

RECLAMATION

Managing Water in the West

Categorical Exclusion Checklist

Donald Griffith Easement at Tracy Pumping Plant

CEC-12-059

Prepared by:



Nicholas Kilb
Natural Resources Specialist
South-Central California Area Office

Date:

4/30/13

Concurred by:

See Attachment
Archaeologist/Architectural Historian
Mid-Pacific Regional Office

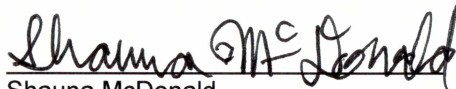
Date: See Attachment

Concurred by:

See Attachment
Native American Affairs Specialist
Mid-Pacific Regional Office

Date: See Attachment

Concurred by:



Shauna McDonald
Wildlife Biologist
South-Central California Area Office

Date:

4/30/13

Concurred by:

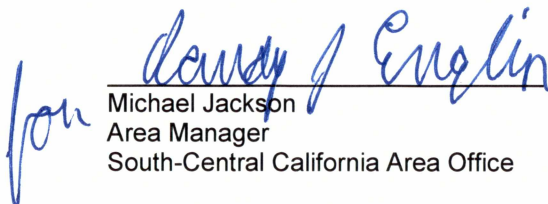


Chuck Siek
Supervisory Natural Resources Specialist
South-Central California Area Office

Date:

5/1/13

Approved by:



for

Michael Jackson
Area Manager
South-Central California Area Office

Date:

5/2/13



U.S. Department of the Interior
Bureau of Reclamation
South-Central California Area Office

April 2013

Background

Donald Griffith (Applicant) owns a home adjacent and to the west of the Tracy Pumping Plant, a Federal facility managed by Reclamation (Exhibit A). The home was built about 25 years ago. Applicant has used a gravel road across Reclamation's right of way (Exhibit B) to access his home since it was built. Applicant states he had an agreement with Reclamation to use road but Reclamation has been unable to locate documentation of it. Applicant now desires to sell the home, but is unable to because there is no easement (legal authority) to travel upon or across Reclamation's land.

Purpose and Need for Action

The applicant needs the legal authority to cross Reclamation's property at Tracy Pumping Plant.

Proposed Action

Reclamation proposes to grant a non-exclusive easement allowing use of the existing gravel road adjacent to Tracy Pumping Plant (Exhibit B) to access the applicant's house. Reclamation would also issue a temporary license to allow the applicant to cross the property, while waiting for the easement to be recorded.

Exclusion Category

516 DM 14.5 paragraph D (10): *Issuance of permits, licenses, easements, and crossing agreements which provide right-of-way over Bureau lands where the action does not allow for or lead to a major public or private action.*

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 placed within the project file.

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

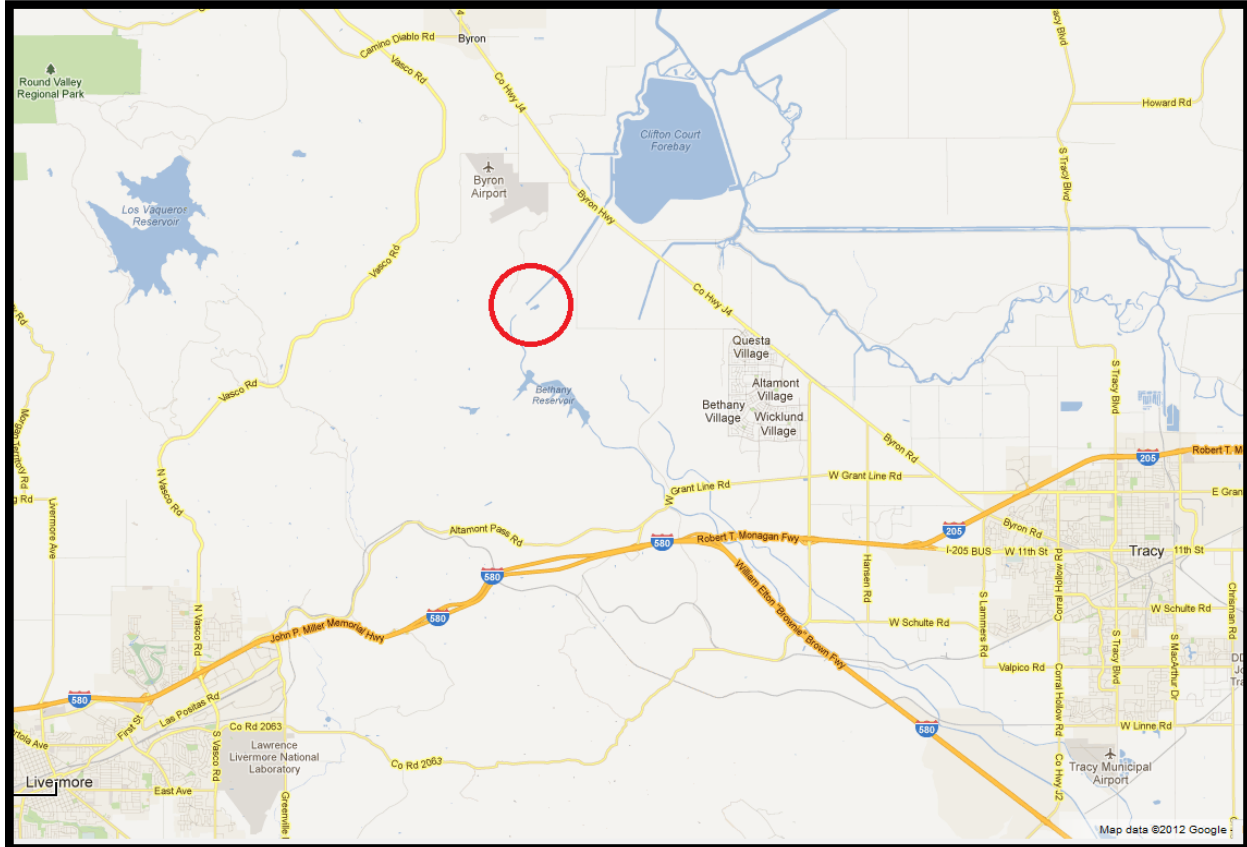
ITA Designee concurred with Item 11. Their determination has been placed within the project file.

"EXHIBIT A"

NON-EXCLUSIVE EASEMENT ON RECLAMATION ROW

TRACY FISH FACILITY
TRACY, CA

LND-12-21




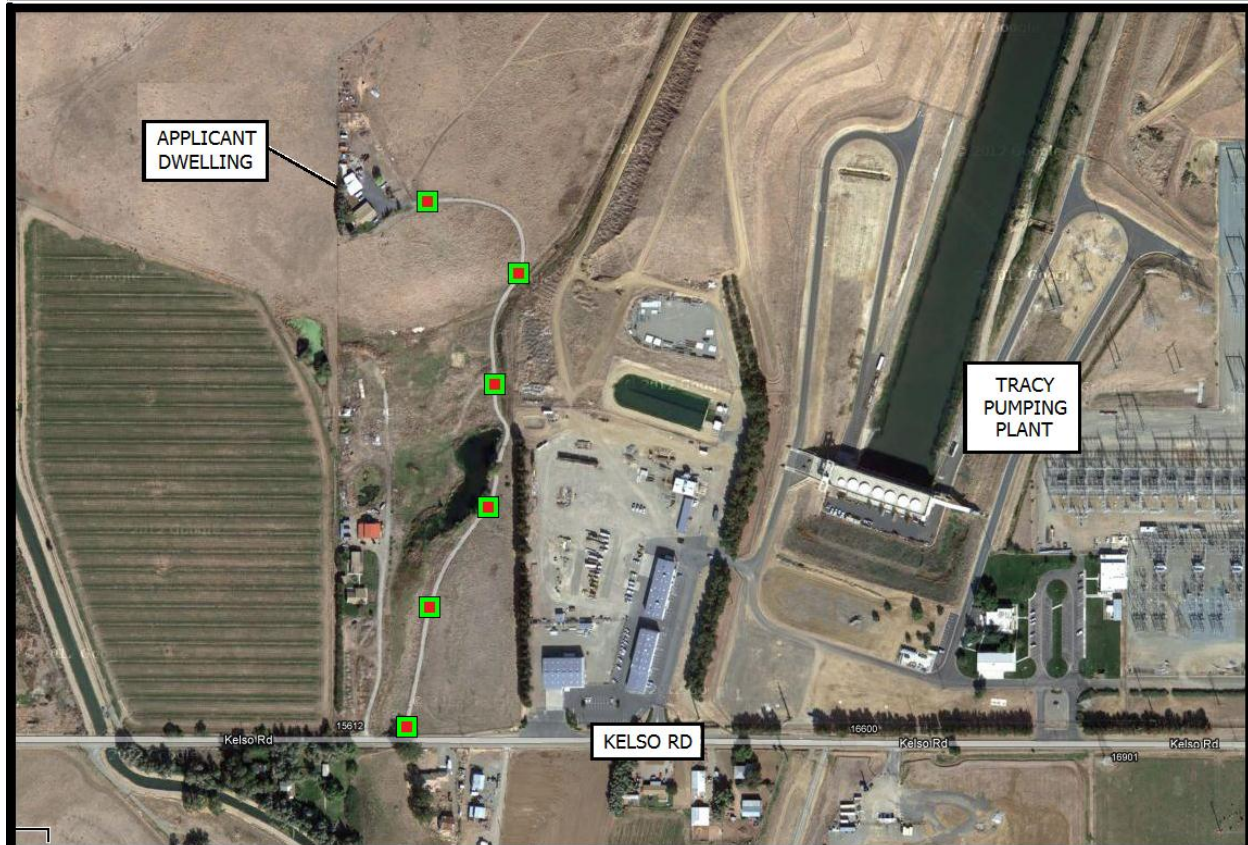
"EXHIBIT B"

NON-EXCLUSIVE EASEMENT ON RECLAMATION ROW

TRACY FISH FACILITY
TRACY, CA

LND-12-21

APPROXIMATE PATH OF
NON-EXCLUSIVE EASEMENT = 



Attachment A Cultural Resources Determination

From: Bruce, Brandee E
Sent: Monday, October 15, 2012 4:31 PM
To: Kilb, Nicholas D
Cc: BOR MPR Cultural Resources Section
Subject: Request for Determinations, Donald Griffith Easement at Tracy Pumping Plant-CR RESP

Tracking No. 13-SCAO-011

Project Name: Donald Griffith Easement at Tracy Pumping Plant (TPP)

Exclusion Category: D(10) Issuance of permits, licenses, easements, and crossing agreements which provide right-of-way over Bureau of Reclamation lands where the action does not allow or lead to larger public or private action.

Nick,

The proposed undertaking to grant a non-exclusive easement to allow landowner Donald Griffith use of the existing gravel road adjacent to the TPP for access to the applicant's property has no potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1).

I can now concur with Item 8 on CEC-12-059 titled *Donald Griffith Easement at Tracy Pumping Plant*. This email is intended to convey the completion of the Section 106 review process for this undertaking. Please retain a copy of this email with the administrative record for this NEPA action. Thank you for the opportunity to comment.

BranDee

BranDee Bruce
Architectural Historian
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA. 95825
Phone: (916) 978-5039
Fax: (916) 978-5055

Attachment B Indian Trust Assets Determination

From: Rivera, Patricia L
Sent: Monday, October 15, 2012 10:36 AM
To: Kilb, Nicholas D; Robbins, Eleanor J (Ellie); Williams, Mary D (Diane)
Subject: ADMIN ELLIE -----RE: Request for Determinations, Donald Griffith Easement at Tracy Pumping Plant

Nick,

I reviewed the proposed action where Reclamation proposes to grant a non-exclusive easement allowing use of the existing gravel road adjacent to Tracy Pumping Plant to access the applicant's house.

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

Patricia Rivera
Native American Affairs Program Manager
Bureau of Reclamation
Mid-Pacific Region
Sacramento, California 95825
(916) 978-5194 (Office)
(916) 978-5290 (Fax)

privera@usbr.gov

