

FINDING OF NO SIGNIFICANT IMPACT

**San Joaquin River Restoration Program
2015 Juvenile Fall-Run Chinook Salmon Trap and Haul Study**

United States Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
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BACKGROUND

In 1988, a coalition of environmental groups, led by the Natural Resources Defense Council (NRDC), filed a lawsuit challenging the renewal of long-term water service contracts between the United States and Central Valley Project Friant Division. After more than 18 years of litigation, *NRDC, et al., v. Kirk Rodgers, et al.*, a settlement was reached (Settlement). On September 31, 2006, the Settling Parties, including NRDC, Friant Water Users Authority (now represented by the Friant Water Authority), and the U.S. Departments of the Interior and Commerce, agreed on the terms and conditions of the Settlement, which was subsequently approved by the U.S. Eastern District Court of California on October 23, 2006. The Settlement establishes two primary goals:

- Restoration Goal – To restore and maintain fish populations in “good condition” in the main stem of the San Joaquin River below Friant Dam to the confluence of the Merced River, including naturally reproducing and self-sustaining populations of salmon and other fish.
- Water Management Goal – To reduce or avoid adverse water supply impacts on all of the Friant Contractors that may result from the Interim Flows and Restoration Flows provided for in the Settlement.

Under the proposed action, in support of the Settlement Restoration Goal, Reclamation will implement a study in 2015 to assess the feasibility of moving juvenile fall-run Chinook salmon to the downstream portion of the Restoration Area to areas where the San Joaquin River is connected in low flow years and no migration barriers exist. In addition, under the proposed action, Reclamation will monitor fish movements in Reach 1 of the San Joaquin River during a critical hydrologic water-year type where minimal to no flow pulses are available to cue juvenile salmon to downstream migration in already low water conditions.

In 2014, the San Joaquin River Restoration Program (SJRRP) implemented a Fall-Run Juvenile Trap and Haul Study, as analyzed and disclosed in the 2014 SJRRP Trap and Haul Environmental Assessment (2014 EA) (Attachment 1). The intent of this finding of no new significant impact is to disclose the minimal changes to the proposed action for implementation in 2015 (changes in dates and locations). The impacts associated with the proposed action of implementing a trap and haul study in 2015 will be within those analyzed and disclosed in the 2014 EA.

To capture juvenile fish, temporary fence weirs will be installed in four locations in Reach 1 of the San Joaquin River: Scout Island, Milburn Avenue, Highway 99, and West Herndon Avenue (Attachment 2). In addition, temporary fish collection netting will be installed at Donnie Bridge. A total of four nets will be installed from the bridge allowing boat passage on the Fresno County side of the river. If Friant Dam flows improve to over

300 cfs, there is potential to install a rotary screw trap near Highway 99. Installation of the temporary weirs, netting, and rotary screw trap is anticipated to take up to two weeks to complete.

Collection devices will be checked for fish and cleaned of debris daily.

Any fish species other than Chinook salmon that may be incidentally trapped will be released immediately downstream of the collection structures. Trapped fall-run salmon will be netted and placed in 5-gallon buckets with lids to transfer them to a 300 gallon fish transport tank. Salmon will be collected daily and transported to the release site using a standard-size pickup truck.

In order to evaluate the efficiency of the collection methods presented above, efficiency tests will be performed at the sampling locations. PIT tagged salmon will be used to evaluate this efficiency. PIT tag antennas will be installed both upstream and downstream of all sample locations. This will allow biologists to determine whether released salmon were “experiment participants” (*i.e.*, if the fish swim upstream of the collection device, they are considered non-participants and cannot be included in the total numbers of fish used to evaluate the efficiency). Downstream PIT tag arrays will also determine how many salmon pass and are not collected. Downstream arrays also determine the “catch efficiency” of the collection devices. Numbers of salmon used in the efficiency test will be determined by availability in March or April. Representative samples of collections (all mortalities and sacrificed samples) will be provided to California Department of Fish and Wildlife and California State University, Fresno for genetic analysis and stomach content analysis. Proposed release sites will be determined by water temperature, flow, and river connectivity, and could include the confluence of the San Joaquin and Merced Rivers near Newman, or the confluence of the San Joaquin and Tuolumne Rivers near Patterson.

The proposed action will occur from February through June 2014, as allowed by hydrologic conditions and fish presence. If water temperatures reach a level that would compromise salmon survival, trapping will cease at that location. Following completion of trap and haul activities, fish collection structures will be removed from the channel and stored at an off-site facility. With the exception of the changes in dates and locations for 2015, the proposed action is further described in the attached 2014 EA.

To minimize potential impacts of the proposed action, Reclamation will implement the following measures as described in the 2014 EA.

- In accordance with the U.S. Fish and Wildlife Service Conservation Guidelines for Valley Elderberry Longhorn Beetle (VELB), to avoid any impacts to VELB, no mechanized equipment will operate within 100 feet of elderberry shrubs, and no work will be done within 20 feet of the outer edge of any elderberry shrubs.
- The project area will be visually inspected prior to fish collection and release activities to ensure no San Joaquin kit foxes or dens are present.

- In order to avoid potentially working within areas that may be suitable for giant garter snake (GGS), a 100-foot buffer will be maintained around all backwater sloughs when installing t-posts for the temporary fish collection structures. Cut banks will be avoided when moving or anchoring equipment in order to avoid potential GGS dens.
- Spring-run Chinook salmon released by the SJRRP in April 2014 are not anticipated to be present in the proposed action area. Fall-run Chinook salmon collection actions under the proposed action will be coordinated with any planned 2015 SJRRP releases of spring-run Chinook salmon in the San Joaquin River so that any potential impacts to spring-run Chinook salmon are avoided.
- Reclamation will place signage to alert boaters of the temporary fish collection structures upstream and downstream of the temporary fish collection structures, and at Camp Pashayan, Milburn Unit, Scout Island, Fresno Sportsmen's Club, Fort Washington Campground, Lost Lake County Park, and Friant Dam Landing.
- Temporary fish collection structures will include flashing safety lights and flagging to alert boaters.
- Temporary fence weirs will include boat passage with bright paint and signage to direct boaters to its location.

Although the 2014 EA found that there would be no adverse impacts to vegetation and wildlife, including aquatic species and species protected by the Migratory Bird Treaty Act, additional measures will be incorporated into the proposed action for 2015 to ensure avoidance of any nesting birds, burrowing owls, special-status raptors, and Western pond turtle. These measures include the following:

- In order to avoid working in areas of any nesting birds, burrowing owls, and special-status raptors, the project area will be surveyed prior to project activities to ensure no nesting birds, burrowing owls, and special-status raptors are present in the area; and
- Prior to project activities, surveys for Western pond turtle will be conducted to ensure no turtles or nests are located in the vicinity of project activities and ensure a 300-foot no-disturbance buffer of any known nest sites.

FINDINGS

The impacts associated with the proposed action will be within those analyzed and disclosed in the 2014 EA (attached for reference). The attached EA was prepared to evaluate the potential environmental impacts associated with the 2014 proposed action and the no action alternative. In accordance with the National Environmental Policy Act of 1969, as amended, Reclamation has found that the proposed action, the 2015 juvenile fall-run Chinook salmon trap and haul study, is not a major Federal action that would significantly affect the human environment. Therefore, an environmental impact statement is not required.

This finding of no significant impact is based on the following (as described in the 2014 EA):

- The proposed action will have no effect on the following resources: groundwater, land use, geology and soils, agricultural resources, noise, power, public health, transportation, utilities, visual resources, cultural resources, Indian trust assets, or greenhouse gases and climate change. The proposed action will not have any adverse cumulative effects.
- Under the proposed action, installation of the temporary fish collection structures and fish collection and release activities are not anticipated to significantly alter hydrodynamics in the river channel given the anticipated low flows. While increases in turbidity may occur during installation of the temporary fish collection structures and collection and release of fish, these impacts are anticipated to be minor, as all work will be done by hand, and these impacts will be temporary in nature.
- The proposed action will have a potential beneficial effect on fall-run Chinook salmon by moving captured juveniles from unsuitable conditions to downstream locations where their ocean migration can continue. Fall-run Chinook salmon collection actions under the proposed action will be coordinated with any potential planned SJRRP releases of spring-run Chinook salmon in the San Joaquin River so that any potential impacts to spring-run Chinook salmon are avoided. Reclamation obtained a list of special status species potentially occurring in the project vicinity from the U.S. Fish and Wildlife Service on January 29, 2015. Under the proposed action, there will be no adverse effects to vegetation and wildlife, and no effect to Endangered Species Act listed species, critical habitats, essential fish habitat, or species protected by the Migratory Bird Treaty Act.
- The temporary fish collection structures will be located outside (upstream) of the area of the San Joaquin River subject to regulation by the US Army Corps of Engineers under Section 10 of the Rivers and Harbors Act. Because they will extend bank to bank, installation of the temporary fish collection weirs could adversely impact boaters in this reach of the river, as they would have to navigate around the structures. However, initial coordination with stakeholders indicated that most canoers and kayakers utilize areas upstream of the proposed action, and thus will not be affected. As previously described, Reclamation will implement several measures to provide boat passage and avoid and minimize potential impacts to boaters in the proposed collection areas.
- The proposed action will not result in a substantial increase in long-term regional or local emissions. Therefore, emissions are not anticipated to violate an air quality standard, contribute substantially to an existing or projected air quality violation or conflict with or obstruct implementation of Air Resources Board and San Joaquin Valley Air Pollution Control District air planning efforts.