

Categorical Exclusion Checklist

Temporary Staging Area at the Delta Cross Channel Gate for 2014 Georgiana Slough Floating Fish Guidance Study

CEC-14-004

Prepared by:

Janalas Deimmith

Douglas Kleinsmith Natural Resources Specialist Mid-Pacific Regional Office

Concurred by:

William Soule

Archaeologist Mid-Pacific Regional Office

Date: 2 - 5 - 14

Date: <u>2-5-2044</u>

Concurred by:

See Attachment B Dat Patricia Rivera Native American Affairs Program Manager Mid-Pacific Regional Office

Date See Attachment B

Concurred by:

Date: 2/11/2014

Michael Inthavong Acting Supervisory Natural Resource Specialist South-Central California Area Office

Date: 21

Approved by:

Michael Jackson Area Manager South-Central California Area Office



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

Background

The National Marine Fisheries Service issued the 2009 Biological and Conference Opinion for the Long-Term Operations of the Central Valley Project and State Water Project (BiOp) for Chinook salmon and other listed anadromous fish species. RPA Action IV.1.3 of the BiOp requires the Department of Water Resources (DWR) and the Bureau of Reclamation (Reclamation) to consider engineering solutions to reduce the diversion of juvenile salmonids from the Sacramento River into the interior and south Delta. In 2011 and 2012 DWR led an evaluation of a non-physical barrier using Bio-Acoustic Fish Fence[™] (BAFF) technology at the divergence of Georgiana Slough and the Sacramento River. During these studies, DWR observed that the probability for outmigrating salmonids to be entrained into Georgiana Slough was significantly reduced if they were distributed toward the right bank of the Sacramento River opposite Georgiana Slough. DWR proposes that a study be conducted in 2014 utilizing a simpler technology—a floating fish guidance boom—to evaluate its efficacy at guiding the outmigrating salmonids toward the right bank and, therefore, reducing their probability of entrainment into Georgiana Slough. Figure 1 shows the approximate 2011 and 2012 BAFF locations, and the general vicinity for the proposed 2014 floating boom location.

DWR completed an Initial Study (IS)/Mitigated Negative Declaration in January 2011 on the Georgiana Slough Non-Physical Barrier Study. In October 2011, DWR prepared an addendum to the IS to cover another year of study and analysis of the effectiveness of the barrier at Georgiana Slough in 2012. In October 2013, DWR prepared another addendum to the IS for studying the above floating fish guidance boom. The IS and addendums are hereby incorporated by reference.

Proposed Action

Reclamation proposes to issue a permit to DWR to use Reclamation property adjacent to the Delta Cross Channel (DCC) Gates as a staging area for activities necessary for operations during the 2014 Georgiana Slough Floating Fish Guidance Structure evaluation study. Access will be needed until June 27, 2014. Approximately 13,900 square feet will be designated for use, and a security fence will surround the temporary facility (Figure 2). 24-hour security will be provided during the study. A minimum of 15 feet clearance around the staging area will be provided to avoid obstructing normal daily activities involved in, or around, the DCC. This will also allow unrestricted vehicle access to the levee.

A trailer will be located on site for use as a temporary office. The trailer will contain computers and other data logging equipment that will require power. Power to the staging area will be necessary and obtained by tapping into the closest power pole, or connecting to existing power used for the DCC gate operations if possible without interrupting operations. There may also be a generator located onsite to provide back-up power. As noted on page 3-22 of the 2014 addendum to the IS (see Attachment C), a Hazardous Materials Management Program (HMMP) has been developed to ensure the proper transportation, handling, storage, disposal, and fueling protocols are implemented to avoid and or reduce the possibility of accidental fuel spills. In addition, the HMMP outlines procedures for response to accidental spills to reduce the impacts of such spills.



Source: Data provided by DWR and adapted by AECOM in 2013 Figure 1 GEORGIANA SLOUGH NON-PHYSICAL BARRIER STUDY AREA



Figure 2. Staging Area Site Plan

The proposed staging area will be located along the gravel levee road on the south side of the DCC and within approximately 200 feet of River Road; the Sacramento River is just beyond River Road (Figure 1). The staging area is completely bare of vegetation and bordered by sparse ruderal vegetation. The upper slope of the adjacent canal is armored and primarily bare, although the lower portion supports a very narrow band of riparian trees and shrubs. Several trees and shrubs near the staging area could support nesting birds; however, the trees are relatively small and unlikely to be used by most tree-nesting raptors. In addition, the area is subject to high levels of disturbance from nearby traffic on River Road, and from traffic and pedestrians on the levee road. From pages 3-13 through 3-14 of the 2014 addendum to the IS, environmental commitments MM-BIO-1 through MM-BIO-5 will be implemented to minimize potential impacts to nesting birds. In addition, page 3-13 includes a commitment to return any inadvertently disturbed riparian habitat to pre-project conditions and/or staging activities will be confined to the cleared area to avoid impacts to riparian vegetation along the DCC. Refer to Attachment C for environmental commitments from the 2014 addendum. No additional environmental commitments are required for the Proposed Action.

Exclusion Category

516 DM 14.5 D.10. Issuance of permits, licenses, easements, and crossing agreements which provide right-of-way over Bureau lands where the action does not allow for or lead to a major public or private action.

Extraordinary Circumstances

or safety (43 CFR 46.215(a)).

Below is an evaluation of the extraordinary circumstances as required in 43 CFR 46.215.

1.	This action would have a significant effect on the quality of the human environment (40 CFR 1502.3).	No	\boxtimes	Uncertain	Yes	
2.	This action would have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA Section 102(2)(E) and 43 CFR 46.215(c)).	No		Uncertain	Yes	
3.	This action would have significant impacts on public health	No	\boxtimes	Uncertain	Yes	

4.	This action would have significant impacts on such natural resources and unique geographical characteristics as historic or cultural resources; parks, recreation, and refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); flood plains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas (43 CFR 46.215 (b)).	No		Uncertain	Yes	
5.	This action would have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks (43 CFR 46.215(d)).	No	\boxtimes	Uncertain	Yes	
6.	This action would establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects (43 CFR 46.215 (e)).	No		Uncertain	Yes	
7.	This action would have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects (43 CFR 46.215 (f)).	No	\boxtimes	Uncertain	Yes	
8.	This action would have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by Reclamation (LND 02-01) (43 CFR 46.215 (g)).	No		Uncertain	Yes	
9.	This action would have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species (43 CFR 46.215 (b))	No		Uncertain	Yes	
10.	This action would violate a Federal, tribal, State, or local law or requirement imposed for protection of the environment (43 CFR 46.215 (i)).	No	\boxtimes	Uncertain	Yes	
11.	This action would affect ITAs (512 DM 2, Policy Memorandum dated December 15, 1993).	No		Uncertain	Yes	
12.	This action would have a disproportionately high and adverse effect on low income or minority populations (EO	No	\boxtimes	Uncertain	Yes	

12898) (43 CFR 46.215 (j)).

- 13. This action would limit access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007, 43 CFR 46.215 (k), and 512 DM 3)).
 14. This action would contribute to the introduction, continued No ⊠ Uncertain □ Yes □
- existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species Federal Noxious Weed Control Act, EO 13112, and 43 CFR 46.215 (1)).

NEPA Action Recommended

 \boxtimes CEC – This action is covered by the exclusion category and no extraordinary circumstances exist. The action is excluded from further documentation in an EA or EIS.

□ Further environmental review is required, and the following document should be prepared.



Attachment A Cultural Resources Determination

CULTURAL RESOURCE COMPLIANCE Reclamation Division of Environmental Affairs MP-153

MP-153 Tracking Number: 14-SCAO-083

Project Name: Temporary Staging at Delta Cross Channel Gates for the 2014 Georgiana Slough Floating Fish Guidance Study

NEPA Document: CEC

NEPA Contact: Doug Kleinsmith, Natural Resources Specialist

MP 153 Cultural Resources Reviewer: William Soule, Archaeologist

Date: 01/31/2014

The undertaking by Reclamation is to authorize access to the California Department of Water Resources (DWR) for a temporary staging area at the Delta Cross Channel Gates for the 2014 Georgiana Slough Floating Fish Guidance Study. This is the type of undertaking that does not have the potential to cause effects to historic properties, should such historic properties be present, pursuant to the National Historic Preservation Act (NHPA) Section 106 regulations codified at 36 CFR Part 800.3(a)(1).

DWR is requesting a Land Use Authorization of this project. The staging area will total approximately 14,000 square feet. A temporary security fence will be installed and 24 hour security will be provided for life of project; a portable trailer will be used as an office and located on site. The trailer will contain computers and other data log in equipment. Power supplied to trailer will be tapped from closest power pole or through connecting to existing grid at DCC gate operations. A generator may be present to allow for backup power.

After reviewing the materials submitted by SCAO, I concur with a statement in the CEC that this proposed action would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by Reclamation. With this determination, Reclamation has no further NHPA Section 106 obligations. This memorandum is intended to convey the completion of the NHPA Section 106 process for this undertaking. Please retain a copy in the administrative record for this action. Should changes be made to this project, additional NHPA Section 106 review, possibly including consultation with the State Historic Preservation Officer, may be necessary. Thank you for providing the opportunity to comment.

CC: Cultural Resources Branch (MP-153), Anastasia Leigh – Regional Environmental Officer (MP-150)

Attachment B Indian Trust Assets Determination

DEPAR TMENT OF THE IN TERIOR Mail - Re: Georgiana Slough ITA request



25/14

KLEINSMITH, DOUGLAS <dkleinsmith@usbr.gov>

Re: Georgiana Slough ITA request

RIVERA, PATRICIA <privera@usbr.gov>

To: DOUGLAS KLEINSMITH <dkleinsmith@usbr.gov>

Tue, Feb 4, 2014 at 4:07 PM

Doug,

I reviewed the proposed action to issue a permit to DWR to use Reclamation property adjacent to the Delta Cross Channel (DCC) Gates as a staging area for activities necessary for operations during the 2014 Georgiana Slough Floating Fish Guidance Structure evaluation study. Access will be needed until June 27, 2014. Approximately 13,900 square feet will be designated for use, and a security fence will surround the temporary facility. 24-hour security will be provided during the study. A minimum of 15 feet clearance around the staging area will be provided to not obstruct normal daily activities involved in, or around, the DCC. This will also allow for unrestricted vehicle access to the levee.

The proposed action does not have a potential to impact Indian Trust Assets. The nearest ITA is the Ione Band of Miwok Indians of California, approximately 33 miles East of the project location.

Patricia Rivera Native American Affairs Program Manager US Bureau of Reclamation Mid-Pacific Region 2800 Sacramento, California 95825 (916) 978-5194

https://mail.goog.le.com/mail/u0/?u=2&k=28715b7a4b&viev=pt&search=inbox&msg=143f6f66c7b0944

Attachment C Environmental Commitments from the 2014 Addendum

- **Return Disturbed Areas to Pre-Project Conditions.** If riparian impacts are unavoidable or occur inadvertently, DWR will return the disturbed riparian habitat to pre-project conditions.
- Participate in a Worker Environmental Awareness Program. Construction personnel will participate in a worker environmental awareness program that has been reviewed by NMFS, U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). As part of this program, workers will be informed about the presence of the following species, which are protected under the federal ESA (Endangered Species Act) and/or California Endangered Species Act (CESA), and habitat associated with the species:
 - winter-run Chinook salmon;
 - spring-run Chinook salmon;
 - Central Valley steelhead;
 - North American green sturgeon southern distinct population segment (DPS);
 - delta smelt;
 - longfin smelt; and
 - Swainson's hawk.

Workers will be informed that unlawful take of the animal or destruction of its habitat is a violation of the ESA and/or CESA. Prior to construction activities, a qualified biologist(s) approved by NMFS, USFWS, and CDFW will instruct all construction personnel about the life history of the aforementioned species, and about the terms and conditions of the 2014 GSFFGS Study biological opinions. Proof of this instruction will be submitted to all three agencies (i.e., NMFS, USFWS, and CDFW).

- Mitigation Measure BIO-MM-1: Conduct Surveys to Locate Swainson's Hawk Nest Sites. Surveys for Swainson's hawk will be conducted at and adjacent to all locations to be disturbed by operations and maintenance activities and barrier removal to ensure that this species is not nesting in these locations. Preconstruction surveys will not be performed because construction will occur prior to the nesting period. Surveys will consist of surveying all potential nest sites within ¼ mile of the 2014 GSFFGS Study area. The ¼-mile buffer is considered appropriate for this area as it is close to a settlement and several roads (DFG 1994). Surveys will be performed several times during the 2014 GSFFGS Study period of operation and maintenance to avoid and minimize impacts on nesting birds. Nest sites will be marked on an aerial photograph and the position will be recorded using GPS [Global Positioning System]. Based on the results of the surveys, a risk assessment to Swainson's hawks nesting within ¼ mile of the 2014 GSFFGS Study area will be provided to CDFW.
- Mitigation Measure BIO-MM-2: Minimize Project-Related Disturbances within ¼ Mile of Active Swainson's Hawk Nest Sites. Barrier operations and maintenance activities and barrier removal will overlap with the Swainson's hawk breeding season. DWR will provide the locations of active nest sites identified during the surveys to CDFW and will coordinate with CDFW on appropriate avoidance and minimization measures on a case-by-case basis.

If 2014 GSFFGS Study–related activities that may cause nest abandonment or forced fledging are necessary within the 0.25-mile buffer zone, DWR will monitor the nest site weekly. Monitoring will be performed by a qualified wildlife biologist. The biological monitor will have the ability to temporarily stop work if those activities appear to be causing imminent nest abandonment/failure. The biological monitor will notify CDFW

if the nest or nestlings are abandoned and the nestlings are still alive to determine the appropriate actions. DWR will fund the recovery and hacking (controlled release) of the nestlings. If a nest is abandoned and the nestlings do not survive, DWR will develop 0.5 acre of riparian forest and grant permanent conservation easements over that riparian forest and over 25 acres of suitable Swainson's hawk foraging habitat in a location and in a form acceptable to CDFW. These easements shall be provided no later than 12 months after nest abandonment.

Mitigation Measure BIO-MM-3: Conduct Surveys to Locate Raptor Nest Sites. Surveys for nesting raptors will be conducted at and adjacent to all locations to be disturbed by operations and maintenance activities and barrier removal to ensure that raptors are not nesting in these locations. Preconstruction surveys will not be performed because construction will occur prior to the nesting period. Surveys will consist of surveying all suitable nest sites within ¼ mile of the project area. The ¼-mile buffer is considered appropriate for this area as it is close to a settlement and several roads (DFG 1994).

Surveys will be performed several times during the 2014 GSFFGS Study period of operation and maintenance to avoid and minimize impacts on nesting birds. Nest sites will be marked on an aerial photograph and the position will be recorded using GPS. Based on the results of the surveys, a risk assessment to raptors nesting within ¹/₄ mile of the 2014 GSFFGS study area will be provided to CDFW.

- Mitigation Measure BIO-MM-4: Minimize Project-Related Disturbances within ¼ Mile of Active Nest Sites. Construction and operations and maintenance activities will overlap with the raptor breeding season. DWR will provide the locations of active nest sites identified during the surveys to CDFW and will coordinate with CDFW on appropriate avoidance and minimization measures on a case-by-case basis. If project-related activities that may cause nest abandonment or forced fledging are necessary within the 0.25-mile buffer zone, DWR will monitor the nest site. Monitoring will be performed by personnel under the direct supervision of a qualified wildlife biologist. The biological monitor will notify CDFW if the nest or nestlings are abandoned and the nestlings are still alive to determine the appropriate actions. DWR will fund the recovery and hacking (controlled release) of the nestlings.
- Mitigation Measure BIO-MM-5: Avoid and Minimize Effects on Nesting Birds. DWR will perform preconstruction surveys to determine whether nesting birds are present within or immediately adjacent to the barrier construction access points, and associated staging and storage areas. DWR will remove all woody and herbaceous vegetation from the construction areas during the nonbreeding season (September 1–February 1) to minimize effects on nesting birds. During the breeding season, all vegetation in the project work areas will be maintained to a height of approximately 6 inches to minimize the potential for nesting.

If active nests or migratory birds are found within the boundaries of the construction area, DWR will develop appropriate measures and will inform CDFW of its actions. Inactive migratory bird nests (excluding raptors) located outside of the construction areas will be preserved. If an inactive migratory bird nest is located in these areas, it will be removed before the start of the breeding season (approximately February 1).

• Mitigation Measure BIO-MM-6: Install Exclusion Fencing for Western Pond Turtle. The project timetable (January–June 2014) overlaps with the western pond turtle nesting season, which is typically March through August. To avoid the loss of western pond turtle nests and eggs as a result of construction, DWR will install exclusion fencing on the channel banks and on the landward perimeter of the existing riparian habitat

not involve the long-term transport, use, or disposal of hazardous materials and would not include reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Conducting the proposed 2014 GSFFGS Study would involve the temporary and short-term use of equipment that would generate diesel and gasoline emissions associated with internal combustion engines, and these activities would temporarily occur within 0.25 mile of Walnut Grove Elementary School. Such emissions generally have low toxicity and the emissions would be temporary, ceasing on completion of construction.

The areas for the proposed 2014 GSFFGS Study are not located on a list of hazardous-materials sites compiled pursuant to Section 65962.5 of the California Government Code (DTSC 2013; EPA 2013).

The proposed 2014 GSFFGS Study area is within 2 miles of public airports/private airstrips. However, project construction and operation would be temporary and short term, and would not result in a safety hazard for people residing or working in the project area.

Conducting the proposed 2014 GSFFGS Study would not restrict roadway or waterway movement and would not impair the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Like the original Proposed Project, the 2014 GSFFGS Study may slightly increase the potential for fire risk in the project area, given the use of construction equipment. The HMMP would be implemented to minimize this risk, and construction and operation activities associated with the study would be conducted in compliance with standard safety protocols.

Applicable Environmental Commitment from the 2011 Georgiana Slough Non-Physical Barrier Study IS:

Prepare and Implement a Hazardous Materials Management Program. A Hazardous Materials Management Program (HMMP) will be prepared that identifies the hazardous materials to be used during construction; describes measures to prevent, control, and minimize the spillage of hazardous substances; describes transport, storage, and disposal procedures for these substances; and outlines procedures to be followed in case of a spill of a hazardous material. It will also stipulate procedures, such as the use of spill containment pans, to minimize hazard during onsite fueling and servicing of construction equipment. Finally, the HMMP will require that adjacent land uses be notified immediately of any substantial spill or release.

CONCLUSION

Conducting the proposed 2014 GSFFGS Study would not cause new significant or potentially significant effects or substantially more severe effects, nor would conducting the proposed study increase the intensity of effects on hazards and hazardous materials relative to those discussed in the IS for the 2011 Georgiana Slough Non-Physical Barrier Study. No circumstances have changed that would result in new significant or potentially significant effects or substantially more severe effects, or that would increase the intensity of effects on hazards and hazardous materials. No new information exists that shows that conducting the proposed 2014 GSFFGS Study would have significant or potentially significant effects not discussed in the IS for the 2011 Georgiana Slough Non-Physical Barrier Study. Given these conditions, the proposed 2014 GSFFGS Study is consistent with CEQA requirements for the use of an addendum. The analysis of potential impacts on hazards and hazardous materials in