

RECLAMATION

Managing Water in the West

Finding of No Significant Impact

Fremont Weir Adult Fish Passage Modification Project

Recommended by:



Date: 8/22/17

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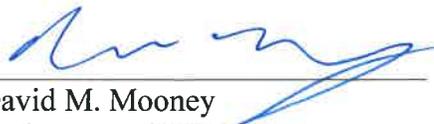
Concurred by:



Date: 8/22/17

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Approved by:



Date: 8/22/2017

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Mission Statements

The Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

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

The Bureau of Reclamation is responsible for managing the Central Valley Project (CVP) and the California Department of Water Resources (DWR) is responsible for operating and maintaining the State Water Project (SWP). The CVP and SWP deliver water to agricultural, municipal, and industrial contractors throughout California. The National Marine Fisheries Service's (NMFS's) 2009 Biological Opinion (BO) on the *Long-term Operation of the Central Valley Project and the State Water Project* (2009 NMFS BO) specifies the need for more reliable fish passage through the Yolo Bypass. Reasonable and Prudent Alternative (RPA) Action I.7 of the 2009 NMFS BO states the need to reduce migratory delays and mortalities of federally-listed fish species within the Yolo Bypass (National Marine Fisheries Service 2009).

RPA Action I.7 focuses on adult and juvenile fish passage improvements in the Yolo Bypass for four federally-listed anadromous species: (1) Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*); (2) Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*); and (3) California Central Valley steelhead (*Oncorhynchus mykiss*), which are collectively referred to as salmonids; and (4) Southern Distinct Population Segment (DPS) of North American green sturgeon (*Acipenser medirostris*). Winter-run Chinook salmon are listed as endangered and the remaining three species are listed as threatened under the Federal Endangered Species Act (ESA). The proposed action was designed by Reclamation and DWR to achieve partial compliance with RPA Action I.7 by improving adult fish passage in the Yolo Bypass.

Proposed Action

Reclamation and DWR propose to:

- Modify the existing Fremont Weir fish ladder to provide improved upstream passage for salmonids and sturgeon when the Sacramento River overtops Fremont Weir and immediately after the Sacramento River recedes below Fremont Weir.
- Improve fish passage conditions in the channel that extends from the existing fish ladder upstream to the Sacramento River.
- Improve fish passage conditions in the scour channel that extends from the existing fish ladder downstream to an existing deep pond.
- Remove one earthen agricultural road crossing and replace one earthen agricultural road crossing with a structure that allows for improved fish passage through the Tule Canal and continued agricultural utility.

The Proposed Action is further described in the attached initial study/environmental assessment (IS/EA). The document was prepared in compliance with the California Environmental Quality Act and the National Environmental Policy Act (NEPA).

Findings

In accordance with NEPA, Reclamation has found that the Fremont Weir Adult Fish Passage Modification Project will not significantly affect the quality of the human environment. Consequently, an environmental impact statement is not required. The attached IS/EA was prepared to evaluate the potential environmental impacts associated with the proposed action and the no action alternative.

Potential impacts on several environmental resources were examined and found to be minimal or nonexistent. These resources include Growth-inducing impacts, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, and Socioeconomics.

Additional resources were analyzed and the findings are described below. The analysis, including conservation measures and best management practices, is provided in the IS/EA and is hereby incorporated by reference.

Indian Trust Assets

The Proposed Action will not affect Indian Trust Assets (512 DM 2, Policy Memorandum dated December 17, 1993).

Indian Sacred Sites

There are no identified Indian Sacred Sites within the Proposed Action area; therefore, the Proposed Action would 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 and 512 DM 3).

Environmental Justice

Executive Order 12898 requires each Federal agency to identify and address disproportionately high and adverse human health or environmental impacts, including social and economic effects of its program, policies, and activities on minority populations and low-income populations. The Proposed Action will not disproportionately affect minorities or low-income populations and communities.

Air Quality (including Greenhouse Gas Emissions)

The Proposed Action will involve ground disturbance, the operation of haul trucks and heavy-duty construction equipment, and worker commutes that will result in temporary emissions. The Proposed Action will include best management practices (BMPs) and minimization measures. The construction contractor shall implement Yolo-Solano Air Quality Management District's recommended construction BMPs for fugitive dust prevention and control.

Incremental contribution to the cumulative impact of increasing atmospheric levels of greenhouse gases (GHGs) would be less than cumulatively considerable. The Proposed Action would include BMPs to further reduce the project's GHG emissions.

Biological Resources

On June 23, 2017, U.S. Fish and Wildlife Service (Service) provided Reclamation with a BO concluding that the project is not likely to jeopardize the continued existence of the giant garter snake (*Thamnophis gigas*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), western yellow-billed cuckoo (*Coccyzus americanus*), and least Bell's vireo (*Vireo bellii pusillus*). Additionally, NMFS provided a BO on July 14, 2017. The BO concluded that the project is not likely to jeopardize the continued existence of the Southern DPS of North American green sturgeon (*Acipenser medirostris*), California Central Valley steelhead (*Oncorhynchus mykiss*), Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*), and Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*) or destroy or adversely modify their designated critical habitats.

Additionally, the Service and NMFS each included an incidental take statement, with reasonable and prudent measures and non-discretionary terms and conditions that are necessary and appropriate to avoid, minimize, or monitor incidental take of listed species associated with the project. Reclamation and DWR will implement conservation measures for listed fish species and will implement the reasonable and prudent measures from the Service and NMFS.

The IS/EA includes implementation of conservation measures for biological resources and compensatory mitigation for the permanent loss of habitat.

Cultural Resources (including Tribal Cultural Resources)

Reclamation contacted the Native American tribes Ione Band of Miwok Indians, United Auburn Indian Community of the Auburn Rancheria, Wilton Rancheria, and Yocha Dehe Wintun Nation as Native American tribes on May 31, 2016, and the Cortina Rancheria, Kletsel Band of Wintun Indians on July 27, 2016, to notify them of the undertaking and invite participation in the Section 106 consultation process. To date, no responses have been received.

On June 14, 2017, the State Historic Preservation Officer delivered a letter to Reclamation that, among other things, concurred that the proposed undertaking will result in no adverse effects to the historic properties affected (36 CFR 880.5(b)).

Geology and Soils

Construction of the project would require backfilling, earthmoving, grading, and compacting that would expose areas of soil presently covered with vegetation to wind and water erosion. Implementation of a hazardous materials management plan; a spill prevention, control, and countermeasure plan; and a stormwater pollution and prevention plan and BMPs would reduce the impact of soil erosion. There may be some potential for geologic instability and structural

damage at the site. Implementation of mitigation measures that take expansive soils into account in the project design would reduce this impact.

Hazards and Hazardous Materials

Proposed construction and maintenance activities would involve the routine use, handling, and transport of hazardous substances, such as diesel fuels, gasoline, hydraulic fluids, and lubricants. All hazardous materials would be used, stored, and transported according to standard procedures and protocols. In addition, implementation of a hazardous materials management plan; a spill prevention, control, and countermeasure plan; a stormwater pollution and prevention plan; and BMPs would reduce the potential for impacts.

Hydrology and Water Quality

Heavy machinery would be used within the construction areas, which could result in the contamination of riverbank and bed soils resulting from spills of petroleum products and other pollutants during vehicle operation, refueling, parking, and annual maintenance. Improper handling, storage, or disposal of these materials in the vicinity of the project area could cause degradation of surface water quality if they are eventually washed into the Tule Canal or the Sacramento River. Furthermore, placement of engineered streambed material at the modified portions of the channel and agricultural road crossings would stir up sediment and contribute to downstream sedimentation, resulting in increased turbidity. Placement of soil on Mt. Meixner could also result in increased sediment loading downstream during periods that Fremont Weir overtops. But, most of the construction work and ongoing maintenance activities associated with the proposed project would occur on the dry, downstream side of the Fremont Weir and the agricultural road crossings. Dewatering would occur upstream of the weir and agricultural road crossings during construction.

Implementation of a hazardous materials management plan; a spill prevention, control, and countermeasure plan; a stormwater pollution and prevention plan; and BMPs would reduce the potential for impacts.

Recreation and Traffic

Closures of portions of the Fremont Weir Wildlife Area (FWWA) and areas of private land near the agricultural road crossings would be necessary during the construction period. Construction activities are anticipated to occur from May 1 through November 1, which overlaps with several hunting seasons. The reduced area available for hunting could result in increased hunting use in other areas of the FWWA, or increased use at other wildlife areas. The potential temporary increase in use levels within other areas of the FWWA or adjacent recreation areas would be minimal, would be temporary, and would not be expected to result in the substantial physical deterioration of those recreation areas or require the expansion of those recreation areas to accommodate the temporary increase in use levels.

The Proposed Action does not include a land use change that would result in a permanent increase in traffic levels. The Proposed Action would involve the transport of construction vehicles and equipment to the project area at the start of construction, daily transport of

construction workers to and from the project area, intermittent solid waste removal from the project area following concrete demolition, intermittent construction material delivery to the project area, and limited seasonal transport of personnel for operation and maintenance of the project area. Construction of the proposed project would not require road or lane closures. Construction vehicle traffic associated with implementation of the proposed project along I-5 would blend in with existing traffic levels and would not result in a substantial adverse effect on traffic flow. Impacts to traffic from construction activities would also be temporary and localized.

Environmental Commitments

Reclamation is obligated to ensure fulfillment of environmental commitments prescribed to mitigate impacts resulting from implementation of the proposed project. Environmental commitments and mitigation measures described in the attached IS/EA will be implemented. In addition, Reclamation will coordinate with DWR through the duration of the project to ensure avoidance and minimization measures are implemented in accordance with all required permits and in compliance with this determination.

Cumulative Effects

The proposed project is intended to alleviate the incremental impacts of past actions by providing enhanced fish passage opportunities for federally-listed and State-listed salmonids and green sturgeon during and immediately following a Fremont Weir overtopping event, reducing the reliance on fish rescue in the FWWA, and improving fish passage in the Tule Canal. The proposed project would be compatible with the present and reasonably foreseeable actions described above, as many of these actions already take the proposed project into consideration or would be constructed in areas that are not immediately adjacent to, or upstream of, the proposed project.

Public Review

Reclamation and DWR released the draft IS/EA for public review and comment from February 3 through March 6, 2017. Comments were submitted by the Central Valley Regional Water Quality Control Board, California Department of Fish and Wildlife (CDFW), Yolo Basin Foundation, American Rivers, California Trout, Northern California Water Association, The Nature Conservancy, Yolo County, and the Delta Stewardship Council. The comments were generally supportive in nature. Updates were included and comments and responses can be found in Appendix H of the IS/EA.

The Biological Resources portion (Section 3.5) of the draft document was recirculated to the public on May 17, 2017. Changes related to adverse impacts to sensitive species and habitat were recirculated to provide public review. The public comment period for the recirculated portion of the document closed June 13, 2017. CDFW provided additional comments that are addressed in Appendix I of the IS/EA.

Reclamation determined the comments did not warrant additional NEPA analysis.

References

National Marine Fisheries Service. 2009. *Biological Opinion and Conference Opinion on the Long-term Operation of the Central Valley Project and the State Water Project*. Southwest Region. Long Beach (CA).