

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Dike 1 Modification Project

California Area Office

FONSI 14-12-CCAO

Prepared by:

Beth Dyer
Beth Dyer
Natural Resources Specialist
Central California Area Office

Date: 12/23/14

Concurrence by:

Kyle Keer
Kyle Keer
Project Manager
Central California Area Office

Date: 23 Dec 2014

Elizabeth Vasquez
Elizabeth Vasquez
Chief, Resources Management Division
Central California Area Office

Date: 12/23/14

Approved by:

Drew Lessard
Drew Lessard
Area Manager
Central California Area Office

Date: 12/24/14



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FINDINGS

The Bureau of Reclamation has determined that the Dike 1 Modification project will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) is not required and will not be prepared for this project, based on the fact that there will be no short-term or long-term adverse impacts on the human environment resulting from the Proposed Action.

This decision is based on a thorough review of the 2014 Dike 1 Modification Project, Central California Area Office, Folsom California, Environmental Assessment (EA dated November 2014). This decision is in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500-1508) and the Department of the Interior (DOI) regulations for implementation of NEPA (43 CFR Part 46). A finding of no significant impact is based on the following;

Indian Trust Assets (ITAs) - There are no known ITA's or treaty rights exercised by tribes, nor are there any reservations or trust lands located within or adjacent to the Proposed Action that will be affected. The proposed action does not have a potential to affect ITA.

Indian Sacred Sites - There are no identified Indian Sacred Sites within the action area and therefore this project will not inhibit use or access to any Indian Sacred Sites.

Environmental Justice - The Proposed Action will not have any disproportionately negative impact on low-income or minority individuals within the action area. Conditions under this action will be identical to current conditions

Global Climate Change - The short-term nature of the construction phase, the relatively small increase in construction traffic is not expected to cause a significant increase in green house gasses. Therefore, there will be no impact to global climate change under the Proposed Action.

Cultural Resources - Reclamation has determined that this undertaking, will not cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1) of the National Historic Preservation Act. After reviewing the proposed project, Reclamation's Regional Cultural Resources Division wrote in an e-mail dated September 25, 2014 to Reclamation's Central California Area Office Natural Resources Division, stating that the 2007 evaluation and National Historic Preservation Act consultation package that was sent to the SHPO regarding Safety of Dams at Folsom considered the proposed project in its consultation. Therefore the effects of the proposed project have already been addressed in the overall evaluation of cultural resources.

Recreation/Land Use – The majority of the proposed project would take place in the area downstream of Dike 1. There are no trails in the area immediately downstream of Dike 1, therefore there would be no disruptions to recreation in that area. The perimeter of the construction site would be fenced with orange construction fencing to ensure that the construction limits are clearly delineated to the public.

These measures, combined with low visitation to Granite Bay recreation area in the winter months and the temporary nature of the proposed action, would result in only de minimus impacts to recreation and land use in the Granite Bay recreation area.

Impacts to recreation and land-use will be temporary -lasting only from December 2014, to April 2015. No other projects have been identified that would impact recreation at Granite Bay recreation area during this time period. No adverse cumulative impacts are therefore expected.

Biological Resources – The valley elderberry longhorn beetle occurs in riparian woodlands, where it feeds on the pith and leaves of blue elderberry (*Sambucus mexicana*) shrubs. The presence of exit holes on the stems of the elderberry shrubs may indicate the presence of the valley elderberry longhorn beetle. A cluster of 3 elderberry shrubs was observed during the April 18, 2014 surveillance survey adjacent to an existing road accessing the top of Dike 1 by Ms. Amber Aguilera, a qualified Service Biologist and Douglas Weinrich, Chief of the Habitat Conservation Division of the Service. Although none of the shrubs contain exit holes, the beetle is completely dependent on this shrub species, thus the shrub will be protected during Project activities. The elderberry shrubs already occur in disturbed context as is evident given the adjacent paved road. The following mitigation measure will be implemented to reduce potential impacts on valley elderberry longhorn beetle to an insignificant or discountable level:

- Implementation of the Service Conservation Guidelines for the Valley Elderberry Longhorn Beetle will prevent disturbance to the Valley Elderberry Longhorn Beetle. Elderberry shrubs located within the action area shall be fenced in accordance with these guidelines, and signage will be posted indicating the need for avoidance.
- Potential impacts to listed species will be minimized by having excavation monitored by a biological monitor who can halt construction if there appear to be impacts to any of the ESA listed species. In the event that a listed species is observed, work will stop immediately and Reclamation will consult the Service to determine an appropriate course of action.
- All onsite staff will receive mandatory Environmental Awareness Training prior to working on the project site. This training will include species identification information and photos, an explanation of Federal laws protecting these listed species, and employee's personal responsibility to avoid the take of listed species. All employees will acknowledge that they have received and read the training, and this documentation will be kept on file and will be available on request.
- Avoid impacts to native trees, shrubs, aquatic vegetation. Any native trees or shrubs removed with the diameter of breast height of 2 inches or greater should be replaced on-site, in-kind with container plantings so that the combined diameter of the container plantings is

equal to the combined diameter of the trees removed. These replacement plantings should be monitored for 5 years or until they are determined to be established and self-sustaining. The planting site(s) should be protected in perpetuity.

- Avoid future impacts to the site by ensuring all fill material is free of contaminants.

The project has the potential to affect nesting avian species. As mitigation, Reclamation would clear all vegetation prior to the start of the avian nesting period, February 15. Additionally, Reclamation will continue avian monitoring commitments that were made in the 2007 Folsom Dam Safety and Flood Damage Reduction Record of Decision, and include Dike 1 in ongoing surveys.

- Avoid impacts to migratory birds nesting in trees along all the access routes and adjacent to the proposed repair sites by conducting pre-construction surveys for active nests along proposed haul roads, staging areas, and construction sites. Work activity around active nests should be avoided until the young have fledged. Protocol from the California Department of Fish and Wildlife (CDFW) for Swainson's hawk would suffice for the pre-construction survey for raptors.
- *A focused survey for Swainson's hawk nests will be conducted by a qualified biologist during the nesting season (February 1 to August 31) to identify active nests within 0.25 mile of the project area. The survey will be conducted no less than 14 days and no more than 30 days prior to the beginning of construction. If nesting Swainson's hawks are found within 0.25 mile of the project area, no construction will occur during the active nesting season of February 1 to August 31, or until the young have fledged (as determined by a qualified biologist), unless otherwise negotiated with the California Department of Fish and Wildlife. If work is begun and completed between September 1 and February 28, a survey is not required.*
- Minimize the impact of removing and trimming all trees and shrubs by having these activities supervised and/or completed by a certified arborist.

Air Quality - Air quality impacts associated with the Proposed Action would result from short term construction-related emissions, including dust and vehicle emissions. Construction activities would result in the temporary generation of reactive organic gases, (contributing to ozone), oxides of nitrogen, and PM 10 emissions from site preparation and compaction and from motor vehicle exhaust associated with construction equipment. There will be no emission of criteria pollutants that would cause detectable changes to the baseline conditions or exceed Federal, State, and local thresholds due to the Proposed Action.

Grading and filling activities will utilize bulldozers, excavators, front-end loaders, and long reach excavators to perform construction activities. This construction machinery will work below, on, and adjacent to Dike 1 as construction progresses. The work will be done between January 13, 2015 and April 30, 2015.

To minimize the potential impacts associated with dust emissions, Reclamation would implement the following measures:

- Unpaved areas subject to vehicle traffic must be stabilized by being kept wet, treated with a chemical dust suppressant, or covered. In geographic ultramafic rock units, or when naturally occurring asbestos, ultramafic rock, or serpentine is to be disturbed, the cover material shall contain less than 0.25 percent asbestos as determined using the bulk sampling method for asbestos in Section 502.
- The speed of any vehicles and equipment traveling across unpaved areas must be no more than 15 miles per hour unless the road surface and surrounding area is sufficiently stabilized to prevent vehicles and equipment traveling more than 15 miles per hour from emitting dust exceeding Ringelmann 2 or visible emissions from crossing the project boundary line.
- Storage piles and disturbed areas not subject to vehicular traffic must be stabilized by being kept wet, treated with a chemical dust suppressant, or covered when material is not being added to or removed from the pile.
- Prior to any ground disturbance, including grading, excavating, and land clearing, sufficient water must be applied to the area to be disturbed to prevent emitting dust exceeding Ringelmann 2 and to minimize visible emissions from crossing the boundary line.
- Construction vehicles leaving the site must be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off site.
- When wind speeds are high enough to result in dust emissions crossing the boundary line, despite the application of dust mitigation measures, grading and earthmoving operations shall be suspended.
- No trucks are allowed to transport excavated material off-site unless the trucks are maintained such that no spillage can occur from holes or other openings in cargo compartments, and loads are either;
 - Covered with tarps; or
 - Wetted and loaded such that the material does not touch the front, back, or sides of the cargo compartment at any point less than six inches from the top and that no point of the load extends above the top of the cargo compartment.
- A person shall take actions such as surface stabilization, establishment of a vegetative cover, or paving, to minimize wind-driven dust from inactive disturbed surface areas.

Traffic - The Proposed Action would require that Reclamation manage public traffic across the crest of Dike 1. A 20-foot wide haul road, approximately 900 feet in length, would be constructed from the staging area to the south end of the dike. The haul road would be surfaced with 6 inches of compacted road base and lined with orange construction fencing for public safety. The alignment would follow an existing trail located on the upstream side of Park Road. The haul road would intersect Park Road at the southern end of the dike (left abutment). Construction traffic will cross the asphalt road at this location and continue onto the work area on the downstream face of Dike 1. A full time flagger will be provided by Reclamation to manage traffic at the intersection. Park Road would remain open to two-lane traffic while construction is taking place on the downstream toe of Dike 1. As the downstream berm rises in elevation, the active construction area would move closer to the crest road. This would require the crest road to be reduced to one lane of traffic in order to provide a safety buffer between the

construction area and public traffic. A second flagger on the north end of the dike (right abutment) would be provided by Reclamation while construction is taking place near and on the crest and the roadway is reduced to one lane. Reflective vertical panels and appropriate signage would be provided and placed by Reclamation to delineate the roadway into one lane. It is anticipated that construction near and on the crest and the accompanying lane closure would be completed in one 10-day shift. Because construction would not impact the existing asphalt roadway, two-lane traffic would be allowed across the crest when construction crews are off-shift. The Park Road is closed at night and would not require traffic control during nighttime hours. Adverse effects to the general public traffic from implementation of the Proposed Action are considered to be at “de minimus” levels.

Cumulative Effects - Reclamation’s action is to ensure the safety of the public and correct Dike 1’s potential for failure by constructing a downstream overlay with sand chimney filter and toe drain to mitigate the risk. There would be no adverse impact that contribute to cumulative changes or impacts to water resources, recreation/land use, biological resources, cultural resources, air quality, traffic, Indian Trust Assets, Indian Sacred Sites, environmental justice, global climate change. Therefore, there would be no cumulative impacts as a result of the Proposed Action.

SUMMARY OF ENVIRONMENTAL IMPACTS

The expected environmental effects of the Proposed Action are described in Chapter 3 of the attached EA. The environmental analysis indicates that the Proposed Action meets the purpose and need described in the EA with negligible effects to the human environment.

ENVIRONMENTAL COMMITMENTS

Reclamation is obligated to ensure fulfillment of any environmental commitments prescribed to mitigate or eliminate impacts resulting from implementation of the Proposed Action.

The following commitments are assumed under the Proposed Action:

- All applicable federal, state, and local regulations will be followed. Industry standard BMPs will be utilized during construction.
- Pre-construction avian surveys will be conducted during nesting season (February 15-August 31). If an active nest is found near the proposed project area, nesting area will be avoided. In the event it cannot be avoided, appropriate mitigation measures will be set and adhered to.
- The following measures will be adhered to during construction of the Proposed Action to control fugitive dust; Water all active construction during windy conditions; Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least two feet of freeboard; Exposed stockpiles should either be covered or enclosed and watered twice a day; Limit traffic speeds on unpaved road to 15 mph.

- When associated construction activities are scheduled to occur, notice will be posted on-site and on Reclamations website: <http://www.usbr.gov/mp/>.
- Any activities outside of the Proposed Action will be analyzed under a separate environmental analysis.
- Activities will adhere to all permit requirements under the Clean Water Act Section 401 and Section 404. Section 401 of the Clean Water Act (CWA) (33 U.S.C. § 1311) prohibits the discharge of any pollutants into navigable waters, except as allowed by permit issued under sections 402 and 404 of the CWA (33 U.S.C. § 1342 and 1344). Section 404 of the CWA authorizes the U. S. Army Corps of Engineers to issue permits to regulate the discharge of “dredged or fill materials into waters of the United States” (33 U.S.C. § 1344).
- If the project activities change or circumstances are altered after this review, there may be additional Section 106 review responsibilities up to and including consultation with the California State Historic Preservation Office. Any additional site specific development of the concession areas will require Section 106 review and will be considered a new action.
- In the event cultural resources or human remains are encountered during implementation of the project all work in the immediate project area will be stopped and a Reclamation archaeologist would be contacted immediately.