

RECLAMATION

Managing Water in the West

City of Palo Alto Recycled Water Project

FINDING OF NO SIGNIFICANT IMPACT

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Date: 1/25/16

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

Introduction

The Bureau of Reclamation may provide the lesser of 25% or \$20 million of construction costs to the City of Palo Alto (City), if and when authorized by Congress, to partially fund the City of Palo Alto Recycled Water Project (Proposed Action). The City proposes the construction and operation of an expanded recycled water system to deliver recycled water produced by the Regional Water Quality Control Plant (RWQCP) to customers in the City, within South Palo Alto including Alta Mesa Memorial Park, Stanford Research Park and others.

The primary objective of extending the recycled water pipeline into Palo Alto would be to allow the City to maximize recycled water as a supplemental water source, and would achieve the following:

- a. Improve potable water supply reliability by conserving drinking water, currently used for irrigation and other non-potable uses, for potable purposes;
- b. Provide a dependable, locally controlled non-potable water source;
- c. Increase recycled water use from the Regional Water Quality Control Plant; and
- d. Secure a non-potable water source that will be available even in droughts to serve irrigation and other non-potable uses.

The Proposed Action would help the RWQCP and its partners further preserve San Francisco Bay by reducing the wastewater constituent mass loadings to the Bay and provide long-term environmental and economic benefits to the community.

Proposed Action

The Proposed Action would involve the construction and operation of the following:

- a. About 5 miles of 12- to 18-inch backbone pipelines;
- b. About 5 miles of 6- to 10-inch lateral pipelines to over 50 use sites;
- c. Up to 1,500-square-foot booster pump station along the proposed pipeline;
- d. Up to 1,600-square-foot pump station at the RWQCP;
- e. ~0.15 mile of connection pipeline in and north of the RWQCP (on Embarcadero Road);
- f. Up to 0.15 mile of connection pipeline on East Bayshore Road to connect the proposed pipeline to the existing Mountain View recycled water pipeline.

Reclamation has provided partial funding for planning the near-term component through Section 1604 of the Reclamation Wastewater and Groundwater Study and Facilities Act of 1992 (Title XVI of Public Law 102-575, as amended). Section 1604 authorizes federal cost-sharing in water reuse projects up to 50 percent of the total eligible pre-construction planning costs. If Congress authorizes the Proposed Project, Reclamation may provide a portion of the funds needed to design and construct the Proposed Project. As the agency with discretionary approval over the provision of Federal funding, Reclamation is acting as the lead agency under the National Environmental Policy Act (NEPA).

The City prepared a draft Environmental Impact Report (DEIR) on the project in April 2015. This DEIR included all NEPA and Endangered Species Act requirements. The DEIR is available at: <http://www.cityofpaloalto.org/civicax/filebank/documents/46981>. The City prepared a Final Environmental Impact Report Response to Comments Document (FEIR) in July 2015 which is available at <http://www.cityofpaloalto.org/civicax/filebank/documents/48296>. Reclamation independently reviewed these documents and found that they adequately covered all Federal environmental requirements. The City approved the proposed action on September 21, 2015.

Reclamation requested concurrence from the U.S. Fish and Wildlife Service (FWS) on May 19, 2015 that the Proposed Action is not likely to adversely affect threatened and endangered species. FWS concurred on August 11, 2015 (attached).

No consultations were conducted under Section 106 of the National Historic Preservation Act (NHPA) (Title 54 U.S.C. § 306108) as a Reclamation undertaking with the potential to affect historic properties (36 CFR § 800.3 (a)) has not yet been determined. Partial Federal funding through Reclamation was provided for pre-construction planning. Pursuant to 36 CFR § 800.1(c), Reclamation may conduct or authorize nondestructive project planning activities before completing compliance with Section 106 of the NHPA. Should the Federal funding for the Proposed Project be approved, Reclamation will then be required to comply with Section 106 of the NHPA and will consult under that act as required.

Findings

Based on the DEIR, FEIR, and FWS concurrence, Reclamation finds that funding the Proposed Action is not a major Federal action that will significantly affect the quality of the human environment. The DEIR and FEIR are incorporated by reference.

Following are the reasons why the impacts of the Proposed Action are not significant:

1. The proposed action will not significantly affect public health or safety (40 CFR 1508.27(b)(3))
2. The proposed action will not significantly impact natural resources and unique geographical characteristics such as historic or cultural resources; parks, recreation, and refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order (EO) 11990); flood plains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas (40 CFR 1508.27(b)(3) and 43 CFR 46.215(b)).

Construction activities associated with the creek crossing (Matadero Creek near Deer Creek Road) will be limited to the dry season (generally April 15 to October 15) to the extent feasible. The proposed project has been designed to avoid impacts to sensitive habitats, including jurisdictional wetlands and waters. However, indirect impacts to jurisdictional waters could occur as a result of the proposed project. The City will implement mitigation to minimize indirect impacts during construction and operation, described in detail in the DEIR.

The proposed action will not result in the substantial decline in health of redwood trees and other salt-sensitive plant species. The City shall immediately begin quarterly monitoring of salinity (and related constituents) of the recycled water and shall report the rolling 12-month average for comparison to the Palo Alto City Council goal of 600 milligrams/liter of total dissolved solids. The City shall monitor soil salinity and sodium absorption ratio (SAR) through semi-annually soil analyses, preferably taken early and late in the irrigation season.

To avoid plant damage to salt sensitive landscape plants, implement a leaching program to maintain soil salinity within the root zone below 2.0 decisiemen/meter (dS/m) and SAR below 6.0. For moderately salt-tolerant plants, maintain soil salinity below 4.0 dS/m. Where subsoils do not drain adequately, installation of subsurface drainage systems may be recommended. Rainfall will satisfy a portion of the leaching requirement, depending on the rate, volume, and distribution through the season. The frequency with which leaching applications should be made depends on several variables, and is triggered by approaching soil salinity thresholds defined above.

3. The proposed action will not have possible effects on the human environment that are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5)).

4. The proposed action will neither establish a precedent for future actions with significant effects nor represent a decision in principle about a future consideration (40 CFR 1508.27(b)(6)).

5. There is no potential for the effects to be considered highly controversial (40 CFR 1508.27(b)(4)). Stanford University, Canopy, California Native Plant Society, and the Santa Clara Audubon Society were the main organizations which expressed concerns due to potential impacts to redwood trees. Three primary issues were identified:

- Effects of recycled water use for irrigation of landscaped areas
- Effects of recycled water use on the groundwater basin
- Effects of recycled water use on the urban forest

The City held three stakeholder meetings throughout the public comment review period, specifically with Stanford University Land Management and Canopy. After receiving public comments, the City modified the mitigation section of the FEIR and believes that all stakeholders can now support the project.

6. The proposed action will not have significant cumulative impacts (40 CFR 1508.27(b)(7)).

7. The proposed action would result in less than significant impacts through mitigation to historic properties (40 CFR 1508.27(b)(8)). Reclamation would consult under Section 106 of the NHPA, as required, and any adverse effects to historic properties would be avoided, minimized, or mitigated, pursuant to 36 CFR § 800.6, Resolution of Adverse Effects.

8. The proposed action will not affect listed or proposed threatened or endangered species (40 CFR 1508.27(b)(9)). FWS concurred that the proposed action may affect but is not likely to adversely affect the California red-legged frog or the California Ridgeway's rail.

9. The proposed action will not violate federal, state, tribal or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)).
10. The proposed action will not affect any Indian Trust Assets (ITA) (512 DM 2, Policy Memorandum dated December 15, 1993). The nearest ITA is a Public Domain Allotment approximately 38 miles north/northwest of the proposed action.
11. Implementing the proposed action will not disproportionately affect minorities or low-income populations and communities (EO 12898).
12. The proposed action will not limit access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007 and 512 DM 3).



United States Department of the Interior

FISH AND WILDLIFE SERVICE
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In Reply Refer to:
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2015-1-0992

MP 150
ENV-7.00

AUG 11 2015

Memorandum

To: Regional Environmental Officer, Mid-Pacific Regional Office,
Bureau of Reclamation, Sacramento, California

From:  Deputy Assistant Field Supervisor, Sacramento Fish and Wildlife Office,
Sacramento, California

Subject: Concurrence with a Determination of May Affect, Not Likely to Adversely Affect
for the Palo Alto Recycled Water Project in San Mateo County, California

This memorandum is in response to your May 19, 2015 request that the U.S. Fish and Wildlife Service (Service) concur with the determination that the Palo Alto Recycled Water Project (Project) in San Mateo County may affect, but is not likely to adversely affect the federally listed threatened California red-legged frog (*Rana draytonii*) or the endangered California clapper rail in accordance with the requirements of the Endangered Species Act of 1973, as amended (Act). The California clapper rail has recently been reclassified, and is now referred to in the scientific literature as the California Ridgway's rail (*Rallus obsoletus obsoletus*), but for the purposes of this document, we will use the original name since that remains the listed entity under the Act. Critical habitat has been designated for the California red-legged frog, but none occurs within the Project area, so none will be affected. Your request was received on June 2, 2015. In reviewing the potential effects of the proposed Project, the Service has relied upon: (1) the May 19, 2015 consultation initiation letter; (2) the April, 2014 Biological Resources Assessment and the July 21, 2015 revision of that document; and (3) other information available to the Service.

The proposed Project is part of the Palo Alto Wastewater Reclamation Project, a multi-phased program designed to facilitate the increased use of reclaimed water as a replacement for potable water and reduce the discharge of treated wastewater from the Palo Alto Regional Water Quality Control Plant (RWQCP). The Project will involve the construction of approximately five miles of pipeline backbone, lateral pipelines, a booster pump station measuring up to 1,500 square feet, and a 1,600 square foot pump station at the RWQCP. At the current planning stage, there are three possible alternatives, including the Proposed Alternative, Alternative 1 and Alternative 2. Selection of a final plan will be dependent upon constructability and other design considerations, but differences between the alternatives do not affect this analysis.

The proposed booster pump station will be constructed underground within an existing parking area, and the new pump station will be constructed entirely within the footprint of the RWQCP,

although a connection pipeline may also be constructed to connect this pump station to an existing pipeline that connects to the proposed pipeline at Corporation Way.

Construction of the pipeline backbone and the lateral connecting pipelines will take place mostly in urbanized or previously developed areas, but will involve crossing three streams a total of seven times. Two of the three streams, Adobe Creek and Barron Creek are concrete lined channels with little or no vegetation present. The remaining creek, Matadero Creek, is a natural-bottom creek with concrete box culverts at road crossings and banks supporting native and non-native trees. None of the stream crossings for the Project will impact the creeks, as the pipeline will be fastened to the existing bridge or installed in the roadway, or will be installed using horizontal direction drilling (HDD). Approximately 0.2 mile of later pipeline at the southern end of the Project will be installed along an existing fenceline in grassland/pastureland habitat between Deer Creek Road and Hillview Avenue.

There is suitable habitat for California red-legged frogs along Matadero Creek near Hillview Avenue and near Deer Creek, as well as in the pastureland between Deer Creek Road and Hillview Avenue. There are several documented occurrences of the species near the Project area, including within Matadero Creek. While there is no habitat for California clapper rail within the Project area, the RWQCP site is within the Baylands Preserve, which contains suitable salt marsh habitat. The nearest suitable marsh habitat to the Project site is approximately 470 feet away from the proposed construction area at the RWQCP, where current use and activity contributes to already-elevated levels of noise disturbance. California clapper rail has been documented within a five-mile radius of the site.

Because of the potential for California red-legged frog and California clapper rail to be in or near the Project area, the following conservation measures will be implemented with the Project:

1. At least 15 days prior to the initiation of Project activities, the names and credentials of qualified biologists will be submitted to the Service for review and approval.
2. Prior to any Project activity in or near suitable habitat for listed species, a Service-approved biologist will conduct an employee education program that will include the following: a description of relevant special-status species and their habitat needs as they pertain to the Project; a report of the occurrences of these species in the Project vicinity, as applicable; an explanation of the status of these species and their protection under the Act; and a list of measures being undertaken to reduce potential impacts to natural resources during Project construction and implementation. A fact sheet conveying this information will be prepared for distribution to personnel or anyone else who may enter the Project area. Upon completion of training, personnel will sign a form stating that they attended the training and that they understand all of the conservation and protection measures.
3. A Service-approved biologist will be onsite to monitor construction activities associated with the Matadero Creek crossing near Deer Creek Road or other areas of suitable habitat. Each day before construction begins in or adjacent to suitable California red-legged frog habitat, the Service-approved biologist will survey the area for the species. Work will not begin until the survey has been completed. The Service-approved biologist will have the authority to halt work if a species-status species is observed.

4. To the extent possible, construction activities associated with the Matadero Creek crossing near Deer Creek Road will be limited to the dry season. Work adjacent to upland frog habitat between Deer Creek Road and Hillview Avenue will be confined to paved areas.
5. No California red-legged frog will be handled during the Project. If a California red-legged frog is observed, it will be allowed to leave the area on its own, and if that does not occur in a reasonable time, the Service will be consulted for advice on how to proceed. Work will not proceed until such steps have been taken.
6. Construction activities within 500 feet of suitable marsh habitat surrounding the RWQCP will be conducted outside of the breeding season for California clapper rail (January 31 to August 31). If this restriction is not feasible, a Service-approved biologist will conduct a protocol-level survey for the species. Prior to commencement of the survey, a report describing the survey design will be submitted to the Service and the California Department of Fish and Wildlife (CDFW) for review and approval. Upon completion of the survey, results will be submitted to the Service and CDFW for a final decision on the possibility of doing work during the breeding season for California clapper rail.
7. All excavations left open overnight will be either covered to prevent wildlife from becoming entrapped or will include escape ramps. Excavations will be inspected for wildlife at the start of each workday and prior to backfilling. The Service and/or CDFW will be contacted prior to removing or relocating any special-status wildlife within an excavation.
8. All construction equipment will use identified staging areas and access roads located in upland areas. When accessing work sites, travel and parking of vehicles and equipment will be limited to pavement, existing roads, and previously disturbed areas (except where overland travel is required). Construction personnel will not be allowed to enter sensitive areas that have been fenced or staked.
9. Ground disturbance and vegetation removal will not exceed the minimum amount necessary to complete work at the site.
10. No discharge of pollutants from vehicle and equipment cleaning will be allowed into storm drains, wetlands, or water courses.
11. No vehicles may be refueled within 100 feet of wetlands, streams, or other waterways. Vehicles operating adjacent to wetlands and waterways must be inspected and maintained daily to prevent leaks.
12. Waste facilities will be maintained, including concrete wash-out facilities, porta-potties, and hydraulic fluid containers. Waste will be removed to a proper disposal site.
13. Prior to constructing underground crossings of creeks or channels, a Frac-out Contingency Plan will be developed. At a minimum, the plan will describe the measures to ensure protection of water quality and related biological resources (e.g. aquatic resources and special-status plants and wildlife) including:
 - a. Procedures to minimize the potential for frac-out with HDD activity;

- b. Procedures for timely detection of frac-outs;
 - c. Procedures for timely response and remediation in the event of a frac-out; and
 - d. Monitoring of drilling and frac-out response activities by a qualified biologist.
14. A Stormwater Pollution Prevention Plan that complies with the statewide General Permit will be developed and implemented.
15. A hazardous spill plan will be developed prior to construction, which will describe what action will be taken in the event of a spill. The plan will also incorporate preventive measures to be implemented, such as vehicle and equipment staging, cleaning, maintenance, and refueling, and contaminant (including fuel) management and storage.
16. After construction is completed, a final cleanup will include removal of all stakes, temporary fencing, flagging, and other refuse generated by construction.

The Service concurs that the Palo Alto Recycled Water Project may affect, but is not likely to adversely affect, the California red-legged frog because effects from the Project are likely to be discountable based on the following: (1) only a very limited amount of habitat is within or adjacent to the Project area, and none will be affected; (2) the conservation measures implemented with the Project, including surveys by a Service-approved biologist and employee education training, among others, will help ensure that the Project does not result in adverse effects to the species.

The Service concurs that the Palo Alto Recycled Water Project may affect but is not likely to adversely affect, the California clapper rail because effects from the Project are likely to be discountable based on the following: (1) no California clapper rail habitat exists within the Project area, and none is within 470 feet of proposed construction; (2) construction will be limited to the period outside California clapper rail breeding season, or a protocol-level survey by a Service-approved biologist will ensure that no California clapper rails are nesting within disturbance distance of construction; (3) there is already human-caused disturbance and activity at the site, which further limits the potential for construction-related disturbance to cause adverse effects to the species.

Therefore, unless new information reveals effects of the Project that may affect federally listed species or critical habitat in a manner not identified to date, or if a new species is listed or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the Act is necessary for the proposed Palo Alto Recycled Water Project. If you have any questions regarding this letter, please contact Bjorn Erickson, Biologist, or Ryan Olah, Coast-Bay Division Chief, at the letterhead address, telephone (916) 414-6600 or electronic mail (peter_erickson@fws.gov or ryan_olah@fws.gov).