

RECLAMATION

Managing Water in the West

Categorical Exclusion Checklist

Widening O'Hara Avenue in Oakley

CEC-12-057

Prepared by:



Ben Lawrence
Natural Resources Specialist
South-Central California Area Office

Date: 2-1-13

Concurred by:



Lisa Carlson
Wildlife Biologist
South-Central California Area Office

Date: 2-1-13


Concurred by:



Chuck Siek
Supervisory Natural Resources Specialist
South-Central California Area Office

Date: 2/5/13

Approved by:

for 
Michael Jackson
Area Manager
South-Central California Area Office

Date: 2/19/13



Background

O'Hara Avenue in the city of Oakley (City) has gradually been widened from two to four lanes in pieces over time. The last section to be widened is approximately 0.4 miles between Laurel Road and Covered Wagon Drive, including a crossing of the Contra Costa Canal at canal milepost 4.95 (See Figures 1 and 2). The existing roadway consists of two 12-foot travel lanes, a sidewalk of varying width adjacent to the southbound lane and a 3-foot shoulder adjacent to the northbound lane.

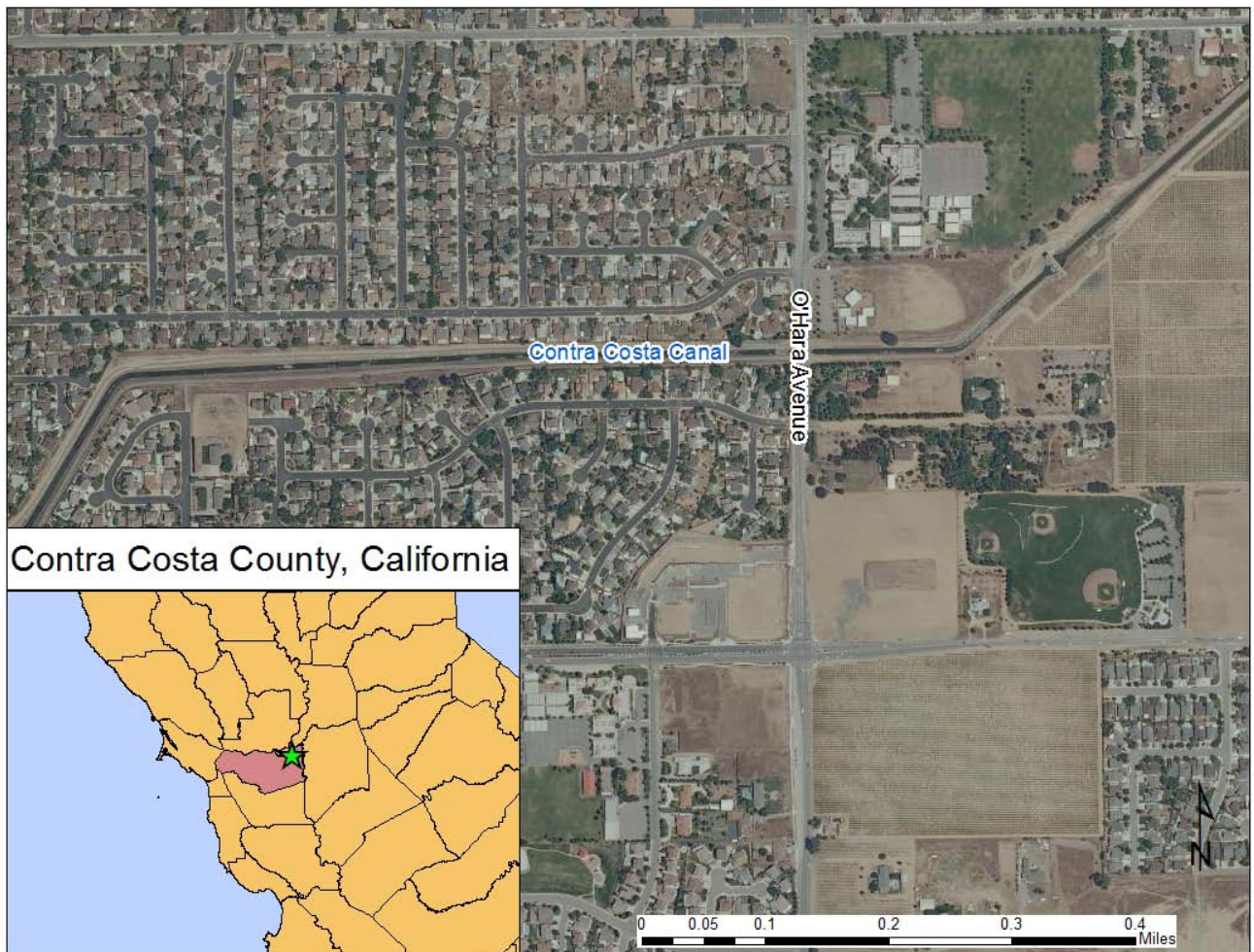


Figure 1 – Project Location (Aerial Photo)

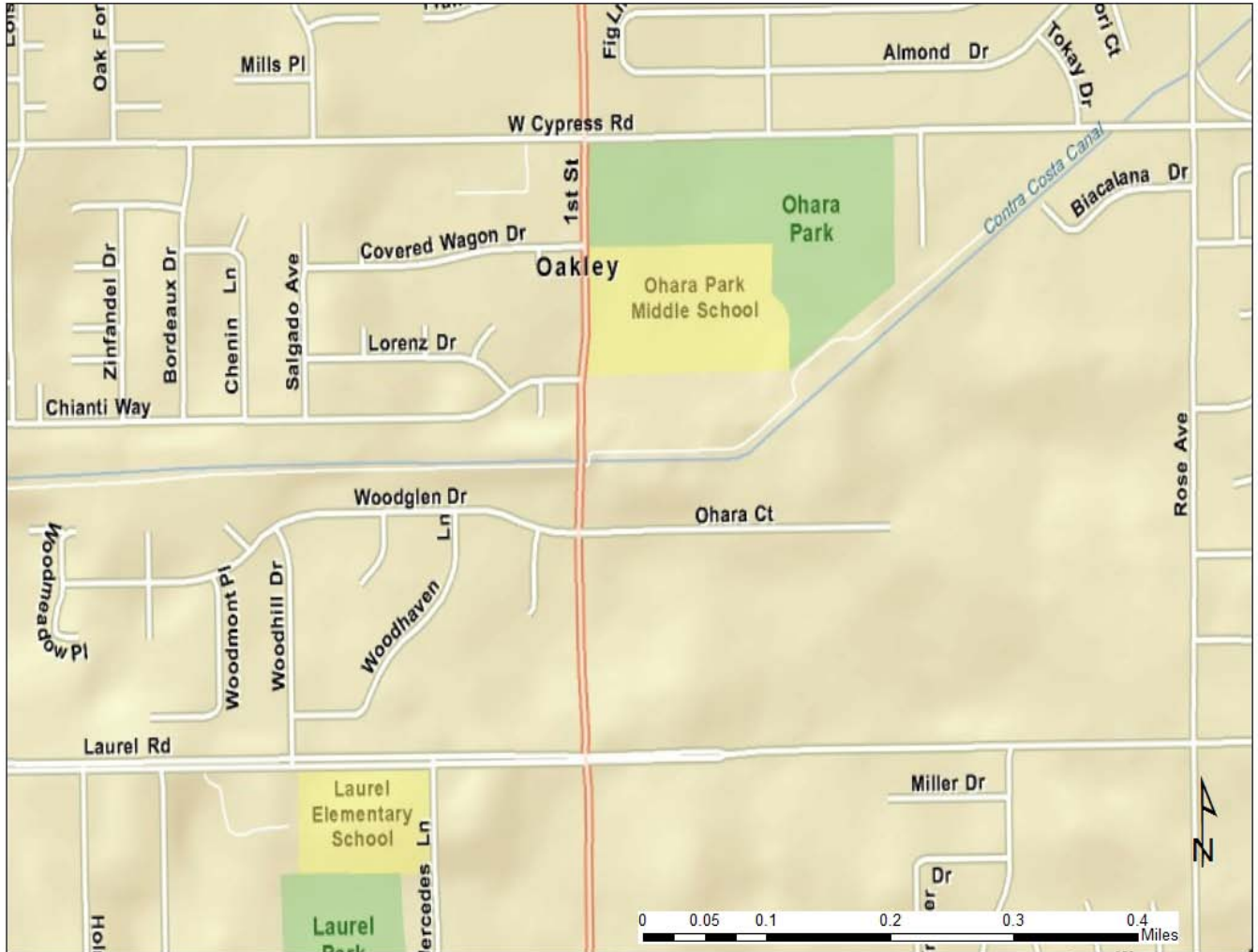


Figure 2 – Project Location (Streets)

The Bureau of Reclamation (Reclamation) originally approved a Categorical Exclusion Checklist (CEC) on May 17, 1985 for the city to widen O’Hara Avenue over the Canal. After local approvals were obtained, Reclamation issued easement number 8-08-20-L4241, dated December 20, 1993 to use Reclamation right of way for the widening. While other portions of the road have been widened since that time, the section crossing the Canal has remained at the original width until recently when the project was reactivated.

Because over 25 years have elapsed since the original CEC was approved, the project was reviewed to determine whether there were “new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts” (40 CFR 1502.9). Two areas of new information were identified, specifically:

- 1) The Contra Costa Canal has been determined to be eligible for the National Register of Historic Places, and
- 2) Occurrences of protected species have been recorded near the project area.

A new evaluation was therefore necessary to demonstrate that the proposed action would not result in direct, indirect or cumulative impacts to these protected resources.

Purpose and Need for Action

In order to maintain traffic flow and reduce bottlenecks, the city of Oakley needs to maintain a consistent four-lane section on O'Hara Avenue through town. The purpose of Reclamation's action is to accommodate the City's widening project within the extent of Reclamation's right of way.

Proposed Action

Reclamation proposes to allow widening of O'Hara Avenue across the Contra Costa Canal in Oakley, California.

The city proposes to widen O'Hara Avenue at the canal to two 12-foot lanes in each direction with a 2-foot median, and 7-foot sidewalks on each side, for a total width of 64 feet. Beyond the canal crossing, the road would be widened to two 12-foot lanes in each direction with a 16-foot median, and 6-foot bike lanes and sidewalks on each side. The sidewalks would vary in width from 5 to 10 feet, depending on space available and facilities already in place. The total length of the widening would be approximately 0.4 miles, from Laurel Road to Covered Wagon Drive.

Work is proposed to begin in March 2013 and take approximately five months, with approximately one month's worth of work in Reclamation's Right of Way.

Environmental Commitments

The City of Oakley shall implement the following environmental protection measures:

Resource	Protection Measure
Biological Resources	A qualified biologist shall conduct pre-construction nesting bird surveys at each project site. If protected nesting birds are found at, or directly adjacent to a project site, work shall be postponed until the young have fledged or until the nest is no longer active.
Biological Resources	No more than 30 days prior to construction, a qualified biologist shall survey the project area for burrowing owls, their burrows and other sign. If any occupied burrows are found, no ground disturbing activities shall occur within 50 m of occupied burrows during the non-breeding season (September 1 through January 31) or within 75 m during the breeding season (February 1 through August 31). All survey information shall be documented and submitted to Reclamation.
Biological Resources	A preconstruction survey for San Joaquin kit foxes, their dens, and other sign shall be conducted by a qualified biologist no less than 14 and no more than 30 days prior to any activities. All survey information shall be documented and submitted to Reclamation.
Biological Resources	If any listed species are observed in the project area, Reclamation will be notified and the project will be rescheduled or postponed to avoid all impacts to species. Any scheduled operations and maintenance activities will also be rescheduled or postponed to avoid impacts to listed species.
Biological Resources	A litter control program shall be instituted at the project site. All workers shall

	ensure their food scraps, paper wrappers, food containers, cans, bottles, and other trash from the project area are deposited in covered or closed trash containers. The trash containers shall be removed from the project area at the end of each working day.
Biological Resources	No firearms (except for Federal, State, or local law enforcement officers and security personnel) or canine or feline pets shall be permitted on construction sites to avoid harassment or killing or injuring of listed species.

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

Other Actions

Contra Costa Water District (CCWD) has a separate and independent project to make safety improvements to the canal adjacent to this location. Reclamation approved the safety improvements as SCCAO CEC 12-032 on August 10, 2012. It is not expected that the two projects would have cumulative impacts beyond the impacts identified for each action individually. Reclamation recommends that CCWD and the City of Oakley coordinate to avoid conflicts.

Exclusion Category

516 DM 14.5 paragraph C (3): *Minor construction activities associated with authorized projects which correct unsatisfactory environmental conditions or which merely augment or supplement, or are enclosed within existing facilities.*

Evaluation of Criteria for Categorical Exclusion:

- | | | | | | | |
|---|----|-------------------------------------|-----------|--------------------------|-----|--------------------------|
| 1. This action would have a significant effect on the quality of the human environment (40 CFR 1502.3). | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 2. This action would have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA Section 102(2)(E) and 43 CFR 46.215(c)). | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 3. This action would have significant impacts on public health or safety (43 CFR 46.215(a)). | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 4. This action would have significant impacts on such natural resources and unique geographical characteristics as historic or cultural resources; parks, recreation, and refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); flood plains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas (43 CFR 46.215 (b)). | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 5. This action would have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks (43 CFR 46.215(d)). | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 6. This action would establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects (43 CFR 46.215 (e)). | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 7. This action would have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects (43 CFR 46.215 (f)). | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 8. This action would have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by Reclamation (LND 02-01) (43 CFR 46.215 (g)). | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 9. This action would have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species (43 CFR 46.215 (h)). | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |

- | | | | | | | |
|--|----|-------------------------------------|-----------|--------------------------|-----|--------------------------|
| 10. This action would violate a Federal, tribal, State, or local law or requirement imposed for protection of the environment (43 CFR 46.215 (i)). | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 11. This action would affect ITAs (512 DM 2, Policy Memorandum dated December 15, 1993). | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 12. This action would have a disproportionately high and adverse effect on low income or minority populations (EO 12898) (43 CFR 46.215 (j)). | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 13. This action would limit access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007, 43 CFR 46.215 (k), and 512 DM 3)). | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 14. This action would contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act, EO 13112, and 43 CFR 46.215 (l)). | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |

Regional Archeologist concurred with Item 8. Their determination has been attached.

ITA Designee concurred with Item 11. Their determination has been attached.

Area Office Biologist concurred with Item 9. Their determination has been placed in the project file.



Lawrence, Benjamin <blawrence@usbr.gov>

FW: O'Hara Road Widening (SCCAO CEC 12-057)

Perry, Laureen <lperry@usbr.gov>

Thu, Jan 31, 2013 at 2:47 PM

To: "Lawrence, Benjamin" <blawrence@usbr.gov>

Ben,

Yes. As the issuance of permission to widen O'Hara Avenue on the crossing of the Contra Costa Canal was determined to be the type of undertaking with the potential to effect historic properties, Reclamation consulted with the California State Historic Preservation Officer (SHPO) under the National Historic Preservation Act Section 106 implementing guidelines at 36 CFR Part 800. On December 20, 2012, Reclamation submitted a finding of no historic properties affected for this undertaking. Under 36 CFR Section 800.3(c)(4), SHPO has 30 days from receipt of a finding to respond to the agency. If SHPO fails to respond within that time frame, the agency may proceed to the next step in the process based on the finding of effect. Since Reclamation finds No Historic Properties Affected and SHPO did not respond within 30 days of receipt of the submission, the NHPA Section 106 consultation is completed. Reclamation has no further obligations under NHPA Section 106.

Please keep this email with your administrative record.

Laureen Perry, Regional Archaeologist

[Quoted text hidden]

Lawrence, Benjamin T

From: Rivera, Patricia L
Sent: Monday, August 20, 2012 7:03 AM
To: Lawrence, Benjamin T; Williams, Mary D (Diane); Robbins, Eleanor J (Ellie)
Subject: BEN did we respond with ITA Determination?RE: Draft CEC SCCAO 12-057, Widening of O'Hara Avenue in Oakley

Importance: High

If we did not respond and to ensure you have a response here is another--on travel unable to check responses.

ELLIE--THIS IS ADMIN

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Ben,

I reviewed the proposed action to allow widening of O'Hara Avenue across the Contra Costa Canal in Oakley, California. The existing roadway consists of two 12-foot travel lanes, a sidewalk of varying width adjacent to the southbound lane and a 3-foot shoulder adjacent to the northbound lane. The city now proposes to widen the road at the canal to two 12-foot lanes in each direction with a 2-foot median, and 7-foot sidewalks on each side, for a total width of 64 feet. Beyond the canal crossing, the road would be widened to two 12-foot lanes in each direction with a 16-foot median, and 6-foot bikes lanes and sidewalks on each side. The sidewalks would vary in width from 5 to 10 feet, depending on space available and facilities already in place. The total length of the widening would be approximately 0.4 miles, from Laurel Road to Covered Wagon Drive.

The proposed action does not have a potential to affect Indian Trust Assets