B</i>
<b>Western Environmental Testing Laboratories</b>	<b><u>Address</u></b>	475 East Greg Street # 119 Sparks, NV 89431 USA
	<b><u>Contact</u></b>	Erin Pfau (Client Services), Andy Smith (Lab Drctr)
	<b><u>P/F</u></b>	(775) 355-0202 / (775) 355-0817
	<b><u>Email</u></b>	erinp@wetlaboratory.com, andy@wetlaboratory.com
	<b><u>Methods</u></b>	<i>Approved for inorganic parameters (metals, general chemistry) and coliforms.</i>

revised: 2/14/2011



**Table 8. Summary of Depth to Groundwater in Wells Beside the Delta-Mendota Canal (feet)**  
**May 1995 - Dec 2011**

DMC Milepost	Max	Min	Average	Median	Recent	Count
12.37L	327.8	164.2	230.7	226.0	240.0	53
12.69L	244.8	207.5	224.7	223.0	213.0	53
12.75R	295.0	212.0	249.6	253.0	253.0	52
13.31L	275.8	210.0	227.9	223.5	210.0	52
14.26R	268.5	225.0	239.2	238.0	227.0	52
15.11R	264.0	200.0	241.1	244.0	260.0	53
21.25L	156.0	106.0	122.0	116.0	132.0	51
21.86L	130.0	89.6	108.7	108.0	107.0	53
22.77R	170.0	39.2	134.8	135.0	135.0	53
23.41L	254.0	141.0	191.8	189.5	174.0	53
30.43R	169.8	121.8	145.0	145.8	143.0	53
30.43L	191.0	102.0	126.1	124.2	191.0	53
31.60L	277.0	110.1	213.8	231.8	133.0	53
33.71L	198.6	130.9	164.3	167.9	136.0	53
35.73R	287.0	146.8	165.2	160.6	181.0	53
36.01L	290.0	137.2	203.9	185.5	256.0	51
36.80L	204.0	111.0	154.4	153.0	153.0	52
37.10L	277.0	158.0	192.3	191.0	173.0	52
37.32L	200.0	150.8	165.3	161.7	164.0	52
37.58L	170.0	127.8	145.9	141.2	146.0	52
45.78R	121.0	83.0	99.7	97.1	102.0	52
48.97L	130.0	71.0	96.7	94.5	71.0	48
48.96LNEW	101.0	88.0	95.0	96.0	101.0	8
51.66L	141.2	86.4	107.9	106.0	92.0	52
58.28L	69.0	27.0	44.4	43.1	52.0	51
60.06R	95.0	37.6	67.0	67.2	73.0	51
66.71L	54.0	19.8	36.4	34.1	40.0	51
78.31L	49.3	21.9	29.3	27.9	28.0	60
79.13R	111.8	57.8	82.8	87.8	57.8	60
79.13L	87.8	63.3	72.2	68.8	87.8	8
79.60L	83.2	52.9	65.3	63.0	59.6	60
80.03L	80.0	16.0	35.8	35.5	37.4	60
80.03R	143.5	73.0	108.4	122.8	73.0	9
80.62R	100.2	47.8	61.9	59.8	57.0	60
80.62L	69.0	19.4	43.6	43.0	41.3	60
81.08-R	72.5	55.1	60.5	58.1	56.5	8
83.08-R	64.9	37.6	46.3	43.0	44.1	35
83.67-L	71.6	12.0	25.0	23.4	24.2	35
90.18R	201.3	103.9	138.5	132.4	129.8	60
90.19L1	218.5	98.9	145.3	137.4	145.5	60
90.19L2	190.0	72.0	131.7	124.5	118.8	60
90.39R	212.0	105.0	138.7	133.8	134.6	60

**Table 8. Summary of Depth to Groundwater in Wells Beside the Delta-Mendota Canal (feet)**  
**May 1995 - Dec 2011**

DMC Milepost	Max	Min	Average	Median	Recent	Count
90.60L	192.0	28.7	136.5	132.0	131.5	60
90.61R	198.0	104.0	137.1	132.7	132.5	60
90.91L	285.9	93.2	143.8	136.1	127.1	60
91.15L	287.7	97.4	138.0	129.3	129.3	60
91.36L	217.0	11.3	103.0	118.9	11.3	60
91.57R	222.2	91.8	134.2	128.0	131.2	60
91.68R	219.6	99.2	142.1	138.9	167.5	60
91.77R	172.2	96.0	127.1	124.2	n/a	60
91.80L	195.2	93.1	133.8	126.5	130.0	60
92.00R	172.6	109.0	137.7	131.2	n/a	60
92.14L	215.1	98.8	143.5	138.7	140.8	60
92.20R	220.0	95.8	141.0	139.1	132.0	60
92.72L	218.3	100.2	146.2	134.5	133.4	60
93.20L	296.1	102.2	138.1	131.0	134.9	60
93.27R	228.4	115.0	157.7	150.5	158.0	59
93.27L	218.9	100.8	144.7	140.1	141.7	60
94.26L	228.1	99.7	142.4	133.2	168.9	60
95.62L	213.4	99.6	143.0	129.9	167.9	60
97.28L	138.8	34.0	67.8	52.6	128.3	60
98.74L	114.2	39.2	53.8	45.8	56.9	60
99.24L	158.3	31.5	60.7	51.5	93.6	60
99.82L	181.8	19.5	64.4	54.7	75.0	60
100.24L	136.6	28.1	58.1	49.8	66.2	60
100.65L	131.2	36.5	64.7	58.2	98.8	60
100.85L	98.3	39.0	57.2	55.0	67.6	59
101.27L	131.4	37.4	63.4	50.5	74.4	59
102.04R	130.0	38.0	62.1	51.5	61.5	59
106.20R	138.3	60.7	90.4	83.2	126.0	59
113.72L	29.2	13.2	21.6	21.6	n/a	59
115.32R	82.9	18.5	30.6	31.6	19.8	59
115.62L	42.0	12.2	25.6	24.4	17.6	58
115.84R	39.2	14.9	24.8	23.0	19.3	59
116.40L1	77.0	14.2	29.8	27.8	17.2	59
116.40L2	74.0	11.3	29.8	23.7	29.1	55

Source: San Luis & Delta-Mendota Water Authority

## Appendix 1. 2012 Letter from Exchange Contractors



Consisting of 240,000 acres on the Westside of the San Joaquin Valley

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February 3, 2012

**JAMES E. O'BANION**  
Chairman

**ROY CATANIA**  
Vice Chairman

**STEVE CHEDESTER**  
Executive Director

**LARRY FREEMAN**  
Water Resources Specialist

**JOANN WHITE**  
Administrative Assistant

**MINASIAN, SPRUANCE,  
MEITH, SOARES &  
SEXTON LLP**  
Legal Counsel

**VIA EMAIL & U.S. MAIL**

Mr. Michael Jackson  
U.S. Bureau of Reclamation  
1243 N Street  
Fresno, CA 93721-1813

Ms. Frances Mizuno  
San Luis & Delta-Mendota Water Authority  
Post Office Box 2157  
Los Banos, CA 93635

**CENTRAL CALIFORNIA  
IRRIGATION DISTRICT**

**James E. O'Banion**  
President

**Christopher White**  
General Manager

**SAN LUIS CANAL  
COMPANY**

**James L. Nickel**  
President

**Chase Hurley**  
General Manager

**FIREBAUGH CANAL  
WATER DISTRICT**

**Mike Stearns**  
President

**Jeff Bryant**  
General Manager

**COLUMBIA CANAL  
COMPANY**

**Roy Catania**  
President

**Randy Houk**  
General Manager

RE: **2012 DMC Pumping**

Dear Michael and Frances:

This letter is to confirm the San Joaquin River Exchange Contractors Water Authority's (Exchange Contractors) approval of your request to continue the DMC pumping program in 2012. As a result of subsidence effects being determined in 2008, this year's program must continue to include that no pumping will be allowed in Management Areas 2 and 3.

Additionally, the joint groundwater study between the Central California Irrigation District, the City of Los Banos and the United States Bureau of Reclamation was completed in the Los Banos aquifer subarea due to significant groundwater concerns in April 2010. The study and its recommendations are to be incorporated into the 2012 DMC pumping program.

The Exchange Contractors' Board approval for this pumping program is based upon the conditions set forth below:

1. Any well that is proposed to pump into the lower DMC must obtain a current water quality analysis. The analysis shall consist of Ag Suitability and selenium, plus any other constituents the U.S. Bureau of Reclamation (USBR) may require. (Wells may be pumped for 24

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P.O. Box 2115  
541 H Street  
Los Banos, CA 93635  
(209) 827-8616  
Fax (209) 827-9703  
e-mail: jtoscana@sjrecwa.net  
Website: www.sjrecwa.net

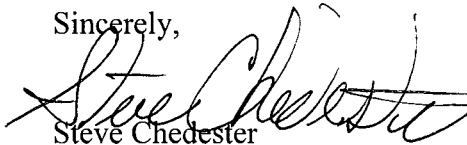
Mr. Michael Jackson  
Ms. Frances Mizuno  
RE: **2012 DMC Pumping**  
February 3, 2012  
Page 2

hours in order to get the initial sample for water quality testing.) These tests will be conducted on a monthly basis for the duration of the pumping period. From our perspective, pumping may begin once we have received copies of current lab test results for salinity and selenium, recognizing the other constituents may take longer to obtain the lab results.

2. Only wells that test at 1,500 ppm TDS or less at the well head will be allowed.
3. Only wells that test at 2 ppb selenium or less at the well head will be allowed.
4. The calculated degradation caused by the lower DMC wells shall not exceed 30 ppm. (The model developed by USBR during the 2008 and 2009 pumping program shall be used and USBR shall provide at least weekly updates of the reports to the Exchange Contractors.)
5. At any time, the wells in the lower DMC will be shut off if the measured water quality at Check 20 on the DMC exceeds 450 ppm TDS in a single day. The wells may resume pumping after the average water exceedence no longer exists for 3 days. Wells with water quality at the well head of 450 TDS or less would be allowed to continue to pump and would not be subject to this restriction.
6. Pumping in the Los Banos aquifer subarea shall only be credited for use in that local subarea (San Luis Water District) and is subject to the monitoring triggers established in the April 2010 joint report between the Central California Irrigation District, the City of Los Banos and the United States Bureau of Reclamation.
7. The water would be credited to the receiving district as a whole, not for specific growers.
8. The wells will only run through February 28, 2013.

If you agree with the program as outlined, and before any additional lower DMC pumping commences, we request that each of your agencies confirm in writing to the program described above. Please contact us if you have any questions regarding this matter.

Sincerely,



Steve Chedester

cc: San Joaquin River Exchange Contractors Board Members  
Paul Minasian, Esq.

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DRAFT ENVIRONMENTAL ASSESSMENT (09-149)

*LONG-TERM CONTRACT FOR THE EXCHANGE OF WATER BETWEEN THE  
BUREAU OF RECLAMATION AND BYRON-BETHANY IRRIGATION DISTRICT –  
DELTA DIVISION AND SAN LUIS UNIT*

**Appendix D**  
**California red-legged frog Protocols**

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October 2012



# U.S. Fish and Wildlife Service

## Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog



August 2005

### I. Introduction

The U.S. Fish and Wildlife Service (Service) issued guidance on conducting site assessments and surveys for the California red-legged frog (*Rana aurora draytonii*) (CRF) on February 18, 1997 (1997 Guidance). Since then, the Service has reviewed numerous CRF site assessments and surveys results, accompanied wildlife biologists in the field during the preparation and performance of site assessments and CRF surveys, and consulted with species experts on the effectiveness of the 1997 Guidance. Based on our review of the information, the Service has determined that the survey portion of the 1997 Guidance is less likely to accurately detect CRF than previously thought, especially in certain portions of the species range and particularly where CRF exist in low numbers. In response to the need for new guidance, the Service has prepared this *Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog* (Guidance).

Similar to the 1997 Guidance, two procedures are recommended in the new Guidance to accurately assess the likelihood of CRF presence in the vicinity of a project site: (1) an assessment of CRF locality records and potential CRF habitat in and around the project area and, (2) focused field surveys of breeding pools and other associated habitat to determine whether CRF are likely to be present.

Because CRF are known to use aquatic, riparian, and upland habitat, they may be present in any of these habitat types, depending on the time of year, on any given property. For sites with no suitable aquatic breeding habitat, but where suitable upland dispersal habitat exists, it is difficult to support a negative finding with the results of any survey guidance. Therefore, this Guidance focuses on site assessments and surveys conducted in and around aquatic and riparian habitat.

This Guidance was developed by the Service's Sacramento Fish and Wildlife Office in coordination with the Ventura Fish and Wildlife Office. Input by field biologists and scientists experienced in surveying for the CRF was also used in the development of this Guidance.

***If the following Guidance is followed in its entirety, the results of the site assessments and surveys will be considered valid by the Service for two (2) years, unless determined otherwise on a case-by-case basis by the appropriate Service Fish and Wildlife Office. After two (2) years, new surveys conducted under the most current Service Guidance may be required, if deemed necessary by the appropriate Service Fish and Wildlife Office.***

Modifications of this Guidance for specific projects or circumstances may be approved by the appropriate Fish and Wildlife Office; however, we strongly recommend that all modifications be reviewed and approved by the Service prior to implementation.

## **II. Permit Requirements**

Unless otherwise authorized, individuals participating in site assessments and surveys for CRF may **NOT** take the California red-legged frog during the course of site assessments or survey activities. Take may only be authorized via section 7 or section 10 of the Endangered Species Act of 1973, as amended. Typically, take associated with survey activities is authorized via issuance of section 10(a)(1)(A) permits. For reference, an application for a section 10(a)(1)(A) permit is available through the appropriate Fish and Wildlife Office or online at: <http://forms.fws.gov/3-200-55.pdf>.

*The site assessment and survey methods recommended in this Guidance do NOT require the surveyor to have a permit. As stated below, the surveyor must be otherwise qualified to conduct the surveys.*

It is the responsibility of the surveyor to ensure all other applicable permits are obtained and valid (e.g., state scientific collection permits), and that permission from private landowners or land managers is obtained prior to accessing a site and beginning site assessments and surveys.

## **III. Site Assessments**

*To prevent any unnecessary loss of time or use of resources, it is essential that completed site assessments be submitted to the appropriate Service Fish and Wildlife Office for review in order to obtain further guidance from the Service before conducting surveys.*

Surveyors are encouraged to implement the decontamination guidelines provided in Appendix B before conducting a site assessment to prevent the spread of parasites and diseases to CRF and other amphibians.

Careful evaluation of the following information about CRF and their habitats in the vicinity of a project or other land use activities is important because this information indicates the likelihood of the presence of CRF. This information will help determine whether it is necessary to conduct field surveys.

To conduct a site assessment for CRF, complete the data sheet in Appendix D and return it with any necessary supporting documentation to the appropriate Service Fish and Wildlife Office for review prior to initiating surveys. The following information is critical to completing a proper site assessment:



**1. Is the site within the current or historic range of the CRF?**

Since knowledge of the distribution of the CRF is likely to change as new locality information becomes available, biologists are expected to contact the appropriate Fish and Wildlife Office (see section IV below) to determine if a project site is within the range of this species.

**2. Are there known records of CRF at the site or within a 1.6-kilometer\* (1-mile) radius of the site?**

The biologist should consult the California Natural Diversity Data Base (CNDDDB) maintained by the California Department of Fish and Game's (CDFG) Natural Heritage Division as a starting point to determine if there are reported localities of CRF within a 1.6-kilometer (1-mile) radius of the site. Information on the CNDDDB is attached to the end of this document. Data entry into the CNDDDB is not always current nor do all surveyors submit reports to the CNDDDB, thus it is essential that other information sources on local occurrences of CRF be consulted. These sources may include, but are not limited to, biological consultants, local residents, amateur herpetologists, resource managers and biologists from municipal, State, and Federal agencies, environmental groups, and herpetologists at museums and universities. The biologist should report to the Service all known CRF records at the project site and within a 1.6-kilometer (1-mile) radius of the project boundaries. One-point-six (1.6) kilometers (1 mile) was selected as a proximity radius to a project site based on telemetry data collected by Bulger *et al.* (2003), rounded to the nearest whole mile. This distance may be subject to change when new data becomes available, or based on site-specific conditions, so it is advised that surveyors check with the appropriate Service Fish and Wildlife Office to ensure they are using the most up-to-date information.

<p><b>* IMPORTANT:</b> One-point-six (1.6) kilometers (1 mile) radius is a general guideline. The appropriate Service Fish and Wildlife Office will advise surveyors of the most appropriate distance for each specific project location on a case-by-case basis.</p>
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**3. What are the habitats within the project site and within 1.6 kilometers\* (1 mile) of the project boundary?**

In order to properly characterize the habitat within 1.6 kilometers (1 mile) of the project site, individuals conducting site assessments must visit the project site and as much of the surrounding habitat within 1.6 kilometers (1 mile) of the project site as possible. Aerial photographs, maps, and other resources should be consulted as well to ensure all possible accessible habitats are considered. Based on this reconnaissance assessment, the surveyor shall describe the upland and aquatic habitats within the project site and within 1.6 kilometers (1 mile) of the project boundary. The aquatic habitats should be mapped and characterized (*e.g.*, ponds vs. creeks, pool vs. riffle, ephemeral vs. permanent (if ephemeral, give date it goes dry), vegetation (type, emergent, overhanging), water depth at the time of the site assessment, bank full depth, stream gradient (percent slope), substrate, and description of bank). The presence of

bullfrogs (*Rana catesbeiana*) and other aquatic predators such as centrarchid fishes (bass, perch, sunfish) should be documented even though their presence does not negate the presence of CRF.

Upland habitats should be characterized by including a description of upland vegetation communities, land uses, and any potential barriers to CRF movement. The information provided in Appendix A serves as a guide to the features that will indicate possible CRF habitat.

#### **4. Report the results of the site assessment**

A site assessment report shall be provided to the appropriate Fish and Wildlife Office for review. Reports should include, but are not limited to, the following information:

- 1) Copies of the data sheet provided at Appendix D;
- 2) Copies of field notes and all other supporting documentation including:
  - A. A list of all known CRF localities within 1.6 kilometers\* (1 mile) of the project site boundaries;
  - B. Photographs of the project site (photopoints shall be indicated on an accompanying map);
  - C. A map of the site showing all of the habitat types and other important features as well as the location of any species detected during the site assessment within 1.6 kilometers (1 mile) of the project site boundaries. Maps shall be either copies of those portions of the U.S. Geological Service 7.5-minute quadrangle map(s) or geographic information system (GIS) data;
  - D. A description of the project and/or land use that is being proposed at the site.

Based on the information provided in the site assessment report, the Service will provide guidance on how CRF issues should be addressed, including whether field surveys are appropriate, where the field surveys should be conducted, and whether incidental take authorization should be obtained through section 7 consultation or a section 10 permit pursuant to the Endangered Species Act.

#### **IV. Field Surveys**

Surveyors are encouraged to implement the decontamination guidelines provided in Appendix B before conducting surveys to prevent the spread of parasites and diseases to CRF and other amphibians.

***To avoid and minimize the potential of harassment or harm to CRF, no additional surveys will be conducted in an area once occupancy has been established, unless the surveying effort is part of a Service-approved project to determine actual numbers of frogs at a site.***

The Service should be notified in writing (e.g., email) by the surveyor within three (3) working

days once a CRF is detected. The Service will provide guidance to the surveyor regarding the need to collect additional information such as population size, age class, habitat use, *etc.*

## **A. Qualifications of Surveyors**

Surveyors must be familiar with the distinguishing physical characteristics of all life stages of the CRF, other anurans of California, and with introduced, exotic species such as the bullfrog and the African clawed frog (*Xenopus Laevis*) prior to conducting surveys according to this Guidance.

***Surveyors must submit their qualifications to the Service along with their survey results.***

A field guide should be consulted (*e.g.*, Wright and Wright 1949; Stebbins 2003) to confirm the identification of amphibians encountered during surveys. Surveyors also should be familiar with the vocalizations of the CRF and other amphibians found in California. Recordings of these vocalizations are available through various sources (*e.g.*, Davidson 1995). Surveyors that do not have experience with the species are required to obtain training on locating and identifying CRF adult, larval and egg stages before survey results are accepted. Training may include attendance at various workshops that have an emphasis on the biology of the California red-legged frog, accompanied by an appropriate level of field identification training; field work with individuals who possess valid 10(a)(1)(A) permits for the CRF; and experience working with ranids and similar taxa.

In some localities more intensive surveys (*e.g.*, dip-netting larvae and adults) may be desirable to document the presence of CRF. In order to conduct such focused surveys a valid section 10(a)(1)(A) permit is required (refer to introduction section for information on how to apply for a section 10(a)(1)(A) permit). Applicants will be considered qualified for a section 10(a)(1)(A) permit if they meet the Service's most current qualification requirements. At a minimum, prospective applicants must:

- 1) Possess a Baccalaureate degree in biology, ecology, a resource management-related field, or have equivalent relevant experience;
- 2) Have completed course work in herpetology and study-design/survey-methodology or have equivalent relevant experience;
- 3) Have verifiable experience in the design and implementation of amphibian surveys or research or have equivalent relevant experience;
- 4) Have verifiable experience handling and identifying a minimum of 10 CRF, or similar ranid species, comprised of a minimum of 5 adults and a combination of larva and juveniles;
- 5) Obtain a minimum of 40 hours of field experience through assisting in surveys for the CRF during which positive identification is made;
- 6) Have familiarity with suitable habitats for the species and be able to identify the major vegetative components of communities in which California red-legged frog surveys or

research may be conducted.

- 7) Have familiarity with and be able to identify native and non-native amphibians that may co-occur with the listed species.

## **B. Survey Periods**

Surveys may begin anytime during January and should be completed by the end of September. Multiple survey visits conducted throughout the survey-year (January through September) increases the likelihood of detecting the various life stages of the CRF. For example, adult frogs are most likely to be detected at night between January 1 and June 30, somewhere in the vicinity of a breeding location, whereas, sub-adults are most easily detected during the day from July 1 through September 30.

Due to the geographic and yearly variation in egg laying dates, it is not possible to specify a range of dates that is appropriate for egg surveys throughout the range of the CRF. The following table summarizes the best approximated times to survey for CRF egg masses.

<b>Geographic Area</b>	<b>Best Survey Period*</b>
Northern California along the coast and interior to the Coast Range (north of Santa Cruz County)	January 1 and February 28
Southern California along the coast and interior through the Coast Range (south of, and including Santa Cruz County)	February 25 and April 30
Sierra Nevada Mountains and other high-elevation locations	Should not begin before April 15

Site specific conditions may warrant modifications to the timing of survey periods, modifications must be made with the Service's approval prior to conducting the surveys.

## **Survey Methodology**

This Guidance recommends a total of **up to** eight (8) surveys to determine the presence of CRF at or near a project site. Two (2) day surveys and four (4) night surveys are recommended during the breeding season; one (1) day and one (1) night survey is recommended during the non-breeding season. Each survey must take place at least seven (7) days apart. At least one survey must be conducted prior to August 15<sup>th</sup>. The survey period must be over a minimum period of 6 weeks (*i.e.*, the time between the first and last survey must be at least 6 weeks). Throughout the species' range, the non-breeding season is defined as between July 1 and September 30.

***If CRF are identified at any time during the course of surveys, no additional surveys will be conducted in the area, unless the surveying effort is part of a Service-approved project to determine actual numbers of frogs at a site.***

The following methodology shall be followed unless otherwise specified, or approved by the

appropriate Service Fish and Wildlife Office:

- 1) Upon arrival at the survey site, surveyors should listen for a few minutes for frogs calling, prior to disturbing the survey site by walking or looking for eye shine using bright lights. If CRF calls are identified, the surveyor should note this information on the survey data sheet and note the approximate location of the call. Once the survey begins, the surveyor should pay special attention to the area where the call originated in an attempt to visually identify the frog.
- 2) The most common method of surveying for CRF is the visual-encounter survey. This survey is conducted either during daylight hours or at night by walking entirely around the pond or marsh or along the entire length of a creek or stream while repeatedly scanning for frogs. This procedure allows one to scan each section of shore from at least two different angles. Surveyors should begin by first working along the entire shoreline, then by entering the water (if necessary and no egg masses would be crushed or disturbed), and visually scanning all shoreline areas and all aquatic habitats identified in the site assessment. Generally, surveyors shall focus on all open water to at least 2 meters (6.5 feet) up the bank. When wading, surveyors must take maximum care to avoid disturbing sediments, vegetation, or larvae. When walking on the bank, surveyors shall take care to not crush rootballs, overhanging banks, and stream-side vegetation that might provide shelter for frogs. Surveys must cover the entire area, otherwise the remaining survey area must be surveyed the next day/night that weather conditions allow (both visits would constitute one day/night survey).
- 3) Day surveys may be conducted on the same day as a night survey.

The main purpose of day surveys during the breeding season is to look for larvae, metamorphs, and egg masses; the main purpose of day surveys during the non-breeding season is to look for metamorphosing sub-adults, and non-breeding adults. Daytime surveys shall be conducted between one hour after sunrise and one hour before sunset.

4) Night surveys

The main purpose of night surveys is to identify and locate adult and metamorphosed frogs. Conditions and requirements for conducting night surveys are as follows:

- A. Night surveys must commence no earlier than one (1) hour after sunset.
- B. Due to diminished visibility, surveys should not be conducted during heavy rains, fog, or other conditions that impair the surveyor's ability to accurately locate and identify frogs.
- C. Nighttime surveys shall be conducted with a Service-approved light such as a Wheat Lamp, Nite Light, or sealed-beam light that produces less than 100,000 candle watt. Lights that the Service does not accept for surveys are lights that are either too dim or too bright. For example, Mag-Light-type lights and other

types of flashlights that rely on 2 or 4 AA's/AAA's, 2 C's or 2 D batteries. Lights with 100,000 candle watt or greater are too bright and also would not meet Service requirements.

- D. The Service approved light must be held at the surveyor's eye level so that the frog's eye shine is visible to the surveyor.
- E. The use of binoculars is a must in order to effectively see the eye shine of the frogs. Surveys conducted without the use of binoculars may call in to question the validity of the survey.

#### 5) Weather conditions.

Weather and visibility conditions must be consistent throughout the duration of the survey; if weather conditions become unsuitable, the survey must be completed at another time when conditions are better suited to positively locating and identifying frogs. Suitable conditions are as follows:

- A. Air temperature at the survey site must be at least 10 degrees Celsius (50 degrees Fahrenheit). Frogs are less likely to be active when temperatures are below 10 degrees Celsius (50 degrees Fahrenheit).
- B. Wind speed must not exceed 8 kilometers/hour (5 miles/hour) at the survey site. High wind speeds affect temperatures and the surveyor's ability to hear frogs calling.
- C. Surveys must be conducted under clear to partly cloudy skies (high clouds are okay) but not under dense fog or during heavy rain, as stated above. Surveys may be conducted during light rains.

Surveyors should carefully consider weather conditions prior to initiating a survey. Ask yourself, "Can I collect accurate, reliable data under the existing weather conditions" prior to proceeding with the survey. Weather conditions will be taken into account when the data is reviewed by the appropriate Service Fish and Wildlife Service Office.

#### 6) Decontamination of equipment

In an effort to minimize the spread of terrestrial and aquatic pathogens, all aquatic survey equipment including chest waders, wet suits, float tubes, kayaks, shall be decontaminated before entering potential CRF habitat using the guidelines in Appendix B. Careful attention shall be taken to remove all dirt from boots, chest waders, wetsuits, float tubes, kayaks, and other equipment before placing equipment into the water.

#### 7) Unidentified larvae, sub-adults, and adults

If the larval life stage is the only life stage detected and the larvae are not identified to species (or similarly, if sub-adult or adult frogs are observed but not identified to

species), the surveyor must either return to the habitat to identify the frog in another life stage or obtain the appropriate permit (*e.g.*, section 10(a)(1)(A) permit) authorization allowing the surveyor to handle CRF and larvae. In order for the Service to consider a survey to be complete, all frogs encountered must be accurately identified.

#### 8) Reporting results of the surveys

A species survey report shall be provided to the appropriate Fish and Wildlife Office for review. Reports should include, but are not limited to, the following information:

1. Copies of the data sheets provided at Appendix E;
2. Copies of field notes and all other supporting documentation including:
  - A. Photographs of all CRF observed during the survey and of the habitat where each individual was located, if possible without harming or harassing the individual;
  - B. A map of the site showing the location of any species detected during the survey. Maps shall be either copies of those portions of the U.S. Geological Service 7.5-minute quadrangle map(s) *or* geographic information system (GIS) data;

Based on the information provided in the site assessment report and the survey results, the Service will provide guidance on how CRF issues should be addressed through the section 7 or section 10 processes.

All information on CRF distribution resulting from field surveys shall be sent to the California Natural Diversity Database (CNDDDB). CNDDDB forms shall be completed, as appropriate, for each listed species identified during the survey(s) and submitted to the California Department of Fish and Game, Wildlife Habitat Data Analysis Branch, 1807 13<sup>th</sup> Street, Suite 202, Sacramento, California 95814, with copies submitted to the appropriate Service Fish and Wildlife Office. Each form sent to the CDFG shall have an accompanying 1:24,000 scale USGS map (or an exact scale photocopy of the appropriate portion(s) of the map) -or- Global Information System (GIS) data coverage of the site. Copies of the form can be obtained from the CDFG at the above address (telephone: 916-324-3812) or online at: <http://www.dfg.ca.gov/whdab/html/animals.html>. Additional information about the CNDDDB is available in Appendix C.

The Service may not accept the results of field surveys conducted under this Guidance for any of the following reasons:

- A. if the appropriate Service Fish and Wildlife Office was not contacted to review the results of the site assessment prior to field surveys being conducted;
- B. if field surveys were conducted in a manner inconsistent with this Guidance or with

- survey methods not previously approved by the Service;
- C. if field surveys were incomplete;
- D. if surveyors were not adequately qualified to conduct the surveys;
- E. if the reporting requirements, including submission of CNDDB forms, were not fulfilled.



#### **IV. Service Contacts**

There are three Service Fish and Wildlife Offices within the range of the CRF (see Map 1). The appropriate office to contact regarding site assessments or survey authorization depends on the location where the surveys are to be conducted.

For project sites and land use activities in Santa Cruz, Monterey, San Benito, San Luis Obispo, Santa Barbara, and Ventura Counties, portions of Los Angeles and San Bernardino Counties outside of the Los Angeles Basin, and portions of Kern, Inyo and Mono Counties east of the Sierra Crest and south of Conway Summit, contact:

Ventura Fish and Wildlife Office,  
2493 Portola Road, Suite B  
Ventura, California, 93003  
(805/644-1766).

For project sites and land use activities in all other areas of the State south of the Transverse Ranges, contact:

Carlsbad Fish and Wildlife Office  
Attn: Recovery Permit Coordinator  
6010 Hidden Valley Road  
Carlsbad, California, 92009  
(760/431-9440).

For project sites and land use activities in all other areas of the State, contact:

Sacramento Fish and Wildlife Office  
2800 Cottage Way, Suite W-2605  
Sacramento, California 95825  
(916/414-6600).  
(916/414-6713, fax)

For information on section 10(a)(1)(A) recovery permits, contact:

Regional Office,  
Eastside Federal Complex  
911 N.E., 11th Avenue  
Portland, Oregon 97232-4181  
(503/231-6241)



\* These are independent offices overlapping with the Sacramento Fish and Wildlife Office. Their work primarily focuses on salmonid restoration, fishery monitoring and Forest Plan Implementation.

Map 1. Map of California showing jurisdictional boundaries of Service Fish and Wildlife Offices.

## References

- Davidson, C. 1995. Frog and toad calls of the Pacific Coast: Vanishing Voices. Library of Natural Sounds, Cornell Laboratory of Ornithology, Ithaca, New York. 27 pp. +1 cassette.
- Stebbins, R.C. 2003. A field guide to western reptiles and amphibians. Third edition. Houghton Mifflin Company, New York, New York. 533 pp.
- Wright, A.H. and A.A. Wright. 1949. Handbook of frogs and toads of the United States and Canada. Third Edition. Comstock Publishing Company, Ithaca, New York. xii+640 pp.

## **Appendix A.**

### **California red-legged frog identification and ecology.**

#### **1. Identification**

The following information may aid surveyors in the identification of California red-legged frogs and similar species. However, all surveyors are expected to consult field guides (Wright and Wright 1949; Davidson 1995; Stebbins 2003) for further information.

##### *General Description*

The California red-legged frog (*Rana aurora draytonii*), is a relatively large aquatic frog ranging from 4 to 13 centimeters (1.5 to 5 inches) from the tip of the snout to the vent. From above, the California red-legged frog can appear brown, gray, olive, red or orange, often with a pattern of dark flecks or spots. The skin usually does not look rough or warty. The back of the California red-legged frog is bordered on either side by an often prominent dorsolateral fold of skin running from the eye to the hip. The hindlegs are well-developed with large webbed feet. A cream, white, or orange stripe usually extends along the upper lip from beneath the eye to the rear of the jaw. The undersides of adult California red-legged frogs are white, usually with patches of bright red or orange on the abdomen and hindlegs. The groin area can show a bold black mottling with a white or yellow background.

##### *Adults*

Positive diagnostic marks should be used to accurately distinguish California red-legged frogs from other species of frogs that may be observed. A positive diagnostic mark is an attribute of the animal that will not be found on any other animal likely to be encountered at the same locality. The following features are positive diagnostic marks that, if observed, will distinguish California red-legged frogs from foothill yellow-legged frogs (*Rana boylei*) and bullfrogs (*Rana catesbeiana*):

- a. Prominent dorsolateral folds (thick upraised fold of skin running from eye to hip) on any frog greater than 5 centimeters (2 inches) long from snout to vent. Young yellow-legged frogs can show reddish folds; these usually fade as the frogs mature.
- b. Bright red dorsum.
- c. Well defined stripe as described above running along upper lip.

Since California red-legged frogs are often confused with bullfrogs, surveyors should note those features that might be found on bullfrogs that will rarely be observed on California red-legged frogs. These features are:

- a. Absence of the dorsolateral fold.
- b. Bright yellow on throat.
- c. Uniform bright green snout.
- d. Tympanum (ear disc) distinct and much larger than eye.

Please note that some frogs may lack all of the above characteristics given for both California red-legged frogs and bullfrogs. Surveyors should regard such frogs as unidentified, unless it is clearly identified as another species.

California red-legged frogs are cryptic because their coloration tends to help them blend in with their surroundings, and they can remain immobile for great lengths of time. When an individual California red-legged frog is disturbed, it may jump into the water with a distinct “plop.” The California red-legged frog may do this either when the surveyor is still distant or when a surveyor is very near. Bullfrogs exhibit similar behavior but will often emit a “squawk” as they dive into the water. Because a California red-legged frog is unlikely to make such a sound, a “squawk” from a fleeing frog will be considered sufficient to positively identify the frog as a bullfrog.

#### *Larvae*

Tadpoles may be trapped and handled only by those with a valid 10(a)1(A) permit. California red-legged frog larvae range from 14 to 80 millimeters (0.5 to 3.25 inches) in length. They are greenish to generally brownish color with darker marbling and lack distinct black or white spotting or speckling. Large California red-legged frog larvae often have a wash of red coloration on their undersides and a very small single row of evenly spaced whitish or gold flecks along the side where the dorsolateral fold will develop. Other features to look for to identify California red-legged frog larvae include: eyes set well in from the outline of the head (contrasts with treefrogs (*Hyla* spp.)), oral papillae on both the sides of the mouth and the bottom of the mouth (contrasts with *Bufo* spp.), well developed oral papillae on the sides of the mouth (contrasts with other subspecies of red-legged frogs (*Rana aurora* spp.) and spadefoot toads (*Scaphiopus* spp.)), generally mottled body and tail with few or no distinct black spots on tail fins (contrasts with bullfrogs), and two to three tooth rows on the top and bottom (contrasts with foothill yellow-legged frogs).

#### *Eggs*

California red-legged frogs breed during the winter and early spring from as early as late November through April and May. Adults engage in courtship behaviors that result in the female depositing from 2,000 to 6,000 eggs, each measuring between 2 and 3 millimeter (0.1 inches). California red-legged frog eggs are typically laid in a mass attached to emergent vegetation near the surface of the water, where they can be easily dislodged. However, egg masses have been detected lying on the bottom of ponds. The egg mass is well defined and

about the size of a softball. Eggs hatch within 6 to 14 days after deposition at which time the newly hatched larvae are delicate and easily injured or killed. California red-legged frog larvae transform into juvenile frogs in 3.5 to 7 months.

During the time that red-legged frog egg surveys are conducted, other amphibian eggs may be found including those of Pacific treefrogs, spadefoot toads, California tiger salamanders, and newts. Bullfrogs and foothill yellow-legged frogs lay their eggs later in the season. Field guides should be consulted for additional information on egg identification.

## 2. Habitat

California red-legged frogs occur in different habitats depending on their life stage, the season, and weather conditions. Rangewide, and even within local populations, there is much variation in how frogs use their environment; in some cases, they may complete their entire life cycle in a particular habitat (*i.e.*, a pond is suitable for all life stages), and in other cases, they may seek multiple habitat types (U.S. Fish and Wildlife Service 2002).

### *Breeding habitat*

All life history stages are most likely to be encountered in and around breeding sites, which are known to include coastal lagoons, marshes, springs, permanent and semi-permanent natural ponds, ponded and backwater portions of streams, as well as artificial impoundments such as stock ponds, irrigation ponds, and siltation ponds. California red-legged frog eggs are usually found in ponds or in backwater pools in creeks attached to emergent vegetation such as *Typha* and *Scirpus*. However, they have been found in areas completely denuded of vegetation. Creeks and ponds where California red-legged frogs are found most often have dense growths of woody riparian vegetation, especially willows (*Salix* spp.) (Hayes and Jennings 1988). The absence of *Typha*, *Scirpus*, and *Salix* at an aquatic site does not rule out the possibility that the site provides habitat for California red-legged frogs, for example stock ponds often are lacking emergent vegetation yet they provide suitable breeding habitat. California red-legged frog larvae remain in these habitats until metamorphosis in the summer months (Storer 1925; Wright and Wright 1949). Young California red-legged frogs can occur in slow moving, shallow riffle zones in creeks or along the margins of ponds.

### *Summer habitat*

California red-legged frogs often disperse from their breeding habitat to forage and seek summer habitat if water is not available. In the summer, California red-legged frogs are often found close to a pond or a deep pool in a creek where emergent vegetation, undercut banks, or semi-submerged rootballs afford shelter from predators. California red-legged frogs may also take shelter in small mammal burrows and other refugia on the banks up to 100 meters from the water any time of the year and can be encountered in smaller, even ephemeral bodies of water in a variety of upland settings (Jennings and Hayes 1994; U.S. Fish and Wildlife Service 2002).

### *Upland habitat*

California red-legged frogs are frequently encountered in open grasslands occupying seeps and

springs. Such bodies may not be suitable for breeding but may function as foraging habitat or refugia for dispersing frogs. During periods of wet weather, starting with the first rains of fall, some individuals make overland excursions through upland habitats (U.S. Fish and Wildlife Service 2002).

### 3. Movement

California red-legged frogs may move up to 3 kilometers (1.88 miles) up or down drainages and are known to wander throughout riparian woodlands up to several dozen meters from the water (Rathbun *et al.* 1993). Dispersing frogs have been recorded to cover distances from 0.40 kilometer (0.25 mile) to more than 3.2 kilometers (2 miles) without apparent regard to topography, vegetation type, or riparian corridors (Bulger 1998). California red-legged frogs have been observed to make long-distance movements that are straight-line, point to point migrations rather than using corridors for moving in between habitats. Dispersal distances are considered to be dependent on habitat availability and environmental conditions. On rainy nights California red-legged frogs may roam away from aquatic sites as much as 1.6 kilometers (1 mile). California red-legged frogs will often move away from the water after the first winter rains, causing sites where California red-legged frogs were easily observed in the summer months to appear devoid of this species. Additionally, California red-legged frogs will sometimes disperse in response to receding water which often occurs during the driest time of the year.

## References for Appendix A

- Bulger, J. 1998. Wet season dispersal and habitat use by juvenile California red-legged frogs (*Rana aurora draytonii*) in forest and rangeland habitats of the Santa Cruz Mountains. Research proposal.
- Davidson, C. 1005. Frog and toad calls of the Pacific Coast: Vanishing Voices. Library of Natural Sounds, Cornell Laboratory of Ornithology, Ithaca, New York. 27 pp. +1 cassette.
- Hayes, M.P. and M.R. Jennings. 1988. Habitat correlates of distribution of the California red-legged frog. (*Rana aurora draytonii*) and the foothill yellow-legged frog (*Rana boylei*): Implications for management. Pages 144-158 In: R.C. Szaro, K.E. Severson, and D.R. Patton (technical coordinators), Proceedings of the symposium on the management of amphibians, reptiles, and small mammals in North America. United States Department of Agriculture, Forest Service, General Technical Report (RM-166):1-458.
- Jennings, M.R. and M.P. Hayes. 1994. Amphibian and reptile species of special concern in California. Final report to the California Department of Fish and Game, Inland Fisheries Division, Rancho Cordova, California, under contract (8023). iii+255 pp.
- Rathbun, G.B., M.R. Jennings, T.G. Murphy, and N.R. Sipel. 1993. Status and ecology of sensitive aquatic vertebrates in lower San Simeon and Pico Creeks, San Luis Obispo County, California. U.S. Fish and Wildlife Service, National Ecology Research Center, San Simeon, California. Prepared for the California Department of Parks and Recreation. 103 pp.
- Stebbins, R.C. 2003. A field guide to western reptiles and amphibians. Third edition. Houghton Mifflin Company, New York, New York. 533 pp.
- Storer, T. 1925. A synopsis of the Amphibia of California. University of California Publications in Zoology 27:1-342.
- U.S. Fish and Wildlife Service. 2002. Recovery plan for the California red-legged frog (*Rana aurora draytonii*). Portland, Oregon. 173 pp.
- Wright, A.H. and A.A. Wright. 1949. Handbook of frogs and toads of the United States and Canada. Third Edition. Comstock Publishing Company, Ithaca, New York. xii+640 pp.



## **Appendix B.**

### **Recommended Equipment Decontamination Procedures**

In an effort to minimize the spread of pathogens that may be transferred as result of activities, surveyors should follow the guidance outlined below for disinfecting equipment and clothing after entering a pond and before entering a new pond, unless the wetlands are hydrologically connected to one another:

- i. All organic matter should be removed from nets, traps, boots, vehicle tires and all other surfaces that have come into contact with water or potentially contaminated sediments. Cleaned items should be rinsed with clean water before leaving each study site.
- ii. Boots, nets, traps, hands, *etc.* should be scrubbed with either a 75% ethanol solution, a bleach solution (0.5 to 1.0 cup per 1.0 gallon of water), Quat-128™ (1:60), or a 6% sodium hypochlorite 3 solution. Equipment should be rinsed clean with water between study sites. Cleaning equipment in the immediate vicinity of a pond or wetland should be avoided (*e.g.*, clean in an area at least 100 feet from aquatic features). Care should be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.
- iii. Used cleaning materials (liquids, *etc.*) should be disposed of safely, and if necessary, taken back to the lab for proper disposal. Used disposable gloves should be retained for safe disposal in sealed bags.
- iv. Additionally, the surveyors shall implement the following when working at sites with known or suspected disease problems: disposable gloves should be worn and changed between handling each animal. Gloves should be wetted with water from the site or distilled water prior to handling any amphibians. Gloves should be removed by turning inside out to minimize cross-contamination.

**Appendix C.**  
**General instructions for filling out CNDDDB field survey forms**

The Natural Diversity Data Base (NDDB) is the largest, most comprehensive database of its type in the world. It presently contains more than 33,000 site specific records on California's rarest plants, animals, and natural communities. The majority of the data collection effort for this has been provided by an exceptional assemblage of biologists throughout the state and the west. The backbone of this effort is the field survey form. We are enclosing copies of Natural Diversity Data Base (NDDB) field survey forms for species and natural communities. We would greatly appreciate you recording your field observations of rare, threatened, endangered, or sensitive species and natural communities (elements) and sending them to us on these forms.

We are interested in receiving forms on elements of concern to us; refer to our free publications: *Special Plants List*, *Special Animals List*, and *Natural Communities List* for lists of which elements these include. Reports on multiple visits to sites that already exist in the NDDB are as important as new site information as it helps us track trends in population/stand size and condition. Naturally, we also want information on new sites. We have enclosed an example of a field survey form that includes the information we like to see. It is especially important to include a xeroxed portion of a USGS topographic quad with the population/stand outlined or marked (see back of enclosed example).

Without the map, your information will be mapped less accurately, as written descriptions of locations are frequently hard to interpret. Do not worry about filling in every box on the form; only fill out what seems most relevant to your site visit. Remember that your name and telephone number are very important in case we have any questions about the form.

If you are concerned about the sensitivity of the site, remember that the NDDB can label your element occurrence "Sensitive" in the computer, thus restricting access to that information. The NDDB is only as good as the information in it, and we depend on people like you as the source of that information. Thank you for your help in improving the NDDB.

Copies of the NDDB form can be obtained from the CDFG at the above address (telephone: 916-324-3812) or online at: <http://www.dfg.ca.gov/whdab/html/animals.html>.

**Appendix D.**  
**California Red-legged Frog Habitat Site Assessment Data Sheet**

This data sheet is to assist in the data collection of California red-legged frog habitat in the vicinity of projects or other land use activities, following the August 2005, *Revised Guidance on Site Assessment and Field Surveys for California Red-legged Frogs* (Guidance), issued by the U.S. Fish and Wildlife Service. Prior to collecting the data requested on this form, the biologist should be familiar with and understand the Guidance.

The “Site Assessments” section of the Guidance details the data needed to complete a site assessment. When submitting a complete site assessment to the Service (one that has been done following the Guidance), one data sheet should be included for each aquatic habitat identified. If multiple aquatic habitats are identified within the project site, then multiple data sheets should be completed. A narrative description of the aquatic, riparian, and upland habitats should be provided to characterize the breeding habitat within the project site and the breeding and dispersal habitat within 1.6 kilometers (1 mile) of the project site. In addition to completing this data sheet, field notes, photographs, and maps should be provided to the appropriate Fish and Wildlife Service Office, as requested in the “Site Assessments” section of the Guidance.

**Appendix D.**  
**California Red-legged Frog Habitat Site Assessment Data Sheet**

Site Assessment reviewed by \_\_\_\_\_  
(FWS Field Office) (date) (biologist)

Date of Site Assessment: \_\_\_\_\_  
(mm/dd/yyyy)

Site Assessment Biologists: \_\_\_\_\_  
(Last name) (first name) (Last name) (first name)

\_\_\_\_\_

(Last name) (first name) (Last name) (first name)

Site Location: \_\_\_\_\_  
(County, General location name, UTM Coordinates or Lat./Long. or T-R-S ).

**\*\*ATTACH A MAP** (include habitat types, important features, and species locations)\*\*

Proposed project name: \_\_\_\_\_  
Brief description of proposed action:

- 1) Is this site within the current or historic range of the CRF (circle one)? YES NO
- 2) Are there known records of CRF within 1.6 km (1 mi) of the site (circle one)? YES NO  
If yes, attach a list of all known CRF records with a map showing all locations.

**GENERAL AQUATIC HABITAT CHARACTERIZATION**

*(if multiple ponds or streams are within the proposed action area, fill out one data sheet for each)*

**POND:**

Size: \_\_\_\_\_ Maximum depth: \_\_\_\_\_

Vegetation: emergent, overhanging, dominant species: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Substrate: \_\_\_\_\_  
\_\_\_\_\_

**Perennial or Ephemeral** (*circle one*). If ephemeral, date it goes dry: \_\_\_\_\_

**Appendix D.**  
**California Red-legged Frog Habitat Site Assessment Data Sheet**

**STREAM:**

Bank full width: \_\_\_\_\_

Depth at bank full: \_\_\_\_\_

Stream gradient: \_\_\_\_\_

Are there pools (circle one)? YES NO

If yes,

Size of stream pools: \_\_\_\_\_

Maximum depth of stream pools: \_\_\_\_\_

Characterize non-pool habitat: run, riffle, glide, other: \_\_\_\_\_

\_\_\_\_\_

Vegetation: emergent, overhanging, dominant species: \_\_\_\_\_

\_\_\_\_\_

Substrate: \_\_\_\_\_

\_\_\_\_\_

Bank description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Perennial or Ephemeral** (*circle one*). If ephemeral, date it goes dry: \_\_\_\_\_

Other aquatic habitat characteristics, species observations, drawings, or comments:

**Necessary Attachments:**

1. All field notes and other supporting documents
2. Site photographs
3. Maps with important habitat features and species location

## **Appendix E.**

### **California Red-legged Frog Survey Data Sheet**

This data sheet is to assist in the data collection during surveys for California red-legged frogs in areas with potential habitat. This data sheet is intended to assist in the preparation of a final report on the field surveys as detailed in the August 2005, *Revised Guidance on Site Assessment and Field Surveys for California Red-legged Frogs* (Guidance) issued by the U.S. Fish and Wildlife Service (Service). Before completing this data sheet, a site assessment should have been conducted using the Guidance and the Service should have been contacted to determine whether surveys are required. Prior to collecting the data requested on this form, the biologist should be familiar with and understand the Guidance. To avoid and minimize the potential of harassment to California red-legged frogs, all survey activities shall cease once an individual California red-legged frog has been identified in the survey area, unless prior approval has been received from the appropriate Service Fish and Wildlife Office. The Service shall be notified within three (3) working days by the surveyor once a California red-legged frog is detected, at which point the Service will provide further guidance. Surveys should take place in consecutive breeding/non-breeding seasons (*i.e.*, the entire survey period, including breeding and non-breeding surveys should not exceed 9 months). It is important that both the breeding and non-breeding survey be conducted during the time period specified in the Guidance. Site specific conditions may warrant modifications to the timing of survey periods, modifications must be made with the Service's approval. The survey consists of two (2) day and four (4) night surveys during the breeding season and one (1) day and one (1) night surveys during the non-breeding season.

All California red-legged frog life stages should be surveyed for. Surveyors may detect larvae but not be able to identify this life stage to species as handling any life stage of the California red-legged frog necessitates a valid 10(a)(1)(A) permit. If the larval life stage is the only life stage detected and the larvae are not identified to species, the surveyor must either return to the habitat to identify the frog in another life stage or have a valid 10(a)(1)(A) permit allowing the surveyor to handle California red-legged frogs and larvae. In order for the Service to consider a survey to be complete, all frogs encountered must be accurately identified.

**Appendix E.**  
**California Red-legged Frog Survey Data Sheet**

Survey results reviewed by \_\_\_\_\_  
(FWS Field Office) (date) (biologist)

Date of Survey: \_\_\_\_\_ Survey Biologist: \_\_\_\_\_  
(mm/dd/yyyy) (Last name) (first name)

Survey Biologist: \_\_\_\_\_  
(Last name) (first name)

Site Location: \_\_\_\_\_  
(County, General location name, UTM Coordinates or Lat./Long. or T-R-S).

**\*\*ATTACH A MAP** (include habitat types, important features, and species locations)\*\*

Proposed project name: \_\_\_\_\_

Brief description of proposed action:

Type of Survey (circle one): **DAY** **NIGHT** **BREEDING** **NON-BREEDING**

Survey number (circle one): **1** **2** **3** **4** **5** **6** **7** **8**

Begin Time: \_\_\_\_\_

End Time: \_\_\_\_\_

Cloud cover: \_\_\_\_\_

Precipitation: \_\_\_\_\_

Air Temperature: \_\_\_\_\_

Water Temperature: \_\_\_\_\_

Wind Speed: \_\_\_\_\_

Visibility Conditions: \_\_\_\_\_

Moon phase: \_\_\_\_\_

Humidity: \_\_\_\_\_

Description of weather conditions: \_\_\_\_\_  
\_\_\_\_\_

Brand name and model of light used to conduct surveys: \_\_\_\_\_

Were binoculars used for the surveys (circle one)? **YES** **NO**

Brand, model, and power of binoculars: \_\_\_\_\_

**Appendix E.**  
**California Red-legged Frog Survey Data Sheet**

**AMPHIBIAN OBSERVATIONS**

<b>Species</b>	<b># of indiv.</b>	<b>Observed (O) Heard (H)</b>	<b>Life Stages</b>	<b>Size Class</b>	<b>Certainty of Identification</b>

Describe potential threats to California red-legged frogs observed, including non-native and native predators such as fish, bullfrogs, and raccoons: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Other notes, observations, comments, *etc.*

**Necessary Attachments:**

4. All field notes and other supporting documents
5. Site photographs
6. Maps with important habitat features and species locations



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DRAFT ENVIRONMENTAL ASSESSMENT (09-149)

*LONG-TERM CONTRACT FOR THE EXCHANGE OF WATER BETWEEN THE  
BUREAU OF RECLAMATION AND BYRON-BETHANY IRRIGATION DISTRICT –  
DELTA DIVISION AND SAN LUIS UNIT*

**Appendix E**  
**San Joaquin kit fox Protocols**

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October 2012

**U.S. FISH AND WILDLIFE SERVICE  
STANDARDIZED RECOMMENDATIONS  
FOR PROTECTION OF THE ENDANGERED SAN JOAQUIN KIT FOX  
PRIOR TO OR DURING GROUND DISTURBANCE**

Prepared by the Sacramento Fish and Wildlife Office  
January 2011

## INTRODUCTION

The following document includes many of the San Joaquin kit fox (*Vulpes macrotis mutica*) protection measures typically recommended by the U. S. Fish and Wildlife Service (Service), prior to and during ground disturbance activities. **However, incorporating relevant sections of these guidelines into the proposed project is not the only action required under the Endangered Species Act of 1973, as amended (Act) and does not preclude the need for section 7 consultation or a section 10 incidental take permit for the proposed project.** Project applicants should contact the Service in Sacramento to determine the full range of requirements that apply to your project; the address and telephone number are given at the end of this document. Implementation of the measures presented in this document may be necessary to avoid violating the provisions of the Act, including the prohibition against "take" (defined as killing, harming, or harassing a listed species, including actions that damage or destroy its habitat). These protection measures may also be required under the terms of a biological opinion pursuant to section 7 of the Act resulting in incidental take authorization (authorization), or an incidental take permit (permit) pursuant to section 10 of the Act. The specific measures implemented to protect kit fox for any given project shall be determined by the Service based upon the applicant's consultation with the Service.

The purpose of this document is to make information on kit fox protection strategies readily available and to help standardize the methods and definitions currently employed to achieve kit fox protection. The measures outlined in this document are subject to modification or revision at the discretion of the Service.

## IS A PERMIT NECESSARY?

**Certain acts need a permit from the Service which includes destruction of any known (occupied or unoccupied) or natal/pupping kit fox dens.** Determination of the presence or absence of kit foxes and /or their dens should be made during the environmental review process.

All surveys and monitoring described in this document must be conducted by a qualified biologist and these activities do not require a permit. A qualified biologist (biologist) means any person who has completed at least four years of university training in wildlife biology or a related science and/or has demonstrated field experience in the identification and life history of the San Joaquin kit fox. In addition, the biologist(s) must be able to identify coyote, red fox,

gray fox, and kit fox tracks, and to have seen a kit fox in the wild, at a zoo, or as a museum mount. Resumes of biologists should be submitted to the Service for review and approval prior to any survey or monitoring work occurring.

### **SMALL PROJECTS**

Small projects are considered to be those projects with small foot prints, of approximately one acre or less, such as an individual in-fill oil well, communication tower, or bridge repairs. These projects must stand alone and not be part of, or in any way connected to larger projects (i.e., bridge repair or improvement to serve a future urban development). The Service recommends that on these small projects, the biologist survey the proposed project boundary and a 200-foot area outside of the project footprint to identify habitat features and utilize this information as guidance to situate the project to minimize or avoid impacts. If habitat features cannot be completely avoided, then surveys should be conducted and the Service should be contacted for technical assistance to determine the extent of possible take.

Preconstruction/preactivity surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities or any project activity likely to impact the San Joaquin kit fox. Kit foxes change dens four or five times during the summer months, and change natal dens one or two times per month (Morrell 1972). Surveys should identify kit fox habitat features on the project site and evaluate use by kit fox and, if possible, assess the potential impacts to the kit fox by the proposed activity. The status of all dens should be determined and mapped (see Survey Protocol). Written results of preconstruction/preactivity surveys must be received by the Service within five days after survey completion and prior to the start of ground disturbance and/or construction activities.

**If a natal/pupping den is discovered within the project area or within 200-feet of the project boundary, the Service shall be immediately notified and under no circumstances should the den be disturbed or destroyed without prior authorization. If the preconstruction/preactivity survey reveals an active natal pupping or new information, the project applicant should contact the Service immediately to obtain the necessary take authorization/permit.**

If the take authorization/permit has already been issued, then the biologist may proceed with den destruction within the project boundary, except natal/pupping den which may not be destroyed while occupied. A take authorization/permit is required to destroy these dens even after they are vacated. Protective exclusion zones can be placed around all known and potential dens which occur outside the project footprint (conversely, the project boundary can be demarcated, see den destruction section).

### **OTHER PROJECTS**

It is likely that all other projects occurring within kit fox habitat will require a take authorization/permit from the Service. This determination would be made by the Service during the early evaluation process (see Survey Protocol). These other projects would include, but are not limited to: Linear projects; projects with large footprints such as urban development; and projects which in themselves may be small but have far reaching impacts (i.e., water storage or conveyance facilities that promote urban growth or agriculture, etc.).

The take authorization/permit issued by the Service may incorporate some or all of the protection measures presented in this document. The take authorization/permit may include measures specific to the needs of the project and those requirements supersede any requirements found in this document.

## EXCLUSION ZONES

In order to avoid impacts, construction activities must avoid their dens. The configuration of exclusion zones around the kit fox dens should have a radius measured outward from the entrance or cluster of entrances due to the length of dens underground. The following distances are **minimums**, and if they cannot be followed the Service must be contacted. Adult and pup kit foxes are known to sometimes rest and play near the den entrance in the afternoon, but most above-ground activities begin near sunset and continue sporadically throughout the night. Den definitions are attached as Exhibit A.

Potential den**	50 feet
Atypical den**	50 feet
Known den*	100 feet
Natal/pupping den (occupied <u>and</u> unoccupied)	Service must be contacted

**\*Known den:** To ensure protection, the exclusion zone should be demarcated by fencing that encircles each den at the appropriate distance and does not prevent access to the den by kit foxes. Acceptable fencing includes untreated wood particle-board, silt fencing, orange construction fencing or other fencing as approved by the Service as long as it has openings for kit fox ingress/egress and keeps humans and equipment out. Exclusion zone fencing should be maintained until all construction related or operational disturbances have been terminated. At that time, all fencing shall be removed to avoid attracting subsequent attention to the dens.

**\*\*Potential and Atypical dens:** Placement of 4-5 flagged stakes 50 feet from the den entrance(s) will suffice to identify the den location; fencing will not be required, but the exclusion zone must be observed.

Only essential vehicle operation on existing roads and foot traffic should be permitted. Otherwise, all construction, vehicle operation, material storage, or any other type of surface-disturbing activity should be prohibited or greatly restricted within the exclusion zones.

## **DESTRUCTION OF DENS**

Limited destruction of kit fox dens may be allowed, if avoidance is not a reasonable alternative, provided the following procedures are observed. The value to kit foxes of potential, known, and natal/pupping dens differ and therefore, each den type needs a different level of protection.

**Destruction of any known or natal/pupping kit fox den requires take authorization/permit from the Service.**

Destruction of the den should be accomplished by careful excavation until it is certain that no kit foxes are inside. The den should be fully excavated, filled with dirt and compacted to ensure that kit foxes cannot reenter or use the den during the construction period. If at any point during excavation, a kit fox is discovered inside the den, the excavation activity shall cease immediately and monitoring of the den as described above should be resumed. Destruction of the den may be completed when in the judgment of the biologist, the animal has escaped, without further disturbance, from the partially destroyed den.

**Natal/pupping dens:** Natal or pupping dens which are occupied will not be destroyed until the pups and adults have vacated and then only after consultation with the Service. Therefore, project activities at some den sites may have to be postponed.

**Known Dens:** Known dens occurring within the footprint of the activity must be monitored for three days with tracking medium or an infra-red beam camera to determine the current use. If no kit fox activity is observed during this period, the den should be destroyed immediately to preclude subsequent use.

If kit fox activity is observed at the den during this period, the den should be monitored for at least five consecutive days from the time of the observation to allow any resident animal to move to another den during its normal activity. Use of the den can be discouraged during this period by partially plugging its entrances(s) with soil in such a manner that any resident animal can escape easily. Only when the den is determined to be unoccupied may the den be excavated under the direction of the biologist. If the animal is still present after five or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of a biologist, it is temporarily vacant, for example during the animal's normal foraging activities.

**The Service encourages hand excavation, but realizes that soil conditions may necessitate the use of excavating equipment. However, extreme caution must be exercised.**

Potential Dens: If a take authorization/permit has been obtained from the Service, den destruction may proceed without monitoring, unless other restrictions were issued with the take authorization/permit. If no take authorization/permit has been issued, then potential dens should be monitored as if they were known dens. If any den was considered to be a potential den, but is later determined during monitoring or destruction to be currently, or previously used by kit fox (e.g., if kit fox sign is found inside), then all construction activities shall cease and the Service shall be notified immediately.

## **CONSTRUCTION AND ON-GOING OPERATIONAL REQUIREMENTS**

Habitat subject to permanent and temporary construction disturbances and other types of ongoing project-related disturbance activities should be minimized by adhering to the following activities. Project designs should limit or cluster permanent project features to the smallest area possible while still permitting achievement of project goals. To minimize temporary disturbances, all project-related vehicle traffic should be restricted to established roads, construction areas, and other designated areas. These areas should also be included in preconstruction surveys and, to the extent possible, should be established in locations disturbed by previous activities to prevent further impacts.

1. Project-related vehicles should observe a daytime speed limit of 20-mph throughout the site in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction should be minimized to the extent possible. However if it does occur, then the speed limit should be reduced to 10-mph. Off-road traffic outside of designated project areas should be prohibited.
2. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the Service and the California Department of Fish and Game (CDFG) shall be contacted as noted under measure 13 referenced below.
3. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe

may be moved only once to remove it from the path of construction activity, until the fox has escaped.

4. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site.
5. No firearms shall be allowed on the project site.
6. No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens.
7. Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the Service. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox.
8. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the Service.
9. An employee education program should be conducted for any project that has anticipated impacts to kit fox or other endangered species. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program should include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to the previously referenced people and anyone else who may enter the project site.
10. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. should be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is

disturbed during the project, but after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the Service, California Department of Fish and Game (CDFG), and revegetation experts.

11. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the Service should be contacted for guidance.
12. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFG immediately in the case of a dead, injured or entrapped kit fox. The CDFG contact for immediate assistance is State Dispatch at (916)445-0045. They will contact the local warden or Mr. Paul Hoffman, the wildlife biologist, at (530)934-9309. The Service should be contacted at the numbers below.
13. The Sacramento Fish and Wildlife Office and CDFG shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The Service contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFG contact is Mr. Paul Hoffman at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.
14. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the Service at the address below.

Any project-related information required by the Service or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at:

Endangered Species Division  
2800 Cottage Way, Suite W2605  
Sacramento, California 95825-1846  
(916) 414-6620 or (916) 414-6600



**EXHIBIT “A” - DEFINITIONS**

"Take" - Section 9 of the Endangered Species Act of 1973, as amended (Act) prohibits the "take" of any federally listed endangered species by any person (an individual, corporation, partnership, trust, association, etc.) subject to the jurisdiction of the United States. As defined in the Act, take means " . . . to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct". Thus, not only is a listed animal protected from activities such as hunting, but also from actions that damage or destroy its habitat.

"Dens" - San Joaquin kit fox dens may be located in areas of low, moderate, or steep topography. Den characteristics are listed below, however, the specific characteristics of individual dens may vary and occupied dens may lack some or all of these features. Therefore, caution must be exercised in determining the status of any den. Typical dens may include the following: (1) one or more entrances that are approximately 5 to 8 inches in diameter; (2) dirt berms adjacent to the entrances; (3) kit fox tracks, scat, or prey remains in the vicinity of the den; (4) matted vegetation adjacent to the den entrances; and (5) manmade features such as culverts, pipes, and canal banks.

"Known den" - Any existing natural den or manmade structure that is used or has been used at any time in the past by a San Joaquin kit fox. Evidence of use may include historical records, past or current radiotelemetry or spotlighting data, kit fox sign such as tracks, scat, and/or prey remains, or other reasonable proof that a given den is being or has been used by a kit fox. The Service discourages use of the terms "active" and "inactive" when referring to any kit fox den because a great percentage of occupied dens show no evidence of use, and because kit foxes change dens often, with the result that the status of a given den may change frequently and abruptly.

"Potential Den" - Any subterranean hole within the species' range that has entrances of appropriate dimensions for which available evidence is insufficient to conclude that it is being used or has been used by a kit fox. Potential dens shall include the following: (1) any suitable subterranean hole; or (2) any den or burrow of another species (e.g., coyote, badger, red fox, or ground squirrel) that otherwise has appropriate characteristics for kit fox use.

"Natal or Pupping Den" - Any den used by kit foxes to whelp and/or rear their pups. Natal/pupping dens may be larger with more numerous entrances than dens occupied exclusively by adults. These dens typically have more kit fox tracks, scat, and prey remains in the vicinity of the den, and may have a broader apron of matted dirt and/or vegetation at one or more entrances. A natal den, defined as a den in which kit fox pups are actually whelped but not necessarily reared, is a more restrictive version of the pupping den. In practice, however, it is difficult to distinguish between the two, therefore, for purposes of this definition either term applies.

"Atypical Den" - Any manmade structure which has been or is being occupied by a San Joaquin kit fox. Atypical dens may include pipes, culverts, and diggings beneath concrete slabs and buildings.

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DRAFT ENVIRONMENTAL ASSESSMENT (09-149)

*LONG-TERM CONTRACT FOR THE EXCHANGE OF WATER BETWEEN THE  
BUREAU OF RECLAMATION AND BYRON-BETHANY IRRIGATION DISTRICT –  
DELTA DIVISION AND SAN LUIS UNIT*

**Appendix F**  
**Burrowing owl Protocols**

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October 2012

# **Staff Report on Burrowing Owl Mitigation**

State of California

Natural Resources Agency

**Department of Fish and Game**

March 7, 2012<sup>1</sup>

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<sup>1</sup> This document replaces the Department of Fish and Game 1995 Staff Report On Burrowing Owl Mitigation.

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## INTRODUCTION AND PURPOSE

Maintaining California's rich biological diversity is dependent on the conservation of species and their habitats. The California Department of Fish and Game (Department) has designated certain species as "species of special concern" when their population viability and survival is adversely affected by risk factors such as precipitous declines or other vulnerability factors (Shuford and Gardali 2008). Preliminary analyses of regional patterns for breeding populations of burrowing owls (*Athene cunicularia*) have detected declines both locally in their central and southern coastal breeding areas, and statewide where the species has experienced modest breeding range retraction (Gervais et al. 2008). In California, threat factors affecting burrowing owl populations include habitat loss, degradation and modification, and eradication of ground squirrels resulting in a loss of suitable burrows required by burrowing owls for nesting, protection from predators, and shelter (See Appendix A).

The Department recognized the need for a comprehensive conservation and mitigation strategy for burrowing owls, and in 1995 directed staff to prepare a report describing mitigation and survey recommendations. This report, "1995 Staff Report on Burrowing Owl Mitigation," (Staff Report) (CDFG 1995), contained Department-recommended burrowing owl and burrow survey techniques and mitigation measures intended to offset the loss of habitat and slow or reverse further decline of this species. Notwithstanding these measures, over the past 15+ years, burrowing owls have continued to decline in portions of their range (DeSante et al. 2007, Wilkerson and Siegel, 2010). The Department has determined that reversing declining population and range trends for burrowing owls will require implementation of more effective conservation actions, and evaluating the efficacy of the Department's existing recommended avoidance, minimization and mitigation approaches for burrowing owls.

The Department has identified three main actions that together will facilitate a more viable, coordinated, and concerted approach to conservation and mitigation for burrowing owls in California. These include:

1. Incorporating burrowing owl comprehensive conservation strategies into landscape-based planning efforts such as Natural Community Conservation Plans (NCCPs) and multi-species Habitat Conservation Plans (HCPs) that specifically address burrowing owls.
2. Developing and implementing a statewide conservation strategy (Burkett and Johnson, 2007) and local or regional conservation strategies for burrowing owls, including the development and implementation of a statewide burrowing owl survey and monitoring plan.
3. Developing more rigorous burrowing owl survey methods, working to improve the adequacy of impacts assessments; developing clear and effective avoidance and minimization measures; and developing mitigation measures to ensure impacts to the species are effectively addressed at the project, local, and/or regional level (the focus of this document).

This Report sets forth the Department's recommendations for implementing the third approach identified above by revising the 1995 Staff Report, drawing from the most relevant and current knowledge and expertise, and incorporating the best scientific information

available pertaining to the species. It is designed to provide a compilation of the best available science for Department staff, biologists, planners, land managers, California Environmental Quality Act (CEQA) lead agencies, and the public to consider when assessing impacts of projects or other activities on burrowing owls.

This revised Staff Report takes into account the California Burrowing Owl Consortium's Survey Protocol and Mitigation Guidelines (CBOC 1993, 1997) and supersedes the survey, avoidance, minimization and mitigation recommendations in the 1995 Staff Report. Based on experiences gained from implementing the 1995 Staff Report, the Department believes revising that report is warranted. This document also includes general conservation goals and principles for developing mitigation measures for burrowing owls.

## **DEPARTMENT ROLE AND LEGAL AUTHORITIES**

The mission of the Department is to manage California's diverse fish, wildlife and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitats necessary to maintain biologically sustainable populations of those species (Fish and Game Code (FGC) §1802). The Department, as trustee agency pursuant to CEQA (See CEQA Guidelines, §15386), has jurisdiction by law over natural resources, including fish and wildlife, affected by a project, as that term is defined in Section 21065 of the Public Resources Code. The Department exercises this authority by reviewing and commenting on environmental documents and making recommendations to avoid, minimize, and mitigate potential negative impacts to those resources held in trust for the people of California.

Field surveys designed to detect the presence of a particular species, habitat element, or natural community are one of the tools that can assist biologists in determining whether a species or habitat may be significantly impacted by land use changes or disturbance. The Department reviews field survey data as well as site-specific and regional information to evaluate whether a project's impacts may be significant. This document compiles the best available science for conducting habitat assessments and surveys, and includes considerations for developing measures to avoid impacts or mitigate unavoidable impacts.

### **CEQA**

CEQA requires public agencies in California to analyze and disclose potential environmental impacts associated with a project that the agency will carry out, fund, or approve. Any potentially significant impact must be mitigated to the extent feasible. Project-specific CEQA mitigation is important for burrowing owls because most populations exist on privately owned parcels that, when proposed for development or other types of modification, may be subject to the environmental review requirements of CEQA.

### **Take**

Take of individual burrowing owls and their nests is defined by FGC section 86, and prohibited by sections 3503, 3503.5 and 3513. Take is defined in FGC Section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill."

## **Migratory Bird Treaty Act**

The Migratory Bird Treaty Act (MBTA) implements various treaties and conventions between the United States and Canada, Japan, Mexico, and Russia for the protection of migratory birds, including the burrowing owl (50 C.F.R. § 10). The MBTA protects migratory bird nests from possession, sale, purchase, barter, transport, import and export, and collection. The other prohibitions of the MBTA - capture, pursue, hunt, and kill - are inapplicable to nests. The regulatory definition of take, as defined in Title 50 C.F.R. part 10.12, means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to hunt, shoot, wound, kill, trap, capture, or collect. Only the verb "collect" applies to nests. It is illegal to collect, possess, and by any means transfer possession of any migratory bird nest. The MBTA prohibits the destruction of a nest when it contains birds or eggs, and no possession shall occur during the destruction (see Fish and Wildlife Service, Migratory Bird Permit Memorandum, April 15, 2003). Certain exceptions to this prohibition are included in 50 C.F.R. section 21. Pursuant to Fish & Game Code section 3513, the Department enforces the Migratory Bird Treaty Act consistent with rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act.

## **Regional Conservation Plans**

Regional multiple species conservation plans offer long-term assurances for conservation of covered species at a landscape scale, in exchange for biologically appropriate levels of incidental take and/or habitat loss as defined in the approved plan. California's NCCP Act (FGC §2800 et seq.) governs such plans at the state level, and was designed to conserve species, natural communities, ecosystems, and ecological processes across a jurisdiction or a collection of jurisdictions. Complementary federal HCPs are governed by the Endangered Species Act (7 U.S.C. § 136, 16 U.S.C. § 1531 et seq.) (ESA). Regional conservation plans (and certain other landscape-level conservation and management plans), may provide conservation for unlisted as well as listed species. Because the geographic scope of NCCPs and HCPs may span many hundreds of thousands of acres, these planning tools have the potential to play a significant role in conservation of burrowing owls, and grasslands and other habitats.

## **Fish and Game Commission Policies**

There are a number of Fish and Game Commission policies (see FGC §2008) that can be applied to burrowing owl conservation. These include policies on: Raptors, Cooperation, Endangered and Threatened Species, Land Use Planning, Management and Utilization of Fish and Wildlife on Federal Lands, Management and Utilization of Fish and Wildlife on Private Lands, and Research.

## **GUIDING PRINCIPLES FOR CONSERVATION**

Unless otherwise provided in a statewide, local, or regional conservation strategy, surveying and evaluating impacts to burrowing owls, as well as developing and implementing avoidance, minimization, and mitigation and conservation measures incorporate the following principles. These principles are a summary of Department staff expert opinion and were used to guide the preparation of this document.



1. Use the Precautionary Principle (Noss et al.1997), by which the alternative of increased conservation is deliberately chosen in order to buffer against incomplete knowledge of burrowing owl ecology and uncertainty about the consequences to burrowing owls of potential impacts, including those that are cumulative.
2. Employ basic conservation biology tenets and population-level approaches when determining what constitutes appropriate avoidance, minimization, and mitigation for impacts. Include mitigation effectiveness monitoring and reporting, and use an adaptive management loop to modify measures based on results.
3. Protect and conserve owls in wild, semi-natural, and agricultural habitats (conserve is defined at FGC §1802).
4. Protect and conserve natural nest burrows (or burrow surrogates) previously used by burrowing owls and sufficient foraging habitat and protect auxiliary “satellite” burrows that contribute to burrowing owl survivorship and natural behavior of owls.

## **CONSERVATION GOALS FOR THE BURROWING OWL IN CALIFORNIA**

It is Department staff expert opinion that the following goals guide and contribute to the short and long-term conservation of burrowing owls in California:

1. Maintain size and distribution of extant burrowing owl populations (allowing for natural population fluctuations).
2. Increase geographic distribution of burrowing owls into formerly occupied historical range where burrowing owl habitat still exists, or where it can be created or enhanced, and where the reason for its local disappearance is no longer of concern.
3. Increase size of existing populations where possible and appropriate (for example, considering basic ecological principles such as carrying capacity, predator-prey relationships, and inter-specific relationships with other species at risk).
4. Protect and restore self-sustaining ecosystems or natural communities which can support burrowing owls at a landscape scale, and which will require minimal long-term management.
5. Minimize or prevent unnatural causes of burrowing owl population declines (e.g., nest burrow destruction, chemical control of rodent hosts and prey).
6. Augment/restore natural dynamics of burrowing owl populations including movement and genetic exchange among populations, such that the species does not require future listing and protection under the California Endangered Species Act (CESA) and/or the federal Endangered Species Act (ESA).
7. Engage stakeholders, including ranchers; farmers; military; tribes; local, state, and federal agencies; non-governmental organizations; and scientific research and education communities involved in burrowing owl protection and habitat management.

## **ACTIVITIES WITH THE POTENTIAL TO TAKE OR IMPACT BURROWING OWLS**

The following activities are examples of activities that have the potential to take burrowing owls, their nests or eggs, or destroy or degrade burrowing owl habitat: grading, disking, cultivation, earthmoving, burrow blockage, heavy equipment compacting and crushing burrow tunnels, levee maintenance, flooding, burning and mowing (if burrows are impacted), and operating wind turbine collisions (collectively hereafter referred to as “projects” or “activities”

whether carried out pursuant to CEQA or not). In addition, the following activities may have impacts to burrowing owl populations: eradication of host burrowers; changes in vegetation management (i.e. grazing); use of pesticides and rodenticides; destruction, conversion or degradation of nesting, foraging, over-wintering or other habitats; destruction of natural burrows and burrow surrogates; and disturbance which may result in harassment of owls at occupied burrows.

## **PROJECT IMPACT EVALUATIONS**

The following three progressive steps are effective in evaluating whether projects will result in impacts to burrowing owls. The information gained from these steps will inform any subsequent avoidance, minimization and mitigation measures. The steps for project impact evaluations are: 1) habitat assessment, 2) surveys, and 3) impact assessment. Habitat assessments are conducted to evaluate the likelihood that a site supports burrowing owl. Burrowing owl surveys provide information needed to determine the potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with FGC sections 86, 3503, and 3503.5. Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of a proposed CEQA project activity or non-CEQA project. These three site evaluation steps are discussed in detail below.

### **Biologist Qualifications**

The current scientific literature indicates that only individuals meeting the following minimum qualifications should perform burrowing owl habitat assessments, surveys, and impact assessments:

1. Familiarity with the species and its local ecology;
2. Experience conducting habitat assessments and non-breeding and breeding season surveys, or experience with these surveys conducted under the direction of an experienced surveyor;
3. Familiarity with the appropriate state and federal statutes related to burrowing owls, scientific research, and conservation;
4. Experience with analyzing impacts of development on burrowing owls and their habitat.

### **Habitat Assessment Data Collection and Reporting**

A habitat assessment is the first step in the evaluation process and will assist investigators in determining whether or not occupancy surveys are needed. Refer to Appendix B for a definition of burrowing owl habitat. Compile the detailed information described in Appendix C when conducting project scoping, conducting a habitat assessment site visit and preparing a habitat assessment report.

### **Surveys**

Burrowing owl surveys are the second step of the evaluation process and the best available scientific literature recommends that they be conducted whenever burrowing owl habitat or sign (see Appendix B) is encountered on or adjacent to (within 150 meters) a project site

(Thomsen 1971, Martin 1973). Occupancy of burrowing owl habitat is confirmed at a site when at least one burrowing owl, or its sign at or near a burrow entrance, is observed within the last three years (Rich 1984). Burrowing owls are more detectable during the breeding season with detection probabilities being highest during the nestling stage (Conway et al. 2008). In California, the burrowing owl breeding season extends from 1 February to 31 August (Haug et al. 1993, Thompson 1971) with some variances by geographic location and climatic conditions. Several researchers suggest three or more survey visits during daylight hours (Haug and Diduik 1993, CBOC 1997, Conway and Simon 2003) and recommend each visit occur at least three weeks apart during the peak of the breeding season, commonly accepted in California as between 15 April and 15 July (CBOC 1997). Conway and Simon (2003) and Conway et al. (2008) recommended conducting surveys during the day when most burrowing owls in a local area are in the laying and incubation period (so as not to miss early breeding attempts), during the nesting period, and in the late nestling period when most owls are spending time above ground.

Non-breeding season (1 September to 31 January) surveys may provide information on burrowing owl occupancy, but do not substitute for breeding season surveys because results are typically inconclusive. Burrowing owls are more difficult to detect during the non-breeding season and their seasonal residency status is difficult to ascertain. Burrowing owls detected during non-breeding season surveys may be year-round residents, young from the previous breeding season, pre-breeding territorial adults, winter residents, dispersing juveniles, migrants, transients or new colonizers. In addition, the numbers of owls and their pattern of distribution may differ during winter and breeding seasons. However, on rare occasions, non-breeding season surveys may be warranted (i.e., if the site is believed to be a wintering site only based on negative breeding season results). Refer to Appendix D for information on breeding season and non-breeding season survey methodologies.

## **Survey Reports**

Adequate information about burrowing owls present in and adjacent to an area that will be disturbed by a project or activity will enable the Department, reviewing agencies and the public to effectively assess potential impacts and will guide the development of avoidance, minimization, and mitigation measures. The survey report includes but is not limited to a description of the proposed project or proposed activity, including the proposed project start and end dates, as well as a description of disturbances or other activities occurring on-site or nearby. Refer to Appendix D for details included in a survey report.

## **Impact Assessment**

The third step in the evaluation process is the impact assessment. When surveys confirm occupied burrowing owl habitat in or adjoining the project area, there are a number of ways to assess a project's potential significant impacts to burrowing owls and their habitat. Richardson and Miller (1997) recommended monitoring raptor behavior prior to developing management recommendations and buffers to determine the extent to which individuals have been sensitized to human disturbance. Monitoring results will also provide detail necessary for developing site-specific measures. Postovit and Postovit (1987) recommended an analytical approach to mitigation planning: define the problem (impact), set goals (to guide mitigation development), evaluate and select mitigation methods, and monitor the results.

*Define the problem.* The impact assessment evaluates all factors that could affect burrowing owls. Postovit and Postovit (1987) recommend evaluating the following in assessing impacts to raptors and planning mitigation: type and extent of disturbance, duration and timing of disturbance, visibility of disturbance, sensitivity and ability to habituate, and influence of environmental factors. They suggest identifying and addressing all potential direct and indirect impacts to burrowing owls, regardless of whether or not the impacts will occur during the breeding season. Several examples are given for each impact category below; however, examples are not intended to be used exclusively.

*Type and extent of the disturbance.* The impact assessment describes the nature (source) and extent (scale) of potential project impacts on occupied, satellite and unoccupied burrows including acreage to be lost (temporary or permanent), fragmentation/edge being created, increased distance to other nesting and foraging habitat, and habitat degradation. Discuss any project activities that impact either breeding and/or non-breeding habitat which could affect owl home range size and spatial configuration, negatively affect onsite and offsite burrowing owl presence, increase energetic costs, lower reproductive success, increase vulnerability to predation, and/or decrease the chance of procuring a mate.

*Duration and timing of the impact.* The impact assessment describes the amount of time the burrowing owl habitat will be unavailable to burrowing owls (temporary or permanent) on the site and the effect of that loss on essential behaviors or life history requirements of burrowing owls, the overlap of project activities with breeding and/or non-breeding seasons (timing of nesting and/or non-breeding activities may vary with latitude and climatic conditions, which should be considered with the timeline of the project or activity), and any variance of the project activities in intensity, scale and proximity relative to burrowing owl occurrences.

*Visibility and sensitivity.* Some individual burrowing owls or pairs are more sensitive than others to specific stimuli and may habituate to ongoing visual or audible disturbance. Site-specific monitoring may provide clues to the burrowing owl's sensitivities. This type of assessment addresses the sensitivity of burrowing owls within their nesting area to humans on foot, and vehicular traffic. Other variables are whether the site is primarily in a rural versus urban setting, and whether any prior disturbance (e.g., human development or recreation) is known at the site.

*Environmental factors.* The impact assessment discusses any environmental factors that could be influenced or changed by the proposed activities including nest site availability, predators, prey availability, burrowing mammal presence and abundance, and threats from other extrinsic factors such as human disturbance, urban interface, feral animals, invasive species, disease or pesticides.

*Significance of impacts.* The impact assessment evaluates the potential loss of nesting burrows, satellite burrows, foraging habitat, dispersal and migration habitat, wintering habitat, and habitat linkages, including habitat supporting prey and host burrowers and other essential habitat attributes. This assessment determines if impacts to the species will result in significant impacts to the species locally, regionally and range-wide per CEQA Guidelines §15382 and Appendix G. The significance of the impact to habitat depends on the extent of habitat disturbed and length of time the habitat is unavailable (for example: minor – several days, medium – several weeks to months, high - breeding season affecting juvenile survival,

or over winter affecting adult survival).

*Cumulative effects.* The cumulative effects assessment evaluates two consequences: 1) the project's proportional share of reasonably foreseeable impacts on burrowing owls and habitat caused by the project or in combination with other projects and local influences having impacts on burrowing owls and habitat, and 2) the effects on the regional owl population resulting from the project's impacts to burrowing owls and habitat.

*Mitigation goals.* Establishing goals will assist in planning mitigation and selecting measures that function at a desired level. Goals also provide a standard by which to measure mitigation success. Unless specifically provided for through other FGC Sections or through specific regulations, take, possession or destruction of individual burrowing owls, their nests and eggs is prohibited under FGC sections 3503, 3503.5 and 3513. Therefore, a required goal for all project activities is to avoid take of burrowing owls. Under CEQA, goals would consist of measures that would avoid, minimize and mitigate impacts to a less than significant level. For individual projects, mitigation must be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). In order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions. As set forth in more detail in Appendix A, the current scientific literature supports the conclusion that mitigation for permanent habitat loss necessitates replacement with an equivalent or greater habitat area for breeding, foraging, wintering, dispersal, presence of burrows, burrow surrogates, presence of fossorial mammal dens, well drained soils, and abundant and available prey within close proximity to the burrow.

## **MITIGATION METHODS**

The current scientific literature indicates that any site-specific avoidance or mitigation measures developed should incorporate the best practices presented below or other practices confirmed by experts and the Department. The Department is available to assist in the development of site-specific avoidance and mitigation measures.

*Avoiding.* A primary goal is to design and implement projects to seasonally and spatially avoid negative impacts and disturbances that could result in take of burrowing owls, nests, or eggs. Other avoidance measures may include but not be limited to:

- Avoid disturbing occupied burrows during the nesting period, from 1 February through 31 August.
- Avoid impacting burrows occupied during the non-breeding season by migratory or non-migratory resident burrowing owls.
- Avoid direct destruction of burrows through chaining (dragging a heavy chain over an area to remove shrubs), disking, cultivation, and urban, industrial, or agricultural development.
- Develop and implement a worker awareness program to increase the on-site worker's recognition of and commitment to burrowing owl protection.
- Place visible markers near burrows to ensure that farm equipment and other machinery does not collapse burrows.
- Do not fumigate, use treated bait or other means of poisoning nuisance animals in areas where burrowing owls are known or suspected to occur (e.g., sites observed with nesting

owls, designated use areas).

- Restrict the use of treated grain to poison mammals to the months of January and February.

*Take avoidance (pre-construction) surveys.* Take avoidance surveys are intended to detect the presence of burrowing owls on a project site at a fixed period in time and inform necessary take avoidance actions. Take avoidance surveys may detect changes in owl presence such as colonizing owls that have recently moved onto the site, migrating owls, resident burrowing owls changing burrow use, or young of the year that are still present and have not dispersed. Refer to Appendix D for take avoidance survey methodology.

*Site surveillance.* Burrowing owls may attempt to colonize or re-colonize an area that will be impacted; thus, the current scientific literature indicates a need for ongoing surveillance at the project site during project activities is recommended. The surveillance frequency/effort should be sufficient to detect burrowing owls if they return. Subsequent to their new occupancy or return to the site, take avoidance measures should assure with a high degree of certainty that take of owls will not occur.

*Minimizing.* If burrowing owls and their habitat can be protected in place on or adjacent to a project site, the use of buffer zones, visual screens or other measures while project activities are occurring can minimize disturbance impacts. Conduct site-specific monitoring to inform development of buffers (see Visibility and sensitivity above). The following general guidelines for implementing buffers should be adjusted to address site-specific conditions using the impact assessment approach described above. The CEQA lead agency and/or project proponent is encouraged to consult with the Department and other burrowing owl experts for assistance in developing site-specific buffer zones and visual screens.

*Buffers.* Holroyd et al. (2001) identified a need to standardize management and disturbance mitigation guidelines. For instance, guidelines for mitigating impacts by petroleum industries on burrowing owls and other prairie species (Scobie and Faminow, 2000) may be used as a template for future mitigation guidelines (Holroyd et al. 2001). Scobie and Faminow (2000) developed guidelines for activities around occupied burrowing owl nests recommending buffers around low, medium, and high disturbance activities, respectively (see below).

Recommended restricted activity dates and setback distances by level of disturbance for burrowing owls (Scobie and Faminow 2000).

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

\* meters (m)

Based on existing vegetation, human development, and land uses in an area, resource managers may decide to allow human development or resource extraction closer to these area/sites than recommended above. However, if it is decided to allow activities closer than

the setback distances recommended, a broad-scale, long-term, scientifically-rigorous monitoring program ensures that burrowing owls are not detrimentally affected by alternative approaches.

Other minimization measures include eliminating actions that reduce burrowing owl forage and burrowing surrogates (e.g. ground squirrel), or introduce/facilitate burrowing owl predators. Actions that could influence these factors include reducing livestock grazing rates and/or changing the timing or duration of grazing or vegetation management that could result in less suitable habitat.

*Burrow exclusion and closure.* Burrow exclusion is a technique of installing one-way doors in burrow openings during the non-breeding season to temporarily exclude burrowing owls, or permanently exclude burrowing owls and close burrows after verifying burrows are empty by site monitoring and scoping. Exclusion in and of itself is not a take avoidance, minimization or mitigation method. Eviction of burrowing owls is a potentially significant impact under CEQA.

The long-term demographic consequences of these techniques have not been thoroughly evaluated, and the fate of evicted or excluded burrowing owls has not been systematically studied. Because burrowing owls are dependent on burrows at all times of the year for survival and/or reproduction, evicting them from nesting, roosting, and satellite burrows may lead to indirect impacts or take. Temporary or permanent closure of burrows may result in significant loss of burrows and habitat for reproduction and other life history requirements. Depending on the proximity and availability of alternate habitat, loss of access to burrows will likely result in varying levels of increased stress on burrowing owls and could depress reproduction, increase predation, increase energetic costs, and introduce risks posed by having to find and compete for available burrows. Therefore, exclusion and burrow closure are not recommended where they can be avoided. The current scientific literature indicates consideration of all possible avoidance and minimization measures before temporary or permanent exclusion and closure of burrows is implemented, in order to avoid take.

The results of a study by Trulio (1995) in California showed that burrowing owls passively displaced from their burrows were quickly attracted to adjacent artificial burrows at five of six passive relocation sites. The successful sites were all within 75 meters (m) of the destroyed burrow, a distance generally within a pair's territory. This researcher discouraged using passive relocation to artificial burrows as a mitigation measure for lost burrows without protection of adjacent foraging habitat. The study results indicated artificial burrows were used by evicted burrowing owls when they were approximately 50-100 m from the natural burrow (Thomsen 1971, Haug and Oliphant 1990). Locating artificial or natural burrows more than 100 m from the eviction burrow may greatly reduce the chances that new burrows will be used. Ideally, exclusion and burrow closure is employed only where there are adjacent natural burrows and non-impacted, sufficient habitat for burrowing owls to occupy with permanent protection mechanisms in place. Any new burrowing owl colonizing the project site after the CEQA document has been adopted may constitute changed circumstances that should be addressed in a re-circulated CEQA document.

The current scientific literature indicates that burrow exclusion should only be conducted by qualified biologists (meeting the Biologist's Qualifications above) during the non-breeding

season, before breeding behavior is exhibited and after the burrow is confirmed empty by site surveillance and/or scoping. The literature also indicates that when temporary or permanent burrow exclusion and/or burrow closure is implemented, burrowing owls should not be excluded from burrows unless or until:

- A Burrowing Owl Exclusion Plan (see Appendix E) is developed and approved by the applicable local DFG office;
- Permanent loss of occupied burrow(s) and habitat is mitigated in accordance with the Mitigating Impacts sections below. Temporary exclusion is mitigated in accordance with the item #1 under Mitigating Impacts below.
- Site monitoring is conducted prior to, during, and after exclusion of burrowing owls from their burrows sufficient to ensure take is avoided. Conduct daily monitoring for one week to confirm young of the year have fledged if the exclusion will occur immediately after the end of the breeding season.
- Excluded burrowing owls are documented using artificial or natural burrows on an adjoining mitigation site (if able to confirm by band re-sight).

*Translocation (Active relocation offsite >100 meters).* At this time, there is little published information regarding the efficacy of translocating burrowing owls, and additional research is needed to determine subsequent survival and breeding success (Klute et al. 2003, Holroyd et al. 2001). Study results for translocation in Florida implied that hatching success may be decreased for populations of burrowing owls that undergo translocation (Nixon 2006). At this time, the Department is unable to authorize the capture and relocation of burrowing owls except within the context of scientific research (FGC §1002) or a NCCP conservation strategy.

*Mitigating impacts.* Habitat loss and degradation from rapid urbanization of farmland in the core areas of the Central and Imperial valleys is the greatest of many threats to burrowing owls in California (Shuford and Gardali, 2008). At a minimum, if burrowing owls have been documented to occupy burrows (see Definitions, Appendix B) at the project site in recent years, the current scientific literature supports the conclusion that the site should be considered occupied and mitigation should be required by the CEQA lead agency to address project-specific significant and cumulative impacts. Other site-specific and regionally significant and cumulative impacts may warrant mitigation. The current scientific literature indicates the following to be best practices. If these best practices cannot be implemented, the lead agency or lead investigator may consult with the Department to develop effective mitigation alternatives. The Department is also available to assist in the identification of suitable mitigation lands.

1. Where habitat will be temporarily disturbed, restore the disturbed area to pre-project condition including decompacting soil and revegetating. Permanent habitat protection may be warranted if there is the potential that the temporary impacts may render a nesting site (nesting burrow and satellite burrows) unsustainable or unavailable depending on the time frame, resulting in reduced survival or abandonment. For the latter potential impact, see the permanent impact measures below.
2. Mitigate for permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owls impacted are replaced based on the information provided in Appendix A. Note: A



minimum habitat replacement recommendation is not provided here as it has been shown to serve as a default, replacing any site-specific analysis and discounting the wide variation in natal area, home range, foraging area, and other factors influencing burrowing owls and burrowing owl population persistence in a particular area.

3. Mitigate for permanent impacts to nesting, occupied and satellite burrows and burrowing owl habitat with (a) permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and (b) sufficiently large acreage, and presence of fossorial mammals. The mitigation lands may require habitat enhancements including enhancement or expansion of burrows for breeding, shelter and dispersal opportunity, and removal or control of population stressors. If the mitigation lands are located adjacent to the impacted burrow site, ensure the nearest neighbor artificial or natural burrow clusters are at least within 210 meters (Fisher et al. 2007).
4. Permanently protect mitigation land through a conservation easement deeded to a non-profit conservation organization or public agency with a conservation mission, for the purpose of conserving burrowing owl habitat and prohibiting activities incompatible with burrowing owl use. If the project is located within the service area of a Department-approved burrowing owl conservation bank, the project proponent may purchase available burrowing owl conservation bank credits.
5. Develop and implement a mitigation land management plan to address long-term ecological sustainability and maintenance of the site for burrowing owls (see Management Plan and Artificial Burrow sections below, if applicable).
6. Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.
7. Habitat should not be altered or destroyed, and burrowing owls should not be excluded from burrows, until mitigation lands have been legally secured, are managed for the benefit of burrowing owls according to Department-approved management, monitoring and reporting plans, and the endowment or other long-term funding mechanism is in place or security is provided until these measures are completed.
8. Mitigation lands should be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present.
9. Where there is insufficient habitat on, adjacent to, or near project sites where burrowing owls will be excluded, acquire mitigation lands with burrowing owl habitat away from the project site. The selection of mitigation lands should then focus on consolidating and enlarging conservation areas located outside of urban and planned growth areas, within foraging distance of other conserved lands. If mitigation lands are not available adjacent to other conserved lands, increase the mitigation land acreage requirement to ensure a selected site is of sufficient size. Offsite mitigation may not adequately offset the biological and habitat values impacted on a one to one basis. Consult with the Department when determining offsite mitigation acreages.
10. Evaluate and select suitable mitigation lands based on a comparison of the habitat attributes of the impacted and conserved lands, including but not limited to: type and structure of habitat being impacted or conserved; density of burrowing owls in impacted and conserved habitat; and significance of impacted or conserved habitat to the species range-wide. Mitigate for the highest quality burrowing owl habitat impacted first and foremost when identifying mitigation lands, even if a mitigation site is located outside of

a lead agency's jurisdictional boundary, particularly if the lead agency is a city or special district.

11. Select mitigation lands taking into account the potential human and wildlife conflicts or incompatibility, including but not limited to, human foot and vehicle traffic, and predation by cats, loose dogs and urban-adapted wildlife, and incompatible species management (i.e., snowy plover).
12. Where a burrowing owl population appears to be highly adapted to heavily altered habitats such as golf courses, airports, athletic fields, and business complexes, permanently protecting the land, augmenting the site with artificial burrows, and enhancing and maintaining those areas may enhance sustainability of the burrowing owl population onsite. Maintenance includes keeping lands grazed or mowed with weed-eaters or push mowers, free from trees and shrubs, and preventing excessive human and human-related disturbance (e.g., walking, jogging, off-road activity, dog-walking) and loose and feral pets (chasing and, presumably, preying upon owls) that make the environment uninhabitable for burrowing owls (Wesemann and Rowe 1985, Millsap and Bear 2000, Lincer and Bloom 2007). Items 4, 5 and 6 also still apply to this mitigation approach.
13. If there are no other feasible mitigation options available and a lead agency is willing to establish and oversee a Burrowing Owl Mitigation and Conservation Fund that funds on a competitive basis acquisition and permanent habitat conservation, the project proponent may participate in the lead agency's program.

*Artificial burrows.* Artificial burrows have been used to replace natural burrows either temporarily or long-term and their long-term success is unclear. Artificial burrows may be an effective addition to in-perpetuity habitat mitigation if they are augmenting natural burrows, the burrows are regularly maintained (i.e., no less than annual, with biennial maintenance recommended), and surrounding habitat patches are carefully maintained. There may be some circumstances, for example at airports, where squirrels will not be allowed to persist and create a dynamic burrow system, where artificial burrows may provide some support to an owl population.

Many variables may contribute to the successful use of artificial burrows by burrowing owls, including pre-existence of burrowing owls in the area, availability of food, predators, surrounding vegetation and proximity, number of natural burrows in proximity, type of materials used to build the burrow, size of the burrow and entrance, direction in which the burrow entrance is facing, slope of the entrance, number of burrow entrances per burrow, depth of the burrow, type and height of perches, and annual maintenance needs (Belthoff and King 2002, Smith et al. 2005, Barclay et al. 2011). Refer to Barclay (2008) and (2011) and to Johnson et al. 2010 (unpublished report) for guidance on installing artificial burrows including recommendations for placement, installation and maintenance.

Any long-term reliance on artificial burrows as natural burrow replacements must include semi-annual to annual cleaning and maintenance and/or replacement (Barclay et al. 2011, Smith and Conway 2005, Alexander et al. 2005) as an ongoing management practice. Alexander et al. (2005), in a study of the use of artificial burrows found that all of 20 artificial burrows needed some annual cleaning and maintenance. Burrows were either excavated by predators, blocked by soil or vegetation, or experienced substrate erosion forming a space beneath the tubing that prevented nestlings from re-entering the burrow.

*Mitigation lands management plan.* Develop a Mitigation Lands Management Plan for projects that require off-site or on-site mitigation habitat protection to ensure compliance with and effectiveness of identified management actions for the mitigation lands. A suggested outline and related vegetation management goals and monitoring success criteria can be found in Appendix E.

### **Mitigation Monitoring and Reporting**

Verify the compliance with required mitigation measures, the accuracy of predictions, and ensure the effectiveness of all mitigation measures for burrowing owls by conducting follow-up monitoring, and implementing midcourse corrections, if necessary, to protect burrowing owls. Refer to CEQA Guidelines Section 15097 and the CEQA Guidelines for additional guidance on mitigation, monitoring and reporting. Monitoring is qualitatively different from site surveillance; monitoring normally has a specific purpose and its outputs and outcomes will usually allow a comparison with some baseline condition of the site before the mitigation (including avoidance and minimization) was undertaken. Ideally, monitoring should be based on the Before-After Control-Impact (BACI) principle (McDonald et al. 2000) that requires knowledge of the pre-mitigation state to provide a reference point for the state and change in state after the project and mitigation have been implemented.

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## REFERENCES

- Alexander, A. K., M. R. Sackschewsky, and C. A. Duberstein. 2005. Use of artificial burrows by burrowing owls (*athene cunicularia*) at the HAMMER Facility on the U.S. Department of Energy Hanford Site. Pacific Northwest National Lab-15414. U.S. Department of Energy, DE-AC05-76RL01830, Richland, Washington, USA.
- BIOS. California Department of Fish and Game. The Biogeographic Information Observation System (<http://bios.dfg.ca.gov/>)
- Barclay, J. H. 2008. A simple artificial burrow design for burrowing owls. *Journal of Raptor Research*. 42: 53-57.
- Barclay, J. H. 2012. Albion Environmental, Inc, personal communication.
- Barclay, J. H., K. W. Hunting, J. L. Lincer, J. Linthicum, and T. A. Roberts, editors. 2007. *Proceedings of the California Burrowing Owl Symposium*, 11-12 November 2003, Sacramento, California, USA. Bird Populations Monographs No. 1. The Institute for Bird Populations and Albion Environmental, Inc., Point Reyes Station, CA.
- Barclay, J. H., N. Korfanta, and M. Kauffman. 2011. Long-term population dynamics of a managed burrowing owl colony. *Journal of Wildlife Management* 75: 1295–1306.
- Belthoff, J. R., R. A. King. 2002. Nest-site characteristics of burrowing owls (*athene cunicularia*) in the Snake River Birds of Prey National Conservation Area, Idaho, and applications to artificial burrow installation. *Western North American Naturalist* 62: 112-119.
- Botelho, E. S. 1996. Behavioral ecology and parental care of breeding western burrowing owls (*Speotyto cunicularia hupugaea*) in southern New Mexico, USA. Dissertation, New Mexico State University, Las Cruces, New Mexico, USA.
- Burkett, E. E., and B. S. Johnson. 2007. Development of a conservation strategy for burrowing owls in California. Pages 165-168 *in* J. H. Barclay, K. W. Hunting, J. L. Lincer, J. Linthicum, and T. A. Roberts, editors. *Proceedings of the California Burrowing Owl Symposium*, 11-12 November 2003, Sacramento, California, USA. Bird Populations Monographs No. 1. The Institute for Bird Populations and Albion Environmental, Inc., Point Reyes Station, CA.
- CBOC (California Burrowing Owl Consortium). 1997. Burrowing owl survey protocol and mitigation guidelines. Pages 171-177 *in* Lincer, J. L. and K. Steenhof (editors). 1997. *The burrowing owl, its biology and management*. Raptor Research Report Number 9.
- CDFG (California Department of Fish and Game). 1995. Staff report on burrowing owl mitigation. Unpublished report. Sacramento, California, USA.
- CNDDDB. California Department of Fish and Game. The California Natural Diversity Database (CNDDDB) (<http://www.dfg.ca.gov/biogeodata/cnddb/>), Sacramento, California, USA.
- Catlin, D. H. 2004. Factors affecting within-season and between-season breeding dispersal of Burrowing Owls in California. Thesis, Oregon State University, Corvallis, Oregon, USA

- Catlin, D. H., and D. K. Rosenberg. 2006. Nest destruction increases mortality and dispersal of Burrowing Owls in the Imperial Valley, California. *Southwest Naturalist* 51: 406–409.
- Catlin, D. H., D. K. Rosenberg, and K. L. Haley. 2005. The effects of nesting success and mate fidelity on breeding dispersal in burrowing owls. *Canadian Journal of Zoology* 83:1574–1580.
- Conway, C. J., and J. Simon. 2003. Comparison of detection probability associated with burrowing owl survey methods. *Journal of Wildlife Management* 67: 501-511.
- Conway, C. J., V. Garcia, M. D., and K. Hughes. 2008. Factors affecting detection of burrowing owl nests during standardized surveys. *Journal of Wildlife Management* 72: 688-696.
- Coulombe, H. N. 1971. Behavior and population ecology of the burrowing owl, *Speotyto cunicularia*, in the Imperial Valley of California. *Condor* 73: 162–176.
- Dechant, J. A., M. L. Sondreal, D. H. Johnson, L. D. Igl, C. M. Goldade, P. A. Rabie, and B. R. Euliss. 2003. Effects of management practices on grassland birds: burrowing owl. Northern Prairie Wildlife Research Center, Jamestown, North Dakota. Northern Prairie Wildlife Research Center Online. <<http://www.npwrc.usgs.gov/resource/literatr/grasbird/buow/buow.htm>>.
- DeSante, D. F., E. D. Ruhlen, and R. Scaff. 2007. The distribution and relative abundance of burrowing owls in California during 1991–1993: Evidence for a declining population and thoughts on its conservation. Pages 1-41 in J. H. Barclay, K. W. Hunting, J. L. Lincer, J. Linthicum, and T. A. Roberts, editors. *Proceedings of the California Burrowing Owl Symposium*, 11-12 November 2003 Sacramento, California, USA. Bird Populations Monographs No. 1. The Institute for Bird Populations and Albion Environmental, Inc., Point Reyes Station, CA.
- Desmond, M. J., and J. A. Savidge. 1998. Burrowing Owl conservation in the Great Plains. *Proceedings of the Second International Burrowing Owl Symposium*, 29-30 September 1999, Ogden, Utah, USA.
- Desmond, M. J., and J. A. Savidge. 1999. Satellite burrow use by burrowing owl chicks and its influence on nest fate. Pages 128-130 in P. D. Vickery and J. R. Herkert, editors. *Ecology and conservation of grassland birds of the western hemisphere*. Studies in Avian Biology 19.
- Emlen, J. T. 1977. Estimating breeding season bird densities from transects counts. *Auk* 94: 455-468.
- Fisher, J. B., L. A. Trulio, G. S. Biging, and D. Chromczack. 2007. An analysis of spatial clustering and implications for wildlife management: a burrowing owl example. *Environmental Management* 39: 403-11.
- Gervais, J. A., D. K. Rosenberg, and L. A. Comrack. Burrowing Owl (*Athene cunicularia*) in Shuford, W.D. and T. Gardali, editors. 2008. *California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California*. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento, California, USA.
- Gervais, J. A., D. K. Rosenberg, R. G. Anthony. 2003. Space use and pesticide exposure risk of male burrowing owls in an agricultural landscape. *Journal of Wildlife Management* 67: 155-164.
- Green, G.A.; Anthony, R.G. 1989. Nesting success and habitat relationships of burrowing owls in the Columbia Basin, Oregon. *The Condor* 91: 347-354.
- Haug, E. A. 1985. Observations on the breeding ecology of burrowing owls in Saskatchewan.

- Thesis, University of Saskatchewan, Saskatoon, Saskatchewan, Canada.
- Haug, E. A., B. A. Millsap, and M. S. Martell. 1993. Burrowing owl (*Speotyto cunicularia*), *in* A. Poole and F. Gill, editors, *The Birds of North America*, The Academy of Natural Sciences, Philadelphia, Pennsylvania, and The American Ornithologists' Union, Washington, D.C., USA.
- Haug, E. A., and L. W. Oliphant. 1990. Movements, activity patterns, and habitat use of burrowing owls in Saskatchewan. *Journal of Wildlife Management* 54: 27-35.
- Holroyd, G. L., R. Rodriguez-Estrella, and S. R. Sheffield. 2001. Conservation of the burrowing owl in western North America: issues, challenges, and recommendations. *Journal of Raptor Research* 35: 399-407.
- James, P. C., T. J. Ethier, and M. K. Toutloff. 1997. Parameters of a declining burrowing owl population in Saskatchewan. Pages 34-37. *in* J. L. Lincer, and K. Steenhof, editors. *The burrowing owl, its biology and management: including the proceedings of the first international symposium*. 13-14 November 1992, Bellevue, WA, USA. Raptor Research Report Number 9.
- Johnson, D. H., D. C. Gillis, M. A. Gregg, J. L. Rebholz, J. L. Lincer, and J. R. Belthoff. 2010. Users guide to installation of artificial burrows for burrowing owls. Unpublished report. Tree Top Inc., Selah, Washington, USA.
- Klute, D. S., A. W. Ayers, M. T. Green, W. H. Howe, S. L. Jones, J. A. Shaffer, S. R. Sheffield, and T. S. Zimmerman. 2003. Status assessment and conservation plan for the western burrowing owl in the United States. U.S. Department of the Interior, Fish and Wildlife Service, Biological Technical Publication FWS/BTP-R6001-2003, Washington, D.C, USA.
- Koenig, W. D., D. D. Van Vuren, and P. N. Hooge. 1996. Detectability, philopatry, and the distribution of dispersal distances in vertebrates. *Trends in Ecology and Evolution* 11: 514-517.
- LaFever, D. H., K. E. LaFever, D. H. Catlin, and D. K. Rosenberg. 2008. Diurnal time budget of burrowing owls in a resident population during the non-breeding season. *Southwestern Naturalist* 53: 29-33.
- Lincer, J. L., and P. W. Bloom. 2007. The status of the burrowing owl (*Athene cunicularia*) in San Diego County, CA. Pages 90-102 *in* *Proceedings of the California Burrowing Owl Symposium*, 11-12 November 2003, Sacramento, California, USA. Bird Populations Monographs No. 1. The Institute for Bird Populations and Albion Environmental, Inc., Point Reyes Station, CA.
- Lutz, R. S. and D. L. Plumpton. 1999. Philopatry and nest site reuse by burrowing owls: implications for management. *Journal of Raptor Research* 33: 149-153.
- MacCracken, J. G., D. W. Uresk, and R. M. Hansen. 1985a. Vegetation and soils of burrowing owl nest sites in Conata Basin, South Dakota. *Condor* 87: 152-154.
- Manning, J. A., and R. S. A. Kaler. 2011. Effects of survey methods on burrowing owl behaviors. *Journal of Wildlife Management* 75: 525-30.
- McDonald, T. L., W. P. Erickson, and L. L. McDonald. 2000. Analysis of count data from before-after control-impact studies. *Journal of Agricultural, Biological and Environmental Statistics* 5: 262-279.
- Millsap, B. A., and C. Bear. 2000. Density and reproduction of burrowing owls along an urban development gradient. *Journal of Wildlife Management* 64:33-41.
- Nixon, P. A. 2006. Effects of translocation on the Florida burrowing owl (*Athene cunicularia floridana*). Thesis. University of South Florida, Tampa, Florida, USA.
- Noss, R. F., M. A. O'Connell, and D. D. Murphy. 1997. *The science of conservation planning*:

- habitat conservation under the Endangered Species Act. Island Press, Washington D.C., USA.
- Postovit, H. R., and B. C. Postovit. 1987. Impacts and mitigation techniques. Pages 183-213 in Raptor management techniques manual scientific technical series number 10, National Wildlife Federation, Washington, D. C., USA
- Remsen, J. V., Jr. 1978. Bird species of special concern in California: An annotated list of declining or vulnerable bird species. California Department of Fish and Game, Nongame Wildlife. Investigations, Wildlife Management Branch Administrative Report 78-1, Sacramento, California, USA.
- Rich, T. 1984. Monitoring burrowing owl populations: implications of burrow re-use. Wildlife Society Bulletin 12: 178-189.
- Richardson, C. T. and C. K. Miller. 1997. Recommendations for protecting raptors from human disturbance: a review. Wildlife Society Bulletin 25: 634-38.
- Ronan, N. A. 2002. Habitat selection, reproductive success, and site fidelity of burrowing owls in a grassland ecosystem. Thesis, Oregon State University, Corvallis, Oregon, USA.
- Rosenberg, D., 2009 Oregon State University, Corvallis, personal communication.
- Rosenberg, D. K., J. A. Gervais, D. F. DeSante, and H. Ober. 2009. An updated adaptive management plan for the burrowing owl population at NAS Lemoore. The Oregon Wildlife Institute, Corvallis, OR and The Institute for Bird Populations, Point Reyes Station, CA. OWI Contribution No. 201 and IBP Contribution No. 375.
- Rosenberg, D. K., J. A. Gervais, H. Ober, and D. F. DeSante. 1998. An adaptive management plan for the burrowing owl population at Naval Air Station Lemoore, California, USA. Publication 95, Institute for Bird Populations, P.O. Box 1346, Pt. Reyes Station, CA 94956.
- Rosenberg, D. K., and K. L. Haley. 2004. The ecology of burrowing owls in the agroecosystem of the Imperial Valley, California. Studies in Avian Biology 27:120-135.
- Rosenberg, D. K., L. A. Trulio, D. H. Catlin, D. Chromczack, J. A. Gervais, N. Ronan, and K. A. Haley. 2007. The ecology of the burrowing owl in California, unpublished report to Bureau of Land Management.
- Rosier, J. R., N. A., Ronan, and D. K. Rosenberg. 2006. Post-breeding dispersal of burrowing owls in an extensive California grassland. American Midland Naturalist 155: 162–167.
- Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A manual of California vegetation, Second edition. California Native Plant Society, Sacramento, California, USA.
- Scobie, D., and C. Faminow. 2000. Development of standardized guidelines for petroleum industry activities that affect COSEWIC Prairie and Northern Region vertebrate species at risk. Environment Canada, Prairie and Northern Region, Edmonton, Alberta, Canada.
- Shuford, W. D. and T. Gardali, editors. 2008. California Bird Species of Special Concern: a ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento. Gervais, J. A., D. K. Rosenberg, and L. Comrack. 2008. Burrowing Owl (*Athene cunicularia*).
- Smith, M. D., C. J. Conway, and L. A. Ellis. 2005. Burrowing owl nesting productivity: a comparison between artificial and natural burrows on and off golf courses. Wildlife Society Bulletin 33: 454-462.
- Thelander, C. G., K. S. Smallwood, and L. Rugge. 2003. Bird risk behaviors and fatalities at the Altamont Pass Wind Resource Area, period of performance: March 1998–

- December 2000. U.S. Department of Energy, National Renewable Energy Laboratory, Golden, Colorado, USA.
- Thomsen, L. 1971. Behavior and ecology of burrowing owls on the Oakland Municipal Airport. *Condor* 73: 177-192.
- Thompson, C. D. 1984. Selected aspects of burrowing owl ecology in central Wyoming. Thesis, University of Wyoming, Laramie, Wyoming, USA.
- Trulio, L. 1995. Passive relocation: A method to preserve burrowing owls on disturbed sites. *Journal of Field Ornithology* 66: 99–106.
- U.S. Fish and Wildlife Service (USFWS). 2002. Birds of conservation concern 2002. U.S. Department of Interior, Division of Migratory Bird Management, Arlington, Virginia, USA.
- U.S. Fish and Wildlife Service (USFWS). 2008. Birds of Conservation Concern 2008. U.S. Department of Interior, Division of Migratory Bird Management, Arlington, Virginia, USA.
- Wesemann, T. and M. Rowe. 1985. Factors influencing the distribution and abundance of burrowing owls in Cape Coral, Florida. Pages 129-137 *in* L. W. Adams and D. L. Leedy, editors. Integrating Man and Nature in the Metropolitan Environment. Proceedings National Symposium. on Urban Wildlife, 4-7 November 1986, Chevy Chase, Maryland, USA.
- Wilkerson, R. L. and R. B. Siegel. 2010. Assessing changes in the distribution and abundance of burrowing owls in California, 1993-2007. *Bird Populations* 10: 1-36.
- Zarn, M. 1974. Burrowing owl. U.S. Department of the Interior, Bureau of Land Management. Technical Note T-N-250, Denver, Colorado, USA.



## **Appendix A. Burrowing Owl Natural History and Threats**

### **Diet**

Burrowing owl diet includes arthropods, small rodents, birds, amphibians, reptiles, and carrion (Haug et al. 1993).

### **Breeding**

In California, the breeding season for the burrowing owl typically occurs between 1 February and 31 August although breeding in December has been documented (Thompson 1971, Gervais et al. 2008); breeding behavior includes nest site selection by the male, pair formation, copulation, egg laying, hatching, fledging, and post-fledging care of young by the parents. The peak of the breeding season occurs between 15 April and 15 July and is the period when most burrowing owls have active nests (eggs or young). The incubation period lasts 29 days (Coulombe 1971) and young fledge after 44 days (Haug et al. 1993). Note that the timing of nesting activities may vary with latitude and climatic conditions. Burrowing owls may change burrows several times during the breeding season, starting when nestlings are about three weeks old (Haug et al. 1993).

### **Dispersal**

The following discussion is an excerpt from Gervais et al (2008):

“The burrowing owl is often considered a sedentary species (e.g., Thomsen 1971). A large proportion of adults show strong fidelity to their nest site from year to year, especially where resident, as in Florida (74% for females, 83% for males; Millsap and Bear 1997). In California, nest-site fidelity rates were 32%–50% in a large grassland and 57% in an agricultural environment (Ronan 2002, Catlin 2004, Catlin et al. 2005). Differences in these rates among sites may reflect differences in nest predation rates (Catlin 2004, Catlin et al. 2005). Despite the high nest fidelity rates, dispersal distances may be considerable for both juveniles (natal dispersal) and adults (postbreeding dispersal), but this also varied with location (Catlin 2004, Rosier et al. 2006). Distances of 53 km to roughly 150 km have been observed in California for adult and natal dispersal, respectively (D. K. Rosenberg and J. A. Gervais, unpublished data), despite the difficulty in detecting movements beyond the immediate study area (Koenig et al. 1996).”

### **Habitat**

The burrowing owl is a small, long-legged, ground-dwelling bird species, well-adapted to open, relatively flat expanses. In California, preferred habitat is generally typified by short, sparse vegetation with few shrubs, level to gentle topography and well-drained soils (Haug et al. 1993). Grassland, shrub steppe, and desert are naturally occurring habitat types used by the species. In addition, burrowing owls may occur in some agricultural areas, ruderal grassy fields, vacant lots and pastures if the vegetation structure is suitable and there are useable burrows and foraging habitat in proximity (Gervais et al 2008). Unique amongst North

American raptors, the burrowing owl requires underground burrows or other cavities for nesting during the breeding season and for roosting and cover, year round. Burrows used by the owls are usually dug by other species termed host burrowers. In California, California ground squirrel (*Spermophilus beecheyi*) and round-tailed ground squirrel (*Citellus tereticaudus*) burrows are frequently used by burrowing owls but they may use dens or holes dug by other fossorial species including badger (*Taxidea taxus*), coyote (*Canis latrans*), and fox (e.g., San Joaquin kit fox, *Vulpes macrotis mutica*; Ronan 2002). In some instances, owls have been known to excavate their own burrows (Thompson 1971, Barclay 2007). Natural rock cavities, debris piles, culverts, and pipes also are used for nesting and roosting (Rosenberg et al. 1998). Burrowing owls have been documented using artificial burrows for nesting and cover (Smith and Belthoff, 2003).

*Foraging habitat.* Foraging habitat is essential to burrowing owls. The following discussion is an excerpt from Gervais et al. (2008):

“Useful as a rough guide to evaluating project impacts and appropriate mitigation for burrowing owls, adult male burrowing owls home ranges have been documented (calculated by minimum convex polygon) to comprise anywhere from 280 acres in intensively irrigated agroecosystems in Imperial Valley (Rosenberg and Haley 2004) to 450 acres in mixed agricultural lands at Lemoore Naval Air Station, CA (Gervais et al. 2003), to 600 acres in pasture in Saskatchewan, Canada (Haug and Oliphant 1990). But owl home ranges may be much larger, perhaps by an order of magnitude, in non-irrigated grasslands such as at Carrizo Plain, California (Gervais et al. 2008), based on telemetry studies and distribution of nests. Foraging occurs primarily within 600 m of their nests (within approximately 300 acres, based on a circle with a 600 m radius) during the breeding season.”

*Importance of burrows and adjacent habitat.* Burrows and the associated surrounding habitat are essential ecological requisites for burrowing owls throughout the year and especially during the breeding season. During the non-breeding season, burrowing owls remain closely associated with burrows, as they continue to use them as refuge from predators, shelter from weather and roost sites. Resident populations will remain near the previous season’s nest burrow at least some of the time (Coulombe 1971, Thomsen 1971, Botelho 1996, LaFever et al. 2008).

In a study by Lutz and Plumpton (1999) adult males and females nested in formerly used sites at similar rates (75% and 63%, respectively) (Lutz and Plumpton 1999). Burrow fidelity has been reported in some areas; however, more frequently, burrowing owls reuse traditional nesting areas without necessarily using the same burrow (Haug et al. 1993, Dechant et al. 1999). Burrow and nest sites are re-used at a higher rate if the burrowing owl has reproduced successfully during the previous year (Haug et al. 1993) and if the number of burrows isn’t limiting nesting opportunity.

Burrowing owls may use “satellite” or non-nesting burrows, moving young at 10-14 days, presumably to reduce risk of predation (Desmond and Savidge 1998) and possibly to avoid nest parasites (Dechant et al. 1999). Successful nests in Nebraska had more active satellite burrows within 75 m of the nest burrow than unsuccessful nests (Desmond and Savidge

1999). Several studies have documented the number of satellite burrows used by young and adult burrowing owls during the breeding season as between one and 11 burrows with an average use of approximately five burrows (Thompson 1984, Haug 1985, Haug and Oliphant 1990). Supporting the notion of selecting for nest sites near potential satellite burrows, Ronan (2002) found burrowing owl families would move away from a nest site if their satellite burrows were experimentally removed through blocking their entrance.

Habitat adjacent to burrows has been documented to be important to burrowing owls. Gervais et al. (2003) found that home range sizes of male burrowing owls during the nesting season were highly variable within but not between years. Their results also suggested that owls concentrate foraging efforts within 600 meters of the nest burrow, as was observed in Canada (Haug and Oliphant 1990) and southern California (Rosenberg and Haley 2004). James et al. (1997), reported habitat modification factors causing local burrowing owl declines included habitat fragmentation and loss of connectivity.

In conclusion, the best available science indicates that essential habitat for the burrowing owl in California must include suitable year-round habitat, primarily for breeding, foraging, wintering and dispersal habitat consisting of short or sparse vegetation (at least at some time of year), presence of burrows, burrow surrogates or presence of fossorial mammal dens, well-drained soils, and abundant and available prey within close proximity to the burrow.

### **Threats to Burrowing Owls in California**

*Habitat loss.* Habitat loss, degradation, and fragmentation are the greatest threats to burrowing owls in California. According to DeSante et al. (2007), “the vast majority of burrowing owls [now] occur in the wide, flat lowland valleys and basins of the Imperial Valley and Great Central Valley [where] for the most part,...the highest rates of residential and commercial development in California are occurring.” Habitat loss from the State’s long history of urbanization in coastal counties has already resulted in either extirpation or drastic reduction of burrowing owl populations there (Gervais et al. 2008). Further, loss of agricultural and other open lands (such as grazed landscapes) also negatively affect owl populations. Because of their need for open habitat with low vegetation, burrowing owls are unlikely to persist in agricultural lands dominated by vineyards and orchards (Gervais et al. 2008).

*Control of burrowing rodents.* According to Klute et al. (2003), the elimination of burrowing rodents through control programs is a primary factor in the recent and historical decline of burrowing owl populations nationwide. In California, ground squirrel burrows are most often used by burrowing owls for nesting and cover; thus, ground squirrel control programs may affect owl numbers in local areas by eliminating a necessary resource.

*Direct mortality.* Burrowing owls suffer direct losses from a number of sources. Vehicle collisions are a significant source of mortality especially in the urban interface and where owls nest alongside roads (Haug et al. 1993, Gervais et al. 2008). Road and ditch maintenance, modification of water conveyance structures (Imperial Valley) and discing to control weeds in fallow fields may destroy burrows (Rosenberg and Haley 2004, Catlin and Rosenberg 2006) which may trap or crush owls. Wind turbines at Altamont Pass Wind Resource Area are known to cause direct burrowing owl mortality (Thelander et al. 2003). Exposure to

pesticides may pose a threat to the species but is poorly understood (Klute et al. 2003, Gervais et al. 2008).

## Appendix B. Definitions

Some key terms that appear in this document are defined below.

**Adjacent habitat** means burrowing owl habitat that abuts the area where habitat and burrows will be impacted and rendered non-suitable for occupancy.

**Breeding (nesting) season** begins as early as 1 February and continues through 31 August (Thomsen 1971, Zarn 1974). The timing of breeding activities may vary with latitude and climatic conditions. The breeding season includes pairing, egg-laying and incubation, and nestling and fledging stages.

**Burrow exclusion** is a technique of installing one-way doors in burrow openings during the non-breeding season to temporarily exclude burrowing owls or permanently exclude burrowing owls and excavate and close burrows after confirming burrows are empty.

**Burrowing owl habitat** generally includes, but is not limited to, short or sparse vegetation (at least at some time of year), presence of burrows, burrow surrogates or presence of fossorial mammal dens, well-drained soils, and abundant and available prey.

**Burrow surrogates** include culverts, piles of concrete rubble, piles of soil, burrows created along soft banks of ditches and canals, pipes, and similar structures.

**Civil twilight** - Morning civil twilight begins when the geometric center of the sun is 6 degrees below the horizon (civil dawn) and ends at sunrise. Evening civil twilight begins at sunset and ends when the geometric center of the sun reaches 6 degrees below the horizon (civil dusk). During this period there is enough light from the sun that artificial sources of light may not be needed to carry on outdoor activities. This concept is sometimes enshrined in laws, for example, when drivers of automobiles must turn on their headlights (called lighting-up time in the UK); when pilots may exercise the rights to fly aircraft. Civil twilight can also be described as the limit at which twilight illumination is sufficient, under clear weather conditions, for terrestrial objects to be clearly distinguished; at the beginning of morning civil twilight, or end of evening civil twilight, the horizon is clearly defined and the brightest stars are visible under clear atmospheric conditions.

**Conservation** for burrowing owls may include but may not be limited to protecting remaining breeding pairs or providing for population expansion, protecting and enhancing breeding and essential habitat, and amending or augmenting land use plans to stabilize populations and other specific actions to avoid the need to list the species pursuant to California or federal Endangered Species Acts.

**Contiguous** means connected together so as to form an uninterrupted expanse in space.

**Essential habitat** includes nesting, foraging, wintering, and dispersal habitat.

**Foraging habitat** is habitat within the estimated home range of an occupied burrow, supports suitable prey base, and allows for effective hunting.

**Host burrowers** include ground squirrels, badgers, foxes, coyotes, gophers etc.

**Locally significant species** is a species that is not rare from a statewide perspective but is rare or uncommon in a local context such as within a county or region (CEQA §15125 (c)) or is so designated in local or regional plans, policies, or ordinances (CEQA Guidelines, Appendix G). Examples include a species at the outer limits of its known range or occurring in a unique habitat type.

**Non-breeding season** is the period of time when nesting activity is not occurring, generally September 1 through January 31, but may vary with latitude and climatic conditions.

**Occupied site or occupancy** means a site that is assumed occupied if at least one burrowing owl has been observed occupying a burrow within the last three years (Rich 1984). Occupancy of suitable burrowing owl habitat may also be indicated by owl sign including its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site.

**Other impacting activities** may include but may not be limited to agricultural practices, vegetation management and fire control, pest management, conversion of habitat from rangeland or natural lands to more intensive agricultural uses that could result in “take”. These impacting activities may not meet the definition of a project under CEQA.

**Passive relocation** is a technique of installing one-way doors in burrow openings to temporarily or permanently evict burrowing owls and prevent burrow re-occupation.

**Peak of the breeding season** is between 15 April and 15 July.

**Sign** includes its tracks, molted feathers, cast pellets (defined as 1-2” long brown to black regurgitated pellets consisting of non-digestible portions of the owls’ diet, such as fur, bones, claws, beetle elytra, or feathers), prey remains, egg shell fragments, owl white wash, nest burrow decoration materials (e.g., paper, foil, plastic items, livestock or other animal manure, etc.), possible owl perches, or other items.

## Appendix C. Habitat Assessment and Reporting Details

### Habitat Assessment Data Collection and Reporting

Current scientific literature indicates that it would be most effective to gather the data in the manner described below when conducting project scoping, conducting a habitat assessment site visit and preparing a habitat assessment report:

1. Conduct at least one visit covering the entire potential project/activity area including areas that will be directly or indirectly impacted by the project. Survey adjoining areas within 150 m (Thomsen 1971, Martin 1973), or more where direct or indirect effects could potentially extend offsite. If lawful access cannot be achieved to adjacent areas, surveys can be performed with a spotting scope or other methods.
2. Prior to the site visit, compile relevant biological information for the site and surrounding area to provide a local and regional context.
3. Check all available sources for burrowing owl occurrence information regionally prior to a field inspection. The CNDDDB and BIOS (see References cited) may be consulted for known occurrences of burrowing owls. Other sources of information include, but are not limited to, the Proceedings of the California Burrowing Owl Symposium (Barclay et al. 2007), county bird atlas projects, Breeding Bird Survey records, eBIRD (<http://ebird.org>), Gervais et al. (2008), local reports or experts, museum records, and other site-specific relevant information.
4. Identify vegetation and habitat types potentially supporting burrowing owls in the project area and vicinity.
5. Record and report on the following information:
  - a. A full description of the proposed project, including but not limited to, expected work periods, daily work schedules, equipment used, activities performed (such as drilling, construction, excavation, etc.) and whether the expected activities will vary in location or intensity over the project's timeline;
  - b. A regional setting map, showing the general project location relative to major roads and other recognizable features;
  - c. A detailed map (preferably a USGS topo 7.5' quad base map) of the site and proposed project, including the footprint of proposed land and/or vegetation-altering activities, base map source, identifying topography, landscape features, a north arrow, bar scale, and legend;
  - d. A written description of the biological setting, including location (Section, Township, Range, baseline and meridian), acreage, topography, soils, geographic and hydrologic characteristics, land use and management history on and adjoining the site (i.e., whether it is urban, semi-urban or rural; whether there is any evidence of past or current livestock grazing, mowing, disking, or other vegetation management activities);
  - e. An analysis of any relevant, historical information concerning burrowing owl use or occupancy (breeding, foraging, over-wintering) on site or in the assessment area;
  - f. Vegetation type and structure (using Sawyer et al. 2009), vegetation height, habitat types and features in the surrounding area plus a reasonably sized (as supported with logical justification) assessment area; (Note: use caution in discounting habitat based on grass height as it can be a temporary condition variable by season and conditions (such as current grazing regime) or may be distributed as a mosaic).

- g. The presence of burrowing owl individuals or pairs or sign (see Appendix B);
- h. The presence of suitable burrows and/or burrow surrogates (>11 cm in diameter (height and width) and >150 cm in depth) (Johnson et al. 2010), regardless of a lack of any burrowing owl sign and/or burrow surrogates; and burrowing owls and/or their sign that have recently or historically (within the last 3 years) been identified on or adjacent to the site.



## Appendix D. Breeding and Non-breeding Season Surveys and Reports

Current scientific literature indicates that it is most effective to conduct breeding and non-breeding season surveys and report in the manner that follows:

### Breeding Season Surveys

*Number of visits and timing.* Conduct 4 survey visits: 1) at least one site visit between 15 February and 15 April, and 2) a minimum of three survey visits, at least three weeks apart, between 15 April and 15 July, with at least one visit after 15 June. Note: many burrowing owl migrants are still present in southwestern California during mid-March, therefore, exercise caution in assuming breeding occupancy early in the breeding season.

*Survey method.* Rosenberg et al. (2007) confirmed walking line transects were most effective in smaller habitat patches. Conduct surveys in all portions of the project site that were identified in the Habitat Assessment and fit the description of habitat in Appendix A. Conduct surveys by walking straight-line transects spaced 7 m to 20 m apart, adjusting for vegetation height and density (Rosenberg et al. 2007). At the start of each transect and, at least, every 100 m, scan the entire visible project area for burrowing owls using binoculars. During walking surveys, record all potential burrows used by burrowing owls as determined by the presence of one or more burrowing owls, pellets, prey remains, whitewash, or decoration. Some burrowing owls may be detected by their calls, so observers should also listen for burrowing owls while conducting the survey.

Care should be taken to minimize disturbance near occupied burrows during all seasons and not to “flush” burrowing owls especially if predators are present to reduce any potential for needless energy expenditure or burrowing owl mortality. Burrowing owls may flush if approached by pedestrians within 50 m (Conway et al. 2003). If raptors or other predators are present that may suppress burrowing owl activity, return at another time or later date for a follow-up survey.

Check all burrowing owls detected for bands and/or color bands and report band combinations to the Bird Banding Laboratory (BBL). Some site-specific variations to survey methods discussed below may be developed in coordination with species experts and Department staff.

*Weather conditions.* Poor weather may affect the surveyor’s ability to detect burrowing owls, therefore, avoid conducting surveys when wind speed is >20 km/hr, and there is precipitation or dense fog. Surveys have greater detection probability if conducted when ambient temperatures are >20° C, <12 km/hr winds, and cloud cover is <75% (Conway et al. 2008).

*Time of day.* Daily timing of surveys varies according to the literature, latitude, and survey method. However, surveys between morning civil twilight and 10:00 AM and two hours before sunset until evening civil twilight provide the highest detection probabilities (Barclay pers. comm. 2012, Conway et al. 2008).

*Alternate methods.* If the project site is large enough to warrant an alternate method, consult current literature for generally accepted survey methods and consult with the Department on the proposed survey approach.

*Additional breeding season site visits.* Additional breeding season site visits may be necessary, especially if non-breeding season exclusion methods are contemplated. Detailed information, such as approximate home ranges of each individual or of family units, as well as foraging areas as related to the proposed project, will be important to document for evaluating impacts, planning avoidance measure implementation and for mitigation measure performance monitoring.

Adverse conditions may prevent investigators from determining presence or occupancy. Disease, predation, drought, high rainfall or site disturbance may preclude presence of burrowing owls in any given year. Any such conditions should be identified and discussed in the survey report. Visits to the site in more than one year may increase the likelihood of detection. Also, visits to adjacent known occupied habitat may help determine appropriate survey timing.

Given the high site fidelity shown by burrowing owls (see Appendix A, Importance of burrows), conducting surveys over several years may be necessary when project activities are ongoing, occur annually, or start and stop seasonally. (See Negative surveys).

### **Non-breeding Season Surveys**

If conducting non-breeding season surveys, follow the methods described above for breeding season surveys, but conduct at least four (4) visits, spread evenly, throughout the non-breeding season. Burrowing owl experts and local Department staff are available to assist with interpreting results.

### **Negative Surveys**

Adverse conditions may prevent investigators from documenting presence or occupancy. Disease, predation, drought, high rainfall or site disturbance may preclude presence of burrowing owl in any given year. Discuss such conditions in the Survey Report. Visits to the site in more than one year increase the likelihood of detection and failure to locate burrowing owls during one field season does not constitute evidence that the site is no longer occupied, particularly if adverse conditions influenced the survey results. Visits to other nearby known occupied sites can affirm whether the survey timing is appropriate.

### **Take Avoidance Surveys**

Field experience from 1995 to present supports the conclusion that it would be effective to complete an initial take avoidance survey no less than 14 days prior to initiating ground disturbance activities using the recommended methods described in the Detection Surveys section above. Implementation of avoidance and minimization measures would be triggered by positive owl presence on the site where project activities will occur. The development of avoidance and minimization approaches would be informed by monitoring the burrowing owls.

Burrowing owls may re-colonize a site after only a few days. Time lapses between project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance.

## **Survey Reports**

Report on the survey methods used and results including the information described in the Summary Report and include the reports within the CEQA documentation:

1. Date, start and end time of surveys including weather conditions (ambient temperature, wind speed, percent cloud cover, precipitation and visibility);
2. Name(s) of surveyor(s) and qualifications;
3. A discussion of how the timing of the survey affected the comprehensiveness and detection probability;
4. A description of survey methods used including transect spacing, point count dispersal and duration, and any calls used;
5. A description and justification of the area surveyed relative to the project area;
6. A description that includes: number of owls or nesting pairs at each location (by nestlings, juveniles, adults, and those of an unknown age), number of burrows being used by owls, and burrowing owl sign at burrows. Include a description of individual markers, such as bands (numbers and colors), transmitters, or unique natural identifying features. If any owls are banded, request documentation from the BBL and bander to report on the details regarding the known history of the banded burrowing owl(s) (age, sex, origins, whether it was previously relocated) and provide with the report if available;
7. A description of the behavior of burrowing owls during the surveys, including feeding, resting, courtship, alarm, territorial defense, and those indicative of parents or juveniles;
8. A list of possible burrowing owl predators present and documentation of any evidence of predation of owls;
9. A detailed map (1:24,000 or closer to show details) showing locations of all burrowing owls, potential burrows, occupied burrows, areas of concentrated burrows, and burrowing owl sign. Locations documented by use of global positioning system (GPS) coordinates must include the datum in which they were collected. The map should include a title, north arrow, bar scale and legend;
10. Signed field forms, photos, etc., as appendices to the field survey report;
11. Recent color photographs of the proposed project or activity site; and
12. Original CNDDDB Field Survey Forms should be sent directly to the Department's CNDDDB office, and copies should be included in the environmental document as an appendix. (<http://www.dfg.ca.gov/bdb/html/cnddb.html> ).

## **Appendix E. Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans**

Whereas the Department does not recommend exclusion and burrow closure, current scientific literature and experience from 1995 to present, indicate that the following example components for burrowing owl artificial burrow and exclusion plans, combined with consultation with the Department to further develop these plans, would be effective.

### **Artificial Burrow Location**

If a burrow is confirmed occupied on-site, artificial burrow locations should be appropriately located and their use should be documented taking into consideration:

1. A brief description of the project and project site pre-construction;
2. The mitigation measures that will be implemented;
3. Potential conflicting site uses or encumbrances;
4. A comparison of the occupied burrow site(s) and the artificial burrow site(s) (e.g., vegetation, habitat types, fossorial species use in the area, and other features);
5. Artificial burrow(s) proximity to the project activities, roads and drainages;
6. Artificial burrow(s) proximity to other burrows and entrance exposure;
7. Photographs of the site of the occupied burrow(s) and the artificial burrows;
8. Map of the project area that identifies the burrow(s) to be excluded as well as the proposed sites for the artificial burrows;
9. A brief description of the artificial burrow design;
10. Description of the monitoring that will take place during and after project implementation including information that will be provided in a monitoring report.
11. A description of the frequency and type of burrow maintenance.

### **Exclusion Plan**

An Exclusion Plan addresses the following including but not limited to:

1. Confirm by site surveillance that the burrow(s) is empty of burrowing owls and other species preceding burrow scoping;
2. Type of scope and appropriate timing of scoping to avoid impacts;
3. Occupancy factors to look for and what will guide determination of vacancy and excavation timing (one-way doors should be left in place 48 hours to ensure burrowing owls have left the burrow before excavation, visited twice daily and monitored for evidence that owls are inside and can't escape i.e., look for sign immediately inside the door).
4. How the burrow(s) will be excavated. Excavation using hand tools with refilling to prevent reoccupation is preferable whenever possible (may include using piping to stabilize the burrow to prevent collapsing until the entire burrow has been excavated and it can be determined that no owls reside inside the burrow);
5. Removal of other potential owl burrow surrogates or refugia on site;
6. Photographing the excavation and closure of the burrow to demonstrate success and sufficiency;

7. Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take;
8. How the impacted site will continually be made inhospitable to burrowing owls and fossorial mammals (e.g., by allowing vegetation to grow tall, heavy disking, or immediate and continuous grading) until development is complete.

## **Appendix F. Mitigation Management Plan and Vegetation Management Goals**

### **Mitigation Management Plan**

A mitigation site management plan will help ensure the appropriate implementation and maintenance for the mitigation site and persistence of the burrowing owls on the site. For an example to review, refer to Rosenberg et al. (2009). The current scientific literature and field experience from 1995 to present indicate that an effective management plan includes the following:

1. Mitigation objectives;
2. Site selection factors (including a comparison of the attributes of the impacted and conserved lands) and baseline assessment;
3. Enhancement of the conserved lands (enhancement of reproductive capacity, enhancement of breeding areas and dispersal opportunities, and removal or control of population stressors);
4. Site protection method and prohibited uses;
5. Site manager roles and responsibilities;
6. Habitat management goals and objectives:
  - a. Vegetation management goals,
    - i. Vegetation management tools:
      1. Grazing
      2. Mowing
      3. Burning
      4. Other
  - b. Management of ground squirrels and other fossorial mammals,
  - c. Semi-annual and annual artificial burrow cleaning and maintenance,
  - d. Non-natives control – weeds and wildlife,
  - e. Trash removal;
7. Financial assurances:
  - a. Property analysis record or other financial analysis to determine long-term management funding,
  - b. Funding schedule;
8. Performance standards and success criteria;
9. Monitoring, surveys and adaptive management;
10. Maps;
11. Annual reports.

### **Vegetation Management Goals**

- Manage vegetation height and density (especially in immediate proximity to burrows). Suitable vegetation structure varies across sites and vegetation types, but should generally be at the average effective vegetation height of 4.7 cm (Green and Anthony 1989) and <13 cm average effective vegetation height (MacCracken et al. 1985a).
- Employ experimental prescribed fires (controlled, at a small scale) to manage vegetation structure;

- Vegetation reduction or ground disturbance timing, extent, and configuration should avoid take. While local ordinances may require fire prevention through vegetation management, activities like disking, mowing, and grading during the breeding season can result in take of burrowing owls and collapse of burrows, causing nest destruction. Consult the take avoidance surveys section above for pre-management avoidance survey recommendations;
- Promote natural prey distribution and abundance, especially in proximity to occupied burrows; and
- Promote self-sustaining populations of host burrowers by limiting or prohibiting lethal rodent control measures and by ensuring food availability for host burrowers through vegetation management.

Refer to Rosenberg et al. (2009) for a good discussion of managing grasslands for burrowing owls.

### **Mitigation Site Success Criteria**

In order to evaluate the success of mitigation and management strategies for burrowing owls, monitoring is required that is specific to the burrowing owl management plan. Given limited resources, Barclay et al. (2011) suggests managers focus on accurately estimating annual adult owl populations rather than devoting time to estimating reproduction, which shows high annual variation and is difficult to accurately estimate. Therefore, the key objective will be to determine accurately the number of adult burrowing owls and pairs, and if the numbers are maintained. A frequency of 5-10 years for surveys to estimate population size may suffice if there are no changes in the management of the nesting and foraging habitat of the owls.

Effective monitoring and evaluation of off-site and on-site mitigation management success for burrowing owls includes (Barclay, pers. comm.):

- Site tenacity;
- Number of adult owls present and reproducing;
- Colonization by burrowing owls from elsewhere (by band re-sight);
- Evidence and causes of mortality;
- Changes in distribution; and
- Trends in stressors.

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DRAFT ENVIRONMENTAL ASSESSMENT (09-149)

*LONG-TERM CONTRACT FOR THE EXCHANGE OF WATER BETWEEN THE  
BUREAU OF RECLAMATION AND BYRON-BETHANY IRRIGATION DISTRICT –  
DELTA DIVISION AND SAN LUIS UNIT*

**Appendix G**  
**Estimated Air Quality Emissions**

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October 2012



2/10/2011 10:30:39 AM

Urbemis 2007 Version 9.2.4  
Summary Report for Annual Emissions (Tons/Year)

File Name: C:\Projects\BBID\BBID.urb924  
Project Name: BBID - Tracy Hills Water Supply Project  
Project Location: Bay Area Air District  
On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006  
Off-Road Vehicle Emissions Based on: OFFROAD2007

CONSTRUCTION EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10 Dust</u>	<u>PM10 Exhaust</u>	<u>PM10</u>	<u>PM2.5 Dust</u>	<u>PM2.5 Exhaust</u>	<u>PM2.5</u>	<u>CO2</u>
2011 TOTALS (tons/year unmitigated)	0.15	1.26	0.63	0.00	0.03	0.06	0.09	0.01	0.06	0.06	153.62

1/28/2011 11:51:35 AM

Urbemis 2007 Version 9.2.4

Detail Report for Summer Construction Unmitigated Emissions (Pounds/Day)

File Name: C:\Documents and Settings\bbeattie.CH2MHILL\Desktop\BBID\BBID.urb924

Project Name: BBID - Tracy Hills Water Supply Project

Project Location: Bay Area Air District

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

CONSTRUCTION EMISSION ESTIMATES (Summer Pounds Per Day, Unmitigated)

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10 Dust</u>	<u>PM10 Exhaust</u>	<u>PM10 Total</u>	<u>PM2.5 Dust</u>	<u>PM2.5 Exhaust</u>	<u>PM2.5 Total</u>	<u>CO2</u>
Time Slice 2/1/2011-2/28/2011 Active Days: 20	3.04	25.13	12.05	<u>0.00</u>	<u>3.11</u>	1.18	<u>4.28</u>	<u>0.65</u>	1.08	<u>1.73</u>	3,075.66
Mass Grading 02/01/2011-02/28/2011	3.04	25.13	12.05	0.00	3.11	1.18	4.28	0.65	1.08	1.73	3,075.66
Mass Grading Dust	0.00	0.00	0.00	0.00	3.10	0.00	3.10	0.65	0.00	0.65	0.00
Mass Grading Off-Road Diesel	3.00	25.05	10.71	0.00	0.00	1.17	1.17	0.00	1.08	1.08	2,948.19
Mass Grading On-Road Diesel	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Mass Grading Worker Trips	0.04	0.07	1.34	0.00	0.01	0.00	0.01	0.00	0.00	0.00	127.47
Time Slice 3/1/2011-4/29/2011 Active Days: 44	<u>3.80</u>	<u>32.32</u>	<u>14.84</u>	<u>0.00</u>	0.01	<u>1.49</u>	1.49	0.00	<u>1.37</u>	1.37	<u>3,856.05</u>
Building 03/01/2011-04/30/2011	0.70	6.77	2.51	0.00	0.00	0.27	0.27	0.00	0.25	0.25	739.46
Building Off-Road Diesel	0.70	6.77	2.51	0.00	0.00	0.27	0.27	0.00	0.25	0.25	739.46
Building Vendor Trips	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Building Worker Trips	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Trenching 03/01/2011-06/30/2011	3.11	25.55	12.33	0.00	0.01	1.21	1.22	0.00	1.12	1.12	3,116.59
Trenching Off-Road Diesel	3.06	25.47	10.99	0.00	0.00	1.21	1.21	0.00	1.11	1.11	2,989.12
Trenching Worker Trips	0.04	0.07	1.34	0.00	0.01	0.00	0.01	0.00	0.00	0.00	127.47
Time Slice 5/2/2011-6/30/2011 Active Days: 44	3.11	25.55	12.33	<u>0.00</u>	0.01	1.21	1.22	0.00	1.12	1.12	3,116.59
Trenching 03/01/2011-06/30/2011	3.11	25.55	12.33	0.00	0.01	1.21	1.22	0.00	1.12	1.12	3,116.59
Trenching Off-Road Diesel	3.06	25.47	10.99	0.00	0.00	1.21	1.21	0.00	1.11	1.11	2,989.12
Trenching Worker Trips	0.04	0.07	1.34	0.00	0.01	0.00	0.01	0.00	0.00	0.00	127.47

### Phase Assumptions

Phase: Mass Grading 2/1/2011 - 2/28/2011 - Site Stabilization/Clearing and Grubbing

Total Acres Disturbed: 6.91

Maximum Daily Acreage Disturbed: 0.31

Fugitive Dust Level of Detail: Default

10 lbs per acre-day

On Road Truck Travel (VMT): 0

Off-Road Equipment:

1 Excavators (168 hp) operating at a 0.57 load factor for 8 hours per day

1 Off Highway Trucks (479 hp) operating at a 0.57 load factor for 8 hours per day

1 Plate Compactors (8 hp) operating at a 0.43 load factor for 8 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day

1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Trenching 3/1/2011 - 6/30/2011 - Pipeline Construction

Off-Road Equipment:

1 Excavators (168 hp) operating at a 0.57 load factor for 8 hours per day

1 Off-Highway Trucks (479 hp) operating at a 0.57 load factor for 8 hours per day

1 Plate Compactors (8 hp) operating at a 0.43 load factor for 8 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 8 hours per day

1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Building Construction 3/1/2011 - 4/30/2011 - Pump Station Construction

Off-Road Equipment:

1 Cranes (399 hp) operating at a 0.43 load factor for 8 hours per day

## Road Emission Factors:

### Exhaust Emission Factors

Vehicle	Vehicle Type in EMFAC2007	2011 Emission Factors (lb/mile)						
		ROG	CO	NOx	SOx	PM10	PM2.5	CO2
Work Trucks (unpaved roads)	Light-Duty Truck, Gasoline	0.0007	0.0119	0.0012	0.00002	0.0002	0.0001	1.9507
Employee Commute Paved Road	Passenger Vehicles, Gasoline	0.0001	0.0043	0.0004	0.00001	0.0000	0.00002	0.6320
Vehicle	Vehicle Type in EMFAC2007	2011 Emission Factors (g/mile)						
		ROG	CO	NOx	SOx	PM10	PM2.5	CO2
Work Trucks (unpaved roads)	Light-Duty Truck, Gasoline	0.334	5.38	0.523	0.009	0.1	0.07	884.86
Employee Commute	Passenger Vehicles, Gasoline	0.052	1.956	0.182	0.003	0.009	0.008	286.666

Note:

EFs from the California Air Resources Board's EMFAC 2007 model for Kern County. It was assumed that vehicles would travel at 10 mph on unpaved roads, and 45 mph on paved roads.

## Construction Emission Summary

Emission Source	Emissions (lb/day)						Emissions (tons/yr)					
	ROG	CO	NOx	SOx	PM10	PM2.5	ROG	CO	NOx	SOx	PM10	PM2.5
Onsite Equipment	3.8	14.8	32.3	0.0012	4.28	1.73	0.2	0.6	1.3	0.0001	0.09	0.06
Offsite Vehicles	0.028	1.03	0.096	0.0016	0.005	0.004	0.002	0.062	0.006	0.000	0.000	0.000
TOTAL	3.8	15.9	32.4	0.0028	4.3	1.7	0.2	0.7	1.3	0.0001	0.1	0.1
BAAQMD Thresholds (lb/day)	54	NE	54	NE	82	54						
Threshold Exceeded?	No	NA	No	NA	No	No						

Notes:

BAAQMD thresholds for PM10 and PM2.5 refer to exhaust emissions only. The BAAQMD Basic Construction Mitigation Measures Recommended for All Proposed Projects will be implemented (BAAQMD, CEQA Guidelines, 2010).

NA = Not applicable

NE = Threshold has not been established

Worker Commute Trips				Emissions (lb/day)					
Construction Phase	# of Workers	Months of Work	Miles Traveled per Round Trip	ROG	CO	NOx	SOx	PM10	PM2.5
Pump Station	6	7	20	0.014	0.52	0.048	0.0008	0.002	0.002
Pipeline	5	3	20	0.011	0.43	0.040	0.0007	0.002	0.002
Supervisor	1	8	20	0.0023	0.086	0.0080	0.0001	0.0004	0.0004

Notes:

Round trip mileage represents the distance from the construction site to the nearest city, in this case Tracy, CA.

Emissions are based on the assumption that workers will commute to the site 22 days per month

Maximum daily emissions occur during months 2 and 3 of the construction schedule, during both pipeline and pumphouse.