

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

County of Fresno's Millerton Road Widening Project

FONSI-09-009



U.S. Department of the Interior
Bureau of Reclamation
South-Central California Area Office

May 2017

Mission Statements

The Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

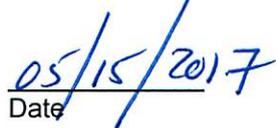
BUREAU OF RECLAMATION
South-Central California Area Office, Fresno, California

FONSI-09-009

**County of Fresno's Millerton Road
Widening Project**



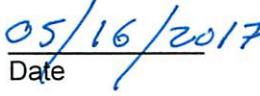
Recommended by: Rain L. Emerson
Supervisory Natural Resources Specialist



Date

for


Approved by: Michael P. Jackson, P.E.
Area Manager



Date

Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the South-Central California Area Office of the Bureau of Reclamation (Reclamation), has determined that an environmental impact statement is not required for the proposed widening of a 4.7-mile stretch of Millerton Road located in Fresno County, California. This Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA)-09-009, *County of Fresno's Millerton Road Widening Project*, and is hereby incorporated by reference.

Reclamation provided the public with an opportunity to comment on the Draft FONSI and Draft EA between March 13, 2017 and April 11, 2017. No comments were received.

Background

The County of Fresno (County) has proposed to widen a 4.7-mile stretch of Millerton Road located between North Fork Road and slightly east of Table Mountain Road. The County's Millerton Road Widening Project (Project) would reconstruct this area from a 2-lane rural roadway to a 4-lane arterial roadway with four 12-foot-wide travel lanes, two 6-foot-wide paved shoulders that would function as directional bike lanes, and 4-foot-wide treated dirt shoulders. A 16-foot-wide median would separate the eastbound and westbound traffic. Implementation of the Project would require expansion of the County's existing right-of-way from approximately 60 feet wide to approximately 106 feet wide (53 feet on either side of the roadway centerline, except where additional width is necessary for cut and fill slopes). The minimum designed speed for the roadway is 45 miles per hour (mph) and conforms to a higher designed speed (55 mph) wherever practical.

The County analyzed the environmental effects of their proposed Project in an Initial Study (IS) in accordance with the California Environmental Quality Act. The County determined that all potentially significant effects due to the Project would be reduced to less than significant levels with the implementation of mitigation measures (Appendix A in EA-09-009). Accordingly, the County adopted a Mitigated Negative Declaration and mitigation monitoring and reporting program (MMRP) for the Project on December 10, 2013.

The County submitted an application to the U.S. Army Corps of Engineers (Corps) for their Project. As the federal lead agency for the Project, the Corps completed consultations pursuant to the Endangered Species Act and the National Historic Preservation Act that covered the entire Project area (Appendix B and C of EA-09-009, respectively). The Corps issued Nationwide Permit (NWP) 14 for the Project on December 5, 2014 (Appendix D in EA-09-009).

The County currently holds an easement with Reclamation for a two-span precast/pre-stressed I-girder bridge along Millerton Road that crosses over the Friant-Kern Canal (FKC). The County has requested additional right-of-way easement(s) from Reclamation in order to accommodate portions of the Project, which includes a second bridge crossing over the FKC. The Corps'

consultations for the overall Project include Reclamation's Proposed Action area analyzed in EA-09-009. Reclamation completed Section 106 consultation with the State Historic Preservation Officer (SHPO) specific to Reclamation's Section 106 area of potential effects (APE) within the larger Project area (Appendix E in EA-09-009).

Proposed Action

Reclamation proposes to issue easement(s) to the County for their Project totaling approximately 9.46 acres. Specific construction details are included in Section 2.2 of EA-09-009.

Environmental Commitments

The County shall implement the environmental protection measures included in the permits and/or environmental compliance documents listed in Section 2.2.1 of EA-09-009 to avoid and/or reduce environmental consequences associated with the Proposed Action. Environmental consequences for resource areas assume the measures specified would be fully implemented.

Findings

Reclamation's finding that implementation of the Proposed Action will result in no significant impact to the quality of the human environment is supported by the following findings:

Resources Eliminated from Detailed Analysis

As described in Table 1 of EA-09-009, Reclamation analyzed the affected environment and determined that the Proposed Action does not have the potential to cause direct, indirect, or cumulative adverse effects to the following resources: environmental justice, Indian Sacred Sites, land use and agricultural resources, or traffic and circulation.

Air Quality

Minimal short-term air quality impacts would occur associated with construction of the Project, generally arising from dust generation (fugitive dust) and operation of construction equipment. As shown in Table 2 of EA-09-009, temporary and short-term emissions related to construction of the Project would not produce criteria air pollutants in excess of the San Joaquin Valley Air District thresholds except for Nitrogen dioxides. The County has included Mitigation Measures AQ-2 through AQ-4 in their MMRP (Appendix A) in order to reduce emissions below the Air District's threshold. Therefore, the Project, including Reclamation's Proposed Action, would not contribute to a violation of National Ambient Air Quality Standards or contribute to an exceedance of ambient air quality standards. Additionally, Mitigation Measure AQ-1 within the County's MMRP would further reduce impacts associated with particulate matter emissions due to construction activities.

Biological Resources

As described in Table 3 of EA-09-009, the majority of federally protected special-status species do not occur in the Proposed Action area and would therefore be unaffected. The Proposed Action would affect California tiger salamander, vernal pool fairy shrimp and tadpole shrimp, and San Joaquin kit fox as described below. In addition, the Proposed Action would affect 2.08

acres and 6.15 acres of Critical Habitat for vernal pool fairy shrimp and California tiger salamander, respectively.

California Tiger Salamander

Construction of the Project would adversely impact known and potential upland and breeding habitat for California tiger salamander within the seasonal wetland and nonnative annual grassland that occur throughout the Action Area. In addition, a portion of the Proposed Action area lies within the Southern San Joaquin Region Unit 2, of designated Critical Habitat for the central California tiger salamander. The Southern San Joaquin Region Unit 2 contains approximately 10,193 acres of land that includes ephemeral aquatic habitats suitable for breeding and upland areas for dispersal, shelter, and foraging. The Project would result in the permanent loss of California tiger salamander Critical Habitat through vegetation clearing and grading activities. Additionally, the Project will temporarily create barriers to dispersal within areas of the Critical Habitat. However, the Project would not preclude or appreciably diminish the role of that habitat in the survival and recovery of the species due to the limited size of the impacted area (0.06% of the designated Critical Habitat for Unit 2). In addition, the County would purchase preservation and creation credits to offset removal of this habitat that would enhance overall habitat for the California tiger salamander.

With implementation of the terms and conditions within the Incidental Take Statement (Appendix B) and the measures identified for this species in the County's MMRP (Appendix A), adverse impacts to California tiger salamander and its Critical Habitat would be mitigated.

Vernal Pool Branchiopods

Federally listed vernal pool fairy shrimp and vernal pool tadpole shrimp have the potential to occur within the Action Area. The Proposed Action would directly affect approximately 0.039 acres of potential habitat consisting of a seasonal wetland. In addition, a portion of the Proposed Action area lies within designated Critical Habitat Unit 24 for vernal pool fairy shrimp. Critical Habitat Unit 24 comprises a total of 28,950 acres. The Proposed Action would modify approximately 2.08 acres of uplands within Critical Habitat Unit 24.

With implementation of measures identified for this species in (BR-2 within the County's MMRP), including the purchase of preservation credits, adverse effects to vernal pool fairy shrimp Critical Habitat due to the Proposed Action would be mitigated.

The Service issued an Incidental Take Statement that provided terms and conditions for permitted take of the species (Appendix B). The Service has determined that with implementation of the terms and conditions within the Biological Opinion, the Project would not likely jeopardize the continued existence of vernal pool fairy shrimp or vernal pool tadpole shrimp (Service, 2013, p. 17). All terms and conditions within the Incidental Take Statement shall be adhered to. With implementation of the measures identified for this species in Mitigation Measure BR-2 within the County's MMRP (Appendix A), including the purchase of conservation credits required for impacts to California tiger salamander and the purchase of preservation credits, adverse effects to federally listed vernal pool fairy shrimp and vernal pool tadpole shrimp would be mitigated.

San Joaquin Kit Fox

The Action Area does not provide denning habitat for San Joaquin kit fox. San Joaquin kit fox has a low potential to forage in the Action Area as only one California Natural Diversity Data Base occurrence documented over 17 years ago has been recorded within a five-mile radius. Several barriers, including the San Joaquin River, Millerton Lake, the FKC, Auberry Road, and Friant Road, inhibit the continuity of surrounding vegetative communities, and therefore reduce the likelihood that San Joaquin kit fox would forage within the Action Area. The County has committed to precautionary mitigation measures to minimize the potential for individuals to be harmed during construction activities. With the incorporation of the precautionary Mitigation Measure BR-6 within the County's MMRP (Appendix A), the Proposed Action is not likely to adversely affect the San Joaquin kit fox. The Service concurred with the determination that the Project is not likely to adversely affect the San Joaquin kit fox (Appendix B). Therefore, no adverse effects to San Joaquin kit fox would occur.

Migratory Birds

Potential nesting habitat is present within the Proposed Action area for migratory bird species and other birds of prey. If active nests are present, construction activities associated with the Proposed Action could result in impacts to these species. With the incorporation of the mitigation measures identified for nesting birds in Mitigation Measure BR-4 and BR-5 within the County's MMRP (Appendix A), including preconstruction surveys, the potential for disruption of active nests would be minimized.

Cultural Resources

Both the Corps and Reclamation consulted with and received SHPO concurrence on a finding of no adverse effect on the FKC, pursuant to 36 CFR § 800.5(b). No other known historic properties will be affected by proposed Project activities and no significant impacts to cultural resources will result from Reclamation's Proposed Action.

In the event that previously unknown cultural resources are encountered during Project construction on Reclamation land, such post-review discoveries will be handled in accordance with 36 CFR § 800.13 and other applicable federal laws and regulations. Mitigation Measures within Appendix A of EA-09-009 also would ensure that unknown cultural resources and/or human remains throughout the Project are protected in accordance with federal and state laws should they be inadvertently discovered during construction.

Global Climate Change

The entire Project would directly generate greenhouse gasses (GHGs) during the construction phase, but would not generate GHGs during the operation phase, as traffic would not increase along Millerton Road. Because GHG emissions would be short-term and temporary, and the County has committed to the implementation of mitigation measures to minimize emissions, the Project and Reclamation's Proposed Action would not cause significant impacts associated with global climate change.

Indian Trust Assets

A portion of the proposed right-of-way is located within Table Mountain Rancheria trust land. The Table Mountain Rancheria has been extensively involved throughout the design of the Project, including consultation with the Corps and Reclamation. Table Mountain Rancheria has

not raised any concerns regarding the Proposed Action or the granting of easements by Reclamation. Further, the proposed roadway improvements would benefit the Tribe as it is the main roadway to the Table Mountain Rancheria. Therefore, the Proposed Action would not adversely affect Indian Trust Assets.

Water Resources

Potential short-term impacts to surface waters may occur during construction, mainly from exposure of loose soil during construction-related activities, such as grading and excavation. Suspended solids, dissolved solids, and organic pollutants may enter surface water bodies while soils are disturbed and dust is generated. In addition, construction activities have the potential to generate waste materials (concrete, metal, rubble, etc.) or discharge pollutants to surface waters from construction wastes and fuel spills/leaks. The County would implement required erosion and pollutant control measures in compliance with the National Pollutant Discharge Elimination System General Permit prior to commencement of construction in order to avoid these potential impacts. Control measures would include the development of a Stormwater Pollution Prevention Plan and implementation of Best Management Practices included in Appendix A of EA-09-009; thereby, reducing the potential for adverse effects to water quality as a result of construction activities.

Installation of a new bridge over the FKC would not result in long-term impacts to water flow or water quality. There may be temporary impacts during construction from potential introduction of soil and/or construction-related pollutants; however, the preferred period of installation would be when the FKC is dewatered for maintenance reducing potential impacts to flowing water. In addition, the County would implement the mitigation measures found in Appendix A of EA-09-009 in order to avoid potential water quality impacts.

Drainage and Stormwater

The Project would increase the amount of impermeable surfaces in the Proposed Action area thereby increasing the amount of stormwater runoff. The County would install additional conveyance for stormwater through roadside ditches within the right-of-way of Millerton Road to accommodate the additional flow. The additional drainage would connect with the existing drainage that leads into the two unnamed tributaries to Little Dry Creek and ultimately to the San Joaquin River. The stormwater conveyance facilities have been designed by the County to provide sufficient capacity to contain the anticipated changes to stormwater runoff, including those within Reclamation's Proposed Action area. Therefore, no adverse effects would occur as a result of changes to existing drainage patterns.

Floodplain

The Action Area is located in areas designated by FEMA as being outside of a 100- and 500-year flood event. The Project includes stormwater conveyance capacity designs sufficient to contain the anticipated increase of stormwater runoff, including those within the Proposed Action area. Therefore, no adverse effects associated with flooding would occur.

Wetlands and Waters of the U.S.

The Proposed Action would impact approximately 0.063 acres of waters of the U.S., including 0.039 acres of seasonal wetlands, through direct removal, filling, hydrological interruption, or other means. Implementation of mitigation measures found in Appendix A of EA-09-009 and

adherence to NMW 14 would minimize the impact to and mitigate for the loss of federally protected wetlands and waterways for the Project.

Cumulative Impacts

Cumulative impacts result from incremental impacts of the Proposed Action when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment.

Air Quality

The Proposed Action in combination with other similar projects, in the region, has the potential to affect regional air quality. The County has included measures to reduce potential air quality impacts including cumulative impacts. With incorporation of mitigation measures included in Appendix A of draft EA-09-009, the Proposed Action would not contribute to adverse cumulative impacts associated with air quality.

Biological Resources

Cumulative projects in the vicinity of the Proposed Action, including growth resulting from build-out of the Millerton New Town Plan, are anticipated to permanently remove plant and wildlife resources, which could impact special-status species and their habitat, nesting and foraging habitat for resident and migratory birds, and/or local policies or ordinances protecting biological resources. With the implementation of environmental commitments outlined in Appendix A of EA-09-009, the Proposed Action would minimize its contribution to a cumulative direct or indirect loss of sensitive or special-status wildlife species and their habitat, loss of migratory birds, or conflict with local plans or policies protecting biological resources.

Cultural Resources

Several cultural resources, including historic properties eligible for inclusion in the National Register, are located in and adjacent to the Project's APE. Moreover, the records search and archival research indicate that the region is sensitive for both prehistoric and historical resources. Future projects in the area that have a federal nexus would be subject to compliance with Section 106 of the National Historic Preservation Act, ensuring that impacts to cultural resources are considered and mitigated, as required. Future projects under non-federal jurisdiction would be required to conform to the appropriate cultural resources regulatory framework(s), including local preservation ordinances, reducing the cumulative impacts to cultural resources.

Global Climate Change

GHG emissions generated during construction of the Proposed Action would be temporary and would not exceed the 25,000 metric tons reporting threshold established by the Environmental Protection Agency (Table 2 of EA-09-009). While any increase in GHG emissions would add to the global inventory of gases that would contribute to global climate change, the Proposed Action would result in potentially minimal-to-no increases in GHG emissions. A net increase in GHG emissions among the pool of GHGs would not be detectable. Therefore, the Proposed Action would not contribute to adverse cumulative impacts associated with global climate change.

Indian Trust Assets

As the Proposed Action and overall Project would not adversely impact Indian Trust Assets, no cumulative impacts to Indian Trust Assets would occur.

Water Resources

The Proposed Action includes project features, which avoid and/or reduce potential impacts associated with water quality, drainage, and flooding; therefore, the Proposed Action would not contribute to adverse cumulative water resources impacts.