

RECLAMATION

Managing Water in the West

Categorical Exclusion Checklist

Madera Canal O&M Agreement

CEC-16-045

Prepared by:



Stacy L. Holt
Natural Resources Specialist
South-Central California Area Office

Date: 02/17/2017

Concurred by:

See Attachment A
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
Wildlife Biologist
South-Central California Area Office

Date: 03/06/2017

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: 03/08/2017

Approved by:


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

Date: 3/8/2017



Background

The Madera Canal was built in 1945 and is a component of the Central Valley Project Friant Division. It is located approximately 20 miles north of Fresno, California (Figure 1). The canal is owned by the Bureau of Reclamation (Reclamation) and operated on Reclamation's behalf by the Madera and Chowchilla Water and Power Authority (MCWPA).

The previous O&M Agreement for the Madera Canal expired February 28, 1998. A new Operations and Maintenance (O&M) agreement for the Madera Canal has been requested by MCWPA.

Nature of the Action

Reclamation proposes to issue a 25-year O&M agreement to MCWPA, who will continue to operate, maintain, and repair the Madera Canal and its appurtenances; appurtenances would be replaced as needed. Issuance of the new O&M agreement is an administrative action only. It does not include any changes to current O&M activities, ground disturbance, or changes to the infrastructure. O&M of the Madera Canal and its appurtenances must be consistent with the U.S. Fish and Wildlife Service 2005 Biological Opinion for Reclamation's South-Central California Area Office's Operations and Maintenance Program (1-1-04-0368). Any activities not covered in the 2005 O&M Biological Opinion will require additional environmental review and approval under the Endangered Species Act.

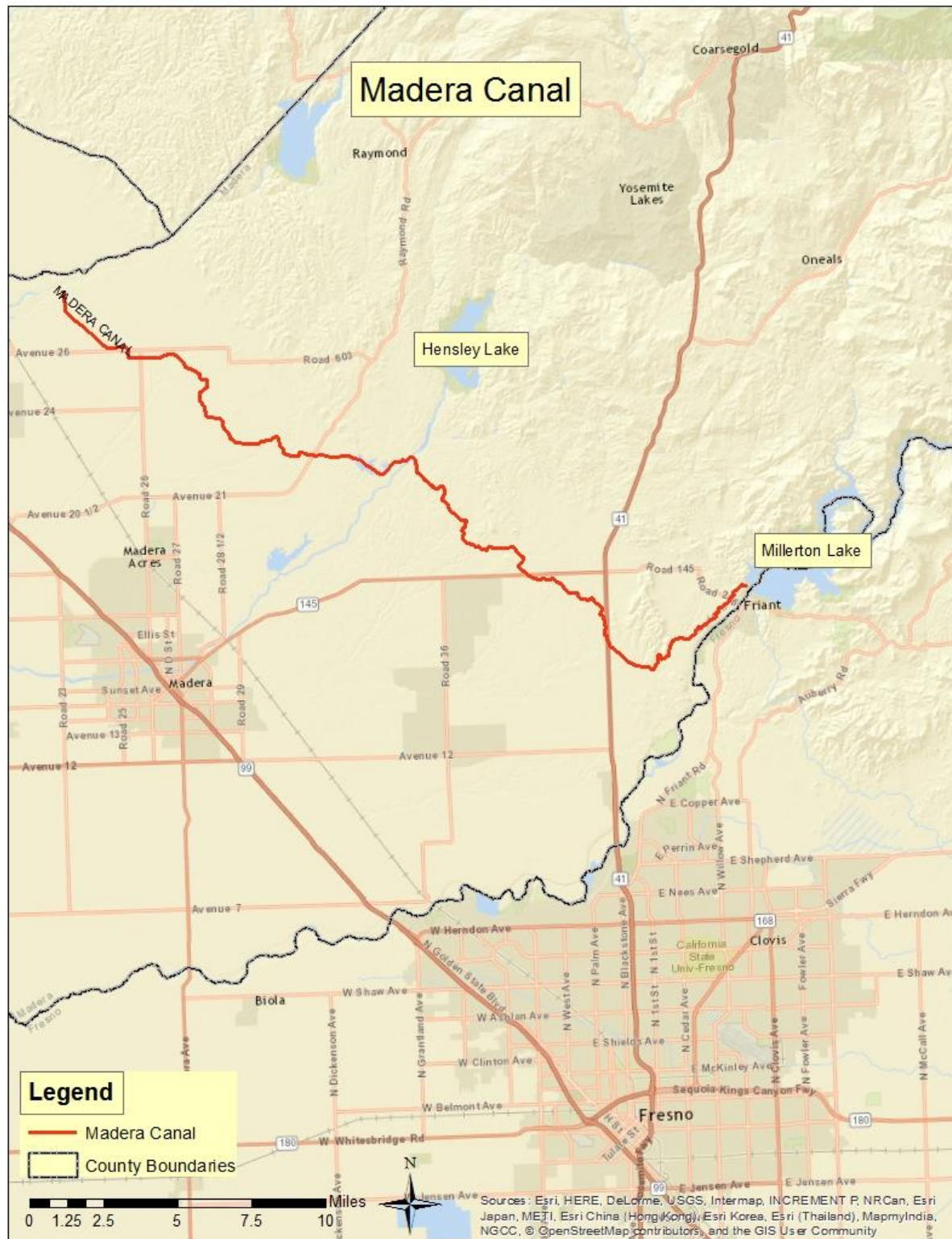


Figure 1 Location of the Madera Canal

Environmental Commitments

MCWPA shall implement the following environmental protection measures to avoid and/or reduce environmental consequences associated with the Proposed Action (Table 1).

Table 1 Environmental Protection Measures

Resource	Protection Measure
Biological Resources	If O&M would occur any time during February 1 through August 31, a qualified biologist or ornithologist will conduct surveys for nesting migratory birds in the area and immediate vicinity of the O&M activity. Surveys shall be conducted using commonly accepted methods. If take of migratory birds would occur from O&M activities, then recommendations for avoiding take shall be implemented. If take cannot be avoided by implementing recommendations for avoiding take, O&M activities shall be deferred to such time that take would not occur. Work to be done on the bridges is recommended to commence and be completed before nesting commences or after nesting is completed to avoid take of nesting birds.
Biological Resources	<p>If O&M activities will commence during the avian non-breeding season of September 1 through January 31, a qualified biologist or ornithologist will conduct surveys for burrowing owls at O&M sites, in accordance with accepted survey protocols.</p> <ul style="list-style-type: none"> • If burrowing owls are identified onsite or in the immediate vicinity of the O&M area during the pre-activity surveys, then an appropriate buffer area will be determined by the biologist/ornithologist, and the buffer area will be demarcated and avoided during the O&M activity. If burrows would be destroyed or it is not practicable to avoid said buffer areas during the O&M activity, then California Department of Fish and Wildlife (CDFW) and/or Service will be consulted for appropriate action prior to any disturbance within the buffer areas. If burrowing owls are detected during the non-breeding season pre-activity 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, following procedures for excluding owls from burrows (CDFW 1995). Once the biologist/ornithologist has determined that all burrowing owls have vacated the site, then O&M activity may proceed. • If burrowing owls are not detected in the area of the O&M activity or they are in areas where they would not be disturbed, then O&M activities may commence without further action.
Biological Resources	O&M activity at bridge or other facilities 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.

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

Exclusion Category

516 DM 14.5 D (2). *Transfer of the operation and maintenance of Federal facilities to water districts, recreation agencies, fish and wildlife agencies, or other entities where the anticipated operation and maintenance activities are agreed to in a contract or a memorandum of agreement, follow approved Reclamation policy, and no major change in operation and maintenance is anticipated.*

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). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <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)). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. This action would have significant impacts on public health or safety (43 CFR 46.215(a)). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <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)). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <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)). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <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)). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <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)). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <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)). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <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)). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <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 RESOURCES COMPLIANCE
Division of Environmental Affairs
Cultural Resources Branch (MP-153)

MP-153 Tracking Number: 17-SCAO-021

Project Name: Madera Canal O&M Agreement

NEPA Document: CEC-16-045

NEPA Contact: Stacy Holt, Natural Resources Specialist

MP-153 Cultural Resources Reviewer: BranDee Bruce, Architectural Historian

Date: January 12, 2017

Reclamation proposes to issue a 25-year Operations and Maintenance (O&M) agreement to Madera and Chowchilla Water and Power Authority (MCWPA), who will continue to operate, maintain, repair, and replace (as needed) the Madera Canal and its appurtenances. The previous O&M agreement for the Madera Canal expired February 28, 1998. Without an O&M agreement in place, the responsibilities of MCWPA and Reclamation for the O&M of the Madera Canal are not defined, and necessary maintenance and repair may not occur, increasing the risk of canal failure. Only the activities that were covered under the previous agreement will be continued under this new agreement. Any activities not covered in that earlier agreement will be subject to additional environmental review and approval.

Section 106 regulations allow federal agencies to conduct “nondestructive project planning activities before completing compliance with Section 106” (36 CFR § 800.1[c]), provided any subsequent consideration of alternatives to avoid, minimize or mitigate adverse effects is not restricted during the planning process. At this time, Reclamation does not have an undertaking with the potential to affect historic properties as the activities described for the agreement are planning activities. Should subsequent actions be identified and recognized as an undertaking as defined in 36 CFR § 800.14(y) and § 800.3(a)(1), that federal action will then be subject to compliance with Section 106 of the NHPA and other federal cultural resources laws as applicable.

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.