

# RECLAMATION

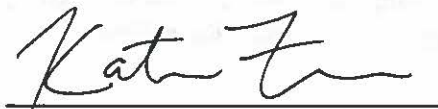
*Managing Water in the West*

Finding of No Significant Impact

## Day Ranch Conservation Project

FONSI 19-05-MP

Prepared by:



Date: 10/8/2019

Kaitlin Flahive  
Natural Resources Specialist  
Interior Region 10 · California-Great Basin  
Bureau of Reclamation

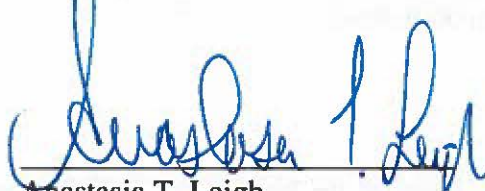
Reviewed by:



Date: 10/8/2019

Daniel Strait  
Program Manager, Central Valley Project Conservation Program  
Interior Region 10 · California-Great Basin  
Bureau of Reclamation

Approved by:



Date: 10/8/2019

Anastasia T. Leigh  
Regional Environmental Officer  
Interior Region 10 · California-Great Basin  
Bureau of Reclamation



## Background

In accordance with the National Environmental Policy Act of 1969, as amended, the Bureau of Reclamation prepared an Environmental Assessment (EA) for the Day Ranch Conservation Project. The EA was prepared to examine the potential direct, indirect, and cumulative effects associated with providing funding through the Central Valley Project Conservation Program to the Sierra Foothill Conservancy to purchase a conservation easement on 356 acres of vernal pool, grassland, wetland swale, and stream habitat at Day Ranch in Merced County. The Central Valley Project Conservation Program helps mitigate the past impacts of Reclamation's Central Valley Project on threatened and endangered species and helps minimize future impacts. The easement would preserve habitats for nine species that have been affected by the Central Valley Project, the federally-listed as endangered San Joaquin kit fox (*Vulpes macrotis mutica*), conservancy fairy shrimp (*Branchinecta conservatio*), vernal pool tadpole shrimp (*Lepidurus packardii*), and Greene's tuctoria (*Tuctoria greenei*), and the federally-listed as threatened California tiger salamander (*Ambystoma californiense*), vernal pool fairy shrimp (*Branchinecta lynchi*), succulent owl's clover (*Castilleja campestris* var. *succulenta*), Colusa grass (*Neostapfia colusana*), and San Joaquin Valley orcutt grass (*Orcuttia inaequalis*).

## Alternatives Including the Proposed Action

**No Action:** Reclamation would not provide grant funding to purchase the conservation easement. The vernal pool, grassland, wetland swale, and stream habitats at the Day Ranch would continue to be under threat of habitat conversion, which is very high as the region is ideally located for cultivated agricultural development.

**Proposed Action:** Reclamation would provide \$768,181.12 from the Central Valley Project Conservation Program to the Sierra Foothill Conservancy to purchase the 356-acre conservation easement, located at Day Ranch in Merced County, California. The conservation easement would preserve habitat in perpetuity for nine species listed as endangered or threatened under the Endangered Species Act. Conservation of the Day Ranch would connect protected lands in a heavily-impacted region and create an open space buffer in this critical zone between the Central Valley and the low-elevation Sierra Nevada foothills.

## 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. The EA describes the existing environmental resources at the location of the Proposed Action and evaluates the effects of the No Action and Proposed Action alternatives. The attached EA was prepared in accordance with National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR 1500-1508), and Department of the Interior Regulations (43 CFR Part 46) and 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); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas (40 CFR 1508.27(b)(3)).
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)). Pursuant to 54 USC § 306108, commonly known as Section 106 of the National Historic Preservation Act, and its implementing regulations at 36 CFR Part 800, Reclamation determined the undertaking has no potential to cause effects to historic properties.
8. The Proposed Action will not negatively affect listed or proposed threatened or endangered species (40 CFR 1508.27(b)(9)).
9. The Proposed Action will not violate Federal, State, local law or requirements imposed for the 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. 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).

# RECLAMATION

*Managing Water in the West*

Environmental Assessment

## Day Ranch Conservation Project

19-05-MP



U.S. Department of the Interior  
Bureau of Reclamation, Mid-Pacific Region

September 2019

## **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.

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## **Acronyms and Abbreviations**

|             |   |
|-------------|---|
| CDFW        | California Department of Fish and Wildlife  |
| CVP         | Central Valley Project                      |
| CVPCP       | Central Valley Project Conservation Program |
| EA          | Environmental Assessment                    |
| Reclamation | Bureau of Reclamation                       |
| SFC         | Sierra Foothill Conservancy                 |
| USFWS       | United States Fish and Wildlife Service     |

## 1. Introduction

In conformance with the National Environmental Policy Act of 1969, Council on Environmental Quality regulations (40 C.F.R. 1500-1508), and U.S. Department of the Interior regulations (43 C.F.R. Part 46), the Bureau of Reclamation (Reclamation) prepared this Environmental Assessment (EA) to disclose potential environmental effects associated with providing \$768,181.12 in grant funding to the Sierra Foothill Conservancy (SFC) (Proposed Action) to fund the Day Ranch Conservation Project (Project). Under the Project, SFC would purchase a conservation easement on 356 acres of vernal pool, grassland, stream, and wetland swale habitats at Day Ranch in Merced County (Figure 1). The easement would preserve habitats for the federally-listed as endangered San Joaquin kit fox (*Vulpes macrotis mutica*), the federally-listed as threatened California tiger salamander (*Ambystoma californiense*), and vernal pool species, including the federally-listed as endangered conservancy fairy shrimp (*Branchinecta conservatio*), and vernal pool tadpole shrimp (*Lepidurus packardi*), and the federally-listed as threatened vernal pool fairy shrimp (*Branchinecta lynchi*). Habitats for four federally-listed plant species, the federally-listed as endangered Greene's tuctoria (*Tuctoria greenei*), and the federally-listed as threatened succulent owl's clover (*Castilleja campestris* var. *succulenta*), Colusa grass (*Neostapfia colusana*), and San Joaquin Valley orcutt grass (*Orcuttia inaequalis*) would also be preserved. This EA examines the potential direct, indirect, and cumulative effects to the affected environment associated with awarding the grant funding, which would be provided through Reclamation's Central Valley Project Conservation Program (CVPCP).

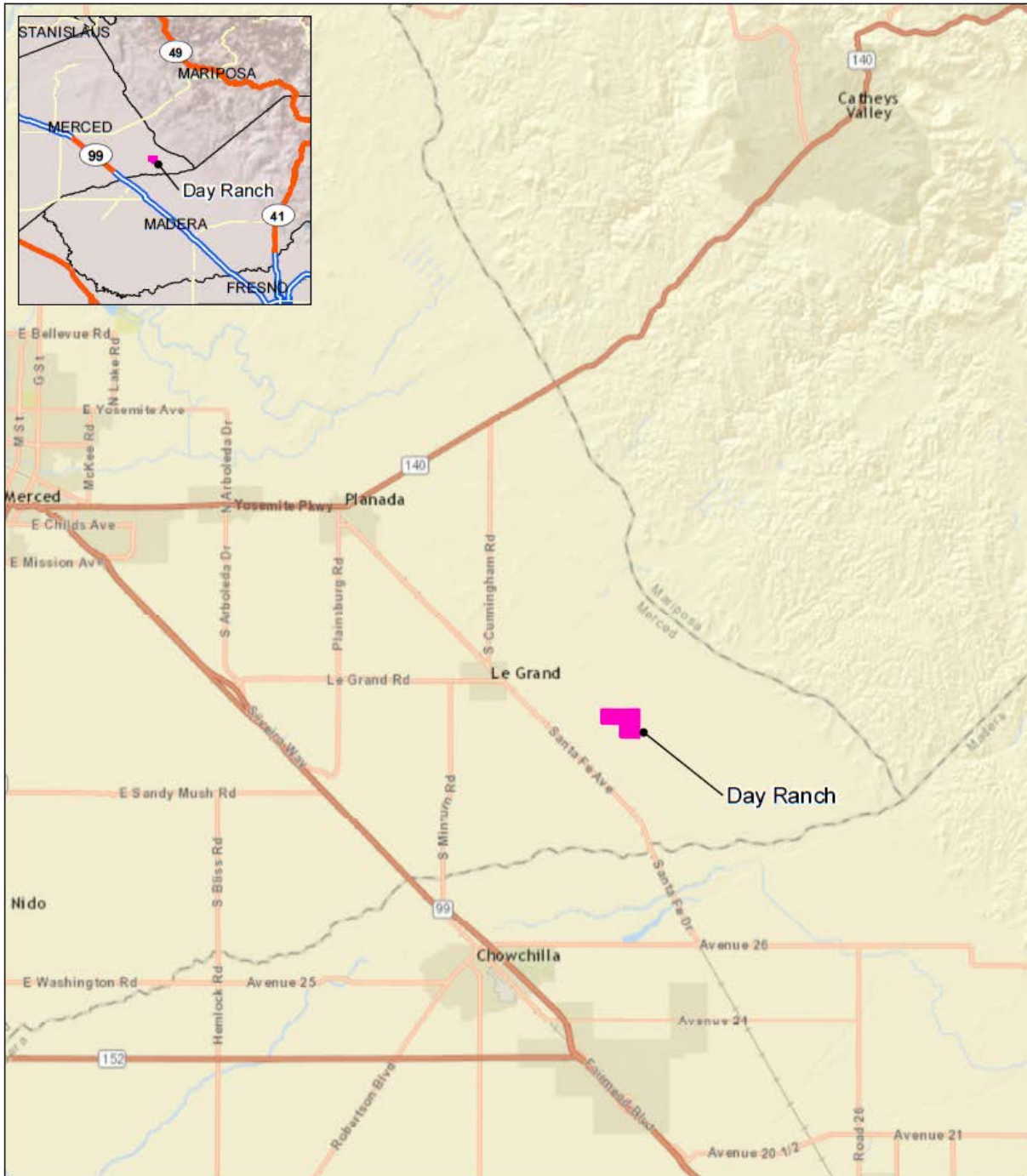
### 1.1 Background

Threat of habitat conversion is very high in Merced County. More than 6,623 acres of vernal pool habitat have been lost to land conversion between 2005 and 2010, primarily to intensive agriculture (Witham *et al.* 2013). Day Ranch is adjacent to wetland habitats and open space to the north and west, and it is threatened by the rapidly expanding tree crops in the region. Merced County ranchers are under financial pressure to convert native rangeland to orchards and other crops, including almonds and pistachios. The Day Ranch is ideally located for cultivated agricultural development. Almond, fig, and pomegranate orchards border the ranch on two sides. Given the extensive grassland habitat and wetland swale and vernal pool complexes present at the ranch, conserving this property is critical for recovery of listed vernal pool species in the region. Conservation of the Day Ranch would assist in linking protected lands in a heavily-impacted region and would create an open space buffer in this critical zone between the Central Valley and the low elevation Sierra Nevada foothills.

### 1.2 Need for the Proposal

The CVPCP was developed by Reclamation and the U.S. Fish and Wildlife Service during the Endangered Species Act Section 7 consultation process to ensure that the existing operation of the Central Valley Project (CVP) and renewal of CVP water service contracts would not jeopardize listed or proposed species or adversely affect designated or proposed critical habitat. Accordingly, the CVPCP implements actions that protect, restore, and enhance special-status species and their habitats affected by the CVP.





0 2.5 5 10 Miles



Day Ranch

Date: February 27, 2017  
 Source: ESRI Basemap accessed February 27, 2017  
 Map Author: Melissa Odell



Figure 1: Vicinity Map Day Ranch

The Day Ranch property is not part of the direct footprint of the CVP, but the seasonal creek that traverses the ranch (Dutchman Creek) drains to the San Joaquin River, which is part of the CVP. Additionally, Dutchman Creek flows through a CVP-contractor's service area, with inputs and diversions to CVP facilities. Therefore, the protections of the species and habitats at the Day Ranch would directly offset the same species and watersheds affected elsewhere by the CVP. Protecting the ranch would meet the CVPCP's objectives of (1) protecting and restoring native habitats impacted by the CVP, (2) stabilizing and improving populations of native species impacted by the CVP, and (3) supporting actions that assist with the recovery of listed species whose populations have been impacted by CVP operations.

## **2. Alternatives Including the Proposed Action**

This EA considers two possible actions: "No Action Alternative" and "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 environment.

### **2.1 No Action Alternative**

Under the No Action Alternative, Reclamation would not award SFC \$768,181.12 in grant funds to help complete the Day Ranch Conservation Project. Although it is possible SFC could find alternate sources of funding, for the purposes of this EA the consequences of Reclamation not providing the funding would result in no project activities.

### **2.2 Proposed Action**

Under the Proposed Action, Reclamation would provide SFC \$768,181.12 in grant funding under the CVPCP. The project would permanently protect the grassland, vernal pools, swales, and streams on the 356-acre ranch, thereby conserving critically important habitats for wildlife and plants while achieving regional conservation goals of federal and state wildlife agencies and their partners. A conservation easement would be established at Day Ranch (Figure 1) and a management plan would be completed. Management priorities would be (1) protection of listed species, (2) protection and maintenance of vernal pool species and vernal pool hydrology, and (3) maintaining grazed rangeland and the viability of a working cattle ranch. Reclamation funding would enable SFC to complete the following objectives:

- appraise the conservation easement,
- conduct project management associated with the grant award,
- development of an adaptive long-term management plan for the conservation easement,
- conduct conservation easement real estate due diligence and closing actions,
- purchase the conservation easement, and
- transfer the conservation easement to SFC stewardship.

### **3. Affected Environment and Environmental Consequences**

#### **3.1 No Action Alternative**

Under the No Action Alternative, Reclamation would not provide \$768,181.12 to SFC and a conservation easement would not be established at the Day Ranch. The 356 acres of vernal pool, grassland, and wetland swale habitats at the ranch would not be conserved in perpetuity. The area would be subject to the risk of conversion to intensive agricultural or other development and consequent habitat loss.

#### **3.2 Proposed Action**

Under the Proposed Action, Reclamation would provide \$768,181.12 in CVPCP grant funding to SFC and project activities would be completed. The conservation easement would be established on 356 acres, permanently protecting grassland, vernal pool, swale, and stream habitats.

##### **3.2.1 Required Resource Discussions**

Department of the Interior Regulations, Executive Orders, and Reclamation guidelines require a discussion of the following items when preparing environmental documentation:

###### *3.2.1.1 Indian Trust Assets*

Indian Trust Assets (ITAs) are legal interests in property or rights held in trust by the U.S. for Indian Tribes or individual Indians. Indian reservations, Rancherias, and Public Domain Allotments are common ITAs in California. The nearest ITA is public land allotment 50H S158 (a parcel of land or real estate holding that may or may not be affiliated with a particular tribe or is in the process of being recorded), which is approximately 24 miles northeast of the project site. The Proposed Action would not have any impacts on ITAs (Appendix A).

###### *3.2.1.2 Indian Sacred Sites*

Executive Order 13007 (May 24, 1996) requires that federal agencies accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners, and avoids adversely affecting the physical integrity of such sacred sites. The Project would not be located on federal lands and would therefore not limit access to and ceremonial use of Indian sacred sites on federal lands.

###### *3.2.1.3 Environmental Justice*

Executive Order 12898 (February 11, 1994) requires each federal agency to identify and address disproportionately high and adverse human health or environmental effects, including social and economic effects of its program, policies, and activities on minority populations and low-income populations. The Project would not have adverse economic or social effects on any individuals or populations within the vicinity of the Project. Accordingly, the Proposed Action would not have disproportionately negative impacts on low-income or minority populations.

##### **3.2.2 Cultural Resources**

Reclamation has determined the issuance of federal appropriations to be the type of activity that does not have the potential to cause effects on historic properties pursuant to 36 C.F.R. § 800.3(a)(1). The proposed action would not have significant impacts on properties listed or eligible for listing in the in the National Register of Historic Places (Appendix B). As such,

Reclamation has no further obligations under Title 54 U.S.C. § 306108, commonly known as Section 106 of the National Historic Preservation Act.

### **3.2.3. Biological Resources**

Reclamation obtained a listing of federally-listed endangered, threatened, proposed, and candidate species and critical habitat using USFWS's Information for Planning and Consultation tool and conducted a search of the California Department of Fish and Wildlife (CDFW)'s California Natural Diversity Database on September 6, 2019 (USFWS 2019; CDFW 2019). Biological resources identified for further consideration are the federally-listed as endangered San Joaquin kit fox, Greene's tuctoria, conservancy fairy shrimp, and vernal pool tadpole shrimp, and federally-listed as threatened California tiger salamander, vernal pool fairy shrimp, succulent owl's-clover, Colusa grass, and San Joaquin Valley orcutt grass. There is final critical habitat for four species, the conservancy fairy shrimp, Greene's tuctoria, San Joaquin Valley orcutt grass, and vernal pool tadpole shrimp, within the project area.

Protocol-level surveys of Day Ranch have not yet been completed, but each of the above-listed species has been thoroughly documented at nearby sites (CDFW 2019) and a SFC biologist has observed at least two *Branchinecta* ssp. and California tiger salamander larvae in the project area.

The property is currently managed as an active ranching operation that is demonstrably compatible with the conservation of listed species populations and habitats. The proposed action only involves a change in title (establishment of the conservation easement) and development of a management plan. The establishment of the conservation easement would not facilitate any change in land use or ground disturbance. The adaptive long-term management plan will be developed specifically to guide management of the property to maximize benefits to the special status species within the conservation easement, as described above. The Proposed Action, therefore, would not adversely affect any federally-listed species, migratory birds, or eagles.

Conserving the ranch would assist in achieving regional conservation goals, including the USFWS's Vernal Pool Species Recovery Plans, Eastern Merced County's Natural Community Conservation Plan and Habitat Conservation Plan, CDFW's Eastern Merced Vernal Pool Preserve Conceptual Area Protection Plan, and California Department of Transportation/CDFW's Essential Connectivity Area goals, by providing a vital piece of protected land within an important San Joaquin kit fox habitat linkage area, a designated USFWS critical habitat for four vernal pool species, the Madera Core Area (Zone 1) of the Southern Sierra Foothill Vernal Pool Recovery Area, and inside of an essential connectivity corridor which would link the Sierra Nevada foothills to the Grasslands Ecological Area. Completion of the project would assist with the recovery of these species and would contribute to the over 28,000 acres of conserved land in the region.

### **3.2.4 Cumulative Effects**

According to Council on Environmental Quality regulations for implementing the procedural provisions of the National Environmental Policy Act, a cumulative impact is defined as the impact on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency

(federal or non-federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time (40 C.F.R. 1508.7).

There are no adverse impacts associated with implementing the Proposed Action, and therefore no adverse cumulative effects to consider.

## **4. Consultation and Coordination**

### **4.1 Agencies and Persons Consulted**

Reclamation consulted and coordinated with Sierra Foothill Conservancy in the preparation of this environmental assessment.

### **4.2 CVPCP Technical Team**

CVPCP managers are guided by a Technical Team of biologists and natural resource specialists from Reclamation, USFWS, and the CDFW. The purpose of the Technical Team is to implement a collaborative and integrated multi-agency process to coordinate actions under state and federal laws to aid in recovery of CVP-impacted listed species. The Technical Team helps ensure the program is operated consistent with USFWS biological opinions (USFWS 2000) that guide implementation of the Central Valley Project Conservation Program to mitigate for past impacts to species from the CVP. The Team provides guidance and recommendations to CVPCP managers regarding the projects to be funded.

During the period of April 2, 2018 through August 14, 2018, members of the Technical Team reviewed and scored technical proposals submitted to Reclamation for consideration for funding. Sierra Foothill Conservancy's proposal to establish a conservation easement at Day Ranch was recommended for funding. Reclamation and USFWS management subsequently approved the Technical Team's recommendation that the Project be funded.

### **4.3 Endangered Species Act**

Project activities would not facilitate any change in land use or ground disturbance. Therefore, Reclamation determined that the Proposed Action would have no adverse effects on listed species as defined in 50 CFR 402. If new information is made available or the Proposed Action changes, Reclamation may need to revisit its ESA responsibility.

## References

- California Department of Fish and Wildlife (CDFW). 2019. California Natural Diversity Database. Rarefind electronic database. Accessed 6 September 2019. <http://www.dfg.ca.gov/biogeodata/cnddb/rarefind.asp>.
- U.S. Fish & Wildlife Service (USFWS). 2000. Biological Opinion on Implementation of the CVPIA and Continued Operation and Maintenance of the CVP. Sacramento Fish and Wildlife Office. Sacramento, California.
- U.S. Fish & Wildlife Service (USFWS). 2019. Information for Planning and Conservation. Accessed 6 September 2019. <https://ecos.fws.gov/ipac>.
- Witham, Carol W., Robert F. Holland, and John E. Vollmar. 2013. 2005 Great Valley Vernal Pool Map, Plus Merced Placer and Sacramento County Losses 2005-2010. Accessed 1 February 2019. [http://www.vernalpools.org/2010CVPIA/VP\\_Mapping.pdf](http://www.vernalpools.org/2010CVPIA/VP_Mapping.pdf).

## **Appendix A. Indian Trust Asset Compliance**

**Indian Trust Assets Request Form**

\*\*Please send your request to: Kevin Clancy

|   |  |
|---|--|
| <b>Requested by</b>   | Katie Flahive, x5044   |
| <b>Fund</b>   | 19XR0680A3   |
| <b>WBS</b>  | RX304249930250000  |
| <b>Cost Center</b>  | RR2015200  |
| <b>Region #<br/>(if other than MP)</b>  | MP   |
| <b>Project Name</b>   | Day Ranch Conservation Project   |
| <b>CEC or EA Number</b>   | 19-05-MP   |
| <b>Project Description</b>  | Reclamation proposes to provide \$740,480 from the Central Valley Project Conservation Program to the Sierra Foothills Conservancy to purchase a conservation easement on 356 acres of vernal pool grassland habitat at Day Ranch in Merced County. The easement would preserve habitats for the federally-listed San Joaquin kit fox, California tiger salamander, and vernal pool species. |
| <b>*Project Location<br/>(Township, Range,<br/>Section, e.g., T12<br/>R5E S10, or XY<br/>cords)</b> | The project will be located at Day Ranch, approximately centered at (37.2146, -120.1871).  |

\*Please include map with request, if available.



Signature

**Kaitlin Flahive**

Printed name of preparer

**01/22/2019**

Date

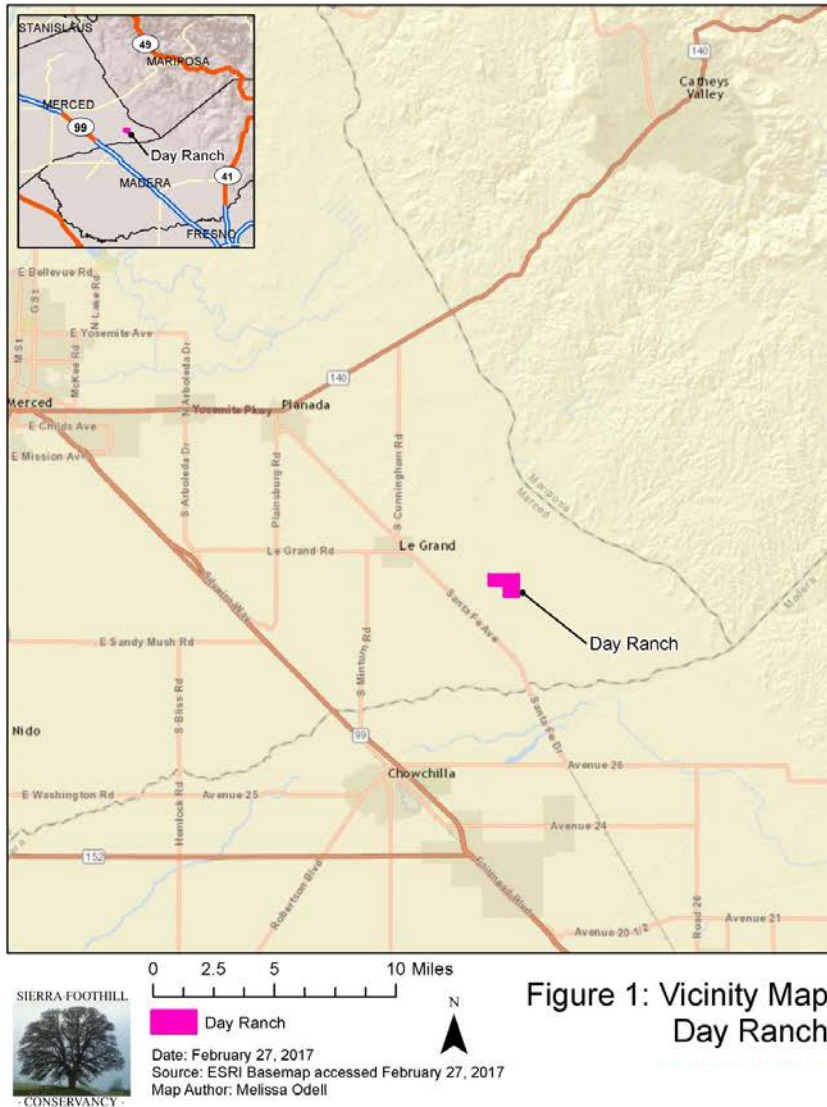


**ITA Determination:**

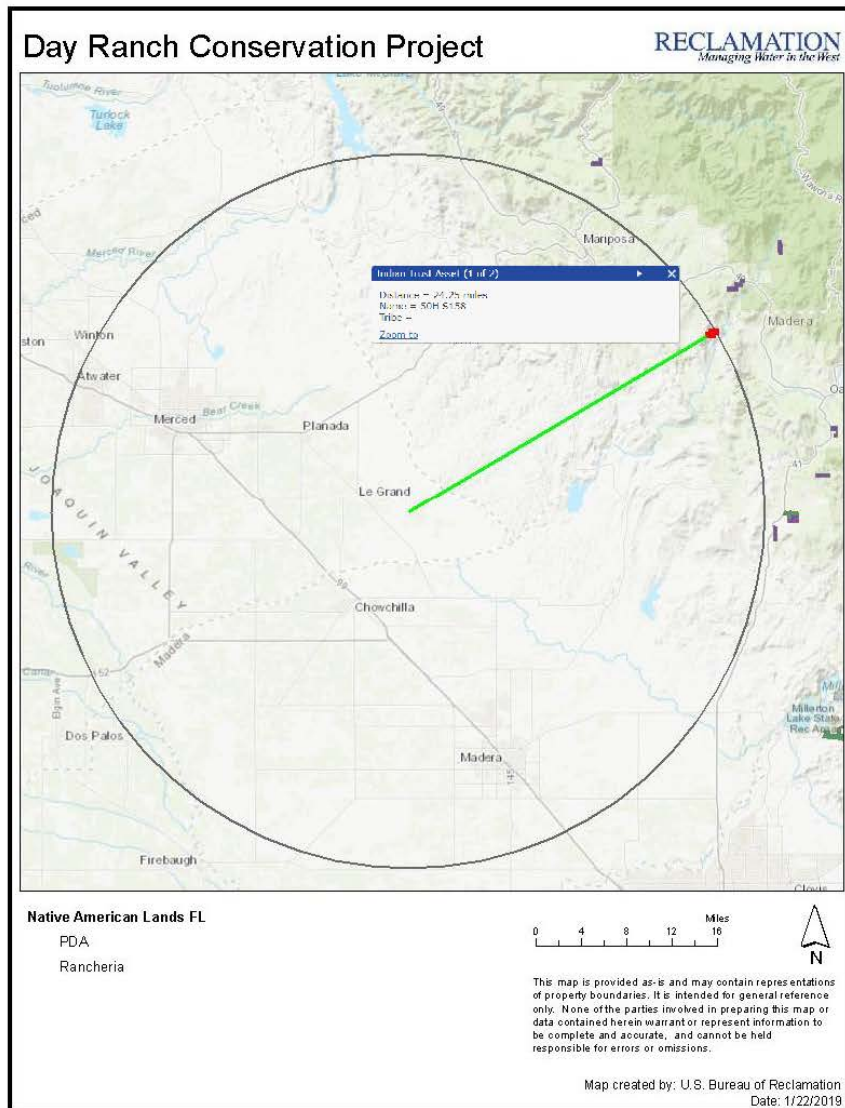
The closest ITA to the proposed Day Ranch Conservation Project is public land allotment (a parcel of land or real estate holding, that may or may not be affiliated with a particular tribe or is in the process of being recorded) which is 24 miles northeast of the project site. (See attached image).

Based on the nature of the planned work it **does not** appear to be in an area that will impact Indian hunting or fishing resources or water rights nor is the proposed activity on actual Indian lands. It is reasonable to assume that the proposed action **will not** have any impacts on ITAs.

|                  |                          |           |
|------------------|--------------------------|-----------|
| <u>K. Clancy</u> | Kevin Clancy             | 1/23/2019 |
| Signature        | Printed name of approver | Date      |



**Figure 1. Project Location Map**



**Figure 2. Tessel Results**

## **Appendix B. Cultural Resources Compliance**

**CULTURAL RESOURCES COMPLIANCE**  
**Division of Environmental Affairs**  
**Cultural Resources Branch (MP-153)**

**MP-153 Tracking Number:** 19-SCAO-053

**Project Name:** Day Ranch Conservation Project

**NEPA Document:** None

**NEPA Contact:** Katie Flahive

**MP-153 Cultural Resources Reviewer:** Lex Palmer, Architectural Historian

**Date:** January 16, 2019

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Reclamation proposes to provide funds to the Sierra Foothill Conservancy through a grant agreement to purchase a conservation easement on 356 acres of private grazing land in Merced County to conserve vernal pool habitats and species. The project involves a change in title and property ownership only. No ground disturbance or changes in land use will result. The property is cattle rangeland and will continue as such after the conservation easement is purchased and all Reclamation funds are spent.

Reclamation has determined the issuance of Federal appropriations is the type of activity that does not have the potential to cause effects on historic properties pursuant to 36 CFR § 800.3(a)(1). As such, Reclamation has no further obligations under Title 54 U.S.C. § 306108, commonly known as Section 106 of the National Historic Preservation Act (NHPA). The proposed action will not have significant impacts on properties listed or eligible for listing in the in the National Register of Historic Places.

This document conveys the completion of the cultural resources review and Section 106 process for this undertaking. Please retain a copy with the administrative record for this action. Should the proposed action change, additional review under Section 106, possibly including consultation with the State Historic Preservation Officer, may be required.