DRAFT FINDING OF NO SIGNIFICANT IMPACT

San Joaquin River Restoration Program
Sycamore Island Pond Isolation Project

United States Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
Sacramento, California

Recommended:_____
Natural Resource Specialist Date

Concurred:_____
Project Manager Date

Concurred: _____
Deputy Program Manager – Restoration Goal Date

Approved:_____
Program Manager Date

FONSI Number:

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BACKGROUND

There are several reclaimed gravel pits created by past mining operations along the San Joaquin River in Reach 1 of the SJRRP Restoration Area. Many of these gravel pits are separated from each other and from the river by earthen berms. The earthen berm that previously separated one of these gravel pits (Pit 46e) from the river channel and provided a vehicle access road was breached in a 2005 high-flow event. The San Joaquin River Conservancy (Conservancy) is proposing to restore alternate vehicle access to the Sycamore Island Recreation Area by repairing the berm breach and isolating Pit 46e from the river channel. The Project would also construct an equalization saddle, strengthen the existing berm, create a gravel road on top of the saddle and berm and create floodplain habitat.

In addition to meeting the Conservancy's objectives, the proposed repair of the Pit 46e berm breach would also contribute to achieving the San Joaquin River Restoration Settlement's (Settlement) Restoration Goal by providing floodplain habitat, reducing the pond's effect on river water temperature, improving salmon migration, and providing additional off-stream recreational fishing benefits. Therefore, Reclamation supports Department of Water Resources (DWR) and the Conservancy in implementation of the project and is proposing to provide partial funding for the project. Construction is anticipated to begin summer 2016, and would last approximately 6 months. For additional information on the Restoration Goal and the Settlement see the attached draft environmental assessment (EA).

To minimize potential impacts of the Proposed Action, Reclamation will implement the following measures as described in the attached draft EA:

Water Resources

1. DWR's construction contractor will obtain a National Pollutant Discharge Elimination System permit and implement the measures specified in the permit, including turbidity monitoring, which will be done in accordance with California Regional Water Quality Control Board, Central Valley Region(CVRWQCB), California Department of Fish and Wildlife (DFW) and United States Army Corps of Engineers (USACE) permit requirements, as applicable.

2. Trees and other vegetation will only be removed if necessary; vegetation outside of construction areas will not be removed.

3. Matting or netting will be placed on exposed soil surfaces to control erosion.

4. Fiber rolls will be used on steep slopes at appropriate intervals.

5. Sand bags will be placed, as necessary, to control sediment, runoff, or dissipate runoff energy.

6. Mulch will be applied to disturbed soils to minimize wind and rain effects.

7. Stockpiles will be located at least 50 feet away from drainage courses and sediment control measures will be installed around them.

8. Silt fences will be installed at bottoms of slopes, stockpiles of fill material and other exposed sites. Silt fence will be accompanied with ponding area sufficient to prevent over topping.

9. Earthen dikes and drainage swales will be installed, as necessary to control runoff.

10. If water sensors are used they will be inspected as specified by the manufacturer recommendations.

11. The Revegetation Plan (Draft EA Appendix A) will be implemented.

12. Turbidity curtain(s) may be installed in the water around fill areas or downstream of fill areas to reduce turbidity. If turbidity curtains are used, they will be inspected and adjusted to meet turbidity levels.

13. Construction vehicles will be cleaned at a cleaning station before being used for construction work in or near the water.

14. Turbidity will be monitored upstream and downstream of the project site in accordance with CVRWQCB, DFW and USACE permit conditions, as applicable.

Biological Resources

Terrestrial

1. Replacement trees will be grown from on-site cuttings, or if obtained from a native plant nursery, will be locally adapted ecotypes of native tree or shrub species.

2. Mitigation replacement ratios, and other conditions, including control of invasive species, established during coordination with CVRWQCB, California State Lands Commission, DFW and USACE will be implemented as applicable.

3. Wetlands will be avoided during construction to the extent possible.

4. If wetlands cannot be avoided, impacts will be minimized by covering the wetlands with Visqueen before fill is deposited. Once construction is complete, the fill will be excavated down to the Visqueen, and the Visqueen will be removed from the wetland. Alternatively, one or more bottomless culverts will be used as part of the temporary crossing to cover and protect the wetlands. The bottomless culverts and temporary crossing will be removed when construction is complete.

5. Topsoil will be protected. Top soils from wetlands and Other Waters of the U.S areas will be excavated and stockpiled separately from upland borrow site topsoil. Excavation of topsoil will be monitored by a qualified geologist to ensure that the soil is excavated and stockpiled correctly, and that the soil horizons are preserved.

6. After construction is complete, under the direction of a qualified geologist, the topsoil will be replaced using a minimum number of machine passes to reduce disturbance to microorganisms. Topsoil originally excavated from wetlands and Other Waters of the U.S. areas will be placed in the areas from which it was taken to rehabilitate the habitat.

7. Any excavated soils containing scarlet wisteria (*sesbania punicea*) or yellow star thistle (*centaurea solstitialis*) will be placed upon a tarp or Visqueen and will not be placed in the water. Invasive species control will be coordinated with DFW.

8. Invasive species will not be used in mulching, composting, or otherwise placed in or around the project site, nor will they be stockpiled in the riverbed or on the bank.

9. Control of invasive species will be coordinated with DFW; permit conditions will be implemented as applicable.

Special Status Species

San Joaquin Kit Fox

1. An employee education program will be conducted. The program will consist of a brief presentation by a qualified wildlife biologist. The program will include the following: A description of the San Joaquin kit fox and its habitat needs; a report of SJKF occurrence in the Project Area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction. A fact sheet conveying this information will be prepared for distribution to construction personnel.

2. A representative will be appointed who will be the contact for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during

the employee education program and their name and telephone number will be provided to the FWS and DFW.

3. Project-related vehicles will observe a daytime speed limit of 15-mph throughout the site in all project areas, except on state and federal highways; after dark, the speed limit will be reduced to 10-mph. Off-road traffic outside of designated project areas will be prohibited.

4. Work at night will not be allowed.

5. To prevent inadvertent entrapment of kit foxes or other animals during construction, all excavated, steep-walled holes or trenches more than 2 feet deep will be covered with plywood or similar materials at the end of each work day. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks will be installed. Before such holes or trenches are filled, they will be inspected for trapped animals.

6. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe will not be moved until the FWS or DFW have been consulted. If necessary, and under the direct supervision of the biologist, the pipe will be moved only once to remove it from the path of construction activity, until the fox has escaped.

7. All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in securely closed containers and removed at least once a week from the project site.

8. No firearms will be allowed on the project site.

9. No pets will be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens.

10. Use of rodenticides and herbicides in the project area will not be allowed except for control of invasive plant species.

11. Upon completion of the project, all areas subject to temporary ground disturbances, including staging areas, temporary roads, and borrow sites will be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions.

12. Death, injury, or entrapment of SJKF will immediately be reported to USFWS and CDFW staff. Written reports will be submitted within three working days of the event.

13. Sightings of SJKF will be reported to the California Natural Diversity Database.

Central Valley Spring-run Chinook salmon

1. SJRRP Central Valley spring-run Chinook salmon trap and haul activities will be coordinated with DWR and the Conservancy during construction of the Proposed Action to avoid placing fish in the vicinity of the project area to the extent feasible. Reclamation, DWR and the Conservancy will coordinate with National Marine Fisheries Service (NMFS) and DFW prior to construction on potential construction phasing strategies to minimize in-channel work to the extent feasible when spring-run Chinook may be present in the Project Area.

2. Reclamation and DWR will coordinate with NMFS and DFW on construction materials to be used for the temporary crossing.

Migratory Birds

1. Nest surveys for species protected by the MBTA will be conducted at least two weeks prior to the beginning of construction. Surveys will be coordinated with DFW and FWS.

2. Nests observed during pre-construction surveys will be avoided to the greatest extent possible.

Swainson's Hawk

1. If an active Swainson's hawk nest is located within a quarter mile radius of the Project Area, DFW and FWS will be consulted.

2. If required by DFW, project-related disturbances near active Swainson's hawk and Osprey nests will be reduced or eliminated during the critical phase of the nesting cycle (March 1 –September 15).

Western Pond Turtle

1. Preconstruction surveys will be conducted for western pond turtles according to protocols established by DFW. A qualified biologist with a scientific collecting permit will monitor construction activities and look for western pond turtle during construction. Additional mitigation measures, as necessary, including the possibility of moving western pond turtles out of the construction area, will be coordinated by DWR with DFW.

Air Quality

1. All disturbed areas, including storage piles, which are not being actively used for construction purposes, will be effectively stabilized for dust emissions

using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

2. All on-site unpaved roads and off-site unpaved access roads will be effectively stabilized for dust emissions using water or chemical stabilizer/suppressant.

3. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities will be effectively controlled for fugitive dust emissions by presoaking or water application.

4. When materials are transported off-site, all material will be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container will be maintained.

5. All operations will limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry rotary brushes will be expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices will be expressly forbidden.

6. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, the piles will be effectively stabilized for fugitive dust emissions using a sufficient amount of water or chemical stabilizer/suppressant.

7. In urban areas, trackout will be immediately removed when it extends 50 or more feet from the site, and at the end of each workday.

8. Any site with 150 or more vehicle trips per day will prevent carryout and trackout.

9. Limit traffic speeds on unpaved roads to 15 mph.

10. Suspend excavation and grading activity when winds exceed 20 mph.

11. Construction equipment will be maintained according to manufacturer's specifications.

12. Construction vehicle idling time will be limited.

13. To minimize dust emissions on unpaved roads and all project entry points and to increase fuel efficiency of vehicles and reduce emissions; vehicles driven in the construction area will be limited to 15 miles per hour.

14. On-road and off-road vehicle tire pressures will be maintained to manufacturer specifications. Tires will be checked and re-inflated at regular intervals.

15. Vehicles and equipment will be equipped with noise suppressing mufflers and exhaust systems and will be maintained to manufacturer's specifications.

16. Equipment will be shut off when not in use.

Noise

1. Construction activities will be limited to hours designated by Fresno and Madera County construction noise ordinances.

Hazards and Hazardous Materials

1. Equipment fueling and maintenance will only occur in the staging areas and away from the water.

2. All employees will be trained in the handling and storage of potentially hazardous materials.

3. All applicable federal and state regulations will be followed.

4. Construction equipment will be properly maintained and cleaned, especially when working in or near the water.

5. The contractor will develop a Spill Prevention and Clean-up Plan and will ensure that all employees understand and comply with it.

6. Spill containment and clean-up supplies will be available on all construction vehicles and in the staging areas and borrow sites.

7. Accidental spills and discharges, whether to soil or water, will be immediately contained and cleaned up.

8. Spills and discharges will immediately be reported to the CVRWQCB.

9. Spill containment materials will be placed in and under abandoned vehicles being removed from the project site prior to moving them to prevent hazardous fluids from contaminating soil or water.

10. The vehicles will be moved in a way that minimizes the possibility of leaking or spilling fluids.

11. The vehicles will be disposed of per CVRWQCB and county regulations.

12. The soil beneath the abandoned vehicles will be tested.

13. If VOCs are identified, the San Joaquin Valley Air Pollution Control District Rule 4651 will be implemented and the soil will be disposed of pursuant to applicable local, state, and federal laws and regulations.

14. The contractor will implement a fire prevention and suppression plan.

15. Construction crews will be given contact information for the nearest fire stations.

16. Dry brush and vegetation will be removed from access roads, shoulders, and work areas to reduce fire hazards.

17. All equipment and vehicles in the project area will be equipped with spark arrestors, fire extinguishers, and shovels.

Recreation

1. As part of the site preparation phase at least two weeks before equipment mobilization, signs will be posted at access roads and in recreational areas upstream and downstream of the construction area to notify recreationists of project area restrictions.

2. As part of the site preparation phase, and at least two weeks prior to equipment mobilization, signs redirecting boaters to boat ramps, picnic areas, trails, and river access points outside of the construction area will be posted.

3. Fencing will be installed, where feasible, to restrict public access to the construction area and borrow sites.

FINDINGS

The attached draft EA was prepared to evaluate the potential environmental impacts associated with the 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 of providing partial funding for the Sycamore Island Pond Isolation Project, as further described in the attached draft EA, 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 further described in the attached draft EA:

- The Proposed Action would have no effect on the following resources: agricultural resources, Indian Trust Assets, socioeconomic resources, population and housing, land use, environment justice, and utilities and public services.

- The Proposed Action would have no impact on water supplies and groundwater resources. The Proposed Action would have slightly more temporary construction related impacts to water quality than the No Action Alternative due to an increased potential for erosion, sediment transport turbidity, and release of

other pollutants into soils and water in the project footprint. However, construction-related impacts would be temporary, and implementation of the Water Quality environmental commitments listed above would avoid and minimize the potential for construction-related impacts to water quality to the extent feasible. The Proposed Action would have a long-term beneficial impact to water quality by isolating the gravel pit pond and planting riparian vegetation, improving water temperatures in the San Joaquin River channel.

- Under the Proposed Action, ten native trees would be removed during construction activities. Jurisdictional wetlands would be temporarily impacted by construction of the temporary crossing and permanently impacted by repairing the berm breach. Approximately 30,000 cubic yards of fill would be used to create up to two acres of floodplain along the strengthened berm on the Madera County side of the river. This would be a beneficial effect of the Proposed Action. Fill will also be used to repair the berm breach and to repair a road crossing near the northeast side of Borrow Site 1. Riverine and Willow Riparian/Riparian scrub habitat would be impacted during construction activities in these areas. However, function of the riverine and riparian habitat would continue.

  Construction of the Proposed Action has a low potential to affect special status species, including San Joaquin kit fox, Central Valley spring-run Chinook salmon, Central Valley fall-run Chinook salmon, hardhead, western pond turtle and Swainson's hawk. Implementation of the Terrestrial, Central Valley Spring-Run Chinook Salmon and Water Quality environmental commitments, as described above, would avoid and minimize potential construction-related impacts on terrestrial and aquatic habitats and special status species.

  Construction of the Proposed Action would adversely affect Essential Fish Habitat (EFH) by filling some areas for berm repair, but the Proposed Action would also create approximately two acres of floodplain habitat, which would benefit EFH in the project vicinity.

  Construction activities could occur during the breeding and nesting and potentially cause impacts to nesting birds. However, implementation of the Migratory Birds environmental commitments, as described above, would avoid and minimize potential impacts to species protected by the Migratory Bird Treaty Act.

- Reclamation reviewed the Proposed Action pursuant to the requirements of Section 106 of the NHPA and reached a finding, with SHPO concurrence, of no historic properties affected pursuant to 36 CFR § 800.4(d)(1).

- The Proposed Action would have temporary air quality impacts similar to the No Action Alternative, but for a slightly longer duration, as the Proposed Action would allow for a larger scale project to be constructed. The Air Quality environmental commitments, as described above, would avoid and minimize

potential air quality impacts under the Proposed Action. Construction activities would temporarily contribute additional particulate matter to an air basin that is already classified as nonattainment. However, this project qualifies as a small project and will not conflict with or obstruct implementation of any air quality plan or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under federal or state ambient air quality standards. The amount of GHG emissions would not conflict with the reduction targets of Assembly Bill-32. The Proposed Action has been designed to accommodate climate change over the 50 year project life.

- The Proposed Action would have noise impacts similar to the No Action Alternative. Air Quality Environmental Commitments 15 and 16, and the Noise environmental commitment, as described above, would avoid and minimize noise impacts under the Proposed Action.

- The Proposed Action would have transportation impacts similar to the No Action Alternative. The Project would not construct new access roads, or alter any existing roads. The Project would not obstruct emergency access. Once the berm breach is repaired, emergency access between Sycamore Island and the Van Buren Unit would be improved.

- The Proposed Action would have impacts to geology and soils similar to those described for the No Action Alternative. Excavation and construction of floodplains would expose soils to erosion. Increased erosion could occur during clearing of the staging areas for use, excavating material from the borrow site, when stockpiling fill material and topsoil, and when constructing floodplains. Excavation during Project construction would require removal of topsoil in the staging areas, in the borrow area, and during construction of the floodplains. Implementation of the Air Quality environmental commitments, as described above, would avoid and minimize potential impacts to geology and soils.

- The Proposed Action would have impacts from hazards and hazardous materials similar to those described for the No Action Alternative. Potentially hazardous materials such as gasoline, oil, and other lubricants necessary for operation of construction equipment would be present at the project site and could accidentally be released into the environment. Operation of construction vehicles and tools could increase fire risk especially in areas with dry grass. Presence of a construction site in a recreation area could pose a public health and safety hazard. Implementation of the Hazards and Hazardous Materials environmental commitments, as described above, would avoid and minimize potential impacts from hazards and hazardous materials under the Proposed Action.

- While construction equipment and activities would be visible during the six month construction period, once construction is complete, the area disturbed during construction would be revegetated. Because the habitat currently in the project area is disturbed with only remnants of native vegetation, the Project

would ultimately improve the visual character and quality of the site and surroundings.

- Cumulative impacts of the Proposed Action and other past, present and reasonably foreseeable future actions to restore habitat along the San Joaquin River, including implementation of other SJRRP projects contributing to achieving the Restoration Goal would have a beneficial effect on water quality and aquatic resources, including salmonid habitat designated as EFH in accordance with the Magnuson Stevens Fishery Conservation and Management Act. The Proposed Action would contribute to a cumulative beneficial effect on recreation as part of the Conservancy's Parkway Plan and River West Plan. The Proposed Action would not considerably contribute to cumulative impacts on cultural resources, noise, hazardous materials, transportation, public utilities and services, or aesthetics, terrestrial biological resources and air quality or GHG emissions.