

# RECLAMATION

*Managing Water in the West*

**Draft FINDING OF NO SIGNIFICANT IMPACT**

## **Contra Costa Water District Cypress Preserve Property Inclusion**

**FONSI-15-049**



U.S. Department of the Interior  
Bureau of Reclamation  
South-Central California Area Office

**October 2017**

## **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.

**BUREAU OF RECLAMATION**  
**South-Central California Area Office, Fresno, California**

**FONSI-15-049**

**Contra Costa Water District Cypress  
Preserve Property Inclusion**

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Recommended by: Michael P. Jackson, P.E.  
Area Manager

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Date

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Concurred by: Anastasia T. Leigh  
Regional Environmental Officer

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Date

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Approved by: David Murillo  
Regional Director

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Date



## Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the South-Central California Area Office of the Bureau of Reclamation (Reclamation), has determined that an environmental impact statement is not required for the proposed inclusion of the Cypress Preserve Property into Contra Costa Water District's (Contra Costa WD) Central Valley Project (CVP) service area for receipt of CVP water. This draft Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA)-15-049, *Contra Costa Water District Cypress Preserve Property Inclusion*, which is attached and is hereby incorporated by reference.

No final decision shall be made on the FONSI until public review has been completed and comments, if any, considered.

## Proposed Action

Reclamation would approve the inclusion of the 1,246.6 acres Cypress Preserved Property development into Contra Costa WD's CVP service area. This would allow Contra Costa WD (via the Diablo Water District) to deliver CVP water to the proposed development for M&I purposes. In addition, Reclamation would approve various land use actions as part of the Proposed Project. Specific Project details are included in Section 2.2 of EA-15-049.

### Permitting for the Proposed Action

The Developer shall comply with all terms and conditions of the Clean Water Act Section 401 Water Quality Certification (Appendix A of EA-15-049), Streambed Alteration Agreement (Appendix B of EA-15-049), Clean Water Act Section 404 and Section 10 Rivers and Harbors Act permit, and National Pollutant Discharge Elimination System general construction permit.

### Environmental Commitments

The Developer shall implement the environmental protection measures listed in Table 2 of EA-15-049 to reduce environmental consequences associated with the Proposed Action. Environmental consequences for resource areas assume the measures specified would be fully implemented.

## Findings

Based on EA-15-049, including implementation of applicable environmental commitments, Reclamation finds that the Proposed Action described above is not a major federal action that will significantly affect the quality of the human environment. Following are the reasons why the impacts of the Proposed Action are not significant:

1. The Proposed Action will not significantly impact public health or safety (40 CFR 1508.27(b)(3)).
2. The Proposed Action will not significantly impact natural resources and unique geographical characteristics such as historic or cultural resources; parks, recreation, and refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order (EO) 11990); flood plains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas (40 CFR 1508.27(b)(3)). Although Oakley determined that there would be significant and unavoidable impacts to agriculture resources and to air quality pursuant to CEQA as described above, as required by Oakley, the developer shall implement mitigation measures included in the MMRP (Appendix E of EA-14-059) for the approved Specific Plan EIR in order to reduce and minimize these impacts and is therefore not considered significant pursuant to NEPA.
3. The Proposed Action will not have possible effects on the human environment that are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5)).
4. The Proposed Action will neither establish a precedent for future action with significant effects nor represent a decision in principle about future consideration (40 CFR 1508.27(b)(6)).
5. The Proposed Action will not have highly controversial environmental effects (40 CFR 1508.27(b)(4)).
6. The Proposed Action will not have significant cumulative impacts (40 CFR 1508.27(b)(7)). Although Oakley recognizes the potential for development to cumulatively affect compliance with air quality goals, Oakley's 2020 General Plan accounts for this cumulative effect and identifies control measures to avoid unacceptable impacts. The plan is anticipated to adequately address potential cumulative air quality impacts pursuant to NEPA.
7. The Proposed Action will not significantly affect historic properties (40 CFR 1508.27(b)(8)).
8. The Proposed Action will not significantly affect listed or proposed threatened or endangered species, or its habitat that has been determined to be critical under the Endangered Species Act of 1973 (40 CFR 1508.27(b)(9)).
9. The Proposed Action will not violate a Federal, tribal, State, or local law or requirement imposed for protection of the environment (40 CFR 1508.27 (b)(10)).
10. The Proposed Action will not affect any Indian Trust Assets (512 DM 2, Policy Memorandum dated December 15, 1993).
11. The Proposed Action will not disproportionately affect minorities or low-income populations and communities (EO 12898, 43 CFR 46.215 (j)).
12. 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, 43 CFR 46.215 (k), and 512 DM 3)).

13. The Proposed Action will not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act, EO 13112, and 43 CFR 46.215 (1)).