FINDING OF NO SIGNIFICANT IMPACT

San Joaquin River Restoration Program
Salmon Conservation and Research Facility
Water Supply and Infrastructure Project

United States Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
Sacramento, California

Recommended: _____ March 28, 2016
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FONSI Number: 16-01-SJRRP

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BACKGROUND

In 1988, a coalition of environmental groups led by the Natural Resources Defense Council (NRDC) filed a lawsuit known as *NRDC,* et al., *v. Kirk Rodgers,* et al. (*NRDC v. Rodgers 2006*), challenging the renewal of long-term water service contracts between the United States and Central Valley Project Friant Division Contractors. In 2006, the Court approved the Settlement Agreement and the terms of authorization and implementation were signed into law in 2009 with the San Joaquin River Restoration Settlement Act (Public Law 111-11). The Settlement Agreement establishes two primary goals:

- Restoration Goal – To restore and maintain fish populations in "good condition" in the main stem San Joaquin River below Friant Dam to the confluence of the Merced River, including naturally reproducing and self-sustaining populations of salmon and other fish.

- Water Management Goal – To reduce or avoid adverse water supply impacts on all of the Friant Division long-term contractors that may result from the Interim and Restoration flows provided for in the Settlement.

In support of the Settlement Restoration goal, the San Joaquin River Restoration Program Implementing Agencies (Reclamation, U.S. Fish and Wildlife Service [USFWS], National Marine Fisheries Service [NMFS], California Department of Fish and Wildlife [CDFW], and Department of Water Resources) are pursuing actions related to the reintroduction of Chinook salmon to the SJRRP Restoration Area, including CDFW's development of a Salmon Conservation and Research Facility (SCARF), to be located at the site of the existing pilot-scale Interim Salmon Conservation and Research Facility (Interim Facility) operated by CDFW, immediately west of the existing San Joaquin River Fish Hatchery (SJH), below Friant Dam. CDFW is the lead agency in construction of the future SCARF, for which potential impacts were analyzed and disclosed in the 2014 San Joaquin River Restoration Program: Salmon Conservation and Research Facility Environmental Impact Report (EIR).

CDFW operates the Interim Facility to allow meeting SJRRP objectives for spring-run Chinook production, albeit on a reduced scale, until the full-scale SCARF becomes operational. Existing water infrastructure for the Interim Facility will not be sufficient for the SCARF once it is constructed. Therefore, Reclamation is proposing to construct water supply infrastructure that routes an additional 20 cfs of Central Valley Project (CVP) water to support the SCARF operations, in addition to the 35 cfs that is currently allocated to CDFW for the SJH and Interim Facility. The proposed action is further

described in the Environmental Assessment (EA), which is attached and hereby incorporated by reference.

To avoid and minimize potential impacts of the Proposed Action, Reclamation will implement the following measures as described in the attached EA:

a) Project-related vehicles will observe a maximum 20 mph speed limit in all Project areas, except on county roads and State and Federal highways. Nighttime activity will be minimized to the extent feasible.
b) There will be no discharges from construction activities to any bodies of water.
c) No construction will occur within wetland or riparian areas adjacent to any Project action area.
d) Straw wattles or similar erosion-catching control will be placed around stockpiles. Once the disturbed areas are stabilized, erosion control materials will be removed from the site. Should there be inclement weather during project activities, work will cease until necessary erosion controls are in place and effective at catching sediment and debris runoff.
e) All equipment working near waters of the U.S. will be inspected daily for fuel, lubrication, and coolant leaks and for leak potentials (e.g. cracked hoses, loose filling caps, stripped drain plugs); and all equipment shall be free of fuel, lubrication, and coolant leaks.
f) Spill prevention kits shall be in close proximity to work areas, and workers shall be trained in their use.
g) The only vegetation removal consists of the temporary removal of stripped material (1 foot depth of lawn and top soil in the nearby maintenance yard) during trenching activities. The stripped material would be stockpiled then used to restore the trench sites.
h) Tracked out material where unpaved surfaces meet paved roads in the Action Area will be swept up to minimize fugitive dust emissions, trackout, and sediment in stormwater runoff.
i) Rescue or evacuation procedures will be implemented as described in ESA Section 10(a)(1)(A) Permit #17781, should FKC water temperatures reach 60°F or become unsuitable for the Central Valley Chinook salmon at the Interim Facility.
j) Construction activities will not start until the 3-day running average daily maximum temperature in the FKC is below 60°F.
k) Excavating activities will implement dust control and palliative measures if wind speeds exceed 25 mph.
l) Vehicles will observe a speed limit of 15 mph on the unpaved surfaces.
m) Disturbed areas will be stabilized for the duration of the construction activity or until construction work resumes on the inactive disturbed area.
n) To prevent inadvertent entrapment of animals during the construction phase, at the end of each workday, all excavated, steep-walled holes or trenches more than 2-feet deep will be covered with plywood or similar materials or provided with escape ramps constructed of earth-fill or wooden planks with a slope of 2:1 or

less. Such holes or trenches will be inspected for trapped animals daily and just prior to filling.

o) All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods will be thoroughly inspected for animals before the pipe is subsequently buried, capped, or otherwise used or moved in any way.

p) Migratory bird commitments:
    - The majority of activities will occur outside of the nesting for species protected by the Migratory Bird Treaty Act (MBTA), which is February 15 through September 15 (Reclamation 2012: 2-66).
    - There will be no tree removal.
    - Within 10 days prior to continuing activities that overlap with the migratory bird nesting season, a qualified wildlife biologist will conduct preconstruction nest surveys within 0.5 miles of the project area. If active nest sites are identified for species protected by the MBTA, Relcamation will coordinate with USFWS and CDFW to identify a suitable construction-free buffer around the nest based on, but not limited to, species-specific information, site lines from the nest to the work-site, and observations of the nesting bird's reaction to Project activities. A qualified biologist will monitor the nest during construction and halt work if signs of disturbance are observed, until the nesting migratory bird has settled. If a bird abandons a monitored nest, Reclamation will coordinate with the USFWS and CDFW to determine further minimization measures, as appropriate.
    - Worker awareness training will be conducted to educate workers on the status, ecology, and life history of species protected by the MBTA, and ensure that avoidance measures are implemented.

A draft of the attached EA was made available for public review for 30 days. One comment letter was received, containing two comments. The commenter requested confirmation that the water supply for the proposed action would be appropriated under existing permits, and that nothing in the proposed action would affect the commenter's status under the Endangered Species Act or the designation of the Federal Non-Essential Experimental Population; both of which Reclamation has confirmed. No changes were made to the text of this EA in response to the comments received.

FINDINGS

The attached EA was prepared to evaluate the potential environmental impacts associated with the Proposed Action and the No Action Alternative. In accordance with the National Environmental Policy Act of 1969, as amended, Reclamation has found that the Proposed Action of constructing water supply infrastructure to route an additional 20 cfs of Central Valley Project (CVP) water and supplying that water to support SCARF and Interim Facility operations, is not a major Federal action that would significantly affect the human environment. Therefore, an environmental impact statement is not required.

This finding of no significant impact is based on the following, as further described in the attached EA:

- The Proposed Action would have no effect on the following resources: Indian Sacred sites, Indian Trust Assets, and environmental justice, and groundwater resources.

- The Proposed Action would not change the amount of CVP water delivered through the FKC from Millerton Lake.

- The Proposed Action could result in an increased potential for erosion, sediment transport, accidental release of pollutants, and turbidity increases from runoff during precipitation events. However, implementation of the environmental commitments described above would avoid and minimize the potential for construction-related impacts to water quality; therefore, the Proposed Action would not significantly affect water quality.

- The Proposed Action would involve only temporary, negligible effects to power, sequentially taking one out of four outlet works offline at a time.

- Project construction emissions would be temporary and below *de minimis* thresholds for Federal General Conformity, and the environmental commitments described above would minimize potential air quality effects to the extent feasible.

- The Proposed Action would have no effect on Endangered Species Act listed terrestrial species, or its habitat that has been determined to be critical under the Endangered Species Act of 1973 (40 CFR 1508.27(b)(9)). The Proposed Action would not jeopardize the non-essential experimental population of Spring-run Chinook salmon. NMFS has concurred with this determination.

- Under the Proposed Action, construction activities would primarily occur outside of the breeding and nesting season for migratory birds. Implementation of the migratory birds environmental commitments, as described above, would avoid take of species protected by the Migratory Bird Treaty Act during any activities

overlapping with the breeding and nesting season.

- Reclamation reviewed the Proposed Action pursuant to the requirements of Section 106 of the NHPA and reached a determination of no historic properties affected pursuant to 36 CFR § 800.4(d)(1). Reclamation has received concurrence from the State Historic Preservation Office on this determination.

- Cumulative impacts of the Proposed Action and other past, present and reasonably foreseeable future actions to restore habitat along the San Joaquin River, including implementation of other SJRRP projects contributing to achieving the Restoration Goal would have a beneficial effect on aquatic resources, including spring-run Chinook salmon populations to be reintroduced in the San Joaquin River.