

Appendix D: Essential Fish Habitat Recommendations



United States Department of the Interior

BUREAU OF RECLAMATION
Mid-Pacific Region
South-Central California Area Office
1243 N Street
Fresno, CA 93721-1813

IN REPLY REFER TO:

SCC-424
ENV-7.00
Contra Costa

AUG 11 2016

Ms. Maria Rea
Sacramento Area Supervisor
National Marine Fisheries Service – NOAA Fisheries
650 Capitol Mall, Suite 8-300
Sacramento, CA 95814

Subject: Essential Fish Habitat Recommendation Responses for the Inclusion of the Cypress Preserve Project into Contra Costa Water District's Service Area for Central Valley Project Water (15-049; SPK-2014-01048; WCR-2016-4082)

Dear Ms. Rea:

On July 12, 2016, Reclamation received a biological opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat (EFH) Consultation from the National Marine Fisheries Service (NMFS), dated July 7, 2016.

Per the requirements of 50 CFR 600.920, Reclamation and the U.S. Army Corps of Engineers (Corps) are providing responses to the EFH recommendations. Our responses are given below in italicized text, preceded by the recommendations. We are accepting three of the seven recommendations. Those that we are not accepting are the first and fourth recommendations under "Pile Driving and Associated Activities" and the second and third recommendations under "Water Quality Impacts."

Pile Driving and Associated Activities

In order to minimize adverse effects to the migratory corridors within the south Delta portion of the action area, caused by pile driving, pile removal, or bridge construction, Reclamation, the Corps, and ACD-TI, LLC (applicant) should:

(1) Maintain riparian habitat of appropriate width for Pacific coast salmon (defined as mean higher high water in tidal areas) in Rock Slough that influences the estuary HAPC within the Delta EFH;

Reclamation is not accepting this measure. Contra Costa Water District operates and maintains the Rock Slough Fish Screen (RSFS) on Reclamation's behalf. The RSFS is adversely affected by the presence of aquatic weeds that can block the screen and increase approach velocities potentially leading to failure of the screen. Reclamation is currently consulting with NMFS regarding operation and maintenance of the RSFS, including mechanical harvesting of aquatic weeds and use of aquatic pesticides to maintain the area between the log boom and the RSFS. The log boom is expected to be placed on the upstream side of the new East Cypress bridge once it is constructed.

(2) Reduce erosion and runoff from the Rock Slough Bridge construction site into the waterways within the action area.

Reclamation is accepting this recommendation. Specifically:

- *Implementation of the Project by the applicant will require approval of a site-specific Storm Water Pollution Prevention Plan by the Central Valley Regional Water Quality Control Board (CVRWQCB). This plan includes effective measures to protect water quality, which may include a hazardous spill prevention plan and additional erosion prevention techniques;*
- *A specific work schedule will be implemented by the applicant to coordinate the timing of land disturbing activities and the installation of erosion and sedimentation control practices to reduce on site erosion and off-site sedimentation;*
- *Existing vegetation will be protected in place where feasible to provide an effective form of erosion and sediment control, as well as watershed protection, landscape beautification, dust control, pollution control, noise reduction, and shade;*
- *Loose bulk materials will be applied to the soil surface as a temporary cover to reduce erosion by protecting bare soil from rainfall impact, increasing infiltration, and reducing runoff;*
- *Stabilizing materials will be applied to the soil surface to prevent the movement of dust from exposed soil surfaces on construction sites as a result of wind, traffic, and grading activities;*
- *Roughening and terracing will be implemented by the applicant to create unevenness on bare soil through the construction of furrows running across a slope, creation of stair steps, or by utilization of construction equipment to track the soil surface. Surface roughening or terracing reduces erosion potential by decreasing runoff velocities, trapping sediment, and increasing infiltration of water into the soil, aiding in the establishment of native vegetative cover from seed;*
- *All landscaping and revegetation will consist of a biologist-approved plant and/or seed mix from native, locally adapted species.*

(3) NMFS 2014 Delta Recovery Action 1.6: Provide access to new floodplain habitat in the South Delta for migrating salmonids from the San Joaquin system.

Reclamation could pursue this type of action. One possibility would be by the authority of the Central Valley Project Improvement Act, section 3406(b)(1) (San Joaquin River Riparian Habitat Restoration Program). However, we have no proposal at this time, as such an action would require land access, funding, and completion of associated environmental compliance, etc.

(4) NMFS 2014 Delta Recovery Actions 1.7: Implement the Dutch Slough Tidal Marsh Restoration Project.

Reclamation is not accepting this recommendation. This project is being implemented by the California Department of Water Resources (DWR), and is in the later stages of its environmental compliance. DWR expects to commence construction of the Dutch Slough Tidal Restoration project starting in the spring of 2017. The Corps has a regulatory permitting action related to the project, but the Corps is not implementing the project, and Reclamation cannot implement the project.

Water Quality Impacts

Water quality essential to salmon EFH can be altered when pollutants are introduced through surface runoff, through direct discharges of pollutants into the water, or when deposited contaminants in the sediments are resuspended. Indirect sources of water pollution in salmon EFH includes stormwater

discharge from impervious surfaces, agricultural areas, and residential developments. In order to minimize these impacts, Reclamation, the Corps, and/or its applicant should:

(1) Provide copies of any sediment, effluent, or water quality monitoring reports pre and post construction required by the CVRWQCB that are related to the in-water work associated with this Project. Reports should be sent to NMFS at the address above within 60 days of completion of the Project.

Reclamation has accepted this recommendation. The applicant will provide these reports as requested.

(2) Implement projects that improve stormwater treatment in residential and commercial areas throughout the Delta (NMFS 2014, Delta Recovery Action 2.20).

Reclamation is not accepting this recommendation as Reclamation does not have land use authority.

(3) Ensure that non-point pollution from the Cypress Preserve development does not enter Dutch Slough or Sandmound Slough from stormwater releases.

Reclamation is not accepting this recommendation as it is not needed. No direct or indirect effects from the Cypress Preserve development's periodic release of treated stormwater entering Dutch Slough and Sandmound Slough are expected. Results of modeling provided in the preliminary stormwater plan demonstrate that there would be no overall increase in the discharge rate arriving at the RD799 pump stations, and that there would be no adverse erosion or sedimentation in the sloughs' channels if the peak pumping rate is kept at or below existing rates.

If you have any questions please contact Ms. Shauna McDonald, Wildlife Biologist, at 559-487-5202, or at 800-877-8339 for the hearing impaired.

Sincerely,

For

Rain Emerson
Supervisory Natural Resource Specialist

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