

FINDING OF NO SIGNIFICANT IMPACT (FNSI)

CONSTRUCTION AND OPERATION OF THE NACIMIENTO WATER PROJECT THROUGH CAMP ROBERTS, CALIFORNIA

Introduction

The California Army National Guard (CAARNG) and the National Guard Bureau (NGB) have prepared an Environmental Assessment (EA) for the issuance of a Report of Availability (ROA) of property to allow construction and operation of the Nacimiento Water Project (NWP) through Camp Roberts, California. The EA was prepared in accordance with the National Environmental Policy Act (NEPA, 42 USC § 4321 to 4370e), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (CEQ Regulations, 40 CFR Parts 1500-1508), *Environmental Analysis of Army Actions* (32 CFR 651) and the National Guard Bureau NEPA Handbook, June 2006.

1. Description of Proposed Action and Alternatives

Proposed Action. The Proposed Action is the issuance of a ROA by the CAARNG to allow construction and operation of a nine-mile segment of the NWP water transmission pipeline to proceed as currently approved and planned, through Camp Roberts. The ROA would be used by the U.S. Army Corp of Engineers (USACE) to grant an easement to the San Luis Obispo County Flood Control and Water Conservation District, which is necessary for implementation of the NWP, a new water supply project that would transport raw water from Lake Nacimiento through Camp Roberts and south to communities including: Paso Robles, Templeton, Atascadero, and San Luis Obispo.

The easement would be a real estate outgrant by the U.S. Army, allowing the use of real property for non-Army use. Per AR 405-80, *Management of Title and Granting Use of Real Property*, the outgrant process begins with a ROA, which states that property currently licensed to the CAARNG is available for the USACE's proposed use (i.e., easement for the NWP). The outgrant would identify the terms and conditions of non-Army land use within the easement. The use granted must be of direct benefit to the United States, promote the national defense or Army mission, or be in the public interest.

The ROA requires an Environmental Baseline Survey (EBS) and this EA. Pursuant to Army Regulation 200-1, *Environmental Management*, an EBS must be conducted for all real property transactions, including outgrants. The EBS is a stand-alone document, written under direction of the CAARNG, that must contain a summary statement of the environmental condition of the property. The EBS for the Proposed Action, dated January 2008, has been completed and approved by the NGB.

The property under consideration is an easement corridor that would run through the southern portion of the installation and would include one 850,000 gallon storage tank that would be constructed near the southeast boundary of the installation.

Alternatives Considered. The CAARNG analyzed a No Action Alternative and three alternative easement routes through Camp Roberts. The alternative easements were eliminated from further analysis because they did not meet the purpose and need for the Proposed Action. No

additional alternatives to the Proposed Action were identified that met the purpose and need of the Proposed Action. The Proposed Action is identified as the CAARNG's preferred alternative.

No Action Alternative. Under this alternative, CAARNG would not issue the ROA, and the USACE would not grant the easement to the SLOCFCWCD. Consequently, there would be no NWP facilities built on the grounds of Camp Roberts. Under the No Action Alternative, the pipeline route for the NWP would be established around the perimeter of the Camp Roberts property.

2. Environmental Analysis

Based on the analysis contained in the EA, the CAARNG has determined that the known and potential impacts of the Proposed Action on land use and aesthetics, air quality, noise, geology and soils, water resources, biological resources, cultural resources, infrastructure, and hazardous and toxic materials and waste would not be significant. The Proposed Action would have no adverse effects on environmental justice and would have beneficial effects on socioeconomics.

No significant adverse effects on biological resources, including federally-listed species and their critical habitat, are expected as a result of the Proposed Action. With the implementation of the environmental protection measures described in Section 2.3, construction of the pipeline and storage tank should not result in significant adverse effects to special-status or migratory birds (such as bald eagles, California condors, and burrowing owls), San Joaquin kit fox, or South Central California Coast (S-CCC) steelhead trout.

Construction of the pipeline would have a direct impact on two vernal pools and could have an indirect impact on up to eight other vernal pools as described in the biological assessment (Appendix B of the final EA). The incidental take of vernal pool fairy shrimp and their habitat is authorized by the USFWS under Biological Opinion 1-8-07-F-10 (March 30, 2007), issued to the USACE. The Biological Opinion states that the NWP "would not jeopardize the continued existence of vernal pool fairy shrimp" and therefore associated incidental take of this species is permitted.

The construction of the pipeline through Camp Roberts could require removal of up to approximately 500 oak trees. However, with implementation of the Oak Tree Mitigation & Monitoring Plan as described in Section 2.3 of the final EA, there would be no significant adverse effects to sensitive habitats such as oak woodlands.

The Proposed Action would not have disproportionately high or adverse human health and environmental effects on a minority and low-income population near the proposed site.

Mitigation

Mitigation measures to minimize project impacts on the human and natural environments are discussed in Section 5.12 of the final EA. Several mitigation measures are required to reduce potentially significant adverse effects to biological resources.

A number of mitigation measures will be implemented to reduce potentially significant effects to less than significant levels. These measures are discussed in Section 2.3.1 of the final EA. They are also organized by resource area below. Pursuant to the aforementioned March 30,

2007, Biological Opinion the USFWS issued to the USACE, the USACE is responsible for the mitigation measures identified in a. – c. below.

a. Vernal Pool Fairy Shrimp

(1) For pools that will be directly impacted, silt fencing will be erected around the deepest portion of pools to retain portions of these features following construction, if possible, and minimize project disturbances. If pools will be eliminated, a qualified biologist would assess the total acreage of pools that cannot be avoided. Construction activities would be limited to the dry season (roughly April 15 to October 15) near occupied shrimp pools. For pools that cannot be avoided, a qualified biologist will salvage the upper 1/2-inch of top soil prior to construction for later pool inoculation following construction.

(2) For occupied pools located within 100 feet of project activities, silt fencing will be erected at the limits of construction to minimize indirect effects to these features. Silt fencing would be included in construction specifications for these sites and would be erected under the direct supervision of a qualified biologist.

b. San Joaquin Kit Fox

If kit fox occupancy is determined at a given site, closure activities at that location would immediately be halted and the USFWS contacted. Depending on the type of identified den, one of the following reasonable and prudent measures would be implemented:

- Known (active) den – establish a 100 foot construction exclusion zone around the identified location.
- Natal/Pupping den (active or inactive) – contact the USFWS to determine the appropriate construction exclusion zone.

c. Steelhead Trout

Construction activities in the vicinity of potential steelhead occurrences will be restricted to the low-flow period of June 15 through November 1. Restricting construction activities to this work window will minimize potential impacts to migrating adult and smolt steelhead resulting from bentonite releases.

d. Oak Trees

(1) Preconstruction Identification: Prior to ground disturbing or staging activities, identify all oak trees within the construction corridor to be avoided, trimmed, or removed using different colored flagging and a sequential numbering system.

(2) Oak Tree Avoidance: Narrow the construction corridor where possible from 100 feet to a maximum of 30 feet to avoid individual oak trees and oak woodland stands.

(3) Mitigation Planting: Oak seedlings planted to offset impacts of the NWP on Camp Roberts must meet the following performance criteria: The duration of the monitoring will be seven years or when the oak plantings have (1) a basal diameter of 2 inches or a height of 6 feet, (2) survived one year without protective cages; and (3) survived two years without supplemental watering or irrigation.

3. Regulations

The Proposed Action would not violate NEPA, its regulations promulgated by the CEQ, *Environmental Analysis of Army Actions*, or any other Federal, State, or local environmental regulations.

4. Commitment to Implementation

The NGB and the CAARNG affirm their commitment to implement this EA in accordance with NEPA. Implementation is dependent on funding. The CAARNG and the NGB's Environmental Programs, Training and Installations Divisions will ensure that adequate funds are requested in future years' budgets to achieve the goals and objectives set forth in this EA.

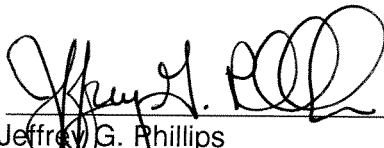
5. Public Review and Comment

The final EA and DFNSI were made available for public review and comment for 30 days (May 27, 2008 through June 25, 2008) following publication of the draft public notice in the San Luis Obispo Tribune newspaper. Review locations included the San Luis Obispo, Atascadero and Paso Robles public libraries. The County of San Luis Obispo also enabled the public to download and review the final EA and DFNSI from their web site. No written comments were submitted to CAARNG during the public review period. For further information contact Mr. Douglas Bryceson, CAARNG Environmental Program Manager at (916) 361-4335 or douglas.bryceson1@us.army.mil.

6. Finding of No Significant Impact

After careful review of the EA, I have concluded that implementation of the Proposed Action would not generate significant controversy or have a significant impact on the quality of the human or natural environment. This analysis fulfills the requirements of NEPA and the CEQ Regulations. An Environmental Impact Statement will not be prepared and the National Guard Bureau is issuing this Finding of No Significant Impact.

14 Jul 08
Date



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