

RECLAMATION

Managing Water in the West

Categorical Exclusion Checklist

Land Use Authorization (LND-15-15) for a New 12-inch Water Pipeline to Cross Lateral 6.2 in Madera County

CEC-15-054

Prepared by:



Michael A. Fina
Natural Resources Specialist
South-Central California Area Office

Date: 8/5/16

Concurred by:

See Attachment A

Mark Carper

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:



Lisa Carlson

Wildlife Biologist

South-Central California Area Office

Date: 08/05/2016

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: 08/05/2016

Approved by:

for 

Michael P. Jackson

Area Manager

South-Central California Area Office

Date: 08/05/2016



U.S. Department of the Interior
Bureau of Reclamation
South-Central California Area Office

August 2016

Background

Roque Properties, LLC (Applicant) has requested authorization from the Bureau of Reclamation (Reclamation) to install a buried pipeline within Reclamation right-of-way (ROW) in Madera County, California (Figure 1). The proposed pipeline would cross under Lateral 6.2 (Lateral) and connect two agricultural fields owned by the Applicant that are adjacent to, continuous with, and on opposite sides of the Lateral.

Nature of the Action

Reclamation proposes to issue a long term land use authorization to the Applicant for the installation, operation, and maintenance of a water supply pipeline within Reclamation ROW. The proposed pipeline will cross under Lateral 6.2 between Station 67+59.00 and Station 67+01.71 as shown in Figure 2. The proposed pipeline will connect to an existing well and provide irrigation water to the Applicant's field located south of the Lateral.

Trenching for the proposed pipeline is anticipated to be approximately 3 feet wide x 11 feet deep x 80 feet long (Figure 3). The applicant intends to extend the length of the pipeline beyond Reclamation's ROW by 85 feet at a later date. Installation is projected to take approximately two days and will utilize an excavator and various hand tools. Staging will be done within a private equipment yard located northeast of the project area.

Environmental Commitments

The Applicant shall implement the following environmental protection measures to avoid and/or reduce environmental consequences associated with the Proposed Action:

- 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 letter report documenting survey methods and findings shall be submitted to Reclamation at least 5 days before construction on the Proposed Action.
- 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 the nest is no longer active.
- 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.

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

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 action does not allow for or lead to a major public or private action.*

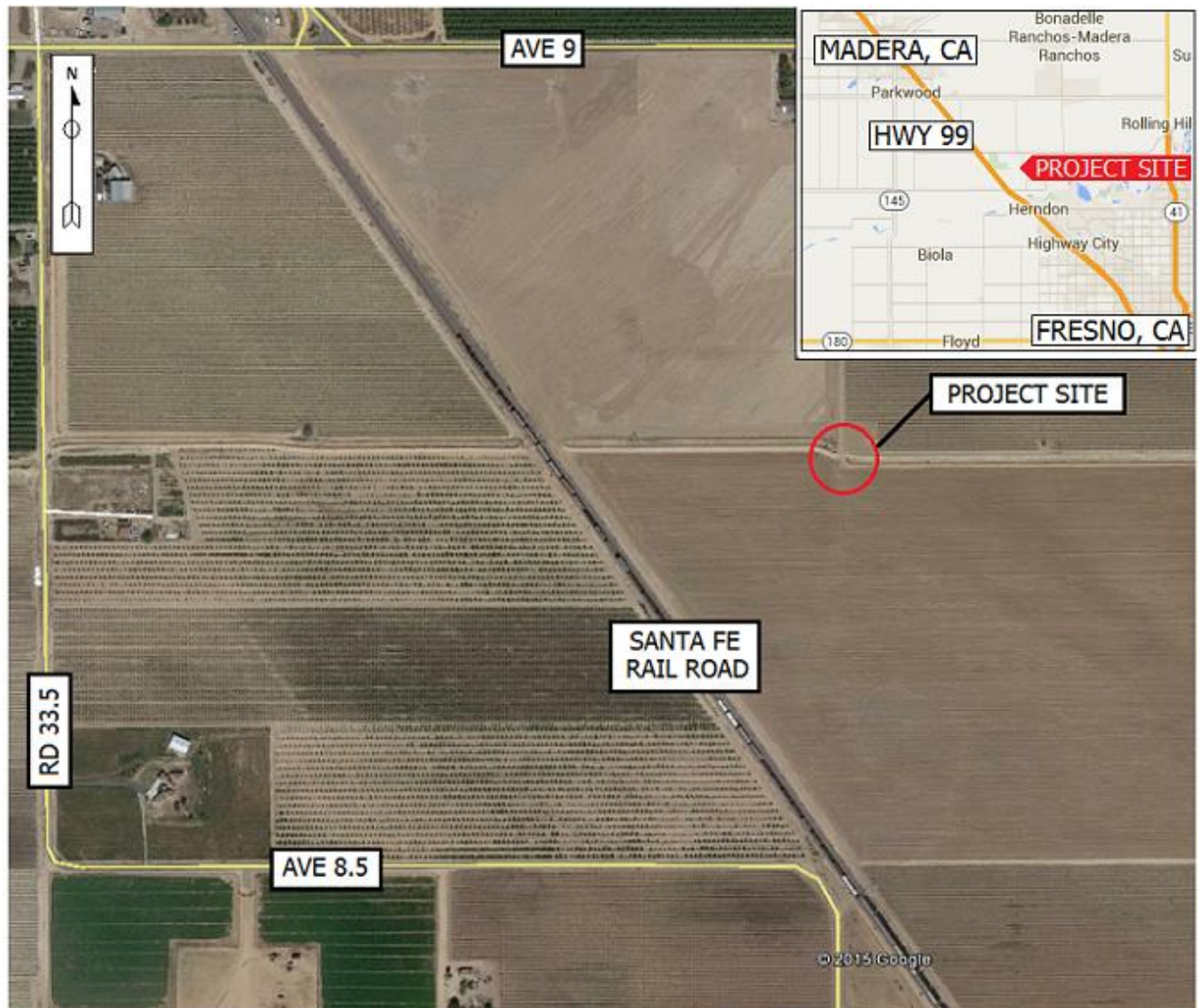


Figure 1: Project Site

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Managing Water in the West

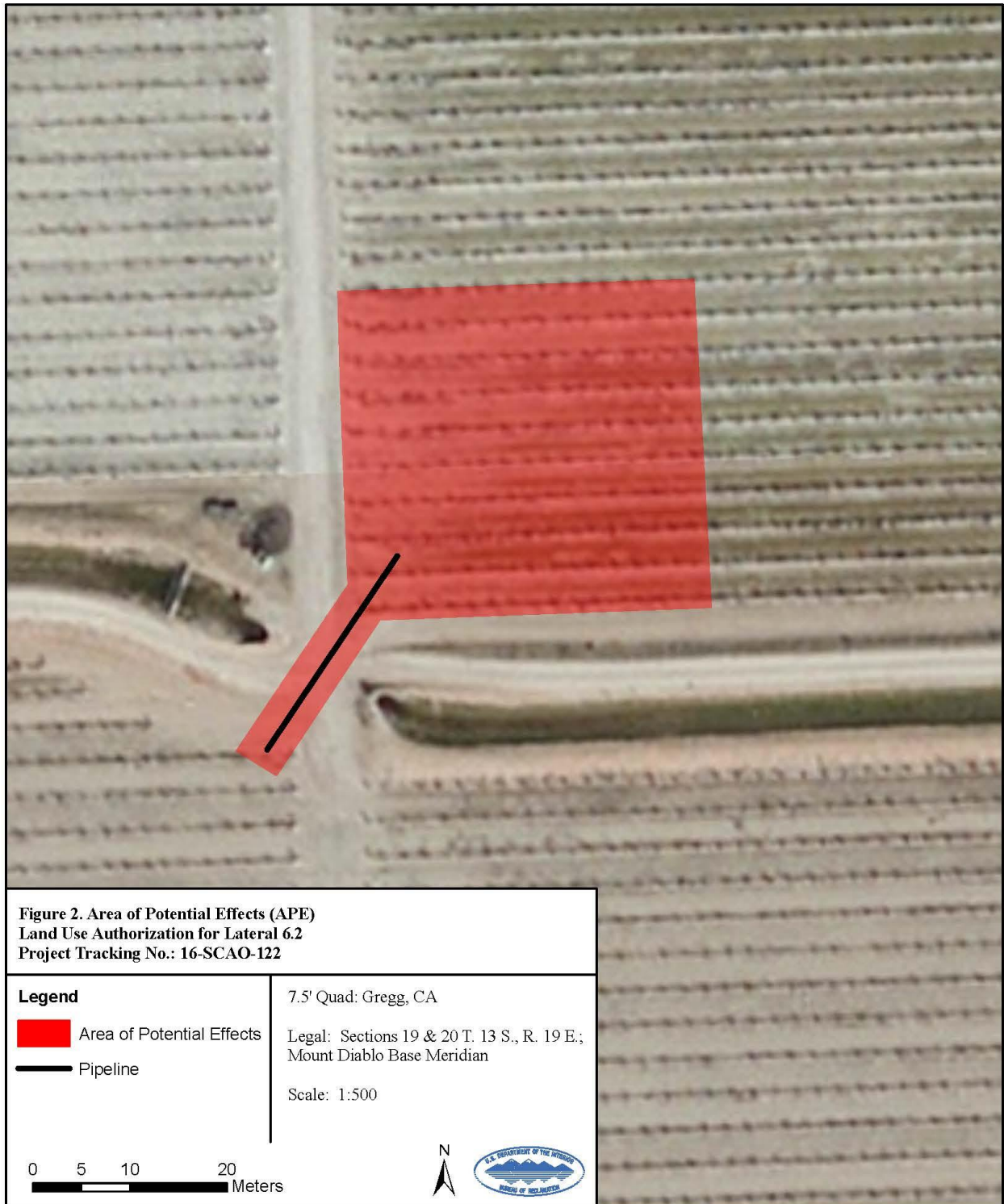


Figure 3 Area of Potential Effect

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: 16-SCAO-122

Project Name: LUA for a New 12-inch Water Pipeline to Cross Lateral 6.2 Project

NEPA Document: CEC-15-054

MP 153 Cultural Resources Reviewer: Mark Carper

NEPA Contact: Michael Fina, Rain Emerson

Determination: No Adverse Effect

Date: August 4, 2016

This proposed undertaking by Reclamation is to authorize Roque Properties, LLC to install an 80 foot pipeline within Reclamation right-of-way. Reclamation determined that issuance of this authorization 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).

The proposed water pipeline is being installed for field irrigation purposes. It will connect an existing well on the north side of Lateral 6.2 to an existing buried water pipeline network to provide water to the applicant's field south of the lateral. Trenching for the pipeline will be 80 feet long, 3 feet wide, and 11 feet deep. Staging for the project will be in an existing staging and storage yard adjacent to the proposed pipeline.

In an effort to identify historic properties in the APE, Reclamation conducted an internal archival review, a record search through by the Southern San Joaquin Valley Information Center (Record Search No. 16-196), and a pedestrian survey of the APE. In 2014, Culturescape prepared a cultural resources inventory report for the Madera Irrigation District (MID) for a WaterSmart Grant improvements project (enclosed on compact disc). Although no evaluation of the MID system was made by Culturescape, the report provides a context for the MID system. Lateral 6.2 is part of the MID water distribution and delivery system. A review of the California Department of Transportation's Districts 6 and 9 geo-archaeological overview (Meyer et al, 2010) indicate the local soils are identified as Old Pleistocene thus evincing a negligible potential for buried subsurface cultural deposits.

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Cultural Resources Branch

One cultural resource, Lateral 6.2, was identified within the project APE. The lateral, technically a sub-lateral, is a component of the MID water distribution and delivery system, which delivers water from the Madera Canal. Reclamation's Madera Canal is eligible to the National Register as a contributing feature to the Central Valley Project (CVP) under Criterion A, with a period of significance of 1940-1945, as identified in the draft National Register of Historic Places (National Register) Multiple Property Listing entitled California's Central Valley Project, Historic Engineering Features to 1956. The Madera Canal, as the smallest segment of the Friant Division, is significant in the historic development of the CVP, under the theme of the Development, Construction, and Operation. Upon its completion in 1945 and thereafter, the Madera Canal facilitated the growth of agricultural lands in Madera County which, in turn, helped boost California's agricultural economy to its current status as a national leader.

Due to the limited scope of present undertaking and the small scale of the project relative to the entirety of the MID water delivery system from the currently proposed action, an evaluation of the entire MID system for eligibility to the National Register was not completed. Reclamation assumes, for the purposes of this undertaking only, that the entire MID water distribution and delivery system is eligible for listing on the National Register under Criterion A, as defined in 36 CFR § 60.4, for the themes of water conveyance and the development of agriculture in the San Joaquin Valley. Likewise, for the purposes of the current undertaking only, Reclamation assumes that Lateral 6.2 is a contributing component to the National Register eligibility of the MID distribution system.

Reclamation applied the criteria of adverse effect of the undertaking to Lateral 6.2 and the MID distribution system, pursuant to 36 CFR § 800.5 and determined there would be no effects to the lateral. The undertaking involves a buried pipeline and the setting will be returned to its pre-construction condition at the completion of the pipeline installation. The impact will not affect any of the characteristics which potentially make Lateral 6.2 or the MID system eligible for listing on the National Register.

Pursuant to the regulations at 36 CFR § 800.3(f)(2), Reclamation identified the Big Sandy Rancheria, Cold Springs Rancheria of Mono Indians, North Fork Rancheria of Mono Indians, and the Table Mountain Rancheria as Indian tribes who might attach religious and cultural significance to historic properties within the APE. Reclamation sent letters to the tribes on June 7, 2016, inviting their participation in the Section 106 process, and requesting their assistance in the identification of sites of religious and cultural significance or historic

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properties that may be affected by the proposed undertaking pursuant to 36 CFR § 800.4(a)(4).

Reclamation initiated consultation with California the State Historic Preservation Officer (SHPO) on June 6, 2016 with a notification of a determination of no adverse effects to historic properties for the proposed project. SHPO concurred with the determination in a letter dated August 4, 2016.

I concur with Item 8 on CEC-15-054. The proposed action would have no 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**

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August 04, 2016

Reply in Reference To: BUR_2016_0707_001

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

Subject: National Historic Preservation Act (NHPA) Section 106 Consultation for the Land Use Authorization for a New 12-inch Water Pipeline to Cross Lateral 6.2, Madera County, California (Project #16-SCAO-122)

Dear Ms. Leigh:

The Office of Historic Preservation (OHP) received your letter on July 07, 2016 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 a proposed project involving authorization for installation of an 80 foot long buried pipeline within Bureau of Reclamation (Reclamation) right-of-way in Madera County, California. Reclamation is requesting comment on the Area of Potential Effects (APE) and concurrence with a finding of no adverse effect, pursuant to 36 CFR § 800.5(b). The following documentation was included with the submittal:

- *Cultural Resource Inventory for Madera ID Water Conservation 13-MPRO-191 MID Job#27-13-2. (for Madera Irrigation District, Madera, CA), by CultureScape, Mariposa, CA, January, 2014).*
- *MP-153 Cultural Resources Post Field Summary Report: 16-SCAO-122, by M. Carper Reclamation, June 22, 2016.*
- *Figure 1: Project Location; Figure 2: Area of Potential Effects (APE)*

The proposed water pipeline is being installed for field irrigation purposes within the 0.33 acre APE. It will connect an existing well on the north side of Lateral 6.2 to an existing buried water pipeline network to provide water to the applicant's field. Trenching will be 80 feet long, 3 feet wide, and 11 feet deep. A nearby existing staging and storage yard will be used for the project.

Identification efforts for historic properties included an internal archival review, a record search by the Southern San Joaquin Valley Information Center and a pedestrian survey on June 22, 2016. Culturescape's report and a review of a geo-archaeological overview by California Department of Transportation's Districts 6 and 9 indicate local soils are identified as Old Pleistocene thus supporting the probability of a negligible potential for buried cultural deposits.

One cultural resource was identified within the project APE, Lateral 6.2. Technically a sub-lateral of the Madera Canal, it is a component of the MID water distribution and delivery system. Reclamation's Madera Canal is eligible to the National Register of Historic Places (NRHP) as a contributing feature to the Central Valley Project (CVP) under Criterion A, with a period of significance of 1940-1945 as the smallest segment of the Friant Division canal system.

Upon its completion in 1945 the Madera Canal facilitated growth of agricultural lands in Madera County which, in turn, helped a nation-wide expansion of California's agricultural economy.

Pursuant to 36 CFR § 800.3(f)(2), Reclamation identified the Big Sandy Rancheria, Cold Springs Rancheria of Mono Indians, North Fork Rancheria of Mono Indians, and the Table Mountain Rancheria as Indian tribes who might attach religious and cultural significance to historic properties and sent letters on June 7, 2016, requesting their assistance in identifying such sites that may be affected by the proposed undertaking. Reclamation will work with these tribes to address any concerns that may arise and will make notifications as required.

Based on the small scale of the project relative to the entirety of the MID water delivery system, Reclamation assumes, for the purposes of this undertaking only, that the entire MID water distribution and delivery system is eligible for listing on the NRHP under Criterion A, for the themes of water conveyance and development of agriculture in the San Joaquin Valley. For the purposes of the current undertaking only, Reclamation assumes that Lateral 6.2 is a contributing component to the NRHP eligibility of the MID distribution system.

Reclamation applied the criteria of adverse effect of the undertaking to Lateral 6.2 and the MID distribution system and determined there would be no adverse effects to the lateral. The overall undertaking involves placing a buried pipeline in a trench only three feet wide and the setting will be returned to its pre-construction structural and visual condition upon completion.

OHP reviewed the submitted documentation and offers the following comments:

- Pursuant to 36 CFR 800.4(a)(1), there are no objections to the APE as defined.
- Pursuant to 36 CFR 800.4(b), it is considered that Reclamation has made a reasonable and good faith effort to identify historic properties within the area of potential effects.
- Pursuant to 36 CFR 800.4(c)(2), **I do not object** that, for the purposes of this undertaking only, Reclamation will treat the MID water conveyance system as an eligible district under Criterion A for the theme of development of irrigated agriculture in the San Joaquin Valley, and Lateral 6.2 as a contributing element to that district.
- Reclamation has determined that the proposed undertaking would result in no adverse effect to historic properties. Pursuant to 36 CFR 800.5(b), **I concur**.

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 or (916) 445-7031.

Respectfully,



Julianne Polanco
State Historic Preservation Officer