

# RECLAMATION

## *Managing Water in the West*

### Categorical Exclusion Checklist

## Authorization for Installation, Operation, and Maintenance of a Permanent Pipeline near Milepost 72.89R of the San Luis Canal

**CEC-15-057**

Prepared by:

  
Kelly Baker  
Natural Resources Specialist  
South-Central California Area Office

Date: 4/19/16

Concurred by:

See Attachment A  
Archaeologist  
Mid-Pacific Regional Office  
Regional Archeologist concurred with Item 8. Their determination has been placed within the project file.


Date: See Attachment A

Concurred by:

  
Jennifer Lewis  
Wildlife Biologist  
South-Central California Area Office

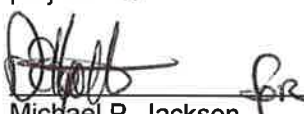
Date: 4/19/16

Concurred by:

  
Rain L. Emerson  
Supervisory Natural Resources Specialist  
South-Central California Area Office  
ITA Designee concurred with Item 11. Their determination has been placed within the project file.

Date: 04/21/2016

Approved by:

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

Date: 4/27/2016





## Background

In May 2013, the Bureau of Reclamation (Reclamation) prepared a Categorical Exclusion Checklist (CEC) for the installation of a temporary above ground water pipeline within its right-of-way (ROW). The temporary pipeline was installed as a short term solution to address the need for immediate water delivery due to the failure of an existing permanent underground pipeline and immediate need for water to prevent the loss of an existing orchard. The above ground pipeline was intended as a short term solution and a permanent fix is needed.

## Nature of the Action

Reclamation proposes to authorize Yahya Ayubzai of Apricot Hill Fruit Stand access to the San Luis Canal for the removal of the temporary above ground pipeline located at milepost (MP) 72.89R. The authorization would also allow the installation and long-term operation and maintenance of a permanent below ground pipeline at MP 72.89R for continued water delivery.

Installation of the permanent pipeline would follow, generally speaking, the same path as the current above ground temporary pipeline. Approximately 650 feet of the permanent pipeline would travel south from MP 72.89R of the San Luis Canal through Reclamation ROW (see Figure 1). The pipeline would continue outside Reclamation ROW (past the locked gate shown in Figure 1) for approximately 1.5 miles until it connects to an existing 1.5 mile, 16 inch pipeline. Installation of the pipeline within Reclamation ROW would involve re-trenching of previously trenched soil (Figure 2).

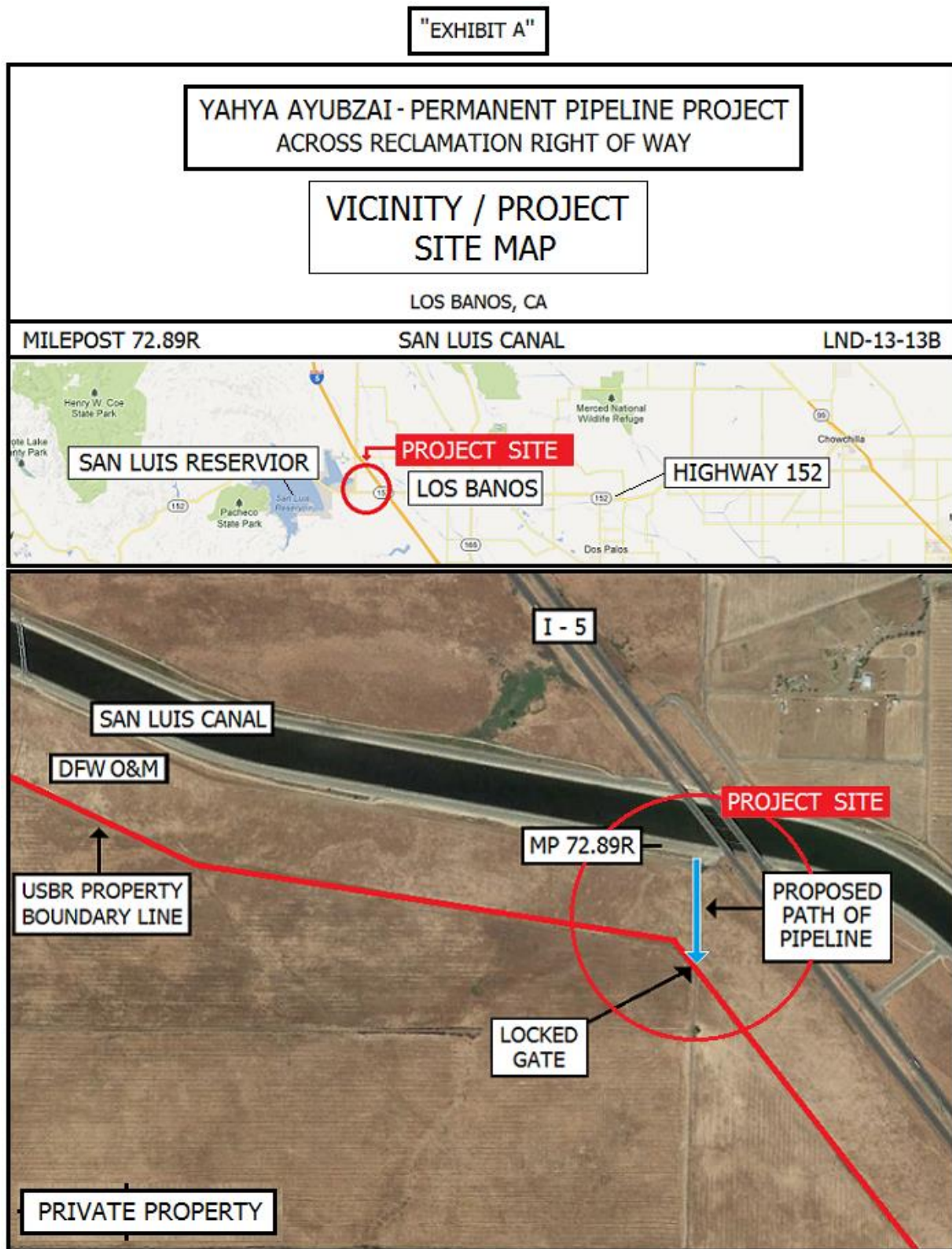


Figure 1 Proposed Action Area

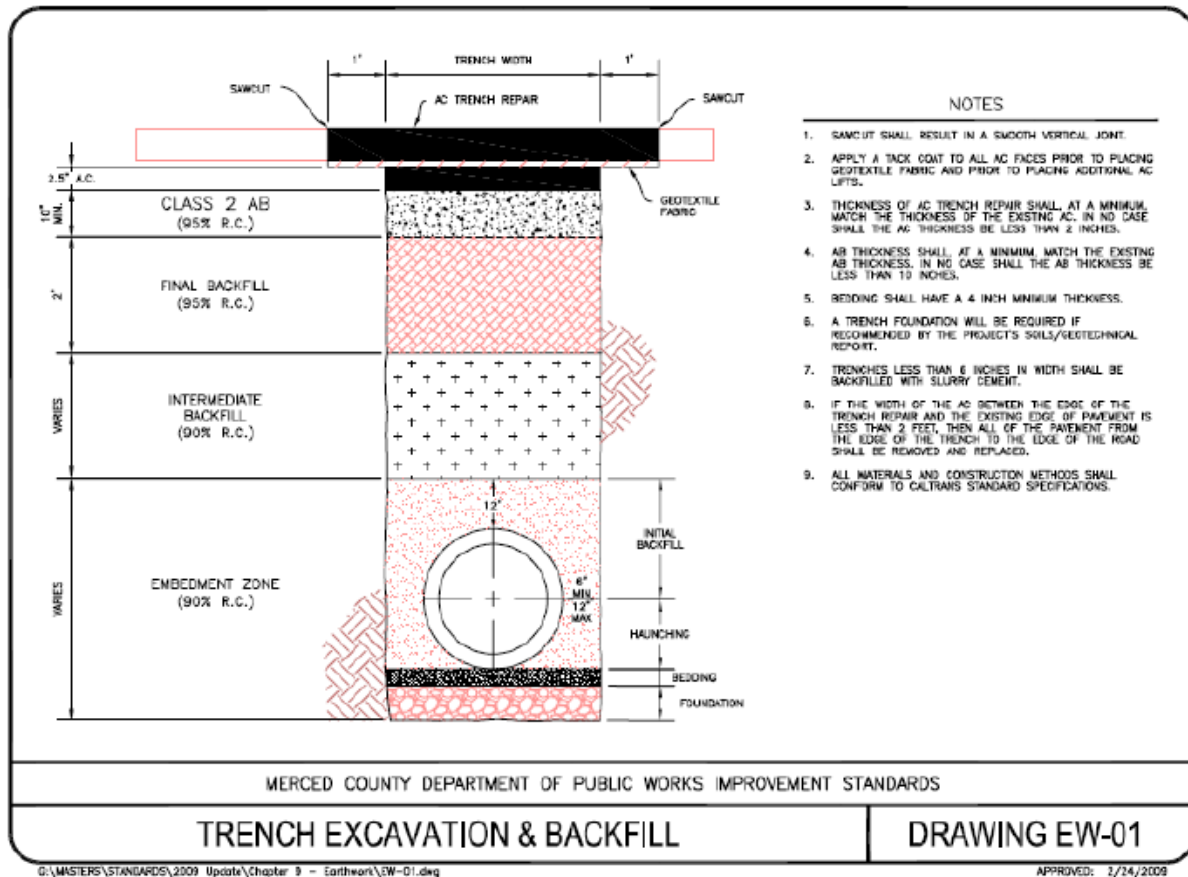


Figure 2 Trench Excavation and Backfill

## Environmental Commitments

The proponent shall implement the following environmental protection measures to avoid and/or reduce 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             | Protective Measure  |
|----------------------|---|
| Biological Resources | A pre-construction “take avoidance” survey in areas supporting potentially suitable habitat for burrowing owl will be conducted by a qualified biologist no less than 14 days from the onset of construction according to methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012).  |
| Biological Resources | During pre-construction Burrowing Owl surveys, the biologist will also record any small mammal burrows, including size and location, within a 200-foot radius of the proposed project footprint (this include the proposed pipeline alignment and any staging areas).   |
| Biological Resources | Restriction of on-site proposed project-related vehicle traffic to established roads, construction areas, and other designated areas, with a speed limit no greater than 15 mph; after dark, speed will be limited to 10 mph. Off-road traffic outside of designated project areas will be prohibited. Work at night will not be allowed.   |
| Biological Resources | Project site development may not begin until survey results have been submitted in a report to Reclamation’s project biologist and Reclamation’s authorization is given to the District to proceed.   |
| Biological Resources | All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for wildlife before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If an animal is discovered inside a pipe, that section of pipe shall not be moved until Reclamation has been consulted. If necessary, and under the direct supervision of a biologist, the pipe may be moved only once to remove it from the path of construction activity, until the animal has escaped; all excavated, steep-walled holes or trenches more than 2 feet deep will be covered with plywood or similar materials at the end of each work day. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks will be installed. Before such holes or trenches are filled, they will be inspected for trapped animals; holes or trenches more than 8 feet deep will be covered or fenced at the end of each day. |

## 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.



# **Appendix A**

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## Cultural Resources Determination

# **CULTURAL RESOURCES COMPLIANCE**

## **Division of Environmental Affairs**

### **Cultural Resources Branch (MP-153)**

**MP-153 Tracking Number:** 16-SCAO-047

**Project Name:** Permanent Pipeline Installation at Milepost 72.89 of the San Luis Canal Project, Merced County, California

**NEPA Contact:** Kelly Baker, Natural Resources Specialist

**MP 153 Cultural Resources Reviewer:** James Collis, Archaeologist

**Date:** April 19, 2016

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The Bureau of Reclamation intends to provide approval to the owner of the Apricot Hill Fruit Stand in Merced County to cross approximately 200 meters of Federal land managed by the Bureau of Reclamation for the removal of a temporary above-ground water pipeline. A permanent pipeline will also be installed within the same approximate alignment currently used by the temporary pipeline. The issuance of Reclamation approval for the proposed project to proceed on Federal land constitutes an undertaking as defined in 36 CFR § 800.16(y) and is a type of activity that has the potential to cause effects to historic properties under 36 CFR § 800.3(a).

The footprint for the project will be a trench approximately 200 meters long, 0.6 meters wide, and 0.9 meters deep. Reclamation has determined that the area of potential effects (APE) for the project will include the footprint and a 15-meters buffer to each side of the alignment. The proposed project is located in Sections 15 and 16, T. 10 S., R. 9 E., Mount Diablo Base and Meridian, as depicted on the Volta, California, 7.5' U.S. Geological Survey topographic quadrangle map.

Reclamation efforts to identify historic properties included searches through internal archives and those of the California Historic Resource Information System, Native American coordination, and a Class III intensive pedestrian inventory of the project area. On January 25, 2016, Reclamation conducted a record search for the project area at the Central California Information Center in Turlock, California.

With regard to Reclamation responsibilities under 36 CFR §§ 800.3(f)(2) and 800.4(a)(4), Reclamation identified the Picayune Rancheria of the Chukchansi Indians as a tribe that may have knowledge about cultural sites in the area. On February 16, 2016, Reclamation sent a coordination letter to the Picayune Rancheria. On March 4, 2016, Reclamation received a letter from the Picayune Rancheria, expressing interest in the project. On March 16, 2016, Reclamation responded by email with project details to Mary Motola, Tribal Historic Preservation Officer for the Picayune Rancheria; no response has been received since that time. Reclamation will consult with the Picayune Rancheria as appropriate.

On January 25, 2016, Reclamation staff inventoried the entire APE at a Class III intensive pedestrian level. The inventory was performed at transect intervals no greater than 15 meters, with additional transects to provide additional coverage of a portion of the APE that was

# **CULTURAL RESOURCES COMPLIANCE**

## **Division of Environmental Affairs**

### **Cultural Resources Branch (MP-153)**

substantially devoid of vegetation. No cultural resources were identified as a result of this effort. Given the disturbed nature of the project area and the extreme age of the soils within the APE, Reclamation considers there to be a very low probability for finding intact cultural resources and has determined the pedestrian inventory to be sufficient for identification of such resources.

Reclamation consulted with (March 25, 2016), and received concurrence from (April 18, 2016), the California 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. I concur with Item 8 of the Categorical Exclusion Checklist for NEPA # CEC-15-057. Please note that, if project activities subsequently change, additional NHPA Section 106 review, including further consultation with the SHPO, may be required. Thank you for providing the opportunity to comment.

#### **Attachments**

Letter: Reclamation to SHPO dated 3/17/2016  
Letter: SHPO to Reclamation dated 4/18/2016

#### **References**

Collis, James D.

2015 A Class III Intensive Pedestrian Cultural Resources Inventory for the Permanent Pipeline Installation at Milepost 72.89 of the San Luis Canal, Merced County, California. Project Number: 16-SCAO-043. U.S. Bureau of Reclamation, Sacramento, California.



# 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 17 2016

MP-153  
ENV-3.00

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  
Permanent Pipeline Installation at Milepost 72.89 of the San Luis Canal, Merced  
County, California (16-SCAO-043)

Dear Ms. Polanco:

The Bureau of Reclamation is initiating consultation under 54 U.S.C. § 306108, commonly known as Section 106 of the NHPA, and its implementing regulations found at 36 CFR Part 800, for providing permission to install a permanent below-ground pipeline up to 3" in diameter on Federal land managed by Reclamation in Merced County, California (Figure 1 in enclosure). This project will allow a local landowner to convey water originating from the San Luis Canal via an existing pipeline approximately 200 meters across Reclamation land and connect to his existing buried pipeline. The landowner will also remove an existing above-ground temporary pipeline. Reclamation has determined that providing permission to install a pipeline on Federal land is an undertaking as defined in 36 CFR § 800.16(y) and a type of activity that has the potential to cause effects to historic properties under 36 CFR § 800.3(a). Reclamation is consulting with you pursuant to the 36 CFR Part 800 regulations that implement Section 106 of the NHPA and is notifying you of our finding of no historic properties affected.

The proposed project would permit Yahya Ayubzai, owner of the Apricot Hill Fruit Stand located on State Route 152 west of Interstate 5, to remove a temporary surface pipeline and replace it with a buried pipeline up to 3" in diameter and extending approximately 200 meters across Reclamation land. The pipeline will tie in to existing buried connections at each end of the new alignment. The north connection point is located approximately 5 meters south of the San Luis Canal fenceline; the southern terminus is located 5 meters south of the modern fenceline marking the edge of Federal land. The pipeline will be up to 7.6 centimeters (3") in diameter and will be buried in a trench 0.9 meters deep and 0.6 meters wide.

Specifically, the project is located on Federal land within Sections 15 and 16, T. 10 S., R. 9 E., Mount Diablo Baseline and Meridian, as depicted on the Volta, California, 7.5' U.S. Geological Survey topographic quadrangle map. The area of potential effects (APE) for the proposed pipeline will be comprised of the pipeline trench and a 15-meter buffer to each side of the alignment (Figure 2 in enclosure). This will create an APE of approximately 6,281 square meters (1.55 acres). The project will remove all surface manifestation of the existing pipeline and will produce no atmospheric, audibility, or visual intrusion after completion of the installation process; therefore, no indirect APE will be applied for this project. The vertical APE will be 1 meter below grade to account for the proposed depth of the trench. Access to the project area will be via an existing dirt road.

On January 21, 2016, Reclamation sent a Sacred Lands File and Native American Contacts List Request to the Native American Heritage Commission (NAHC). Reclamation received a response on February 18, 2016. Based on tribal identification from an NAHC request for Merced County dated April 3, 2015, wherein the NAHC noted that no sites were known to exist in the project area, and appropriate to the scale and nature of the project, Reclamation sent a coordination letter to the Picayune Rancheria of the Chukchansi Indians on February 17, 2016. The February 18 response from the NAHC did not identify any additional tribes. Reclamation will consider any response received regarding this project and will consult as appropriate. Copies of Native American consultation records for the proposed project can be found in Appendix A of the enclosed report.

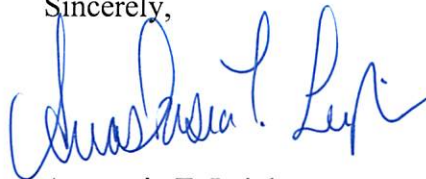
Additional efforts to identify historic properties within the APE included searches of internal Reclamation records and a search of the records held at the Central California Information Center of the California Historical Resources Information System in Turlock, California on January 25, 2016 (CCIC File #9615). These searches indicated that a single inventory may have been conducted on portions of the proposed project APE. Because of the age and unclear intensity and scope of this inventory, which was negative for cultural resources, Reclamation determined that the entire APE would be inventoried at a Class III intensive pedestrian level for the proposed project.

On January 25, 2016, Mr. James D. Collis, Reclamation Archaeologist, conducted a Class III intensive pedestrian inventory of the APE (Cultural Resources Inventory Report, enclosed). The entirety of the APE was inventoried using two transects at 15-meter intervals; additional transects were inventoried to provide additional coverage of a portion of the APE associated with a dirt road that was substantially devoid of vegetation. No cultural resources were identified as a result of this inventory. Given the disturbed setting and extreme age of the soils found within the APE, Reclamation considers there to be a low probability for finding cultural materials that maintain integrity within the subsurface matrix.

Based on the information provided above and in the enclosed report, Reclamation finds that the proposed undertaking would result in no historic properties being affected. We invite your comments on the delineation of the APE and the appropriateness of the historic properties identification efforts. In accordance with 36 CFR § 800.4(d)(1), we are also notifying you of our finding of no historic properties affected for the proposed undertaking. In the event of any post-review discoveries, Reclamation will follow the process outlined at 36 CFR § 800.13(b) and

notify your office accordingly. If you have any questions or concerns regarding this project, please contact Mr. Collis, Archaeologist, at 916-978-5053 or [jcollis@usbr.gov](mailto:jcollis@usbr.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Anastasia T. Leigh". The signature is fluid and cursive, with the first name being the most prominent.

Anastasia T. Leigh  
Regional Environmental Officer

Enclosure

# RECLAMATION

*Managing Water in the West*

Project Tracking No: 16-SCAO-043

## **A Class III Intensive Pedestrian Cultural Resources Inventory for the Permanent Pipeline Installation at Milepost 72.89 of the San Luis Canal**

**Merced County, California  
Mid-Pacific Region**



**Sensitive — for official use only**

# **A Class III Intensive Pedestrian Cultural Resources Inventory for the Permanent Pipeline Installation at Milepost 72.89 of the San Luis Canal**

**Merced County, California**

**U.S. Bureau of Reclamation  
Mid-Pacific Region  
Sacramento, California**

**Project # 16-SCAO-043**

**February 2016**

*prepared by:*

**James D. Collis, Archaeologist**

**Division of Environmental Affairs  
Cultural Resources Branch  
2800 Cottage Way, MP-153  
Sacramento, CA 95825**

**Sensitive — for official use only**



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

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April 18, 2016

Reply in Reference To: BUR\_2016\_0325\_002

Anastasia T. Leigh  
Regional Environmental Officer  
United States Department of the Interior  
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 Permanent Pipeline Installation at Milepost 72.89 of the San Luis Canal, Merced County, California (Project #16-SCAO-043)

Dear Ms. Leigh:

On March 25, 2016 the Office of Historic Preservation received your letter requesting to initiate consultation for the above-referenced undertaking. The Bureau of Reclamation (Reclamation) is consulting pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations found at 36CFR Part 800 (as amended). Along with the consultation letter, the following document was provided:

- *A Class III Intensive Pedestrian Cultural Resources Inventory for the Permanent Pipeline Installation at Milepost 72.89 of the San Luis Canal (J.D. Collis, February, 2016)*

Reclamation proposes to provide permission for installing a permanent, below-ground pipeline of no more than 3 inches in diameter and about 200 meters (ca. 660 feet) in length on Federal land managed by Reclamation. The buried pipeline will replace an existing above-ground one and will connect to existing lines at either end. The source of the water is the San Luis Canal. Trench alignment is 4 meters (ca. 13 feet) to the east of an informal access road in disturbed ground and will be about 0.6 meters (ca. 2 feet) wide by 0.9 meters (ca. 3 feet) in depth.

The Area of Potential Effects (APE) will be the pipeline trench and a buffer of about 15 meters (ca. 50 feet) to each side for around 1.55 acres of land total. Vertical APE will extend for 1 meter or slightly more than 3 feet to account for trench excavation. The road will be access and staging.

Reclamation's efforts to identify historic properties included comprehensive record and archival searches and a pedestrian survey. Given the locale's history, there appears to be a low probability of sub-surface deposits. The Picayune Rancheria of the Chukchansi Indians was notified by letter of the proposed project and Reclamation will follow through where necessary.

Based on the information provided and a detailed analysis of the site locale Reclamation finds that the proposed undertaking would result in no historic properties being affected.

Reclamation is requesting review and comment on the delineation of the APE, efforts to identify historic properties, and is seeking concurrence with the effect finding for this undertaking.

Following staff review of the submitted documentation, 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.
- Reclamation has determined that the proposed undertaking would result in no historic properties affected. Pursuant to 36 CFR 800.4(d)(1), **I do not object.**

Please 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 (as amended). Should you require further information, please contact Jeanette Schulz at [Jeanette.Schulz@parks.ca.gov](mailto:Jeanette.Schulz@parks.ca.gov) or (916) 445-7031.

Respectfully,



Julianne Polanco  
State Historic Preservation Officer