

# RECLAMATION

*Managing Water in the West*

Final Environmental Assessment

## **Inclusion Review for Baldocchi Property into Contra Costa Water District Boundaries**

EA-13 -038



U.S. Department of the Interior  
Bureau of Reclamation

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## **Mission Statements**

The mission of the Department of the Interior is to protect and manage the Nation's natural resources and cultural heritage; provide scientific and other information about those resources; and honor its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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# Section 1 Introduction

The Bureau of Reclamation (Reclamation) provided the public with an opportunity to comment on the draft Environmental Assessment (EA) and Draft Finding of No Significant Impact between October 27, 2014 and November 26, 2014. No comments were received. Changes from the draft EA that are not minor editorial changes are indicated by vertical lines in the left margin of this document.

## 1.1 Background

Reclamation has a long-term contract with the Contra Costa Water District (Contra Costa WD) (Contract No. 175r-3401A-LTR1), to deliver Central Valley Project (CVP) water to Contra Costa WD for municipal and industrial (M&I) use. Contra Costa WD delivers raw water to Diablo Water District (Diablo WD), who treats the water and then delivers it to customers in the City of Oakley, among others.

In November 2005, the Contra Costa County Local Agency Formation Commission (LAFCo) issued a certificate of compliance for the Annexation of the Westerly Area Boundary Reorganization, consisting of approximately 80.47 acres. This included several areas proposed for development, among them the 24-acre parcel now known as the Baldocchi Property (formerly Tuscany Estates), shown below in Figure 1-1. The property is located southeast of the corner of Sellers Avenue and East Cypress Road, and is planned by the City of Oakley for single-family residential use (Oakley 2004). Current plans call for about 100 residential lots and a small park on the property.

The proposed development is currently located outside of Contra Costa WD's contractual service area for CVP water. However, the LAFCo has given Contra Costa WD and Diablo WD permission to extend their service areas for the purpose of providing water service to the new development. Contra Costa WD is now requesting that Reclamation approve inclusion of the 24-acre Baldocchi Property into the Contra Costa WD contractual service area for receipt of CVP water supplies.

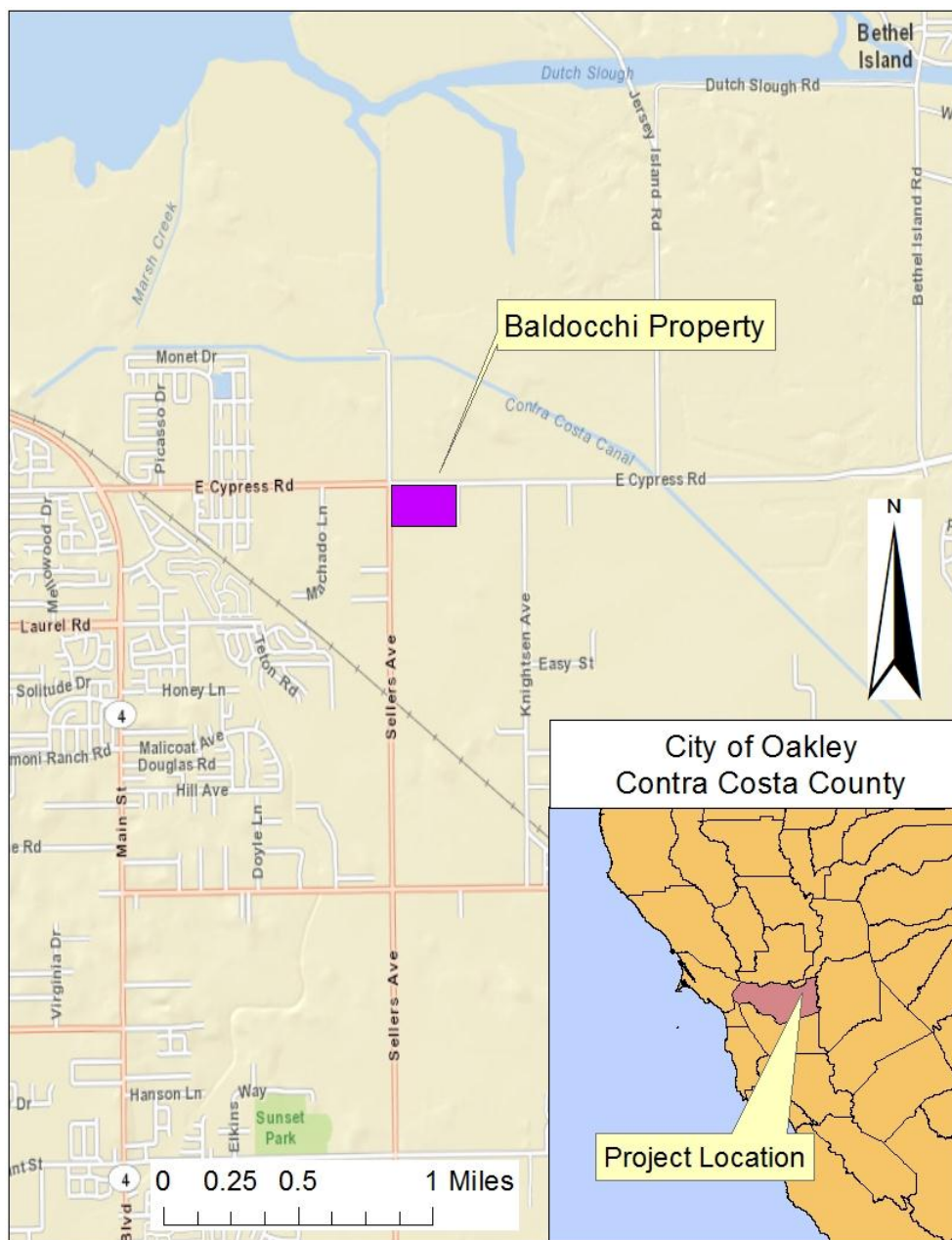


Figure 1-1 Property Location

## 1.2 Need for the Proposed Action

The City of Oakley's General Plan calls for single-family residential development on the property under consideration. However, Contra Costa WD and Diablo WD cannot deliver water to the proposed development without Reclamation's approval. The purpose of the Proposed Action is to allow Contra Costa WD to include the proposed development into their CVP service area.

## **Section 2 Alternatives Including the Proposed Action**

This EA considers two possible actions: the No Action Alternative and the Proposed Action. The No Action Alternative reflects future conditions without the Proposed Action and serves as a basis of comparison for determining potential effects to the human environment.

### **2.1 No Action Alternative**

Under the No Action Alternative, Reclamation would not approve inclusion of the Baldocchi property into Contra Costa WD's boundaries. Alternative sources of water would have to be found to provide service to the proposed development. At the time of writing this EA, no willing sellers of water or other specific alternative water sources have been identified.

### **2.2 Proposed Action**

Reclamation proposes to approve the inclusion of Contra Costa County Assessor's Parcel Numbers 032-010-002 and 032-010-012 into Contra Costa WD's CVP service area.

Under the Proposed Action, Reclamation would approve the inclusion requested by Contra Costa WD under Article 35 of M&I water service Contract Number I75r-3401A-LTR1 between Contra Costa WD and Reclamation. This would add the Baldocchi Property into the Contra Costa WD CVP service area boundary and allow Contra Costa WD (via the Diablo WD) to deliver CVP water to the property.

Following approval of the inclusion, the developer would begin construction on the site, consistent with the City of Oakley's General Plan. Current plans call for approximately 100 residential units, and a small park area roughly 1.67 acres in size (see tentative map in Appendix A). Lot sizes would be a minimum of 5,000 square feet, with an overall density of approximately 4.2 units per acre (including the park area). Access to the subdivision would be from Sellers Avenue and Franklin Lane.

#### **2.2.1 Environmental Commitments**

The developer shall implement the following environmental protection measures to reduce environmental consequences associated with the Proposed Action

(Table 2-1). Environmental consequences for resource areas assume the measures specified would be fully implemented. Copies of all reports and monitoring shall be submitted to Reclamation.

Table 2-1 Environmental Protection Measures and Commitments

<b>Resource</b>	<b>Protection Measure</b>
Air Quality	Developer shall comply with Bay Area Air Quality Management District (BAAQMD) requirements for control of fugitive dust in construction.
Water Supply	No other land outside the CVP service area shall receive water from the water line serving the proposed development.
Water Quality	The developer shall comply with permits regarding management of stormwater runoff.
	The developer shall contribute to Contra Costa WD's project to enclose the Contra Costa Canal.
Biological Resources	The developer shall comply with the stipulations of the Habitat Conservation Plan/ Natural Community Conservation Plan (HCP/NCCP).
Cultural Resources	If cultural resources are discovered during construction, the post-review discoveries procedures at 36 CFR § 800.13(b) shall be followed.



## Section 3 Affected Environment and Environmental Consequences

This section identifies the potentially affected environment and the environmental consequences involved with the Proposed Action and the No Action Alternative, in addition to environmental trends and conditions that currently exist.

### 3.1 Resources Eliminated from Further Analysis

Reclamation analyzed the affected environment and determined that the Proposed Action did not have the potential to cause direct, indirect, or cumulative adverse effects to the resources listed in Table 3-1.

Table 3-1 Resources Eliminated from Further Analysis

Resource	Reason Eliminated
Indian Sacred Sites	No impact to Indian Sacred Sites would occur under the No Action Alternative as conditions would remain the same as existing conditions. The Proposed Action would not impact Indian Sacred Sites as there are no known Indian Sacred Sites in the project area. No direct or indirect impacts to Indian Sacred Sites would occur as a result of the Proposed Action.
Indian Trust Assets	The Proposed Action does not have a potential to affect Indian Trust Assets (see Appendix B).

### 3.2 Water Resources

#### 3.2.1 Affected Environment

The project site is not currently connected to a public water system. Under the Proposed Action, it would be connected to the City of Oakley's water supply. The City of Oakley is supplied by the Diablo WD, which receives its primary water supply from Contra Costa WD. Contra Costa WD's primary source of water is its CVP contract for a maximum of 195,000 acre-feet per year, subject to regulatory and other temporary restrictions that may be imposed due to drought or other conditions.

#### 3.2.2 Environmental Consequences

##### **No Action**

If the inclusion request were denied, construction of the Baldocchi Property project would be delayed until another source of water could be secured. No specific alternative water supplies have been identified.

**Proposed Action**

**Water Supply** The water proposed to serve the Baldocchi Property would come from existing CVP supplies that are allocated to the Contra Costa WD under its contract with Reclamation. No additional water would be diverted from rivers or reservoirs, and no other land outside the CVP service area would receive water from the water line serving the proposed development.

**Water Quality** To reduce water quality impacts from soil erosion during construction, the State Water Resources Control Board (SWRCB) requires any development which disturbs one acre or more to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (SWRCB 2014). The general construction permit requires the developer to file a Notice of Intent for the proposed project and to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP prescribes site-specific Best Management Practices for controlling erosion and water quality impacts. Compliance with the Construction General permit and SWPPP are anticipated to adequately mitigate water quality impacts from construction associated with the Proposed Action.

In addition to short-term construction impacts, long-term water quality can be affected by runoff from developed areas. This stormwater can carry oils, lawn chemicals, sediment and litter, all of which can have an adverse effect on receiving water bodies. In order to minimize these effects, the Regional Water Quality Control Board issued a municipal stormwater permit to Contra Costa County, its cities and towns, and the Contra Costa Flood Control and Water Conservation District in 1993. The requirements of the permit are implemented through the Contra Costa Clean Water Program's *Stormwater C.3 Guidebook; Stormwater Quality Requirements for Development Applications* (Contra Costa Clean Water Program 2012). The Guidebook outlines requirements for long-term stormwater management, depending on the size of impervious area, landscaping features, etc. Compliance with these standards and requirements is expected to adequately limit impacts from impervious area runoff to surface water quality.

The Contra Costa Canal (Canal) is located approximately 4,000 feet north of the project site. Due to the proximity of the waterway to the planned residential properties along East Cypress Road, stormwater runoff generated from roofs, roadways, and other new impervious surfaces could potentially affect water quality, resulting in both increased runoff as well as increased loading of urban pollutants into receiving waters. Contra Costa WD has expressed concern that drainage and seepage originating from the housing developments could impact the Canal's water quality. Contra Costa WD is in the process of encasing the unlined Canal segment from Marsh Creek to Sellers Avenue in a 10-foot pipeline (Reclamation 2013), as well as installing a flood isolation structure downstream of the Rock Slough Headworks. This should eliminate the issue of stormwater runoff seeping into groundwater via the unlined Canal. The project applicant (East Cypress Developers) will provide a contribution towards the cost of

replacing the unlined Canal with a pipeline under an existing agreement with Contra Costa WD.

### ***Cumulative Impacts***

**Water Supply** Development of the Baldocchi property and similar parcels in the area would increase demand on the available supply of potable water. However, this development has already been considered in the course of planning for the area's water needs. The City's Master Plan specifically mentions the "eastern expansion area" in its discussion of future water needs and planned capacity improvements (Oakley 2002a p. 4-20). The water needs for this area have therefore already been considered and evaluated, and the Proposed Action does not represent a potential for any new cumulative impacts to water supply.

**Water Quality** Developed areas have the potential to contribute to cumulative degradation of sensitive water resources, as a result of uncontrolled runoff from impervious areas. As described above, Contra Costa County regulates stormwater discharges from these areas and requires developers to incorporate stormwater control and improvement measures into their designs. The Proposed Action is within the scope of activities anticipated by this regulatory program, and is not expected to result in cumulative impacts beyond those already considered and evaluated.

## **3.3 Land Use**

### **3.3.1 Affected Environment**

The project site is located in the City of Oakley. Within Oakley, land use policies are established in the City's General Plan and Zoning Code. The Baldocchi property and surrounding properties are currently in use for agriculture and/or low-density residential development. The City's general plan foresees conversion of the area to full residential development, with designated areas reserved for park and open space.

### **3.3.2 Environmental Consequences**

#### ***No Action***

If no action were taken, the property would remain in use for agriculture, and development would be delayed until another source of water could be identified. If an alternative source of water could not be secured, regional housing needs would have to be met elsewhere. Therefore, land use impacts would be relocated, rather than avoided.

#### ***Proposed Action***

Under the Proposed Action, Reclamation would approve the inclusion requested by Contra Costa WD. Following approval of the inclusion, the developer would begin construction on the site. This would change the land use from agricultural use to a residential subdivision with approximately 100 housing units and a small

park area. The proposed development is consistent with the City's general plan, and has received LAFCo approval.

### ***Cumulative Impacts***

The Proposed Action, along with other projects in the City of Oakley, would change the intensity of land uses in the City's planning area. However, the 2020 General Plan designates this area for urban development, and anticipates this growth. All developments proposed and constructed within the City of Oakley are reviewed for consistency with citywide land use controls and development standards during the course of the project review and approval process. Therefore the land use controls and development standards presently in use within the City of Oakley adequately address cumulative land use impacts of new development.

## **3.4 Biological Resources**

### **3.4.1 Affected Environment**

Reclamation requested an official species list from the U.S. Fish and Wildlife Service (Service) via the Sacramento Field Office's website, [http://www.fws.gov/sacramento/ES\\_Species/Lists/es\\_species\\_lists-form.cfm](http://www.fws.gov/sacramento/ES_Species/Lists/es_species_lists-form.cfm), on June 5, 2014 (document number: 140605051605). The list is for the following U.S. Geological Survey 7½-minute topographic quadrangle: Brentwood (Service 2014). Reclamation further queried the California Department of Fish and Wildlife California Natural Diversity Database (CNDDB) for records of protected species within 10 miles of the construction area associated with the Proposed Action (CNDDB 2014). A summary table (Table 3-2) was created from the Service species list, CNDDB records, and additional information within Reclamation's files. The remainder of the information from this section was taken from the Planning Survey Report that was prepared for the Tuscany Estates Project for compliance with the East Contra Costa County HCP/NCCP (Winfield & Associates 2014a), and a report addressing the potential for wetlands or other waters under the jurisdiction of the U.S. Army Corps of Engineers (Winfield & Associates 2014b).

The project area is almost 24 acres in size. It was formerly a walnut orchard but in more recent years has been used to cultivate hay; the land is regularly tilled. Some trees remain on the site, and there are some buildings, which are currently in use. The buildings are used for equipment and other material storage in support of the ongoing dry farming of the croplands that form the bulk of the project site and are not abandoned. There is a ditch along the property that has basically converted into upland habitat, presumably because of a reduction in irrigated agriculture over time.

The project site provides potential habitat for two migratory bird species (both covered by the HCP/NCCP): the western burrowing owl and Swainson's hawk. There are five recorded observation of burrowing owls within one mile of the project site. The closest recorded burrowing owl observation is located

approximately 1,353 feet east of the project site. The next nearest observation is approximately 3,055 feet west of the project site.

During a September 15, 2013 site reconnaissance by Winfield & Associates, ground squirrels were observed in the cropland areas. While the cropland could possibly provide suitable habitat for the burrowing owl, the presence of seasonal hay crop during the winter and spring months and harvesting of the hay crop in the spring likely precludes use of the cropland areas by nesting burrowing owls. Dispersing juvenile and adult burrowing owls could use the site during the summer and early fall months prior to preparation of fields for planting. The narrow strip of ruderal land cover consists primarily of an open ditch and narrow hardened area along the south side of East Cypress Road. Ground squirrel burrows are present along the side slopes of the ditch, but because of the relatively dense growth of vegetation along most of the ditch it is unlikely that this area would be used by burrowing owls. No burrowing owls were observed during the September 15, 2013, site reconnaissance survey.

There are three Swainson's hawk nest sites within one mile of the project site but the nearest reported nest tree, located approximately 1,053 feet east of the project site, was cut down in 2005 and no recent nesting in other trees in the immediate vicinity has been recorded since 2005. The next nearest nest site is located approximately 1,170 feet west of the project site. The urban land cover supports trees, several of which could potentially be used for nesting by Swainson's hawks, but no potential nests were observed in these trees during the September 15, 2013 site reconnaissance survey.

Townsend's big-eared bat (a species covered by the HCP/NCCP) has not been recorded in Contra Costa County, according to the CNDDDB (CNDDDB 2014) and other information in Reclamation's files. Bat surveys were conducted by Winfield & Associates in 2013 covering the abandoned buildings and trees at the nearby Emerson Property and no Townsend's big-eared bats were found. Based on the lack of records and present use of the buildings at the Baldocchi Property, which have not been abandoned, this species would not occur on the site, and no further surveys would be conducted for bats.

The cropland, which covers the majority of the area, is disturbed several times a year, including preparation of the area for planting (discing), planting, harvesting of the cover crop and discing following harvesting of the cover crop. It is unlikely that the cropland supports any of the covered plant species due to the continual disturbance. The narrow ruderal cover type is also periodically disturbed and, as a result, is unlikely to support any of the covered species.

Table 3-2 Federally listed species in the Brentwood quadrangle

Species	Status <sup>1</sup>	Effects <sup>2</sup>	Occurrence in the Study Area <sup>3</sup>
<b>AMPHIBIANS</b>			
California red-legged frog ( <i>Rana draytonii</i> )	FT, X	NE	<b>Absent.</b> No individuals or habitat in area of effect.

Species	Status <sup>1</sup>	Effects <sup>2</sup>	Occurrence in the Study Area <sup>3</sup>
California tiger salamander ( <i>Ambystoma californiense</i> )	FT, X ST	NE	<b>Absent.</b> No individuals or habitat in area of effect.
<b>FISH</b>			
Central Valley steelhead ( <i>Oncorhynchus mykiss</i> ) (NMFS)	FT	NE	<b>Absent.</b> No natural waterways within the species' range will be affected by the Proposed Action.
delta smelt ( <i>Hypomesus transpacificus</i> )	FT, X, SE	NE	<b>Absent.</b> No natural waterways within the species' range will be affected by the Proposed Action.
Sacramento River winter-run chinook salmon ( <i>Oncorhynchus tshawytscha</i> )	FE, SE	NE	<b>Absent.</b> No natural waterways within the species' range will be affected by the Proposed Action.
<b>INVERTEBRATES</b>			
Conservancy fairy shrimp ( <i>Branchinecta conservatio</i> )	FE	NE	<b>Absent.</b> No individuals or habitat in area of effect.
longhorn fairy shrimp ( <i>Branchinecta longiantenna</i> )	FE	NE	<b>Absent.</b> No individuals or habitat in area of effect.
valley elderberry longhorn beetle ( <i>Desmocerus californicus dimorphus</i> )	FT	NE	<b>Absent.</b> No individuals or habitat in area of effect.
vernal pool fairy shrimp ( <i>Branchinecta lynchi</i> )	FT, X	NE	<b>Absent.</b> No individuals or habitat in area of effect.
vernal pool tadpole shrimp ( <i>Lepidurus packardii</i> )	FE	NE	<b>Absent.</b> No individuals or habitat in area of effect.
<b>MAMMALS</b>			
San Joaquin kit fox ( <i>Vulpes macrotis mutica</i> )	FE, ST	NE	<b>Absent.</b> No individuals or habitat in area of effect.
<b>PLANTS</b>			
Antioch Dunes evening-primrose ( <i>Oenothera deltoides</i> ssp. <i>howellii</i> )	FE, SE	NE	<b>Absent.</b> No individuals or habitat in area of effect.
<b>REPTILES</b>			
Alameda whipsnake ( <i>Masticophis lateralis euryxanthus</i> )	FT, ST	NE	<b>Absent.</b> No individuals or habitat in area of effect.
giant garter snake ( <i>Thamnophis gigas</i> )	FT, ST	NE	<b>Absent.</b> No individuals or habitat in area of effect.
<p>1 Status= Listing of Federal and State special status species  FE: Federally-listed as endangered  FT: Federally-listed as threatened  NMFS: Species under the jurisdiction of the National Oceanic &amp; Atmospheric Administration Fisheries Service  SE: State-listed as endangered  ST: State-listed as threatened  X: Critical Habitat designated for this species in one or more quadrangles on the list</p> <p>2 Effects = Effect determination  NE: No Effect from the Proposed Action to federally listed species</p> <p>3 Definition Of Occurrence Indicators  Absent: Species not recorded in study area and habitat requirements not met</p>			

There are no Federally listed or proposed species that could occur in the area, and there is no critical habitat overlying the site, either.

### **3.4.2 Environmental Consequences**

#### ***No Action***

If no action were taken, the property would remain in use for agriculture, and development would be delayed until another source of water could be identified. There would be no new impacts to habitat or wildlife.

#### ***Proposed Action***

Development of the project site would impact potentially suitable breeding habitat for the western burrowing owl and may also affect Swainson's hawks.

Appropriate measures would be implemented as required by the HCP/NCCP, which would completely avoid any take (as defined by the Migratory Bird Treaty Act). Payment of fees by the developer into the HCP/NCCP would help to fund acquisition, protection, and management of habitat that would help to compensate for impacts to the species' habitat.

With the above limitations and based upon the nature of this action Reclamation has determined there would be No Effect to proposed or listed species or critical habitat under the Endangered Species Act of 1973, as amended (16 U.S.C. §1531 et seq.), and there would be no take of birds protected under the Migratory Bird Treaty Act (16 U.S.C. §703 et seq.).

#### ***Cumulative Impacts***

Three other actions in the area could cause cumulatively effects when combined with the Proposed Action. They are as follows:

- Contra Costa WD plans to encase the Contra Costa Canal segment north of the Baldocchi parcel in a pipeline and install a flood isolation structure at the Rock Slough Headworks just downstream of Rock Slough at the entrance of the Canal. Ultimately the entire unlined Canal will be placed in a pipeline.
- The Dutch Slough Restoration Project would restore wetland and upland habitats and provide public access to a 1,166-acre property owned by the Department of Water Resources.
- There are numerous proposed and approved residential subdivisions and land development projects in the area. Reclamation has approved multiple boundary changes to include lands into Contra Costa WD's service area. Each proposed inclusion and development project undergoes separate environmental reviews and appropriate consultations in accordance with applicable laws, regulations and permits. Measures are imposed to avoid or offset the loss and decline of habitats, fish, wildlife and plants from the

Contra Costa Canal Replacement Project and the land development projects. In addition, the Dutch Slough Restoration Project would increase the quality of habitat for biological species in the long term. Furthermore, the HCP/NCCP has been expressly developed and designed to minimize the cumulative impacts from development in the eastern portion of the county.

### **3.5 Cultural Resources**

“Cultural resources” is a broad term that includes prehistoric, historical, architectural, and traditional cultural properties. The National Historic Preservation Act (NHPA) of 1966 is the primary Federal legislation that outlines the Federal Government’s responsibility with respect to cultural resources. Section 106 of the NHPA requires the Federal Government to take into consideration the effects of an undertaking on cultural resources listed on or eligible for inclusion in the National Register of Historic Places (National Register); such cultural resources are referred to as “historic properties.” The Section 106 process is outlined in the Federal regulations at 36 Code of Federal Regulations (CFR) Part 800. These regulations describe the process that the Federal agency (Reclamation) follows to identify and assess the level of effect that the proposed undertaking will have on historic properties. In summary, Reclamation must first determine if the action involves the type of activity that has the potential to cause effects on historic properties. If so, Reclamation must identify the area of potential effects (APE), determine if historic properties are present within the APE, determine the effect that the undertaking will have on historic properties, and consult with the State Historic Preservation Officer (SHPO) to seek concurrence with Reclamation’s finding of effect. In addition, Reclamation is required through the Section 106 process to consult with Indian tribes concerning sites of religious or cultural significance, and to consult with other individuals or groups who are entitled or have requested to be consulting parties.

#### **3.5.1 Affected Environment**

The Baldocchi property consists of a 24-acre parcel historically used for agricultural purposes and currently proposed for residential development, requiring inclusion into the Contra Costa WD CVP service area. Efforts to identify historic properties associated with the Baldocchi property were conducted by First Carbon Solutions (First Carbon Solutions 2014), with supplemental information provided by Basin Research Associates and in-house research conducted by Reclamation cultural resources personnel.

Briefly, from historical maps, plats, and topographic quadrangles, it is known that what currently comprises the Baldocchi property was planted in walnut orchards by at least 1937. Prior to that time, there were no buildings or other mapped features on the parcel. The Baldocchi family constructed a single-family home on the property in 1953, taking tenancy in 1954. An irrigation ditch, which runs



along the northern boundary of the property, first shows up on available historic aerial photographs in 1958. A barn, garage/workshop, and well pump shed were constructed on the property in the mid-1960s. The house, ditch, and outbuildings comprise the built environment on the Baldocchi Property. All have been individually evaluated under all four criteria for National Register eligibility (36 CFR §60.4) and determined by Reclamation to be individually ineligible for National Register inclusion. Additionally, Reclamation evaluated the property as a whole for National Register eligibility and likewise determined it ineligible for the National Register. Historic properties identification efforts, including coordination with Indian tribes, failed to reveal any prehistoric cultural resources concerns on the property.

Based on the above, and pursuant to 36 CFR §800.4(d)(1), Reclamation consulted with, and received concurrence from, the SHPO on a finding of no historic properties affected for the inclusion of the Baldocchi property. See Appendix C.

### **3.5.2 Environmental Consequences**

#### ***No Action***

If no action were taken, Reclamation would have no undertaking under Section 106 of the NHPA and no other responsibilities related to compliance with cultural resources laws or regulations. Land use, and potential impacts to cultural resources, would remain unchanged until another water source sufficient for development is identified.

#### ***Proposed Action***

Under the Proposed Action, Reclamation would approve the inclusion requested by Contra Costa WD. Following approval of the inclusion, the Baldocchi property would be developed as planned. With Reclamation's determination that there are no historic properties within the Baldocchi property APE, and SHPO concurrence with Reclamation's Section 106 finding of no historic properties affected, implementation of the Proposed Action would result in no significant impacts to cultural resources.

#### ***Cumulative Impacts***

Ongoing residential and commercial development of lands in eastern Contra Costa County has the potential to result in cumulative impacts to significant cultural resources eligible for inclusion in the National Register, assuming such properties are present. However, any future proposed changes to water delivery areas, or the means of such delivery, requiring Reclamation approval would be subject to separate cultural resources reviews under the National Environmental Policy Act and NHPA Section 106 as required. In such cases where significant cultural resources (i.e., historic properties) would be impacted by Reclamation action, such impacts would be mitigated or otherwise resolved through the Section 106 process.

## 3.6 Socioeconomic Resources

### 3.6.1 Affected Environment

Contra Costa County's economic indicators are better than for California as a whole. Per capita income is higher, and the unemployment and poverty rates are lower than statewide levels. See Table 3-3 for more information.

Table 3-3 Contra Costa County Economic Data (2012)

County	Per Capita Income	Unemployment Rate	Poverty Rate
Contra Costa County	\$38,106	9.0%	10.2%
California	\$29,551	11.4%	15.3%

Source: Census Bureau 2012 , Census Bureau 2013

### 3.6.2 Environmental Consequences

#### **No Action**

If no action were taken, the property would remain in use for agriculture, and development would be delayed until another source of water could be identified. If an alternative source of water could not be secured, regional housing needs would have to be met elsewhere. Socioeconomic impacts would likely be similar, but would take place at a somewhat different location.

#### **Proposed Action**

The Proposed Action would allow addition of the Baldocchi site to Contra Costa WD's CVP service area. Following approval of the inclusion, the developer would begin construction consistent with the City of Oakley's General Plan. A short-term increase in economic activity would be expected from the construction of new homes, due to purchases of materials and equipment, as well as wages paid to laborers.

#### **Cumulative Impacts**

Construction of a new residential development is anticipated to provide a short-term economic benefit to the area. The cumulative effect of the Proposed Action and other similar actions is expected to be positive, supporting local businesses and providing additional employment and economic opportunities that otherwise would not be available.

Development in the area is regulated by local zoning ordinances. These land use policies are designed to manage growth in a way that provides a cumulative benefit to residents. The Proposed Action is consistent with these policies.

## 3.7 Environmental Justice

### 3.7.1 Affected Environment

Contra Costa County's demographic characteristics are generally similar to California's as a whole, although the percentage of the population identifying as Hispanic or Latino is somewhat lower. See Table 3-4 for more information.

Table 3-4 Contra Costa County Demographic Data (2012)

	<b>White (not Hispanic)</b>	<b>Black or African American</b>	<b>American Indian</b>	<b>Asian</b>	<b>Native Hawaiian/ Pacific Islander</b>	<b>Hispanic or Latino</b>
Contra Costa County	68.3%	9.6%	1.0%	15.6%	0.6%	24.8%
California	73.7%	6.6%	1.7%	13.9%	0.5%	38.2%

### 3.7.2 Environmental Consequences

#### ***No Action***

If no action were taken, there would be no effect on minority or low-income populations.

#### ***Proposed Action***

The Proposed Action would lead to construction of a new residential subdivision. Construction laborers often come from low-income and minority populations, so this would provide a short-term benefit to disadvantaged communities in terms of increased employment opportunities.

#### ***Cumulative Impacts***

The Proposed Action is anticipated to provide short-term employment opportunities for construction laborers. Since construction laborers often come from disadvantaged communities, this is a benefit to minority and low-income populations. The cumulative effect of the Proposed Action, combined with other similar construction projects in the area, is also expected to be a benefit to those communities.

## 3.8 Air Quality

Section 176 (C) of the Clean Air Act [CAA] (42 U.S.C. 7506 [C]) requires any entity of the federal government that engages in, supports, or in any way provides financial support for, licenses or permits, or approves any activity to demonstrate that the action conforms to the applicable State Implementation Plan (SIP) required under Section 110 (a) of the Federal CAA (42 U.S.C. 7401 [a]) before the action is otherwise approved. In this context, conformity means that such federal actions must be consistent with SIP's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards and achieving expeditious attainment of those standards. Each federal agency must determine that any action that is proposed by the agency and that is subject to the regulations implementing the conformity requirements would, in fact conform to the applicable SIP before the action is taken.

On November 30, 1993, the Environmental Protection Agency (EPA) promulgated final general conformity regulations at 40 CFR 93 Subpart B for all

federal activities except those covered under transportation conformity. The general conformity regulations apply to a proposed federal action in a non-attainment or maintenance area if the total of direct and indirect emissions of the relevant criteria pollutants and precursor pollutant caused by the Proposed Action equal or exceed certain *de minimis* amounts thus requiring the federal agency to make a determination of general conformity.

### **3.8.1 Affected Environment**

Despite progress in improving air quality, the San Francisco Bay Area Air Basin remains in non-attainment for the Federal 8-hour ozone standard and the Federal 24-hour PM<sub>2.5</sub> standard. California's more stringent 1-hour and 8-hour ozone standards, annual PM<sub>10</sub> and PM<sub>2.5</sub> standards, and 24-hour PM<sub>10</sub> standard also have not been attained (CARB 2014). Emissions in the San Francisco Bay Area not only contribute to nonattainment in the immediate area, but also contribute to air quality standard exceedences in air basins downwind.

On September 15, 2010, the BAAQMD adopted the Bay Area 2010 Clean Air Plan (CAP) and a program Environmental Impact Report on the CAP. The CAP is a multi-pollutant plan that provides strategies for attaining standards for ozone, PM, air toxics, and greenhouse gases in a single plan. The CAP is intended to: (1) reduce emissions and decrease ambient concentrations of harmful pollutants; (2) safeguard public health by reducing exposure to air pollutants that pose the greatest health risk, with an emphasis on protecting the communities already affected by air pollution; and (3) reduce greenhouse gas (GHG) emissions to protect the climate (BAAQMD 2010a).

### **3.8.2 Environmental Consequences**

#### ***No Action***

Under the No Action Alternative there would be no impact to regional air quality, as existing conditions would continue, until another source of water could be secured.

#### ***Proposed Action***

The BAAQMD has established screening thresholds to determine whether a proposed project has a potential to exceed their air quality standards. These thresholds vary by proposed land use and density. The applicable standard for the Proposed Action (single family residences) is 114 dwelling units (BAAQMD 2010b). Since the development is only proposed to have around 100 dwelling units, the Proposed Action would not exceed the air quality screening threshold established by BAAQMD.

In the development of their 2020 Plan, the City of Oakley identified control of fugitive dust from construction as a way to reduce air quality concerns in the area. The Environmental Impact Report for the 2020 Plan calls for compliance with dust control measures established by the BAAQMD. These include restrictions such as limiting outdoor storage of particulate matter, covering of truck loads and

using paved areas for vehicle maneuvering (Oakley 2002b, p. 3-58). Compliance with these requirements is anticipated to reduce fugitive dust to acceptable levels.

### ***Cumulative Impacts***

The City of Oakley recognizes the potential for development to cumulatively affect compliance with air quality goals. The 2020 General Plan accounts for this cumulative effect and identifies control measures to avoid unacceptable impacts. The plan is anticipated to adequately address potential cumulative air quality impacts.

## **3.9 Global Climate Change**

### **3.9.1 Affected Environment**

Climate change refers to significant change in measures of climate (e.g., temperature, precipitation, or wind) lasting for decades or longer. Many environmental changes can contribute to climate change: changes in sun's intensity, changes in ocean circulation, deforestation, urbanization, burning fossil fuels, etc. (EPA 2014).

Some GHG, such as carbon dioxide, occur naturally and are emitted to the atmosphere through natural processes and human activities. Other GHG (e.g., fluorinated gases) are created and emitted solely through human activities. The principal GHG that enter the atmosphere because of human activities are: carbon dioxide, methane, nitrous oxide, and fluorinated gasses (EPA 2014).

During the past century humans have substantially added to the amount of GHG in the atmosphere by burning fossil fuels such as coal, natural gas, oil and gasoline to power our cars, factories, utilities and appliances. The added gases, primarily carbon dioxide and methane, are enhancing the natural greenhouse effect, and likely contributing to an increase in global average temperature and related climate changes.

### **3.9.2 Environmental Consequences**

#### ***No Action***

Under the No Action Alternative there would be no impact to global climate change, as conditions would remain the same as existing conditions.

#### ***Proposed Action***

The developer for the Baldocchi property calculated estimated GHG emissions from construction and operation (long-term occupancy) using the CalEEMod model. The total emissions, in carbon dioxide equivalents, were less than 3,000 metric tons (First Carbon Solutions 2013). This is below the significance threshold of 25,000 metric tons that has been established by the EPA. Therefore the GHG emissions from the Proposed Action are expected to represent a *de minimis* contribution with respect to climate change.

***Cumulative Impacts***

GHG by their nature are global and cumulative in effect. While this project would add to the global inventory of GHG, it is well below applicable thresholds of concern. Therefore, its contribution would be so minor in the context of overall climatic trends that it can be discounted.

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## **Section 4 Consultation and Coordination**

### **4.1 Public Review Period**

Reclamation provided the public with an opportunity to comment on the Draft Finding of No Significant Impact and Draft EA from October 27, 2014 to November 26, 2014. No comments were received.

### **4.2 Endangered Species Act**

Section 7 of the Endangered Species Act requires Federal agencies, in consultation with the Secretary of the Interior and/or Commerce, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of the critical habitat of these species.

Reclamation has determined that the Proposed Action would not affect any Federally listed or proposed species or critical habitat. Therefore, no consultation is required. During the public comment period, a copy of the EA and Finding of No Significant Impact were sent to the Service, along with a notice of Reclamation's determination (this notice is required for any inclusions).

### **4.3 National Historic Preservation Act (16 U.S.C. § 470 et seq.)**

The NHPA of 1966, as amended (16 U.S.C. 470 et seq.), requires Federal agencies to consider the effects of their undertakings on historic properties (i.e., cultural resources eligible for inclusion in the National Register) and provide the Advisory Council on Historic Preservation an opportunity to comment on such undertakings. Compliance with Section 106 of the NHPA, implemented through the 36 CFR Part 800 regulations, follows a series of steps that are designed to identify and involve appropriate consulting parties, determine the area of potential effects for the undertaking, identify historic properties in the area of potential effects, and assess and resolve effects to any historic properties identified through the Section 106 process.

Based on a review of the available information, and pursuant to 36 CFR §800.4(d)(1), Reclamation consulted with the SHPO on a finding of no historic

properties affected for the inclusion of the Baldocchi property. SHPO concurred with Reclamation's finding on October 8, 2014 (see Appendix C).



## **Section 5 Preparers and Reviewers**

### **Bureau of Reclamation**

Ben Lawrence, Natural Resources Specialist, SCCAO

Shauna McDonald, Wildlife Biologist, SCCAO

Joanne Goodsell, Archeologist, MP-153

Patricia Rivera, ITA, MP-400

Rain Emerson, Supervisory Natural Resources Specialist, SCCAO – reviewer

David Hyatt, Supervisory Biologist, SCCAO – reviewer

Cathy James, Repayment Specialist, TO – Reviewer

Rena Ballew, Acting Resource Management Division Chief - reviewer

### **Contra Costa Water District**

Mark Seedall, Principal Planner - Reviewer

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## Section 6 References

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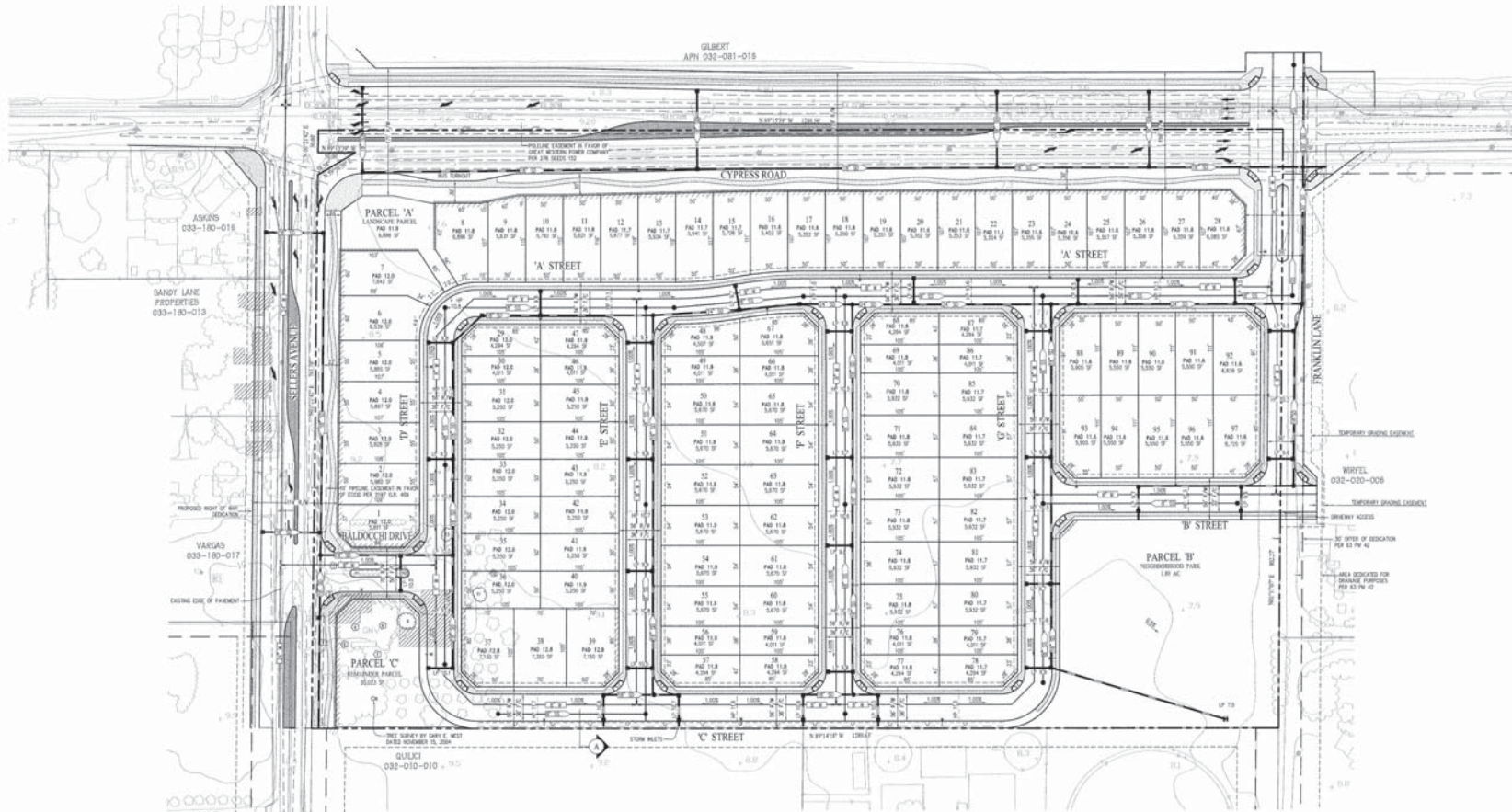
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U.S. Census Bureau (Census Bureau), 2013. *State and County QuickFacts*. Website: <http://quickfacts.census.gov/qfd/index.html>. Accessed April 2014.

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## **Appendix A    Tentative Map of Development**



#### GENERAL NOTES:

- PROPERTY OWNERS: EVO & HELEN BALDOCCHI  
6390 SELLERS AVENUE  
OAKLAND, CA 94609
  - DEVELOPER/APPLICANT: D.R. HORTON AMERICA'S BLUNDER  
1210 CENTRAL BOULEVARD  
BIRMINGHAM, CA 94613  
(925) 834-6023
  - ENGINEER: CARLSON, BARBER & GIBSON, INC.  
8111 BOLLINGER CANYON ROAD, SUITE 150  
SAN RAMON, CA 94583  
(925)969-0322
  - SOILS ENGINEER: KLENFELDER, INC.  
381 CARON AVENUE, SUITE A  
PITTSBURGH, CA 94565  
(925) 427-6477
  - LAND AREA SUMMARY: (23.71 AC. TOTAL)
- |                             |                  |
|-----------------------------|------------------|
| CYPRESS ROAD                | 2.52 AC.         |
| SELLERS AVENUE              | 0.37 AC.         |
| IN-TRACT STREETS            | 5.98 AC.         |
| LOTS 1-97                   | 12.15 AC.        |
| PARCEL A - LANDSCAPE PARCEL | 0.22 AC.         |
| PARCEL B - HOODBROOK PARK   | 1.89 AC.         |
| PARCEL C - REMAINDER PARCEL | 0.46 AC.         |
| <b>TOTAL:</b>               | <b>23.71 AC.</b> |
- TOTAL NO. OF LOTS: 97
  - DENSITY: 97 DU/23.71 AC. = 4.1 DU/AC
  - USE: EXISTING - RESIDENTIAL/AGRICULTURE  
PROPOSED - RESIDENTIAL
  - ZONING: EXISTING - A-2 GENERAL AGRICULTURE  
PROPOSED - P-1 PLANNED DEVELOPMENT
  - GENERAL PLAN: EXISTING - SINGLE FAMILY RESIDENTIAL HIGH (SH)
  - UTILITIES: WATER: DIABLO WATER DISTRICT  
SEWER: BIRMINGHAM SANITARY DISTRICT  
GAS & ELECTRIC: PACIFIC GAS & ELECTRIC COMPANY  
TELEPHONE: SBC CALIFORNIA  
TOWN DRAIN: CITY OF OAKLEY
  - APN: 032-010-002 & 032-010-012
  - MULTIPLE FINAL MAPS MAY BE FILED ON THE LANDS SHOWN ON THIS MAP.
  - ALL TREES, FENCES, & BUILDINGS WITHIN DEVELOPED AREAS AND THOSE INDICATED ALONG SELLERS AVENUE TO BE REMOVED. BUILDINGS ON THE WEST SIDE OF SELLERS AVENUE TO BE REMOVED AS NOTED.

#### LOT SUMMARY

TOTAL NUMBER OF LOTS: 97  
MINIMUM LOT AREA: 3,900 SF  
MAXIMUM LOT AREA: 6,000 SF  
AVERAGE LOT AREA: 5,900 SF

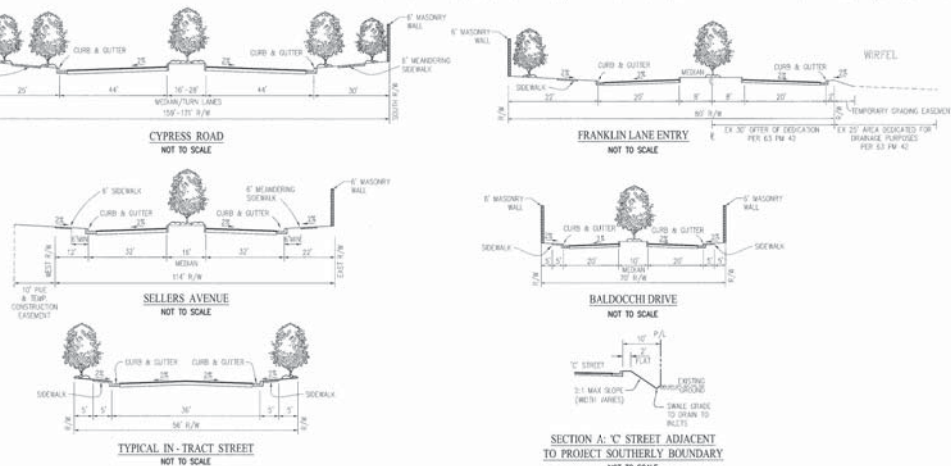
#### GENERAL NOTES:

- CAUTION BARN
- VALVE
- CORNER ELECTRIC
- GATE VALVE
- MANHOLE
- BOUNDARY
- RIGHT-OF-WAY/LOT LINE
- PUBLIC UTILITY EASEMENT
- WASHERY WALL
- REINFORCEMENT OF ADJUTER'S RIGHTS
- SLOPE
- BUILDING TO BE REMOVED

### SUBDIVISION 8904 VESTING TENTATIVE MAP TUSCANY ESTATES BALDOCCHI PROPERTY CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA



SCALE: 1"=50'  
DATE: MARCH 28, 2006



SECTION A: 'C' STREET ADJACENT TO PROJECT SOUTHERLY BOUNDARY  
NOT TO SCALE

## **Appendix B Indian Trust Assets Determination**



Lawrence, Benjamin <blawrence@usbr.gov>

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## SCCAO EA 13-038, Inclusion Review for Baldocchi Property into Contra Costa Water District Boundaries

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**RIVERA, PATRICIA** <privera@usbr.gov>

Wed, Apr 30, 2014 at 11:21 AM

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

This was responded to but here is a determination for your files

---

Ben,

I reviewed the proposed action to proposes to allow the inclusion of the Baldocchi Property (23.983 acres, formerly under the name of Tuscany Estates) into Contra Costa Water District (CCWD) service area boundaries.

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

Patricia Rivera  
Native American Affairs Program Manager  
US Bureau of Reclamation  
Mid-Pacific Region  
2800 Sacramento, California 95825  
(916) 978-5194



## **Appendix C     Cultural Resources Determination**

**CULTURAL RESOURCES COMPLIANCE**  
**Division of Environmental Affairs**  
**Cultural Resources Branch (MP-153)**

**MP-153 Tracking Number:** 13-SCAO-232

**Project Name:** Baldocchi Property Inclusion Project, Contra Costa County, California  
(cultural resources tracking number 13-SCAO-232)

**NEPA Contact:** Benjamin Lawrence, Natural Resource Specialist

**MP 153 Cultural Resources Reviewer:** Joanne Goodsell, Archaeologist 

**Date:** October 14, 2014

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Reclamation proposes to approve the inclusion of the Baldocchi Property by the Contra Costa Water District (CCWD) into the CCWD Central Valley Project (CVP) service area, changing the current land use from agricultural to residential for subdivision development. This action constitutes an undertaking with the potential to cause effects to historic properties, assuming such properties are present, requiring compliance with Section 106 of the National Historic Preservation Act (NHPA) as amended.

Based on historic properties identification efforts conducted by First Carbon Solutions, supplemental information provided by Basin Research Associates, and in-house background research, Reclamation consulted with, and received concurrence from, the State Historic Preservation Officer (SHPO) on a finding of no historic properties affected pursuant to 36 CFR §800.4(d)(1). Consultation correspondence between Reclamation and the SHPO has been provided with this cultural resources compliance document for inclusion in the administrative record for this action.

This document serves as notification that Section 106 compliance has been completed for this undertaking. Please note that if project activities subsequently change, additional NHPA Section 106 review, including further consultation with the SHPO, may be required.

**Attachments:**

Letter: Reclamation to SHPO dated March 20, 2014  
Letter: SHPO to Reclamation dated April 24, 2014  
Letter: Reclamation to SHPO dated September 23, 2014  
Letter: SHPO to Reclamation dated October 8, 2014



## United States Department of the Interior

BUREAU OF RECLAMATION  
Mid-Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825-1898

IN REPLY REFER TO:

Mar 20, 2014

MP-153  
ENV-3.00

SPECIAL DELIVERY - HAND DELIVER

Dr. Carol Roland-Nawi  
State Historic Preservation Officer  
Office of Historic Preservation  
1725 23<sup>rd</sup> Street, Suite 100  
Sacramento, CA 95816

Subject: National Historic Preservation Act (NHPA) Section 106 Consultation for the Baldocchi Property Inclusion Project, Contra Costa County, California (13-SCAO-232)

Dear Dr. Roland-Nawi:

The Bureau of Reclamation is initiating consultation under Section 106 of the NHPA and is seeking your concurrence with our finding of no historic properties affected for the Baldocchi Property Inclusion Project in the city of Oakley, Contra Costa County, California (Figure 1). Reclamation is proposing to approve the inclusion of the Baldocchi property by the Contra Costa Water District (CCWD) into the CCWD Central Valley Project (CVP) service area to facilitate the development of the Baldocchi property, which will change from agricultural use to a residential subdivision. This Federal approval constitutes an undertaking in accordance with Section 301(7) of the NHPA (16 U.S.C. 470). Reclamation is consulting with you pursuant to the 36 CFR Part 800 regulations which implement Section 106 of the NHPA.

The Baldocchi property consists of a 24-acre parcel that has been historically used for agricultural purposes, most recently a walnut orchard. Under this proposed inclusion, CVP water will be provided via the Contra Costa Canal to the CCWD, and hence to the Diablo Water District for use at the Baldocchi property, which will be developed for a 98-unit residential subdivision. The property will also contain all necessary infrastructure including paved roadways, utilities, and a park. The area of potential effects (APE) consists of the 24-acre parcel located approximately 1.5 miles east of the town of Oakley in the SW¼ of Section 29, T. 2 N., R. 3 E., Mt. Diablo Baseline and Meridian on the Brentwood 7.5' U.S. Geological Survey quadrangle (Figures 1 and 2). The vertical APE is 5 feet for the large majority of the project parcel, ranging to a maximum of 10 feet for locations of some major utility installations.

In an effort to identify historic properties in the project APE, First Carbon Solutions (enclosed report; January 16, 2014) conducted a records search with the California Historical Resources Information System, an additional literature and archival search, initial Native American

contacts, a pedestrian survey of the project APE (September 18, 2013), recordation and documentation of all identified cultural resources, and an evaluation of those cultural resources under the four criteria of eligibility for listing on the National Register of Historic Places (National Register).

One 20<sup>th</sup> century water drainage feature (earthen ditch) and one mid-20<sup>th</sup> century ranch complex consisting of a residence and 3 outbuildings were documented within the APE. First Carbon Solutions (2013: 21-25) evaluated all five built-environment buildings and structures individually under the four National Register eligibility criteria and made recommendations that all five are ineligible. Reclamation agrees with the recommendations by First Carbon Solutions and finds that these five properties do not meet any of the criteria for listing on the National Register either individually or as a ranch.

Reclamation also considered the potential of the Baldocchi property to contribute to the Dutch Slough Rural Historic Landscape (DSRHL), identified as an eligible property by the Army Corps of Engineers with consensus from your office dated December 17, 2013 (your reference number: COE\_2013\_1104\_001). The Baldocchi property is situated directly south of the DSRHL boundary as shown in the enclosed Figure 3. The DSRHL was determined to be eligible for the National Register under criterion A as a rare surviving dairy landscape associated with reclamation and agricultural development in the San Francisco Bay Area. The Baldocchi property was not identified as part of the DSRHL and, on further evaluation, does not meet criteria to contribute to the eligibility of the DSRHL. The Baldocchi property was historically used as a walnut orchard which does not fall within the theme of dairy ranching.

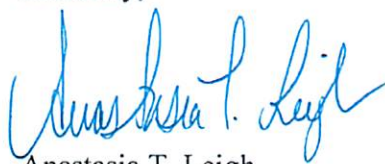
No prehistoric sites were identified in the APE. The Baldocchi property was tested (14 backhoe test units) for buried archaeological deposits and artifacts for an earlier development project proposed for the parcel in 2007 (Basin Research Associates 2007: referenced in the enclosed report). The negative findings of that investigation, the geoarchaeological analysis provided in the enclosed report (2014: 20), and the project's distance from watercourses indicate a low probability for encountering buried archaeological deposits and artifacts.

Pursuant to the regulations at 36 CFR § 800.3(f)(2), Reclamation identified the Ione Band of Miwok Indians as a federally recognized tribe who might attach religious and cultural significance to historic properties in the APE. Reclamation sent a letter to this tribe, pursuant to 36 CFR § 800.4(a)(4), inviting their participation in the Section 106 process. Pursuant to 36 CFR § 800.4(a)(3), Reclamation sent letters to the Ohlone Costanoan Esselen Nation, the Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, the Ohlone Indian Tribe, and the Indian Canyon Band of Costanoan/Mutsun Indians requesting their assistance in the identification of sites which may be eligible for listing on the National Register. The Ione Band of Miwok Indians requested and received a copy of the cultural resource report with no further comments received. The Ohlone/Costanoan-Esselen Nation responded in a letter of August 23, 2013, stating that the project was not located within their homeland. Reclamation will work with these Indian tribes and organizations to address their concerns, should any arise, and will notify your office as appropriate.



Based on the above discussion and enclosed report, Reclamation finds the proposed undertaking will result in no historic properties affected pursuant to 36 CFR § 800.4(d)(1). We invite your comments on our delineation of the APE and the appropriateness of our identification efforts. We also request your concurrence on our National Register eligibility determinations and our finding of no historic properties affected. Please contact Mr. William Soule, Archaeologist, at 916-978-4694 or [wsoule@usbr.gov](mailto:wsoule@usbr.gov), or Ms. BrandDee Bruce, Architectural Historian, at 916-978-5039 or [bbruce@usbr.gov](mailto:bbruce@usbr.gov) if you have any questions, comments, or concerns regarding this project.

Sincerely,

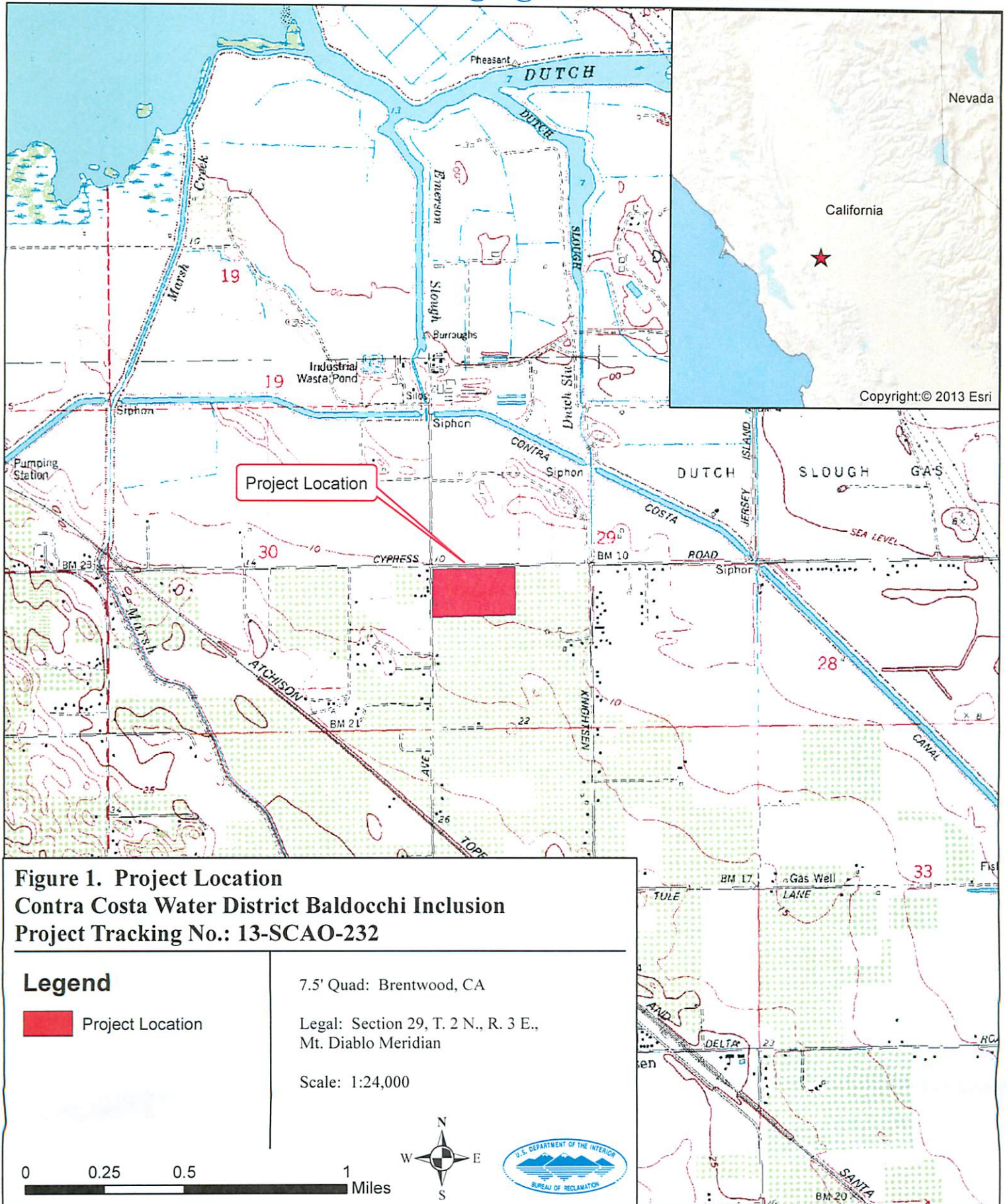


Anastasia T. Leigh  
Regional Environmental Officer

Enclosures – 4

# RECLAMATION

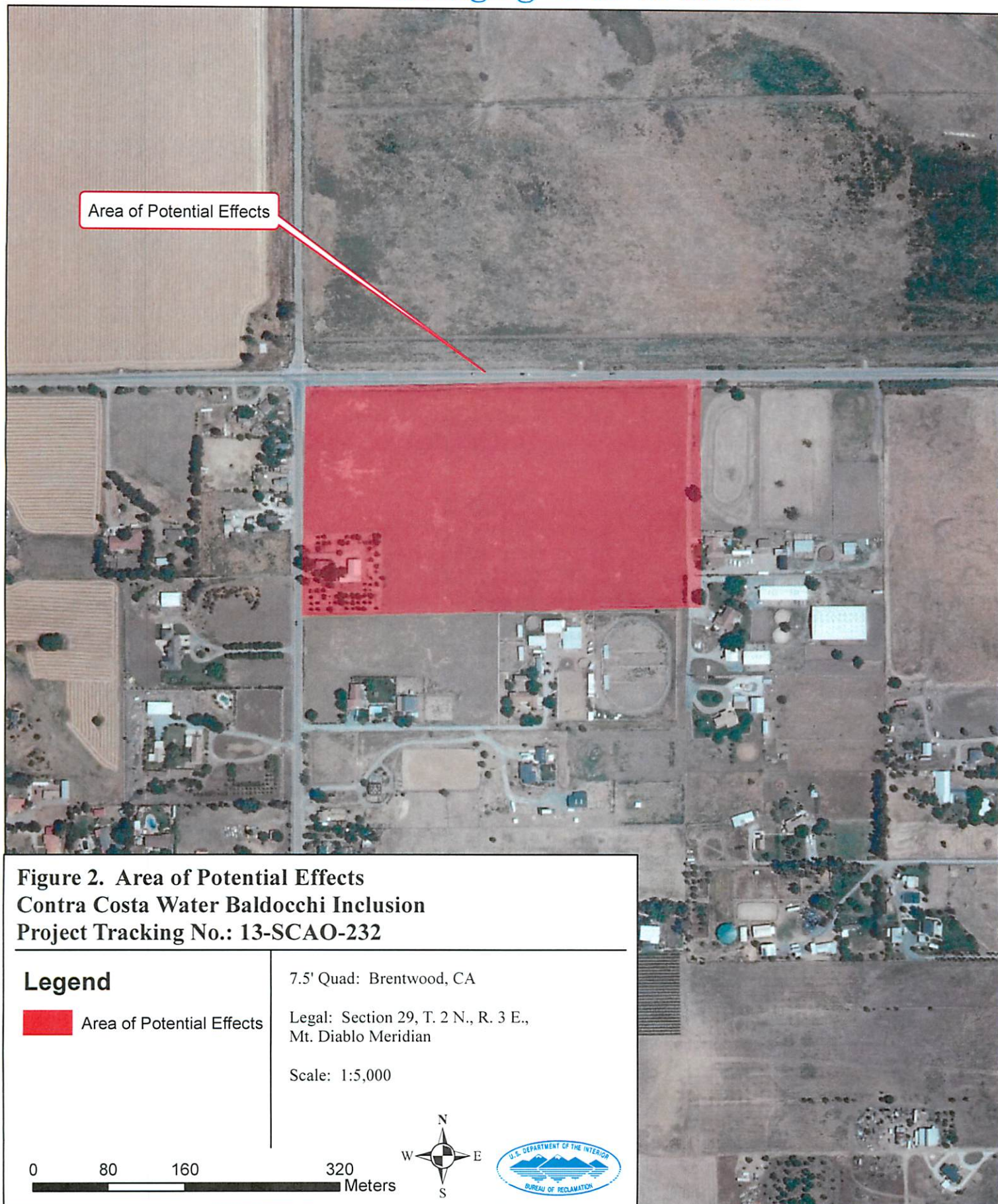
*Managing Water in the West*



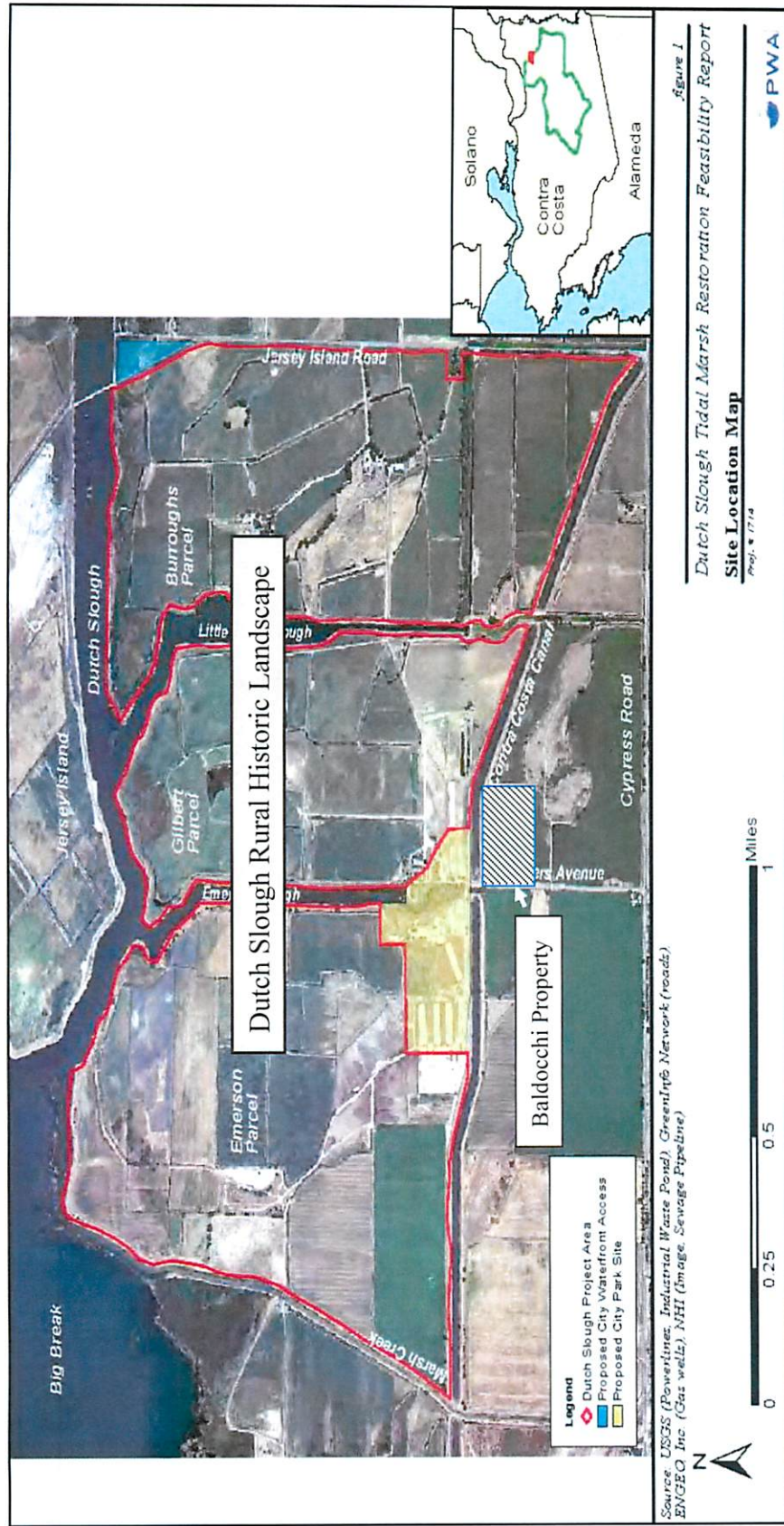


# RECLAMATION

*Managing Water in the West*







**Figure 3. Dutch Slough Rural Historic Landscape and the Baldocchi Property.**

(From Figure 1 in *Historic Architecture/Landscape Report for the Dutch Slough Restoration Project city of Oakley, Contra Costa County, California*, July 2006 (revised December 2008), Ward Hill and Marjorie Dobkin, for Grasseti Environmental Consulting, Berkeley, California.)





**Section 106 Cultural Resources Assessment  
Baldocchi Project  
City of Oakley, Contra Costa County, California**

Brentwood, California, USGS 7.5-minute Topographic Quadrangle Map  
Township 2 North, Range 3 East, Section 29  
APNs 032-010-002 (23 Acres) and 032-010-012 (0.983 Acre) Study Area

Prepared for:  
**East Cypress Partners LLC**  
3820 Blackhawk Road  
Danville, CA 94506  
925.648.3879

Contact: Mathew Beinke, Member

Prepared by:  
**FirstCarbon Solutions**  
Bishop Ranch 3  
2633 Camino Ramon, Suite 460  
San Ramon, CA 94583  
925.830.2733

Fieldwork Conducted by Carrie D. Wills, MA, RPA  
Fieldwork Conducted on September 18, 2013

Report Date: January 16, 2014

**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

1725 23<sup>rd</sup> Street, Suite 100  
SACRAMENTO, CA 95816-7100  
(916) 445-7000 Fax: (916) 445-7053  
calshpo@parks.ca.gov  
www.ohp.parks.ca.gov



April 24, 2014

Reply in Reference To: BUR\_2014\_0320\_001

Anastasia T. Leigh, Regional Environmental Officer  
Bureau of Reclamation  
Mid-Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95816

RE: Baldocchi Property Inclusion Project, Contra Costa County, California (13-SCAO-232).

Dear Ms. Leigh:

Thank you for seeking my consultation regarding the above noted undertaking. Pursuant to 36 CFR Part 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act (NHPA), Bureau of Reclamation (Reclamation) is seeking my comments regarding the delineation of the Area of Potential Effects (APE), adequacy of identification efforts, determinations of eligibility and a *Finding of No Historic Properties Affected* for the project.

Reclamation is proposing to approve the inclusion of the Baldocchi property by the Contra Costa Water District (CCWD) into the CCWD Central Valley Project (CVP) service area to facilitate the development of the Baldocchi property. This will change the current land use from agricultural to a residential subdivision. CVP water will be provided by CCWD via the Contra Costa Canal to the Diablo Water District for use at the Baldocchi property, on which a 98-unit residential subdivision is proposed.

The Area of Potential Effects (APE) is the entire 24-acre parcel located at 6390 Sellers Avenue in Oakley, California. The vertical APE will be approximately 5 feet to 10 feet in depth.

In addition to your letter received March 20, 2014, you have submitted the *Section 106 Cultural Resources Assessment, Baldocchi Project, City of Oakley, Contra Costa County, California* (FirstCarbon Solutions, January 16, 2014) as evidence of your efforts to identify and evaluate historic properties in the project APE:

Archival research included a records search at the Northwest Information Center on September 10, 2013 of the APE and a ½ mile radius. No previously recorded archaeological resources were identified within the APE. One residence and three outbuildings had been previously recorded in 2007 but were not submitted to California State Historic Preservation Officer for concurrence.

Native American consultation included contact with the Native American Heritage Commission (September 9, 2013) and Native American tribes and individuals likely to have knowledge of

sites of religious or cultural significance to them in the project area via letters and follow-up calls (September 2013). No such properties were identified through consultation efforts.

A pedestrian surface survey was conducted on September 18, 2013 utilizing ten-meter wide transects. Surface visibility was excellent due to recent plowing. The residence and three associated outbuildings, previously recorded in 2007, lay within the APE. A small earthen drainage ditch was identified; no archaeological resources were identified in the APE. Subsurface testing for the presence or absence of buried archaeological resources was conducted on the parcel in 2007, by Basin Research Associates. Trenches three to twelve feet long, 24 inches wide and 5.2 to 6.6 feet deep were excavated at fourteen locations within the agricultural field northeast of the buildings on the parcel. Back-dirt was screened through ¼ inch mesh. No subsurface archaeological deposits were identified.

Reclamation has determined the following cultural resources lie within the project APE and made the following determinations regarding eligibility to the National Register of Historic Places (NRHP):

Location	Resource	Approx. Date	NRHP Eligibility
6390 Sellers Ave.	Residence	Circa- 1953	Not Eligible
6390 Sellers Ave.	Barn	Mid-1960s	Not Eligible
6390 Sellers Ave.	Well pump shed	Mid-1960s	Not Eligible
6390 Sellers Ave.	Garage/workshop	Mid-1960s	Not Eligible
6390 Sellers Ave.	Earthen drainage ditch	Possibly 1958	Not Eligible

Pursuant to 36 CFR §800.4(d)(1) Reclamation has determined there will be *No Historic Properties Affected* by the proposed project. After reviewing the documentation provided, I have the following comments:

1. I have no objection to the APE as delineated in supporting documentation provided.
2. Identification efforts for archaeological resources are adequate.
3. Please add to Section 4.3.1 and 4.3.2 on pages 28-29 of the report that the SHPO will also be notified within 48 hours of an inadvertent discovery. Post review discoveries must comply with 36 CFR §800.13.
4. It's unclear why the four structures on the property were evaluated individually, rather than as one collective property. Please include a rationale for this approach, or evaluate it as one property.
5. The theme of local agriculture was not examined, and how this property fits in was not evaluated. While it might not contribute to the Dutch Slough Rural Historic Landscape (DSRHL) and that district's theme of dairy ranching, that does not mean it might not have significance under the larger agricultural context of Contra Costa County. Please evaluate the property within this context.
6. Please clarify why new forms for the property were prepared, rather than updating the 2007 form for the property. Please also provide a copy of the 2007 evaluation.
7. The Agency states in its letter that the subject property is not a contributor to the DSRHL, however does not provide any contextual information regarding how the Agency arrived at this conclusion. Please provide additional information to support this conclusion.
8. I am not able to concur with Reclamation's *Finding of No Historic Properties Affected* at this time.



Thank you for seeking my comments. I look forward to continuing consultation with Reclamation on this undertaking. If you have any questions or concerns regarding archaeological resources, please contact Associate State Archaeologist, Kim Tanksley at (916) 445-7035 or by email at [kim.tanksley@parks.ca.gov](mailto:kim.tanksley@parks.ca.gov). Any questions concerning the built environment should be directed to State Historian, Kathleen Forrest at (916)445-7022 or by email at [kathleen.forest@parks.ca.gov](mailto:kathleen.forest@parks.ca.gov).

Sincerely,

A handwritten signature in black ink, reading "Carol Roland-Nawi, Ph.D." in a cursive script.

Carol Roland-Nawi, PhD  
State Historic Preservation Officer



# United States Department of the Interior

BUREAU OF RECLAMATION  
Mid-Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825-1898

IN REPLY REFER TO:

MP-153  
ENV-3.00

JUL 18 2014

CERTIFIED – RETURN RECEIPT REQUESTED

Dr. Carol Roland-Nawi  
State Historic Preservation Officer  
Office of Historic Preservation  
1725 23<sup>rd</sup> Street, Suite 100  
Sacramento, CA 95816

Subject: Continued National Historic Preservation Act (NHPA) Section 106 Compliance for the Baldocchi Property Inclusion Project, Contra Costa County, California (13-SCAO-232/BUR\_2014\_0320\_001)

Dear Dr. Roland-Nawi:

On March 20, 2014, the Bureau of Reclamation submitted a request for review and concurrence regarding the National Register of Historic Places (National Register) eligibility determinations and finding of no historic properties affected for the approving the inclusion of the Baldocchi property into the Contra Costa Water District Central Valley Project service area. Your office responded with comments and questions in a letter dated April 24, 2014. Copies of both letters are enclosed for your reference. A copy of the previously submitted report, *Section 106 Cultural Resources Assessment Baldocchi Project City of Oakley, Contra Costa County, California*, is also enclosed on disc for your reference. Your response included eight comments numbered 1 through 8. You stated that you were not able to concur with our finding of effect at that time. The following serves as responses to comments regarding additional information or clarification. Reclamation requests your review and concurrence with our finding of no historic properties affected.

Comment No. 3 requests that Sections 4.3.1 and 4.3.2 of the submitted cultural resources report include notification of your office within 48 hours of an inadvertent discovery. The post-review discoveries procedures at 36 CFR § 800.13(b) apply for this undertaking. Reclamation will follow the procedures in that section and notify your office as applicable. As the report is supporting documentation for Section 106 of the NHPA, revision is not considered necessary. Reclamation's authorization of the inclusion will include requirements for post-review discoveries.

Comments No. 4 and No. 6 concern how the Baldocchi property was documented and evaluated. Reclamation will revise the site forms to document the ranch property as one collective property to be submitted to the Northwest Information Center. The collective property will include the buildings and the ditch. This will be a new form as the earlier individual forms and the 2007 forms were not previously submitted to you for eligibility consensus.

Comment No. 5 questions consideration of the Baldocchi property as significant under the theme of local agriculture. According to the historic context (Section 2.3.2), the production of nuts like pecans, almonds, and walnuts had been fairly common in the county from an early period, along with grapes and other fruits and vegetables, having been established in the late 1800s. Agriculture was a growing and important industry for the region. It is not clear in the report when the walnut orchard was planted on the parcel, but the buildings on the Baldocchi property were not constructed until after the initial establishment of this crop type in the City of Oakley. The residence dated to the early 1950s and the ancillary buildings are estimated as constructed in the mid-1960s. It is unlikely that the residence and outbuildings played any kind of significant role in the agricultural walnut industry, especially since almonds took precedence in the region in the 1950s (page 15 of the report). The ranching on the Baldocchi property was common for the region.

Comment No. 7 requests additional information on how the Baldocchi property was determined not to be a contributor to the Dutch Slough Rural Historic Landmark (DSRHL), situated nearby. In Reclamation's original submission letter (enclosed), we state that we considered the potential for this property to contribute to the DSRHL. Our consideration included its proximity to the landscape and the significance theme of that landscape. The Baldocchi property is situated directly south of the DSRHL boundary. The theme of the DSRHL is that of a rare surviving dairy landscape. The Baldocchi property has a long history of growing walnuts, which are not within the theme of dairy ranching. As the significance of the DSRHL is very specific to dairying, the Baldocchi property does not contribute to that significance.

Reclamation believes an appropriate level of effort to identify and evaluate historic properties was conducted for this undertaking, and our National Register eligibility determinations and finding of effect were adequately supported in the documentation submitted to your office on March 20, 2014. Our responses to your comments intend to clarify Reclamation's approach to meeting our Section 106 compliance requirements. The Baldocchi ranch site is not eligible for inclusion on the National Register, as it does not meet any of the criteria for significance. Reclamation retains the initial finding of no historic properties affected. We request that you reconsider your comments in light of our responses and concur with our National Register ineligibility determinations for the Baldocchi ranch. We also request you concur that our finding of no historic properties affected is appropriate pursuant to 36 CFR Part 800.4(d)(1). If you have any further questions, comments, or concerns, please contact Ms. Brandee Bruce, Historian, at 916-978-5039 or [bbruce@usbr.gov](mailto:bbruce@usbr.gov).

Sincerely,



**FOR**

Anastasia T. Leigh  
Regional Environmental Officer

Enclosures - 3

**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

1725 23<sup>rd</sup> Street, Suite 100  
SACRAMENTO, CA 95816-7100  
(916) 445-7000 Fax: (916) 445-7053  
calshpo@parks.ca.gov  
www.ohp.parks.ca.gov



October 8, 2014

Reply in Reference To: BUR\_2014\_0320\_001

Anastasia T. Leigh, Regional Environmental Officer  
Bureau of Reclamation  
Mid-Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95816

RE: Baldocchi Property Inclusion Project, Contra Costa County, California (13-SCAO-232).

Dear Ms. Leigh:

Thank you for continuing consultation regarding the above-noted undertaking. Pursuant to 36 CFR Part 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act (NHPA), the Bureau of Reclamation (Reclamation) is seeking my concurrence regarding the determination of eligibility and a *Finding of No Historic Properties Affected* for the undertaking. My letter of April 24, 2014, offered comments regarding the Area of Potential Effect (APE) and identification efforts. The identification efforts for archaeological resources were adequate at that time. The letter included requests for additional information about the Baldocchi property.

Reclamation is proposing to approve the inclusion of the Baldocchi property by the Contra Costa Water District (CCWD) into the CCWD Central Valley Project (CVP) service area to facilitate the development of the Baldocchi property. This will change the current land use from agricultural to a residential subdivision. CVP water will be provided by CCWD via the Contra Costa Canal to the Diablo Water District for use at the Baldocchi property, on which a 98-unit residential subdivision is proposed.

In addition to your letter received September 25, 2014, you have submitted copies of the 2007 Basin Research Associates report, as requested, and the 2014 First Carbon Solutions report previously submitted, as well as the *Supplemental Historic Context Baldocchi Property* prepared in September, 2014 by Reclamation. This information supplements the information in the previously submitted *Section 106 Cultural Resources Assessment, Baldocchi Project, City of Oakley, Contra Costa County, California* (First Carbon Solutions, January 16, 2014). Thank you for providing this additional information.

Reclamation has determined the following cultural resources lie within the project APE and made the following determinations regarding eligibility to the National Register of Historic Places (NRHP):

Location	Resource	Approx. Date	NRHP Eligibility
6390 Sellers Ave.	Residence, barn, well pump shed, garage/workshop	House circa- 1953, ancillary structures mid-1960s	Not Eligible
6390 Sellers Ave.	Earthen drainage ditch	Possibly 1958	Not Eligible

I concur with these determinations.



Pursuant to 36 CFR §800.4(d)(1) Reclamation has determined there will be *No Historic Properties Affected* by the proposed project, as no historic properties were identified within the APE. I concur with this determination.

Thank you for considering historic properties during your project planning. If you have any questions or concerns regarding archaeological resources, please contact Associate State Archaeologist, Kim Tanksley at (916) 445-7035 or by email at [kim.tanksley@parks.ca.gov](mailto:kim.tanksley@parks.ca.gov). Any questions concerning the built environment should be directed to State Historian, Kathleen Forrest at (916)445-7022 or by email at [kathleen.forest@parks.ca.gov](mailto:kathleen.forest@parks.ca.gov).

Sincerely,



Carol Roland-Nawi, Ph.D.  
State Historic Preservation Officer

OCT 10 2014