

FINDING OF NO SIGNIFICANT IMPACT
FOR THE PROPOSED
KNIGHTS LANDING BOAT LAUNCH PROJECT
YOLO COUNTY, CALIFORNIA
[F17AF01236]

Introduction:

The U.S. Fish and Wildlife Service has granted funds to the California Department of Fish and Wildlife (CDFW) under the Sport Fish Restoration Boating Access program for the Knights Landing Boat Launch Project (proposed project). Authorization for CDFW to expend grant funds for the proposed construction activity described in their grant application is a federal action and subject to compliance with federal environmental regulations including the National Environmental Policy Act (NEPA). Yolo County is the ultimate subrecipient of funds passed through from CDFW.

The proposed construction also requires federal permitting by the U.S. Army Corps of Engineers (USACE) and was analyzed separately for compliance with NEPA by that agency for jurisdictional permitting. The USACE also assumed the lead federal agency role for consultations and compliance with the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act, and Section 106 of the National Historic Preservation Act.



Figure 1. Knights Landing Boat launch site.

The project site is located on an approximately four-acre parcel, to the northwest of the community of Knights Landing in northeastern Yolo County, California (Figure 1).

Project Description:

The proposed federal grant project entails the renovation of the existing boat launch facility, including the following improvements (Figure 1):

- Installing two fiberglass boarding floats anchored with concrete deadman (no pilings);
- Re-paving the existing parking lot, re-striping, and re-curb-ing the existing parking lot;
- Landscaping parking area with sustainable vegetation;
- Constructing a permanent 350 sf vaulted restroom;
- Completing utility services for a camp host (electrical, phone, potable water, water well);
- Replacing existing iron-ranger self-pay station with a small automated pay station on a pedestal;
- Constructing a new monument sign and an educational/informational kiosk;
- Installing security cameras;
- Constructing a water well to serve the project site;
- Stabilizing the slough banks with cellular confinement fabric, riprap, and planting vegetation to stabilize the slopes against boat wake erosion, and to increase wildlife habitat; and
- Expanding the existing launching ramp to accommodate two launching lanes

Alternatives Analyzed:

The Environmental Assessment considered the proposed action and the No Action alternative.

Conservation Measures and Commitments:

The Yolo County Department of General Services, as CEQA lead agency, released an Initial Study and Mitigated Negative Declaration (IS/MND) for public review beginning on September 21, 2017 and ending on October 20, 2017 pursuant to CEQA Guidelines Section 15105. On September 21, 2017, a Notice of Availability and Notice of Intent to Adopt a Mitigated Negative Declaration was distributed to Public Agencies and local property owners. The IS/MND and supporting documents were made available at the Yolo County Department of General Services office, 120 West Main Street, Suite D, Woodland, CA 95695, and on the Yolo County website. The County received five comment letters in response to the IS/MND. Responses to the comments received were provided to and considered by the Board of Supervisors prior to adoption of the IS/MND at a public meeting. On April 24, 2018, the Yolo County Board of Supervisors adopted the IS/MND and mitigation monitoring and reporting program, and approved the proposed project. The mitigations and commitments developed for the MND are incorporated into the project as components of the Proposed Action and are conditions of the grant.

The project has also been subjected to scrutiny and permitting by:

- USACE Section 404 Clean Water Act (CWA) Permit (LOP 18598);
- USACE Section 408 CWA Permit (LOP 18598);
- Section 401 Water Quality Certification (WDID#5A57CR00091A1);
- Section 1602 Streambed Alteration Agreement;
- Central Valley Flood Protection Board Encroachment Permit;

- U.S. Fish and Wildlife Endangered Species Act Section 7 consultations (Concurrence Letters 08ESMF00-2014-I-0549-1 and 08ESMF00-2014-(-0549-2);
- National Marine Fisheries Service Endangered Species Act Section 7 consultations (Concurrence Letters WCR-2014-00166 and WCR-2019-11597);
- National Marine Fisheries Service Magnuson-Stevens Fishery Conservation and Management Act consultation (Concurrence Letters WCR-2014-00166 and WCR-2019-11597);
- National Historic Preservation Act consultations with the California State Historic Preservation Office and Tribal Historic Preservation Offices (Concurrence Letter COE_2019_0626_001);
- State Lands Commission Land Use Agreement;
- Yolo County Flood Hazard Permit;
- Yolo County Building Permit;
- Yolo County Grading Permit;
- Pacific Gas & Electric (PG&E) Service Agreement;
- Sewer Service Agreement; and
- Water Well Permit from the Environmental Health Division of Yolo County.

Conservation measures, environmental commitments, and all permit conditions from the agencies are incorporated into the project as components of the Proposed Action and will be required as a condition on the grant. The following commitments are intended to avoid, minimize, or mitigate the effects of the Proposed Action.

Mitigation Measure 1 A Section 404 Permit and a Water Quality Certification from the Regional Water Quality Control Board, under Section 401 of the Clean Water Act, must be obtained prior to issuance of any grading permits. The County shall acquire a Section 404 permit for fill of jurisdictional wetlands, and mitigation for impacts to jurisdictional waters that cannot be avoided shall be provided in conformance with the USACE “no-net-loss” policy. Potential portions for mitigating the loss of wetland habitat include restoration of on-site wetland habitat, restoration of off-site wetland habitat, or the purchase of mitigation credits. The mitigation for the proposed project shall conform with guidance from the USACE.

Mitigation Measure 2(a) A USFWS-approved biologist shall conduct a pre-construction survey of the project site (including the mixed riparian forest lying within the larger project site, but outside of proposed work areas) for giant garter snakes and northern western pond turtles within 15 days prior to the onset of construction. The information collected from this pre-construction survey shall serve primarily to alert the biologist and construction crews of the general level of giant garter snake and northern western pond turtles activity at the site. Following the pre-construction survey and prior to initiating any in-water work, an exclusion fence shall be installed along both sides of the boat launch access. The fence shall be constructed with

non-climb material (e.g., silt fence) to provide an additional barrier to detour wildlife from entering the work area. Placement and installation shall be supervised by a qualified biologist. The exclusion area shall be flagged as a Sensitive Resource Area. Construction personnel shall be directed to avoid entering the exclusion area, except as needed to construct the project. Plans for the exclusion fencing shall be prepared by a qualified biologist, and such plans shall be submitted for approval to the Yolo County General Services Department prior to initiation of any in-water work.

Mitigation Measure 2(b) If in-water construction occurs anytime between September 9th and October 1st, a USFWS-approved biological monitor shall be on-site. The biologist shall conduct a daily pre-construction survey of the project site (morning). Any wildlife, including giant garter snakes and northern western pond turtles, observed in the project area shall be allowed to relocate prior to the initiation or re-commencement of construction.

Mitigation Measure 2(c) Prior to issuance of a grading permit for the project, the General Services Department of Yolo County shall inspect grading and other relevant improvement plans to ensure that the area of vegetation clearing has been limited to the extent feasible. In particular, clearing of vegetation shall be limited to those areas necessary to facilitate construction activity.

Mitigation Measure 3 Should project construction commence at a time of year when juvenile salmon, steelhead smolts, or juvenile sturgeon could be present in Sycamore Slough (i.e., between February 1st and September 1st), the County shall develop in consultation with the National Marine Fisheries Service (NMFS) and the CDFW a Water Quality Protection Plan the provisions of which would be in effect whenever work must occur within the aquatic environment. Such a plan may employ the use of a turbidity curtain or some other type of sediment barrier that would confine suspended sediment to the immediate vicinity of the project-related work. Such a plan must be approved by NMFS and the CDFW prior to initiating work on the project.

Mitigation Measure 4 A certified biologist shall be present to monitor all in-water work related to the proposed project. The biologist shall ensure compliance with the project-specific Water Quality Protection Plan through on-going monitoring during in-water work. If the monitoring biologist determines that in-water work is being conducted in violation of the Water Quality Protection Plan, in-water work shall cease until such time as the certified biologist and the General Services Department of Yolo County have addressed and rectified the identified issues to the satisfaction of the NMFS and the CDFW

- Mitigation Measure 5(a)* *If project construction activities must occur during the nesting season (i.e., February 1 through August 31), a qualified biologist shall conduct preconstruction surveys for active raptor and migratory bird nests within 30 days prior to the onset of construction activities. The survey shall include the proposed work area(s) and surrounding lands within 500 feet for all nesting raptors and migratory birds. If nesting pairs are not found within the survey area, further mitigation would not be required. Results of the survey shall be submitted to the General Services Department of Yolo County for review and approval.*
- Mitigation Measure 5(b)* *Should any active nests be discovered near proposed work areas, a qualified biologist shall determine appropriate construction setback distances based on applicable CDFW guidelines and/or the biology of the affected species. Construction-free buffers shall be identified on the ground with flagging, fencing, or by other easily visible means, and shall be maintained until the biologist has determined that the young have fledged.*
- Mitigation Measure 6.* *If any prehistoric artifacts or other indications of archaeological resources (such as chipped chert and obsidian tools and tool manufacture waste flakes; grinding and hammering implements; bones; ceramic; glass; metal; at some sites locally darkened soils that generally contain abundant archaeological specimens; structure foundations; or pits) are found during grading and construction activities, all work within 100 feet of the find shall cease and the General Services Department of Yolo County shall retain a qualified archaeologist to evaluate the find(s). If the resource is determined to be eligible for inclusion in the California Register of Historical Resources [or the National Register of Historic Places] and project impacts cannot be avoided, data recovery shall be undertaken. Pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation. The language of this mitigation measure shall be included on any future grading plans approved by the County for the proposed project site.*
- Mitigation Measure 7.* *In the event of the discovery or recognition of any human remains, further excavation or disturbance of the find or any area within 100 feet of the find that is reasonably suspected to overlie adjacent human remains shall not occur until compliance with the*

provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) has occurred. The Guidelines specify that in the event of the discovery of human remains other than in a dedicated cemetery, no further excavation at the site or any nearby area suspected to contain human remains shall occur until the County Coroner has been notified to determine if an investigation into the cause of death is required. If the coroner determines that the remains are Native American, then, within 24 hours, the Coroner must notify the Native American Heritage Commission, which in turn will notify the most likely descendants who may recommend treatment of the remains and any grave goods. If the Native American Heritage Commission is unable to identify a most likely descendant or most likely descendant fails to make a recommendation within 24 hours after notification by the Native American Heritage Commission, or the County rejects the recommendation by the most likely descendant and mediation by the Native American Heritage Commission fails to provide a measure acceptable to the County, then the County shall rebury the human remains and grave goods with appropriate dignity at a location on the property not subject to further disturbances. Should human remains be encountered, a copy of the resulting County Coroner report noting any written consultation with the Native American Heritage Commission shall be submitted as proof of compliance to the Yolo County Department of General Services.

Mitigation Measure 8.

The General Services Department of Yolo County shall submit grading details to tribes who have requested consultation on this project under Public Resources Code Section 21080.3.1. The grading details can be submitted in the form of a grading plan and shall set forth the plan and methodology for grading, including a timeline, grading locations, and other pertinent details including but not limited to the types of equipment to be used. At least 10 business days prior to project grading, the County shall contact the tribe(s), who have requested consultation, to notify the tribe(s) of grading. Tribe(s) shall be allowed access to the site for monitoring purposes during ground disturbing activities only, if they so desire.

For any resources identified as meeting the definition of tribal cultural resources set forth in Public Resources Code Section 21074, significance determinations shall be measured in terms of criteria for inclusion on the California Register of Historical Resources (Title 14 CCR, §4852[a]). The evaluation of the tribal cultural resource(s) shall include culturally appropriate temporary and permanent treatment, which may include avoidance of tribal cultural resources, in-place preservation, and/or re-burial on project property so the resource(s) are not subject to further

*disturbance in perpetuity. Any reburial shall occur at a location predetermined between the County and tribe.
The County shall relinquish ownership of all sacred items, burial goods, and all archaeological artifacts that are found on the project area to the tribe for proper treatment and disposition.*

Species and Habitats Protected by Federal Laws:

The USACE consulted with both the U.S. Fish and Wildlife Service and the National Marine Fisheries Service under the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act. FWS concurred with the determinations that the Proposed Action was not likely to adversely affect threatened or endangered species or designated critical habitats under their jurisdiction. Likewise, NMFS concurred with the determination that the Proposed Action would not adversely affect threatened or endangered species or designated critical habitats under their jurisdiction. While NMFS did determine that the "...Proposed Action would adversely affect Essential Fish Habitat (EFH) due to impacts to rearing and migration habitat", they indicated "... any disturbance due to the implementation of the Proposed Action will be temporary and localized. Any anticipated adverse effects will be minimal in scope compared to the overall surrounding available habitat and will be temporary in nature." As a result, they determined that no additional actions were necessary to avoid, minimize, or otherwise offset the effects to EFH.

The USACE acted as the lead federal agency for consultations with USFWS and NMFS. All permit conditions identified by the USACE for the project are incorporated into the Proposed Action and are conditions on the Grant.

Cultural Resources:

The USACE is acting as the lead federal agency for consultations with California State Historic Preservation Office and affected Tribes under Section 106. The USFWS will rely on the USACE leadership in complying with Section 106.

Archival research and pedestrian field surveys were conducted for the proposed project area by Cultural Resources professionals, Tom Origer & Associates, and are documented in the 2019 letter report and Franco and Origer 2019. Efforts included a records search, Native American consultation, an archaeological pedestrian survey, and subsurface investigations.

Efforts identified one cultural resource within the Area of Potential Effect (APE), the remnants of a wooden railroad trestle (P-57-000976) requiring evaluation according to the National Register of Historic Places (NRHP). The Corps evaluated P-57-000976 and determined that it is ineligible for listing on the NRHP. CA SHPO concurred with that determination. Because much of the project area was paved long-ago, subsurface investigations were recommended by the United Auburn Indian Community (UAIC). Subsurface testing was monitored by a UAIC representative. Testing failed to identify subsurface historic properties.

The consultation concluded with a letter from CA SHPO that indicated:

- The Corps' documentation and delineation of the APE is sufficient;
- The Corps' historic property identification efforts carried out for this undertaking are adequate; and

- SHPO does not object to a finding of *no historic properties affected* for this undertaking.

At the request of the UAIC, the Corps will require the Central Valley Flood Protection Board (CVFPB) and Yolo County to grant site access for monitoring purposes to the UAIC as a condition to the permit. All of the Corps' standard permit conditions are incorporated into the project and will become conditions on the Award.

NEPA Determination:

The proposed project is not expected to have any significant effects on the human environment. No changes in land use will occur, as the project area will continue to be used for recreation and boat launching. The area is heavily used for recreation currently, and significant increases in use are not expected as a result of this project.

The proposed project has been coordinated with all interested and/or affected parties. The Draft EA was made available for a 30-day public review. The public comment period starting on March 22, 2019 and ended on April 22, 2019. The EA was published and made available on the web pages of the Pacific Southwest Region of the Service with notices marking its availability. Availability of the EA was also advertised by Yolo County, including posting links to the document on their web pages. The USACE also published a Public Notice affording the public an opportunity to provide input and feedback on the elements of the project that are covered by the USACE's permitting authority.

Findings:

Based on my review and evaluation of the attached Environmental Assessment and other supporting documentation, I have determined that the proposed Knights Landing Boat Launch Facility project does not constitute a major Federal action significantly affecting the quality of the human environment under the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (as amended). As such, an environmental impact statement is not required. A Final EA has been prepared in support of this finding and is available upon request from the Wildlife and Sport Fish Restoration Program Office of the Pacific Southwest Region of the U.S. Fish and Wildlife Service.



August 21, 2019

Rebecca G Miller, Acting Chief
Wildlife and Sport Fish Restoration Program
Pacific Southwest Region
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