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## 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

In reply refer to:  
81420-2009-TA-1152-01

Mr. Howard Kahan  
Environmental Scientist  
U.S. Environmental Protection Agency  
Region IX Southern California Field Office  
600 Wilshire Blvd., Suite 1460  
Los Angeles CA 90017

Subject: Concurrence with a Determination of No Effect for the Manteca Arsenic Reduction Project (Region 9 Grant Tracking #08-047), San Joaquin County, California

Dear Mr. Kahan:

This letter is in response to your letter received in our office on August 3, 2009, requesting concurrence from the U.S. Fish and Wildlife Service (Service) for the Manteca Arsenic Reduction Project in San Joaquin County, California. At issue are the potential effects of the proposed project on the federally-threatened California tiger salamander (*Ambystoma californiense*; CTS) and the federally-endangered riparian brush rabbit (*Sylvilagus bachmani riparius*; RBR). There is no critical habitat listed for the CTS or RBR within the site that will be affected by this project. This response is provided pursuant to section 7(a)(2) of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*) (Act), and is in accordance with the regulations governing interagency consultations (50 CFR §402).

The findings and recommendations in this consultation are based on: (1) the August 3, 2009, initiation letter from the U.S. Environmental Protection Agency (EPA), (2) review of the California Natural Diversity Database, (3) the Draft Initial Study/Mitigated Negative Declaration and Environmental Assessment/Finding of No Significant Impact dated April 17, 2009, (4) telephone calls and electronic mails between the Service and the BOP, (5) a site visit on November 19, 2009, and (6) other information available to the Service.

### Project Description

The project site is located 0.7 mile northwest of the city of Manteca in the Manteca U.S. Geological Survey 7.5-minute Quadrangle topographic map, with an approximate centerpoint of Latitude 37°48'51"N, Longitude 121°14'08"W. The site elevation is approximately 33 feet.

The City of Manteca proposes the construction of a pipeline to address arsenic concentration in the groundwater supply in the City of Manteca. Construction will consist of a simple network of pipelines that will connect three City wells to a water storage tank owned by the South San Joaquin Irrigation District and will occur in three phases. Phase 1: Pipeline installation, including partial lane closures and lasting 90 days. Phase 2: Static mixers, control valves, flow meters, and a water sampling system would be installed at each well location, and the surface water pipes and groundwater pipes would be connected to the static mixers. Phase 2 would last approximately 14 days. Phase 3: The Supervisory Control and Data Acquisition (SCADA) system would be programmed to monitor and control the flow of well water and surface water at each well to achieve an arsenic-compliant blended product. The staging area for the selected Alternative 2 will be located on a small, vacant field slightly northeast of the Louise Ave and North Union Road intersection. Approximately 10 construction workers will commute to the site on a daily basis. Construction equipment will include backhoes, loaders, excavators, and compaction machines and would be operated approximately eight hours each day. Four one-way truck trips will occur each day for the delivery of materials. All construction activities will occur during daytime hours and no night lighting will be required.

The Service has reviewed your August 3, 2009, request, as well as the above named items, and other information available to the Sacramento Fish and Wildlife Office. We concur with the No Effect determination by the EPA.

This concludes the Endangered Species Program's review of the proposed Manteca Arsenic Reduction Project (Region 9 Grant Tracking #08-047), San Joaquin County, California, and no further coordination with the Service under the Act is necessary at this time. Please note, however, that this letter does not authorize take of listed species. As provided in 50 CFR §402.14, initiation of formal consultation is required where there is discretionary Federal involvement or control over the action (or is authorized by law) and if: 1) new information reveals the effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this review; 2) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this review; or 3) a new species is listed or critical habitat designated that may be affected by the action.

The Service wishes to thank you for your continued efforts and dedication to the conservation of America's wildlife resources. Please contact Ellen R. McBride or Susan P. Jones at (916) 414-6630 if you have questions regarding this response. Please refer to Service file number 81420-2009-TA-1152 in any future correspondence.