

FINDING OF NO SIGNIFICANT IMPACT

Finding of no Significant Impact (FNSI) Environmental Assessment for the Irvine Ranch Water District San Diego Creek Watershed Natural Treatment System Project, Orange County, California

The United States Environmental Protection Agency (EPA) is considering awarding grant funds in the amount of \$992,800 to the Irvine Ranch Water District, to fund Site 62 of the San Diego Creek Watershed Natural Treatment System Project. The proposed project consists of constructed treatment wetland intended to improve water quality in San Diego Creek and Newport Bay in Orange County, California.

The purpose of the project is to fund the design and development of Natural Treatment System Site 62 at the San Joaquin Marsh which is designed to control sediment, nutrients, pathogens, and unknown toxicity as required to achieve water quality standards defined in the Water Quality Control Plan for the Santa Ana River Basin Plan and a Total Daily Maximum Load established under Clean Water Act section 303(d) and subsequently established pollutant discharge limits.

The construction elements of this project include site 62 which will receive water from an existing pump station at the San Joaquin treatment wetlands but would require a 25 horsepower pump to return flows to San Diego Creek. Site 62 contains 6.34 acres of freshwater marsh and 0.81 acre of saltwater marsh is outside the coastal zone. Engineered basins are also planned to capture sediment and trash from "first flush" rain events. Plants such as bulrush and cattails and the beneficial bacteria within the wetlands soils provide natural cleanup of pollutants that would otherwise flow to the Bay and the ocean. IRWD may require an individual permit from the Army Corps of Engineers under section 404 of the Clean Water Act because the design of site 62 is not complete.

The EPA has completed an Environmental Assessment (EA) as a cooperating agency with the US Bureau of Reclamation as NEPA lead agency, dated August 2009 to evaluate the environmental consequences of the proposed action and alternatives along with the no action alternative. As a result of the EA, as well as public discussion of the proposed project and alternative, the EPA has determined the action will not have a significant impact on the quality of the human environment. An Environmental Impact Statement is not required.

The following supports the Finding of No Significant Impact (FONSI):

Coordination with the U.S. Fish and Wildlife Service (Service) indicated that the following listed species may be present in the proposed project area: southwestern willow flycatcher (*Empidonas traillii extimus*), least Bell's vireo (*vireo bellii pusillus*), light-footed clapper rail (*Rallus longirostris levipes*), California least tern (*Sterna antillarum browni*), coastal California gnatcatcher (*Polioptila californica californica*), Quino checkerspot butterfly (*Euphidryos editha quinion*), and thread-leaved brodiaea (*Brodiaea filifolia*). A review of biological impacts found installation of Natural Treatment System

facilities will impact 74 acres, including 65 acres of low value, non-sensitive resources, 6.43 acres of degraded freshwater marsh, and 2.97 acres of sensitive habitats (needlegrass grassland, freshwater swale, salt water marsh, herbaceous riparian, mule fat scrub, and ephemeral stream and washes. These habitats will be converted into 56.7 acres of emergent marsh/wetlands and open water habitat. The project also proposes to preserve or enhance 60.2 acres of adjacent annual grassland, scrub, saltwater marsh, and mixed riparian scrub habitats. No direct impacts to coastal sage scrub or critical habitat for coastal California gnatcatcher were identified. Surveys for the Quino checkerspot butterfly and thread-leaved brodiaea were negative. No direct impacts to potential least Bell's vireo or southwestern willow flycatcher nesting habitat will occur. Two potential Natural Treatment System sites were eliminated to avoid existing riparian woodlands suitable as nesting habitat for vireo or flycatcher. Construction and O&M activities will avoid the breeding season and site assessments will be conducted by IRWD's staff biologist prior to the initiation of any construction and/or major O&M activity. Additional consultation with US Fish and Wildlife Service will occur if light-footed clapper rails are observed within any of the sites. After a review of biological impacts and based on the project design criteria, the EPA has concluded that the proposed project will have no effect on the SPECIES LISTED ABOVE.

The context and intensity of potential impacts on cultural resources were considered to determine whether the project would impact historic properties under the National Historic Preservation Act of 1966. A Cultural Resource Assessment was performed and through consultation with the Milford Wayne Donaldson at the State Historic Preservation Office. The consultation concluded with a determination on July 26, 2005 that the proposed undertaking will not affect historic properties. Since Site 62 detailed design is not complete, it will be monitored by a professional archeologist who meets the Secretary of the Interior's Standards for archeology.

Based on comments from the proposed project EIR, the EA incorporates Table 1 that constitutes mitigation and monitoring program which is 21 pages long. Areas of mitigation include land use, hydrology and water quality, biological resources, air quality, landform modification and aesthetics, and cultural resources.

The EA is available for public review at the offices of EPA, Region 9, 75 Hawthorne St., San Francisco, CA 94015-3901. To make an appointment to review the EA at this location contact Cheryl McGovern, 415-972-3415.

EPA must receive comments on the FONSI for consideration within 30 calendar days from the date of publication of the Legal notice of Decision. EPA will take no administrative action on the above-described project prior to expiration of this comment period. Comments should be mailed to Cheryl McGovern, US EPA, 75 Hawthorne Street, San Francisco, CA 94105 or faxed to Cheryl McGovern at 415-947-3537.

After EPA assesses any comments received, those comments, EPA's responses and this FONSI will be forwarded to the Regional Administrator for review and signature. If this

FONSI is signed by the Regional Administrator, it will not be re-circulated for review, but will be available to any individual upon request.