

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Goodwin Dam Spawning Gravel Placement Project

Prepared by:

Luke Davis
Natural Resources Specialist

Date: _____

Reviewed by:

Janice Piñero
Chief, Conservation and Conveyance Division

Date: _____

John Hannon
Project Manager

Date: _____

Approved by:

David M. Mooney
Area Manager

Date: _____

This page intentionally left blank

1 Background

The Central Valley Project Improvement Act (CVPIA), section 3406 (b)(13) directs the Department of the Interior (DOI) to “develop and implement a continuing program for the purpose of restoring and replenishing, as needed, salmonid spawning gravel lost due to the construction and operation of Central Valley Project dams, bank protection projects, and other actions that have reduced the availability of spawning gravel and rearing habitat in the Stanislaus River at Goodwin Dam, and in the American and Sacramento Rivers downstream from the Nimbus and Red Bluff Diversion Dams, respectively.” This CVPIA program may include preventive measures, such as re-establishment of meander belts and limitations on future bank protection activities, in order to avoid further losses of instream and riparian habitat. The Proposed Action is a salmonid spawning habitat restoration project.

Reclamation prepared the Goodwin Dam Spawning Gravel Placement Project Environmental Assessment (EA) in preparation for the Proposed Action. Analyses and background information included in the EA are incorporated by reference.

2 Proposed Action

Under the Proposed Action, Reclamation will place spawning gravel into the Stanislaus River at River Mile (RM) 58, which is approximately 250 meters downstream of Goodwin Dam. The need for the action derives from the declines of naturally spawned salmonid stocks due in part to loss of spawning and rearing habitat through curtailment of gravel recruitment due to blockage of the river channel by dams and the alteration in flow patterns.

3 Findings

A Finding of No Significant Impact may discuss significance in terms of the context and intensity of the impact (40 CFR 1508.27). Context in the Proposed Action is related to local effects to the Stanislaus River at RM 58. Intensity refers to the severity of the impacts, which may include whether the action may adversely affect an endangered species or adversely affect its critical habitat.

The following were considered in evaluating intensity (40 CFR 1508. 27):

(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal Agency believes that on balance the effect will be beneficial.

The Proposed Action has the potential to provide beneficial impacts to listed salmonid species and their associated habitat.

(2) The degree to which the proposed action affects public health or safety.

The Proposed Action will not affect public health or safety. The EA include mitigation measures related to public safety and construction safety. The Proposed Action is limited to the project area and includes short-term construction actions.

(3) Unique characteristics of the geographical area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The Proposed Action will not significantly impact historical properties or historical resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial

The action is a continuation of previous CVPIA spawning and gravel specific actions on the Stanislaus River. Reclamation has conducted gravel placement actions at the project location since 1997. The effects of the Proposed Action are not highly controversial.

(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

There is a limited degree of uncertainty in the effects of the Proposed Action on biological resources, but Reclamation will consult with the Services on the effects of the Proposed Action on Endangered Species Act listed species.

The action is a continuation of previous CVPIA spawning and gravel specific restoration actions on the Stanislaus River. Previous efforts did not pose any unknown or unique risks, nor does the current Proposed Action.

(6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principal about a future consideration.

The Proposed Action does not represent a decision about a future consideration and would not establish a precedent for future actions with significant effects. As previously discussed, the proposed action is a continuation of previous CVPIA spawning and gravel specific restoration actions on the Stanislaus River.

(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment.

The Proposed Action is a continuation of CVPIA spawning and gravel restoration efforts on the Stanislaus River. The Proposed Action would not result in cumulatively significant impacts on the environment, as described in the EA.

(8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

The Proposed Action is a type of activity that has the potential to cause effects on historic properties under 36 CFR § 800.3(a). A records search, a cultural resources survey, and Tribal consultation identified one historic property within the area of potential effects (APE), a segment of the South Main Canal, which is a contributing element to the Oakdale Irrigation District (ID) distribution system. Due to the limited length of the South Main Canal (1,168 feet of the 21-mile long canal) affected by this project and since the overall Oakdale ID distribution system is largely outside the APE, these cultural resources were not formally evaluated for inclusion on the National Register of Historic Place, and recording and evaluating these cultural resources is outside the scope of this project. Therefore, for the purposes of this undertaking only, Reclamation will treat the Oakdale ID distribution system as eligible for inclusion on the National Register under Criterion A for its role in the economic development of Calaveras, Tuolumne, and Stanislaus Counties, and the South Main Canal is treated as a contributing element to that system. Reclamation determined that the Proposed Action would have no adverse effect to historic properties pursuant to 36 CFR § 800.5(b); therefore, no cultural resources would be affected as a result of implementing the Proposed Action. A response from SHPO is pending. Reclamation will not conduct the Proposed Action until the National Historic Preservation Act, Section 106 process has been completed.

(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (ESA) of 1973.

The Proposed Action will not significantly affect listed threatened or endangered species or their designated critical habitat.

Reclamation has applied for Regional General Permit 16 (RGP 16) to comply with Section 404 of the Clean Water Act with the United States Army Corps of Engineers. The RGP 16 includes an associated National Marine Fisheries Service (NMFS) Biological Opinion (BO) and a U.S. Fish and Wildlife Service (USFWS) Letter of Concurrence (LOC). The associated NMFS BO states, “it is NMFS’ opinion that the proposed action is not likely to jeopardize the continued existence [of the listed species] . . . or adversely modify designated critical habitat for these listed species.” NMFS BO at page 93. Further, the associated USFWS letter of concurrence states, “the Service concurs with your determination that the proposed project may affect, but is not likely to adversely affect [the listed species discussed.]” USFWS LOC at page 6. Based on these determinations, Reclamation will comply with the ESA Section 7 terms and conditions required by the NMFS BO or USFWS LOC, should Reclamation ultimately receive a RGP 16.

If the RGP 16 expires or is no longer valid, Reclamation will conduct informal consultation with the NMFS and seek concurrence on Reclamation’s determination that the Proposed Action is Not Likely to Adversely Affect listed species or Adversely Affect

any associated critical habitat. Reclamation has determined that the Proposed Action will have No Effect on USFWS ESA-listed species, and, therefore, will not seek concurrence from USFWS. Should the determination of No Effect change, Reclamation will consult with USFWS.

(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The Proposed Action will not violate requirements under Federal, State, or local law imposed for protection of the environment.

In accordance with National Environmental Policy Act (NEPA), Reclamation has found that the Proposed Action is not a major Federal action that will significantly affect the quality of the human environment. Therefore, an environmental impact statement is not required for carrying out the Proposed Action. The EA describes the existing environmental resources in the vicinity of the Proposed Action, and evaluates the effects of the No Action and Proposed Action on resources on the Stanislaus River at RM 58. The EA was prepared in accordance with NEPA, the Council of Environmental Quality regulation (40 CFR 1500-1508), and the Department of Interior regulations (43 CFR Part 46).

Potential impacts on several environmental resources not evaluated in detail in the EA were found to have minimal or nonexistent impacts: agricultural, land use and planning, mineral resources, population and housing, public services, wildfire, aesthetics, energy, geology and soils, and greenhouse gas emissions.

Cultural Resources: The Proposed Action is a type of activity that has the potential to cause effects on historic properties under 36 CFR § 800.3(a). A records search, a cultural resources survey, and Tribal consultation identified one historic property, a segment of the South Main Canal, within the APE. The Oakdale ID distribution system, which includes Goodwin Dam and the South Main Canal, were not evaluated for inclusion on the National Register, and recording and evaluating this water distribution system is outside the scope of this project. Therefore, for the purposes of this undertaking only, Reclamation will treat the Oakdale ID distribution system as eligible for inclusion on the National Register under Criterion A for its role in the economic development of Calaveras, Tuolumne, and Stanislaus Counties, and the South Main Canal is treated as a contributing element to that system. Reclamation determined that the Proposed Action would have no adverse effects to historic properties pursuant to 36 CFR § 800.5(b). Consequently, there will be no significant effect to cultural resources as a result of the Proposed Action. Reclamation will be entering into consultation with the SHPO, notifying them regarding a finding of “no adverse effects to historic properties pursuant to 36 CFR § 800.5(b).” A response from SHPO is pending. Reclamation will not conduct the Proposed Action until the National Historic Preservation Act, Section 106 process has been completed.

Indian Trust Assets: The Proposed Action does not have a potential to affect Indian Trust Assets. The nearest Indian Trust Asset is Chicken Ranch Rancheria which is approximately 11 miles north/northwest of the project site.

Indian Sacred Sites: There are no identified Indian Sacred Sites within the Proposed Action area; therefore this project will not inhibit use or access to any Indian Sacred Sites.

Environmental Justice: The Proposed Action would not result in any adverse human health or environmental effects to minority or low-income populations.

4 Cumulative Effects

Past, present, and reasonably foreseeable future actions were identified and considered in the analysis in the EA (Section 3.4). No past, present, or probably future projects were identified in the project vicinity that when added to project-related impacts, would result in a significant cumulative impact, and that would be cumulatively considerable. Other projects occurring outside of the project area would not be affected by the Proposed Action.

5 Public Review

Reclamation released the draft EA for public review and comment from May 26, 2020 to June 1, 2020. The document was made available on Reclamation's website at:

https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=8061