

RECLAMATION

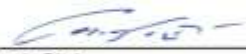
Managing Water in the West

Final Finding of No Significant Impact

RD 773 Fabian Tract Spoils Reuse License

EA 11-051

Recommended by:

 Date: 1/12/13
Chuck Siek
Supervisory Natural Resources Specialist
South-Central California Area Office

Concurred by:

 Date: 1/17/13
Randy English
Chief, Resources Management Division
South-Central California Area Office

Approved by:

 Date: 1/13/13
Michael P. Jackson
Area Manager
South-Central California Area Office



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

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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 is not required for the Reclamation District (District) 773 Fabian Tract Spoils Reuse License. This Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA) Number 11-051, RD 773 Fabian Tract Spoils Reuse License, and is hereby incorporated by reference.

Background

Reclamation and State Department of Water Resources are involved in a program to increase south Delta agricultural diversions for agricultural purposes. This program includes the dredging of the Grant Line and Fabian-Bell canals, Middle River, Old River, North Canal, and Victoria Canal. Spoils (i.e. dredged material that has been allowed to dry and settle on land) are placed on the western end of the Fabian Tract located approximately 8 miles northwest of the City of Tracy. To date, the spoils have not accumulated to an amount that needs removal however the spoils will eventually need removal to an offsite location to prevent the excessive build-up of spoils materials. The District has requested a license to remove/reuse spoils from the Reclamation's placement site to stabilize their levee along the Fabian Bell Canal.

Reclamation posted a draft Environmental Assessment/Finding of No Significant Impact (EA/FONSI 11-051) for review and comments October 19, 2012 through November 19, 2012. No comments were received. Changes to the draft EA/FONSI since it was posted are reflected with a vertical line in the left margin of this document.

Proposed Action

Reclamation proposes to issue a license to the District for the use of dredged spoils on the Fabian Bell Canal located on the Fabian Tract. Once the license is issued, the District could remove the spoils from the storage/drying location with an excavator and transfer them to diesel trucks for transport to levee maintenance areas. The spoils removed would not exceed 15,000 cubic yards (cy) of material annually to a maximum of 50,000 cy over the period the license is in effect. Once onsite, the spoils would be spread and compacted by heavy equipment to reinforce existing levee sections. The reinforcement would widen the backside of the levee and reinforce the levee by compensating for fill material that is lost via waterside erosion. Hauling and staging would occur in a 60 foot-wide strip of land connecting the existing dredge spoils area with the base of the District levee.

Equipment used during construction activities would include: Excavators, side dump tractors (for loading spoils materials), wheel loaders, wheel tractor-scrappers, motor graders, track-type tractor/bulldozers and similar equipment for loading, transporting, and compacting spoil/fill materials. Activities would occur beginning on March 1 through November 1 each year (90 working days total estimated), for a duration of no longer than 10 years (2022).

Environmental Commitments

The District 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 would be fully implemented.

Table 1 Environmental Protection Measures

Resource	Protection Measure
Biological Resources Migratory Bird Treaty Act-1	- If construction would commence during the breeding season of February 1 through August 31, a qualified biologist or ornithologist would conduct pre-construction surveys for ground and tree-nesting raptors (including burrowing owls) at the Project site, in accordance with accepted survey protocols. - If raptors are identified onsite or in the vicinity of the Project site during the preconstruction surveys, then an appropriate construction buffer area would be determined by the biologist/ornithologist, and the buffer area would be demarcated and avoided during construction. If it is not practicable to avoid said buffer areas during construction, then CDFG would be consulted for appropriate action prior to disturbance within the buffer areas. - If no raptors are identified during the pre-construction surveys, then construction may commence without further mitigation for nesting raptors.
Biological Resources Migratory Bird Treaty Act-2	If construction would commence during the non-breeding season of September 1 through January 31, a qualified biologist or ornithologist would conduct pre-construction surveys for burrowing owls at the Project site, in accordance with accepted survey protocols. - If burrowing owls are not detected onsite or in the vicinity of the site, then construction may commence without additional mitigation for burrowing owls. - If burrowing owls are detected during the preconstruction surveys the Reclamation biologist would be notified. If identified they may be passively relocated by placing one-way doors in the burrows and leaving them in place for a minimum of three days. Once the project biologist/ornithologist has determined that all burrowing owls have vacated the site, then construction may proceed.
Biological Resources Valley Elderberry Long-horned beetle	- A 100-foot buffer from the shrubs dripline shall be established around each eligible elderberry shrub (stems >1" diameter) located near treatment sites. The elderberry shrubs and buffers shall be clearly flagged and marked as an Environmentally Sensitive Area. - No equipment (i.e. excavators, tractors, and wheel loaders) shall be used within the 100-foot buffer from the dripline of elderberry shrubs.
Cultural Resources	In the event that cultural resources or human remains are identified during the implementation of this project there may be additional considerations pursuant to Section 106 of the NHPA. If inadvertent discoveries of cultural resources or human remains occur during project implementation, work shall temporarily stop and Reclamation cultural resources staff shall be contacted immediately.

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

Levee reinforcement projects have occurred and will continue to occur involving the Grant Line and Fabian-Bell canals, Middle River, Old River, North Canal, and Victoria Canal.

The release of contaminants from dredged spoils may result in oxidation and acidification. During the oxidation process, metals, trace elements, and other constituents associated with the oxidized fractions may be released. Acidification may result in increased solubility of sediment metals which may increase their mobility and make them subject to leaching.

While the mobility of sediment may increase, the limited amount of dredge spoils applied over a relatively large linear project area would not result in high concentration levels. The Initial Study/Mitigated Negative Declaration completed for compliance to the California Environmental Quality Act determined that the dredging project's potential for leaching contaminants from the sediments appears to be low based on the levels of the various constituents measured and the properties of the sediments.

Cumulative impacts to water resources are limited to the release of contaminants from materials used in levee reinforcement. The direct impacts from the release of contaminants are expected to be minimal and as such so are the cumulative impacts.

Land Use

The Proposed Action would occur in an agricultural area. The Proposed Action is limited to the District right of way and would not impact prime farmland, unique farmland, or farmland of statewide importance nor would it conflict with existing agricultural zoning or Williamson Act contracts. As such, there would be no direct or cumulative impacts to land use from the Proposed Action.

Biological Resources

There would be no effect to listed species under the Endangered Species Act (16 U.S.C. §1531 et. seq.) and no take of species protected by the Migratory Bird Treaty Act with the incorporation of the environmental protection measures. This determination is largely reliant on lack of potential habitat associated with levee roads, ongoing operations and maintenance activities and agricultural practices, and the implementation of all environmental protection measures. In addition, the District would coordinate closely with the Reclamation Biologist to ensure there are no impacts to endangered or sensitive species.

Cumulative impacts would be minimal with the Proposed Action as the levee reinforcement does not have a significant adverse impact on habitat and impacts to listed species are avoided with incorporation of the Environmental Protection Measures. Cumulative impacts associated with the No Action alternative are unknown since the No Action alternative may involve levee reinforcement in the future using a different project description.

Cultural Resources

In a letter dated November 19, 2012, Reclamation initiated consultation with the California State Historic Preservation Officer (SHPO), inviting the SHPO's comments regarding our delineation of an area of potential effects (APE) and the appropriateness of our efforts to identify historic properties within that APE. Reclamation also requested the SHPO's concurrence that our finding of no adverse effect was appropriate pursuant to 36 CFR Part 800.5(b). The SHPO has not responded within the 30 day time limit as prescribed in 36 CFR Part 800.3(c)(4). As a result, Reclamation has fulfilled its Section 106 responsibilities for the undertaking.

Cumulative impacts would be the same under both the No Action Alternative and the Proposed Action since the levees would require reinforcement in either case; only the source of material would change.

Indian Sacred Sites

There would be no direct or cumulative adverse impacts to Indian Sacred Sites or changes to access to Indian Sacred Sites resulting from the Proposed Action as none are present within the Proposed Action area.

Indian Trust Assets

On June 6, 2012 Reclamation's ITA Branch issued the determination that there are no ITA within the Proposed Action area and therefore the proposed action does not have a potential to affect Indian Trust Assets.

Socioeconomic Resources

The Proposed Action could prevent economic loss to the District caused by the costs associated with obtaining and transporting off-site fill material. As such, the Proposed Action would have no adverse direct or cumulative impacts on socioeconomic resources.

Environmental Justice

There would not be any disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations as there are no populations within the Proposed Action area.

Air Quality

The Proposed Action would result in a temporary increase in emissions during the construction phase. The General Conformity de minimis thresholds for regional criteria air pollutants and estimated operational emissions are displayed in Section 3.4 of Draft EA 11-051. All pollutants resulting from construction fall below the de minimis thresholds set by the Bay Area Air Quality Management District. For any project that does not individually have significant operational air quality impacts, the determination of significant cumulative impact should be based on an evaluation of the consistency of the project with the local general plan *and* of the general plan with the regional air quality plan. The Proposed Action is consistent with the general plan and the general plan is consistent with the regional air quality plan in that there is no increase in vehicle miles traveled over baseline, emissions do not exceed state or national standards, and there would be no toxic pollutant or odor emissions. As such there are no significant direct or cumulative impacts.

Global Climate

The construction phase of the Proposed Action would result in the direct emissions of greenhouse gases (GHGs) through the use of petroleum fuels. These emissions would not continue past the Proposed Action completion date.

The total carbon dioxide equivalent (CO₂e) was modeled and displayed in EA11-051. The modeling determined that CO₂e is far below the 75,000 tons per year threshold for significant GHG emissions. As such, this would not result in a substantial change in GHG emissions, and there would be no significant direct or cumulative impacts to the global climate.