

RECLAMATION

Managing Water in the West

Finding Of No Significant Impact

Peek Property Conservation Easement

Recommended: *Douglas Kleinsmith* Date: 11/29/11
Environmental Specialist

Recommended: *Dan Stief* Date: 11/29/11
Program Manager, Central Valley
Project Conservation Program

Approved: *Andrew T. Leigh* Date: 12/13/2011
Chief, Division of Environmental
Affairs

FONSI No. 11-18-MP



U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region

Background

The Bureau of Reclamation (Reclamation) proposes to provide \$500,000 from the Habitat Restoration Program (HRP) to The Nature Conservancy towards the acquisition of a conservation easement on the 2,407-acre Peek Property (Property). The 2,407-acre Property is located approximately 15 miles north of Chico along the east side of State Highway 99.

The primary objective of the proposed action is to protect habitat for listed species including the federally endangered vernal pool tadpole shrimp (*Lepidurus packardii*), conservancy fairy shrimp (*Branchinecta conservatio*), and Greene's tuctoria (*Tuctoria greenei*); and the federally threatened slender Orcutt grass (*Orcuttia tenuis*), and Hoover's spurge (*Chamaesyce hooveri*). These species and their habitats have been impacted by Reclamation's Central Valley Project, and their protection is in keeping with the goals of the HRP. The threat to the Property from development is high because it is close to population centers, has frontage on State Highway 99, and has the potential to be developed as a gravel mine. The conservation easement will also protect federally listed vernal pool plant species and 1.7 miles of Central Valley riparian habitat and spring-run chinook salmon habitat in Deer Creek.

Findings

Reclamation prepared an environmental assessment (EA) on the proposed grant in December 2011 which is incorporated by reference. Reclamation has found that the proposed action is not a major Federal action that will significantly affect the quality of the human environment. Therefore, an environmental impact statement is not required for carrying out the proposed action. The EA complies with the Council of Environmental Quality's National Environmental Policy Act Regulations and other requirements such as the Endangered Species Act, the National Historic Preservation Act, and applicable local and State requirements.

Following are the reasons why the impacts of the proposed action are not significant:

1. Acquisition of a conservation easement will not change land use. The easement will maintain the Property in conservation-compatible private ranching which is expected to continue to benefit the local agricultural economy.
2. The conservation easement will permanently protect the Property and thus provide a long-term, perpetual benefit to the target species and habitat. On June 17, 2011, Reclamation initiated informal consultation with the U.S. Fish and Wildlife Service (Service) on the activities for projects in the Central Valley Project Conservation Program and the HRP for Fiscal Year 2011. The Service concurred on November 8, 2011 that the projects, including acquiring a conservation easement for the Peek Property, are not likely to adversely affect listed species.
3. The proposed action has no potential to affect historic properties.
4. The proposed action will not affect any Indian Trust Assets.
5. Implementing the proposed action will not disproportionately affect minorities or low-

income populations and communities.

6. The proposed action will not have significant cumulative impacts.

7. There is no potential for the effects to be considered highly controversial.

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Managing Water in the West

Draft Environmental Assessment

Peek Property Conservation Easement



**U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region**

December 2011

Background

The Bureau of Reclamation (Reclamation) proposes to provide \$500,000 from the Central Valley Project Improvement Act Habitat Restoration Program (HRP) to The Nature Conservancy (TNC) toward the acquisition of a conservation easement on the 2,407-acre Peek Property (Property). The 2,407-acre Property is located approximately 15 miles north of Chico along the east side of State Highway 99. (See Figure 1.)

Purpose and Need for Action

The primary objective of the proposed action is to protect habitat for listed species including the federally endangered vernal pool tadpole shrimp (*Lepidurus packardii*), conservancy fairy shrimp (*Branchinecta conservatio*), and Greene's tuctoria (*Tuctoria greenei*); and the federally threatened slender Orcutt grass (*Orcuttia tenuis*), and Hoover's spurge (*Chamaesyce hooveri*). These species and their habitats have been impacted by Reclamation's Central Valley Project (CVP), and their protection is in keeping with the goals of the HRP. The threat to the Property from development is high because it is close to population centers, has frontage on State Highway 99, and has the potential to be developed as a gravel mine.

The most significant loss of vernal pool grasslands in the Central Valley has been a result of the development of California's extensive water delivery infrastructure, including the CVP. The availability of water has allowed the expansion of agriculture and the loss of thousands of acres of vernal pool grasslands. HRP program managers have identified the vernal pool species named above as High to Very High CVP priority species. As such, the protection of those species and the vernal pool habitats which support them are in keeping with the goals and objectives of the HRP.

Proposed Action and Alternatives

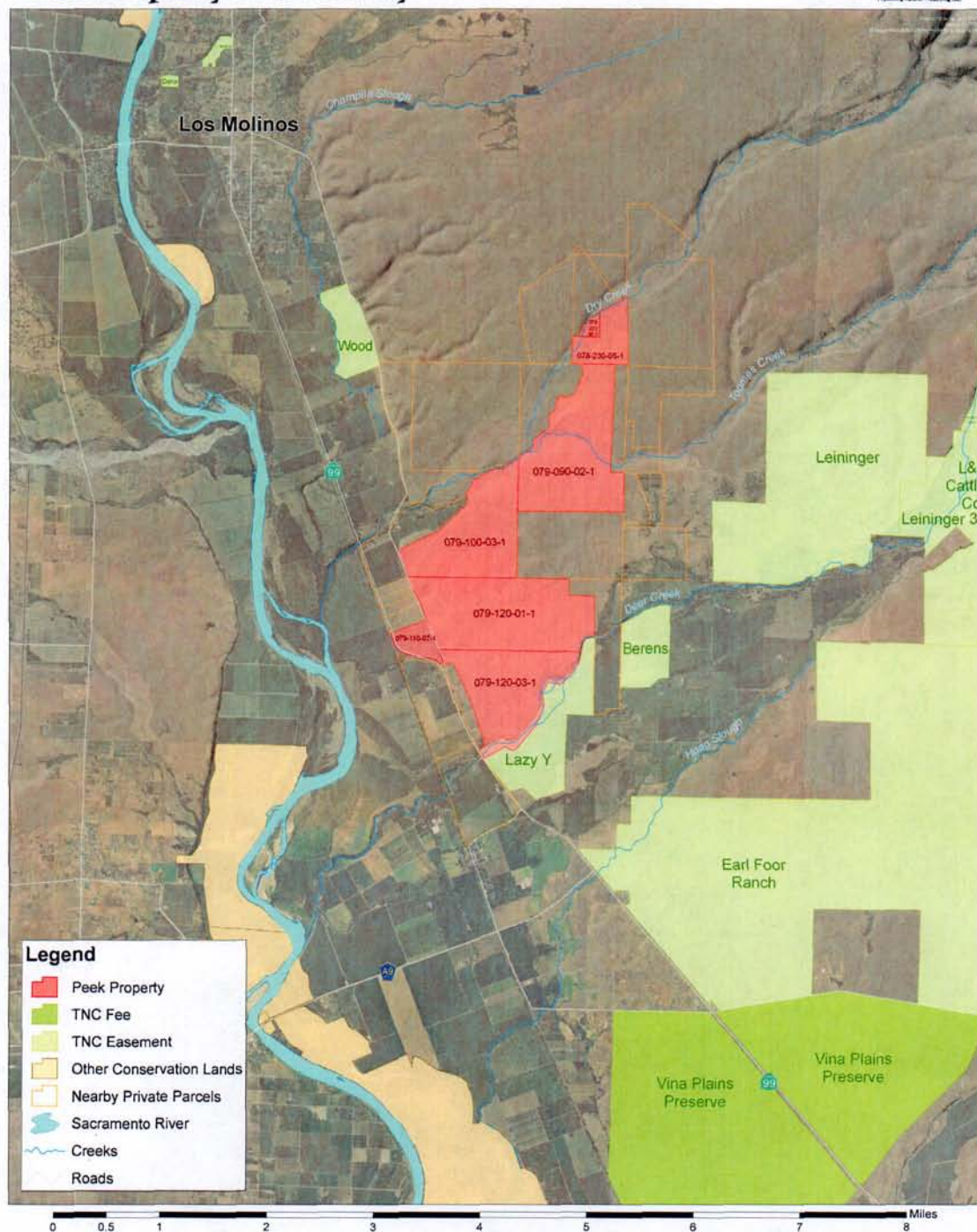
No Action: Reclamation would not contribute \$500,000 of HRP funds to TNC to help purchase the conservation easement on the Peek Property. TNC would need to obtain the \$500,000 from other private and public sources, in addition to \$933,003 of non-HRP funds from other sources to meet the total funding need.

Proposed Action: Reclamation would contribute \$500,000 from the HRP to TNC towards the acquisition of a conservation easement on the 2,407-acre Peek Property. TNC would obtain the remaining \$933,003 from other federal and state partners.

With input and approval from the HRP Manager, TNC would provide a Reclamation-approved conservation easement, and a monitoring and management plan for the Property, before acquisition of the easement is completed. The easement and monitoring/management plan shall include, but are not limited to, stipulations as to how the Property will be managed long-term to protect and benefit federally-listed and other CVP impacted plants and animals, and how management of the Property and its vegetation are expected to minimize conflicts with CVP impacted species.

Figure 1.

Peek Property and Vicinity



Affected Environment and Environmental Consequences

Biological Resources

Affected Environment

The Property is part of a well-studied vernal pool formation of the Vina Plains area of Tehama County, California. The southern edge of the Property is approximately 2.8 miles from the northern edge of Vina Plains Preserve which TNC has owned and managed since 1982. The Property also abuts, and is within close vicinity of, over 80,000 acres of land under TNC conservation easements. Detailed botanical studies have not been conducted on the Property, however the California Natural Diversity Data Base contains records for the property that document the presence of Greene's tuctoria, slender Orcutt grass, and Hoover's spurge. In Spring 2009, TNC staff identified vernal pool tadpole shrimp and conservancy fairy shrimp in the larger pools on the Property. It is likely that more rare species will be discovered as more surveys are conducted by TNC and others as part of TNC's easement management responsibilities. Over 200 species have been documented as occurring on TNC's Vina Plains Preserve. Table 1 shows the special status species information for the Property.

The Property lies within the Northeastern Sacramento Valley Vernal Pool Region identified in the U.S. Fish and Wildlife Service's (Service) 2005 *Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon*, and is within the Plan's *Vina Plains Core Area*. The Peek Property conservation easement acquisition would support the Plan's recommendation that vernal pool habitats be protected "in the largest blocks possible."

The Property includes frontage on Dry Creek and Toomes Creek, important seasonal streams that offer winter rearing habitat for Sacramento River salmon, and which are only 1.5 miles upstream of the Sacramento River. The Property also includes approximately 1.7 miles of frontage on Deer Creek, prime habitat for federally threatened spring-run chinook salmon. Deer Creek also offers high quality cottonwood and sycamore riparian habitats, as well as habitats for the State threatened foothill yellow-legged frog (*Rana boylei*), and the western pond turtle (*Actinemys marmorata*), a State Species of Special Concern.

Cultural Resources

Environmental Consequences – Proposed Action

This is an acquisition project only and there would be no land use changes. No archaeological or other cultural resources are known to be present on the Property. The proposed action has no potential to affect historic properties.

Environmental Consequences – No Action

Under the No Action Alternative, Reclamation would not provide funding to TNC to purchase a conservation easement. Because it has no potential to cause effects on historic properties, the No Action alternative would result in no impacts to cultural resources.

Indian Trust Assets

Indian Trust Assets (ITAs) are legal interests in property or rights held in trust by the United States for Indian Tribes or individual Indians. Indian reservations, Rancherias, and Public Domain Allotments are common ITAs in California. The nearest ITA is Paskenta Rancheria approximately 9 miles southwest of the project location. Therefore, the Proposed Action would not adversely affect ITAs.

Environmental Justice

Executive Order 12898 requires each Federal Agency to identify and address disproportionately high and adverse human health or environmental effects, including social and economic effects of its program, policies, and activities on minority populations and low-income populations. Since there would be no change in existing or similar land uses, there would be no adverse human health or environmental effects to minority or low-income populations.

Consultation and Coordination with Others

Meetings

The Central Valley Project Conservation Program (CVPCP) and HRP Technical Team reviewed and ranked the Peek Property Conservation Easement acquisition proposal during the HRP and CVPCP proposal review period in 2011. The proposal ranked in the top tier of land acquisition proposals and was selected for funding following this evaluation of the project. A site visit was conducted by HRP Program Managers as part of that review.

Applicable Laws and Regulations

Endangered Species Act (16 USC. 1521 et seq.)

Section 7 of this Act requires Federal agencies to ensure that all federally associated activities within the United States do not jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of the critical habitat of these species. Action agencies must consult with the Service, which maintains current lists of species that have been designated as threatened or endangered, to determine the potential impacts a project may have on protected species.

On June 17, 2011, Reclamation initiated informal consultation with the Service on the activities for projects to be funded by the HRP in Fiscal Year 2011. The Service concurred on November 8, 2011 that the projects, including this proposed action, are not likely to adversely affect listed species.

National Historic Preservation Act (16 USC 470 et. seq.)

The National Historic Preservation Act (NHPA) of 1966 is the primary Federal legislation which outlines the Federal Government's responsibility to cultural resources. Section 106 of the NHPA requires the Federal Government to take into consideration the effects its undertakings on cultural resources included in, or eligible for inclusion in, the National Register of Historic Places (National Register). Those resources that are on or eligible for inclusion on the National Register are referred to as historic properties. The 36 CFR Part 800 regulations that implement Section 106 of the NHPA describe how Federal agencies address these effects. The Proposed Action was determined to have no potential to affect historic properties.

Attached is the regional archeologist review memo.

Attachment

Cultural Resources Memo

From:

Barnes, Amy J

To:

Strait, Daniel H;

cc:

Perry, Laureen (Laurie) M; Overly, Stephen A; Nickels, Adam M; Goodsell, Joanne E; Bruce, Brandee E; Dunay, Amy L; Fogerty, John A; Williams, Scott A; Soule, William E;

Subject:

Peek Ranch Conservation Easement Acquisition (11-NCAO-141)

Date:

Thursday, May 26, 2011 12:25:29 PM

Tracking #11-NCAO-141

Project: Peek Ranch Conservation Easement Acquisition

Location: Tehama County; Los Molinos and Vina 7.5 minute USGS quadrangle maps. sec. 1, 2, and 3, T. 24 N., R. 2 W.; and sec. 25, 35, and 36, T. 25 N., R. 2 W., Mount Diablo B.M.

The proposed activities associated with Reclamation providing partial funding to The Nature Conservancy (TNC) to acquire a conservation easement south of Los Molinos, California will have no potential to affect historic properties. TNC proposes to acquire a 2,407-acre conservation easement on the Peek Ranch property, which is actively grazed. The purpose of the acquisition is to protect native habitats on the property, which include primarily grasslands containing vernal pools, and riparian habitats along Deer Creek. This is an acquisition project only and there will be no land use changes. Any additional expenditure of federal funds to support activities that change the land use or improve habitat will be analyzed separately. As the proposed action has no potential to affect historic properties pursuant to 36 CFR Part 800.3(a)(1), no additional consideration under Section 106 of the National Historic Preservation Act is required.

Thank you for the opportunity to review the proposed action. Please place a copy of this concurrence with the EA administrative record.

Amy J. Barnes
Archaeologist
U.S. Bureau of Reclamation