

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Inclusion Review for Baldocchi Property into Contra Costa Water District Boundaries

FONSI-13-038



Mission Statements

The mission of the Department of the Interior is to protect and manage the Nation's natural resources and cultural heritage; provide scientific and other information about those resources; and honor its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated 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.

BUREAU OF RECLAMATION
South-Central California Area Office, Fresno, California


FONSI-13-038

**Contra Costa Water District Baldocchi
Property Inclusion**



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12-11-14
Date




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12/11/14
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12/15/2014
Date

Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the South-Central California Area Office of the Bureau of Reclamation (Reclamation), has determined that an environmental impact statement (EIS) is not required for addition of the Baldocchi property into the Central Valley Project (CVP) service area for Contra Costa Water District (Contra Costa WD). This Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA) 13-038, *Inclusion Review for Baldocchi Property into Contra Costa Water District Boundaries*, which is hereby incorporated by reference.

Reclamation provided the public with an opportunity to comment on the Draft EA and FONSI between October 27, 2014 and November 26, 2014. No comments were received.

Background

Reclamation has a long-term contract with the Contra Costa WD (Contract No. 175r-3401A-LTR1), to deliver 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 November 2005, the Contra Costa County Local Agency Formation Commission (LAFCo) issued a certificate of compliance for the Annexation of the Westerly Area Boundary Reorganization consisting of approximately 80.47 acres. This included several areas proposed for development, among them the 24-acre parcel now known as the Baldocchi Property (formerly Tuscany Estates). 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. 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 approve inclusion of the 24-acre Baldocchi Property into the Contra Costa WD contractual service area for receipt of CVP water supplies.

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.

Following approval of the inclusion, the developer would begin construction on the site, consistent with the City of Oakley's General Plan. Current plans call for approximately 100 residential units, and a small park area roughly 1.67 acres in size. 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.

Environmental Commitments

The developer shall implement the environmental protection measures listed in Table 2-1 of EA-13-038 to reduce environmental consequences associated with the Proposed Action. Environmental consequences for resource areas assume the measures specified would be fully implemented.

Findings

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:

Water Resources

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 land outside the CVP service area shall receive water from the water line serving the proposed development.

Water Quality

To reduce water quality impacts from soil erosion during construction, the State Water Resources Control Board 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. 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 minimize 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*. 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 as well as installing a flood isolation structure downstream of the Rock Slough Headworks. 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.

Land Use

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.

Biological Resources

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 Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP), which would completely avoid any take (as defined by the Migratory Bird Treaty Act). Payment of fees by the developer 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.).

Cultural Resources

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, consistent with the City of Oakley's General Plan. Reclamation has determined that there are no historic properties within the Baldocchi property area of potential effect. The State Historic Preservation Officer concurred with Reclamation's Section 106 finding of no historic properties affected on October 8, 2014 (see Appendix C to EA 13-038). As such, implementation of the Proposed Action would result in no significant impacts to cultural resources.

Indian Sacred Sites

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 of EA 13-038 for Reclamation's determination.

Environmental Justice

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.

Air Quality

The Bay Area Air Quality Management District (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. 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. Compliance with these requirements is anticipated to reduce fugitive dust to acceptable levels.

Global Climate Change

The developer for the Baldocchi property calculated estimated greenhouse gas (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. This is below the significance threshold of 25,000 metric tons that has been established by the Environmental Protection Agency. Therefore the GHG emissions from the Proposed Action are expected to represent a *de minimis* contribution with respect to climate change.

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 of Oakley's Master Plan specifically mentions the "eastern expansion area" in its discussion of future water needs and planned capacity improvements. 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.

Land Use

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.

Biological Resources

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

Cultural Resources

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 of Historic Places, 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 the National Historic Preservation Act Section 106 as required. In such cases where significant cultural resources (i.e., historic properties) would be impacted by Reclamation's action, such impacts would be mitigated or otherwise resolved through the Section 106 process.

Socioeconomic Resources

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.

Environmental Justice

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.

Air Quality

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.

Global Climate

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