

RECLAMATION


Managing Water in the West

Categorical Exclusion Checklist

Contra Costa Canal Geotechnical Investigations at Milepost 22.5 for Slope Embankment Repair Project

CEC-13-052

Prepared by:


Rafn L. Emerson
Natural Resources Specialist
South-Central California Area Office

Date: 05/16/2014

Concurred by:

See Attachment
Archaeologist
Mid-Pacific Regional Office

Date: See Attachment

Concurred by:

See Attachment
Native American Affairs Specialist
Mid-Pacific Regional Office

Date: See Attachment

Concurred by:


Lisa Carlson
Wildlife Biology Technician
South-Central California Area Office

Date: 05/16/2014

Concurred by:


Benjamin Lawrence
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South-Central California Area Office

Date: 5-16-14

Approved by:


for Michael Jackson
Area Manager
South-Central California Area Office

Date: 5/16/14



Background

A large slide has occurred on the south side of the lined portion of the Contra Costa Canal (Canal) at Milepost (MP) 22.5 (Figure 1). The slopes around MP 22.5 have very steep banks and there is potential for slide material to fall into the Canal, which would block flow to downstream users including CCWD's Bollman Water Treatment Plant and the Shortcut pipeline that serve the communities of Concord, Pleasant Hill, Walnut Creek and Martinez. Contra Costa Water District (CCWD) pursuant to its operating agreement (Contract No. 14-06-200-6072A) with the Bureau of Reclamation (Reclamation) has requested authorization to conduct geotechnical investigations at MP 22.5 in order to assess the extent of repairs needed.



Figure 1 Proposed Action Area

Purpose and Need for Action

CCWD needs to determine the types of soils present at MP 22.5 in order to design a long-term repair plan.

Proposed Action

Reclamation proposes to authorize CCWD, pursuant to their operating agreement, to conduct subsurface geotechnical data collection along the Canal near MP 22.5. Data collection would include excavation with a small excavator of six test pits at the locations shown in Figure 2. Excavations would be approximately 3-feet wide by 8-feet long and 12-feet deep and would take approximately 2 days to complete. The total amount of excavated material for the geotechnical testing would be approximately 48 cubic yards.

All test pits would be located on Reclamation rights-of-way; however, access to the sites may need to cross U.S. Navy property located adjacent and upslope of MP 22.5 (see Figure 2). CCWD will acquire permission from the U.S. Navy prior to crossing any portion of its property.

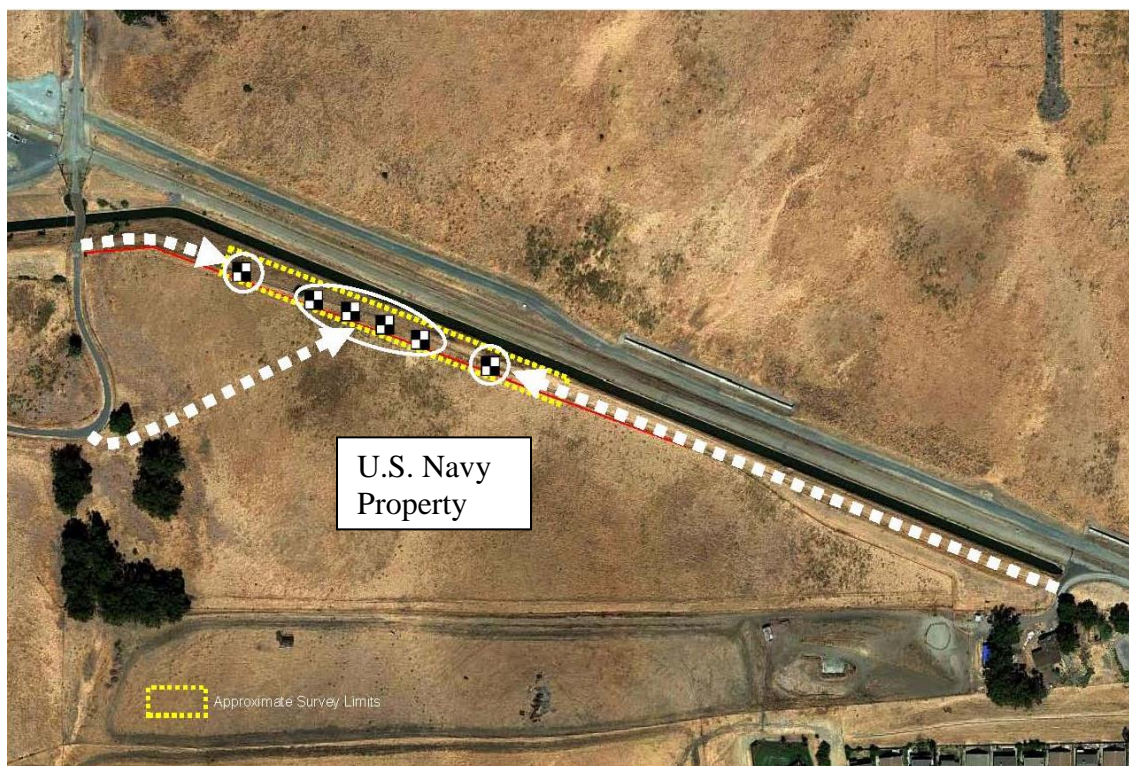


Figure 2 Test Pit Locations & Approximate Access Routes

Environmental Commitments

CCWD would implement the following environmental commitments to avoid any environmental consequences associated with the Proposed Action (Table 1). Environmental consequences for resource areas assume the measures specified will be fully implemented.

Table 1 Environmental Commitments

Resource	Protection Measure
Biological Resources	Before any ground-disturbing construction activities for the proposed action begin on the site, a qualified biologist shall conduct focused surveys for burrowing owls in areas of suitable habitat on and within 250 feet of the project construction footprint. Surveys shall be repeated if a two-day or longer lapse in project construction activities occurs. Surveys shall be conducted as detailed in the California Department of Fish and Game staff report and Burrowing Owl Consortium Guidelines to avoid direct take. If no occupied burrows are found in the survey area, a letter report documenting survey methods and findings will be submitted to Reclamation at least 5 days before construction.
Biological Resources	If occupied burrowing owl burrows are found prior to initiating construction, impacts will be minimized by establishing a buffer around the burrow of 160 feet during the non-breeding season (September 1 through January 31). During the breeding season (February 1 through August 31), impacts will be minimized by establishing a buffer around the burrow of 250 feet for all project-related construction activities until a qualified biologist confirms that the nest is no longer active. Active nests will be monitored by a qualified biologist to determine when the young have fledged and are feeding on their own. Reclamation will be consulted for clearance before construction activities resume with a non-disturbance buffer.
Biological Resources	If a burrowing owl is observed at the construction site at any time during construction, then exclusion fencing will be used to establish a safe buffer area until the animal can be passively relocated out of the construction area or other appropriate buffer distance is established consistent with Reclamation's guidance. Construction sites in areas that are excavated will remain active and disturbed to ensure that it is highly unlikely that the burrowing owl will return to the construction area.
Biological Resources	To avoid effects to the California tiger salamander and California red-legged frog, construction on the site will cease one half hour before sunset, and will not begin prior to one half hour before sunrise.
Biological Resources	Burrows that may be used by the California tiger salamander or California red-legged frog shall be avoided. If burrows cannot be avoided, no ground disturbing work shall commence until Reclamation's environmental staff has been contacted for further guidance.
Biological Resources	Two weeks before the onset of activities, a Reclamation approved biologist shall conduct a preconstruction survey for the California tiger salamander. Documentation of the survey shall be transmitted to Reclamation's environmental staff and no work shall commence until that information has been reviewed and notification of permission to proceed has been provided by a Reclamation biologist.
Biological Resources	Two weeks before the onset of activities, a Reclamation-approved biologist shall conduct a preconstruction survey for the California red-legged frog. Documentation of the survey shall be transmitted to Reclamation's environmental staff and no work shall commence until that information has been reviewed and notification of permission to proceed has been provided by a Reclamation biologist.
Biological Resources	During project activities, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and debris associated with the Proposed Action shall be removed from the work areas.
Biological Resources	The number of access routes, number and size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the project goal. Routes and boundaries shall be clearly demarcated.

Resource	Protection Measure
Biological Resources	To prevent inadvertent entrapment of listed species and other wildlife during construction, all excavated steep-walled holes or trenches more than 1 foot deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such trenches or holes are filled, they must be thoroughly inspected for trapped animals. If federally protected species are found in any of the holes or trenches, work shall stop and Reclamation shall be contacted immediately for further guidance. The proponent shall also contact Reclamation no more than two weeks after the project is completed to report on which animals, if any, were trapped during the project.
Biological Resources	If any listed species are observed in the action area, the action will be rescheduled to avoid all impacts to species. Scheduled operations and maintenance activities will be rescheduled or postponed to avoid impacts to listed species.

Exclusion Category

516 DM 14.5 paragraph B (3): *Data collection studies that involve test excavations for cultural resources investigations or test pitting, drilling, or seismic investigations for geologic exploration purposes where the impacts will be localized.*

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"/> |

Attachment A Cultural Resources Determination

CULTURAL RESOURCE COMPLIANCE
Mid-Pacific Region
Division of Environmental Affairs
Cultural Resources Branch

MP-153 Tracking Number: 14-SCAO-004

Project Name: Contra Costa Canal (CCC) Slope Embankment Repair Geotechnical Investigation Milepost (MP) 22.5, Contra Costa County, California

NEPA Document: CEC-13-052

Project Manager/NEPA Contact: Rain Emerson

MP 153 Cultural Resources Reviewer: Mark Carper

Date: 5/13/2014

This proposed undertaking by Reclamation is to authorize the excavation of five geotechnical trenches on the hillside above the Contra Costa Canal on Reclamation managed lands. Federal approval of the proposed project constitutes an undertaking pursuant to Section 301(7) of the NHPA (16 U.S.C. 470), as amended, which requires compliance with Section 106 of the NHPA. Reclamation conducted consultations under 36 CFR Part 800, the implementing regulations for Section 106 of the NHPA.

The proposed geotechnical testing would involve using a mini excavator to dig six trenches to identify repair strategies for an unstable slope which has partially slid down to the canal and threatens the canal's operation. The trenches will be placed on the slope at the slide location to determine the appropriate approach to correct the slumping problem. The trenches will be 3 feet wide, 8 feet long and 12 feet deep.

In an effort to identify historic properties Reclamation searched internal records from previous Reclamation projects in the area. Multiple Reclamation projects have been conducted in the vicinity, usually associated with CCC projects, spanning from the mid-1990s to the present. These include record searches which overlap the current project area.

Aside from the CCC itself, no other previously recorded cultural resources were identified inside or within 0.25 mile of the Area of Potential Effect (APE). The canal, which abuts the northern boundary of the APE, is a National Register of Historic Places eligible property; however, no activities are proposed on the canal.

Reclamation initiated consultation with the California State Preservation Office (SHPO) by letter dated March 24, 2014. A letter dated March 21, 2014 was also sent to the Ione Band of Miwok Indians. An email was received from the Ione on May 1, 2014 requesting additional

CULTURAL RESOURCE COMPLIANCE
Mid-Pacific Region
Division of Environmental Affairs
Cultural Resources Branch

documentation regarding the project but presented no information or concerns regarding potential effects of the project to sites of religious or cultural significance. A response email was sent May 6, 2014 providing the documentation requested. To date no additional responses to the last communication have been received.

As noted above, Reclamation initiated consultation with SHPO on March 21, 2014 requesting concurrence with a finding of no historic properties affected. Pursuant to the regulations at 36 CFR §800.5(c), SHPO has 30 days from receipt to review an agency finding. The SHPO has yet to respond to Reclamation's finding of effect. If after 30 days the SHPO has not responded, the regulations state that "...the agency official shall then carry out the undertaking in accordance with paragraph (d)(1) of this section" [§800.5(c)(1)]. Because the SHPO has failed to comment on Reclamation's finding within the period of time provided to them pursuant to the Section 106 regulations, Reclamation may move on to the next step of the Section 106 process.

Reclamation has concluded the NHPA Section 106 process for this undertaking. This memo serves as concurrence with item #8 on CEC-13-052 that the proposed action will have no significant impacts on historic properties. If project activities change or circumstances are altered after the date of this memo, additional NHPA Section 106 consultations or other cultural resources compliance review may be required.

Attachment B Indian Trust Assets Determination



Emerson, Rain <remerson@usbr.gov>

Re: CEC-13-052 for Review

RIVERA, PATRICIA <privera@usbr.gov>
To: Rain Emerson <remerson@usbr.gov>

Thu, May 15, 2014 at 8:24 AM

Rain,

I reviewed the proposed action to authorize CCWD, pursuant to their operating agreement, to conduct subsurface geotechnical data collection along the Canal near MP 22.5. Data collection would include excavation with a small excavator of six test pits at the locations. Excavations would be approximately 3-feet wide by 8-feet long and 12-feet deep and would take approximately 2 days to complete.

The total amount of excavated material for the geotechnical testing would be approximately 48 cubic yards.

All test pits are located on Reclamation rights-of-way; however, access to the sites may need to cross U.S. Navy property located adjacent and upslope of MP 22.5. CCWD will acquire permission from the U.S. Navy prior to using any portion of its property.

The proposed action does not have a potential to impact Indian Trust Assets. The nearest Indian Trust Asset is Lytton Rancheria, approximately 120 miles West of the project location.

Patricia Rivera
Native American Affairs Program Manager
US Bureau of Reclamation
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