
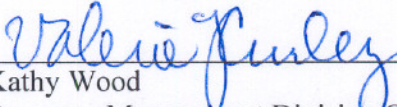
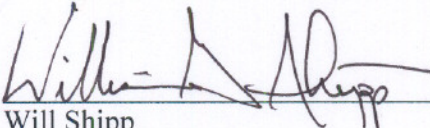
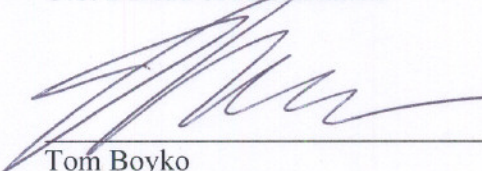


**FINDING OF NO SIGNIFICANT IMPACT
FOR THE CONTRA COSTA CANAL REPLACEMENT PROJECT, CONTRA
COSTA COUNTY, CALIFORNIA**

Recommended by:  Date: 6-24-07
Shane Hunt
Environmental Specialist
Mid-Pacific Regional Office
U.S. Bureau of Reclamation

Concurred by:  Date: 6-25-07
Acting Kathy Wood
Resource Management Division Chief
South Central California Area Office
U.S. Bureau of Reclamation

Approved by:  Date: 6/26/07
Will Shipp
Deputy Area Manager
South Central California Area Office
U.S. Bureau of Reclamation

Approved by:  Date: 7/11/07
Tom Boyko
Regional Manager
Sierra Nevada Region, Western Area Power Administration

FONSI No. 07-05-MP

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
FINDING OF NO SIGNIFICANT IMPACT

**CONTRA COSTA CANAL REPLACEMENT PROJECT,
CONTRA COSTA COUNTY, CALIFORNIA**

In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the South-Central California Area Office of the U.S. Bureau of Reclamation (Reclamation) and Sierra Nevada Region of the Western Area Power Administration (Western), have determined that the proposed Contra Costa Canal replacement project is not a major Federal action significantly affecting the quality of the human environment; therefore an environmental impact statement is not required. This Finding of No Significant Impact is supported by Reclamation and Western's Draft Environmental Assessment (EA), *Contra Costa Canal Replacement Project, Contra Costa County, California* and is hereby incorporated by reference.

Background

The Contra Costa Water District (CCWD) has requested that the United States Bureau of Reclamation (Reclamation) permit CCWD to replace the unlined portion (3.97 miles) of the Contra Costa Canal, a Reclamation-owned facility, with a buried pipeline within Reclamation's existing Right of Way (ROW) by granting CCWD a permit (MP-620 add/alt permit), a short-term license, and a long-term easement for the new replacement pipeline to CCWD. In addition CCWD is requesting Reclamation approval of various licenses and or easements as appropriate for third-party crossing agreements over the pipeline as it is constructed. Under CCWD's proposal CCWD would own the new pipeline, and Reclamation would grant CCWD an easement for the pipeline. Reclamation would retain ownership of the land and all other Reclamation-owned facilities. Additionally, replacing the unlined portion of the Contra Costa Canal with a buried pipeline would require Western to issue a Utility Relocation Agreement to CCWD for Western to plan, design, and relocate as many as 40 structures of their existing Tracy-Contra Costa 69-kilovolt (kV) transmission line (T-line) within the vicinity of mile 13 through 17 of Western's ROW. The new structures will be in-line with the existing T-lines within the ROW.

Findings

Aesthetics: The proposed project involves replacing the unlined earthen canal with an underground pipe in or adjacent to the existing canal ROW, so it would not affect any trees, rock outcroppings, or historic buildings. No scenic resources would be damaged. Following implementation of the proposed project, the project site would be more visually consistent with the areas adjacent to the canal, which are primarily open space. There will be no noticeable change due to the replacement of Western's Tracy-Contra Costa 69-kV T-line located within the ROW since it is proposed to be at a slightly lower grade.

Minor and temporary changes in the amount and duration of water level fluctuation in Los Vaqueros Reservoir could occur during construction phases causing an increase to the width of the exposed shoreline below the reservoir high water mark.

These impacts are considered minor due to the small scale of adverse impacts at Los Vaqueros and the improved consistency of the area after completion of the project in the vicinity of the canal therefore the proposed action would not result in any significant impacts to aesthetic resources.

Air Quality: Impacts to air quality resulting from the use of equipment would be below established Clean Air Act *de minimus* thresholds, localized and short term in nature. The minor emissions increases during construction periods are not expected to result in additional degradation of the air quality in the region. Once construction is complete only minor, intermittent vehicle emissions would occur during monitoring and maintenance activities. Therefore, there would be no significant effect to air quality.

Biological Resources including Threatened and Endangered Species: The proposed action will temporarily affect valley riverine aquatic, non-tidal freshwater permanent emergent, natural seasonal wetland and managed seasonal wetland habitats. These habitats will be restored. There will be a permanent loss of tidal perennial aquatic habitat, tidal freshwater emergent habitat and valley foothill riparian. Non-tidal wetland habitats will be created and/or enhanced to mitigate for the losses of the tidal habitats, preventing a net loss of wetland habitats. Although the mitigation will not include tidal wetlands, the current value of the tidal wetlands that would be lost is low, due to the operations and maintenance of the unlined portion of the canal. Valley foothill riparian habitat will be created and some will be enhanced off-site. There will be a gain in grassland habitat acreage.

The proposed action may affect and is likely to adversely affect the delta smelt, giant garter snake, Swainson's hawk, California black rail, western burrowing owl, western pond turtle, other sensitive bird species (such as the tricolored blackbird) and the Suisun Marsh aster. Adverse effects will be avoided or minimized by the implementation of appropriate conservation measures, developed in consultation with the USFWS, NMFS and DFG. These measures include scheduling construction windows to minimize potential exposure of listed fish species and minimizing impacts to garter snakes during their inactive period. This will ensure compliance with Section 7 of the Endangered Species Act of 1973, as amended. Migratory birds will be protected by avoiding take of individuals and eggs, ensuring compliance with the Migratory Bird Treaty Act. Compensation habitat will be provided for affected bird species, the giant garter snake, the western pond turtle and the Suisun Marsh Aster. In the long term, there will be a reduction in entrainment and predation on the juvenile salmonids due to removal of tidal influence (lowering of maximum and mean approach velocities) and loss of open water (containing non-native predators) in the dead-end canal which are considered beneficial effects. The proposed action will not adversely affect the San Joaquin kit fox or the California red-legged frog.

The USFWS has issued a final non-jeopardy biological opinion on the delta smelt. The USFWS has determined that the proposed action will not result in the adverse modification or destruction of delta smelt critical habitat, due to the absence of primary constituent elements in the unlined canal. NMFS has concurred with Reclamation's determination that the proposed action is not likely to adversely affect federally listed anadromous fishes and their critical habitat. Essential fish habitat for the Central Valley fall-run Chinook salmon will be protected by the timing of construction within Marsh Creek.

As a result of the implementation of conservation measures, including avoidance, minimization and in some cases, mitigation, the proposed action will not have a significant impact on biological resources, either directly, indirectly or cumulatively. Although some fishing opportunities by trespassers may be lost, the common fish species whose habitat will be removed will continue to be abundant elsewhere in the vicinity of the City of Oakley. Therefore, there will be no significant impacts on common fish species or sportfishing.

Cultural Resources: The unlined portion of the Contra Costa Canal will experience adverse effects from the encasement project. The mitigating measures identified in the memorandum of agreement (MOA) with the California State Historic Preservation Office under Section 106 of the National Historic Preservation Act for this undertaking are being implemented. Subsurface archeological testing will occur prior to construction in sensitive areas as stipulated in the MOA.

CCWD will not be allowed to construct the project prior to receiving a permit from the U.S. Army Corps of Engineers (USACE). USACE cannot issue CCWD's permit until they have completed the Section 106 process for the Holland Tract wetland mitigation site.

Western will issue the Utility Relocation Agreement to CCWD after Western has completed the Section 106 process for Western's action to plan, design, and relocate as many as 40 structures of their existing Tracy-Contra Costa 69-kilovolt (kV) transmission line (T-line) within the project vicinity. The new structures will be in-line with the existing T-lines within the ROW.

The impacts to cultural resources will/have been mitigated through the Section 106 process for the project resulting in no significant impact to cultural resources.

Environmental Justice: Implementing the project would not result in human health impacts. The population in the project area is not considered to be predominately low income or minority. Therefore the temporary impacts expected to occur would not disproportionately affect any minority or disadvantaged populations within the project area and no significant impacts related to environmental justice would occur.

Geology & Soils: The area within the Reclamation ROW for the canal was heavily disturbed and modified when the canal was constructed. Once the project is complete the

ROW will be more consistent with surrounding land elevation and less intensively managed than under existing conditions. The Holland Tract site will be revegetated and managed to provide wildlife habitat. Soils excavated to create wetland areas on the Holland Tract will be retained within the 145.07-acre area.

These impacts are considered minor due to the small scale and scope of the impacts therefore the proposed action would not result in any significant impacts to geology or soils.

Hydrology and Water Quality: Construction activities could impair water quality temporarily because grading and construction activities would disturb soil and expose potential contaminants to stormwater and runoff. Soil and associated contaminants that enter stream channels can increase turbidity, stimulate the growth of algae, increase sedimentation of aquatic habitat, and introduce compounds that are toxic to aquatic organisms. Construction operations along the canal would require the temporary rerouting of surface flows in the drainages and sloughs in the project area: Marsh Creek, Emerson Slough, and Dutch Slough. It will be necessary to shut down the Rock Slough intake facility for up to approximately 12 months, for any given phase of the project, while the pipeline is being installed. The groundwater would be discharged to existing agricultural areas for irrigation or temporarily stored for percolation adjacent to the project site but outside of the 200-foot staging and construction area consistent with the Central Valley Regional Water Quality Control Board (RWQCB) Waiver of Waste Discharge Requirements for Specific Types of Discharge and under agreement with adjacent landowners.

A Storm Water Pollution Prevention Plan (SWPPP) will be developed as required by the RWQCB under the statewide NPDES General Permit for Discharges of Storm Water Associated with Construction Activity. The SWPPP would include measures identified by the Central Valley Regional Water Board as Best Available Technology Economically Available (BAT) and Best Conventional Pollution Control Technology (BCT) to reduce or eliminate stormwater pollution.

During construction, a water quality compliance monitoring station may be dewatered, stagnant, or otherwise non-representative of water quality in Rock Slough and therefore not controllable by the California Department of Water Resources and Reclamation, who are responsible for compliance pursuant to D-1641. Before construction begins, CCWD will consult with State Water Board staff and request to temporarily move the measurement location. After completion of the project, the compliance location would return to the present location at PP1, and there will be no impacts on CCWD, DWR, or Reclamation as a result of implementing this project.

Minor changes in the amount and duration of water level fluctuation in Los Vaqueros Reservoir could occur. CCWD estimates up to 7,000 acre-feet of additional draw down of the reservoir during each construction phase. CCWD does not expect this amount of potential increased drawdown to affect their ability to meet water demand within their service area.

Through permits from the RWQCB and implementation requirements of these permits impacts to water quality and hydrology will be minimized. All impacts to water quality and hydrology are expected to be localized and temporary. Therefore, there would be no significant impacts to water quality or hydrology as a result of the proposed action.

Indian Trust Assets: There are no tribes possessing legal property interests held in trust by the United States in the areas involved with this action, therefore Indian trust assets are not affected by this action.

Land Use: The project would pose no conflict with any applicable land use plans, policies, or regulations. The project would ensure the canal's compatibility with plans associated with the development planned for the project area. No impact would occur.

Noise: Some homes could be affected by construction related noise. Noise levels for individual equipment can range from 79 to 101 dBA at 50 feet. Construction contractors will be required to ensure that, to the extent feasible, construction equipment is properly maintained and equipped with noise control devices, such as mufflers, in accordance with manufacturers' specifications. Construction contractors shall be limited construction activities to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday, during which such activities are exempt from noise levels identified in applicable standards. To the extent that contractors work outside of these hours, noise levels will be limited so as not to cause any disruption to nearby residences. CCWD shall designate a disturbance coordinator during construction. The disturbance coordinator's telephone number shall be conspicuously posted around the project site and supplied to nearby rural and developing, occupied residences. The disturbance coordinator shall receive all public complaints and be responsible for determining the cause of the complaint and implementing any feasible measures to alleviate the problem.

Noise generated at the site will primarily be confined to daytime hours in compliance with applicable regulations. Noise generated from the project would only occur during construction periods and would be localized and temporary. Therefore no significant impacts from noise would occur.

Recreation: CCWD will coordinate with the East Bay Regional Park District to keep the trail crossing over Marsh Creek available as long as conditions are safe. It is expected that the trail will need to be closed temporarily when Marsh Creek is open cut to install the replacement pipeline. Efforts will be made to restore the trail as soon as construction across Marsh Creek is completed. This impact would not be significant since the area that would be impacted is small, the impacts would be temporary and other recreational trails exist in the area.

Wetlands: Implementation of the project would result in fill of jurisdictional waters of the United States, including wetlands subject to USACE jurisdiction under the Federal Clean Water Act, and Section 10 waters of the United States, including the canal, isolated freshwater marsh and seasonal wetland, irrigation/drainage ditches, and human-induced ponded areas. Permanent impacts from the project would total 42.92 acres of open waters and 3.84 acres of in-channel freshwater marsh and 0.23 acres of seasonal

wetland/drainage ditches. The remaining wetlands impacts would be temporary, including impacts to perennial drainages, seasonal wetlands, irrigation/drainage ditches, out-of-channel freshwater marsh, and seasonally wet meadow totaling an additional 6.64 acres in the vicinity of the canal and 3.07 acres of season wetland/drainage ditches at the Holland Tract site.

A mosaic of 47 acres of wetlands and waters will be created with improved habitat function on 145.07 acres at the 263-acre Holland Tract site to achieve minimum waters of the United States and wetland creation to impact ratio of 1:1. The off-site wetland creation property will be made available concurrently with each phase of project construction. The wetland mitigation features are expected to have higher functional value than the wetland habitats being impacted. The mitigation area will not be managed as a water conveyance facility where it is necessary to minimize aquatic vegetation. The existing wetland areas within the unlined canal are fragmented and narrow in width and this limits high habitat function. Given the higher functional value expected from the mitigation wetlands coupled with no net loss of overall wetland acreage the impacts to wetlands from the project are not considered significant.

Cumulative Effects: Historical, ongoing, and planned development in the eastern Contra Costa County area and throughout the Sacramento/San Joaquin River Delta (Delta) area have impacted wetlands area and habitats. Cumulatively, the reclamation of Delta islands and urban development have greatly reduced wetland acreage. The mitigation wetlands are expected minimize any contribution this project would have to cumulative effects on wetland resources and habitats.

Approval would not have highly controversial or uncertain environmental effects or involve unique or unknown environmental risks. Impacts associated with the proposed action are minor, short-term, localized, or temporary nature of the impacts associated with this project with the exception of wetlands and wildlife habitat. Impacts to wetlands and habitats will be mitigated through the Holland Tract mitigation site, therefore there will be no significant cumulative impacts associated with this project.