

Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: _____

Project Title: Los Banos Creek Detention Reservoir Storage Program Project

Lead Agency: San Luis Water District

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Project Location: Near Los Banos Merced County
City *County*

Project Description (Proposed actions, location, and/or consequences).

See attached Project Description.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

See attached Environmental Commitments attachment for mitigation measures.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

No known areas of controversy

Provide a list of the responsible or trustee agencies for the project.

United States Bureau of Reclamation
California Department of Water Resources
California Department of Parks and Recreation

Project Description

The Project proposes to operate the Los Banos Creek Detention Dam (LBCDD) in the spring to route natural Los Banos Creek (LBC) flows to riparian lands downstream of the facility, making space available for storage. The Project includes installation, maintenance, and operation of new facilities that would convey non-LBC water for storage in the Los Banos Creek Detention Reservoir (Reservoir). To convey the Project Participants' water to the Reservoir, a pipeline would be constructed from an existing San Luis Water District (SLWD) pump station lateral to the Reservoir. In addition to the proposed pipeline, the Project would include the following:

- Enlarge existing Turnout 9-1 pipeline connection,
- A filter (fish screen) with backwash system at SLWD Lateral 9 Turnout 9-1 connection point into an existing stock water pond,
- A pipeline and appurtenances varying in size from 30-inch to 48-inch in diameter,
- Water control valve(s) at engineered location(s),
- Below-ground crossings of three existing 20-foot-wide roads with 3 feet of cover,
- A water flow energy dissipation flare at the Reservoir discharge location, and
- Removable weights placed at various locations on the ground along the pipe to keep it from rolling (if pipe is placed above ground).
- Construction of a box culvert,
- Construction of a boat ramp extension.

The Project would also alter existing Reservoir operations to allow for Project Participant water supply storage and beneficial release; routing natural LBC flows to riparian lands for irrigation and refuge use downstream of the facility making space available for storage in the spring, pumping Project Participant water supplies into the LBCDR available storage (Project); and releasing Project Participant water supplies into the LBC for re-diversion and beneficial uses by Project Participants.

Environmental Commitments

SLWD shall implement the environmental protection measures included in Table 1.

Table 1 - Environmental Protection Measures and Commitments


Resource	Protection Measure
Biological Resources	BIO-1a: (Construction Timing). If feasible, the project will be constructed outside the Swainson's hawk nesting season, which is typically defined as March 1-September 15.
Biological Resources	BIO-1b: (Surveys). If project elements must be initiated between March 1 and September 15, a qualified biologist will conduct surveys for Swainson's hawk nests on and within ½ mile of the Project Area, following the survey methods and timing prescribed by the Swainson's hawk Technical Advisory Committee (SHTAC) 2000 <i>Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley</i> .
Biological Resources	BIO-1c: (Avoidance). Should any active nests be discovered in or near proposed construction zones, the biologist will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing and will be maintained until the biologist has determined that the young have fledged.
Biological Resources	BIO-2a: (Take Avoidance Surveys). Take avoidance surveys for burrowing owls will be conducted by a qualified biologist within 30 days prior to the start of construction within grassland habitat of the site. The surveys will be conducted according to methods described in the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG 2012). The survey will cover grassland work areas and adjacent lands within 200 meters, where potential nesting or roosting habitat is present ("survey area").
Biological Resources	BIO-2b: (Avoidance of Nest Burrows). If construction activities within grassland habitats are to occur during the breeding season (February 1-August 31) and active nest burrows are identified within the survey area, a 200-meter disturbance-free buffer will be established around each burrow. The buffers will be enclosed with temporary fencing to prevent encroachment by construction equipment and workers. Buffers will remain in place for the duration of the breeding season, unless otherwise arranged with CDFW. After the breeding season, passive relocation of any remaining owls may take place as described below.
Biological Resources	BIO-2c: (Avoidance or Passive Relocation of Resident Owls). During the non-breeding season (September 1-January 31), resident owls occupying burrows in work areas may either be avoided, or passively relocated to alternative habitat. If the applicant chooses to avoid active owl burrows within the work area during the non-breeding season, a 50-meter disturbance-free buffer will be established around these burrows. If a 50-meter disturbance-free buffer is not feasible, then a qualified biologist will determine a minimum buffer distance based on site conditions and the biologist will be on site to monitor the owls during all activities conducted within 50 meters to ensure that the owls are not harmed. Buffers will be enclosed with temporary fencing and will remain in place until a qualified biologist determines that the burrows are no longer active. If the applicant chooses to passively relocate owls during the non-breeding season, this activity

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	will be conducted in accordance with a relocation plan prepared by a qualified biologist.
Biological Resources	BIO-3a: (Construction Timing). If feasible, the project will be implemented outside of the avian nesting season, typically defined as February 1 to August 31
Biological Resources	BIO-3b: (Preconstruction Surveys). If construction is to occur between February 1 and August 31, a qualified biologist will conduct pre-construction surveys for active bird nests within 10 days prior to the start of construction. The survey area will encompass the site and accessible surrounding lands within 250 feet for nesting migratory birds and 500 feet for raptors (i.e., birds of prey).
Biological Resources	BIO-3c: (Avoidance of Active Nests). Should any active nests be discovered in or near proposed construction zones, the biologist will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing and will be maintained until the biologist has determined that the young have fledged and are capable of foraging independently.
Biological Resources	BIO-4a: (Pre-disturbance Surveys). A pre-disturbance survey for American badgers will be conducted by a qualified biologist within 30 days prior to the start of construction. The survey area will include grassland areas within the Project Area and surrounding lands within 250 feet.
Biological Resources	BIO-4b: (Avoidance). Any non-maternity dens identified during the pre-disturbance survey shall be flagged and avoided with a minimum 50-foot no-disturbance buffer until a qualified biologist has determined that the den is no longer in use. Any maternity dens identified during pre-disturbance surveys shall be flagged and avoided, if feasible, with a minimum 200-foot no-disturbance buffer for the duration of the pup-rearing season, typically February 15 to July 1.
Biological Resources	BIO-4c: (Minimization). If a maternity den cannot feasibly be avoided, CDFW must be contacted to identify appropriate minimization measures prior to initiating any disturbance that would affect the den, including potential passive relocation by excavation before or after the rearing season.
Biological Resources	BIO-5a: (Pre-construction Surveys). Preconstruction surveys for the San Joaquin kit fox shall be conducted on and within 200 feet of the Project area, no less than 14 days and no more than 30 days prior to the start of ground disturbance activities on the site. The primary objective is to identify kit fox habitat features (e.g., potential dens and refugia) on and adjacent to the site and evaluate their use by kit foxes. A survey report will be sent to the Service within 5 days of survey completion and prior to the start of ground disturbance or construction activities. If construction in a particular work area ceases for two weeks or longer, a new survey by a Service-approved biologist will be conducted prior to re-initiation of ground disturbing activities.
Biological Resources	BIO-5b: (Avoidance). Any potential den (any natural den or burrow with an entrance of appropriate dimensions of 4 to 12 inches in diameter) identified will be avoided according to the Service's 2011 Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance by establishing an exclusion zone of at least 50 feet for potential dens, 100 feet for

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	<p>known dens, and requiring further consultation with the Service for pupping/natal dens. If a potential kit fox den cannot be avoided during project activities, it will be monitored for at least 4 consecutive nights using remote cameras and/or tracking medium to determine current use. If no kit fox activity or sign is observed, the den will be temporarily plugged with soil immediately following the final night of observation. During construction the den will be checked regularly to ensure it remains plugged until construction is finished, at which time the soil plug will be removed.</p>
<p>Biological Resources</p>	<p>BIO-5c: (Avoidance). Construction activities shall be carried out in a manner that avoids disturbance to kit foxes in accordance with the Service Standardized Recommendations. The applicant shall implement all avoidance measures presented in the Construction and On-going Operational Requirements section of the Standardized Recommendations, including, but not limited to:</p> <ol style="list-style-type: none"> a. Project activities will only occur during the day (between 30 minutes before sunrise and 30 minutes after sunset). b. Project-related vehicles will observe a speed limit of 20-mph throughout the site in all project areas, except on county roads and State and Federal highways. Off-road traffic outside of designated project areas will be prohibited. c. To prevent inadvertent entrapment of kit foxes or other animals during construction, all excavated, steep-walled holes or trenches more than 2-feet deep will be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals. d. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods will be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe will not be moved until the Service has been consulted. If necessary, and under the direct supervision of a Service-approved biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped. e. All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in securely closed containers and removed at least once a week from a construction or project site. f. No firearms shall be allowed on the project site. g. No pets, such as dogs or cats, shall be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens. h. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and

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	<p>staging areas, temporary roads, pipeline corridors, etc. will be re-contoured if necessary, and stabilized to promote natural revegetation of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but after project completion will not be subject to further disturbance and has the potential to be revegetated.</p> <ul style="list-style-type: none"> i. In the case of trapped animals, escape ramps or structures will be installed immediately to allow the animal(s) to escape, or the Service will be contacted for guidance. j. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed will also be provided to the Service.
Biological Resources	<p>BIO-5d: (Employee Education Program). Prior to the start of construction, the applicant will retain a qualified biologist to conduct a tailgate meeting to train all construction staff that will be involved with the project on the San Joaquin kit fox. This training will include a description of the kit fox and its habitat needs; a report of the occurrence of kit fox in the project vicinity; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the species during project construction and implementation. The training will include a handout with all of the training information included in it. The applicant will use this handout to train any construction personnel that were not in attendance at the first meeting, prior to those personnel starting work on the site.</p>
Biological Resources	<p>BIO-5e: (Mortality Reporting). The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death or injury of a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.</p>
Cultural Resources	<p>CUL-1: A qualified archaeologist will prepare and present an archaeological tailboard to construction crew working on site during ground disturbing activities prior to construction. For new construction crew members, the training should be presented by the on-site archaeological monitor and/or via teleconference video training.</p>
Cultural Resources	<p>CUL-2: A qualified archaeological monitor will be retained to conduct monitoring as needed during ground-disturbing activity. The qualified archaeological monitor shall determine what areas require monitoring and when.</p>
Cultural Resources	<p>CUL-3: If archaeological materials are encountered during ground-disturbing activities, all ground-disturbing work at the find location will cease and a 100-foot buffer will be placed around the area until a qualified archaeologist can assess the significance of the finding and provide (if needed) an avoidance and/or data recovery plan.</p>
Cultural Resources	<p>CUL 4: In the event that previously unidentified subsurface deposits believed to be cultural or human in origin are discovered during implementation of this undertaking, then all work must halt within a</p>

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	<p>100-foot radius of the discovery. Reclamation Cultural Resource staff would be notified and would follow the procedures for post-review discoveries on Federal lands as described in the regulations at 36 CFR § 800.13(b).</p> <p>A qualified professional archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards for prehistoric and historical archaeology, shall be retained to evaluate the significance of the find. The qualified archaeologist shall use their professional judgment and shall have the authority to modify the no-work radius as appropriate. The following notifications shall apply, depending on the nature of the find:</p> <ol style="list-style-type: none"> 1. If the professional archaeologist determines that the find does not represent a cultural resource, then work may resume immediately, and no agency notifications are required. 2. If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, then they shall immediately notify SLWD, Reclamation, and applicable landowner. SLWD and Reclamation shall consult on a finding of eligibility and implement appropriate treatment measures if the find is determined to be eligible for inclusion in the National Register of Historic Places (NRHP). Work cannot resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not eligible for the NRHP; or 2) that the treatment measures have been completed to their satisfaction.
Tribal Cultural Resources	<p>TCR 1:</p> <p><u>Human Remains</u></p> <p>Different laws govern the disposition of human remains inadvertently discovered on private, State, Tribal, and Federal lands. It is, therefore, imperative that Project Participants contractors, and other CRM contractors, understand the ownership status of lands on which archaeological work is to be conducted to ensure that the appropriate laws are followed. The following summarizes of the applicable laws that govern the inadvertent (i.e., unanticipated) discovery of human remains and the procedures to be followed should human remains be discovered during the course of the construction of the Project permitted by Reclamation or other underlying landowner.</p> <p><u>Federal and Tribal Lands</u></p> <p>Under the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC 3001) and implementing regulations 43 CFR Part 10, Reclamation is responsible for the protection of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony that are discovered on federally-owned lands. All human remains and potential human remains must be treated with respect and dignity at all times. In the event that suspected human remains are discovered during proposed project activity on Reclamation land, all activities in the immediate area will cease, and</p>

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	<p>appropriate precautions will be taken to protect the remains and any associated cultural items from further disturbance. Reclamation will follow the procedures outlined in 43 CFR § 10.4 Inadvertent Discoveries. The Reclamation Interior Region 10 Cultural Resources Branch Chief and Reclamation Interior Region 10 NAGPRA Coordinator will be immediately notified by telephone and will take responsibly for the discovery by contacting the appropriate law enforcement and Reclamation officials. Within three (3) working days of confirmation of the discovery [see 43 CFR § 10.4(d)(1)(iii)], the Reclamation Regional Archaeologist will notify by telephone or in person, with written confirmation, the Indian tribes likely to be affiliated with the discovered human remains (e.g., lineal descendant, culturally-affiliated Indian tribe, Indian tribe with other cultural relationship, and Indian tribe that aboriginally occupied area). Treatment and handling of the remains will be determined through consultation between Reclamation and consulting tribes.</p> <p>As required by NAGPRA (43 CFR §10.4 (f)), Reclamation officials will coordinate their responsibilities under this section with the requirements of Section 106 of the National Historical Preservation Act (NHPA) (54 U.S.C. §306108), implementing regulations at 36 CFR Part 800, Archeological and Historic Preservation Act (AHPA) (54 U.S.C. §312501-312508), and the Archaeological Resource Protection Act (ARPA) (16 U.S.C. §470aa-mm). Compliance with these laws and specifically 36 CFR §800.13: Post-Review Discovery</p> <p><u>Other Public and Private Lands in California</u> There are numerous California State laws and codes that direct the preservation of prehistoric and historical cultural resources, establish the procedures for protecting inadvertently discovered Native American human remains, and impose penalties and punishments for persons acting in violation of the legal code. Specifically, Section 7050.5 of the California Health and Safety Code deals with the discovery of human remains in any location other than a dedicated cemetery and directs that in such cases the coroner of the county in which the remains are discovered be contacted and further excavation or disturbance in the location of discovery be discontinued until the coroner has examined the remains and made a determination.</p> <p>Pursuant to California Health and Safety Code §7050.5, if known or suspected Native American or other human remains are encountered, all ground-disturbing work must cease in the vicinity of the discovery, and the County Coroner contacted. The respectful treatment and disposition of remains and associated grave offerings shall be in accordance with Public Resource Code §5097.98.</p>
Tribal Cultural Resources	<p>TCR-2: <u>Tribal Monitor</u> Prior to the start of the Project, the Project Participants shall retain a qualified Tribal monitor (Tribal Monitor) who is approved by the Tachi Yokut Tribal Government to provide monitoring/consulting services. The Tribal Monitor shall be present to monitor all project ground disturbance activities for the presence of tribal cultural resources. The</p>

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	<p>term "ground disturbance activities", as found in these project environmental commitments, refer to activities that may include pavement removal, vegetation clearing, grading, excavation, trenching, drilling, and potholing/auguring within the project site. The Tribal Monitor shall complete a daily log documenting all ground disturbance activities, the locations where those activities occurred, the types of soils involved, and any tribal cultural resources encountered. Monitoring shall end when ground disturbance activities are completed, or when the Tribal Monitor has determined that the site has a low potential for impacting tribal cultural resources. Within 30 days after monitoring has ended, the Tribal Monitor shall submit the daily logs to Reclamation.</p>
Tribal Cultural Resources	<p>TCR-3: <u>Archaeological Monitor</u> Prior to the start of the Project, the Project Participants shall retain a qualified Archaeological Monitor to provide spot monitoring/consulting services. The Archaeological Monitor shall be present to spot monitor project ground disturbance activities for the presence of cultural resources, as determined by a qualified archaeologist. The term "ground disturbance activities", as found in these project environmental commitments, refer to activities that may include pavement removal, vegetation clearing, grading, excavation, trenching, drilling, and potholing/auguring within the project site. The Monitor will complete a daily log documenting all ground disturbance activities, the locations where those activities occurred, the types of soils involved, and any cultural resources encountered. Monitoring shall end when ground disturbance activities are completed, or when the qualified archaeological monitor has determined that the site has a low potential for impacting tribal cultural resources. Within 30 days after monitoring has ended, the Archaeological Monitoring Letter Report along with the daily logs will be submitted to Reclamation.</p>
Water Resources	Introduction of water is required to meet Reclamation's then current water quality standards prior to introduction into the Reservoir.
Water Resources	Water quality sampling will be collected at three points within the Reservoir, the bank, the dock and post filter (see Figure 2-5 of Appendix A). Sampling will be done prior to annual operations starting, once during operations, and once post-operations.
Water Resources	A Storm Water Pollution Prevention Plan will be developed and implemented as part of the Construction General Permit.
Water Resources	Should unexpected rainfall or discharge events occur during construction activities, best management practices and requirements will be implemented pursuant to the National Pollutant Discharge Elimination System General Permit for Storm Water Discharges associated with Construction and Land Disturbing Activities.
Water Resources	
Water Resources	Natural LBC flows released during storm events would only be delivered to lands riparian to Los Banos Creek in accordance with existing riparian water rights.
Water Resources	Implement best management practices and requirements of the Clean Water Act 401 Certification from the Regional Water Quality Control Board.

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Water Resources	Implement best management practices and requirements of the Clean Water Act 404 Permit from the U.S. Army Corps of Engineers.
Water Resources	The water introduced under the Proposed Project shall be used for beneficial purposes and in accordance with Federal Reclamation law and guidelines, as applicable. Use of the water shall comply with all federal, state, local, and tribal laws.
Various	The water shall not be used to convert and irrigate native lands or lands untilled for three consecutive years or more without additional environmental analysis and approval. No land conversions may occur as a result of the Proposed Project.

Environmental consequences for resource areas assume the measures specified would be fully implemented.