

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

East Bay Regional Parks District Herbicide Application at Contra Loma Reservoir

FONSI-17-046



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

March 2019

Mission Statements


The mission of the Department of the Interior is to conserve and manage the Nation's natural resources and cultural heritage for the benefit and enjoyment of the American people, provide scientific and other information about natural resources and natural hazards to address societal challenges and create opportunities for the American people, and honor the Nation's trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities to help them prosper.

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-17-046

East Bay Regional Parks District
Herbicide Application at Contra Loma
Reservoir

for


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03/04/2019
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3/5/2019
Date

Introduction

In accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Bureau of Reclamation (Reclamation) prepared this Finding of No Significant Impact (FONSI) which is supported by Reclamation's attached Environmental Assessment (EA)17-046, *East Bay Regional Parks Herbicide Application at Contra Loma Reservoir*, hereby incorporated by reference.

Background

Reclamation constructed the Contra Loma Reservoir in 1967 as part of the Central Valley Project. Contra Costa Water District operates and maintains the system and includes the 80-acre reservoir. The reservoir is a popular recreational fishing, boating, and swimming destination. In 1972, a management agreement between Reclamation and East Bay Regional Parks District (East Bay) transferred management responsibilities of recreation of the reservoir and the recreational lands surrounding the reservoir over to East Bay (Agreement No. 14-LC-20-047).

East Bay has developed an Aquatic Pesticide Application Plan (Appendix A of EA-17-046) for Contra Loma Reservoir. They have also received a National Pollutant Discharge Elimination System Permit (NPDES) from the Regional Water Quality Control Board for application of pesticides under the plan (Permit No. CAG990005). This is included in Appendix B of EA-17-046).

Alternatives Considered

No Action

Under the No Action Alternative, Reclamation would not approve the application of herbicide to control non-native plant species at Contra Loma Reservoir. This alternative would limit management of non-native plant species to mechanical removal resulting in limited recreational use of Contra Loma Reservoir due to extensive aquatic weeds.

Proposed Action

Reclamation would approve East Bay's application of herbicides to control weed species at Contra Loma Reservoir until February 2041 when the Management Agreement (Agreement #14-LC-20-047) between Reclamation and East Bay for Contra Loma Reservoir expires.

The Reclamation Manual provides that on lands not addressed by an approved Integrated Pest Management (IPM) plan, Pesticide Use Proposals (PUP's) be developed and approved before pesticides are applied (Env 01-01). The areas where herbicide applications are needed at Contra Loma Reservoir would be determined by East Bay's Fishery Manager, based on weed load and

public use. There are currently 3 docks and 1 boat launch area at the reservoir where control of aquatic weeds is needed.

Under the Proposed Action, East Bay would submit PUP's to Reclamation. Reclamation would review and approve PUP's submitted for treating weeds at Contra Loma Reservoir until the Management Agreement expires. Reclamation would notify East Bay of the approved PUP's. Herbicide applications would be made by certified applicators using backpack sprayers, wands, drip lines or other suitable, but non-aerial application means.

Roundup Custom® (active ingredient glyphosate) aquatic label, would be applied to emergent weeds (e.g., cattails (*Typha latifolia*) and tules (*Scirpus* spp.) at the reservoir shoreline. Sonar One® (active ingredient; fluridone) would be applied in the immediate area around docks and boat launch areas to control aquatic weeds such as Brazilian waterweed (*Egeria densa*). Herbicides would be applied up to twice per year, and at rates permitted under the label. Reclamation's review and approval of PUP's allows for consideration and implementation of changes required to comply with laws, policies and guidelines then in place. If necessary, additional consultation with regulatory agencies would be conducted.

Environmental Commitments

East Bay shall implement the environmental protection measures listed in Table 1 of EA-17-046 to reduce environmental consequences associated with the Proposed Action. Environmental consequences for resource areas assume the measures specified would be fully implemented.

Comments on the EA

Reclamation provided the public with an opportunity to comment on EA-17-046 between April 6, 2018 and May 5, 2018. No comments were received.

Findings

In accordance with NEPA, Reclamation determined that the approval of the Proposed Action is not a major federal action that will significantly affect the quality of the human environment; consequently, an environmental impact statement is not required.

The following reasons are why the impacts from the proposed action are not significant:

- The proposed action will not significantly affect public health or safety (40 CFR 1508.27(b)(2)).
- The proposed action will not significantly affect natural resources and unique geographical characteristics such as proximity to 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)).

- There is no potential for the effects to be considered highly controversial (40 CFR 1508.27(b)(4)).
- 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)).
- 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)).
- The proposed action will not have cumulatively significant impacts (40 CFR 1508.27(b)(7)).
- The proposed action will not significantly affect historic properties (40 CFR 1508.27(b)(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)).
- The proposed action will not threaten a violation of Federal, State, tribal or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)).
- The proposed action will not affect any Indian Trust Assets (512 DM 2, Policy Memorandum dated December 15, 1993).
- Implementing the proposed action will not disproportionately affect minorities or low-income populations and communities (EO 12898).
- The proposed action will not limit access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (EO 13007 and 512 DM 3).

RECLAMATION

Managing Water in the West

Final Environmental Assessment

East Bay Regional Parks District Herbicide Application at Contra Loma Reservoir

EA-17-046



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

March 2019

Mission Statements

The mission of the Department of the Interior is to conserve and manage the Nation's natural resources and cultural heritage for the benefit and enjoyment of the American people, provide scientific and other information about natural resources and natural hazards to address societal challenges and create opportunities for the American people, and honor the Nation's trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities to help them prosper.

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Section 1 Introduction

The Bureau of Reclamation (Reclamation) provided the public with an opportunity to comment on the Draft Finding of No Significant Impact (FONSI) and Draft Environmental Assessment (EA) between April 6, 2018 and May 5, 2017. No comments were received. Changes between this Final EA and the Draft EA, which are not minor editorial changes, are indicated by vertical lines in the left margin of this document.

1.1 Background

Reclamation constructed the Contra Loma Reservoir (Reservoir) in 1967 as part of the Central Valley Project. Contra Costa Water District operates and maintains the system and includes the 80-acre reservoir. The Reservoir is a popular recreational fishing, boating, and swimming destination. In 1972, a management agreement between Reclamation and East Bay Regional Parks District (East Bay) transferred management responsibilities of recreation of the Reservoir and the recreational lands surrounding the Reservoir over to East Bay (Agreement No. 14-LC-20-0470).

East Bay has developed an Aquatic Pesticide Application Plan (Appendix A) for the Reservoir. They have also received a National Pollutant Discharge Elimination System Permit (NPDES) (Appendix B) from the Regional Board for application of pesticides under the Plan (Permit No. CAG990005).

1.2 Need for the Proposed Action

An overgrowth of weeds has inhibited the recreational use of the park by the public. Shore fishing areas and docks have been overgrown preventing use of them by the visiting public (Figure 1). East Bay hosts three fishing derbies per year for disadvantaged youth at the park, all of which have been impacted by the overgrowth. East Bay has tried mechanical removal of the weeds but the results last only a few months and are not thorough enough to completely control the weeds. Herbicide treatment of the weeds would provide long term control and allow full use of the park.

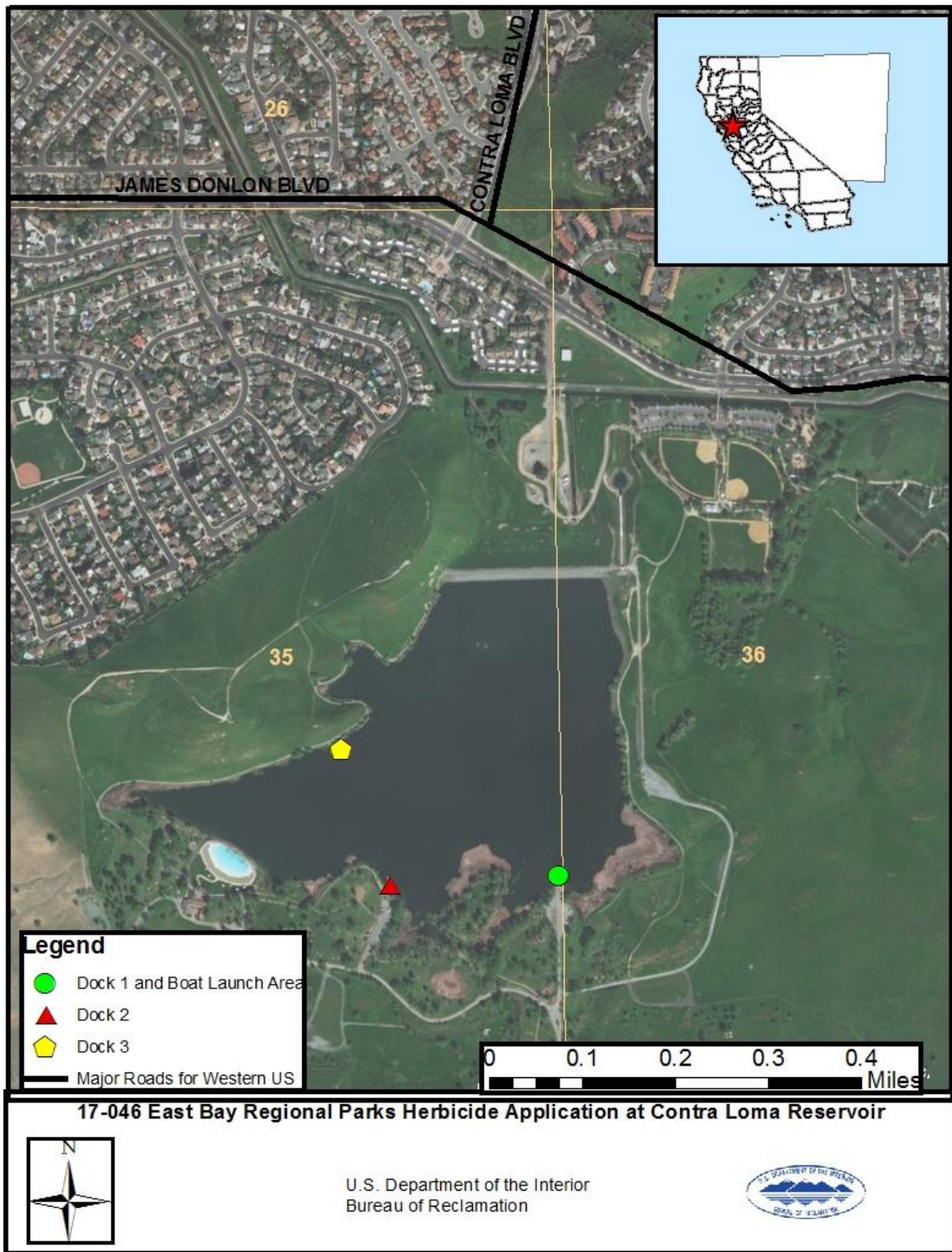


Figure 1 Proposed Action Area

Section 2 Alternatives Including the Proposed Action

This EA considers two possible actions: the No Action Alternative and the Proposed Action. The No Action Alternative reflects future conditions without the Proposed Action and serves as a basis of comparison for determining potential effects to the human environment.

2.1 No Action Alternative

Under the No Action Alternative, Reclamation would not approve the application of herbicide to control non-native plant species at the Reservoir. This alternative would result in limit management of non-native plant species to mechanical removal and would limit recreational use of Contra Loma.

2.2 Proposed Action

Reclamation would approve East Bay's application of herbicides to control weed species at Contra Loma until February 2041 when the Management Agreement (Agreement #14-LC-20-047) between Reclamation and East Bay expires.

The Reclamation Manual provides that on lands not addressed by an approved Integrated Pest Management (IPM) plan, Pesticide Use Proposals (PUP's) be developed and approved before pesticides are applied (Env 01-01). The East Bay Regional Park District Aquatic Pesticide Application Plan (APAP), which applies IPM principles would be used in lieu of an IPM plan. The areas where herbicide applications are needed at Contra Loma Reservoir would be determined by East Bay's Fishery Manager, based on weed load and public use. There are currently three docks and one boat launch area at the reservoir where control of aquatic weeds is needed.

Under the Proposed Action, East Bay would submit PUP's to Reclamation. Reclamation would review and approve PUP's submitted for treating weeds at Contra Loma Reservoir until the Management Agreement expires. Reclamation would notify East Bay of the approved PUP's. Reclamation's review and approval of PUP's allows for consideration and implementation of changes required to comply with laws, policies and guidelines then in place. If necessary, additional consultation with regulatory agencies would be conducted. Herbicide applications would be made by certified applicators using backpack sprayers, wands, drip lines or other suitable, but non-aerial application means.

Roundup Custom® (active ingredient glyphosate) aquatic label, would be applied to emergent weeds (e.g., cattails (*Typha latifolia*) and tules (*Scirpus* spp.) at the Reservoir shoreline. Sonar One® (active ingredient; fluridone) would be applied in the immediate area around docks and boat launch areas to control aquatic weeds such as Brazilian waterweed (*Egeria densa*). Herbicides would be applied up to twice per year, and at rates permitted under the label and

herbicide applications would be made by certified applicators using backpack sprayers, wands, drip lines or other suitable, but non-aerial application means.

2.2.1 Environmental Commitments

East Bay must implement the following environmental protection measures to avoid and/or reduce environmental consequences associated with the Proposed Action (Table 1).

Table 1 Environmental Protection Measures

Resource	Protection Measures
General	East Bay shall make annual notifications of the intent to conduct chemical vegetation control on Reclamation lands one month prior to their use, along with the submission of a completed Pesticide Use Proposal form. A monthly report documenting control activities by East Bay shall be submitted to Reclamation.
General	East Bay shall coordinate with Contra Costa Water District before conducting any chemical vegetation control at Contra Loma Reservoir.
General	East Bay shall comply with the conditions of the Aquatic Pesticide Application Plan agreed to under their Management Agreement with Reclamation.
Biological	East Bay shall implement the conservation measures as described in the concurrence memorandum received from the U.S. Fish and Wildlife Service (Appendix D).
Biological	The observation of any federally listed species shall be reported within one work day to Reclamation biological staff at telephone (559) 262-0343 and biological staff at the U.S. Fish and Wildlife Service Bay Delta Office at (916) 930-5603.
Biological	No burrows shall be disturbed.
Biological	The pesticide label shall be followed. Any leftover pesticide shall be disposed of in an approved manner as specified by the label.
Biological	Herbicide shall be applied as spot treatments directly to vegetation. Applications shall be made only where control of weeds to meet management purposes is needed. And, the lowest effective level of herbicide concentration shall be applied.
Biological	As new, less toxic herbicides or formulations become available, they shall be evaluated for suitability and incorporated as appropriate.
Biological	Roundup formulated with polyethoxylated tallowamine (POEA) shall not be applied.
Biological	If herbicides are to be applied during the avian nesting season (February through August), a qualified biologist shall survey prospective treatment areas before any pesticide is applied for the presence of actively nesting birds (e.g., in tule or bulrush vegetation). Where active nesting is present (i.e., around nests that contain eggs, or young, or areas where young are still attached), pesticides shall not be applied and sufficient buffer around these sites shall be left unsprayed so that take of migratory birds is avoided. The area to remain unsprayed shall be demarcated by the survey biologist (e.g., with temporary flagging and/or identified on a map with sufficient detail for the applicator to recognize and avoid the area) and that defined area shall be communicated to the applicator.
Biological	A qualified biologist shall survey emergent wetland vegetation targeted for herbicide application and areas immediately adjacent for the presence of California red-legged frog before any herbicide is applied. If California red-legged frog is present, Reclamation biological staff shall be notified within one work day and no herbicides shall be applied until any necessary consultation (e.g., with U.S. Fish & Wildlife Service) is completed.
Biological	Herbicides shall be applied when winds are calm and when no precipitation is forecast (e.g., by a reputable source such as the National Weather Service) within 12 hours of the scheduled application to avoid any herbicide drift and runoff to the reservoir. Herbicides intended for foliar applications (e.g., Roundup® Custom) shall be applied to emergent foliage and not to water. Vegetation shall not be sprayed to excess wetness to avoid runoff from plants into the reservoir.
Water Resources	The existing NPDES Permit is valid until December 31, for life of permit. East Bay is responsible for renewal/re-issuance of the NPDES Permit prior to that date to continue applications. East Bay is also responsible to comply with any changes in Permit conditions.
Water Resources	Standard safety practices for herbicide storage, mixing, transportation, disposal of containers and unused herbicide, and spill management would be followed. Mixing of chemicals and cleaning of equipment should be done well away from waterways in

Resource	Protection Measures
	situations from which runoff would not directly enter waterways. Herbicide mixtures would be stored in leak-proof containers.

Environmental consequences for resource areas assume the measures specified would be fully implemented.

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Section 3 Affected Environment and Environmental Consequences

This section identifies the potentially affected environment and the environmental consequences involved with the Proposed Action and the No Action Alternative, in addition to environmental trends and conditions that currently exist.

3.1 Resources Eliminated from Further Analysis

Reclamation analyzed the affected environment and determined that the Proposed Action did not have the potential to cause direct, indirect, or cumulative adverse effects to the resources listed in Table 2.

Table 2 Resources Eliminated from Further Analysis

Resource	Reason Eliminated
Air Quality	The Proposed Action consists of vegetation management actions that do not involve the construction or modification of existing facilities. Herbicides shall be applied when winds are calm (e.g., by a reputable source such as the National Weather Service) within 12 hours of the scheduled application to avoid any herbicide drift. There would be no impact to air quality as a result of the Proposed Action.
Cultural Resources	The Proposed Action consists of vegetation management actions that would not require construction or modification of facilities would be needed in order to complete the Proposed Action, Reclamation has determined that these activities have no potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1). See Appendix C for Reclamation's determination.
Environmental Justice	The Proposed Action would not cause dislocation, changes in employment, or increase flood, drought, or disease nor would it disproportionately impact economically disadvantaged or minority populations.
Indian Sacred Sites	The Proposed Action would not limit access to ceremonial use of Indian Sacred Sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites. Therefore, there would be no impacts to Indian Sacred Sites as a result of the Proposed Action.
Indian Trust Assets	The Proposed Action would not impact Indian Trust Assets as there are none in the Proposed Action area.
Global Climate Change	The Proposed action would not involve the construction or modification of existing facilities nor would it require fossil fuel usage. There would be no impact to climate change as a result of the Proposed Action.

3.2 Biological Resources

3.2.1 Affected Environment

The Project Action Area includes Contra Loma Reservoir proper and the shoreline-reservoir interface. Aquatic weeds and emergent plants would be managed with herbicide applications. Herbicides would be applied in the reservoir to aquatic weeds such as Brazilian waterweed or at the reservoir-shoreline interface to emergent wetland plants such as tules or bulrush.

Reclamation requested an official species list from the United States Fish and Wildlife Service (Service) for the Proposed Action Area on January 17, 2018 via the Service's website, <http://ecos.fws.gov/ipac>, (Consultation Code: 08ESMF00-2018-SLI-0916). The California

Department of Fish and Wildlife's California Natural Diversity Database (CNDDDB) was also queried for records of protected species in or near the Proposed Action Area (CNDDDB, 2018). The information collected above, in addition to information within Reclamation's files, was combined to determine the likelihood of protected species occurrence within the Proposed Action Area and this information is summarized in Table 3.

Table 3 Federally Protected Species and Critical Habitat in the Proposed Action Area

Taxon	Status ¹	Effects ²	Occurrence in the Proposed Action Area ³
AMPHIBIANS			
California red-legged frog (<i>Rana draytonii</i>)	T, X	NLAA	Possible. There are no records for the species at Contra Loma Reservoir although records exist from the vicinity and are within the dispersal range of this species. There is no designated critical habitat for this species within the Proposed Action Area. Over the 24 year course of the agreement, control of emergent weeds might reduce cover that could be irregularly used by this species.
California tiger salamander Central California DPS (<i>Ambystoma californiense</i>)	T, X	NE	Possible. There are no records of this species at Contra Loma Reservoir. The nearest records are from the vicinity and are within the dispersal range of this species, however, the reservoir is not suitable breeding habitat. There is no designated critical habitat for this species within the Proposed Action Area. Burrows in surrounding uplands that might harbor California tiger salamander would not be disturbed and therefore there would be no effect to this species.
BIRDS			
Burrowing owl (<i>Athene cunicularia</i>)	MBTA	NT	Possible. There are no records or reported observations of burrowing owl at Contra Loma Reservoir. The Proposed Action would not affect burrows in upland habitat surrounding the reservoir that might be used.
California clapper rail (<i>Rallus longirostris obsoletus</i>)	E	NE	Absent. There are no records of this species near the Proposed Action Area. No suitable saltmarsh habitat is present in the Proposed Action Area. There is no designated critical habitat for this species.
California least tern (<i>Sternula antillarum browni</i>)	E, X	NE	Possible. There are no records of this species in the Proposed Action Area. There is no designated critical habitat for this species in the Proposed Action Area. No nesting habitat in the Proposed Action Area; fish populations in the reservoir could change but the change would have no effect on California least tern feeding because this species does not forage at the reservoir.

Taxon	Status ¹	Effects ²	Occurrence in the Proposed Action Area ³
Marsh Wren (<i>Cistothorus palustris</i>)	MBTA	NT	Possible. Tule and cattail habitat used for nesting by this species is present in the Proposed Action Area. Tule and cattail habitat would remain around nesting sites and would not be treated; implementation of avoidance measures would avoid take.
Red-winged blackbird (<i>Agelaius phoeniceus</i>)	MBTA	NT	Possible. Tule and cattail habitat used for nesting by this species is present in the Proposed Action Area. Tules and cattail habitat would remain around nesting sites and would not be treated; implementation of avoidance measures would avoid take.
Crustaceans			
Conservancy fairy shrimp (<i>Branchinecta conservatio</i>)	E, X	NE	Absent. This species does not occur within the Proposed Action Area and no suitable habitat is present. There is no designated critical habitat for this species within the Proposed Action Area.
Vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	T, X	NE	Absent. This species does not occur within the Proposed Action Area and no suitable habitat is present. There is no designated critical habitat for this species within the Proposed Action Area.
Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>)	E, X	NE	Absent. This species does not occur within the Proposed Action Area and no suitable habitat is present. There is no designated critical habitat for this species within the Proposed Action Area.
Fish			
Delta smelt (<i>Hypomesus transpacificus</i>)	T, X	NE	Absent. This species does not occur within the Proposed Action Area and not suitable habitat is present. There is no designated critical habitat for this species within the Proposed Action Area.
Insects			
San Bruno Elfin butterfly (<i>Callophrys mossii bayensis</i>)	E, PX	NE	Absent. This species does not occur within the Proposed Action Area and no suitable habitat is present. Proposed critical habitat for this species has not been finalized and the proposed does not occur within the proposed action area.
Valley elderberry longhorn beetle (<i>Desmocerus californicus dimorphus</i>)	T, X	NE	Absent. This species and its host plant does not occur within the Proposed Action Area. There is no suitable habitat present in the Proposed Action area and there is no designated critical habitat for this species within the Proposed Action Area.
MAMMALS			

Taxon	Status ¹	Effects ²	Occurrence in the Proposed Action Area ³
San Joaquin kit fox (<i>Vulpes macrotis mutica</i>)	E	NE	Possible. Recorded adjacent to Contra Loma Reservoir in 1992 & 1995. Additional records for this species from the vicinity and within the dispersal range of the Proposed Action Area for this species. There is no designated critical habitat for this species. The Proposed Action would not affect terrestrial habitat. The Proposed Action at the reservoir would have no effect on this species.
REPTILES			
Alameda whipsnake (<i>Masticophis lateralis euryxanthus</i>)	T, X	NE	Absent. There are no records of this species near the Proposed Action Area. No suitable habitat is present in the Proposed Action Area. There is no designated critical habitat for this species within the Proposed Action Area.
Giant garter snake (<i>Thamnophis gigas</i>)	T	NE	Absent. There are no records of this species near the Proposed Action Area. No suitable habitat is present in the Proposed Action Area. There is no designated critical habitat for this species.
PLANTS			
Antioch Dunes Evening-Primrose (<i>Oenothera deltoids ssp. howellii</i>)	E, X	NE	Absent. There are records of this species within the Proposed Action Area. This species occurs at Antioch Dunes National Wildlife Refuge and at dune habitat near the refuge. There is no suitable habitat in the Proposed Action Area for this species. There is no designated critical habitat for this species in the Proposed Action Area.
Contra Costa Goldfields (<i>Lasthenia conjugens</i>)	E, X	NE	Absent. There are no records of this species within the Proposed Action Area. There is no designated critical habitat or suitable habitat present in the Proposed Action Area for this species.
Large-flowered fiddleneck (<i>Amsinckia grandiflora</i>)	E, X	NE	Absent. This species does not occur within the Proposed Action Area. There is no suitable habitat in the Proposed Action Area. There is no designated critical habitat for this species in the Proposed Action Area.

1 Status = Status of federally protected species protected under the ESA.

E: Listed as Endangered

MBTA: Migratory Bird Treaty Act

NMFS: Species under the Jurisdiction of the National Oceanic & Atmospheric Administration Fisheries Service

PX: Proposed Critical Habitat

T: Listed as Threatened

X: Critical Habitat designated for this species

2 Effects = ESA Effect determination

NE: No Effect anticipated from the Proposed Action to federally listed species or designated critical habitat

NLAA: Proposed Action Not Likely to Adversely Affect federally listed species

3 Definition of Occurrence Indicators

Possible: Species recorded in area and habitat suboptimal.

Absent: Species not recorded in study area and suitable habitat absent.

3.2.2 Environmental Consequences

No Action

Under the No Action Alternative, Reclamation would not approve the permit authorizing application of pesticides at Contra Loma Reservoir. Management and control of aquatic and wetland weeds would need to be accomplished without application of herbicides. In absence of other control measures, aquatic vegetation may spread within the reservoir, increasing in-reservoir weed cover and reducing the amount of open water and living space available to fish, potentially reducing fish abundance. Shoreline emergent plants would remain problematic impediments to shoreline access to the reservoir for recreation activities.

Proposed Action

Under the Proposed Action, Reclamation would issue a license permitting application of herbicides per Reclamation's Manual and environmental requirements on Reclamation lands or facilities at the Reservoir. East Bay submitted PUPs would be reviewed and approved, authorizing the application of the prescribed herbicides for control/management of aquatic and emergent wetland weeds at Contra Loma Reservoir. Herbicides could be applied one or more times seasonally, depending on management needs and label restrictions. The license would provide for application of herbicides for the duration of the contract with East Bay to 2041.

The Proposed Action would not involve any construction, changes in water diversions from natural waterways, or changes in land use. Herbicides proposed for application initially include Roundup Pro Custom ® aquatic and Sonar ®. It is recognized that during the course of the 24-year management agreement, new herbicide formulations with these active ingredients, or potentially different and more suitable herbicides may become available and preferred. The PUPs review process provides for these dynamics and review of more suitable or preferable alternatives.

Glyphosate® based pesticides are prohibited from being applied in certain areas of Contra Costa County because of a lawsuit against the Environmental Protection Agency (EPA) for failure to comply with section 7(a)(2) of the Endangered Species Act; the Federal District Court for the Northern District of California ordered the prohibition (<https://www.epa.gov/endangered-species/court-issues-stipulated-injunction-regarding-pesticides-and-california-red-legged>; accessed February 1, 2018). The prohibition (with some exceptions) applies to use of pesticides with Glyphosate® in the area around Contra Loma Reservoir. However, application of Glyphosate® based pesticides at Contra Loma Reservoir were determined to be exempted from the courts prohibition following EPA work flow steps #1 through #4 on the EPA website (i.e., <https://www.epa.gov/endangered-species/how-comply-requirements-protect-california-red-legged-frog-pesticides#>).

Additional toxicological information may be developed, additional species may become listed under the Endangered Species Act (16 U.S.C. §1531 et. seq.) as amended, or additional effects to species may become known over the 23 year course of the Proposed Action. For these and other reasons, it is necessary to review annually the pesticides proposed for application under the agreement, and if necessary conduct subsequent consultation on effects to listed species.

Three federally listed species have been recorded in the vicinity of the project area: California red-legged frog (CRLF; *Rana draytonii*), California tiger salamander Central Distinct Population Segment (CTS; *Ambystoma californiense*), and San Joaquin kit fox (SJKF; *Vulpes macrotis mutica*). Only CRLF may occur in the project area and be affected by the Proposed Action. The Proposed Action Area does not provide habitat supportive of other listed species.

Reclamation consulted informally with the Service on Reclamation's determination that the Proposed Action is *Not Likely to Adversely Affect* the California red-legged frog (*Rana draytonii*) and a concurrence request was sent May 2, 2018. The Service responded with their concurrence January 29, 2019 (Appendix D). Reclamation has further determined that the Proposed Action, with the avoidance measures included in Table 1, would have *No Effect* to other proposed or listed species or critical habitat under the Endangered Species Act of 1973, as amended (16 U.S.C. §1531 et seq.), and there would be *No Take* of birds protected under the Migratory Bird Treaty Act (16 U.S.C. §703 et seq.) (Table 3).

Cumulative Impacts

Because the Proposed Action would not result in any direct or indirect impacts to federally listed species or their critical habitat, it would not contribute cumulatively to any impacts on these resources.

3.3 Recreation

3.3.1 Affected Environment

Contra Loma is a 741-acre Recreation Area, consisting of the 80-acre Contra Loma Reservoir and approximately 661 acres of surrounding land. East Bay currently manages recreation activities on the reservoir and the recreational lands surrounding the reservoir pursuant to an agreement with Reclamation. For further details of existing recreational uses at Contra Loma, please see the Contra Loma Resource Management Plan/ Environmental Impact Statement (Reclamation 2011).

3.3.2 Environmental Consequences

No Action

Under the No Action Alternative, no herbicides would be applied to the aquatic vegetation. Recreationists would continue to have limited access to recreational facilities at the Reservoir due to abundance of aquatic weeds.

Proposed Action

Under the Proposed Action, the chemical treatment of non-native species would enhance Contra Loma public recreation activities by providing greater access to the Reservoir by the public.

The Proposed Action is consistent with the Contra Loma Resource Management Plan/ Environmental Impact Statement for the enhancement of current recreational uses and facilities (Reclamation 2011). During herbicide application, some existing recreational opportunities may be temporarily restricted but overall recreational opportunities would be improved.

Cumulative Impacts

The Proposed Action would allow East Bay the ability to chemically treat non-native aquatic plant species that are restricting visitor access to the reservoir. Visitor access to the docks is expected to increase due to the treatment of non-native aquatic plant species.

3.4 Water Resources

3.4.1 Affected Environment

The Contra Costa Water District operates and maintains the Contra Loma Reservoir under contract with Reclamation. The reservoir receives and stores Central Valley Project water from the Contra Costa Canal until it is released back to the canal via gravity flow. The reservoir is primarily used as a regulating reservoir for peak or short-term municipal water supplies for Contra Costa Water District customers, for emergency storage, and as a backup water supply during maintenance of upstream facilities.

Contra Loma Reservoir has a maximum capacity of 2,627 acre-feet, but under typical operating conditions, reservoir storage ranges between approximately 690 and 2,000 acre-feet, depending on supply needs and hydrologic conditions (Contra Costa Water District 2009).

Water quality in Contra Loma Reservoir is heavily influenced by the Delta, its primary source of water. Water for the reservoir is diverted from the Delta at the Rock Slough and Old River intake sites and is then conveyed by the Contra Costa Canal to Contra Loma, where it is pumped uphill from the canal to the reservoir. Because the reservoir is utilized for municipal water supplies, there are restrictions with body contact, programs for litter and waste reduction, regular restroom maintenance and inspection, prevention of zebra and quagga mussel infestation, and trail maintenance.

3.4.2 Environmental Consequences

No Action

Under the No Action Alternative, there would be no impacts to operations of Contra Loma Reservoir. The reservoir would continue to receive and store water from Contra Costa Canal for municipal purposes. Also, because there would be no herbicide application, water quality would not be impacted.

Proposed Action

Under the Proposed Action, East Bay would be able to treat cattails and Brazilian water weed with herbicide along the shoreline and boat docks under their APAP. This would allow the public greater access to the reservoir for recreational use of the park.

The Proposed Action would not impact operations of Contra Loma Reservoir. However, during invasive species treatment, water quality could be affected. However, East Bay would apply herbicides to Contra Loma according to the label instructions, as required under their NPDES Permit. Also, East Bay would monitor water quality to receiving waters to insure there are no impacts to water resources. In addition all applications of herbicides would be coordinated with

Contra Costa Water District prior to application in order to reduce potential impacts to their water supply.

Cumulative Impacts

The Reservoir receives and stores water from Contra Costa Canal. It is primarily used as a regulating reservoir for peak or short-term municipal water supplies for Contra Costa Water District Customers. The Proposed Action would be covered by the permitting programs established by the Clean Water Act, designed to minimize and mitigate adverse impacts to protected water bodies, including the Contra Loma Reservoir. Typical conditions include measures to control the potential for spills of objectionable materials. Additionally, all applications of herbicides shall be coordinated with Contra Costa Water District prior to application to reduce potential cumulative impacts to water supplies. Therefore, the Proposed Action is not anticipated to cause conflicts or create other cumulative impacts to Contra Loma Reservoir.

Section 4 Consultation and Coordination

4.1 Public Review Period

Reclamation provided the public with an opportunity to comment on the Draft FONSI and Draft EA during a 30-day public review period. No comments were received.

4.2 List of Agencies and Persons Consulted

Reclamation has consulted with the following regarding the Proposed Action:

- United States Fish and Wildlife Service

Reclamation is coordinating the Proposed Action with:

- East Bay Regional Parks District
- Contra Costa Water District

4.3 Clean Water Act (33 U.S.C. § 1251 et seq.)

Section 402 of the Clean Water Act (33 U.S.C. § 1341) establishes the NPDES to regulate point source discharges of pollutants into waters of the United States. A NPDES permit sets specific discharge limits for point sources discharging pollutants into waters of the United States and establishes monitoring and reporting requirements, as well as special conditions.

East Bay acquired an NPDES Permit for the proposed action. This permit has no expiration date and will only expire if revoked by the Regional Water Quality Control Board. The Proposed Action will be carried out only during the time when an NPDES permits the action. Implementation of the Proposed Action will not exceed beyond the expiration of the agreement with East Bay (February 2041).

4.4 Endangered Species Act (16 U.S.C. § 1531 et seq.)

Section 7 of the Endangered Species Act requires Federal agencies, in consultation with the Secretary of the Interior and/or Commerce, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of the critical habitat of these species.

On February 4, 2019, Reclamation received concurrence from the Service on Reclamation's not likely to adversely affect determination (Appendix d).

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Section 5 References

Reclamation (Bureau of Reclamation). 2011. Contra Loma Reservoir and Recreation Area Final Resource Management Plan and Final Environmental Impact Statement. Mid-Pacific Region South-Central California Area Office. Fresno, California. September. Website: http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=6396.

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EPA. 2008. Risks of Glyphosate Use to Federally Threatened California Red-legged Frog (*Rana aurora draytonii*) Pesticide Effects Determination, Environmental Fate and Effects Division, Office of Pesticide Programs, Washington, D.C. 20460. October 17, 2008.

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