

# RECLAMATION

## *Managing Water in the West*

### Categorical Exclusion Checklist

## City of Walnut Creek's Ygnacio Canal Trail Rehabilitation Project

CEC-16-001

Prepared by:



Date: 06/08/16

Michael Fina  
Natural Resources Specialist (Student Trainee)  
South-Central California Area Office

Concurred by:

See Attachment A

Date: See Attachment A

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

Concurred by:



Date: 06/08/2016

Lisa Carlson  
Wildlife Biologist  
South-Central California Area Office

Concurred by:



Date: 06/09/2016

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.

Approved by:



Date: 06/16/2016

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





## Background

The Bureau of Reclamation (Reclamation), Contra Costa Water District (Contra Costa), and the City of Walnut Creek (City) have a management agreement (Contract No. 09-LC-20-0075) that provides for the development, administration, operation, and maintenance of a recreational trail along a portion of the Ygnacio Canal access road (Figure 1). Due to slope creep/movement, the access road has developed longitudinal and transverse cracking that requires maintenance (Figure 2). At present, areas with the most severe cracking are coned off for public safety. The City has requested authorization to repair the access road.

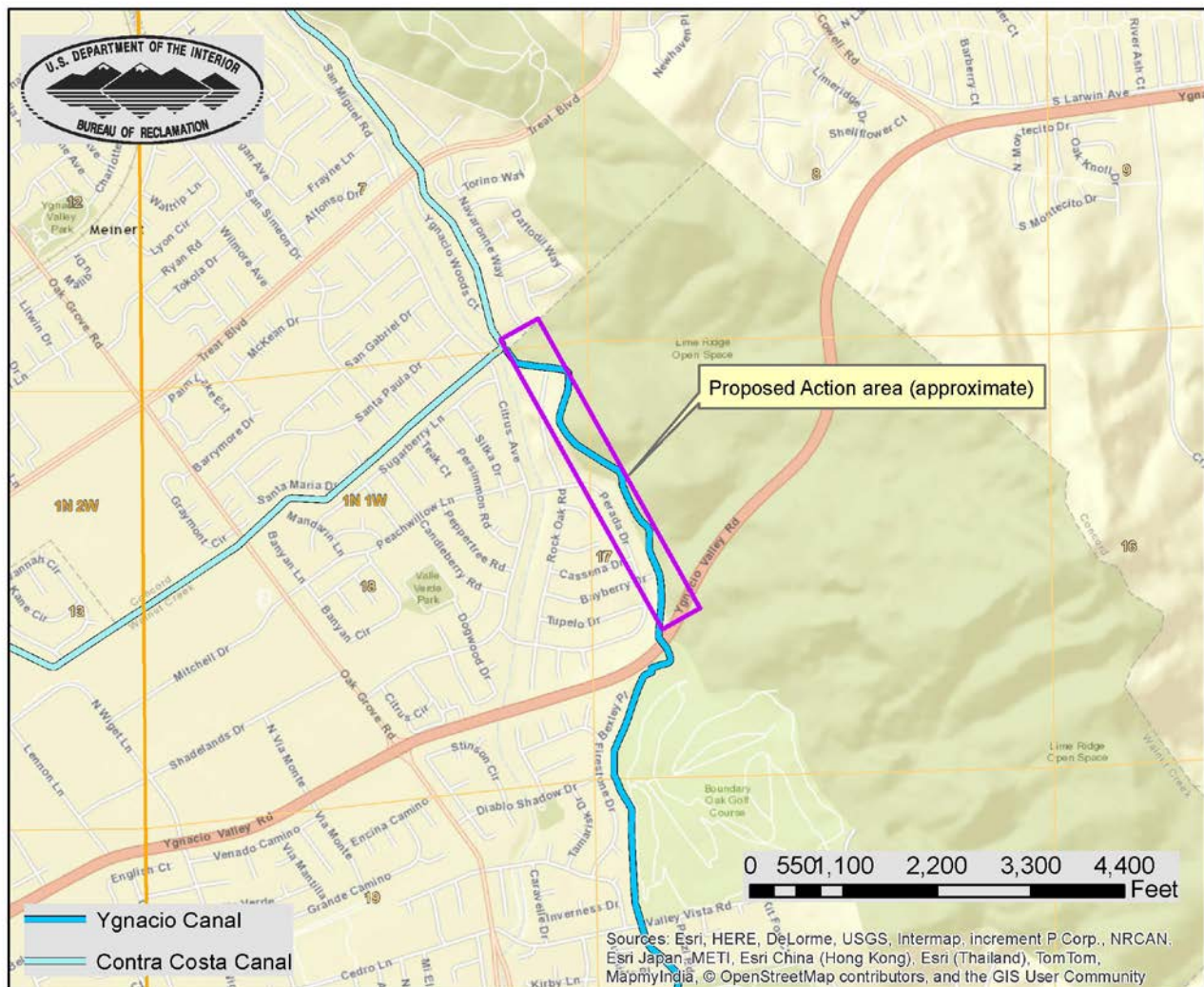


Figure 1 Proposed Action Area





Figure 2: Longitudinal and Transverse Cracking

## Nature of the Action

Contra Costa Water District proposes to approve the City's proposed rehabilitation project pursuant to Contract No. 09-LC-20-0075. The proposed project would consist of rehabilitating approximately 3,100 linear feet of roadway between milepost 0.2 and 0.8 on the Ygnacio Canal in order to remove roadway hazards from the pedestrian and bicycle use pathway and improve access for maintenance crews and Reclamation staff. Specific project details include:

- removal of up to 2 feet of the existing paved road surface. Road materials removed will be recycled as road base and crushed rock shoulder for the project;
- rebuilding of the slope edge at failed sections; and
- replacement of the existing roadway with a paved 10-foot wide asphalt bike path. The bike path would have a 2-foot to 4-foot wide crushed rock shoulders and would be vehicular accessible.

Construction activities will involve road milling, hauling, placement of geogrid reinforcement, grading, and asphalt paving. Equipment used will include standard roadway milling machines, excavators, earth-movers, graders, and paving machines. Staging of equipment will be entirely

within the Canal right of way. Vehicular traffic along the access road is restricted, therefore, no anticipated disruptions to local traffic is expected. Aside from the residential community immediately west of the roadway, no sensitive receptors to the anticipated construction activities are expected. The construction will be limited to the roadways and shoulder, with no new conversions of existing lands.

Prior to the start of construction, residences will be notified and construction activities will be limited to specified hours (e.g., daylight hours during weekdays). No significant new soil disturbance is expected other than minor grading to ensure that the new road is stable.

### Environmental Commitments

The City of Walnut Creek 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 Protection Measures

Resource	Measure
Biological	Before the start of any ground-disturbing activities associated with the Proposed Action, a qualified biologist shall conduct focused surveys for burrowing owls in areas of suitable habitat on and within 250 feet of the project footprint. A report documenting survey methods and findings shall be submitted to Reclamation at least 5 days before construction on the proposed Action.
Biological	If occupied burrowing owl burrows are found, Reclamation shall be notified and work on the proposed Action shall not begin until a qualified biologist has established a non-disturbance buffer of 160 feet during the non-breeding season (September 1 through January 31) or 250 feet during the breeding season (February 1 through August 31). The biologist shall remain on-site during construction to monitor the burrow, and may stop construction at any time to avoid impacts to the owls. The buffer shall remain in place until the biologist determines that the nest is no longer active.
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.
Biological	If work on the proposed Action occurs during the bird breeding season (February 1 to August 31), a qualified biologist shall conduct nesting bird surveys in the trees immediately adjacent to the Action Area. If a nesting migratory bird is found, no construction on the proposed Action shall occur within 35 feet of the nest until the young have fledged or until a qualified biologist determines that the nest is no longer active. All survey documentation shall be submitted to Reclamation prior to the start of construction. No nesting bird surveys are required if work occurs outside of the bird breeding season.
Various	All construction activities will follow standard BMP practices typical of this type of road work and consistent with industry standards regarding dust control, hazardous materials handling, noise generation, and equipment operation.
Water	No surface water runoff resulting from the proposed roadwork activities shall enter into the Contra Costa Canal or Ygnacio Canal.

### Exclusion Category

516 DM 14.5 D.1 – *Maintenance, rehabilitation, and replacement of existing facilities which may involve 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<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 RESOURCE COMPLIANCE**  
**Mid-Pacific Region**  
**Division of Environmental Affairs**  
**Cultural Resources Branch**

MP-153 Tracking Number: 16-SCAO-067

Project Name: City of Walnut Creek Ygnacio Canal Trail Rehabilitation Project

NEPA Document: 16-001

MP 153 Cultural Resources Reviewer: Lex Palmer

Date: June 6, 2016

---

This proposed undertaking by Reclamation is to authorize the City of Walnut Creek, through the Contra Costa Water District (CCWD) to reconstruct a portion of the Ygnacio Canal Trail that is failing and is now hazardous to users. 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 Reclamation, a California Historical Resources Information System 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)(2). 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.

Reclamation entered into consultation with the California State Historic Preservation Officer (SHPO), 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 June 6, 2016 (consultation attached).

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. Thank you for providing the opportunity to comment.

Attachment:

Letter: SHPO to Reclamation dated June 6, 2016

**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



June 06, 2016

In reply refer to: BUR\_2016\_0510\_001

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

RE: Section 106 Consultation for the Ygnacio Canal Trail Rehabilitation Project, Walnut Creek, Contra Costa County, California (Project #16-SCAO-067)

Dear Ms. Leigh:

The Office of Historic Preservation received on May 10, 2016 your letter initiating consultation on the above referenced project to comply with Section 106 of the National Historic Preservation Act of 1966 (as amended) and its implementing regulations at 36 CFR Part 800. The Bureau of Reclamation (BUR) is seeking comments on their delineation of the APE, appropriateness of historic property identification effort, and finding of effect for the Ygnacio Canal Trail Rehabilitation Project located within the City of Walnut Creek, Contra Costa County, California.

The proposed undertaking would authorize the City of Walnut Creek through the Contra Costa Water District (CCWD), to reconstruct a portion of the Ygnacio Canal Trail. The project would consist of rehabilitating approximately 3,100 linear feet of asphalt pavement, including removal of up to two feet of the existing paved road surface and repair of failed sections of the slope. The removed pavement would be replaced with a paved 10-foot wide asphalt bike path with 2-4 foot wide crushed rock shoulders.

The BUR has defined the Area of Potential Effects (APE) as consisting of the entire project area of approximately 0.99-acres including 3,100 linear feet and all construction related activities. Equipment staging will occur on paved surfaces located entirely within the Ygnacio Canal right-of-way. The vertical APE will have a maximum depth of approximately 2 feet and encompasses all expected ground disturbance. Along with your letter, you submitted the following documents to support the BUR's finding of effect:

- *Cultural Resources Survey Report for the City of Walnut Creek Ygnacio Canal Trail Rehabilitation Project, Contra Costa County, California (BUR 2016)*

Efforts to identify historic properties that may be affected by the undertaking included a records search, pedestrian survey, and Native American consultation. A records search was conducted at the Northwest Information Center and BUR also reviewed its internal files. The only cultural resource previously identified in the APE was the Ygnacio Canal, which is a contributing element of the Contra Costa Canal and the Central Valley Project (CVP). The BUR conducted an intensive pedestrian survey of the APE on February 22 2016, during which no additional cultural resources were identified.

For Native American consultation, the BUR sent letters to the Lone Band of Miwok Indians, the Wilton Rancheria, the Indian Canyon Mutsun Band of Costanoan, the Trina Marine Ruano Family, and the Ohlone Indian Tribe on April 15, 2016. No responses were received.

The BUR has determined that the only historic property present within the APE is a portion of the Ygnacio Canal, which is a contributing element to the Contra Costa Canal and CVP. The Contra Costa Canal was determined eligible for listing on the National Register of Historic Places (NRHP) by consensus determination in 2005. The Ygnacio Canal is piped underground from the southernmost segment of the Ygnacio Canal Trail to beyond the northwest terminus of the proposed project. The proposed project will not physically intrude on the Ygnacio Canal prism, and will not alter the existing setting of the canal or its historic characteristics. Therefore, they are requesting my concurrence on the appropriateness of the APE, adequacy of their historic property identification efforts and their finding of "*no adverse effect to historic properties*" for this undertaking. After reviewing the submitted materials, I have the following comments:

- The APE for this undertaking appears appropriately defined pursuant to 36 CFR 800.16(d).
- Pursuant to 36 CFR 800.4(b), the historic property identification efforts for this undertaking appear to have included the entire project area and appear to be adequate.
- Pursuant to 36 CFR 800.5(b), it appears that there will be no adverse effect to the Ygnacio Canal, the only historic property located within the APE. Therefore, **I concur** with a finding of *no adverse effect to historic properties* for this undertaking.

Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, the BUR may have additional future responsibilities for this undertaking under 36 CFR Part 800. If you require further information, please contact Koren Tippet of my staff at (916) 445-7017 or [Koren.Tippett@parks.ca.gov](mailto:Koren.Tippett@parks.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Julianne Polanco', with a long horizontal line extending to the right.

Julianne Polanco  
State Historic Preservation Officer