

RECLAMATION

Managing Water in the West

Finding of No Significant Impact

Alameda County Water District Rubber Dam #3 Fish Ladder Project

FONSI 18-23-MP

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1 Background

In accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the Bureau of Reclamation (Reclamation) prepared an Environmental Assessment (EA) to analyze impacts of granting a WaterSMART Water Use Efficiency Grant to the Alameda County Water District (ACWD) for its Rubber Dam #3 Fish Ladder Project. The Proposed Action will improve anadromous fish passage in the urban reach of the Alameda Creek Watershed while maintaining ACWD's water supply operations at its groundwater recharge facilities.

2 Alternatives Including the Proposed Action

2.1 No Action

For the No Action Alternative, Reclamation would not award ACWD \$750,000 in WaterSMART grant funds for the Proposed Action. Although \$750,000 is a small portion of the overall funding (10 percent) for the Proposed Action, for the purposes of this EA, the consequences of Reclamation not providing funding for the Proposed Action would result in no construction which may lead to ACWD's failure to meet existing water demand.

2.2 Proposed Action

ACWD will construct a fish passage facility at ACWD's Rubber Dam #3 downstream of Mission Boulevard and Union Pacific Railroad Bridge. Construction includes modifying the Rubber Dam #3 foundation to incorporate a plunge pool for fish passage. ACWD will also replace the existing Rubber Dam #3 inflatable bag which will involve modifying the foundation to anchor the new bag material and make seismic related structural upgrades. The fish screens will be constructed between Rubber Dam #3 and Rubber Dam #1 and involves replacing the existing two Shinn Pond Diversions during or prior to modification of Rubber #1 which would allow steelhead access to lower Alameda Creek. Fish screens will be installed prior to the date that steelhead would be present in the area. The Proposed Action will improve anadromous fish passage in the urban reach of the Alameda Creek Watershed while maintaining ACWD's water supply operations at its groundwater recharge facilities.

3 Findings

Based on the attached EA, Reclamation finds that the Proposed Action is not a major Federal action that will significantly affect the quality of the human environment and preparation of an environmental impact statement is not required. Reclamation prepared this EA to include information missing from the ACWD 2016 Initial Study and Proposed Negative Declaration and Environmental Assessment (IS/MND/EA) prepared for the Joint Lower Alameda Creek Fish Passage Improvements Project. Reclamation determined that the 2016 IS/MND and EA was missing Reclamation required resource discussions and also determined that the U.S. Army Corps of Engineers acting as the Federal lead agency did not consult with the State Historic Preservation Officer for cultural resources. Reclamation incorporates by reference the 2016 IS/MND and EA for the remaining environmental analysis associated with the Proposed Action. The IS/MND and EA was certified by the district in December 2016. All resources analyzed in the IS/MND and EA were found to either be less than significant or less than significant with mitigation measures incorporated.

This EA was prepared 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). Analysis of the effects of the proposed action is provided in the attached EA, and the analysis in the EA is hereby incorporated by reference.

Following are the reasons why the impacts of the proposed action are not significant:

1. The proposed action will not significantly affect public health or safety (40 CFR 1508.27(b)(2)).
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) and 43 CFR 46.215(b)).
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 actions with significant effects nor represent a decision in principle about a future consideration (40 CFR 1508.27(b)(6)).
5. There is no potential for the effects to be considered highly controversial (40 CFR 1508.27(b)(4)).
6. The proposed action will not have significant cumulative impacts (40 CFR 1508.27(b)(7)).
7. The proposed action will not adversely affect any districts, sites, highways, structures, or

objects listed in or eligible for listing in the National Register of Historic Places (40 CFR 1508.27(b)(8)). Through correspondence dated May 7, 2018, the SHPO responded with no objection to Reclamation's finding of no historic properties pursuant to 36 CFR § 800.4(d)(1).

8. The proposed action would not adversely affect listed or proposed threatened or endangered species (40 CFR 1508.27(b)(9)). Reclamation determined that the action may affect listed species, but is not likely to adversely affect listed species, and the US Fish and Wildlife Service concurred with Reclamation on July 1, 2013 that the proposed action was not likely to adversely affect these species.

9. The proposed action will not violate federal, state, tribal or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)).

10. The proposed action will not affect Indian Trust Assets (512 DM 2, Policy Memorandum dated December 15, 1993).

11. Implementing the proposed action will not disproportionately affect minorities or low-income populations and communities (EO 12898).

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 and 512 DM 3).