

**ADMINISTRATIVE DRAFT
MITIGATED NEGATIVE DECLARATION**

TO WHOM IT MAY CONCERN:

Pursuant to the California Environmental Quality Act of 1970 (CEQA), the State CEQA Guidelines, and the Kern County Guidelines for Implementation of CEQA and State CEQA Guidelines, the M.H. Wolfe *and Associates* Environmental Consulting, Inc., has prepared an Initial Study of possible environmental impacts of the following described project.

APPLICANT: Friant Water Authority

APPLICATION: Friant-Kern Canal Section 1600 Notification for Routine Maintenance and Restoration Activities in Improved/Unimproved Channels and Equalizing Reservoirs

LOCATION:

The Friant-Kern Canal extends from Millerton Lake, Fresno County through Tulare County, to the Kern River, Bakersfield, Kern County, California. Assessor's Parcel Numbers (APN) are not applicable since the canal is located on federal land. The canal crosses numerous townships and ranges, as well as named and un-named drainages. A list of township and ranges (Appendix A of the Section 1600 Notification), as well as a location map are included in the attached Section 1600 Notification (Appendix B of the Section 1600 Notification).

DESCRIPTION OF PROPOSED PROJECT:

Friant Water Authority (FWA) seeks to obtain a new Section 1600 permit for ongoing work to maintain and restore the canal, its banks, rights-of-way, ditches, toe drains, underdrains, wasteways and associated equalizing reservoirs along the Friant-Kern Canal, as has occurred since 1997. The maintenance and restoration activities consist of: debris or obstruction removal; silt, sand, or sediment removal; maintenance of channel capacity; vegetation control (mechanical vegetation control; aquatic vegetation control; or chemical vegetation control); repair of existing erosion control work; and minor erosion control work. These maintenance and restoration activities will occur on the improved channels, unimproved channels, leveed channels, drain ditches, toe drains, the equalizing reservoirs or lakes, wasteways, parshall flumes and other work areas as needed.

The maintenance activities shall be in accordance with the procedures described below, and shall not require further notice to, or agreement with the California Department of Fish and Wildlife (CDFW).

Debris or Obstruction Removal

Debris or obstruction removal may include the removal of fallen trees, substantial amounts of unauthorized debris, rubbish, and other obstructions from areas (not to exceed the length of legal

channel right-of-way) of man-made facilities, and the removal of those materials only in the necessary vicinity (not to exceed the length of legal channel right-of-way) of a bridge, culvert, toe-drain, diversion, or flow control structure when said materials cause obstruction(s) to flow. Unauthorized human generated debris, such as lawn and farm cuttings, garbage, and trash may be removed from any section.

Silt, Sand, or Sediment Removal

Removal/Displacement of silt, sand, or sediment, debris, rubbish and other obstructions will be conducted when said materials cause obstruction(s) to flow.

Maintenance of Channel Capacity

Maintenance may include removal/displacement of accumulated sand, silt, sediment, debris, rubbish, vegetation or trees and other obstructions to maintain channel capacity. The bottom half of channel banks are to be cleared in strips in alternating years, if possible, in order to retain habitat for wildlife, or in accordance with the recommendations of a qualified biologist following a field evaluation of habitat conditions.

Vegetation Control

- Mechanical Vegetation Control

Mechanical control of aquatic vegetation and woody growth of less than four inches diameter at breast height (DBH) will be conducted, for removal of obstructions to flow in the channel bottom from toe-to-toe. Where appropriate, removal of non-native vegetation (bamboo, tamarix, tree tobacco, castor bean, pampas grass, eucalyptus, acacia, etc.), regardless of DBH, including stump and root removal from top of bank. Control of aquatic vegetation and woody growth of less than six inches DBH which restrict flow will be accomplished by use of mechanical devices, chemicals, controlled burning, or hand labor in reaches of the channels. Flow restricting branches hanging into channels from trees or shrubs rooted in the upper half or tops of banks may be removed. Some drainages may support trees in the channel floor which exceed the above dimensions, as a result of the channels having not been cleared in many years. A variance for these locations will be negotiated on a case-by-case basis.

Removal of vegetation from the total bank profile may be allowed if a CDFW representative agrees to the removal after an on-site inspection, and limits of the removal are specifically defined in writing.

- Aquatic Vegetation Control

To minimize adverse impacts and accelerated sedimentation, chemical control of vegetation in water will be accomplished with the use of an herbicide approved for in-channel or aquatic use, as applicable. Application shall be done in accordance with the label. Heavy thick growth may require removal by mechanical means.

- Chemical Vegetation Control

An herbicide will be used for spot control of bamboo and/or other noxious or exotic vegetation to maintain control following mechanical removal. Such treatment is anticipated on alternate years, or only as necessary. Applications shall be made in accordance with the chemical label.

Repair of Existing Erosion Control Work

Repairs may include, but not be limited to failed rock, sacked concrete, gabion section, or concrete linings or associated structures, as appropriate. Maintenance and restoration activities shall be confined to the failed section and immediately adjacent areas affected by the failure. Surface water, if any, shall be diverted from the work area when using equipment in the channel. Sediment control measures shall be implemented as appropriate.

Minor Erosion Control Work

Sloping, installation of rock, gabions, or other erosion control measures may occur from toe of slope in the channel to a maximum of the 100 year storm event evaluations, measured vertically, above the channel invert to stabilize the eroded areas. Project work shall be limited to periods of low stream flow if possible. Should stream flow exist, the stream flow shall be diverted around the work area in a temporary culvert/pipe, by pumping, or alternate manner that minimizes stream turbidity, unless agreed otherwise. Removal of vegetation shall be minimized to that necessary to safely ensure that the toe-to-toe channel shall remain, unless absolutely necessary to obtain access. To the extent possible, the stream channel shall be returned to its natural state without creating a condition causing possible future bank erosion.

Upon project completion, the stream channel bottom shall be scarified from the work site to the equipment entrance, where activities have caused compaction of the streambed soil material. Unless agreed otherwise, disturbed areas outside of the channel and access road, and areas left barren of vegetation as a result of the maintenance and restoration activities shall be restored to its natural state by seeding, re-planting, or other agreed upon means with native species of trees, shrubs, and grasses, within 30 days or an agreed upon date immediately prior to the next season of precipitation.

Schedules

Maintenance and restoration activities shall be performed at a time and manner so that the proposed maintenance and restoration activities minimize adverse impacts to the environment and provide for the protection and continuance of the fish and wildlife.

Manner

In consideration of minimizing impacts to fish and wildlife resources, including but not limited to reptiles, amphibians, birds, mammals, and fish, maintenance and restoration activities should be conducted whenever possible when channels are dry, which may not always be possible. If it

is not possible to dry the channel other measures as necessary will be taken to minimize adverse impacts to wildlife and water quality. This may include the use of a biological monitor while work is ongoing in the water to help avoid fish and wildlife impacts, the construction of a temporary diversion, or other means as agreed upon with the CDFW.

In consideration of threatened and endangered fish and wildlife resources, environmental pre-activity surveys shall be conducted as necessary in advance of construction work, in accordance with the Friant Division Long-term Contract Renewal Biological Opinions (1991, 2001, 2004 and 2005), and the Section 7 Consultation for the Friant Division Operations and Maintenance (O&M) Guidelines (USFWS 2003).

Equipment shall not be parked or staged within the channel. Staging and/or parking shall occur on the uplands outside of the primary flood plain whenever possible. The FWA will follow its "Field Construction and Spill Contingency Plan", described in the attached Section 1600 Notification Binder. If water is present, any equipment in the channel will be cleaned of petroleum residues prior to entering the water.

Revegetation will be used as appropriate for slope protection and potential site restoration and enhancement, in agreement with the California Department of Fish and Wildlife.

MITIGATION MEASURES: Included in the Proposed Project to Avoid Potentially Significant Effects (if required):

Aesthetics/Visual Resources:

- If night lighting is necessary for emergency work, it will be shielded, directed downward, and away from homes and habitat when possible. Project impacts are considered insignificant. No additional mitigation is proposed.

Agricultural Resources:

- The project will result in no adverse impacts or changes to agricultural land or land uses. No mitigation is necessary.

Air Quality:

- The following measures are expected to further reduce potential air quality impacts.
 - AQ-1) Project-related dust will be kept to a minimum with a goal of retaining dust on-site following the dust control measures below:
During grading, earth moving, excavation, or transportation, water trucks will be used as necessary to prevent dust from leaving the site.
 - AQ-2) The canal maintenance contractor will designate a person to monitor the dust control program and to order increased watering as necessary, to prevent transport of dust off-site.

AQ-3) The contractor will use, whenever feasible:

- Heavy-duty diesel powered construction equipment manufactured after 1996 (with federally mandated “clean” diesel engines);
- Catalytic converters on gasoline-powered equipment or diesel catalytic converters if available;
- Electric or natural gas powered equipment instead of diesel powered equipment when possible;
- Minimum practical engine size of construction equipment; and, the
- Smallest practical number of simultaneously operating pieces of construction equipment.

AQ-4) Construction equipment will be maintained consistently with the manufacturer’s specifications. All equipment will be checked and mechanically tuned to ensure safe and efficient operation.

Residual impacts would be less than significant with mitigation as described.

Biological Resources:

- General environmental protection measures will be implemented for the protection of vegetation and wildlife, air and water quality. As implemented with mitigation and take avoidance measures, the impacts of O&M on biological features are anticipated to be less than significant; however, to ensure that they are insignificant, and would remain insignificant under unusual or unexpected weather conditions resulting in high water flow, take avoidance and minimization and general mitigation measures will be implemented. General environment protection measures that benefit all species include the following:

B-1) To ensure the implementation of the mitigation and take avoidance measures, prior to the initiation of the projects, an employee environmental awareness and mitigation monitoring plan will be developed. This plan will be used to train employees and contractors relative to the site specific environmental protection measures of the projects. The Friant project team will ensure that the plan is followed during field work and will have the authority to stop work if appropriate measures are not being implemented. A final report will also be prepared detailing the implementation and efficacy of the mitigation and take avoidance measures. This report will be submitted to all interested agencies involved in the projects.

B-2) Preconstruction surveys will be conducted by a qualified biologist(s) prior to implementation of special projects in accordance with the 2005 Biological Opinion, O&M Guidelines and other standard agency protocols as applicable. During this time, areas to be protected and cordoned off will be flagged to alert equipment operators of areas to be protected. This would include any plant habitat or locations of plant and wildlife species of concern. All personnel and

equipment shall be directed to remain within the surveyed project areas. All equipment and vehicles will remain on existing roadways or trails.

- B-3) An annual preconstruction environmental training meeting will be conducted prior to the initiation of each special project to ensure all contractors are aware of and know how to implement the environmental protection measures, as is required by the O&M Guidelines (2003).
 - B-4) Although not anticipated given the environmental protective measures, if an incidental take of a protected species should occur, a qualified biologist will be called to conduct an evaluation of the incident, impacts to the species and the environment, and any necessary changes in project plans to avoid a repeat of the incident. A report describing the incident, results and additional measures implemented will be prepared and submitted to the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife within one week of the incident.
 - B-5) All waste, garbage, and trash created during the projects will be maintained in covered containers and will be removed from the project sites and disposed of in accordance with local and state regulations.
 - B-6) Feeding or harassment of wildlife will not be allowed. Pets will not be allowed on-site.
 - B-7) Smoking will be prohibited in areas of habitat. Vehicles will be required to carry fire extinguishing equipment (shovels, water, etc.).
 - B-8) Where soil excavation is necessary, or the soil has been disturbed or plants have to be removed, mulching and/or restoration will be implemented to prevent wind or water erosion and the invasion of exotic species.
 - B-9) Loss of native riparian trees or shrubs with diameters of three inches or greater will be replaced with liners or seedlings at a ratio to ensure the survival of 3 individuals for every shrub or tree removed. Larger trees also will be replaced, but with five gallon size nursery stock.
- Additional specific mitigation measures for the operation and maintenance work are included in the project description, the USFWS Biological Opinion (2005), the O&M Guidelines for Endangered Species (2003), and the attached California Department of Fish and Wildlife Section 1600 Memorandum of Understanding (MOU).

Cultural and Historic Resources:

- No cultural resources are known to occur in the Friant-Kern Canal right-of-way, with the exception of the canal itself, which has been determined to be eligible for the National Register of Historic Places as a historical structure (USBR 2006); however, at this time, no application for this has been filed. As no new construction is covered by this MOU, no impacts are expected to occur.

If cultural resources of any type are encountered, activity would cease and a cultural resource specialist would be contacted to evaluate the findings and recommend any special actions prior to proceeding in the area of the finding.

Geologic Processes:

- Measures for revegetation and erosion control are provided in the project description as well as the Section 1600 MOU, and the 2005, 2004, 2001 and 1991 Biological Opinions (USFWS). With these implemented mitigation measures, soils impacts will be minimal and mitigated to less than significant.
- The light vibrations from the temporary operation of heavy equipment are anticipated to be less than significant. Prior to working below the waterline, visual inspections will be conducted to determine if there is any potential impending canal failure that could result in a slope failure. With the implementation of appropriate mitigation measures for soil erosion, the impacts will be mitigated to less than significant and no residual impacts are expected to occur.

Greenhouse Gas Emissions

- No single project is large enough to be significant relative to greenhouse gasses. Greenhouse gasses are cumulatively significant, but the Friant-Kern Canal work now actually has less impact to greenhouse gasses than the past baseline conditions.

Hazardous Materials/Risk of Upset:

- The Field Construction and Spill Contingency Plan (Appendix J of the attached Section 1600 Streambed Alteration Notification) is devised to prevent and/or minimize environmental impacts that could occur in the event of a hydrocarbon spill. Sometimes during fieldwork, heavy equipment and/or other vehicles require the addition of petroleum-based fluids such as oils and hydraulic fluids. The basic approach of the plan is first to avoid spills in the field, to preclude them from happening whenever possible, to minimize environmental impacts in the event one should occur and provide for clean-up.
- Regular scheduled preventive equipment maintenance work is not to be conducted in the field. This policy reduces the risk of significant spills by avoiding activities which could result in large spills. No construction equipment or field vehicles will be staged on

natural ground in flood plain areas or in stream channels. This will avoid having groundwater or surface water contaminated by potential equipment leaks.

- If stationary equipment, such as compressors, motor pumps, generators or welders are necessary for a project, drip protection will be provided. Any equipment or vehicles which may be necessary to conduct work in water or stream channels will be checked daily to ensure they do not leak into the water or on the floodplain.
- Necessary repairs, oiling or fluid changes will be conducted outside of the stream channel to minimize potential for spills in a channel or water body. Drip protection will be provided for emergency repair work which may be required to be conducted in the stream channel or flood plain area.
- Refueling will be conducted outside any stream channel or floodplain. When work in water is unavoidable, heavy equipment first will be serviced and cleaned to prevent the introduction of hydrocarbons into the water.
- In the event a spill occurs in water or where it may get into water, containment and cleanup will be initiated immediately. Priority actions will be given to the protection of human health and safety. Every feasible action will be taken to reduce environmental impacts. Containment will be installed with the use of booms, sorbent pads, berms and diversions, or other means as necessary to contain and minimize the spill and prevent the spill from entering a waterway. Spills on natural soil will be cleaned up with absorbent materials, or otherwise excavated and disposed of in accordance with applicable laws and regulations.
- If petroleum based products or other chemicals are spilled in natural vegetation, the area will be revegetated if so required by the California Department of Fish and Wildlife.
- The Friant Water Authority has a consulting biologist available to assist with emergency spill cleanup who is also certified in bird cleanup following oil spills.
- The California Department of Fish and Wildlife will be notified regarding spills in accordance with applicable laws, regulations, and permits.

Hydrology and Water Quality:

- In reference to the temporary increased total suspended solids, work will be conducted when the channels are dry whenever possible. If that is not an option, temporary diversions, sediment fencing and/or hay bales and other means will be incorporated as appropriate to minimize or eliminate possible excess sedimentation.

With these implemented mitigation measures, impacts will be less than significant.

Land Use:

- No impacts to adjacent land use will occur. As a result, no mitigation is necessary and no residual impacts would result from this project.

Mineral Resources:

- No impacts to mineral resources will occur. As a result, no mitigation is necessary and no residual impacts would occur.

Noise:

- Equipment will comply with all noise regulations. Any potential noise impacts would generally occur during daytime hours, and would be temporary and mitigated to less than significant with the use of equipment mufflers. No residual impacts would result.

Population and Housing:

- No impacts to either population or housing levels will result from the ongoing O&M work. No mitigation is required for population or housing issues.

Public Services:

- Project impacts to public services from O&M are none, as no changes are occurring in the project scope. No mitigation is proposed.

Recreation:

- No impacts to recreation are anticipated because of this maintenance and restoration work; consequently, no mitigation is proposed.

Transportation/Traffic:

- Change in the level of temporary and local traffic increases and are not anticipated to change from past years and are not considered to be significant. No mitigation is proposed.

Utilities and Service Systems:

- No impacts from O&M to utilities and services are expected. No mitigation is necessary and no residual impacts would result.

Literature Cited

National Marine Fisheries Service. 2004. Biological Opinion on the Long-Term Central Valley Project and State Water Project Operations Criteria and Plan. Endangered Species Act, Section 7 Consultation. National Marine Fisheries Service, Southwest Region.

U.S. Department of the Interior Bureau of Reclamation (USBR). 2006. Draft Environmental Assessment Kern County Bridge Replacement at Snow Road and Friant-Kern Canal, EA-05-109.

U.S. Fish and Wildlife Service (USFWS). 2005. Friant Water Authority O&M Biological Opinion. U.S. Department of the Interior, Fish and Wildlife Service.

_____. 2003. Friant Water Users Authority O & M Plan Central Valley Project.

_____. 2001. Biological Opinion On U.S. Bureau of Reclamation Long Term Contract Renewal of Friant Division and Cross Valley Unit Contracts. January 19, 2001, File Number 1-1-01-F-0027.

ADMINISTRATIVE DRAFT

INCLUSION OF MITIGATED MEASURES AS PART OF PROJECT:

I, as applicant/authorized agent, have review the mitigation measures noted above and agree to include said measures as part of this project.

Signed: _____ Dated: _____

ADMINISTRATIVE DRAFT

FINDINGS: It has been found that this ongoing O&M project, as described and proposed to be mitigated herein, will not have a significant effect on the environment and that an environmental impact report (EIR) is, therefore not required. A brief statement of reasons supporting such findings is as follows:

- Project measures and mitigation have been recommended to be implemented that will reduce impacts to less than significant.

PUBLIC INQUIRY: Any person may object to dispensing with such EIR or respond to the findings herein. Information relating to the proposed project is on file in the office of City of Lindsay at the address shown below. Any person wishing to examine or obtain a copy of that information or this document, or seeking information as to the time and manner to so object or respond, may do so by inquiring at said office during regular business hours.

A copy of the Initial Study Environmental Analysis is attached hereto.

PROPOSED MITIGATED NEGATIVE DECLARATION DATE: _____

MITIGATED NEGATIVE DECLARATION REVIEW PERIOD ENDS: _____

Bill Luce, Interim General Manager
Friant Water Authority
854 North Harvard Avenue
Lindsay, CA 93247
559-562-6305

By: _____

AGENCY CONSULTATION REQUIRED: Yes No

AGENCIES CONSULTED: California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, U.S. Bureau of Reclamation

STATE CLEARINGHOUSE NUMBER (if required): _____

INITIAL STUDY PREPARED BY: M.H. WOLFE *and Associates* Environmental Consulting Inc.

DATE POSTED: _____ **DATE OF NOTICE TO PUBLIC:** _____

- * Public Resources Code, Section 21000, et.seq.
- ** Title 14, Division 6, California Administrative Code, as amended
- *** Resolution No. 88-068, adopted January 19, 1988