

RECLAMATION

Managing Water in the West

Categorical Exclusion Checklist

Contra Costa Water District Installation of a French Drain at Mori Court near Rose Avenue

CEC-15-013

Prepared by:


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

Date: 05/20/2015

Concurred by:

See Attachment A
Archaeologist
Mid-Pacific Regional Office


Date: See Attachment A

Concurred by:

See Attachment B
Native American Affairs Specialist
Mid-Pacific Regional Office

Date: See Attachment B

Concurred by:


Shauna McDonald
Wildlife Biologist
South-Central California Area Office

Date: 5/20/15

Approved by:

 *Seve*
Michael Jackson
Area Manager
South-Central California Area Office

Date: 5/20/15



Background

On July 28, 2014, the Bureau of Reclamation (Reclamation) completed a Categorical Exclusion Checklist (CEC-14-038) for the installation of a dewatering well and associated appurtenances by Contra Costa Water District (Contra Costa) at approximately milepost 4.4 of the Contra Costa Canal (Canal). The purpose of the action was to mitigate effects of leakage from the Canal to a resident's property located adjacent to the Canal between Cypress and Rose Avenue in Oakley, California (see Figure1). Installation of the project was completed in September 2014. Although the dewatering well has been in operation since 2014 it has been determined by Contra Costa to be insufficient to effectively dewater the area. The dewatering well is now no longer in operation. As such, Contra Costa has proposed to install a French drain and associated appurtenances to address leakage impacts.

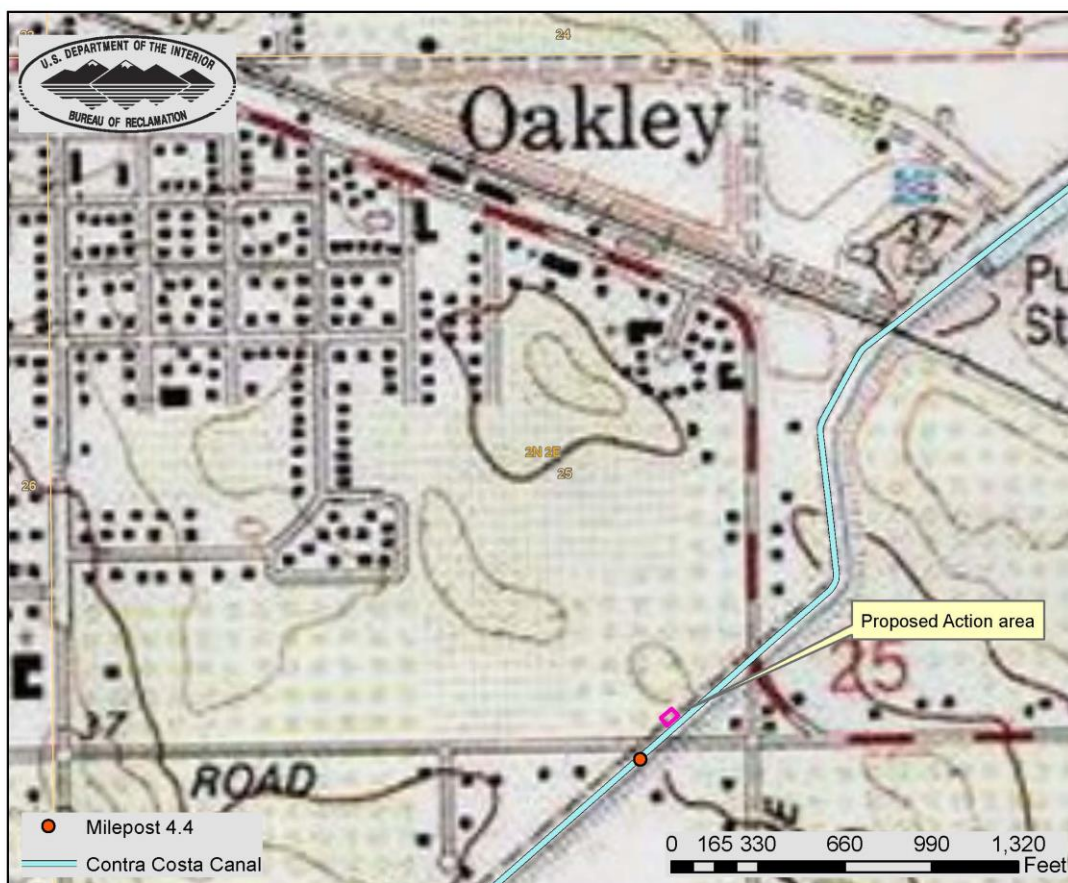


Figure 1 Proposed Action Area

Nature of the Action

Reclamation will authorize Contra Costa, pursuant to their operating agreement (Contract No. 14-06-200-6072A), to install a French drain, pump, and discharge pipe (“dewatering system”) within Reclamation right-of-way at approximately milepost 4.4 of the Canal.

The dewatering system would be constructed within the Canal right-of-way within a previously disturbed area. The proposed dewatering system includes a French drain consisting of a 6-inch perforated pipe that will be approximately 75 feet in length and installed to a depth of approximately 10 feet below the ground surface. Excavation for the installation of the French drain will be 2 feet wide, 75 feet long, and approximately 10 feet deep. Backfill for the trench will consist of a combination of $\frac{3}{4}$ inch crushed drain rock and native soil. Up to 50 cubic yards of excavated material not used for backfill would be spread along the unimproved Canal ROW.

A 12-inch diameter vertical sump pipe and pump will be installed by a 16-inch auger to a depth of 10 feet and connected to the French drain. The sump pipe pump will direct collected water from the drain system into a discharge pipe that will discharge to the Canal. Excavation for the discharge piping will require trenching 12 to 24 inches wide by 24 to 36 inches deep. In addition, a 2-inch electrical conduit will be installed in a 3-foot deep by 6 to 12 inch wide trench for approximately 35 feet in order to connect a 5-horsepower pump to the existing power source located in a nearby well. See Figure 2 for dewatering system locations.

Construction, vehicle parking and equipment laydown will take place via the existing Canal access road as shown in Figure 2. Duration of construction is expected to last approximately 1 week. Construction equipment would include 1 mini excavator, 1 rubber track loader and bobtail dump truck, and a 16 inch auger and auger driver on the mini excavator.



Figure 2 Project Details

Environmental Commitments

CCWD will implement the following avoidance measures to protect migratory birds and other wildlife.

1. A pre-construction survey for western burrowing owls and other raptors such as Swainson's hawks and white-tailed kites would be completed prior to the start of the project.
2. Any burrows used by western burrowing owls need to be avoided so as to prevent injuring or killing an owl. The California Department of Fish and Game¹ Staff Report on Burrowing Owl Mitigation (CDFG 2012) would be consulted for applicable measures when owls are found to be present.
3. If other raptors are found to be nesting in the trees within the Action area, the California Department of Fish and Wildlife would be consulted for measures needed to prevent any nest abandonment.
4. If the survey efforts determine that migratory bird avoidance is necessary, a biologist shall provide environmental awareness training to all workers on these species and the need to protect them. The biologist would also periodically check the work site to insure that migratory birds are being properly avoided.
5. Pipes, and culverts greater than four inches in diameter, would be covered or otherwise stored so as to prevent wildlife from taking refuge if possible. If this is not possible, a biologist would need to be consulted to develop an alternative. An inspection would occur prior to moving the materials. Given the possibility of burrowing owls in the project area, pipes would need to be capped at the end of each day to prevent owls from entering.
6. To prevent inadvertent entrapment of listed species or other wildlife during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals.
7. All food scraps, wrappers, food containers, cans, bottles and other trash from the work area must be disposed in closed trash containers. Trash must be removed completely from the work area at the end of each working day.

Environmental consequences assume the measures specified will be fully implemented.

¹ Now the California Department of Fish and Wildlife

Exclusion Category

516 DM 14.5 paragraph D (1): *Maintenance, rehabilitation, and replacement of existing facilities which may involve a minor change in size, location, and /or operation.*

Evaluation of Criteria for Categorical Exclusion

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

- | | | | |
|--|---|---------------------------------------|---------------------------------|
| 9. This action would have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species (43 CFR 46.215 (h)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 10. This action would violate a Federal, tribal, State, or local law or requirement imposed for protection of the environment (43 CFR 46.215 (i)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 11. This action would affect ITAs (512 DM 2, Policy Memorandum dated December 15, 1993). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 12. This action would have a disproportionately high and adverse effect on low income or minority populations (EO 12898) (43 CFR 46.215 (j)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 13. This action would limit access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007, 43 CFR 46.215 (k), and 512 DM 3)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 14. This action would contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act, EO 13112, and 43 CFR 46.215 (l)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |

NEPA Action: Categorical Exclusion

The Proposed Action is covered by the exclusion category and no extraordinary circumstances exist. The Action is excluded from further documentation in an EA or EIS.

Attachment A: Cultural Resources Determination

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

MP-153 Tracking Number: 15-SCAO-098

Project Name: Contra Costa Water District Installation of a French Drain at Mori Court

MP 153 Cultural Resources Reviewer: Mark Carper

NEPA Doc: CEC-15-013

NEPA Contact: Rain Emerson

Determination: No Adverse Effect

This proposed undertaking by Reclamation to provide funding the installation of a French Drain along the contra Costa Canal in Contra Costa County, California. Reclamation owns the CCC, which is operated and maintained by CCWD on behalf of Reclamation. Reclamation determined that the action to authorize construction activities on Federal land constitutes an undertaking as defined in 36 CFR § 800.16(y) and involves the type of activity that has the potential to cause effects on historic properties under 36 CFR § 800.3(a).

Water seepage from the CCC is affecting homes in the immediate vicinity of Mori Court near Rose Avenue. In response, the CCWD constructed a dewatering well within the CCC right-of-way and installed a discharge pipe through its berm to temporarily capture and return water leaked from the canal. The dewatering well was insufficient and failed to correct the problem. CCWD now proposes to construct a French Drain at the same location to halt the damage from water seepage. Specifically, the project will include the installation of a French drain, a sump pump, and a discharge pipe. The drain will be 2 feet wide, 75 feet long, and reach a depth of 10 feet. A perforated 6-inch pipe will be placed at the base of the trench and capped by crushed rock. A 12-inch-diameter sump pipe and pump will be installed to a depth of 10 feet to connect to the drain. Collected water will be pumped into the CCC via a discharge pipe. The pipe will be placed in a trench measuring up to 2 feet wide and 3 feet deep.

In an effort to identify historic properties, Reclamation reviewed a records search conducted in 2014 at the Northwest Information Center (NWIC File No.:13-1911) for a previous project at the same location, offset by approximately 30 feet. The only cultural resource identified within the APE was the CCC (P-07-002648). No other resources are

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

documented within 0.25 miles of the APE. As the lateral and vertical extent of the project APE is completely contained by the CCC's built environment of the berm and prism, Reclamation determined that an in-field survey was not necessary to further identify historic properties. Given the APE is entirely contained within the built environment of the CCC and its constructed elements, Reclamation determined that consultation with Indian tribes was not necessary for this undertaking.

Reclamation initiated consultation with the California State Preservation Office (SHPO) by letter dated April 1, 2015 requesting concurrence with a finding of no adverse effects to historic properties affected for the project. Pursuant to the regulations at 36 CFR §800.5(c), SHPO has 30 days from receipt to review an agency finding. The SHPO has yet to respond to Reclamation's finding of effect. If after 30 days the SHPO has not responded, the regulations state that "...the agency official shall then carry out the undertaking in accordance with paragraph (d)(1) of this section" [§800.5(c)(1)]. Because the SHPO has failed to comment on Reclamation's finding within the period of time provided to them pursuant to the Section 106 regulations, Reclamation may move on to the next step of the Section 106 process. Reclamation has concluded the NHPA Section 106 process for this undertaking.

After reviewing the CEC-15-013 for the proposed project 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



May 8, 2015

Reply in Reference To: BUR_2015_0406_001

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

RE: Installation of a French Drain at Mori Court near Rose Avenue, Contra Costa County, California
(15-SCAO-098).

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 install a French Drain along the Contra Costa Canal (CCC) at Mori Court near Rose Avenue to address water seepage from the CCC that is affecting adjacent homes. This will involve excavating a two-foot wide trench to a depth of ten-feet for a length of 75-feet. A six-inch diameter, perforated pipe will be placed into the base of this trench and capped by crushed rock to create the drain. A sump pipe and pump will be installed and connected to the drain.

The Area of Potential Effects (APE) is the drain trench with a three foot buffer on both sides of the trench. The APE will extend to an existing access road for staging and equipment laydown. The vertical APE is ten feet below ground surface. All activities will occur within the built environment of the CCC.

Your letter report dated April 1, 2015 states that archival research included a records search at the Northwest Information Center in 2014. The only previously recorded cultural resource identified was the CCC itself which was found eligible to the National Register of Historic Places (NRHP). Because the APE is contained entirely within the built environment of the CCC, Native American consultation and field survey was determined unnecessary.

Reclamation has determined the modifications to the CCC are minimal and will not alter the characteristics that make the CCC eligible to the NRHP. 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 the *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.

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.forrest@parks.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Carol Roland-Nawi, Ph.D." The signature is written in a cursive, flowing style.

Carol Roland-Nawi, PhD
State Historic Preservation Officer

Attachment B: Indian Trust Assets Determination



Emerson, Rain <remerson@usbr.gov>

Re: ITA Request for Review (CEC-15-013)

STEVENSON, RICHARD <rstevenson@usbr.gov>

Thu, Mar 12, 2015 at 12:14 PM

To: "Emerson, Rain" <remerson@usbr.gov>

Rain,

There are no Indian Trust Assets within a 25 mile radius of the project location; therefore the project is not like to have an adverse impact upon Indian Trust Assets.

Richard Stevenson
Deputy Regional Resources Manager.

On Wed, Mar 11, 2015 at 8:37 AM, Emerson, Rain <remerson@usbr.gov> wrote:

Dick,

Attached is an ITA request for review.

Rain L. Emerson, M.S.
Supervisory Natural Resources Specialist
Bureau of Reclamation, South-Central California Area Office
1243 N Street, Fresno, CA 93721
Work Ph: 559-487-5196
Cell Ph: 559-353-4032

Richard M. Stevenson
Deputy Regional Resources Manager
2800 Cottage Way, MP-400
Sacramento, CA 95825-1898
(916) 978-5264
(916) 396-3380 iPhone
rstevenson@usbr.gov