

Chapter 6. Preferred Alternative

PREFERRED ALTERNATIVE

The three alternatives presented in Chapter 4 were presented to the Conservancy Governing Board (Governing Board) in February 2001. At this meeting, the Governing Board accepted but did not approve the *Revised Draft Conceptual Plan for Habitat Enhancement and Public Access in the Jensen River Ranch*. The Governing Board allowed 30 days for board members to review the document, research the issues, and determine which alternative would be selected as the preferred alternative. At the April 2001 Governing Board meeting, the board members selected and approved Alternative 1, Oxbow Lakes, as their preferred alternative and recommended it be implemented with the “moderate” level of construction input. This decision was further supported by staff at the California Department of Parks and Recreation, DFG, and the Wildlife Conservation Board based on their review of the document and assessment of the most cost-effective wildlife enhancement and restoration alternative.

APPLICABLE ENVIRONMENTAL REGULATIONS

This section discusses the likely environmental permitting and regulatory compliance needs for the preferred alternative, including specific anticipated requirements, actions needed to obtain permits, environmental issues the agencies could be concerned about, timing, and recommendations for proceeding. Of the design elements in the conceptual plan, only two potentially trigger environmental regulations: excavation of the oxbows and excavation of the backwater slough.

In addition, the project will need to satisfy environmental analysis required by CEQA and National Environmental Policy Act (NEPA).

General Project Permitting Requirements

The site does not support natural jurisdictional wetlands or waters of the United States and therefore will not trigger Section 401 or 404 of the Clean Water Act. At this time, there are no known federally listed or state-listed special-status species. However, it is recommended that a rare plant survey be conducted in early spring of Phase 2, Detailed Design Development and Construction Documents.

Design-Element-Specific Requirements

Excavate Seasonal and Perennial Wetland Oxbow

Section 401 of the Clean Water Act regulates discharge of waste into waters of the United States and is under the authority of the Central Valley RWQCB. Although the DK area channel is not a wetland or waters of the United States, a NPDES construction stormwater permit will be required for excavation of the oxbows. A NPDES permit is required for stormwater discharge associated with construction activities involving clearing, grading, and excavation of 5 or more acres that would result in waste discharge into surface waters of the state. The permit generally requires preparation of a storm water pollution prevention plan. This plan should be prepared during Phase 2 and submitted to the Central Valley RWQCB.

Excavate Wetland/Riparian Backwater Slough

The DFG requires a Section 1603 Agreement (Stream or Lakebed Alteration Agreement) for proposed activities that may impact a stream, river, or lake. Excavation of the wetland/riparian backwater slough *may* require a Section 1603 Agreement if construction activities potentially affect the lower floodplain or waters of the San Joaquin River. Careful avoidance of existing riparian habitat and the natural river floodplain during Phase 2 of this element will reduce the need for a permit. Consultation with DFG regarding the design and location of this element should occur early in Phase 2. This consultation will ensure that any concerns DFG may have are addressed.

The SLC has jurisdiction over beds of navigable rivers. Although construction of the backwater slough begins at the existing bank, the SLC may have concerns regarding expansion of the river floodplain. Consultation with SLC regarding the design and location of this element should occur early in Phase 2.

Environmental Compliance

An initial study/environmental assessment has been prepared to assess the effects of the preferred alternative, as required by CEQA (14 Cal. Admin. Code 14000 et seq.) and NEPA. The initial study/ environmental assessment is based on guidelines contained in the CEQA Environmental Checklist Form and on the USBR NEPA Guidelines.

The Conservancy is the state lead agency for the proposed action under CEQA and must evaluate the environmental effects of the proposed action when considering whether to approve the proposed action. Because federal funds allocated by the USBR were used for project planning and may be used for implementation, the USBR must also approve the proposed action. The USBR is, therefore, the federal lead agency for the proposed action under NEPA. A joint document was prepared because the CEQA Guidelines and the Council on Environmental

Quality's NEPA regulations encourage state and federal agencies to prepare joint environmental documents to eliminate duplicate discussions of the same issues. The draft initial study/environmental assessment was prepared in September 2001 as a separate document.