Salinity Control Projects

Environmental Compliance and Habitat Replacement
National Environmental Policy Act

NEPA- The overarching law requiring Federal agencies to evaluate and disclose environmental, social and economic effects of proposed actions

• Documentation – Environmental Assessment (EA)
  • Grant recipient performs NEPA compliance activities.
  • Public review & comment period on Draft EA
  • No ground-disturbing activities or expenditure of federal funds until NEPA process is complete

• Timeframe – Data gathering, surveys, and NEPA process typically takes a total of 9-12 months
NEPA Document

• EA includes environmental commitments to avoid, minimize and compensate for impacts
  • For example, best management practices, revegetation, habitat replacement, etc.

• Compliance with other laws is documented in the EA
Compliance with Other Laws

National Historic Preservation Act

• Assess and resolve effects on Historic Properties
  • Historic Properties can include water delivery infrastructure over 50 years old.
• Archaeologist conducts field survey and prepares report
• Reclamation consults with State Historic Preservation Officer (SHPO)
• Timeframe:
  • No potential to affect: ~1 month
  • Potential to affect: Memorandum of Agreement, including mitigation of effects ~3 months
Compliance with Other Laws

Endangered Species Act

• Assess and resolve effects on federally-listed animal and plant species (referred to as T&E species)
• Biologist conducts field survey and prepares report.
• If needed, Reclamation consults with U.S. Fish and Wildlife Service (FWS)
  • Mitigation measures could be applied to project.
• Timeframe: 1 – 6 months depending on effects to T&E species
Compliance with Other Laws

Clean Water Act

• Most agricultural activities are exempt from CWA regulation under Section 404 of CWA
  • Consultant prepares letter to Corps of Engineers
    • Obtain written confirmation of 404 exemption or permit requirements

• National Pollution Discharge Elimination System (NPDES) (Section 402 of CWA).
  • Construction sites on ≥ 1 acre of land must obtain NPDES permit from State to ensure water quality standards are met
  • NPDES application includes Stormwater Management Plan
    • BMPs, dewatering plan, etc. for construction activities
Habitat Replacement for Salinity Control Projects
Habitat Replacement

Requirement of the Salinity Control Act:

... provide for the mitigation of incidental fish and wildlife values that are lost as a result of the salinity control measures and associated works.

• What type of habitat needs to be replaced?
  • Wetlands and riparian areas supported by canal seepage that will be lost as a result of project construction

• Construct habitat replacement concurrently with project construction

• Recipient responsible for all aspects of Plan -- Reclamation reviews and approves

• Salinity funds can be used for development and implementation of habitat project
Habitat Replacement

• Early coordination
  • Grant recipient, consultant, and Reclamation coordination on habitat evaluation procedures, objectives, and potential habitat replacement plan and location
  • Site visit with Reclamation and FWS to potential site
Habitat Replacement

• Determine Habitat Losses
  • Use Reclamation’s *Fish and Wildlife Habitat Evaluation Procedures* to determine amount of habitat loss
  • The *Procedures* define method to evaluate functions of riparian and wetland areas that will be lost after canal is lined or piped
Habitat Replacement

• Develop Habitat Replacement Plan
  • Well developed Plan is a good investment!
  • Level of Plan Detail
    • Use Reclamation’s Habitat Replacement Plan outline
    • Enough detail that third party can complete the work
    • Clearly define measurable objectives so project “success” can be determined
    • Level of Plan detail dependent on complexity of project
    • Detailed schedule and line item cost breakdown of construction, maintenance, and management
  • Construction oversight & plantings by biologist/ecologist and/or qualified contractor
Habitat Replacement

• Maintenance and Management of Habitat Project
  • Grant recipient is responsible for maintaining habitat project for life of project – typically 50 years
  • Salinity funds cannot be used for maintenance
  • All projects require maintenance, some more than others
  • Develop Plan that minimizes amount of ongoing maintenance
  • Plan and budget for maintenance
    • For example, weed control, replanting and reseeding, maintaining water control structures, fencing, sediment removal, etc.
Habitat Replacement

• Monitoring
  • Required for life of project
  • Include Monitoring schedule in habitat replacement plan
  • Typically annual site visits with Reclamation for first five years, with yearly report to Reclamation
    • How project is meeting objectives, any corrective measures, photographs
  • After 5 years, monitoring and reporting frequency may be adjusted to every 3 to 5 years for remaining life of project, with Reclamation concurrence
  • Monitoring methods: measurable and repeatable; tie back to plan objectives and habitat evaluation criteria
Additional information can be found on the Colorado River Basin Salinity Control Program Webpage: https://www.usbr.gov/uc/progact/salinity/