

RECLAMATION


Managing Water in the West

Categorical Exclusion Checklist

Del Puerto Water District Discharge Pipeline at 30.96L on the Delta-Mendota Canal

CEC-14-047

Prepared by:


Michael Inthavong
Natural Resources Specialist
South-Central California Area Office

Date: 1/26/2015

Concurred by:

See Attachment
Archaeologist/Architectural Historian
Mid-Pacific Regional Office

Date: See Attachment

Concurred by:

See Attachment
Native American Affairs Specialist
Mid-Pacific Regional Office

Date: See Attachment

Concurred by:


Lisa Carlson
Biological Science Technician
South-Central California Area Office


Date: 1/26/2015

Concurred by:


for Rain Emerson
Supervisory Natural Resources Specialist
South-Central California Area Office

Date: 1/29/2015

Approved by:


for Michael Jackson
Area Manager
South-Central California Area Office

Date: 1/30/2015



Background

In 2012, the San Luis & Delta-Mendota Water Authority (SLDMWA), on behalf of eight of its member agencies, requested approval from Reclamation to pump up to 50,000 acre-feet per year of groundwater into the Delta-Mendota Canal (DMC) for storage and conveyance to South-of-Delta (SOD) Central Valley Project (CVP) contractors over a 10-year period (Bureau of Reclamation 2013¹). The DMC Groundwater Pump-In Program provides SLDMWA member agencies with operational flexibility to convey alternative water supplies to other members through exchange agreements in order to help supplement irrigation water demands.

Need for Action

SOD CVP contractors are in need of alternative water supplies to meet in-district agricultural demands as a result of anticipated shortages in future CVP water allocation. As a SLDMWA member agency, Del Puerto Water District (DPWD) is requesting an additional point of discharge as part of the DMC Groundwater Pump-In Program.

Proposed Action

The Bureau of Reclamation proposes to issue a 25-year land use authorization to DPWD to install, operate and maintain a new discharge pipeline at milepost 30.96L on the DMC (see Exhibit A) in Stanislaus County, California. The 10" discharge pipe would be constructed of steel and PVC, and would span approximately 150' from the tip of the discharge to where it would connect to an existing pipeline. Trenching up to 5' deep and 2' wide would be required in order to provide the new discharge pipeline with at least 3' of cover.

Environmental Commitments

DPWD 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 would be fully implemented.

Table 1 Environmental Commitments

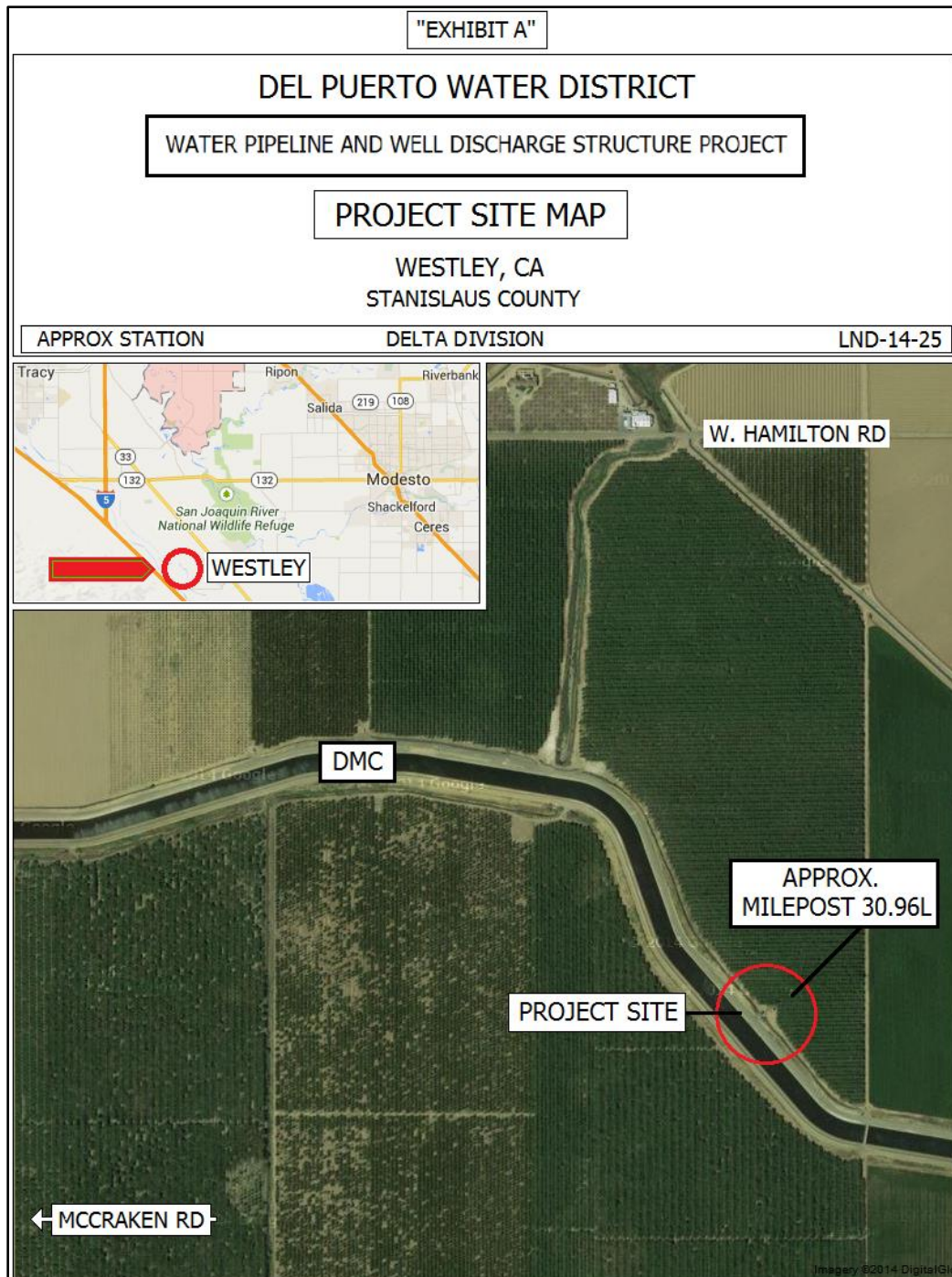
Resource	Protection Measure
Biological	All excavated trenches more than 1 ft deep shall be covered with plywood or wooden planks at the end of the day, or provided with one or more escape ramps. Before such trenches or holes are filled, they must be thoroughly inspected for trapped animals.
Biological	Work on the project shall not occur at night-time.
Biological	All project-related vehicles shall observe a speed-limit of 20-mph, except on county roads, and state and federal highways.

¹ Bureau of Reclamation. 2013. "Ten-Year Exchange Agreements and/or Warren Act Contract for Conveyance of Groundwater in the Delta-Mendota Canal - Contract Years 2013 through 2023." http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=11470

Resource	Protection Measure
Biological	All equipment will be maintained in accordance with the manufacturer's directions so there will be no leaks of fluids such as gasoline, oils, or solvents.
Biological	To the maximum extent possible, all equipment shall remain on existing pre-disturbed access roads and embankments.
Biological	If the proposed project occurs during the migratory bird nesting season (February 1 to August 31), a qualified biologist shall survey areas of suitable habitat within 50 yards of the proposed action area for nesting Swainson's hawks. If an active Swainson's hawk nest is found during the survey, work on the proposed action shall not commence until Reclamation biologists have been contacted for further guidance.
Biological	No more than 30 days before any ground-disturbing construction activities begin on the project, a qualified biologist shall conduct a focused survey for San Joaquin kit fox and burrowing owl sign and burrows in areas of suitable habitat on and within 100 feet of the project construction footprint. If no evidence of burrowing owls or kit foxes is found during the survey, a report documenting survey methods and findings shall be submitted to Reclamation. If burrowing owls or San Joaquin kit foxes, or evidence of burrowing owls or kit foxes, is found during the survey a report documenting survey methods and findings shall be sent to Reclamation; if this occurs, construction shall not begin until permission has been received from a Reclamation biologist and additional measures, if required, have been implemented.
Biological	If a burrowing owl is observed at the construction site at any time during construction, a temporary non-disturbance buffer of approximately 160 feet shall be observed to establish a safe area for the animal until it leaves the construction area at its own volition.
Water Quality	Groundwater discharged into the DMC must comply with the water quality standards and monitoring requirements of the DMC Groundwater Pump-In Program, and the terms and conditions of DPWD's Warren Act Contracts.

Exclusion Category

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



Evaluation of Criteria for Categorical Exclusion:

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

- | | No | Uncertain | Yes |
|--|-------------------------------------|--------------------------|--------------------------|
| 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)). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <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)). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. This action would affect ITAs (512 DM 2, Policy Memorandum dated December 15, 1993). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <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)). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <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)). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <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)). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <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-276

Project Name: Del Puerto Water District (DPWD) New Well Discharge System on the Delta Mendota Canal (DMC)

NEPA Document: CEC-14-047 DPWD Discharge Pipeline at 30.96L on the DMC

MP 153 Cultural Resources Reviewer: Amy J. Barnes

Date: January 22, 2015

This proposed undertaking by Reclamation is to issue a land use authorization to the DPWD to cross the DMC right-of-way (ROW) and discharge groundwater into the DMC. This is the type of action that has the potential to cause effects to historic properties pursuant to 36 CFR §800.3 of the Section 106 implementing regulations. As a result of this determination, Reclamation implemented the steps in the Section 106 process as outlined at §800.3 to §800.6.

The DPWD proposes to install a 10-inch-diameter, 150-foot-long pipeline to discharge non-CVP groundwater from an existing well and pipeline on private property into the DMC at MP 30.96L. This pipeline will replace an existing temporary discharge pipeline in the same location (Photos 1–4). The new discharge pipeline will connect to an existing buried pipeline located immediately adjacent to the DMC ROW. The new pipeline will be buried in a trench crossing Reclamation’s ROW and the DMC berm, buried under the existing asphalt canal road. The trench will measure approximately 2 feet wide, reach a maximum depth of approximately 5 feet, and will be lined with sand and backfilled with the excavated material following pipeline installation. A short section of exposed pipe will overhang the DMC and rest on a concrete saddle measuring approximately 12 inches wide, 12 inches long, and 18 inches high. The concrete saddle will be located 24 inches back from the edge of the existing canal liner, with the pipe extending approximately 5 feet over the DMC. Upon completion, the DMC ROW, embankment, and asphalt canal road will be restored to preconstruction form. Access and staging will occur within the existing DMC ROW and on adjacent orchard and field roads. The area of potential effects (APE) is located in in Section 25, T. 4 S., R. 6 E., Mount Diablo Baseline and Meridian, as depicted on the Solyo 7.5’ U.S. Geological Survey topographic quadrangle map. The approximately 0.6-acre APE encompasses the DMC embankment, Reclamation’s ROW, and all project-related activity areas associated with the new pipeline and discharge point. The vertical extent of the APE is approximately 5 feet deep and is confined to the constructed fill of the canal berm.

The historic property identification efforts included a reviewed of Reclamation’s in-house cultural resources records index and project data library, which identified the DMC as the only cultural resources identified within the APE. Reclamation applied the criteria of adverse effect [36 CFR § 800.5(a)] for the current undertaking and found that the proposed activities would result in no significant alterations to the historic characteristics that make the CVP or DMC eligible for the National Register. Reclamation entered into consultation with the California State Historic Preservation Officer (SHPO) on December 19, 2014, seeking their concurrence on a finding of “no adverse effect to historic properties pursuant to 36 CFR § 800.5(b).” SHPO concurred with Reclamations’ findings and determination on January 22, 2015 (consultation attached).

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

After reviewing CEC-14-047, dated August 2014, I concur with Item 8 which states that this action would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places.

This memorandum is intended to convey the completion of the NHPA Section 106 process for this undertaking. Please retain a copy in the administrative record for this action. Should changes be made to this project, additional NHPA Section 106 review, possibly including consultation with the State Historic Preservation Officer, may be necessary. Thank you for providing the opportunity to comment.

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

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



January 22, 2015

Reply in Reference To: BUR_2014_1226_002

Anastasia T. Leigh
Regional Environmental Officer
Bureau of Reclamation, Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825-1898

RE: New Well Discharge System on the Delta Mendota Canal, Stanislaus County, California
(14-SCAO-276)

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), the Bureau of Reclamation (Reclamation) is seeking my comments regarding the effects that the above named project will have on historic properties.

Reclamation proposes to issue a land use authorization to the Del Puerto Water District to install a ten inch diameter, 150-foot long pipeline to discharge ground water from an existing well and pipeline on private property into the Delta Mendota Canal (DMC) at milepost 30.96L. This will involve excavating a two foot wide trench to a depth of three feet under the existing asphalt canal road. A short section of exposed pipe will overhang the DMC and rest on a concrete saddle twelve inches wide, twelve inches long, eighteen inches high and extend approximately five feet over the DMC. Access and staging will be on existing DMC right-of-way and field roads. The Area of Potential Effects (APE) is the DMC prism and berm, field access and staging totaling approximately 0.6 acre; the vertical APE will be approximately five feet confined to the canal berm.

In addition to your letter received December 26, 2014, you have submitted photographs, design plan and a Draft copy of a National Register of Historic Places (NRHP) Nomination Form for the Delta Mendota Canal (August 2002) as evidence of your efforts to identify and evaluate historic properties in the project APE.

A search of Reclamation records determined the DMC, which is part of the Central Valley Project (CVP), are the only previously recorded cultural resources within the APE. In November 2014 consultation was conducted with Native American tribes and individuals likely to have knowledge of sites of religious or cultural significance to them in the project area. No such properties were identified through consultation efforts. Since the new pipeline will be excavated into soils previously disturbed by construction of the DMC and attach to existing pipeline, field survey was not necessary.

Although not yet determined through consensus, Reclamation has assumed the DMC and CVP eligible to the NRHP for purposes of this project. The proposed project is consistent with similar existing pipelines currently discharging into the DMC so will not alter any physical characteristics of the DMC and the CVP. Therefore, pursuant to 36 CFR §800.5(b) Reclamation has determined a *Finding of No Adverse Effect* to historical properties by the proposed project.

Based on your identification efforts, I concur with your *Finding of No Adverse Effect*. Identification efforts are sufficient and I also have no objections to the delineation of the APE, as depicted in the supporting documentation.

Thank you for considering effects to historic properties in your project planning. Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, Reclamation may have additional future responsibilities for this undertaking under 36 CFR Part 800. Thank you for seeking my comments and considering historic properties as part of 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. 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.

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

Attachment B Indian Trust Assets Determination



Inthavong, Michael <minthavong@usbr.gov>

Re: ITA Request Form - CEC-14-047 Land Use Auth to DPWD [correction]

STEVENSON, RICHARD <rstevenson@usbr.gov>

Thu, Jan 29, 2015 at 11:26 AM

To: "Inthavong, Michael" <minthavong@usbr.gov>

Michael,

I have reviewed the previously issued ITA determination in light of the correction of the milepost on the DMC where the project is to take place. The amendment of the project description does not alter the earlier determination made by Ms. Rivera that the proposed action does not have a potential to impact Indian Trust assets. The proposed project is still a sufficient distance from the nearest ITA and this ITA will not be impacted.

Please let me know if I can be of further assistance.

Richard Stevenson
Deputy Regional Resources Manager.

On Thu, Jan 29, 2015 at 7:01 AM, Inthavong, Michael <minthavong@usbr.gov> wrote:

Good Morning Dick,

I provided Patricia with the incorrect milepost for the project location. Instead of 39.06L, it should be 30.96L. Everything else is accurate.

Can you provide me with an updated response?

Thanks,
Mike Inthavong

----- Forwarded message -----

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

Date: Fri, Oct 31, 2014 at 5:29 AM

Subject: Re: ITA Request Form - CEC-14-047 Land Use Auth to DPWD

To: Michael Inthavong <minthavong@usbr.gov>

Michael,

I reviewed the proposed action to issue a 25-year land use authorization to Del Puerto Water District to install, operate and maintain a new discharge pipeline at milepost 39.06L on the Delta-Mendota Canal in Stanislaus County, California. The 10" discharge pipe would be constructed of steel and PVC pipe, and will span approximately 150' from the tip of the discharge to where it would connect to an existing pipeline. Up to 5' deep and 2' wide of trenching would be required in order to provide the new discharge pipeline with at least 3' of cover.

The proposed action does not have a potential to impact Indian Trust Assets. The nearest ITA is Table Mountain Reservation approximately 27 miles East of the project location.

Patricia Rivera
Native American Affairs Program Manager
Bureau of Reclamation