

## **DRAFT**

### **Finding of No Significant Impact for the Environmental Assessment on the Ochoa Property (WRP #66-9104-04-00FML) Easement Modification & Subordination for a Habitat Improvement Project**

#### **I. AGENCY ROLE AND RESPONSIBILITY – United States Department of Agriculture (USDA) – Natural Resources Conservation Service (NRCS)**

In accordance with the NRCS regulations (7 CFR Part 650) implementing the National Environmental Policy Act (NEPA), NRCS has completed an environmental review of the following proposed action:

The Proposed Action is the modification of the exiting NRCS Wetland Reserve Program (WRP) easement to accommodate a right of way for PG&E to provide power to an existing well and lift pump for habitat management on the conservation easement. The modification would establish a new right of way easement, approximately 2.75-acres in size, deeded to PG&E for their use in the installation of thirteen power poles and electric service lines to support an existing onsite water well and lift pump. The 2.75 acre right of way would continue to be part of the conservation easement, however, NRCS would subordinate its rights to allow for the PG&E right of way to be established.

#### **II. NRCS DECISION TO BE MADE**

As the delegated Responsible Federal Official for compliance with NEPA, I must make the following decision:

1. Issuance of an easement modification to subordinate certain property rights acquired by NRCS to allow for a PG&E right of way to be established to install power poles and an electrical line to operate a deep well and lift pump for the sole benefit of improving wetland habitat on the WRP conservation easement.

I must also determine if the agency's preferred alternative (alternative 1) will or will not be a major Federal action significantly affecting the quality of the human environment. The Environmental Assessment (EA) accompanying this finding has provided the analysis needed to assess the significance of the potential impacts from the selected alternative. The decision on which alternative is to be implemented and the significance of that alternative's impacts are under part VII of this finding.

#### **III. PURPOSE AND NEED FOR ACTION**

The purpose of the proposed action is to establish a right-of-way to allow for the installation and maintenance of power poles and an electrical distribution line to an onsite deep well and lift pump for the benefit of wetland flooding on the conservation easement. The current natural hydrology fails to produce an adequate amount of water for the wetland habitat and inhibits successful management during all but the wettest years, resulting in marginal wetland functions and values. Currently, the only source of hydrology within the NRCS easement is seasonal

precipitation and periodic overland flooding from the Colusa Basin Drainage Canal. The groundwater well will provide a supplemental amount of hydrology that will increase the duration of wetland flooding, improve the habitat value of the property, and provide a source of summer water for breeding birds, resident wildlife, and the Federally threatened giant garter snake.

The right-of-way provides the only feasible access route and option to provide power to the deep well and lift pump. The line will tie into an existing power line and is the most direct route to move electricity to the well and pump. The route is along an upland shoulder of an existing dirt roadway that is currently kept mowed for weed control and fire suppression purposes. The right of way will include the installation of thirteen power poles and an electrical service line and will be maintained in a condition similar to its current state.

The proposed Entire Action will benefit the people of California in a number of ways including:

- The Entire Action will enhance the wetland conservation values of the easement property by providing supplemental water for wetland flooding in dry years and in times of extreme drought;
- The supplemental water will be used to provide a source of summer water for resident wildlife, breeding birds, and the Federally threatened giant garter snake. Wildlife is a shared resource that freely moves on and off the property and is enjoyed by the general public through recreational activities such as bird watching, nature observation, and photography; and
- The use of electrical power will provide a source of energy that can be powered by renewable resources that will reduce detrimental environmental consequences in the form of unacceptable air quality, noise and energy consumption as opposed to power from diesel or other sources of fuel.

Actions proposed to accomplish the purposes are described in detail in the EA.

#### IV. ALTERNATIVES CONSIDERED IN THE EA

Two alternatives were analyzed in the EA and are characterized as follows:

Alternative 1 - Proposed Action: The Proposed Action is the modification of WRP Easement No. 66-9104-04-00FML. The modification would create a new 2.75-acre PG&E right of way easement for the purpose of supplying electric service to the existing onsite irrigation well. This action would establish electric service to an existing well that will provide supplemental hydrology, increasing the duration of wetland flooding, improving the habitat value of the property, and providing a source of summer water for breeding birds, resident wildlife, and essential habitat for the federally threatened giant garter snake.

Alternative 2 - No Action Alternative: Under the No Action Alternative, the proposed Easement modification would not be approved, and the existing lands covered by the Easement would not change. The wetland habitat values of the property would remain less than desirable. Drought and changing climatic conditions in California would continue to reduce the wetland functions of the easement. Management of the easement is assumed to remain the same as current conditions.

## V. NRCS'S DECISION AND FACTORS CONSIDERED IN THE DECISIONS

Based on the evaluation in the EA, Alternative 1 is selected as the agency's preferred alternative. I have taken into consideration all of the potential impacts of the proposed action, incorporated herein by reference from the EA and balanced those impacts with considerations of the agency's purpose and need for action.

In accordance with the Council on Environmental Quality's (CEQ) "40 Most Asked Questions" guidance on NEPA, Question 37(a), NRCS has considered "which factors were weighed most heavily in the determination" when choosing the agency preferred alternative (alternative 1) to implement. Specifically, I acknowledge that based on the EA, potential impacts to soil, water, air, plants, fish and wildlife, and human resources were heavily considered in the decision. As a result, the agency's preferred alternative (Alternative 1) would result in long-term beneficial impacts to the environmental resources potentially affected by the preferred alternative.

## VI. FINDING OF NO SIGNIFICANT IMPACT

To determine the significance of the action analyzed in this EA, the agency is required by NEPA regulations at 40 CFR Section 1508.27 and NRCS regulations at 7 CFR Part 650 to consider the context and intensity of the proposed action. Based on the EA, review of the NEPA criteria for significant effects, and based on the analysis in the EA, I have determined that the action to be selected, Alternative 1 (agency preferred alternative), will not have a significant effect upon the quality of the human environment. Therefore, preparation of an environmental impact statement (EIS) on the final action is not required under section 102(2)(c) of the NEPA, CEQ implementing regulations (40 CFR Part 1500-1508, Section 1508.13), or NRCS environmental review procedures (7 CFR Part 650). This finding is based on the following factors from CEQ's implementing regulations at 40 CFR Section 1508.27 and from NRCS regulations at 7 CFR Part 650:

- 1) The EA evaluated both beneficial and adverse impacts of the proposed action. It is anticipated the proposed action will result in long-term beneficial impacts for environmental resources (i.e., soil, air, water, animals, plants, and human resources). As a result of the analysis, discussed in detail in Section 4 of the EA and incorporated by reference, Alternative 1 does not result in significant impacts to the human environment, particularly when focusing on the significant adverse impacts which NEPA is intended to help decision makers avoid, minimize, or mitigate.
- 2) Alternative 1 does not significantly affect public health or safety. The indirect effects associated with the implementation of the proposed action are in fact anticipated to

provide long-term beneficial impacts to improve natural ecosystem functions. Specifically, soil, water, air, fish and wildlife, and plants will be improved and protected through selection of Alternative 1, with implementation of the mitigation measures described in Section 5 of the EA.

- 3) As analyzed in Section 4 of the EA, there are no anticipated significant effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas from the selection of alternative 1, with implementation of mitigation measures described in Section 5. NRCS regulations (7 CFR Part 650) and policy (Title 420, General Manual, Part 401), require that NRCS identify, assess, and avoid effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. In accordance with these requirements, it is not anticipated that implementing alternative 1 would have adverse effects on these resources.
- 4) The effects on the human environment are not considered controversial for Alternative 1. There are no impacts associated with the proposed action that would be considered to be controversial.
- 5) Alternative 1 is not considered highly uncertain and does not involve unique or unknown risks.
- 6) Alternative 1 will not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about future considerations.
- 7) Particularly when focusing on the significant adverse impacts which NEPA is intended to help decision makers avoid, minimize, or mitigate, Alternative 1 does not result in significant adverse cumulative impacts to the human environment as discussed in Section 4.12 of the EA. Alternative 1 is anticipated to result in beneficial long-term impacts as a result of implementation of the proposed action.
- 8) Alternative 1 will not cause the loss or destruction of significant scientific, cultural, or historical resources as addressed in Section 4.3 of the EA, with implementation of the applicable mitigation measures described in Section 5. NRCS follows the procedures developed in accordance with a nationwide programmatic agreement between NRCS, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers, which called for NRCS to develop consultation agreements with State historic preservation officers and federally recognized Tribes (or their designated Tribal historic preservation officers). These consultation agreements focus historic preservation reviews on resources and locations that are of special regional concern to these parties.
- 9) Alternative 1 will not adversely affect endangered or threatened species, marine mammals, or critical habitat as discussed in Section 4.2 of the EA, with implementation of the applicable mitigation measures described in Section 5. The EA analysis included review of United States Fish and Wildlife Service lists of endangered or threatened

species and critical habitat maps as well as a detailed inspection of the project site for the potential occurrence of special-status species. On this basis, NRCS has concluded that the proposed action will have no negative effect on threatened and endangered species.

- 10) The proposed action does not violate Federal, State, or local law requirements imposed for protection of the environment as noted in Section 4 of the EA. The major laws identified with the selection of Alternative 1 include the Clean Water Act, Clean Air Act, Endangered Species Act, National Historic Preservation Act, the Executive Order on Environmental Justice, and Migratory Bird Treaty Act. Alternative 1 is consistent with the requirements of these laws.

Based on the information presented in the attached EA, I find in accordance with 40 CFR Section 1508.13 that the selection of the agency preferred alternative (Alternative 1) is not a major Federal action significantly affecting the quality of the human environment requiring preparation of an EIS.

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CARLOS SUAREZ  
State Conservationist

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