



United States Department of the Interior

FISH AND WILDLIFE SERVICE
San Francisco Bay-Delta Fish and Wildlife Office
650 Capitol Mall, Suite 8-300
Sacramento, California 95814



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To: Manager, San Joaquin River Restoration Program, Mid-Pacific Regional Office,
Bureau of Reclamation, Sacramento, California

From: *Paul White (Acting)*
Field Supervisor, San Francisco Bay-Delta Fish and Wildlife Office, Sacramento,
California

Subject: Final Fish and Wildlife Coordination Act Report on Implementation of the San
Joaquin River Restoration Program's Sycamore Island Pond Isolation Project

In accordance with 48 Stat. 401, as amended; 16 U.S.C. 661 et seq., this letter constitutes the U.S. Fish and Wildlife Service's (Service) Final Fish and Wildlife Coordination Act (FWCA) report to the U. S. Bureau of Reclamation (Reclamation) for the San Joaquin River Restoration Program's (SJRRP) Sycamore Island Pond Isolation Project. The FWCA requires Federal agencies proposing water resource development projects or involved in issuance of related permits or licenses to consult with the Service and provide equal consideration to the conservation, rehabilitation, and enhancement of fish and wildlife resources with other project purposes. The findings of this report are based on information provided in the *San Joaquin River Restoration Program's Sycamore Island Pond Isolation Project Draft Environmental Assessment*, dated October 2015 and review of available scientific literature. As an Implementing Agency in the SJRRP, the Service has been working closely with Reclamation since early 2008 on project planning and development of avoidance and minimization measures for federally-listed species and migratory birds. Details of the project's effects on federally listed species, pursuant to Section 7 of the Endangered Species Act of 1973, as amended, have been addressed separately.

Background

In 1988, the San Joaquin River Parkway and Conservation Trust was formed due to concern over the loss of San Joaquin Valley wetlands and river resources. Awareness of the need for comprehensive planning for resource management led to state legislative action. The State Legislature passed Assembly Bill 3121 in 1990, authorizing funds for the San Joaquin River Parkway Taskforce. Taskforce members included representatives of state and local governmental agencies and organizations with interest in the river and effects of the parkway. Through additional legislation, the San Joaquin River Conservancy (Conservancy) was created.

The Conservancy is a regionally-governed State agency created to develop and manage the San Joaquin River Parkway (Parkway), a planned 22-mile natural recreational area in the San Joaquin River floodplain extending from Friant Dam to Highway 99. The Conservancy's mission

includes acquiring approximately 5,900 acres of land from willing sellers; developing, operating, and managing those lands for public access and recreation; and protecting, enhancing, and restoring riparian and floodplain habitat. In 1997, the Conservancy adopted the San Joaquin River Parkway Interim Master Plan (Parkway Plan), and certified the associated Environmental Impact Report (EIR). In 2012, the County of Madera and the Conservancy adopted the River West Madera County Master Plan Initial Study/Mitigated Negative Declaration (River West Madera Plan). The proposed project lies largely within, and is consistent with, the River West Madera Plan.

There are several reclaimed gravel pits created by mining operations along the river in the Conservancy's planning area. Many of these gravel pits are separated from each other and from the river by earthen berms. These earthen berms are not levees constructed to flood control standards, and tend to fail during high flow events. One reclaimed gravel pit, designated Pit 46e by the Department of Water Resources (DWR), is located just downstream of the Conservancy's Proctor Broadwell Cobb property (also known as the Van Buren Unit) and upstream of the Conservancy-owned Sycamore Island recreation area on the Madera County side of the river. The earthen berm that previously separated the gravel pit pond and river channel and provided a vehicle access road between the properties was breached in a 2005 high-flow event, eliminating the vehicle access route. The San Joaquin River 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.

San Joaquin River Restoration Program

In 1988, a coalition of environmental groups, led by the Natural Resources Defense Council (NRDC) filed a lawsuit, entitled *NRDC, et al., v. Kirk Rodgers, et al.*, challenging the renewal of long-term water service contracts between the United States and the Friant Contractors. On September 13, 2006, after more than 18 years of litigation, the Settling Parties including NRDC, Friant Water Users Authority (FWUA), and the United States (U.S.) Departments of the Interior and Commerce, agreed on the terms and conditions of the Stipulation of Settlement in *NRDC, et al., v. Kirk Rodgers, et al.*, (Settlement) subsequently approved by the U.S. District Court for the Eastern District of California (Court) on October 23, 2006. Public Law 111-11 authorizes and directs the Secretary of the Interior (Secretary) to implement the Settlement. The Settlement establishes two primary goals:

Restoration Goal – To restore and maintain fish populations in “good condition” in the main stem 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 Division long-term contractors that may result from the Interim and Restoration flows provided for in the Settlement.

In accordance with the Settlement, the SJRRP is being implemented by Reclamation, the Service, National Marine Fisheries Service (NMFS), the State of California Department of Water Resources, and the State of California Department of Fish and Wildlife (CDFW). The SJRRP Implementing Agencies completed the SJRRP Programmatic Environmental Impact Statement/Report (PEIS/R) and related documents, including the San Joaquin River Restoration Program Biological Opinions (SJRRP BOs) in 2012.

In addition to meeting the Conservancy's objectives, the proposed repair of the berm breach would also contribute to achieving the Settlement Restoration Goal. As the project would contribute to achieving the Restoration goal of the Settlement, Reclamation supports DWR and the Conservancy in implementation of this project and is proposing to provide partial funding for the project.

Project Description

The proposed action would restore alternate vehicle access to the Sycamore Island recreation area by repairing the berm breach and isolating Pit 46e from the river channel. The proposed action would repair the existing berm breach, including construction of an equalization saddle, strengthening the existing berm, and creating a gravel road on top of the saddle and berm. The proposed action would also isolate the Pit 46e gravel pond from the river channel, create floodplain habitat, and restore habitat. Two onsite borrow sites may be excavated for fill. The borrow sites would be restored; a portion of the one closest to the river would be restored as floodplain habitat.

Under the proposed action, Reclamation would provide partial funding for project construction activities. In addition to meeting the Conservancy's objectives as stated above, the proposed project would also contribute to achieving the 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 to support future efforts by the SJRRP to mitigate potential impacts on in-stream recreational fishing.

The following features would be included in the project:

- Add gravel to improve existing dirt haul roads;
- Install a temporary crossing between Borrow Site 1 and Staging Area 1;
- Construct a saddle in the berm breach;
- Strengthen the existing berm;
- Create a floodplain along the river side of the strengthened berm;
- Create a gravel road on top of the berm and saddle to facilitate access between the Conservancy's Sycamore Island recreation area and the Van Buren Unit;
- Create about two acres of lower and upper floodplain along the river side of the strengthened berm and about two and one-half acres of lower and upper floodplain along the river in Borrow Site 1;
- Restore borrow sites, including filling a road breach on Borrow Site 1;
- Revegetate floodplains and borrow sites.

The project is located within three reclaimed gravel mines on the San Joaquin River. Mining operations have left behind an extensively modified channel. Past mining operations may have impacted the historical flow paths in this part of the river, and the flows in this section of the river are further affected by releases from Friant dam 10 miles upstream.

There is little to no remaining natural topography within the disturbed area where the project site is located. The riparian area adjacent to the river is fragmented. Wetland areas at the site are primarily associated with created water features such as excavated quarry ponds. There are only small bands of habitat that are relatively native in the project area, but the project is not considered to be located in native wetland, riparian, woodland, or mixed chaparral habitat. The pond and river harbor a warm-water fishery that is detrimental to future reintroduction of cold-water species, such as salmon.

Approximately 4.5 acres of upper and lower floodplain would be created as part of the project. Up to two acres would be created along the strengthened berm on the Madera County side of the river, and approximately 2.5 acres would be created on the river edge of Borrow Site 1 on the Fresno County side.

A portion of the river channel adjacent to the existing berm would be filled using material from the borrow sites and imported materials consisting of river silts, sands, and gravels. The floodplains would be designed to provide a gently sloping bank down to the low flow water line and a relatively flat upper surface extending from the toe of the berm to the new low flow water surface. The maximum width of the floodplain along the berm would be approximately 100 feet. To allow the saddle to operate at flows between the design low flow and bankful flow, the floodplain directly between the saddle and the channel would be constructed so that the floodplain elevation would not be higher than the low-flow water elevation. Upon project completion, the river side of Borrow Site 1 would be re-graded as floodplain. Approximately 19,000 cubic yards (cy) of borrow material would be used to fill the area where a road washed out on the northeast side of Borrow Site 1. The material excavated for creation of floodplain on Borrow Site 1 would be used to fill the portion of Borrow Site 1 that was excavated for project fill. The floodplains would be constructed using dump trucks, bulldozers, excavators, scrapers, and loaders.

The floodplains would be planted with riparian vegetation. Riparian species may include valley oak, cottonwood, willow, sycamore, and other riparian species native to the area including shrubs, forbs, and grasses.

After construction is complete, and before the rainy season begins, topsoil would be replaced on the floodplains and the borrow sites. Hydro seeding and planting of pole cuttings would occur on the disturbed waterside slope areas of the strengthened berm. Pole cuttings would be installed at the low flow water level using a D-8 tractor equipped with a ripper shank with trailing flanges to penetrate the soil to a minimum depth of 48 inches, forming a "planting pocket." As the shank moves along the predetermined planting lines, cuttings would be placed in the planting pocket so that the rooting end of the cutting is at a minimum soil depth of 42 inches. Cuttings would be placed about 12 feet apart along the planting lines, and the rows would be about 20 feet apart. Spacing of the cuttings would comply with Central Valley Flood Protection Board requirements

to ensure that the vegetation will not obstruct high water flows. Planting would be conducted in late fall or early winter while the pole cuttings are dormant. The cuttings may initially be watered by a water truck or other mobile source to assist in establishment of the plants during the first growing season.

Recommendations/Conclusions

Based on the following, the Service finds no need to provide additional recommendations:

- Existing Service recommendations to prevent loss or damage to and provide for development and improvement of fish and wildlife resources were incorporated adequately into the Draft EA.
- Mitigation measures have been incorporated to protect migratory birds, burrowing owls, western pond turtle, and San Joaquin kit fox.
- Section 7 consultation under the Endangered Species Act, as amended, for implementing the Sycamore Island Pond Isolation Project has concluded with a determination of not likely to adversely affect San Joaquin kit fox.

If you have any questions regarding this report or other aspects of the FWCA, please contact Andrew Raabe, Senior Fish and Wildlife Biologist, Watershed Planning Branch at (916) 978-5463.

cc:

Mr. William Guthrie, US Army Corps of Engineers, Sacramento, California
Ms. Maria Rea, National Marine Fisheries Service, Sacramento, California
Mr. Gerald Hatler, California Department of Fish and Wildlife, Fresno, California
Mr. Kevin Faulkenberry, Department of Water Resources, South Central Region Office, Fresno, California

