RECLAMATION
Managing Water in the West

Categorical Exclusion Checklist

City of Concord Galindo Creek Storm Drain along the Contra Costa Canal between MP 32.4 and 32.9

CEC-16-038

Prepared by: Kate Connor Date: 2/1/2017
Kate Connor
Natural Resources Specialist
South-Central California Area Office

Concurred by: See Attachment A Date: See Attachment A
Joanne Goodsell
Mid-Pacific Regional Office
Regional Archeologist concurred with Item 8. Their determination has been placed within the project file.

Concurred by: Ned R. Gruenhagen Date: 02/01/2017
Ned Gruenhagen
Wildlife Biologist
South-Central California Area Office

Concurred by: R Emerson Date: 02/03/2017
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: for R Emerson Date: 02/03/2017
Michael P. Jackson
Area Manager
South-Central California Area Office

Background

In 1953, Reclamation granted Contra Costa County a 50-year license to install, operate, and maintain a storm drain system at the Galindo Creek Wasteway and side channel spillway located adjacent to the Contra Costa Canal between milepost (MP) 32.4 and 32.9 (Figure 1). The license area approved by Reclamation for the storm drain system includes approximately 1.07 acres of Reclamation land. After 1953, the City of Concord (City) acquired ownership of the storm drain system from the County and began to Operation and Maintenance (O&M) the system. Recently, the City discovered that the original license expired and is requesting issuance of a new license.

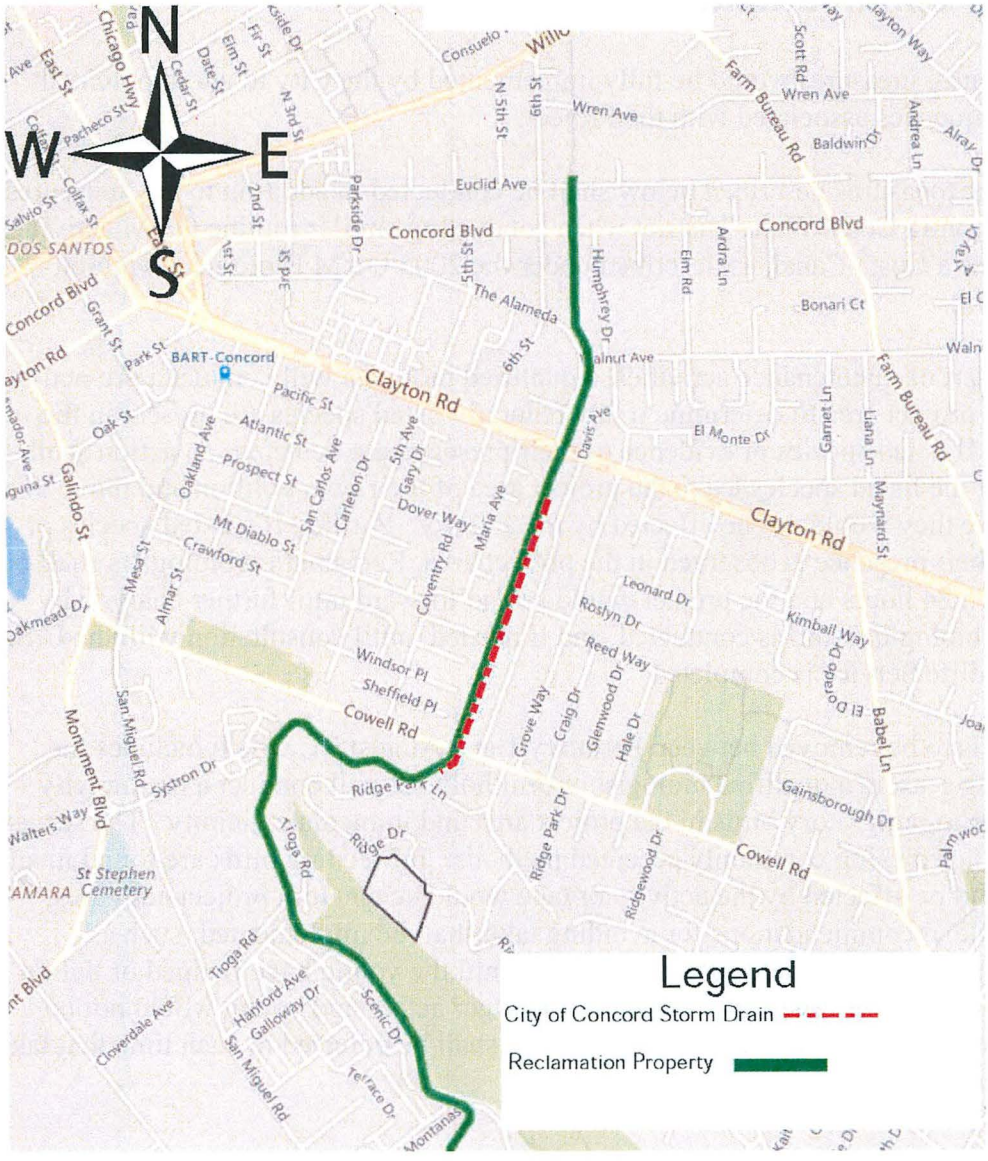

Figure 1 City of Concord Galindo Creek Storm Drain between MP 32.4 and 32.9

Nature of the Action

Contra Costa Water District , pursuant to their operating agreement (Contract No. 14-06-200-6072A), proposes to issue a 25-year license to the City for the continued O&M of the existing storm drain system located longitudinally on the easterly portion of the Contra Costa Canal between MP 32.4 and 32.9.

The new license would include the City's right to O&M the existing storm drain system. Any O&M beyond what was previously done under the expired license would require additional environmental review and approval.

Environmental Commitments

The following avoidance measures would be fully implemented by the City to avoid potential environmental consequences associated with the Project:

1. The avoidance measures described below shall be conducted in addition to any measures required of Contra Costa Water District when conducting similar routine O&M activities along the Contra Costa Canal, as described under the 2005 O&M Biological Opinion (USFWS 2005).

2. Prior to the start of maintenance activities, a qualified biologist will conduct a pre-activity survey of the project area to determine if any federally listed species are present in the project area. If listed species or evidence of their presence are detected, no action shall be taken until the listed species leave the project area of their own volition and move to a location where they would not be affected by the activity. Further, if a listed species or evidence of their presence is observed in the project area, Reclamation biologists shall be notified within 24 hours and the project would not go forward until further analysis by Reclamation biological staff is conducted, and if needed, until consultation with the U.S. Fish and Wildlife Service is completed.

3. If vegetation is to be removed between February 1 and August 31, which includes the avian breeding season, a qualified biologist or ornithologist will conduct a pre-activity survey for nesting migratory birds in the project area and immediate vicinity. The survey shall be conducted using commonly accepted methods. If breeding birds are found in an area that would be affected by the activity or take would occur from project activities, then if possible, recommendations for avoiding take shall be implemented, such as establishment of an appropriate avoidance buffer until the young have fledged or until a qualified biologist determines that nesting is no longer active and young would not be taken. If take cannot be avoided, project activities shall be deferred to such time that take would not occur.

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.*

Evaluation of Criteria for Categorical Exclusion

	No	Uncertain	Yes
1. This action would have a significant effect on the quality of the human environment (40 CFR 1502.3).	☑	☐	☐
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)).	☑	☐	☐
3. This action would have significant impacts on public health or safety (43 CFR 46.215(a)).	☑	☐	☐
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)).	☑	☐	☐
5. This action would have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks (43 CFR 46.215(d)).	☑	☐	☐
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)).	☑	☐	☐
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	Uncertain	Yes
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)).	☑	☐	☐
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)).	☑	☐	☐
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)).	☑	☐	☐
11. This action would affect ITAs (512 DM 2, Policy Memorandum dated December 15, 1993).	☑	☐	☐
12. This action would have a disproportionately high and adverse effect on low income or minority populations (EO 12898) (43 CFR 46.215 (j)).	☑	☐	☐
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)).	☑	☐	☐
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)).	☑	☐	☐

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: 17-SCAO-018

Project Name: City of Concord Galindo Creek License Extension

NEPA Document: CEC-16-038

NEPA Contact: Mary (Kate) Connor, Natural Resources Specialist

MP-153 Cultural Resources Reviewer: Joanne Goodsell, Archaeologist

Date: October 28, 2016 JOANNE GOODSELL Digitally signed by JOANNE GOODSELL Date: 2016.10.28 11:26:30 -07'00'

Contra Costa Water District (CCWD), pursuant to approval authority granted under their existing operating agreement with Reclamation for the operations and maintenance (O&M) of the Contra Costa Canal (Contract No. 14-06-200-6072A), proposes to issue a new 25-year license to the City of Concord (City) for the continued O&M of the City's storm drain system, a portion of which is located on Reclamation land adjacent to the Contra Costa Canal. The new license would permit the City to continue O&M of the storm drain, as permitted in an expired license for the same activities.

The issuance of the new license, by CCWD on Reclamation's behalf, is administrative in nature and comprises the type of undertaking that does not have the potential to cause effects on historic properties, pursuant to 36 CFR § 800.3(a)(1). As such, Reclamation has no further obligations under 54 USC 306108, commonly known as Section 106 of the National Historic Preservation Act (NHPA). Item 8 on CEC-16-038 is supported by this determination.

This document conveys 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 the proposed action, additional NHPA Section 106 review, possibly including consultation with the State Historic Preservation Officer, may be necessary.