

RECLAMATION

Managing Water in the West

Finding of No Significant Impact

B.F. Sisk Safety of Dams Modification Project

FONSI CGB-EA-2021-27
Merced County, California

Prepared by:

Melissa Dekar
Natural Resources Specialist
Interior Region 10, California-Great Basin

Approved by:

Jesse Castro
Acting Regional Engineer
Interior Region 10, California-Great Basin

U.S. Department of the Interior
Interior Region 10 · California-Great Basin
Bureau of Reclamation



— BUREAU OF —
RECLAMATION

August 2021

Background

Reclamation and the California Department of Water Resources (DWR) are jointly implementing the B.F. Sisk Safety of Dams Modification Project (Project) to address dam stability and safety concerns in the event of seismic activity. The Project will help prevent destabilization of the dam embankment, reduce safety concerns, and maintain water supply deliveries to state and federal water contractors. Reclamation and DWR completed the B.F. Sisk Dam Modification Project Final Environmental Impact Statement/ Environmental Impact Report¹ (2019 EIS/R) to jointly comply with the National Environmental Policy Act and the California Environmental Quality Act. On December 3, 2019, Reclamation executed a Record of Decision (ROD) for the Project based on analysis in the 2019 EIS/R summarizing Reclamation's decision to implement the Crest Raise Alternative.

After execution of the Record of Decision, Reclamation and DWR have identified three proposed modifications to project activities: recreation mitigation activities, additional construction contractor use areas, and additional activities in a construction contractor use area (now Borrow Areas 12 and 14) (together, project modifications or Proposed Action). These proposed modifications will improve the efficiency and effectiveness of Project implementation and mitigate the Project's impacts to recreation. Reclamation released a Supplemental Environmental Assessment¹ considering the Proposed Action for public review on July 2, 2021. No comments were received.

Proposed Action

No Action: Under the No Action Alternative, Reclamation would complete the B.F. Sisk Safety of Dams Modification Project as described in the 2019 EIS/R and ROD. No modifications to the project description would be made.

Proposed Action: Reclamation would implement the B.F. Sisk Safety of Dams Modification Project with the three proposed modifications, including recreation mitigation activities, additional construction contractor use areas, and modifications to borrow areas.

Findings

On August 29, 2019, the U.S. Fish and Wildlife Service issued a Biological Opinion reviewing the original project's expected impacts on species that are federally listed under the Endangered Species Act. Reclamation and USFWS determined that the original project may affect, and is likely to adversely affect the federally-listed as endangered San Joaquin kit fox (*Vulpes macrotis mutica*), the federally-listed as threatened California tiger salamander Central California Distinct Population Segment (*Ambystoma californiense*), and the federally-listed as threatened California red-legged frog (*Rana draytonii*). The project was determined to have no adverse effect to

¹ The 2019 EIS/R and Supplemental EA are available at:
https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=34281

critical habitat and the anticipated level of take is not likely to result in jeopardy in any of the three affected species.

Reclamation reinitiated consultation under Section 7 of the Endangered Species Act on December 29, 2020 to address the proposed modifications to the Project. USFWS issued an amended Biological Opinion for the Project, including project modifications analyzed in the Supplemental EA, on June 3, 2021. The amended Biological Opinion again determined that the Project would have no adverse effect to critical habitat and the anticipated level of take is not likely to result in jeopardy in any of the three affected species.

Reclamation is currently consulting on the supplemental cultural resources inventory and will confirm the no adverse effect finding under the Project's Programmatic Agreement with consulting parties and the State Historic Preservation Officer.

Based on the analysis and findings in the 2019 EIS/R and the Supplemental EA, Reclamation finds that the Proposed Action is not a major Federal action that will significantly affect the quality of the human environment. The previous environmental documents describe the existing environmental resources at the location of the Proposed Action and evaluate the effects of the activities to be constructed under the Proposed Action, in accordance with the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR 1500-1508), and Department of the Interior Regulations (43 CFR Part 46). Reclamation has determined the project modifications will not cause any environmental impacts beyond those identified in the previous environmental documents. The 2019 EIS/R and Supplemental EA are hereby incorporated by reference. Reclamation considered potential short-term and long-term effects of the Proposed Action, both beneficial and adverse. Following are the 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. The Proposed Action will not significantly affect public health or safety (40 CFR 1501.3(b)(2)(iii)).
2. The Proposed Action will not violate federal, state, tribal, or local law protecting the environment (40 CFR 1501.3(b)(2)(iv)).
3. The Proposed Action will not affect any Indian Trust Assets (512 DM 2, Policy Memorandum – July 2, 1993).
4. Implementing the Proposed Action will not disproportionately affect minorities or low-income populations and communities (EO 12898 – February 11, 1994).
5. 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).