

RECLAMATION

Managing Water in the West

Environmental Assessment

Protection of Alkali Scrub Habitat on the Sand Ridge at the Atwell Island Project, Kings and Tulare Counties, California

15-16-MP



U.S. Bureau of Reclamation
Mid-Pacific Region
Sacramento, California

December 2015

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 commitment 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.

List of Abbreviations and Acronyms

AIP	Atwell Island Project
BLM	Bureau of Land Management
CEQ	Council on Environmental Quality
CVP	Central Valley Project
CVPCP	Central Valley Project Conservation Program
D-1641	State Water Quality Control Board Decision 1641
DOI	Department of the Interior
EA	Environmental Assessment
HRP	Habitat Restoration Program
ITA	Indian Trust Assets
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
RMP	Resource Management Plan
SWRCB	State Water Resources Control Board
USFWS	U.S. Fish and Wildlife Service

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Section 1 Introduction

1.1 Background

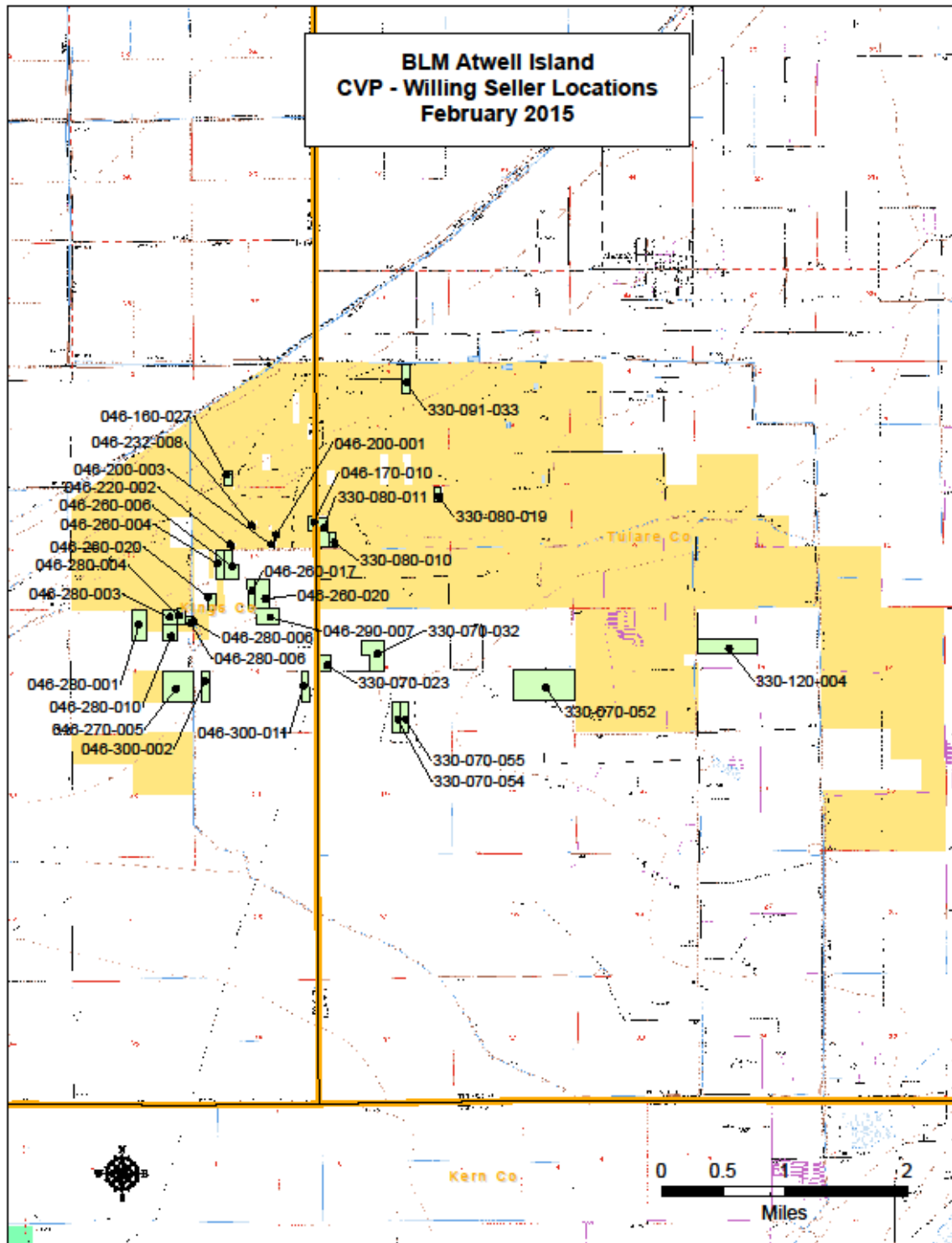
In conformance with the National Environmental Policy Act of 1969 (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR 1500-1508), and DOI Regulations (43 CFR Part 46), the Bureau of Reclamation (Reclamation) prepared this Environmental Assessment (EA) to evaluate and disclose any potential environmental impacts associated with providing funds to the Bureau of Land Management (BLM) for a project titled *Protection of Alkali Scrub Habitat on the Sand Ridge at the Atwell Island Project, Kings and Tulare Counties, California*. Using grant funds, BLM would purchase 14 parcels of land containing 250.8 acres to expand the Atwell Island Project (AIP) at which BLM manages the lands for the protection of special status species and wildlife travel corridors. Through interagency agreement R15PG00094, Reclamation would provide \$835,400 for land acquisitions through the Central Valley Project Improvement Act Habitat Restoration Program (HRP), and the Central Valley Project Conservation Program (CVPCP). The parcels proposed to be acquired are located in the southern San Joaquin Valley in unincorporated portions of Tulare and Kings Counties in the Tulare Basin, adjacent to the AIP (Figure 1).

1.2 Need for the Proposal

The HRP and CVPCP help mitigate past impacts of Reclamation's Central Valley Project (CVP) on threatened and endangered species, and help minimize future impacts. The programs also help meet mitigation required of Reclamation by the California State Water Resources Control Board (SWRCB) Decision 1641 (D-1641). On December 29, 1999, through D-1641 the SWRCB concurred with a Reclamation petition to expand its authorized place of use to include certain areas already receiving CVP water. The Decision states that Reclamation shall provide compensation and habitat values that mitigate for actions associated with the delivery of CVP water to lands previously outside the authorized place of use. The HRP and CVPCP are programs through which Reclamation provides mitigation to meet D-1641 requirements.

The federally-listed Tipton kangaroo rat (*Dipodomys nitratooides nitratooides*), San Joaquin kit fox (*Vulpes macrotis mutica*) and blunt-nosed leopard lizard (*Gambelia sila*) would benefit from acquisition and conservation of lands at the AIP by BLM. The species' populations have declined as a direct result of the conversion of arid grasslands and scrublands to irrigated agriculture in the western San Joaquin Valley (USFWS 1998), in part due to the availability of CVP water.

Figure 1. Locations and Assessor's Parcel Numbers of the proposed acquisition parcels. The parcels to be purchased are among those shown in green. Parcels are adjacent to, or near, the current Atwell Island Project (in yellow).



Section 2 Alternatives Including Proposed Action

2.1 No Action Alternative

Under the no action alternative, Reclamation would not provide \$835,400 from the CVPCP and HRP to BLM to purchase 250.8 acres in unincorporated portions of Tulare and Kings Counties. BLM would need to obtain the \$835,400 from other public and/or private sources. If the funding cannot be secured, BLM would not be able to purchase and preserve the parcels.

It is reasonable to assume the land's owners would sell the parcels to private parties and the lands would be converted into private residences, or to orchards or other agricultural uses. The area has experienced an increase in agricultural production of almonds and pistachios. Historically, agricultural lands with alkaline soils such as those found at the parcels have been used as pastures for grazing. However, pistachios can be grown on more alkaline soils which have resulted in an increase in the conversion of grazing and fallowed cropland into tree crops in the area. The increase in tree crops has put additional stress on groundwater resources, and BLM reports that groundwater levels at the AIP and its vicinity are dropping, in part due to groundwater pumping for irrigation.

2.2 Proposed Action

Reclamation would provide \$835,400 from the HRP and CVPCP to BLM to help purchase 14 parcels of land totaling 250.8 acres in unincorporated portions of the Tulare Basin in Tulare and Kings Counties. BLM has prioritized the parcels among those available for purchase based on their ability to improve habitat connectivity to other protected lands within the AIP, and which are at the greatest threat from development.

After their acquisition, BLM would inventory the parcels and manage them consistent with the Bakersfield Resource Management Plan and AIP Management Plan. BLM's goals and objectives under those plans are to manage the lands for the protection of special status species, promote environmental education, and create wildlife-related recreational opportunities that are compatible with the protection of special status species habitats and populations.

Further information on achieving these goals and objectives can be found in the Atwell Island Restoration Project Activities 2000-2001 report of the Interagency Land Retirement Team which describes the approved management actions for lands administered by BLM's Bakersfield Field Office (DOI 2010).

Section 3 Affected Environment and Environmental Consequences

This section identifies the potentially affected environmental resources and the environmental consequences that could result from the Proposed Action and the No Action Alternatives.

3.1 Resources Not Analyzed in Detail

Department of the Interior Regulations, Executive Orders, and Reclamation guidelines require a discussion of the following items when preparing environmental documentation:

3.1.1 Cultural Resources

A Reclamation Archaeologist has reviewed the project description and has determined that the proposed action does not have the potential to cause effects to historic properties, should such properties be present, pursuant to the National Historic Preservation Act (NHPA) Section 106 regulations codified under 36 CFR § 800.3(a)(1). Reclamation has no further obligations under NHPA Section 106, pursuant to 36 CFR § 800.3(a)(1) (Appendix A).

The proposed action involves no ground disturbing activity, and constitutes solely the provision for funding from Reclamation to BLM toward acquisition of the land. Once obtained, the BLM would be the land managing agency of record, and thus responsible for any further NHPA Section 106 obligations outside the scope of this undertaking.

3.1.2 Indian Trust Assets

Indian Trust Assets (ITAs) are legal interests in property or rights held in trust by the United States for Indian Tribes or individual Indians. Indian reservations, Rancherias, and Public Domain Allotments are common ITAs in California. The nearest ITA is a Public Domain Allotment, approximately 27 miles northwest of the project location. Based on the nature of the planned work it does not appear to be in an area that will impact Indian hunting or fishing resources or water rights nor is the proposed activity on actual Indian lands. It is reasonable to assume that the proposed action will not have any adverse impacts on this ITA (Appendix B).

3.1.3 Indian Sacred Sites

Executive Order (EO) 13007 was signed on May 24, 1996, “to protect and preserve Indian religious practices” on Federal lands. To the extent possible, Federal agencies are directed to “(1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies shall maintain the confidentiality of sacred sites.” EO 13007 applies to sacred sites identified by federally-recognized Indian tribes on Federal land. After the acquisition of the parcels and ownership is

transferred to BLM, EO 13007 would become effective. BLM would be responsible for working with any tribes to ensure any activities related to the action do not impede use of sacred sites.

3.1.4 Environmental Justice

Executive Order 12898 requires each Federal agency to identify and address disproportionately high and adverse human health or environmental effects, including social and economic effects of its program, policies, and activities on minority populations and low-income populations. Since there would be no impact to any populations through a change in ownership of the parcels, there would be no adverse human health or environmental effects to minority or low-income populations.

In 1976, Congress passed legislation to provide funding to counties through Payments in Lieu of Taxes (PILT) in order to compensate for tax revenues not received from Federal lands. These taxes would typically fund various services that are provided by counties (road maintenance, emergency services, and law enforcement). The PILT payments are determined using a formula which accounts for the county acreage of federal land, county population and the previous year's revenue sharing from resource uses on federal land (timber, range, mining etc.). After the acquisition of the parcels and ownership is transferred to BLM, the parcels would be managed consistent with BLM's existing plans and policies. BLM makes payments to Kings and Tulare Counties based on each county's total entitlement acreage. The qualifying entitlement acreage for PILT could offset losses from county property taxes.

3.2 Biological Resources

3.2.1 Affected Environment

The proposed acquisition parcels are located within a transition zone between a sandy ridge near the southeast shore of what was once Tulare Lake, and the historic Ton Tache lakebed of Tulare Lake. The parcels are comprised of annual grasses, alkali scrub, and areas with sparse vegetation. Orchards and other developed croplands are present in the surrounding area. Table 1 lists the special status species that have been sighted on, or in the vicinity of, the parcels. The species may currently occupy one or more of the parcels, or may do so in the future once the lands are purchased by BLM and managed for the benefit of special status species. The species sightings are either recorded occurrences in the California Natural Diversity Database, or were seen by BLM employees during surveys of the area.

Table 1. Special Status Species sighted at or in the vicinity of the Proposed Acquisition Parcels

Common Name	Scientific Name	Federal Status ^a	State Status ^b	Other Designated Status
Plants				
Heartscale	<i>Atriplex cordulata</i>			CNPS ^c 1B
Crownscale	<i>Atriplex coronata</i> var.			CNPS 4

Common Name	Scientific Name	Federal Status ^a	State Status ^b	Other Designated Status
	<i>coronata</i>			
Brittlescale	<i>Atriplex depressa</i>			CNPS 1B
Earlimart orache	<i>Atriplex erecticaulis</i>			CNPS 1B
Recurved larkspur	<i>Delphinium recurvatum</i>			CNPS 1B
Amphibians				
Western spadefoot	<i>Spea hammondi</i>		CSC	
Reptiles				
Blunt-nosed leopard lizard	<i>Gambelia silus</i>	E	E	FP
Coast horned lizard	<i>Phrynosoma blainvillii</i>		CSC	
San Joaquin coachwhip	<i>Masticophis flagellum ruddocki</i>		CSC	
Birds				
Fulvous whistling-duck	<i>Dendrocygna bicolor</i>		CSC	
White-faced ibis	<i>Plegadis chihi</i>		CSC	
White-tailed kite	<i>Elanus leucurus</i>		FP	
Northern harrier	<i>Circus cyaneus</i>		CSC	
Swainson's hawk	<i>Buteo swainsoni</i>		T	WL ^d
Ferruginous hawk	<i>Buteo regalis</i>			
Golden eagle	<i>Aquila chrysaetos</i>			FP
Merlin	<i>Falco columbarius</i>			
Greater sandhill crane	<i>Grus canadensis tabida</i>		T	FP
Mountain plover	<i>Charadrius montanus</i>	P	CSC	WL
Long-billed curlew	<i>Numenius americanus</i>			WL
Burrowing owl	<i>Athene cunicularia</i>		CSC	
Short-eared owl	<i>Asio flammeus</i>		CSC	
Loggerhead shrike	<i>Lanius ludovicianus</i>		CSC	
California horned lark	<i>Eremophila alpestris actia</i>			WL
Oregon vesper sparrow	<i>Pooecetes gramineus affinis</i>		CSC	
Lark sparrow	<i>Chondestes grammacus</i>			
Blue grosbeak	<i>Passerina caerulea</i>			RHJV ^e
Tricolored blackbird	<i>Agelaius tricolor</i>		E	WL
Lawrence's goldfinch	<i>Spinus lawrencei</i>		CSC	WL
Mammals				
Pallid bat	<i>Antrozous pallidus</i>		CSC	

Common Name	Scientific Name	Federal Status ^a	State Status ^b	Other Designated Status
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>		CSC	
Spotted bat	<i>Euderma maculatum</i>		CSC	
Western mastiff bat	<i>Eumops perotis californicus</i>		CSC	
San Joaquin kit fox	<i>Vulpes macrotis mutica</i>	E	E	
Tipton kangaroo rat	<i>Dipodomys nitratooides nitratooides</i>	E	E	
Tulare grasshopper mouse	<i>Onychomys torridus tularensis</i>		CSC	
American badger	<i>Taxidea taxus</i>		CSC	

^aE = federally listed as endangered, T = federally listed as threatened

^bE = state listed as endangered, R = state listed as rare, T = state listed as threatened, C = state listed as candidate
CSC = California species of special concern, FP = California fully protected species

^cCalifornia Native Plant Society

^dAmerican Bird Conservancy Watchlist of Birds of Conservation Concern

^eRiparian Habitat Joint Venture Focal Species

3.2.2 Environmental Consequences

No Action

Under the no action alternative, Reclamation would not provide \$835,400 from the HRP and CVPCP to purchases 250.8 acres. To implement the proposed project, BLM would be required to obtain the \$835,400 from other public and/or private sources. If BLM was not able to obtain funds via other sources, it is reasonable to assume the land's owners would sell the parcels to private parties and the lands would be converted into residences, or to orchards or other agricultural uses. Habitats of special status species would continue to be fragmented as the result of land conversions, and migratory corridors would be further reduced.

Proposed Action

Reclamation would provide \$835,400 from the HRP and CVPCP to BLM to purchase 14 parcels totaling 250.8 acres. The acquired parcels would be incorporated by BLM into the AIP and managed to benefit special status species. The proposed project would directly benefit the long-term conservation and management of several federally-listed species and numerous species of other designations (Table 1) through permanent protection of the land, reduction of habitat fragmentation, and management to conserve their habitats on the parcels.

Migratory birds such as mountain plover, double-crested cormorant, black-necked stilt and their habitats are protected under the Migratory Bird Treaty Act, as amended (16 U.S.C 703 et seq.). Since the acquisition parcels would be managed under the Bakersfield Resource Management Plan and AIP Management Plan, the proposed action is also expected to have a beneficial effect on migratory birds.

3.3 Cumulative Effects

According to CEQ regulations for implementing the procedural provisions of NEPA, a cumulative impact is defined as *the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions*. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

There are no adverse impacts associated with implementing the Proposed Action, and therefore there are no cumulative effects to consider.

Section 4 Consultation and Coordination

4.1 HRP and CVPCP Technical Team

The HRP and CVPCP program managers are guided by a Technical Team of biologists and natural resource specialists from Reclamation, USFWS, and the California Department of Fish and Wildlife. During the period of October 20, 2014 through February 18, 2015, members of the Technical Team reviewed and scored proposals submitted to Reclamation for consideration for funding. BLM's proposal for the project titled "Protection of Alkali Scrub Habitat on the Sand Ridge at the Atwell Island Project, Kings and Tulare Counties, California" ranked in the top tier of proposals and was selected for funding following evaluation by the Team. On March, 5, 2015, Reclamation and USFWS management approved the proposal for funding.

Section 5 References

- U.S. Fish and Wildlife Service (USFWS). 1998. Recovery plan for upland species of the San Joaquin Valley, California, Region 1, Portland, OR. 319 pp.
- U.S. Department of Interior (DOI). 2010. Atwell Island Restoration Project Activities 2000-2001. Report of the Interagency Land Retirement Team.

Appendix A

Cultural Resources Compliance

CULTURAL RESOURCES COMPLIANCE
Division of Environmental Affairs
Cultural Resources Branch (MP-153)

MP-153 Tracking Number: 15-SCAO-222

Project Name: Protection of Alkali Scrub Habitat on the Sand Ridge at the Atwell Island Project, Kings and Tulare Counties, California

NEPA Document: EA

NEPA Contact(s): Jamie LeFevre, Natural Resources Specialist; Dan Strait, Manager, CVP Conservation Program and CVPIA Habitat Restoration Program

MP-153 Cultural Resources Reviewer: Joanne Goodsell, Archaeologist

Date: July 14, 2015

Reclamation proposes to provide funding to the Bureau of Land Management (BLM) to acquire several parcels as additions to the Atwell Island Project located in Kings and Tulare Counties. The fee title acquisition of these parcels by BLM would aid in the conservation of remaining intact habitat for three federally and California listed endangered species (i.e., Tipton kangaroo rat, San Joaquin kit fox, and blunt-nosed leopard lizard). Resident wildlife, including the western burrowing owl, and migratory and wintering species, such as greater sandhill crane, mountain plover, and long-billed curlew, would benefit from the acquisition as well.

Reclamation funding would be used for acquisition costs only. Future costs and responsibilities associated with habitat protection would be borne by the BLM, including those associated with managing the natural and cultural resources on Federal lands. Reclamation's proposed action involves the type of activity that does not have the potential to cause effects to historic properties, should such properties be present. In accordance with 36 CFR § 800.3(a)(1), Reclamation has no further obligations under 54 U.S.C. § 306108, commonly known as Section 106 of the National Historic Preservation Act (NHPA).

This document conveys the completion of the NHPA Section 106 process for this undertaking. Please retain a copy in the administrative record for this action. Should the proposed project change, additional NHPA Section 106 review, possibly including consultation with the State Historic Preservation Officer, may be required.

Appendix B

Indian Trust Assets Compliance

**Indian Trust Assets
Request Form**

**Please send your request to: Richard Stevenson, rstevenson@usbr.gov

Date:

Requested by	Jamie LeFevre, x 5035
Fund	15XR0680A3
WBS	RX086349991000000
Cost Center	2015200
Region # (if other than MP)	(NA)
Project Name	Protection of Alkali Scrub Habitat on the Sand Ridge at the Atwell Island Project, Kings and Tulare Counties, California
CEC or EA Number	15-16-MP
Project Description	Reclamation would provide \$835,400 from the HRP to Bureau of Land Management (BLM) to help purchase part of 19 parcels of land totaling 250.8 acres in unincorporated portions of Tulare and Kings Counties. After acquisition of the parcels, BLM would inventory the properties and manage the lands consistent with the Bakersfield Resource Management Plan and Atwell Island Project Management Plan. BLM's goals and objectives are to manage these lands for the protection of special status species, promote environmental education, and create wildlife-related recreational opportunities.
*Project Location (Township, Range, Section, e.g., T12 R5E S10, or XY cords)	The properties are located in the southern San Joaquin Valley in unincorporated portions of Tulare and Kings Counties, adjacent to the Atwell Island Project. The Atwell Island Project is located west of Highway 43 and south of Alpaugh, CA. In Kings County parcels are in T 24S, R22E, Sections 1, 11, 12 (338 acres). Within Tulare County, the highest priority parcels are in T24S, R23E Sections 6, 7, 15 and 23 total 325 acres.

*Please include map with request, if available.

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ITA Determination:

The closest ITA to the proposed Atwell Island Project Protection of Alkali Scrub Habitat activity is the Santa Rosa Indian Community of the Santa Rosa Rancheria about 27 miles to the northwest. (see attached image).

Based on the nature of the planned work it does not appear to be in an area that will impact Indian hunting or fishing resources or water rights nor is the proposed activity on actual Indian lands. It is reasonable to assume that the proposed action will not have any adverse impacts on this ITA.

/s/ Richard M. Stevenson

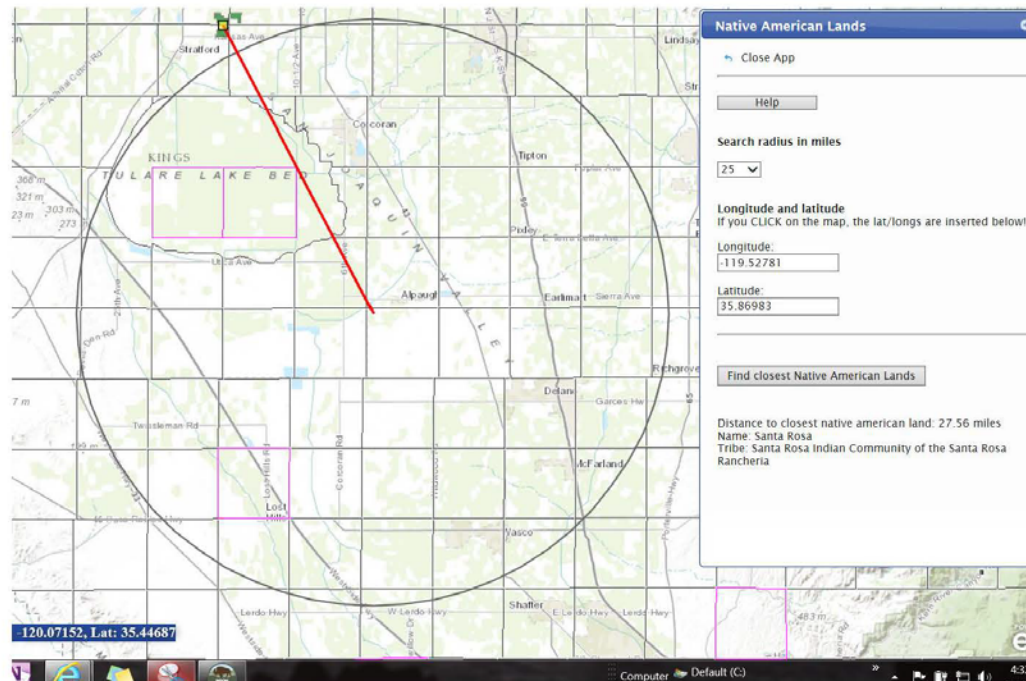
Signature

Richard M. Stevenson

Printed name of approver

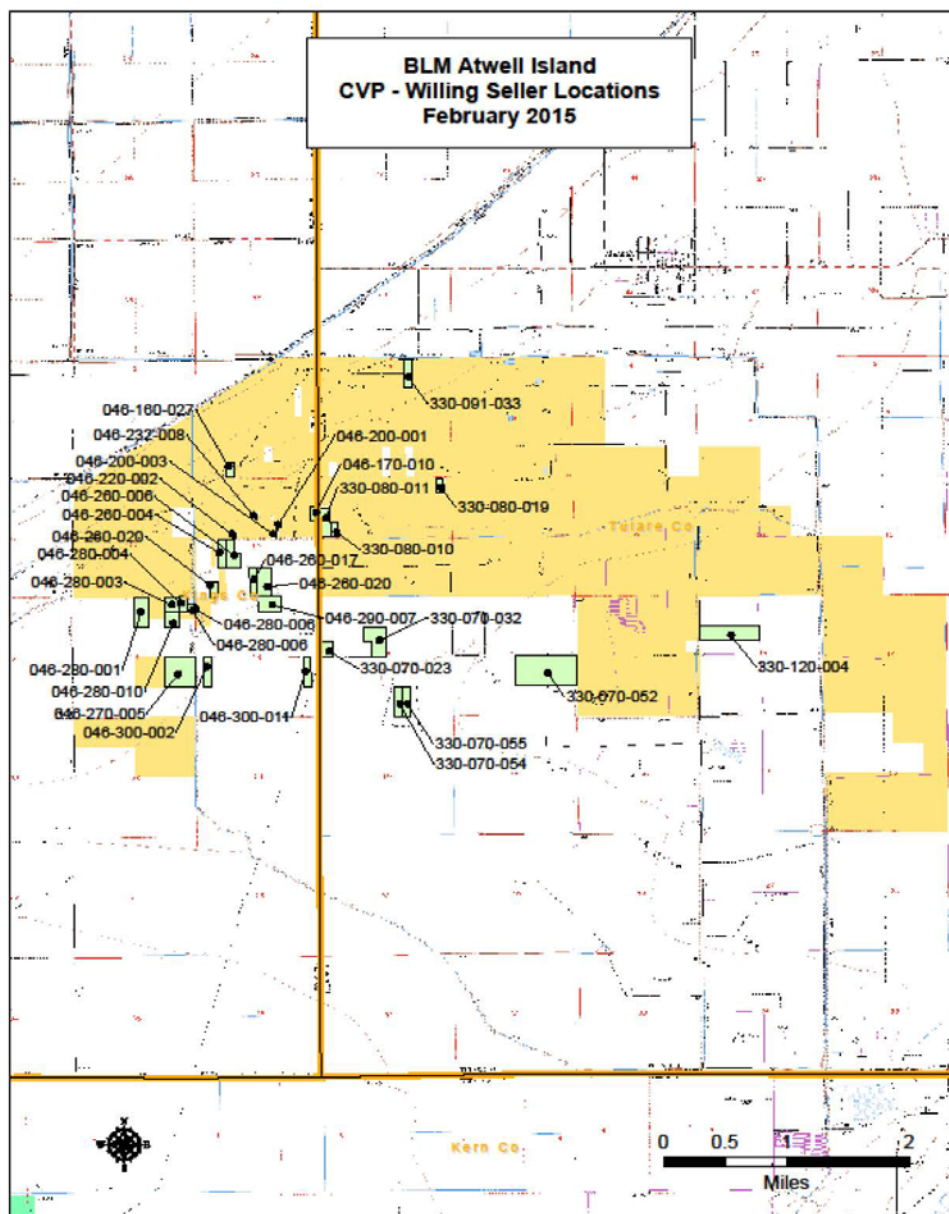
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Date

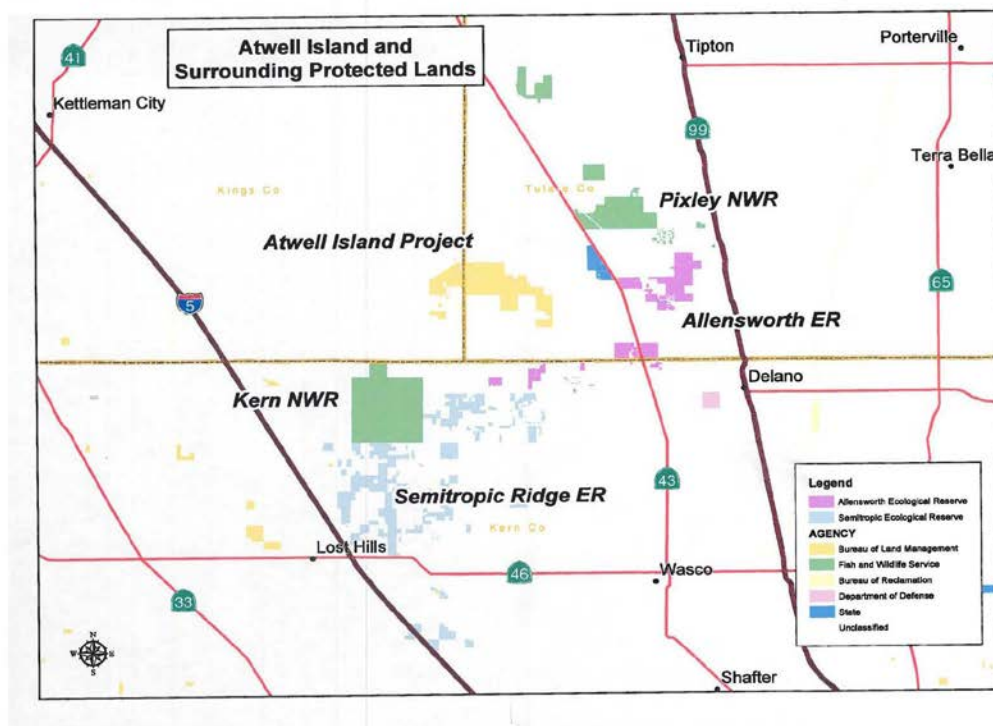


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Figure 1. Location and API numbers of the proposed acquisition parcels. Parcels are adjacent to the current Atwell Island Project (in yellow).



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Appendix C

Endangered Species Act Compliance

MP-152
ENV 7.00

MEMORANDUM

To: CVPIA Habitat Restoration Program Manager
Attn: MP-152 (DStrait)

From: Jamie LeFevre
Natural Resources Specialist

Subject: No-Effect Determination for the Protection of Alkali Scrub Habitat on the Sand Ridge at the Atwell Island Project, Kings and Tulare Counties, California

The Bureau of Reclamation (Reclamation) proposes to provide \$835,400 to the Bureau of Land Management (BLM) for land acquisition through the Central Valley Project Improvement Act Habitat Restoration Program and the Central Valley Project Conservation Program. BLM would purchase 19 parcels of land, totaling 250.8 acres, to expand the Atwell Island Project (AIP). The parcels proposed to be acquired are located in the southern San Joaquin Valley in unincorporated portions of Tulare and Kings Counties, adjacent to the AIP.

Purchase of the parcels would directly benefit the long-term conservation and management of the federally endangered Tipton kangaroo rat (*Dipodomys nitratooides nitratooides*), San Joaquin kit fox (*Vulpes macrotis mutica*) and blunt-nosed leopard lizard (*Gambelia sila*) which are assumed to be present. Tipton kangaroo rat is reported by BLM to be present at Atwell Island, whereas the blunt-nosed leopard lizard and San Joaquin Kit fox have been observed by California Department of Fish and Wildlife staff in areas adjacent to Atwell Island. After acquisition of the parcels, BLM would inventory the properties and manage the lands consistent with the Bakersfield Resource Management Plan and AIP Management Plan. BLM manages the AIP for the protection of special status species, to promote environmental education, and to create wildlife-related recreational opportunities.

Purchase of the parcels is an administrative action only and would not facilitate any change in land use or new activity that would result in modification or destruction of listed species' habitat. Once purchased, future costs and responsibilities related to the use and management of the parcels would be borne by the BLM, including those associated with inventorying and managing the natural resources on Federal lands. Any subsequent change in management by BLM would require consideration of any effects to listed species.

Based on the above analysis, Reclamation has determined the proposed action would not affect any proposed or listed species or critical habitat under the Endangered Species Act of 1973, as amended (16 U.S.C. §1531 et seq.).