

RECLAMATION

Managing Water in the West

Categorical Exclusion Checklist

Del Puerto Water District Land Use Authorization for Pipeline Installation near Milepost 31.59 of the Delta-Mendota Canal

CEC-16-016

Prepared by:

Kate Connor
Kate Connor
Natural Resources Specialist
South-Central California Area Office

Date: 2/1/2017

Concurred by:

See Attachment A
Kevin Palmer
Architectural Historian
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:

Ned Gruenhagen
Ned Gruenhagen
Wildlife Biologist
South-Central California Area Office

Date: 02/02/2017

Concurred by:

Rain L. Emerson
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: 02/06/2017

Approved by:

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

Date: 02/06/2017



Background

Del Puerto Water District (Del Puerto) is an agricultural district located along the Delta-Mendota Canal (DMC) in San Joaquin, Stanislaus, and Merced Counties. The district receives Central Valley project (CVP) water from the Delta, by way of the DMC, for irrigation of high-value permanent crops. Due to water allocations decreasing in recent years, a landowner within Del Puerto needs to install a pipeline over the DMC to connect to an existing well in order to provide additional flow to sustain existing crops. As the pipeline would need to cross Bureau of Reclamation (Reclamation) right-of-way, Del Puerto has requested authorization from Reclamation on behalf of the property owner to install, operate, and maintain a pipeline across the DMC at approximate milepost (MP) 31.59 (Figure 1).

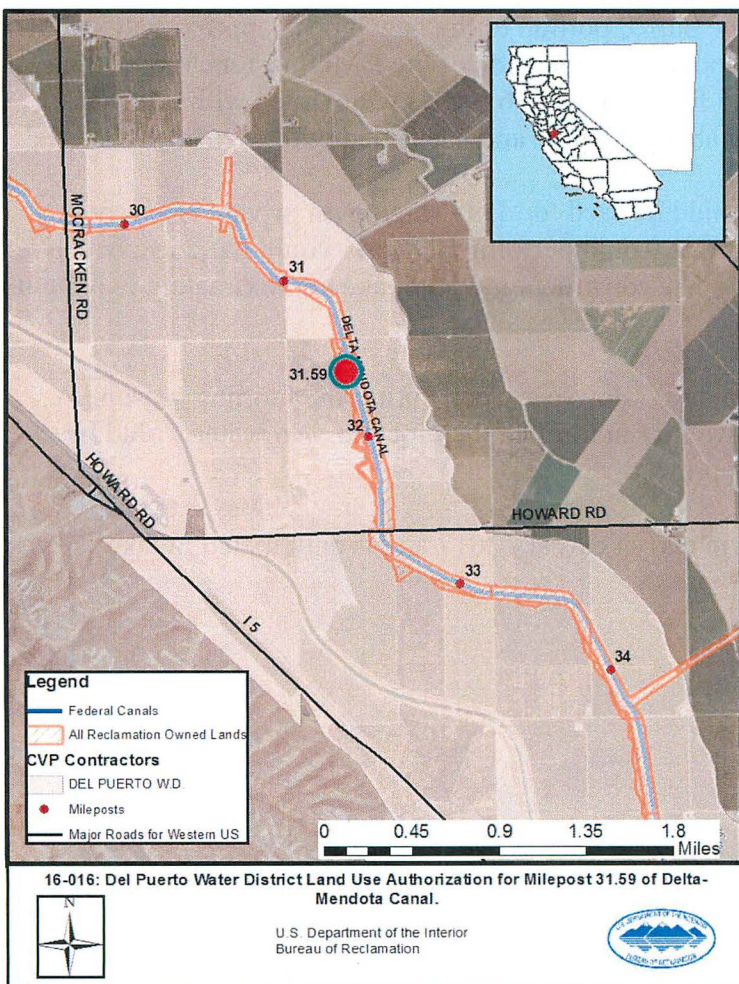


Figure 1 project Location

Nature of the Action

Reclamation will issue a land use authorization to Del Puerto for the installation of a pipeline over the DMC at MP 31.59. The proposed project includes the installation of an 8-inch diameter 208-foot long polyvinyl chloride pipe that would connect an existing discharge pipe located on the west side of the DMC to an existing farmland irrigation pipeline on the east side of the DMC. The pipe would attach to an existing well that sits 150 feet west of the proposed connection point on the west side of the Canal (Figure 2). The portion of the pipe crossing over the DMC (see Figure 2) would be exposed ductile iron. The exposed pipe would be installed by attaching it to the existing farm service bridge. A structural engineer would design the hanging infrastructure.

In order to install the underground portion of the pipeline, approximately 115 square feet of asphalt and 48 cubic yards of soil would be removed and disposed of on adjacent, privately-owned property. The majority, 33 cubic yards, of this native soil would be used for backfill. Trenching would be required within Reclamation's right-of-way on both sides of the bridge and total approximately 600 square feet. The buried portion of the new pipe is approximately 208 feet in length (100 +/- feet would be installed on either side of the DMC). Trenching for the pipeline would be 208 feet in length, 3.5 feet deep and 36 inches wide, lined with 6 inches of sand bedding, sand backfill up to 1 foot above the pipe and backfilled with excavated material.

Del Puerto has identified an area that would be used for daily staging on private property adjacent to the project area. Equipment that would perform the work would include a backhoe, a front-end loader and two service trucks. The construction would take approximately two months to complete.

The pipeline would be in use 24 hours a day, 7 days per week during the farming season. A maximum of 1,000 gallons per minute would run through the pipeline. No water would be discharged into the DMC as part of this project.

If authorized construction would begin in early February 2017 and is anticipated to take approximately 2 months to complete.

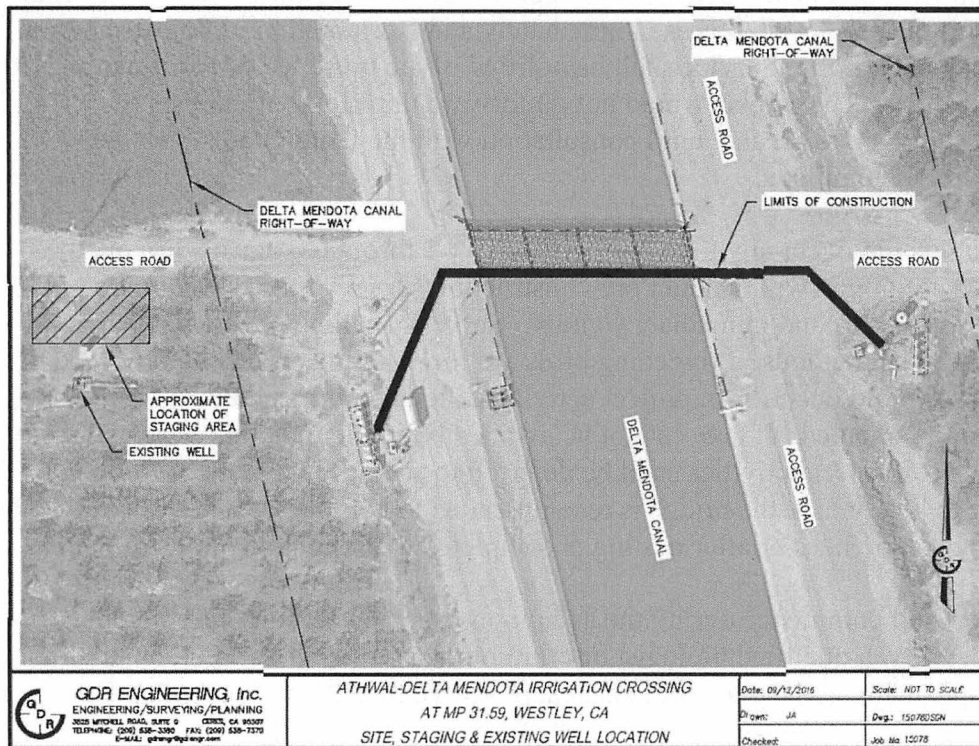


Figure 2 Proposed Action Area

Environmental Commitments

The following avoidance measures would be fully implemented by Del Puerto to avoid potential environmental consequences associated with the project:

1. Prior to the start of construction, a qualified biologist will conduct an employee education program to train all construction staff that will be involved with the project on the San Joaquin kit fox. This training will include a identification and description of the San Joaquin kit fox and its habitat needs, a report of the occurrence of kit foxes in the project Area, an explanation of the status of the species and its protection under the Endangered Species Act, and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information will be prepared for distribution to the previously referenced people and anyone else who may enter the project Area.
2. A qualified biologist would conduct pre-construction protocol level surveys for San Joaquin kit fox no fewer than 14 days and no more than 30 days prior to the onset of any ground disturbing activity (USFWS 2011). Del Puerto shall implement the *U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or during Ground Disturbance* (USFWS 2011).

3. If San Joaquin Kit Fox or their dens are detected at any time, all construction activities associated with the project shall cease immediately and Reclamation biologists and the United States Fish Wildlife Service shall be notified of the presence of San Joaquin Kit Fox or of their dens. The project would not go forward until further analysis by Reclamation staff, and if needed, until consultation with the United States Fish and Wildlife Service is completed.
4. If construction would occur any time during February 1 through August 31, a qualified biologist or ornithologist will conduct pre-construction surveys for nesting migratory birds in the project area and immediate vicinity. Surveys shall be conducted using commonly accepted methods. If breeding birds are found in the project area or take of migratory birds would occur from project activities, then recommendations for avoiding take shall be implemented. If take cannot be avoided by implementing recommendations for avoiding take, project activities shall be deferred to such time that take would not occur. Work to be done on the bridge is recommended to commence and be completed before nesting commences or after nesting is completed to avoid take of nesting birds.
5. If construction will commence during the avian non-breeding season of September 1 through January 31, a qualified biologist or ornithologist will conduct pre-construction surveys for burrowing owls at the project area, in accordance with accepted survey protocols.
 - a. If burrowing owls are identified onsite or in the vicinity of the project area during the preconstruction surveys, then an appropriate construction buffer area will be determined by the biologist/ornithologist, and the buffer area will be demarcated and avoided during construction. If burrows would be destroyed or it is not practicable to avoid said buffer areas during construction, then California Department of Fish and Wildlife and/or United States Fish and Wildlife Service will be consulted for appropriate action prior to disturbance within the buffer areas. If burrowing owls are detected during the non-breeding season, during the preconstruction surveys, then they may be passively relocated by placing one-way doors in the burrows and leaving them in place for a minimum of three days. Once the biologist/ornithologist has determined that all burrowing owls have vacated the site, then construction may proceed.
 - b. If burrowing owls are not detected in the project area or they are in areas where they would not be disturbed, then construction may commence without further action.
6. Maintenance of facilities at the farm bridge or overwater of the DMC shall be done during the avian non-nesting season or when no avian nests are active at the site to avoid take of nesting birds.
7. Soil placed at the spoil waste disposal site shall not cover burrows.

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
<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-196

Project Name: Del Puerto Water District Land Use Authorization for Milepost 31.59 of Delta-Mendota Canal

NEPA Document: 16-016

MP 153 Cultural Resources Reviewer: Lex Palmer

Date: December 20, 2016

This proposed undertaking by the Del Puerto Water District (DPWD) is for the DPWD's proposed construction of a new, non-potable irrigation pipeline crossing over the Reclamation-owned Delta Mendota Canal at milepost 31.59 to the west of Westley, California. Reclamation determined that the authorization of this work is 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).

Based on historic properties identification efforts conducted by Reclamation cultural resources staff, 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(b). 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. Thank you for providing the opportunity to comment.

Attachment:

Letter: SHPO to Reclamation dated December 20, 2016

**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



December 20, 2016

In reply refer to: BUR_2016_1121_001

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

Subject: Section 106 Consultation for the Del Puerto Water District (DPWD) Land Use
Authorization for Milepost 31.59 of the Delta-Mendota Canal (DMC), Stanislaus
County, California (Project #16-SCAO-196)

Dear Ms. Leigh:

The Office of Historic Preservation (OHP) received on November 21, 2016 your letter initiating consultation on the above referenced undertaking under Section 106 of the NHPA, and its implementing regulations found at 36 CFR Part 800. The Del Puerto Water District (DPWD) proposes construction of a non-potable irrigation pipeline that will cross over the Reclamation-owned Delta-Mendota Canal (DMC) by attaching it underneath an existing DMC Timber Farm Bridge located at canal milepost 31.59, in Stanislaus County, California. Reclamation requests concurrence with its finding of no adverse effect pursuant to 36 CFR § 800.5(b). Supporting documentation includes:

- *Figure 1: Project Location (USGS); Figure 2: Area of Potential Effects (aerial); Project Drawings: Cover Sheet, General Notes and Specifications, Site Layout Sheet; Standard Details, Plan and Profile, & Sections and Details (6 pp.)*
- *Del Puerto Water District Land Use Authorization for Milepost 31.59 of Delta-Mendota Canal Stanislaus County, California, Project Tracking No. 16-SCAO-196, Bureau of Reclamation Mid-Pacific Region] (K. Palmer, October 2016). [Palmer: 2016]*

The pipeline will transport water from an existing well for delivery to a farm on private property via an existing timber bridge constructed in about 1949. Trenching will be required on both bridge ends to install water line connections. Equipment staging will be within the DMC right-of-way that is comprised of canal construction spoils; access is by existing roads.

The area of potential effects (APE) includes the entire construction footprint of approximately 0.15 acres. The horizontal APE is 330 feet long (east/southeast-west/southwest) and 15 feet wide; the vertical APE is 36 inches deep for the trenching.

Historic property identification efforts included Reclamation review of its archaeological site index, project histories, and real property records; results are provided in the enclosed report (Palmer 2016). Constructed between 1946 and 1951, the DMC transfers Sacramento River water for irrigation to about 1,000,000 acres of agricultural lands in the San Joaquin Valley. The Timber Farm Bridge, built in 1949, is a standard design to allow access to farmland divided by the new DMC and for use of DMC Operations and Maintenance staff. It was repaired in 1965 using 1960s construction materials that include bolt and washer fasteners, W-style metal guard railing, and incised lumber curbing and supports. These plain 1960s

repair materials are similar in scale, design and workmanship to the bridge's original utilitarian construction as a simple wooden deck span (Palmer: 2016, Figure 1 and Figure 5).

In 2009, Reclamation drafted a Central Valley Project (CVP) National Register of Historic Places Multiple Property listing (MPL) and evaluated the DMC as a contributing element under Criterion A for its association with operation of the CVP, with a period of significance of 1946-1971. Timber Farm Bridges are a contributing property type for DMC eligibility. For purposes of the current undertaking, Reclamation is treating the CVP and DMC as MPL eligible properties and the bridge as a contributing element of the overall DMC irrigation system.

Reclamation determined that no consultation with Indian tribes or other Native American organizations or individuals would be needed as the entire APE is within the built environment of the previously disturbed canal prism which was over 100 feet wide and 30 feet deep at this point, and spoils were used to create a canal road berm over 5 feet deep. Therefore, there is no potential for intact subsurface archaeological deposits in the APE as defined and the surrounding land consists of long developed nut orchards.

The proposed action of installing the pipeline on the structural system below the bridge deck is typical for ongoing diversion of water for agricultural and industrial purposes elsewhere on the DMC and will result in a low visual effect. The DMC will retain its integrity of feeling and association of a water conveyance system, and the Timber Farm Bridge will continue to remain in service for vehicular crossings over the DMC resulting in no significant alterations to the historic characteristics that make the DMC segment and Timber Farm Bridge eligible for the National Register.

After OHP staff review of the documentation, the following comments are offered:

- Pursuant to 36 CFR 800.4(a)(1), there are no objections to the APE as defined;
- Pursuant to 36 CFR 800.4(b), Reclamation has documented 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 purposes of this undertaking only, Reclamation will treat the DMC and Timber Farm Bridge as eligible for inclusion in the MPL under Criterion A for the theme of CVP water conveyance systems.
- Reclamation has determined that the proposed undertaking will result in no adverse effects to the historic properties affected. 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.

Sincerely,



Julianne Polanco
State Historic Preservation Officer