



United States Department of the Interior
FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846



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Memorandum

To: Planning Coordinator, U.S. Bureau of Land Management, Hollister Field Office, Hollister, California

From: Assistant Field Supervisor, Sacramento Fish and Wildlife Office, Sacramento, California *[Signature]*

Subject: Comments on the Draft Resource Management Plan and Environmental Impact Statement for the Clear Creek Management Area

This memo submits comments of the U.S. Fish and Wildlife Service (Service) on the Draft Resource Management Plan and Environmental Impact Statement for the Clear Creek Management Area (DRMP/EIS) by the Bureau of Land Management, Hollister Field Office (BLM). We appreciate the opportunity to provide comments on this document. The Service is providing these comments under authority of the National Environmental Policy Act (NEPA)(40 CFR Part 1500), and within associated guidance from the President's Council on Environmental Quality. Our focus in providing these comments is to assist BLM in its efforts to "...make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment" [40 CFR Part 1500.1 (c)]. We are also providing comments on the DRMP/EIS pursuant to section 7(a) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.)(ESA).

The need to develop the DRMP arose from numerous changes in circumstances since the current land use plan decisions were adopted. The existing Resource Management Plan (RMP) for the area was adopted in 1984. There have been several amendments to the 1984 RMP to address public health and safety and resources protection issues in Clear Creek Management Area. The intent of the DRMP/EIS is to serve as a guide for the management of the lands and resources administered by the Hollister Field Office in Clear Creek Management Area to achieve the following: 1) minimize asbestos exposure; 2) reduce asbestos emissions; 3) designate areas in Clear Creek Management Area for motorized, mechanized, and non-motorized/non-mechanized recreation opportunities; 4) protect sensitive natural and cultural resources from impacts due to recreation and other land uses; 5) provide guidance for mineral and energy development; and 6) make other land use authorizations and tenure adjustments. This DRMP was intended to be comprehensive, evaluating existing management plans and identifying regional issues, and resolving those issues through public, interagency, and intra-agency scoping efforts. This effort also identifies the area's "vision", long-range management goals, intermediate objectives, and actions and options for meeting those objectives.

The Clear Creek upper-watershed provides runoff into numerous west and east-flowing streams. Clear Creek is a tributary to Silver Creek which eventually connects with Panoche Creek in western Fresno County. During heavy rainfall events, Panoche Creek can influence water quality in downstream waters including the Grasslands Marshes and the San Joaquin River. The State Water Resource Control Board (SWRCB) listed Panoche Creek (from Silver Creek to Belmont Avenue) as impaired for mercury, sedimentation and selenium in 2006 (SWRCB 2006). The sources of selenium in this waterway were listed as agriculture, livestock grazing, and highway/road/bridge construction (SWRCB 2006). In the 2006 303(d) list of impaired waterbodies for California, the SWRCB recommended that the affected size of Panoche Creek be expanded to include the length from its headwaters to Silver Creek, which increased the entire segment by 27 miles.

Tile-drained farmlands in the agricultural lands southwest of the Grasslands wetland supply channels in western Fresno County have proven to be susceptible to flooding during winter storm events from the Panoche/Silver Creek watershed in the Coast Range. These flood flows [40,000 acre-feet during 2-week periods associated with these storm events (SLDMWA 1997)] have been characterized by high selenium levels and loads. For example, selenium concentrations in flood waters from the Panoche/Silver Creek watershed ranged from 4 to 155µg/L during a February 1998 storm event (Chilcott 2000). Presser and Luoma (2006) estimated the cumulative selenium load from Panoche Creek during the *El Nino* Water Year of 1998 to be 8,045 pounds. Such flood flows have overwhelmed the Grasslands Bypass Project resulting in the diversion of selenium-contaminated water into the Grasslands wetland supply channels.

Since 1996, there also have been infrequent, short-term instances where agricultural drainage flows and floodwaters have been diverted to the Grasslands wetland supply channels during winter storm events. Since 1995, such events occurred in water years 1995, 1997, 1998 and 2005 and have resulted in significant spikes in selenium concentrations in the Grasslands wetland supply channels and selenium loading into the San Joaquin River (Presser and Luoma 2006, Grassland Area Farmers 2005).

The Service completed a formal ESA consultation in December 2009 on the third Use Agreement for the Grassland Bypass Project 2010-2019, which covers selenium impacts in the Grasslands wetland supply channels and drainage reuse area to federally listed species. Our conclusion was that selenium from this project could adversely affect the San Joaquin kit fox and the giant garter snake. The Biological Opinion for the Grassland Bypass Project is posted at the following URL:

http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=3513

We encourage BLM to consider downstream water quality impacts associated with land management of the upper-watershed in the DRMP/EIS. Further, we ask that BLM consider implementation of a preferred RMP alternative that would provide the greatest benefit to downstream water quality. Such management actions could include reduced grazing prescriptions on upper watershed lands within the Clear Creek Management Area.

Planning Coordinator, U.S. Bureau of Land Management, Hollister

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We appreciate the opportunity to review this DRMP/EIS, and request a copy of the Final RMP/EIS when it is officially filed. If you have any questions or concerns about these comments please contact Susan Jones, Shelley Buranek, or Joy Winckel of my staff at the letterhead address or at (916) 414-6600.

cc: Julie Vance, CDFG
Gail Cismowski, CCVRQWCB
Laura Fuji, USEPA
Theresa Presser, USGS
Kim Forrest, USFWS San Luis National Wildlife Refuge Complex

Literature Cited

Chilcott, J. (2000). *Review of Selenium Concentrations in Wetland Water Supply Channels in the Grassland Watershed*. Staff Report, CalEPA, California Regional Water Quality Control Board, Central Valley Region, Sacramento, CA.

Grassland Area Farmers. (2005). *Grassland Bypass Project Floodwaters Report*. Report submitted by the Grassland Area Farmers, Los Banos, California, to USBR and the Central Valley Regional Water Quality Control Board, May 31, 2005. Eight page report and two page transmittal memo. Available as Attachment B starting on page 98 in the following document on web:
http://www.usbr.gov/mp/grassland/documents/GBPTPRT2005report_mar02.pdf

Presser, T.S. and S. N. Luoma. (2006). *Forecasting Selenium Discharges to the San Francisco Bay-Delta Estuary: Ecological Effects of a Proposed San Luis Drain Extension*. U.S. Geological Survey Open-File Report 00-416, 196 pp. Available at:
<http://pubs.usgs.gov/pp/p1646/>

[SLDMWA] San Luis and Delta-Mendota Water Authority. (1997). *Report on waste discharge: Grasslands Bypass Channel Project, Merced and Fresno counties*. Report submitted to the California Regional Water Quality Control Board, Central Valley Region.

[SWRCB] California State Water Resources Control Board. (2006). *EPA Approved 2006 Revision of the Clean Water Act Section 303(d) List of Water Quality Limited Segments*. SWRCB Division of Water Quality, Sacramento, CA. Available at:
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