



— BUREAU OF —
RECLAMATION

FINDING OF NO SIGNIFICANT IMPACT (CGB-EA-2021-012, FONSI- 21-01-BDO)

Lower American River Anadromous Fish Habitat Restoration Project

Bay-Delta Office, Sacramento, CA

Recommended by:

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Mission Statements

The Department of the Interior (DOI) conserves and manages the Nation's natural resources and cultural heritage for the benefit and enjoyment of the American people, provides scientific and other information about natural resources and natural hazards to address societal challenges and create opportunities for the American people, and honors the Nation's trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities to help them prosper.

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.

Background

In July 2019, the Bureau of Reclamation (Reclamation) prepared an Environmental Assessment (EA) and signed a Finding of No Significant Impact (FONSI) in August 2019 for the Lower American River Anadromous Fish Habitat Restoration Project (Project). As the California Environmental Quality Act (CEQA) lead, the City of Sacramento prepared an Initial Study (IS) and adopted a Mitigated Negative Declaration (MND) on August 20, 2019 for the Project, which included revisions to the Proposed Action. Since the August 2019 signing of the FONSI, Reclamation has further developed associated flood risk assessment modeling and updated required environmental compliance. Reclamation has further defined floodplain modeling and designs for each specified site described in the Proposed Action in the 2019 EA/IS.

Reclamation provided the updated final Proposed Action described in the 2019 EA/IS to the U.S. Fish and Wildlife Service (USFWS) in June 2020. In September 2020, the USFWS concurred with the determination of “not likely to adversely affect” listed terrestrial species. Reclamation has confirmed with the National Marine Fisheries Service (NMFS) that the updated final Proposed Action (as described in the 2019 EA/IS) is in compliance with the associated 2015 NMFS BO. In addition, Reclamation has determined that three project sites described in the updated final Proposed Action required compliance with Title 54 U.S.C. § 306108, commonly known as Section 106 of the National Historic Preservation Act.

In July 2020, the Council of Environmental Quality (CEQ) issued a final rule to update its regulations for Federal Agencies to implement the National Environmental Policy Act (NEPA). Reclamation has prepared this FONSI to maintain consistency with the new CEQ regulations, document additional flood risk assessment modeling updates, and reflect the updated proposed action from the 2019 EA/IS.

The Central Valley Project Improvement Act (CVPIA), Section 3406 (b)(13) directs the Secretary of the Interior to develop and implement a continuing program for the purpose of restoring and replenishing, as needed, 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 Upper Sacramento River from Keswick Dam to Red Bluff Diversion Dam in the American and Stanislaus Rivers downstream from the Nimbus and Goodwin Dams, respectively. The CVPIA Program Environmental Impact Statement (DOI 1999) included habitat restoration projects that are analyzed in more detail in the supporting 2019 EA/IS. Analyses and background information included in the 2019 EA/IS are incorporated by reference.

Alternatives Including Proposed Action

No Action Alternative

Under the No Action Alternative, gravel would not be placed in the Lower American River below Nimbus Dam, nor would side-channels be developed. Spawning and rearing habitat restoration would not occur in this reach of the river, leaving the Lower American River with insufficient habitat to support population goals for ESA-listed fish species.

Proposed Action Alternative

Under the Proposed Action, Reclamation will conduct spawning gravel replenishment, floodplain and side-channel creation/enhancement, and instream habitat structure placement in the American River, between river mile (RM) 23 to RM 13. The need for the action derives from 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 American River. Restoration actions included under the Proposed Action will occur at up to three sites per year through 2034. The Proposed Action is further described in the 2019 EA/IS, and hereby incorporated by reference.

Findings

Reclamation considered potential short-term and long-term effects of the Proposed Action, both beneficial and adverse. The following are reasons why the impacts of the Proposed Action are not significant, with respect to the affected environment and degree of effects of the action (40 CFR 1501.3(b)).

1. 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). The records search, consultation, and pedestrian survey identified one cultural resource within the APE: a portion of the Folsom/American River Mining District (CA-SAC-308H). The APE has an extremely low probability for the presence of buried cultural resources due to its location within the active river channel and floodplains as well as the previous ground disturbance from historic dredge mining and construction of Nimbus Dam. The Folsom/American River Mining District was determined eligible for inclusion on the National Register in 1990. No new elements of dredge mining or any other cultural resources were identified in the APE. Gravel acquisition from Mississippi Bar and Sailor Bar was the subject of previous review and the current undertaking will not exceed the previously determined limits analyzed for gravel acquisition and stockpiling. Reclamation determined that the proposed undertaking will have no adverse effects 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. Reclamation entered into consultation with the California State Historic Preservation Officer (SHPO) on December 2020 regarding the finding of effects presented above, as required by 36 CFR §800.5(b). SHPO responded with no objections to Reclamation's findings and determinations on January 22, 2021.
2. Section 7 Endangered Species Act (ESA): The Proposed Action will not significantly affect ESA-listed species or have significant impacts on any associated designated critical habitat.

On August 2016, USFWS concurred that the Proposed Action may affect, but is not likely to adversely affect the federally listed as threatened Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*) and western yellow-billed cuckoo (*Coccyzus americanus*). On June 2020, Reclamation submitted the updated Proposed Action to USFWS as described in the 2019 EA/IS. On September 2020, USFWS concurred that the Proposed Action may affect, but is not likely to adversely affect the federally listed as threatened Valley Elderberry

Longhorn Beetle (*Desmocerus californicus dimorphus*) and western yellow-billed cuckoo (*Coccyzus americanus*).

National Marine Fisheries Service (NMFS) provided Reclamation a biological opinion (BO) on July 2015. On October 2020, NMFS confirmed the latest Proposed Action, as described in the 2019 EA/IS, was in compliance with the 2015 BO.

In the 2015 Biological Opinion, NMFS concluded that the Proposed Action is not likely to destroy or adversely modify listed species critical habitat. NMFS determined that the Proposed Action may affect, but is not likely to adversely affect Sacramento River winter-run Chinook Salmon and Central Valley spring-run Chinook Salmon, and may affect and is likely to adversely affect Central Valley steelhead. As described in the NMFS BO, increased sedimentation, turbidity, and potential pollutants and contaminants from construction related actions have the potential to adversely affect juvenile Central Valley steelhead. Impacts to Central Valley steelhead and other species are anticipated to be short-term due to construction related effects, while the restoration actions of the action are anticipated to have long-term benefits to ESA-listed fish species and their habitats. Reclamation will implement the reasonable and prudent measures and terms and conditions in the NMFS Biological Opinion that are anticipated to minimize potential short-term construction related effects. Reclamation has also agreed to implement the conservation recommendations in the NMFS Biological Opinion.

NMFS also determined that the Proposed Action would adversely affect the Essential Fish Habitat (EFH) of Pacific salmon in the project area. Reclamation has adopted the EFH conservation recommendations provided by NMFS in the Biological Opinion.

The Proposed Action includes unspecified sites, in addition to specified sites, that fulfill specific criteria (i.e. similar types, size, and construction methods) described in the 2019 EA/IS. Should Reclamation implement restoration of an unspecified site, Reclamation will further consult with the Services under Section 7 of the Endangered Species Act.

3. The Proposed Action will not significantly affect public health or safety (40 CFR 1501.3(b)(2)(iii)).
4. The Proposed Action will not violate federal, state, tribal or local law protecting the environment (40 CFR 1501.3(b)(2)(iv)).
5. The Proposed Action will not affect any Indian Trust Assets (512 DM 2, Policy Memorandum – July 2, 1993).
6. Implementing the Proposed Action will not disproportionately affect minorities or low-income populations and communities (EO 12898 – February 11, 1994).
7. 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 – May 24, 1996 and 512 DM 3 – June 5, 1998).