

# Salinity Control Projects

Environmental Compliance and Habitat  
Replacement

# National Environmental Policy Act

**NEPA- The overarching law requiring Federal agencies to evaluate and disclose environmental, social and economic effects of proposed actions**

- **Documentation – Environmental Assessment (EA)**
  - Grant recipient performs NEPA compliance activities.
  - Public review & comment period on Draft EA
  - No ground-disturbing activities or expenditure of federal funds until NEPA process is complete
- **Timeframe – Data gathering, surveys, and NEPA process typically takes a total of 9-12 months**

# NEPA Document

- EA includes environmental commitments to avoid, minimize and compensate for impacts
  - For example, best management practices, revegetation, habitat replacement, etc.
- Compliance with other laws is documented in the EA

# Compliance with Other Laws

## National Historic Preservation Act

- **Assess and resolve effects on Historic Properties**
  - Historic Properties can include water delivery infrastructure over 50 years old.
- **Archaeologist conducts field survey and prepares report**
- **Reclamation consults with State Historic Preservation Officer (SHPO)**
- **Timeframe:**
  - No potential to affect: ~1 month
  - Potential to affect: Memorandum of Agreement, including mitigation of effects ~3 months

# Compliance with Other Laws

## Endangered Species Act

- Assess and resolve effects on federally-listed animal and plant species (referred to as T&E species)
- Biologist conducts field survey and prepares report.
- If needed, Reclamation consults with U.S. Fish and Wildlife Service (FWS)
  - Mitigation measures could be applied to project.
- Timeframe: 1 – 6 months depending on effects to T&E species

# Compliance with Other Laws

## Clean Water Act

- **Most agricultural activities are exempt from CWA regulation under Section 404 of CWA**
  - Consultant prepares letter to Corps of Engineers
    - Obtain written confirmation of 404 exemption or permit requirements
- **National Pollution Discharge Elimination System (NPDES) (Section 402 of CWA).**
  - Construction sites on  $\geq 1$  acre of land must obtain NPDES permit from State to ensure water quality standards are met
  - NPDES application includes Stormwater Management Plan
    - BMPs, dewatering plan, etc. for construction activities

# Habitat Replacement for Salinity Control Projects

# Habitat Replacement

## Requirement of the Salinity Control Act:

... provide for the mitigation of incidental fish and wildlife values that are lost as a result of the salinity control measures and associated works.

- What type of habitat needs to be replaced?
  - Wetlands and riparian areas supported by canal seepage that will be lost as a result of project construction
- Construct habitat replacement concurrently with project construction
- Recipient responsible for all aspects of Plan -- Reclamation reviews and approves
- Salinity funds can be used for development and implementation of habitat project

# Habitat Replacement

- **Early coordination**
  - **Grant recipient, consultant, and Reclamation coordination on habitat evaluation procedures, objectives, and potential habitat replacement plan and location**
  - **Site visit with Reclamation and FWS to potential site**

# Habitat Replacement

- Determine Habitat Losses
  - Use Reclamation's *Fish and Wildlife Habitat Evaluation Procedures* to determine amount of habitat loss
  - The *Procedures* define method to evaluate functions of riparian and wetland areas that will be lost after canal is lined or piped

# Habitat Replacement

- **Develop Habitat Replacement Plan**
  - Well developed Plan is a good investment!
  - Level of Plan Detail
    - Use Reclamation's Habitat Replacement Plan outline
    - Enough detail that third party can complete the work
    - Clearly define measurable objectives so project "success" can be determined
    - Level of Plan detail dependent on complexity of project
    - Detailed schedule and line item cost breakdown of construction, maintenance, and management
  - Construction oversight & plantings by biologist/ecologist and/or qualified contractor

# Habitat Replacement

- **Maintenance and Management of Habitat Project**
  - Grant recipient is responsible for maintaining habitat project for life of project – typically 50 years
  - Salinity funds cannot be used for maintenance
  - All projects require maintenance, some more than others
  - Develop Plan that minimizes amount of ongoing maintenance
  - Plan and budget for maintenance
    - For example, weed control, replanting and reseeding, maintaining water control structures, fencing, sediment removal, etc.

# Habitat Replacement

- **Monitoring**

- Required for life of project
- Include Monitoring schedule in habitat replacement plan
- Typically annual site visits with Reclamation for first five years, with yearly report to Reclamation
  - How project is meeting objectives, any corrective measures, photographs
- After 5 years, monitoring and reporting frequency may be adjusted to every 3 to 5 years for remaining life of project, with Reclamation concurrence
- Monitoring methods: measurable and repeatable; tie back to plan objectives and habitat evaluation criteria

# **Additional information**

**can be found on the Colorado River  
Basin Salinity Control Program**

**Webpage:**

**<https://www.usbr.gov/uc/progact/salinity/>**