

RECLAMATION

Managing Water in the West

Draft FINDING OF NO SIGNIFICANT IMPACT

Contra Costa Water District Gilbert Property Inclusion

FONSI-13-054



Mission Statements

The mission of the Department of the Interior is to protect and manage the Nation's natural resources and cultural heritage; provide scientific and other information about those resources; and honor its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated 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.

BUREAU OF RECLAMATION
South-Central California Area Office, Fresno, California

FONSI-13-054

**Contra Costa Water District Gilbert
Property Inclusion**

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Introduction

Background

Contra Costa Water District (Contra Costa WD) has a long-term water service contract (Contract No. I75r-3401A-LTR1) with the Bureau of Reclamation (Reclamation) for receipt of Central Valley Project (CVP) water for municipal and industrial (M&I) use. Contra Costa WD in turn provides a portion of their allocated CVP water supply to the Diablo Water District (Diablo WD) which is the local water purveyor for the City of Oakley. Contra Costa WD also operates and maintains Reclamation federal facilities located within their CVP service area, as described by, and pursuant to an operating agreement (Contract No. 14-06-200-6072A).

Gilbert Property Project

In March 1998, the Contra Costa County Local Agency Formation issued a certificate of completion to the Diablo WD and the Contra Costa WD for the annexation of the Cypress Hotchkiss Boundary Reorganization that included the 120-acre Gilbert Property. The Gilbert Property is a proposed development located in an undeveloped portion of the City of Oakley that consists of 506 residential units, park, stormwater detention pond area, trails, and levees. On January 25, 2007, the City of Oakley released a draft Environmental Impact Report (EIR) (SCH# 2007012075) for a 30-day public review that analyzed the proposed Gilbert Property development in accordance with the California Environmental Quality Act (CEQA). The Gilbert EIR evaluated and disclosed potential environmental impacts that could result from construction of the proposed development, and included mitigation measures for those impacts that were determined to be significant. A Notice of Determination with a Statement of Overriding Consideration was filed by the City of Oakley and approved by Contra Costa County on November 15, 2007 determining that there would be significant effects on the environment from the proposed development and that implementation of mitigation measures are a condition of approval for the Gilbert development.

Various water supply sources for the Gilbert Property were analyzed in the EIR, and included surface and groundwater from Contra Costa WD, as well as water transfers, annual purchases of supplemental water, water recycling, conservation and improvement of water quality and water storage capacity (Contra Costa WD's Los Vaqueros Reservoir). CVP water from Contra Costa WD was identified as the only reliable sole source of water. Therefore, the Developers for the Gilbert Property have requested to be included into Contra Costa WD's CVP service area in order to receive CVP water. Pursuant to their water service contract, Contra Costa WD has requested approval from Reclamation for the inclusion of the 120-acre Gilbert Property into their CVP service area for receipt of CVP water supplies.

Proposed Action

Under the Proposed Action, Reclamation would approve the inclusion of the 120 acre Gilbert Property into Contra Costa WD's CVP service area. This would allow Contra Costa WD (via the Diablo WD) to deliver CVP water to the proposed development for M&I purposes.

Reclamation does not have land use authority over the development of the Gilbert Property. The City of Oakley is the authorizing entity for the development and it has already approved the project. The proposed Gilbert Property project includes a variety of residential types. The neighborhoods are integrated together into a comprehensive community through the use of traffic and pedestrian circulation, a centrally located park surrounding a stormwater detention pond. The Gilbert Property includes an approximately 5± acre neighborhood park located in the center of the community and adjacent to an approximately 5± acre storm water detention pond (Figure 2). The project also includes a trail system along the north side of Cypress Road, east side of Sellers Avenue, and along the northern and eastern boundary of the project site. This trail system will integrate into the larger City of Oakley trail system providing trail connections to and from the Delta Vista Middle School, the Iron House Elementary School, and the Marsh Creek regional trail network. The proposed project includes a total of approximately 17 acres of open space for these park, pond and trail improvements.

The infrastructure systems necessary to serve the proposed project will be constructed and include a perimeter levee, storm drainage, wastewater, potable water, dry utilities and roadways. The levee improvements will involve approximately 1.38 acres of off-site work on Reclamation land along the north side of the site, and 4.50 acres of off-site road improvement along Cypress Road and Sellers Avenue.

Contra Costa WD, acting on behalf of Reclamation, will grant an encroachment permit to facilitate the construction of a portion of the levee surrounding the Gilbert Property adjacent to the Reclamation right-of-way for the Contra Costa Canal. The levee is designed to provide flood protection for the planned residential subdivision project and will be built to a minimum elevation of 10 feet, providing 3 feet of freeboard protection. The proposed levee will be consistent with the Federal Emergency Management Agency, U.S. Army Corps of Engineers, and State of California urban standard levee specifications.

The primary access to the proposed project will be provided by a signalized intersection on Cypress Road at the middle of the project frontage. A secondary access will be provided on Sellers Avenue. The project will include a network of internal streets providing circulation throughout the project site and to and from the access points. The proposed improvements on Cypress Road include constructing two westbound lanes, a striped median with dedicated turn lanes and one new eastbound lane. These improvements will be completed along the project frontage of Cypress Road. The proposed improvements on Sellers Avenue will include the construction of a four lane street with a landscaped median from Cypress Road to the project entrance. Transitions will be constructed to the adjacent roadway at the ends of the proposed improvements of Cypress Road and Sellers Avenue.

Utility systems installed throughout the project site will include storm drainage, wastewater, potable water, electrical, natural gas and telecommunications. The proposed utility improvements include a stormwater detention pond with a storm drain pump station and force main connecting to the existing outfall discharging runoff to the Emerson Slough. There will be a network of storm drain collection pipelines discharging to the central pond. A sanitary sewer lift station would be located within the neighborhood park. This station would be connected to a network of sanitary sewer collection pipelines that will then connect and discharge to the existing force main located in Cypress Road via connecting to the regional pump station within the adjacent Emerson Ranch project. A potable water distribution network would be installed to a network of pipelines and fire hydrants. The potable water system will connect to the existing pipeline in Cypress Road. A network of dry utility systems, including electrical, natural gas and telecommunications will be installed in a joint trench throughout the project site. These systems will connect to existing facilities in Cypress Road and Sellers Avenue.

Construction is expected to begin in 2017 and is expected to continue through 2020.

Environmental Commitments

The Developer shall implement the environmental protection measures listed in Table 1 of EA-13-054 to reduce environmental consequences associated with the Proposed Action. Environmental consequences for resource areas assume the measures specified would be fully implemented.

Findings

Reclamation's finding that implementation of the Proposed Action will result in no significant impact to the quality of the human environment, is supported by the following:

Resources Eliminated from Detailed Analysis

As described in Table 3 of EA-13-054, Reclamation analyzed the affected environment and determined that the Proposed Action does not have the potential to cause direct, indirect, or cumulative adverse effects to the following resources: environmental justice, Indian Sacred Sites, Indian Trust Assets, or socioeconomic resources.

Air Quality

There would be no direct air quality impacts from approving the inclusion of the Gilbert Property into the Contra Costa WD service area. However, the development of a new subdivision would result in short-term, localized air pollutant emissions during construction. There would also be long-term emissions from the new subdivision, from vehicle traffic as well as miscellaneous residential sources (lawnmowers, house repainting, waste disposal, wastewater treatment, etc.).

Air quality impacts due to construction and operational activities related to the Gilbert Property development were analyzed and mitigated for the Gilbert EIR. The California Emission Estimator Model (CalEEMod) (version 2013.2.2) software was used to estimate short-term (construction) and long-term (operation) emissions as a result of the development of the Proposed Action. Construction and operation of the Proposed Action has been estimated to emit less than the *de minimus* thresholds for reactive organic gases, nitrogen oxide, inhalable

particulate matter between 2.5 and 10 microns in diameter, and particulate matter less than 2.5 microns in diameter, therefore, a federal general conformity analysis report is not required.

Biological Resources

Development of the project site would impact suitable breeding and foraging habitat for the Western Burrowing Owl (*Athene cunicularia*) and may also affect Swainson's Hawks (*Buteo swainsoni*) and Golden Eagles (*Aquila chrysaetos*). The Contra Costa Canal and the constructed drainage ditch along the east edge of the site would not be impacted by the project, but adjacent uplands that could be used by hibernating giant garter snakes (*Thamnophis gigas*) would be impacted. All 0.56 acres of channel along the north edge of the site would be filled and adjacent uplands would be impacted, both of which are considered giant garter snake habitat. Appropriate measures would be implemented as required by the East Contra Costa County Habitat Conservation Plan/National Community Conservation Plan (HCP/NCCP), which would ensure compliance with the Endangered Species Act (ESA), and completely avoid any take of migratory birds (as defined by the Migratory Bird Treaty Act). Payment of fees by the Developer into the HCP/NCCP would help to fund acquisition, protection, and management of habitat that would help to compensate for impacts to the species' habitat.

The East Contra Costa County Habitat Conservancy approved the Planning Survey Report for the project. On May 26, 2016, Reclamation requested concurrence from the Service that the proposed Gilbert Property project is in compliance with the ESA through the HCP/NCCP process. On August 1, 2016, the Service agreed with Reclamation's understanding that the Proposed Action was a covered activity, and concurred with Reclamation's determination.

Cultural Resources

Reclamation applied the criteria of adverse effect to the two historic properties in the Area of Potential Effect (APE), the Contra Costa Canal and portion of the Dutch Slough Rural Historic Landscape. The portion of the Contra Costa Canal within the project APE is located along the northern boundary where levee work will be implemented. None of the proposed work on or immediately adjacent to the Contra Costa Canal will affect any of the characteristics that make it eligible for the National Register of Historic Places.

As a number of landscape features on the Gilbert property were found to contribute to the eligibility of the Dutch Slough Rural Historic Landscape and will need to be removed, Reclamation determined, with the State Historic Preservation Officer (SHPO) concurrence, that the implementation of the proposed project would constitute an adverse effect pursuant to 36 CFR §800.5(d)(2). Reclamation, the U.S. Army Corps of Engineers, and the SHPO are currently negotiating the terms of a memorandum of agreement (MOA) that will govern the implementation of the undertaking and the resolution of adverse effects resulting from the proposed project. One of the proposed stipulations include documentation of the history property to the Historic American Landscape Survey standards, which will require additional consultation with the National Park Service after the MOA is signed. No ground disturbing activities should be conducted until such a time as this type of coordination has been completed, as outlined in the MOA. The execution and fulfillment of the stipulations of the MOA will show that Reclamation has taken into account the effects of this undertaking on historic properties in compliance with Section 106. Reclamation's undertaking may not proceed until the MOA is executed and implemented.

Reclamation's consent to include the Gilbert Property lands into Contra Costa WD's boundary would allow the planned project to proceed. The land disturbing activities could result in indirect impacts to cultural resources if undiscovered archaeological materials are unearthed. If archaeological materials are uncovered during grading or construction activities, earthwork in the immediate area of these materials shall be stopped. The City of Oakley shall be notified within 24 hours and a certified archaeologist shall be retained by the Developer to evaluate the significance of the find and suggest appropriate mitigation, if necessary. Further consultation with the SHPO may be required if additional resources are identified during project implementation.

Global Climate Change

The inclusion of Gilbert Property into Contra Costa's service area, and subsequent water delivery to the development would generate no greenhouse gas emissions. However, based on the CalEEMod estimates for the proposed Gilbert Property development, carbon dioxide equivalents emissions are 825 metric tons for all years of construction, and annual operations are 6,845 metric tons at buildout.

A single project-level threshold of significant effect for greenhouse gases has not been adopted by the Bay Area Air Quality Management District. In the absence of a project-level numerical threshold, local planning agencies and the California Attorney General's Office have recommended green-building construction measures and transportation measures.

The City of Oakley has approved the development, and the proposed development incorporates several features recommended by the California State Attorney General's Office to reduce emissions. These include the mixed-use nature of the development, proposed landscaping features, and construction to energy-efficient building standards. In combination with the measures described in the air quality section above, these would reduce greenhouse gas emissions due to construction and operation of the development.

Land Use

Under the Proposed Action, Reclamation would approve the inclusion of the Gilbert Property project into Contra Costa WD's CVP service area and allow Contra Costa WD (via Diablo WD) to supply CVP water to the Gilbert Property.

The proposed Gilbert Property project would have an overall density of 4.21 dwelling units/acre. While the density of the project would be greater than surrounding rural residential uses, it would be consistent with the densities specified in the City of Oakley's General Plan and the densities of other residential developments to the west, including the Cypress Grove subdivision and other subdivisions in the vicinity.

This change in land use would be consistent with the City of Oakley's General Plan, as approved by Contra Costa County. The Proposed Action would not facilitate unplanned growth or land use changes, or conflict with established land uses; therefore, there would be no adverse impacts to land use in this area as a result of the Proposed Action.

Transportation

The proposed Gilbert Property project would cause construction-related traffic increases. Within a 24-month period, a maximum of approximately 800 truck trips per day would be needed during the peak construction period. In addition, during peak construction, as many as 250 construction worker vehicles could be present on-site, as well as 10 to 15 trucks and automobiles at a given time for deliveries, visits and other miscellaneous short-term needs. A Traffic Control Plan identifying measures such as construction worker parking, additional street sweeping, and traffic flaggers, would be prepared to decrease congestion caused by anticipated construction-related traffic.

Operation of the Gilbert Property project would cause increased traffic volumes in the area. The development is estimated to generate about 4,900 vehicle trips per day. To analyze the potential impacts on vehicular traffic in the area, a Traffic Impact Analysis was conducted. The study found impacts related to site access and circulation, emergency vehicle access, and adequate parking would be minimal. However, the proposed development would result in increased traffic in the area, which could impact transportation at both signalized and unsignalized intersections. Because Main Street provides the primary access to regional transportation facilities like State Route 4, most of the expected additional traffic resulting in an unacceptable level-of-service from the Gilbert Property project would be added to State Route 4/Main Street. Also, an unsignalized intersection could experience increased levels of traffic (unstable flow or operation) on East Cypress Road at Knightsen Avenue.

The General Plan identifies several roadway and transit goals and policies that have been adopted to ensure that the transportation system of the City of Oakley will have adequate capacity to serve planned growth, such as the proposed Gilbert Property project. These goals and policies are intended to safely and efficiently meet the transportation needs of all economic and social segments of the City of Oakley and provide for the transport of goods and services within the City. Funded major improvements to the traffic network include the State Route 4 bypass, connecting Laurel Road to Sellers Avenue, and improvement to Sellers Avenues between Cypress Road and Laurel Road. Facilities such as sidewalks and trails would also be incorporated into the development to encourage pedestrian and bicycle travel.

Water Resources

The Diablo WD prepared a Water Supply Assessment for the proposed Gilbert Property project. The Water Supply Assessment indicated that the project site was accounted for in Diablo WD projections, and that the Diablo WD has enough water to serve current and future customers within its service area during normal year, single dry year, and multiple dry year conditions.

The Water Supply Assessment was based on the assumption that the proposed Gilbert Property project would include 506 residential units, and an approximately three-acre park. Based on these assumptions and water demand factors of 525 gallons per day (GPD) per dwelling unit for single-family residential uses, and 1,450 GPD per acre for park uses, the Water Supply Assessment estimated that the project would demand approximately 304.7 acre-feet per year.

The components of the proposed Gilbert Property project, as approved by the City, include 506 residential units, and approximately 10 acres of park and stormwater detention pond areas.

Based on the demand rates used by the Diablo WD for the Water Supply Assessment, the projected water demand for the proposed Gilbert Property project is currently estimated to be approximately 302 acre-feet per year, which is about 2 acre-feet per year less than what was estimated and evaluated in the Water Supply Assessment. As a result, the conclusions in the Water Supply Assessment are still valid.

In summary, the water needed to serve the proposed Gilbert Property project could be supplied through existing CVP supplies that are allocated to the Contra Costa WD under its contract with Reclamation. No additional water would be diverted from rivers or reservoirs.

Water Quality

During construction, the Developer would obtain a National Pollutant Discharge Elimination System (NPDES) general construction permit (General Permit) from the Regional Water Quality Control Board. As part of the requirements of this permit, the Developer would prepare and implement a Stormwater Pollution Prevention Plan. Compliance with the General Permit would help prevent sediment from leaving the site during construction, thus preventing impacts to water quality in surrounding waterways during construction.

The Contra Costa Canal borders the project site to the north. Due to the proximity of the waterway to the planned residential properties on the project site, stormwater runoff generated from roofs, roadways, and other new impervious surfaces could potentially affect Contra Costa WD's drinking water within the unlined Contra Costa Canal. Because the groundwater table in this area is very shallow, contaminants from the residential subdivision that enter the ground can interact with the shallow groundwater that generally flows north towards the Delta through the unlined portion of the canal.

Contra Costa WD is in the process of encasing the Contra Costa Canal, including the portion of the canal adjacent to the Gilbert Property. Encasement of the Contra Costa Canal adjacent to the Gilbert parcel would reduce the likelihood of water quality impacts occurring in the Contra Costa Canal due to the development.

Drainage from the project site could impact water quality in Emerson Slough if stormwater collected from the streets within the development were directly discharged to the Slough via the pump located at the stormwater pond. However, the planned project stormwater detention pond (Pond) would provide volume-based treatment control and additional treatment for runoff prior to it leaving the site. Flow-based treatment controls include bioretention areas, bioswales, and measures prescribed in the General Permit. These measures would be implemented as part of the planned development. In addition, the storage of the Pond would be designed to accommodate runoff from large storm events. As a result, operation of the proposed Gilbert Property project Pond would adequately treat urban runoff before it is discharged into Emerson Slough.

Cumulative Impacts

Cumulative impacts result from incremental impacts of the Proposed Action when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment.

Air Quality

Air quality in the region is impaired but gradually improving as a result of regulatory changes, improvements in technology, and adoption of operational practices to reduce criteria pollutant emissions and fugitive dust. It is expected that this overall trend of gradual improvement would continue in the future due to additional innovation and controls on emission sources.

Construction and operation emissions for the Gilbert Property development are expected to be less than the Bay Area Air Quality Management District's thresholds of significant effect. However, in an effort to minimize potential cumulative impacts to the Bay Area Air Basin in associated with the Proposed Action, the Developer would incorporate measures pursuant to the Bay Area Air Quality Management District guidance. These include, but would not be limited to, such measures as using energy-efficient appliances, restricting the types of fireplaces which may be installed, and incorporating design features which encourage travel on foot, by bicycle, or transit. As such, the proposed development would not have cumulative adverse impacts on air quality.

Biological Resources

There are numerous proposed and approved residential subdivisions and land development projects in the area. Reclamation has approved multiple boundary changes to include lands into Contra Costa WD's service area. Each proposed inclusion and development project undergoes separate environmental reviews and appropriate consultations in accordance with applicable laws, regulations, and permits. Measures are imposed to avoid or offset the loss and decline of habitats, fish, wildlife, and plants from these land development projects. Contra Costa WD is required to follow similar conditions when it implements the Contra Costa Canal Encasement project. In addition, the nearby Dutch Slough Restoration Project would increase the quality of habitat for biological species in the long term. Furthermore, the HCP/NCCP has been expressly developed and designed to minimize the cumulative impacts from development in the eastern portion of the county.

Cultural Resources

The ongoing development of agricultural lands in eastern Contra Costa County has the potential to result in cumulative impacts to significant cultural resources eligible for the National Register of Historic Places, assuming such properties are present. Any future residential developments that require Reclamation approval would be subject to separate cultural resources Section 106 reviews, and consultations as required. In such cases where significant cultural resources (i.e., historic properties) would be impacted by Reclamation action, such impacts would be mitigated or otherwise resolved through the Section 106 process.

Global Climate Change

While the emissions from one project would not adversely affect the global climate, cumulative greenhouse gas emissions from multiple projects and sources throughout the world could result in an adverse impact with respect to climate change. However, greenhouse gas control strategies continue to develop over time, through regulation and technological advances to minimize potential impacts to global climate.

Land Use

All developments proposed and constructed within the City of Oakley are reviewed for consistency with citywide land use controls and development standards during the course of the project review and approval process. Therefore the land use controls and development standards presently in use by the City of Oakley has previously undergone environmental review to address cumulative land use impacts due to new development.

Transportation

The proposed Gilbert Property project, along with other proposed and planned construction projects in the area, would increase short-term traffic and congestion in the City's Planning Area and nearby unincorporated areas. It is possible that construction periods for some of these projects could overlap, creating a potential for cumulative impacts. The Traffic Control Plan for the proposed development would take into account the potential for overlapping construction periods and conflicting construction traffic to minimize those impacts.

In addition to short-term construction traffic, the proposed development is also anticipated to generate traffic long-term. However, this additional traffic has been accounted for in the City's General Plan, and future improvements to the area's roadway network are planned to accommodate the additional vehicles to minimize potential impacts.

Water Resources

Pursuant to the General Plan, the development of the proposed Gilbert Property project and buildout of the City of Oakley would increase the demand for water supply in Oakley. The Diablo WD supplies water to the majority of the City of Oakley. The Diablo WD Master Plan is based on the buildout of the City of Oakley General Plan. Because the development of the proposed Gilbert Property project is consistent with the buildout anticipated by the General Plan and has been included in the Diablo WD Water Supply Assessment, the incremental increase in demand associated with the Gilbert Property project is covered by the City of Oakley's long-term water supply plan.

Water Quality Development of the proposed Gilbert Property project and buildout of the City of Oakley pursuant to the General Plan could increase the sediment load in area waterways. In addition, stormwater runoff generated in urbanized areas could contribute a higher amount of pollutants flowing into adjoining channels. As such, water quality in the region could be affected on a short-term and long-term basis. However, the project's 5-acre Pond would filter out pollutants before the runoff is discharged into Emerson Slough or local ground water supplies. Therefore, the project would not contribute urban pollutants to the area waterways and would not add to cumulative effects on water quality.