

## SCREENING FORM AND ENVIRONMENTAL ACTION STATEMENT TO SUPPORT A LOW-EFFECT HCP DETERMINATION

### **Project Information**

**A. Project:** Habitat Conservation Plan for the Operation, Repair, Maintenance, and Replacement of State Water Pipeline and facilities from the Polonio Pass Water Treatment Plant (PPWTP) to Lake Cachuma, San Luis Obispo County and Santa Barbara County, California (hereafter, the HCP).

**B. Covered Species:** San Joaquin kit fox (*Vulpes macrotis mutica*), California red-legged frog (*Rana draytonii*), and California tiger salamander (*Ambystoma californiense*).

**C. Covered Area:** The HCP addresses an area of approximately 5,200 acres. The majority of this is found as 131 miles of pipeline easement of up to 300 feet in width (approximately 4,765 acres) with the remainder consisting of 120 acres at Tank 1/Polonio Pass Water Treatment Plant, 152 acres at Tank 2, 5 acres at Tank 5, 5 acres at Tank 7, 5 acres at the Santa Ynez Pump Station, 60 acres at North Portal of Cuesta Tunnel, and 40 acres at Arroyo Grande Mitigation Site. Permanent access roads with 40-60-foot easements, an energy dissipation vault within the 300 feet pipeline easement, and areas downstream of identified stream crossings that could be affected by blow offs are included in this total.

### **D. Project Description/Purpose and Need**

**Description:** The applicant currently operates and maintains the State Water Project (SWP) and appurtenant facilities from Tank 1 near Polonio Pass in San Luis Obispo County to Lake Cachuma in Santa Barbara County for delivery of potable water to project participants. This includes operation of a 43-million-gallon-per-day water treatment plant and delivery of up to 45,408 acre-feet of water per year via the pipeline. Maintenance includes driving on access roads (existing farm roads) from public roads to project facilities, inspection of above ground facilities every 1-6 months, dewatering pipeline segments for inspection and repair, vegetation control immediately adjacent to above-ground structures as well as in access tracks and at the water treatment plant sludge lagoons, invasive plant species control at the Arroyo Grande Mitigation Site, access road repairs, erosion control, and excavation of buried facilities as needed to facilitate repair.

**Purpose and Need:** An incidental take permit (ITP) is needed to allow the applicant to operate, maintain, repair, and replace the pipeline and associated facilities in compliance with the Federal Endangered Species Act of 1973, as amended (Act). The purpose of the HCP is to provide that information necessary to support permit issuance for incidental take of California red-legged frog, California tiger salamander, and San Joaquin kit fox.

**Requested Permit Term:** The requested permit term is 30 years and is subject to renewal.

**Species Occurrence:** San Joaquin kit fox habitat is present in the vicinity of the PPWTP and along approximately 26 miles of pipeline to the southwest of the plant. Abundance of this

species in this area is unknown. California red-legged frogs are permanent residents or seasonal visitors in ponds and streams throughout the project area where their presence and abundance varies by season and by year. The PPWTP is within, and the pipeline passes through, a portion of critical habitat unit SLO-1. California tiger salamander breeding pools and upland habitat occurs in the vicinity of the PPWTP in San Luis Obispo and south of the City of Santa Maria and west of the City of Buellton in Santa Barbara County. Segments of the pipeline pass through critical habitat units 1 and 6.

Specific known locations for these three species are described in Section 4.0 and in Appendices A and B of the draft HCP.

## **Minimization and Mitigation Measures**

### **Minimization Measures**

Measures to minimize the amount and severity of take will be implemented. These measures are discussed in detail in section 2.10 of the draft HCP (SAIC 2015) and summarized below:

- Monitoring and use of mapping and environmental databases to identify locations of covered species prior to commencement of activities that could result in take, inclusive of vegetation or soil disturbance;
- Pre-activity surveys by qualified biologists with relocation of covered species identified to suitable habitat outside of harm's way;
- Isolation of the work space (e.g., access, stockpiles, staging, and stream diversions);
- Scheduling of maintenance activities to avoid spawning, migration, breeding, or nesting seasons of covered species and breeding of migratory birds;
- Development and presentation of environmental awareness training for all operations and maintenance personnel at least annually and for any contractors working in or near covered species habitat, on an as needed basis, before start of work;
- Salvage and replacement of topsoil to re-establish natural conditions when excavation is required within native plant communities;
- Revegetation of disturbed area to the pre-existing plant community, including use of native species appropriate to the site;
- Installation of erosion and sediment control measures prior to the commencement of any soil-disturbing activities;
- Use of existing roads and tracks, where available or specific access routes developed for the project, to access to project facilities. Any new routes needed will be designed to avoid take of covered species;
- Posting of signage in blow off areas and at dewater vaults adjacent to potential and occupied California red-legged frog habitat that states "CAUTION: Releases from this vault may impact endangered species. Contact your supervisor before opening valve";
- Maintenance and control of vegetation around vaults and in access tracks using mechanical methods only;
- Operation of the Polonio Pass Water Treatment Plant sludge lagoons to minimize potential for take of California red-legged frogs and California tiger salamanders; and
- Maintenance of a list of qualified biologists that are either pre-approved by the Service or

in possession of the appropriate State and Federal permits to survey for and handle California tiger salamander and a Federal permit for California red-legged frog.

### Mitigation Measures

Mitigation for unavoidable take of the covered species includes the following:

- California tiger salamander: Purchase of three (3) credits (= 3 acres) at the Palo Prieto Mitigation Bank in northern San Luis Obispo County to offset potential take that could result from disturbance of upland habitat as a result of project O&M activities. Three credits will compensate for 2.7 acres of habitat based on an estimated 0.9 acre of disturbance due to erosion repairs and access to man ways/blow offs within California tiger salamander upland habitat and the potential harm or harassment of adults/juveniles or larvae at the Polonio Pass Water Treatment Plant. Additionally, a mitigation credit (= 1 acre) has been purchased in the La Purisima Conservation Bank for potential take of California tiger salamander in Santa Barbara County as required by the section 2081 permit issued by the California Department of Fish and Wildlife (Department).
- California red-legged frog: Purchase of three (3) credits (= 3 acres) at the Palo Prieto Mitigation Bank to offset the potential take of up to one California red-legged frog annually as a result of project O&M activities. The number of credits was determined based on observations of four adult and juvenile California red-legged frogs per acre in a marsh pond on Vandenberg Air Force Base and one to six individuals observed per kilometer of streams in the Los Padres National Forest.
- San Joaquin kit fox: Compensation for San Joaquin kit fox was provided at the time of project construction as part of its compliance with the California Environmental Quality Act. The terms of the compensation were memorialized in a Memorandum of Understanding between CCWA, the Department, and the Service that addressed this species as part of biological opinion 1-8-93-F-20. Compensation consisted of CCWA's contribution of funds towards the purchase of 1,320.82 acres of habitat for San Joaquin kit fox. The funding was allocated in this manner: \$50,000 went to the Wildlife Conservation Board Wildlife Restoration Fund, \$850,000 to the Conservation Bank Acquisition Enhancement Fund, and \$514,322 to the Conservation Mitigation Bank Endowment. As such, no additional mitigation is deemed necessary for San Joaquin kit fox as part of the HCP.

### **Monitoring and Reporting**

Monitoring: The applicant will conduct monitoring to (1) ensure that the protocols and protection measures are implemented, (2) determine the effectiveness of the measures, (3) make sure that the project maintains or enhances conservation of the species covered in this HCP, (4) track take, including amount of covered species habitat affected by O&M activities, (5) ensure that the mitigation measures are effective, and (6) ensure that the conservation program is being implemented in full.

Reporting: Monitoring reports will be prepared annually and submitted to the Service by July 1 annually. Whenever monitoring and evaluation indicates that the HCP goal and objectives may not be met, the Service will be notified within 30 days, or before further O&M activities that could affect covered species are undertaken. Upon discovery of any dead or injured covered species within the HCP boundaries, the Service will be notified within 24 hours of this discovery.

## **II. Does the HCP fit the following low-effect criteria?**

**A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP prior to implementation of the mitigation plan? (HCP Handbook, pp. 1-8 and 1-9)** Yes. Take of the federally-endangered San Joaquin kit fox in association with both construction and maintenance activities was exempted pursuant to biological opinion 1-8-93-F-20 (Service 1993); biological opinion 1-8-96-F-15 (Service 1996) exempted take of the federally-threatened California red-legged frog in association with pipeline and facilities construction only.

Operation of the Polonio Pass Water Treatment Plant sludge lagoons are considered to have a low potential to affect California red-legged frogs because vegetation removal around the margins would be done by hand and few individuals are expected to be present. Vegetation clearing by hand is expected to cause any individual California red-legged frogs that may be present to move away from the disturbance. Periodic drying of one lagoon every few years would be by evaporation and this would allow any individuals present to move to the other two lagoons or nearby ponds. The slow drying of the lagoon in the summer would allow any larval California red-legged frogs or California tiger salamanders to complete their larval stage.

Visual inspection and maintenance of above-ground structures along the pipeline would require driving about once a month on existing roads and tracks during the day through habitat for all three species. Few if any individual California red-legged frogs, California tiger salamanders, or San Joaquin kit fox are expected to be present within the roads used, and driving would occur during the day when the species are least likely to be active. Operation of blow offs to drain pipe segments would occur at few locations in any one year. The valve would be opened and closed slowly, the water would be discharged to upland areas where feasible, disinfectants would be removed, and energy dissipation measures would be used to prevent erosion and sediment transport into adjacent drainages. Few if any California red-legged frogs are anticipated to be affected by these operations. Mowing or cutting vegetation adjacent to structures and along access tracks would temporarily disturb approximately 10 acres of San Joaquin kit fox habitat. This would not adversely affect kit fox in that area due to the small amount of habitat affected and the low density of kit fox in the area. Excavation of buried facilities would occur infrequently, would affect a small area, and would generally be located outside of habitat for covered species. The habitat would be restored after the work is complete. Maintenance activities at the Arroyo Grande Mitigation Site involve driving on the access road within the site and hand cutting of weeds. California red-legged frogs using the creek habitat are unlikely to be in the upland areas where weeds need to be controlled or along the road. Thus, operation and maintenance of the pipeline and associated structures would be expected to have minor to negligible effects on covered species. Project operation and maintenance of the project has been

ongoing for over 20 years with no take of California red-legged frog or California tiger salamander having been documented. As such, O&M effects to these species are considered to be minor or negligible.

**B. Are the effects of the HCP minor or negligible on other environmental values or resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.) prior to implementation of the mitigation plan? (HCP Handbook, pp. 1-8 and 1-9)** Yes. Project effects to environmental resources occurred at the time of construction; it is not anticipated that operation and maintenance of the existing facilities would result in effects that are not minor or negligible.

Geology and Soils. Operation of the pipeline and associated facilities would have negligible effects on geology and soils because little ground disturbance would occur from infrequent driving on existing unpaved access roads, only small areas would be disturbed by infrequent excavation of buried facilities (in areas that had been excavated for their installation), release of water from blow offs is designed to prevent erosion. Seismic activity at faults along the pipeline route has the potential to damage the pipeline and result in the release of treated water to the environment. The pipeline has been designed to meet current codes and standards for seismic safety, and automatic isolation valves are in place on both sides of areas with sensitive environmental resources. Erosion from a pipeline rupture would be repaired.

Water Resources. Groundwater would not be adversely affected by operation of the project, and the added water supply could reduce groundwater over drafting in the service areas receiving the water. Water released from the pipeline at blow offs would have the disinfectants removed prior to discharge to flowing water in a drainage. Energy dissipation measures would be used to prevent erosion and scour. These releases would be in accordance with a discharge plan outlined in the HCP and scheduled to minimize effects on water quality. Excavation of buried facilities would be scheduled for the dry season, and disturbed soils would be stabilized and revegetated to prevent erosion and runoff of sediments to surface waters.

Air Quality. The small number of vehicles used during operations and maintenance would have negligible effects on air quality. Dust at any excavation sites would be controlled during the work using water trucks and soils would be stabilized immediately after the repairs are completed.

Cultural Resources. Excavation of buried facilities would occur in areas previously excavated for their installation, and cultural resources are unlikely to be affected. The applicant has maps showing the locations of all known cultural resources along the pipeline route and where protection measures are needed. These maps would be consulted prior to any ground-disturbance activities.

Land Use. Land uses along the pipeline route would not be changed by project operations and maintenance. Activities such as excavation of buried structures could temporarily prevent current land uses such as agriculture or livestock grazing until the work site is restored, but this would be in small areas and occur infrequently.

Transportation. Vehicle traffic for routine inspections along the pipeline route and operation of the Polonio Pass Water Treatment Plant would have negligible effects on traffic. Any major repair activities near or at roadways could have short-term effects on local traffic, but standard safety measures would be taken to minimize effects on traffic.

Noise. The project would generally have no impacts on local noise. Major repairs, however, would result in a temporary increase in noise in the immediate vicinity of the work. Work near inhabited structures would be limited to during the day when the covered species are least active.

Aesthetics. Operation and maintenance of project facilities would not change the visual character of the area.

Public Services and Utilities. Project operation and maintenance activities would not affect public services or utilities.

Health and Safety. No effects on public health and safety would occur from project operation and maintenance. All chemicals used would be handled in accordance with current regulations and contained so that water resources and species habitat would not be affected.

Recreation. Operation and maintenance of project facilities would not affect any public recreation areas.

Socio-economics. Operation and maintenance of project facilities would not adversely affect any communities. The water treatment plant and most of the pipeline route are in rural areas with little residential development.

Environmental Justice. No disproportionately high and adverse effects on minority and low-income populations would result from operation and maintenance of the project.

Indian Trust Assets. No Indian Trust Assets would be affected by project operation and maintenance.

Invasive Species. All areas that would be disturbed as part of operations and maintenance of the project would be restored to pre-existing native or naturalized conditions. As such, it is not anticipated that the operation and maintenance of the project would contribute to the spread of invasive species not already present in the project area.

**C. Would the impacts of this HCP, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects not result, over time, in significant cumulative effects to environmental values or resources? (HCP Handbook, pg. 5-3) Yes.** The operation and maintenance of the project is a single action not related to any other. Operation and maintenance of the applicant's project is not expected to result in significant environmental impacts due to the avoidance, minimization, and mitigation measures that are incorporated into the HCP. The less than significant impacts resulting from the project would not

contribute to a cumulatively considerable impact on environmental resources. As such, O&M activities are not anticipated to result in cumulative effects to environmental values over time.

**III. Do any of the exceptions to categorical exclusions apply to this HCP? (516 DM 2.3, Appendix 2)**

**Would implementation of the HCP:**

**A. Have significant adverse effects on public health or safety?** No, the project consists of the operation and maintenance of an existing water delivery system. Much of the project area is on private lands not subject to public access. No residences are present near the water treatment plant and all chemicals used at that facility are handled in accordance with current regulations. Any chemicals used at other project facilities, such as those for removal of disinfectants before discharge of project water to surface water, are also stored and handled in accordance with current regulations. Operation and maintenance of the pipeline and related facilities has been ongoing since 1998 and has not resulted in any incidents that could have a significant adverse effect on public health or safety.

**B. Have adverse effects on such unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; sole or principal drinking water aquifers; prime farmlands; wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Historic Places?** No. Cultural and historic resources would be avoided or protected as described above. No parks, recreation or refuge lands, wilderness areas, designated Natural Landmarks, or wild/scenic rivers are present in the project area that could be affected by project operation and maintenance. No sole or principal drinking water aquifers, prime farmlands, or floodplains would be adversely affected by project operation and maintenance. Maintenance activities that cause ground disturbance are unlikely to occur in wetlands or ecologically significant areas. Any such activities in these areas would involve disturbance of a small area and for a short duration, resulting in minor, temporary effects prior to implementation of minimization and mitigation measures.

**C. Have highly controversial environmental effects?** No. Operation and maintenance activities associated with the project for approximately 17 years have not had any highly controversial environmental effects; none are anticipated in the future.

**D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?** No. Operation and maintenance of the pipeline and associated facilities does not have any highly uncertain and potentially significant environmental effects, nor does it involve any unique or unknown environmental risks.

**E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?** No. Issuance of an incidental take permit associated with this HCP would not establish a precedent for future action or represent a decision in principle about future actions that have the potential to cause significant environmental effect. Project activities are not out of the ordinary and would have negligible

effects on the environment. All future actions in the project area would be reviewed on their own merits.

**F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?** No. The project is not related to any existing or known proposed projects that could result in a cumulatively significant environmental effect. Any projects proposed in the future that could interact with the applicant's project would need to consider cumulative impacts as part of their environmental review.

**G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?** No. No properties listed or eligible for listing on the National Register of Historic Places would be affected by operation and maintenance of the project.

**H. Have adverse effects on federally listed or proposed species, or have adverse effects on designated critical habitat for these species?** No. Operation and maintenance activities associated with the project have a low potential for take of San Joaquin kit fox, California red-legged frog, or California tiger salamander. The small number of individuals in each species, or small area of habitat, that could be affected by these activities over the life of the project would not adversely affect their populations or survival. Very limited areas within critical habitat for the California red-legged frog and California tiger salamander could be temporarily disturbed during operations and maintenance activities but would be restored to the pre-existing condition upon completion of the work such that habitat functions and values would remain. No adverse modification of critical habitat for California red-legged frog or California tiger salamander is anticipated to result from project activities.

**I. Have adverse effects on wetlands, floodplains, or be considered a water development project thus requiring compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?** No. The project, operations and maintenance of a water treatment plant and water transmission pipeline, is not considered a water development project. Activities associated with project operation and maintenance would not adversely affect floodplains and would have a low potential to affect wetlands as described above in III.B. All appropriate permits would be obtained for any activities that could affect wetlands and temporarily disturbed areas would be restored upon completion of the work. Issuance of an ITP for project operations and maintenance would not require compliance with Executive Order 11988, Executive Order 11990, or the Fish and Wildlife Coordination Act

**J. Threaten to violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.** No. The project received all required environmental review prior to construction. Compliance with Federal, state, and local laws and regulations were considered in that review, and the project was found to be compliant. The project does not cross any tribal lands

**K. Have a disproportionately high and adverse effect on low income or minority populations.** No, the operation and maintenance of an existing water delivery system is not anticipated to have any negative effects on low-income or minority populations.

**L. 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.** No. Activities associated with the operations and maintenance of the project would not limit access to, or ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of any such sacred sites.

**M. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112).** No. Only limited areas would be temporarily disturbed during operations and maintenance activities. These areas would be restored to the pre-existing condition upon completion of the work such that habitat functions and values would remain. These activities would include monitoring for presence of noxious weed and nonnative invasive species.

### ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the Operation, Repair, Maintenance, and Replacement of State Water Pipeline and facilities from the Polonio Pass Water Treatment Plant to Lake Cachuma, San Luis Obispo and Santa Barbara Counties, California HCP qualifies for a categorical exclusion as defined in the U.S. Fish and Wildlife Service *Habitat Conservation Planning Handbook*. Therefore, this action is categorically excluded from further NEPA documentation as provided by 516 DM 2, Appendix 1; 516 DM 6, Appendix 1; and 516 DM 8.5(C)(2).

Other supporting documents:

- HCP for the Operation, Repair, Maintenance, and Replacement of State Water Pipeline and facilities from the Polonio Pass Water Treatment Plant to Lake Cachuma, San Luis Obispo and Santa Barbara Counties, California
- Memorandum regarding section 106 compliance from Anan Raymond, Regional Historic Preservation Officer, USFWS Region 1 to Julie M. Vanderwier, Senior Fish and Wildlife Biologist, Ventura Fish and Wildlife Office, October 21, 2013.

Concurrence:

  
Stephen P. Henry, Field Supervisor

12/9/15  
Date