

# RECLAMATION

## *Managing Water in the West*

### Categorical Exclusion Checklist

## Land Use Authorization for North Kern Water Storage District to Cross the Friant- Kern Canal

CEC-15-043

Prepared by:

Molly Burns  
Molly Burns  
Natural Resources Specialist  
South-Central California Area Office

Date: 12/8/2015

Concurred by:

See Attachment A  
Archaeologist/Architectural Historian  
Mid-Pacific Regional Office

Date: See Attachment A

Concurred by:

Shauna McDonald  
Shauna McDonald  
Wildlife Biologist/Biology Technician  
South-Central California Area Office

Date: 12/7/15

Concurred by:

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

Date: 12/07/2015

Approved by:

Michael Jackson  
Michael Jackson, P.E.  
Area Manager  
South-Central California Area Office

Date: 12/08/2015



## Background

The North Kern Water Storage District (North Kern) is proposing to construct 2.5 miles of underground pipeline in order to provide up to 500,000 barrels per day of water developed from the North Kern representative's Kern Front oil field to their Rosedale spreading ponds (see Figure 1). Water developed from this project would be used for irrigation and groundwater recharge within North Kern. As the project would require crossing the Friant-Kern Canal, North Kern has requested authorization to install, operate, and maintain an elevated crossing within Bureau of Reclamation (Reclamation) rights-of-way.

As shown in Figure 1, the proposed project area is agricultural. The proposed pipeline route is located within existing agricultural access roads that are principally flat, open, and devoid of vegetation.

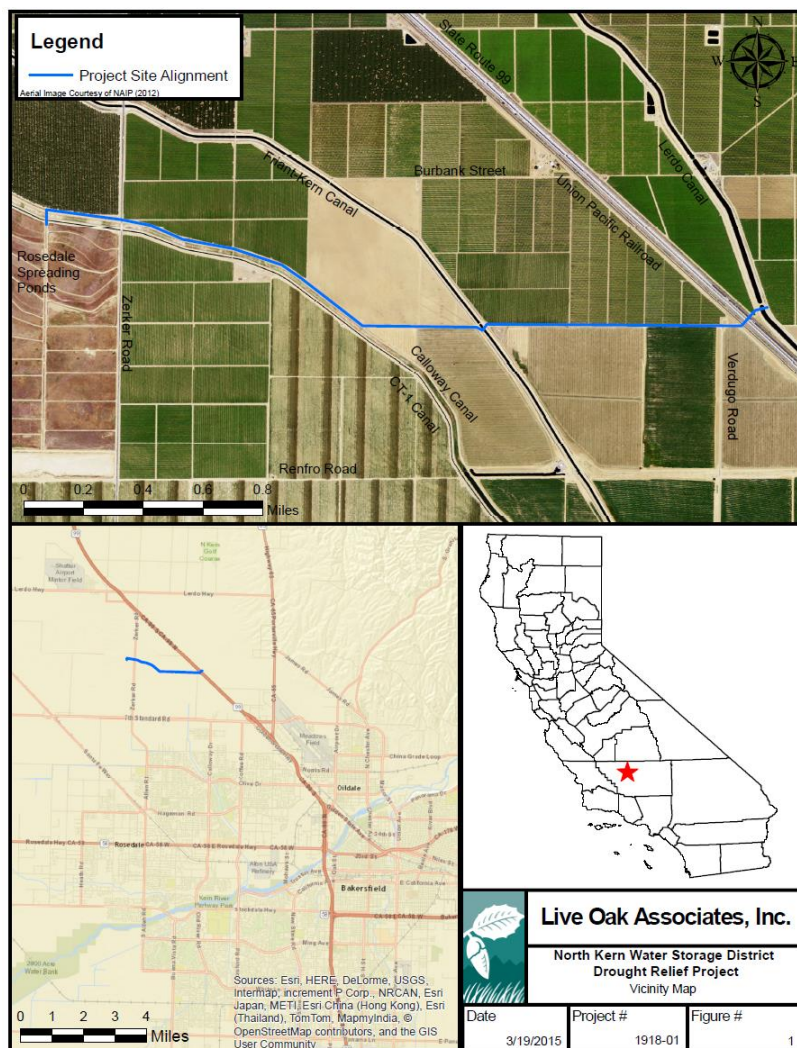


Figure 1. Proposed Action Area.



- Prior to conveying in North Kern's pipeline they or their representatives will treat the produced water in accordance to water discharge requirements issued by the Regional Water Quality Control Board.
- North Kern or their representatives will operate monitoring stations to measure water quantity and quality prior to discharging into North Kern's pipeline.
- North Kern will install flowmeters and sample ports along the portion of the pipeline before the crossing of the Friant-Kern Canal to monitor water quality.
- North Kern or their representatives will maintain a monitoring station ensuring water quality standards are met before produced water enters the pipeline.
- Relevant measures (those not involving any take) from Service (2011) would be implemented for the San Joaquin kit fox.
- Relevant measures (e.g. appropriate for season, etc.) from CDFG (2012) would be implemented for the Western Burrowing Owl.
- To prevent any take of swallows, work would occur outside of the nesting season (the nesting season is considered to be from February 15 to September 1), unless a biologist has verified that there are no nesting swallows, in which case this restriction would not apply.

Environmental consequences for resource areas assume the measures specified would be fully implemented.

## **Exclusion Category**

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

## Evaluation of Criteria for Categorical Exclusion

- |   |   |                                       |                                 |
|---|---|---------------------------------------|---------------------------------|
| 1. This action would have a significant effect on the quality of the human environment (40 CFR 1502.3).   | No<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><input type="checkbox"/> |
| 3. This action would have significant impacts on public health or safety (43 CFR 46.215(a)).  | No<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><input type="checkbox"/> |
| 11. This action would affect ITAs (512 DM 2, Policy Memorandum dated December 15, 1993).   | No<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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 RESOURCES COMPLIANCE**  
**Division of Environmental Affairs**  
**Cultural Resources Branch (MP-153)**

**MP-153 Tracking Number:** 15-SCAO-245

**Project Name:** North Kern Water Storage District (North Kern) Drought Relief Pipeline Project, Kern County, California (15-SCAO-245)

**NEPA Contact:** Shauna McDonald, Natural Resource Specialist

**MP 153 Cultural Resources Reviewer:** Lex Palmer, Historian

**Date:** December 3, 2015

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The Bureau of Reclamation (Reclamation) proposes to issue a land use authorization to North Kern to install, operate, and maintain a water pipeline that will cross the Reclamation right-of-way within the Friant-Kern Canal in Kern County. 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 Johnston & Associates (Johnston, 2015), Reclamation consulted with, and received concurrence from, the State Historic Preservation Officer (SHPO) on a finding of no adverse effect to historic properties pursuant to 36 CFR §800.5(c)(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 November 4, 2015

Letter: SHPO to Reclamation dated November 30, 2015





## 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

NOV 04 2015

CERTIFIED - RETURN RECEIPT REQUESTED

Ms. Julianne Polanco  
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 North Kern Water Storage District (North Kern) Pipeline Crossing over Friant-Kern Canal (FKC) Project, Kern County, California (Project #15-SCAO-245)

Dear Ms. Polanco:

The Bureau of Reclamation (Reclamation) is initiating consultation under Title 54 USC § 306108, commonly known as Section 106 of the NHPA, and its implementing regulations found at 36 CFR Part 800, for the North Kern Pipeline Project located one mile southwest of Prospero, in Kern County, California (Figures 1 and 2, enclosed). As the project would require crossing the FKC, North Kern has requested authorization to install, operate, and maintain an elevated crossing within the Reclamation right-of-way (ROW). Reclamation proposes to issue a land use authorization to North Kern. Reclamation determined that the issuance of a Federal land use authorization is an undertaking as defined in 36 CFR § 800.16(y) and a type of activity that has the potential to cause effects on historic properties under 36 CFR § 800.3(a). We are entering into consultation with you on this undertaking and are requesting concurrence on our finding of no adverse effect pursuant to 36 CFR § 800.5(b).

In August 2015, Reclamation received a land use authorization application from North Kern to cross the FKC for the North Kern Pipeline Project. North Kern is proposing to construct 2.5 miles of underground pipeline in order to provide up to 500,000 barrels per day of water from the Kern Front Oil Field, between the Lerdo Canal and their Rosedale spreading ponds. Water from this project would be used for irrigation and groundwater recharge within North Kern. Construction, operation, and maintenance of a 100 foot section of the proposed 24-inch diameter water pipeline would cross over the FKC at approximately milepost 144.4.

While Reclamation approval is required to facilitate the North Kern Pipeline Project, Reclamation's Section 106 review is restricted to the limited action directly related to issuance of the land use authorization, i.e., the pipeline crossing of the FKC and Reclamation's ROW.

Reclamation has determined that the horizontal area of potential effects (APE) for the agency's land use authorization consists of two connected linear corridors on Reclamation land, one segment that is 60 feet wide by 100 feet long (0.07 acres) and a second segment to the east that is 30 feet wide and 490 feet long (0.03 acres) for a total of 0.1 acres (Figure 2, enclosed). The vertical APE is a maximum of 5 feet deep for the trenching within the FKC ROW (refer to Figures 2 and 3, enclosed). Staging areas for equipment and materials would be located in the 60-foot wide section of the APE, immediately adjacent to the FKC. The proposed project on Reclamation lands is located in Section 25, T. 28 S., R. 26 E., Mount Diablo Meridian, as depicted on the Rosedale, California, 7.5' U.S. Geological Survey topographic quadrangle map (Figure 1, enclosed). The project area is characterized by agricultural fields and orchards, field roads, and water conveyance facilities as well as main transportation routes, including Highway 99.

North Kern contracted Johnston & Associates to conduct a cultural resources survey for the larger project (Johnston & Associates 2015, enclosed). The report for that survey covers a larger area than the Reclamation APE. Johnston & Associates (2015) conducted a records search (File # 05-080) at the Southern San Joaquin Valley Information Center and a pedestrian survey of the proposed pipeline alignment on October 22 and 23, 2014. One cultural resource was identified within Reclamation lands for this undertaking: FKC (CA Historical Property 163703), which has been previously determined eligible for listing in the National Register of Historic Places (National Register) with consensus from the State Historic Preservation Office (SHPO) in 1997 (see enclosed Project 06-KER-58-R35.3/R52.3 letter). No archaeological sites or isolates were identified within the APE (see Johnston & Associates 2015, enclosed).

The construction of the FKC system within and adjacent to the APE (30 feet deep or more) has disturbed the entire vertical context within Reclamation lands. Given that project activities include a maximum excavation depth of 5 feet, primarily within the zone of original construction for the FKC, there is low potential for encountering intact subsurface cultural resources within the land use authorization area.

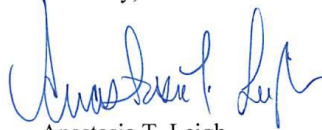
Johnston & Associates contacted the Native American Heritage Commission (NAHC) to request a search of their sacred lands files and a Native American contacts list (Johnston & Associates 2015, enclosed). On February 15, 2015, Johnston & Associates sent letters and emails to the contacts provided from the NAHC describing the project. No responses were received. Reclamation identified the Kitanemuk and Yowlumne Tejon Indians, Kern Valley Indian Council, and Wuksachi Indian Tribe, as Native American organizations likely to have knowledge or concerns with cultural resources in the area, requesting their assistance in identifying historic properties which may be affected by the proposed undertaking pursuant to 36 CFR § 800.4(a)(3). Pursuant to the regulations at 36 CFR § 800.3(f)(2), Reclamation identified the Tejon Indian Tribe and the Tule River Indian Tribe as Indian tribes who might attach religious and cultural significance to historic properties within the APE. Reclamation sent letters to these tribes to invite their participation in the Section 106 process and request their assistance in the identification of sites of religious and cultural significance or historic properties that may be affected by the proposed undertaking pursuant to 36 CFR § 800.4(a)(4). No such properties have been identified through consultations with these Indian tribes and Native American

organizations. We will notify your office as appropriate should any concerns related to the undertaking arise.

The only identified historic property within the Reclamation APE is the FKC which was found eligible through its association with early development of the Central Valley Project and its contribution to the development of agriculture in the entire San Joaquin Valley. 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 character-defining elements that make the FKC eligible for the National Register. The canal's construction design and materials will not be altered by the crossing. The proposed actions of installing a new pipeline over the FKC will not alter any historic physical characteristics of the canal or its berm. Upon completion, the FKC ROW and embankments will be re-contoured to their pre-construction form. Visual effects will be insignificant since the FKC already has similar crossings and its aspects of integrity will not be diminished.

Based on the above and enclosed information, Reclamation finds no adverse effect to historic properties for this undertaking. We invite your comments on the delineation of the APE and the efforts to identify historic properties. Reclamation also requests your concurrence with our finding of no adverse effect to historic properties. Please contact Mr. Lex Palmer, Architectural Historian, at 916-978-5213 or [kpalmer@usbr.gov](mailto:kpalmer@usbr.gov), if you have any questions concerning this project.

Sincerely,



Anastasia T. Leigh  
Regional Environmental Officer

Enclosures – 5

**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



November 30, 2015

In reply refer to: BUR\_2015\_1109\_007

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

Re: National Historic Preservation Act (NHPA) Section 106 Consultation for the North Kern Water Storage District (North Kern) Pipeline Crossing over Friant Kern Canal (FKC) Project, Kern County, California (15-SCAO-245)

Dear Ms. Leigh:

Thank you for your letter dated November 4, 2015, requesting my concurrence on your finding of no adverse effect with regard to the proposed new pipeline crossing over the FKC approximately one mile southwest of Prospero, California. The Bureau of Reclamation is (Reclamation) is consulting with me pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations found at 36 CFR Part 800 (as amended 8-05-04). Along with your consultation letter, you also provided the following document:

- *Cultural Resources Post Field Report for the San Luis Water District New Pump Station on the Delta Mendota Canal* (Barnes, May 1, 2015).

Reclamation proposes to issue a land use authorization to North Kern to install, operate, and maintain a 100 foot section of 24-inch diameter water pipeline that will cross the reclamation owned FKC right-of-way. The elevated water pipeline will cross over the FKC approximately at mile post 144.4.

Reclamation has determined that the area of potential effects (APE) for this undertaking consists of a two linear corridors measuring 60 feet wide by 100 feet long and 30 feet wide by 490 feet long. The total area of the APE is approximately 0.1 acre, and the Vertical APE is not expected to exceed 5 feet in depth. Your letter and attached technical report document Reclamation's efforts to identify historic properties in the APE. These efforts included consultation with federally and non-federally recognized Indian tribes, a records search, and a cultural resources survey conducted by Johnson & Associates (Consultant). As a result of these efforts, Reclamation identified one cultural resource (the FKC, a component of the Central Valley Project) in the APE. The FKC was previously found eligible for inclusion in the National Register of Historic Places through consensus with this office.

Reclamation applied the criteria of adverse effect to the current undertaking and found that the proposed activities would result in no significant alterations to the historic characteristics that make the Friant-Kern Canal eligible for the National Register. Reclamation found that the proposed action



of installing a water pipeline crossing over the FKC will not alter any physical characteristics of the canal or its berm. This elevated pipeline crossing is consistent with other similar existing facilities that convey water over the FKC. Furthermore, Reclamation has found that because there will be no changes to the FKC, no adverse effects will result from this undertaking.

Reclamation is requesting my review and comment on the delineation of the APE and their efforts to identify historic properties. Additionally, Reclamation is requesting my concurrence with their finding of no adverse effect to historic properties. After reviewing your submission I have the following comments:

- Pursuant to 36 CFR 800.4(a)(1), I have no objections to the APE as defined.
- Pursuant to 36 CFR 800.4(b), I find that Reclamation has made a reasonable and good faith effort to identify historic properties within the area of potential effects.
- Pursuant to 36 CFR 800.5(c)(1), I **concur with your finding of "no adverse effect to historic properties" for this undertaking.**

Thank you for seeking my comments and considering historic properties as part of 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. If you have any questions, please contact Patrick Riordan of my staff at (916) 445-7017 or [Patrick.Riordan@parks.ca.gov](mailto:Patrick.Riordan@parks.ca.gov) or Kathleen Forrest at (916) 445-7022 or [Kathleen.Forrest@parks.ca.gov](mailto:Kathleen.Forrest@parks.ca.gov).

Sincerely,



Julianne Polanco  
State Historic Preservation Officer