

Finding of No Significant Impact

HAMMER DIVERSION ON SOUTH FORK COTTONWOOD CREEK FISH PASSAGE IMPROVEMENT PROJECT

Lead Federal Agency:
U.S. Fish and Wildlife Service
2800 Cottage Way, Room W-2605
Sacramento, CA 95825

The U.S. Fish and Wildlife Service (USFWS) proposes to grant funds, under the authority of the Central Valley Project Improvement Act's (CVPIA) Anadromous Fish Restoration Program (AFRP) to implement a fish passage improvement project on the South Fork of Cottonwood Creek at a site known as the Hammer Diversion. Improving fish passage at this site would restore anadromous fish access to an additional five miles of historic holding, spawning and rearing stream habitat. The proposed action would remove the diversion dam and implement site improvements to meet the water and power needs of the landowner. The California Department of Fish and Wildlife (CDFW) is providing equipment, supplies and agency personnel to implement the dam demolition portion of the project. The Central Valley Regional Water Control Board (RWQCB) is the lead agency for the project under the California Environmental Quality Act (CEQA). The proposed action supports objectives of the AFRP Final Restoration Plan, complements other ongoing efforts to improve important aquatic habitats for the benefit of naturally-producing anadromous salmonids in the Central Valley, and may assist in the recovery of Central Valley steelhead and Central Valley spring-run Chinook salmon which are listed as threatened under the Endangered Species Act.

Documents reviewed in the preparation of this Finding of No Significant Impact (FONSI) include:

- CVPIA Programmatic Environmental Impact Statement (PEIS)
- AFRP Final Restoration Plan
- Environmental Assessment / Initial Study (EA / IS): Hammer Diversion on South Fork Cottonwood Creek Fish Passage Improvement Project
- Intra-USFWS Section 7 Evaluation Form
- Section 7 Biological Opinion from National Marine Fisheries Service
- Intra-USFWS Section 106 Consultation Compliance Memo

These documents are incorporated by reference, as described in 40 CFR 1508.13.

Alternatives

In January and February of 2013, an Alternatives Analysis Report was prepared by Northwest Hydraulic Consultants that discussed four potential project alternatives:

1. No action
2. Fish ladder and screen at diversion dam
3. Removal of the dam and moving the diversion upstream
4. Removal of dam with alternative energy sources

The No Action alternative was not chosen because a lack of action would continue to restrict and/or block upstream access to five miles of historic habitat for anadromous salmonid fish species. Under this alternative, downstream passage of adult and juvenile anadromous salmonid fish species would continue to be restricted and juvenile downstream migrant fish would be at risk of entrainment into the diversion. No power or water system modifications would be necessary because the current diversion structure would continue to meet the power and water needs of the landowner.

The Proposed Action alternative was selected over other alternatives for best meeting the following project goals:

- Improve fish passage at the Hammer Diversion
- Meet the landowner's power and water needs
- Minimize maintenance needs for public agencies and the landowner

Fish passage improvement has been identified as priority actions in the CVPIA PEIS, AFRP Final Restoration Plan and CALFED's Ecosystem Restoration Plan, as well as several CDFW publications and plans.

Environmental Impacts

Based upon information contained in the EA / IS, we have determined this Federal action would not significantly affect the quality of the human environment. The basis for a Finding of No Significant Impact is as follows:

1. As a result of formal consultation under the Endangered Species Act and inclusion of project design features / resource protection measures into the proposed action, short-term adverse impacts to federally-listed or special-status species may occur; however long-term benefits would be realized. The short-term adverse effects would not significantly affect the recovery of Central Valley spring-run Chinook salmon or Central Valley steelhead. No adverse impacts to designated critical habitats are expected. The short-term negative impacts are minimal compared to the potential net increase in production due to:
 - a. Unimpeded access to five additional upstream miles of the South Fork of Cottonwood Creek
 - b. Improved downstream passage
 - c. Elimination of the risk of entrainment into the diversion system
 - d. Additional in-stream flows due to the reduction in diversion flows
 - e. Potentially reduced stream temperatures due to the elimination of the shallow reservoir
2. Short-term, minor impacts to wildlife and fisheries may occur from implementing activities related to the fish passage improvement. However, resource protection measures have been incorporated into the proposed action to minimize effects. The intent of this project is to provide unimpeded salmonid fish passage during all flows. The proposed activities would remediate the current passage impediment by removing the existing diversion dam. The dam removal would allow salmonids to reach five additional miles of upstream holding, spawning, and rearing habitat.
3. The proposed action is not expected to have long-term adverse effects on wildlife or fisheries, and most effects are expected to be beneficial. The passage impediment will be removed and the planting of riparian vegetation will ensure that the action does not result in a net loss of wetlands or riparian habitat.
4. Resource protection measures have been incorporated into the project as project design features to minimize adverse effects on air quality, biological resources, cultural resources, hazardous waste materials, hydrology and water quality, and soils and geology. The proposed action is expected to have no negative impact on flooding potential.
5. The proposed action is not expected to have adverse effects on wetlands or floodplains pursuant to Executive Orders 11990 and 11988.
6. Neither short- nor long-term adverse effects on human health or the environment, nor disproportionate adverse effects to low-income or minority populations are expected, pursuant to Executive Order 12898.
7. Based on field surveys and a cultural resources evaluation, the project would not significantly affect

cultural resources. However, unknown subsurface cultural resources could be impacted during ground-disturbing activities associated with the proposed project. An individual knowledgeable in identifying cultural resource will be present during any ground-disturbing activities. In the event subsurface cultural remains over 45 years of age are encountered, the project will cease work at the general area of discovery and the contractor will consult with a professional archaeologist on staff with the USFWS.

In addition to analyzing effects on biological and cultural resources, the EA / IS evaluated the following aspects of the physical and human environment for potential significant effects as a result of the proposed action alternative:

- Air Quality
- Aesthetics
- Agricultural Resources
- Cumulative Impacts
- Environmental Justice
- Hazardous Waste Materials
- Hydrology and Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Public Utilities
- Recreation
- Soils and Geology
- Transportation

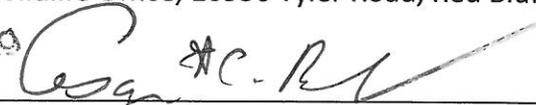
Project design features to minimize environmental effects were incorporated into the proposed action alternative to reduce impacts to a level below significance for those issues for which potentially negative impacts were anticipated.

Public Review and Comment

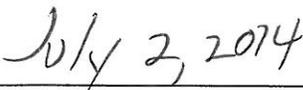
An initial public scoping notice was published in the legal section of the Red Bluff Daily News on February 15, 2014. A second public notice was published in the Red Bluff Daily News on April 2, 2014. RWQCB, the lead agency for the project under CEQA, distributed the draft EA / IS for a 30-day public review period.

Conclusion

Therefore, the USFWS, as lead Federal agency for the proposed AFRP funding of The Hammer Diversion on South Fork Cottonwood Creek Fish Passage Improvement Project, has determined that the proposal does not constitute a major Federal action significantly affecting the quality of the human environment under the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969 (as amended). As such, an Environmental Impact Statement is not required. An EA / IS has been prepared in support of this finding and is available upon request to the U.S. Fish and Wildlife Service, Red Bluff Fish and Wildlife Office, 10950 Tyler Road, Red Bluff, CA 96080.

Acting 

Assistant Regional Director, Fisheries and Aquatic Conservation



Date