

# RECLAMATION

*Managing Water in the West*

## **Draft Environmental Assessment**

### **Contra Costa Water District Baldocchi Property Inclusion EA-13-038**



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

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## **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

The Bureau of Reclamation (Reclamation) has a long-term contract with the Contra Costa Water District (Contra Costa WD) (Contract No. 175r-3401A-LTR1), to deliver Central Valley Project (CVP) water to Contra Costa WD for municipal and industrial (M&I) use. Contra Costa WD delivers raw water to Diablo Water District (Diablo WD), who treats the water and then delivers it to customers in the City of Oakley, among others.

In March 1998, the Contra Costa County Local Agency Formation Commission (LAFCo) issued a certificate of compliance for the Annexation of the Cypress Hotchkiss Boundary Reorganization. This included several areas proposed for development, among them the 24-acre parcel now known as the Baldocchi Property (formerly Tuscany Estates), shown below in Figure 1-1. The property is located southeast of the corner of Sellers Avenue and East Cypress Road, and is planned by the City of Oakley for single-family residential use (Oakley 2004). Current plans call for about 100 residential lots and a small park on the property.

The proposed development is currently located outside of Contra Costa WD's contractual service area for CVP water. However, the LAFCo has given Contra Costa WD and Diablo WD permission to extend their service areas for the purpose of providing water service to the new development. Contra Costa WD is now requesting that Reclamation also approve inclusion of the 24-acre Baldocchi Property into the Contra Costa WD contractual service area for receipt of CVP water supplies.

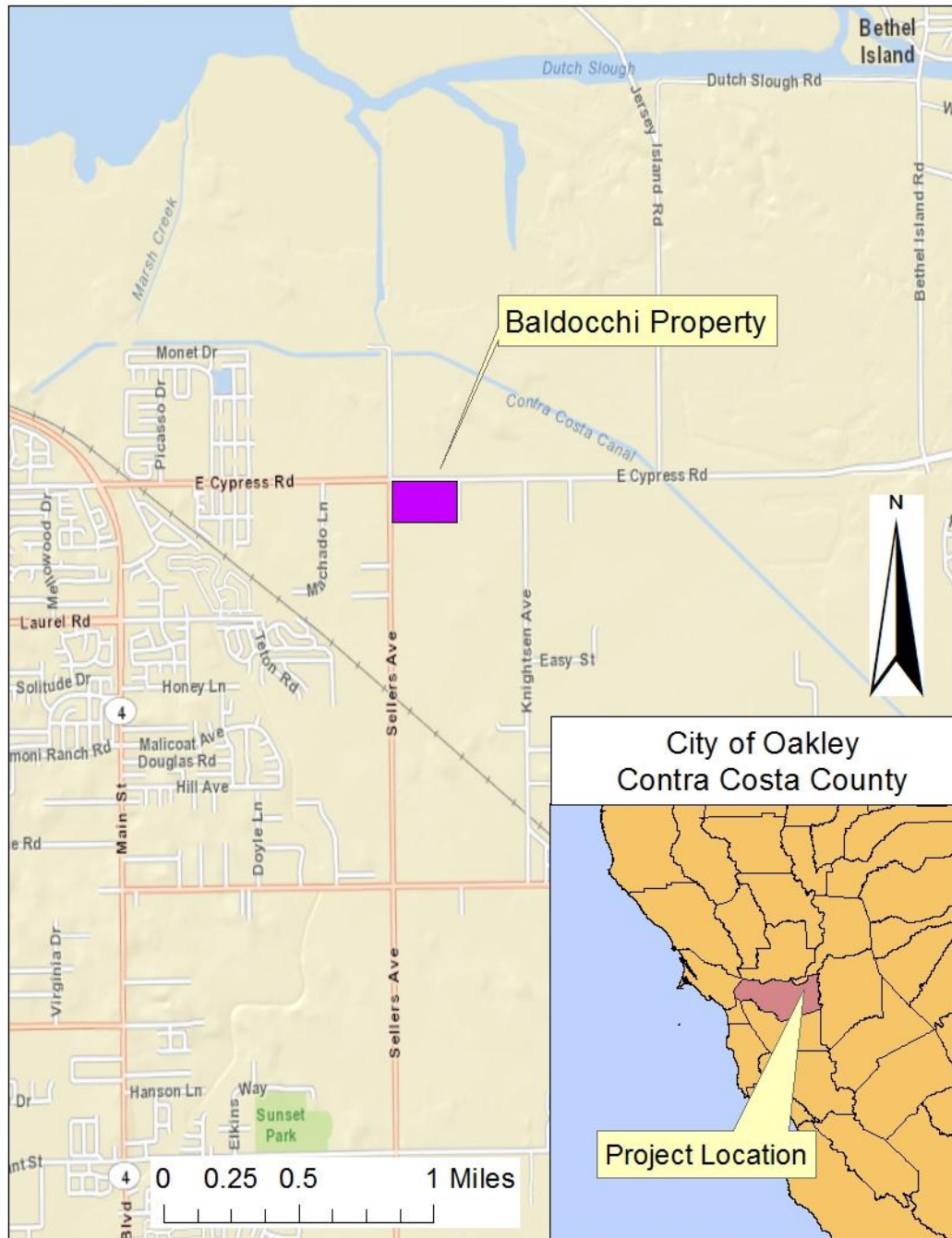


Figure 1-1 - Property Location

## 1.2 Need for the Proposed Action

The City of Oakley's General Plan calls for single-family residential development on the property under consideration. However, Contra Costa WD and Diablo WD cannot deliver water to the proposed development without Reclamation's approval. The purpose of the Proposed Action is to allow Contra Costa WD to include the proposed development into their CVP service area.

## **Section 2 Alternatives Including the Proposed Action**

This Environmental Assessment (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**

Under the No Action Alternative, Reclamation would not approve inclusion of the Baldocchi property into Contra Costa WD's boundaries. Alternative sources of water would have to be found to provide service to the proposed development. At the time of writing this EA, no willing sellers of water or other specific alternative water sources have been identified.

### **2.2 Proposed Action**

Reclamation proposes to approve the inclusion of Contra Costa County Assessor's Parcel Numbers 032-010-002 and 032-010-012 into Contra Costa WD's CVP service area.

Under the Proposed Action, Reclamation would approve the inclusion requested by Contra Costa WD under Article 35 of M&I water service Contract Number I75r-3401A-LTR1 between Contra Costa WD and Reclamation. This would add the Baldocchi Property into the Contra Costa WD CVP service area boundary and allow Contra Costa WD (via the Diablo WD) to deliver CVP water to the property.

Although a source of water is necessary to develop the property, Reclamation does not have land use authority. Following approval of the inclusion, the developer would begin construction on the site. Current plans call for approximately 100 residential units, and a small park area roughly 1.67 acres in size (see tentative map in Appendix A). Lot sizes would be a minimum of 5,000 square feet, with an overall density of approximately 4.2 units per acre (including the park area). Access to the subdivision would be from Sellers Avenue and Franklin Lane.

#### **2.2.1 Environmental Commitments**

The developer 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.

Table 2-1 Environmental Protection Measures and Commitments

<b>Resource</b>	<b>Protection Measure</b>
Air Quality	Comply with Bay Area Air Quality Management District (BAAQMD) requirements for control of fugitive dust in construction.
Water Quality	Comply with permits regarding management of stormwater runoff.
Biological Resources	The developer shall comply with the stipulations of the Habitat Conservation Plan/ Natural Community Conservation Plan (HCP/NCCP).



## 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 Resources Eliminated from Further Analysis

Reclamation analyzed the affected environment and determined that neither Proposed Action nor the No Action Alternative have the potential to cause direct, indirect, or cumulative effects to the resources listed in Table 3-1.

Table 3-1 Resources Eliminated from Further Analysis

Resource	Reason Eliminated
Indian 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 impact Indian Sacred Sites as there are no known Indian Sacred Sites in the project area. No direct or indirect impacts to Indian Sacred Sites would occur as a result of the Proposed Action.
Indian Trust Assets	The Proposed Action does not have a potential to affect Indian Trust Assets (see Appendix B).

### 3.2 Water Resources

#### 3.2.1 Affected Environment

The project site is not currently connected to a public water system. Under the Proposed Action, it would be connected to the City of Oakley's water supply. The City of Oakley is supplied by the Diablo WD, which receives its primary water supply from Contra Costa WD, supplemented with groundwater wells. Contra Costa WD's primary source of water is its CVP contract for a maximum of 195,000 acre-feet per year, subject to regulatory and other temporary restrictions that may be imposed due to drought or other conditions.

#### 3.2.2 Environmental Consequences

##### **No Action**

If the inclusion request were denied, construction of the Baldocchi Property project would be delayed until another source of water could be secured. No specific alternative water supplies have been identified.

##### **Proposed Action**

**Water Supply** The water proposed to serve the Baldocchi Property would come from existing CVP supplies that are allocated to the Contra Costa WD under its contract with Reclamation. No additional water would be diverted from rivers or

reservoirs. A condition of this approval is that no other new customers would be served by the water line.

**Water Quality** To reduce water quality impacts from soil erosion during construction, the State Water Resources Control Board (SWRCB) requires any development which disturbs one acre or more to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (SWRCB 2014). The general construction permit requires the developer to file a Notice of Intent for the proposed project and to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP prescribes site-specific Best Management Practices for controlling erosion and water quality impacts. Compliance with the Construction General permit and SWPPP are anticipated to adequately mitigate water quality impacts from construction associated with the Proposed Action.

In addition to short-term construction impacts, long-term water quality can be affected by runoff from developed areas. This stormwater can carry oils, lawn chemicals, sediment and litter, all of which can have an adverse effect on receiving water bodies. In order to mitigate these effects, the Regional Water Quality Control Board issued a municipal stormwater permit to Contra Costa County, its cities and towns, and the Contra Costa Flood Control and Water Conservation District in 1993. The requirements of the permit are implemented through the Contra Costa Clean Water Program's *Stormwater C.3 Guidebook; Stormwater Quality Requirements for Development Applications* (Contra Costa Clean Water Program 2012). The Guidebook outlines requirements for long-term stormwater management, depending on the size of impervious area, landscaping features, etc. Compliance with these standards and requirements is expected to adequately limit impacts from impervious area runoff to surface water quality.

The Contra Costa Canal (Canal) is located approximately 4,000 feet north of the project site. Due to the proximity of the waterway to the planned residential properties along East Cypress Road, stormwater runoff generated from roofs, roadways, and other new impervious surfaces could potentially affect water quality, resulting in both increased runoff as well as increased loading of urban pollutants into receiving waters. Contra Costa WD has expressed concern that drainage and seepage originating from the housing developments could impact the Canal's water quality. Contra Costa WD is in the process of encasing the unlined Canal segment from Marsh Creek to Sellers Avenue in a 10-foot pipeline (Reclamation 2013). This should eliminate the issue of stormwater runoff seeping into groundwater via the unlined Canal. The project applicant (East Cypress Developers) will provide a contribution towards the cost of replacing the unlined Canal with a pipeline under an existing agreement with Contra Costa WD.

### **Cumulative Impacts**

**Water Supply** Development of the Baldocchi property and similar parcels in the area would increase demand on the available supply of potable water. However, this development has already been considered in the course of planning for the

area's water needs. The City's Master Plan specifically mentions the "eastern expansion area" in its discussion of future water needs and planned capacity improvements (Oakley 2002a p. 4-20). The water needs for this area have therefore already been considered and evaluated, and the Proposed Action does not represent a potential for any new cumulative impacts to water supply.

**Water Quality** Developed areas have the potential to contribute to cumulative degradation of sensitive water resources, as a result of uncontrolled runoff from impervious areas. As described above, Contra Costa County regulates stormwater discharges from these areas and requires developers to incorporate stormwater control and improvement measures into their designs. The Proposed Action is within the scope of activities anticipated by this regulatory program, and is not expected to result in cumulative impacts beyond those already considered and evaluated.

### **3.3 Land Use**

#### **3.3.1 Affected Environment**

The project site is located in the City of Oakley. Within Oakley, land use policies are established in the City's General Plan and Zoning Code. The Baldocchi property and surrounding properties are currently in use for agriculture and/or low-density residential development. The City's general plan foresees conversion of the area to full residential development, with designated areas reserved for park and open space.

#### ***No Action***

If no action were taken, the property would remain in use for agriculture, and development would be delayed until another source of water could be identified. If an alternative source of water could not be secured, regional housing needs would have to be met elsewhere.

#### ***Proposed Action***

Under the Proposed Action, Reclamation would approve the inclusion requested by Contra Costa WD. Following approval of the inclusion, the developer would begin construction on the site. This would change the land use from agricultural use to a residential subdivision with approximately 100 housing units and a small park area. The proposed development is consistent with the City's general plan, and has received LAFCo approval.

#### ***Cumulative Impacts***

The Proposed Action, along with other projects in the City of Oakley, would change the intensity of land uses in the City's planning area. However, the 2020 General Plan designates this area for urban development, and anticipates this growth. All developments proposed and constructed within the City are reviewed for consistency with citywide land use controls and development standards during the course of the project review and approval process. Therefore the land use

controls and development standards presently in use within the City of Oakley adequately address cumulative land use impacts of new development.

### **3.4 Biological Resources**

#### **3.4.1 Affected Environment**

Reclamation requested an official species list from the U.S. Fish and Wildlife Service (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 June 5, 2014 (document number: 140605051605). The list is for the following U.S. Geological Survey 7½-minute topographic quadrangle: Brentwood (Service 2014). Reclamation further queried the California Department of Fish and Wildlife California Natural Diversity Database (CNDDB) for records of protected species within 10 miles of the construction area associated with the Proposed Action (CNDDB 2014). A summary table (Table 3-1) was created from the Service species list, CNDDB records, and additional information within Reclamation's files. The remainder of the information from this section was taken from the Planning Survey Report that was prepared for the Tuscany Estates Project for compliance with the East Contra Costa County HCP/NCCP (Winfield & Associates 2014a), and a report addressing the potential for wetlands or other waters under the jurisdiction of the U.S. Army Corps of Engineers (Winfield & Associates 2014b).

The project area is almost 24 acres in size. It was formerly a walnut orchard but in more recent years has been used to cultivate hay; the land is regularly tilled. Some trees remain on the site, and there are some buildings, which are currently in use. There is a ditch along the property that has basically converted into upland habitat, presumably because of a reduction in irrigated agriculture over time.

The project site provides potential habitat for two migratory bird species (both covered by the HCP/NCCP): the western burrowing owl and Swainson's hawk. The buildings are used for equipment and other material storage in support of the ongoing dry farming of the croplands that form the bulk of the project site and are not abandoned. There are five recorded observation of burrowing owls within one mile of the project site. The closest recorded burrowing owl observation is located approximately 1,353 feet east of the project site. The next nearest observation is approximately 3,055 feet west of the project site.

During a September 15, 2013 site reconnaissance by Winfield & Associates, ground squirrels were observed in the cropland areas. While the cropland could possibly provide suitable habitat for the burrowing owl, the presence of seasonal hay crop during the winter and spring months and harvesting of the hay crop in the spring likely precludes use of the cropland areas by nesting burrowing owls. Dispersing juvenile and adult burrowing owls could use the site during the summer and early fall months prior to preparation of fields for planting. The narrow strip of ruderal land cover consists primarily of an open ditch and narrow

hardened area along the south side of East Cypress Road. Ground squirrel burrows are present along the side slopes of the ditch, but because of the relatively dense growth of vegetation along most of the ditch it is unlikely that this area would be used by burrowing owls. No burrowing owls were observed during the September 15, 2013, site reconnaissance survey.

There are three Swainson's hawk nest sites within one mile of the project site but the nearest reported nest tree, located approximately 1,053 feet east of the project site, was cut down in 2005 and no recent nesting in other trees in the immediate vicinity has been recorded since 2005. The next nearest nest site is located approximately 1,170 feet west of the project site. The urban land cover supports trees, several of which could potentially be used for nesting by Swainson's hawks, but no potential nests were observed in these trees during the September 15, 2013 site reconnaissance survey.

Townsend's big-eared bat (a species covered by the HCP/NCCP) has not been recorded in Contra Costa County, according to the CNDDDB (2014) and other information in Reclamation's files. Bat surveys were conducted by Winfield & Associates in 2013 covering the abandoned buildings and trees at the nearby Emerson Property and no Townsend's big-eared bats were found. Based on the lack of records and present use of the buildings at the Baldocchi Property, which have not been abandoned, this species would not occur on the site, and no further surveys would be conducted for bats.

The cropland, which covers the majority of the area, is disturbed several times a year, including preparation of the area for planting (discing), planting, harvesting of the cover crop and discing following harvesting of the cover crop. It is unlikely that the cropland supports any of the covered plant species due to the continual disturbance. The narrow ruderal cover type is also periodically disturbed and, as a result, is unlikely to support any of the covered species.

Table 3-2 Federally listed species in the Brentwood quadrangle

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> )	FT, X	NE	<b>Absent.</b> No individuals or habitat in area of effect.
California tiger salamander ( <i>Ambystoma californiense</i> )	FT, X ST	NE	<b>Absent.</b> No individuals or habitat in area of effect.
<b>FISH</b>			
Central Valley steelhead ( <i>Oncorhynchus mykiss</i> ) (NMFS)	FT	NE	<b>Absent.</b> No natural waterways within the species' range will be affected by the Proposed Action.
delta smelt ( <i>Hypomesus transpacificus</i> )	FT, X, SE	NE	<b>Absent.</b> No natural waterways within the species' range will be affected by the Proposed Action.
Sacramento River	FE, SE	NE	<b>Absent.</b> No natural waterways within the species'

Species	Status <sup>1</sup>	Effects <sup>2</sup>	Occurrence in the Study Area <sup>3</sup>
winter-run chinook salmon ( <i>Oncorhynchus tshawytscha</i> )			range will be affected by the Proposed Action.
<b>INVERTEBRATES</b>			
Conservancy fairy shrimp ( <i>Branchinecta conservatio</i> )	FE	NE	<b>Absent.</b> No individuals or habitat in area of effect.
longhorn fairy shrimp ( <i>Branchinecta longiantenna</i> )	FE	NE	<b>Absent.</b> No individuals or habitat in area of effect.
valley elderberry longhorn beetle ( <i>Desmocerus californicus dimorphus</i> )	FT	NE	<b>Absent.</b> No individuals or habitat in area of effect.
vernal pool fairy shrimp ( <i>Branchinecta lynchi</i> )	FT, X	NE	<b>Absent.</b> No individuals or habitat in area of effect.
vernal pool tadpole shrimp ( <i>Lepidurus packardii</i> )	FE	NE	<b>Absent.</b> No individuals or habitat in area of effect.
<b>MAMMALS</b>			
San Joaquin kit fox ( <i>Vulpes macrotis mutica</i> )	FE, ST	NE	<b>Absent.</b> No individuals or habitat in area of effect.
<b>PLANTS</b>			
Antioch Dunes evening-primrose ( <i>Oenothera deltoides</i> ssp. <i>howellii</i> )	FE, SE	NE	<b>Absent.</b> No individuals or habitat in area of effect.
<b>REPTILES</b>			
Alameda whipsnake ( <i>Masticophis lateralis euryxanthus</i> )	FT, ST	NE	<b>Absent.</b> No individuals or habitat in area of effect.
giant garter snake ( <i>Thamnophis gigas</i> )	FT, ST	NE	<b>Absent.</b> No individuals or habitat in area of effect.
<p>1 Status= Listing of Federal and State special status species  FE: Federally-listed as endangered  FT: Federally-listed as threatened  NMFS: Species under the jurisdiction of the National Oceanic &amp; Atmospheric Administration Fisheries Service  SE: State-listed as endangered  ST: State-listed as threatened  X: Critical Habitat designated for this species in one or more quadrangles on the list</p> <p>2 Effects = Effect determination  NE: No Effect from the Proposed Action to federally listed species</p> <p>3 Definition Of Occurrence Indicators  Absent: Species not recorded in study area and habitat requirements not met</p>			

There are no Federally listed or proposed species that could occur in the area, and there is no critical habitat overlying the site, either.

### **3.4.2 Environmental Consequences**

#### ***No Action***

Under the No Action, the property would remain in agricultural production and could still be used by western burrowing owls and Swainson's hawks.

#### ***Proposed Action***

Development of the project site would impact potentially suitable breeding habitat for the western burrowing owl and may also affect Swainson's hawks.

Appropriate measures would be implemented as required by the HCP/NCCP, which would completely avoid any take (as defined by the Migratory Bird Treaty Act). Payment of fees into the HCP/NCCP would help to fund acquisition, protection, and management of habitat that would help to compensate for impacts to the species' habitat.

With the above limitations and based upon the nature of this action Reclamation has determined there would be No Effect to proposed or listed species or critical habitat under the Endangered Species Act of 1973, as amended (16 U.S.C. §1531 et seq.), and there would be no take of birds protected under the Migratory Bird Treaty Act (16 U.S.C. §703 et seq.).

#### ***Cumulative Impacts***

Contra Costa WD plans to encase the Contra Costa Canal segment directly to the north of the Emerson Ranch parcel in a pipeline and install a flood isolation structure at the Rock Slough Headworks just downstream of Rock Slough at the entrance of the Canal.

The Dutch Slough Restoration Project would restore wetland and upland habitats and provide public access to a 1,166-acre property owned by the Department of Water Resources.

There are numerous proposed and approved residential subdivisions and land development projects in the area. Reclamation has approved multiple boundary changes to include lands into Contra Costa WD's service area. Reclamation's consent for boundary changes to allow CVP water deliveries to support planned development projects is a contributing factor to the cumulative decline of habitats and biological resources. However, each proposed inclusion and development project undergoes separate environmental reviews and appropriate consultations in accordance with applicable laws, regulations and permits. Measures are imposed to avoid or offset the loss and decline of habitats, fish, wildlife and plants from the Contra Costa Canal Replacement Project and the land development projects. In addition, the Dutch Slough Restoration Project would increase the quality of habitat for biological species in the long term. Furthermore, the

HCP/NCCP has been expressly developed and designed to mitigate the cumulative impacts from development in the eastern portion of the county.

### **3.5 Cultural Resources**

“Cultural resources” is a broad term that includes prehistoric, historical, 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 with respect 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); such cultural resources are referred to as “historic properties.” The Section 106 process is outlined in the Federal regulations at 36 Code of Federal Regulations (CFR) Part 800. These regulations describe the process that the Federal agency (Reclamation) follows to identify and assess the level of effect that the proposed undertaking will have on historic properties. In summary, Reclamation must first determine if the action involves the type of activity that has the potential to cause effects on historic properties. If so, Reclamation must identify the area of potential effects (APE), determine if historic properties are present within the APE, determine the effect that the undertaking will have on historic properties, and consult with the State Historic Preservation Officer (SHPO) to seek concurrence with Reclamation’s finding of effect. In addition, Reclamation is required through the Section 106 process to consult with Indian tribes concerning sites of religious or cultural significance, and to consult with other individuals or groups who are entitled or have requested to be consulting parties.

#### **3.5.1 Affected Environment**

The Baldocchi property consists of a 24-acre parcel historically used for agricultural purposes and currently proposed for residential development, requiring inclusion into the Contra Costa WD CVP service area. Efforts to identify historic properties associated with the Baldocchi property were conducted by First Carbon Solutions, with supplemental information provided by Basin Research Associates and in-house research conducted by Reclamation cultural resources personnel.

Briefly, from historical maps, plats, and topographic quadrangles, it is known that what currently comprises the Baldocchi property was planted in walnut orchards by at least 1937. Prior to that time, there were no buildings or other mapped features on the parcel. The Baldocchi family constructed a single-family home on the property in 1953, taking tenancy in 1954. An irrigation ditch, which runs along the northern boundary of the property, first shows up on available historic aerial photographs in 1958. A barn, garage/workshop, and well pump shed were constructed on the property in the mid-1960s. The house, ditch, and outbuildings comprise the built environment on the Baldocchi Property. All have been



individually evaluated under all four criteria for National Register eligibility (36 CFR §60.4) and determined by Reclamation to be individually ineligible for National Register inclusion. Additionally, Reclamation evaluated the property as a whole for National Register eligibility and likewise determined it ineligible for the National Register. Historic properties identification efforts, including coordination with Indian tribes, failed to reveal any prehistoric cultural resources concerns on the property.

Based on the above, and pursuant to 36 CFR §800.4(d)(1), Reclamation consulted with, and received concurrence from, the SHPO on a finding of no historic properties affected for the inclusion of the Baldocchi property. See Appendix C.

### **3.5.2 Environmental Consequences**

#### ***No Action***

If no action were taken, Reclamation would have no undertaking under Section 106 of the NHPA and no other responsibilities related to compliance with cultural resources laws or regulations. Land use, and potential impacts to cultural resources, would remain unchanged until another water source sufficient for development is identified.

#### ***Proposed Action***

Under the proposed action, Reclamation would approve the inclusion requested by Contra Costa WD. Following approval of the inclusion, the Baldocchi property would be developed as planned. With Reclamation's determination that there are no historic properties within the Baldocchi property APE, and SHPO concurrence with Reclamation's Section 106 finding of no historic properties affected, implementation of the proposed action would result in no significant impacts to cultural resources.

#### ***Cumulative Impacts***

Ongoing residential and commercial development of lands in eastern Contra Costa County has the potential to result in cumulative impacts to significant cultural resources eligible for inclusion in the National Register, assuming such properties are present. However, any future proposed changes to water delivery areas, or the means of such delivery, requiring Reclamation approval would be subject to separate cultural resources reviews under NEPA and NHPA Section 106 as required. In such cases where significant cultural resources (i.e., historic properties) would be impacted by Reclamation action, such impacts would be mitigated or otherwise resolved through the Section 106 process.

## **3.6 Socioeconomic Resources**

### **3.6.1 Affected Environment**

Contra Costa County's economic indicators are better than for California as a whole. Per capita income is higher, and the unemployment and poverty rates are lower than statewide levels. See Table 3-3 for more information.

Table 3-3 Contra Costa County Economic Data (2012)

County	Per Capita Income	Unemployment Rate	Poverty Rate
Contra Costa County	\$38,106	9.0%	10.2%
California	\$29,551	11.4%	15.3%
Source: Census Bureau 2012 , Census Bureau 2013			

### 3.6.2 Environmental Consequences

#### **No Action**

If no action were taken, the property would remain in use for agriculture, and development would be delayed until another source of water could be identified. If an alternative source of water could not be secured, regional housing needs would have to be met elsewhere.

#### **Proposed Action**

The Proposed Action would allow addition of the Baldocchi site to Contra Costa WD's CVP service area. Following approval of the inclusion, the developer would begin construction consistent with the City of Oakley's General Plan. A short-term increase in economic activity would be expected from the construction of new homes, due to purchases of materials and equipment, as well as wages paid to laborers.

#### **Cumulative Impacts**

Construction of a new residential development is anticipated to provide a short-term economic benefit to the area. The cumulative effect of the Proposed Action and other similar actions is expected to be positive, supporting local businesses and providing additional employment and economic opportunities that otherwise would not be available.

Development in the area is regulated by local zoning ordinances. These land use policies are designed to manage growth in a way that provides a cumulative benefit to residents. The Proposed Action is consistent with these policies.

## 3.7 Environmental Justice Resources

### 3.7.1 Affected Environment

Contra Costa County's demographic characteristics are generally similar to California's as a whole, although the percentage of the population identifying as Hispanic or Latino is somewhat lower. See Table 3-4 for more information.

Table 3-4 Contra Costa County Demographic Data (2012)

	<b>White (not Hispanic)</b>	<b>Black or African American</b>	<b>American Indian</b>	<b>Asian</b>	<b>Native Hawaiian/ Pacific Islander</b>	<b>Hispanic or Latino</b>
Contra Costa County	68.3%	9.6%	1.0%	15.6%	0.6%	24.8%
California	73.7%	6.6%	1.7%	13.9%	0.5%	38.2%

### 3.7.2 Environmental Consequences

#### ***No Action***

If no action were taken, there would be no effect on minority or low-income populations.

#### ***Proposed Action***

The Proposed Action would lead to construction of a new residential subdivision. Construction laborers often come from low-income and minority populations, so this would provide a short-term benefit to disadvantaged communities in terms of increased employment opportunities.

#### ***Cumulative Impacts***

The Proposed Action is anticipated to provide short-term employment opportunities for construction laborers. Since construction laborers often come from disadvantaged communities, this is a benefit to minority and low-income populations. The cumulative effect of the Proposed Action, combined with other similar construction projects in the area, is also expected to be a benefit to those communities.

## 3.8 Air Quality

Section 176 (C) of the Clean Air Act [CAA] (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 CAA (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.

### **3.8.1 Affected Environment**

Despite progress in improving air quality, the San Francisco Bay Area Air Basin remains in non-attainment for the Federal 8-hour ozone standard and the Federal 24-hour PM<sub>2.5</sub> standard. California's more stringent 1-hour and 8-hour ozone standards, annual PM<sub>10</sub> and PM<sub>2.5</sub> standards, and 24-hour PM<sub>10</sub> standard also have not been attained (CARB 2014). Emissions in the San Francisco Bay Area not only contribute to nonattainment in the immediate area, but also contribute to air quality standard exceedences in air basins downwind.

On September 15, 2010, the BAAQMD adopted the Bay Area 2010 Clean Air Plan (CAP) and a program Environmental Impact Report on the CAP. The CAP is a multi-pollutant plan that provides strategies for attaining standards for ozone, PM, air toxics, and greenhouse gases in a single plan. The CAP is intended to: (1) reduce emissions and decrease ambient concentrations of harmful pollutants; (2) safeguard public health by reducing exposure to air pollutants that pose the greatest health risk, with an emphasis on protecting the communities already affected by air pollution; and (3) reduce greenhouse gas (GHG) emissions to protect the climate (BAAQMD 2010a).

### **3.8.2 Environmental Consequences**

#### ***No Action***

Under the No Action Alternative there would be no impact to regional air quality, as existing conditions would continue, until another source of water could be secured.

#### ***Proposed Action***

The BAAQMD has established screening thresholds to determine whether a proposed project has a potential to exceed their air quality standards. These thresholds vary by proposed land use and density. The applicable standard for the Proposed Action (single family residences) is 114 dwelling units (BAAQMD 2010b). Since the development is only proposed to have around 100 dwelling units, the Proposed Action would not exceed the air quality screening threshold established by BAAQMD.

In the development of their 2020 Plan, the City of Oakley identified control of fugitive dust from construction as a way to reduce air quality concerns in the area. The Environmental Impact Report for the 2020 Plan calls for compliance with dust control measures established by the BAAQMD. These include restrictions such as limiting outdoor storage of particulate matter, covering of truck loads and

using paved areas for vehicle maneuvering (Oakley 2002b, p. 3-58). Compliance with these requirements is anticipated to reduce fugitive dust to acceptable levels.

### ***Cumulative Impacts***

The City of Oakley recognizes the potential for development to cumulatively affect compliance with air quality goals. The 2020 General Plan accounts for this cumulative effect and identifies control measures to avoid unacceptable impacts. The plan is anticipated to adequately address potential cumulative air quality impacts.

## **3.9 Global Climate**

### **3.9.1 Affected Environment**

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 2014).

Some GHG, such as carbon dioxide, 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: carbon dioxide, methane, nitrous oxide, and fluorinated gasses (EPA 2014).

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 carbon dioxide and methane, are enhancing the natural greenhouse effect, and likely contributing to an increase in global average temperature and related climate changes.

### **3.9.2 Environmental Consequences**

#### ***No Action***

Under the No Action Alternative there would be no impact to global climate change, as conditions would remain the same as existing conditions.

#### ***Proposed Action***

The developer for the Baldocchi property calculated estimated GHG emissions from construction and operation (long-term occupancy) using the CalEEMod model. The total emissions, in carbon dioxide equivalents, were less than 3,000 metric tons (First Carbon Solutions 2013). This is below the significance threshold of 25,000 metric tons that has been established by the EPA. Therefore the GHG emissions from the Proposed Action are expected to represent a *de minimis* contribution with respect to climate change.

***Cumulative Impacts***

GHG by their nature are global and cumulative in effect. While this project would add to the global inventory of GHG, its contribution would be so minor in the context of overall climatic trends that it can be discounted.

## **Section 4 Consultation and Coordination**

### **4.1 Public Review Period**

Reclamation intends to provide the public with an opportunity to comment on the Draft Finding of No Significant Impact and Draft EA during a 30 day public review period.

### **4.2 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 would not affect any Federally listed or proposed species or critical habitat. Therefore, no consultation is required. A copy of the EA and Finding of No Significant Impact will be sent to the Service when they are released for public review, along with a notice of Reclamation's determination (this notice is required for any inclusions).

### **4.3 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 Federal agencies to consider the effects of their undertakings on historic properties (i.e., cultural resources eligible for inclusion in the National Register) and provide the Advisory Council on Historic Preservation an opportunity to comment on such undertakings. Compliance with Section 106 of the NHPA, implemented through the 36 CFR Part 800 regulations, follows a series of steps that are designed to identify and involve appropriate consulting parties, determine the area of potential effects for the undertaking, identify historic properties in the area of potential effects, and assess and resolve effects to any historic properties identified through the Section 106 process.

Based on a review of the available information, and pursuant to 36 CFR §800.4(d)(1), Reclamation consulted with, and received concurrence from, the SHPO on a finding of no historic properties affected for the inclusion of the Baldocchi property.

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