

RECLAMATION

Managing Water in the West

Categorical Exclusion Checklist

Land Use Authorization to The Huling Company for Installation of a Vehicle Crossing at Lateral 32.2-9.9-1.0

CEC-16-037

Prepared by:


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


Date: 09/18/2017

Concurred by:

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

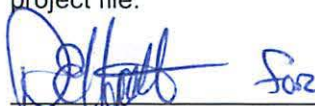
Date: See Attachment A

Concurred by:


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: 9/18/2017

Approved by:


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

Date: 9/19/2017



Background

The Huling Company has requested authorization from the Bureau of Reclamation (Reclamation) to remove an existing, unpermitted, crossing structure and to install a new vehicle crossing structure in the same location over the Lateral 32.2-9.9-1.0 (Lateral). The Proposed Action would occur on Road 19, between Avenue 19 and Avenue 19-1/2, about 10 miles north-northwest of Madera, California at approximately Station 120+16 of the Lateral. The legal project location description is: Section 26, Township 10S, Range 16E, M.D.B.M. in the County of Madera (Figure 1). The crossing structure is used by The Huling Company to access property that the company owns on both sides of the Lateral.

Nature of the Action

Reclamation proposes to issue a 25-year land use authorization to The Huling Company to replace, operate, and maintain a vehicle crossing over the Lateral. The Proposed Action is located within Reclamation's right-of-way for the Lateral and will have ground disturbing activities from excavating and re-grading access roads (Figures 2 and 3). Excavation within the Lateral would be 85 feet long by 40 feet wide and remain at current canal depth. The requested authorization will allow for the following activities (Figures 2-4):

- remove the existing crossing structure;
- remove the existing upstream and downstream concrete head walls;
- excavate and re-align 40 feet of existing 24 inch Rubber Gasket Reinforced Concrete (RGRC) Class III pipe and adding 32 feet of RGRC Class III pipe;
- reconstruct the upstream and downstream concrete head walls;
- placement of a wider structure that crosses the Lateral and that will abut Road 19 at the location of the previously existing structure. The new crossing will be 50 feet, 72 feet wide, and between 5 and 10 feet deep (not to exceed 10 feet deep);
- the removal and replacement, in kind, of appurtenant canal features under the existing crossing
- backfill and compact soil to 95% relative compaction in 6" lifts¹,
- grade a maximum of 2,000 square feet of finished surface;
- and to construct reinforced inlet and outlet structures to Reclamation's standard.

Construction equipment would consist of excavator, dump truck, backhoe, concrete mixer, grader, water truck, roller compactor, and various contractor trucks. It is anticipated that construction would begin in November 2017, and take approximately six weeks to complete. During that time, the crossing would be closed at all times. Madera County Road 19 will remain open for the duration of the project with no anticipated lane restrictions.

¹ Lift is a term used to describe the maximum level or depth of backfill or compaction soils that is placed in the area to be compacted at any one time. Multiple lifts are used to fill areas to a uniform and/or desired height.

Environmental Commitments

The Huling Company shall implement the following environmental protection measures to avoid environmental consequences associated with the Proposed Action (Table 1).

Table 1 Environmental Protection Measures

Resource	Protection Measure
Biological Resources	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.
Biological Resources	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.
Biological Resources	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.*

Evaluation of Criteria for Categorical Exclusion

Below is an evaluation of the extraordinary circumstances as required in 43 CFR 46.215.

Extraordinary Circumstance	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)).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. This action would affect ITAs (512 DM 2, Policy Memorandum dated December 15, 1993).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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)).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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)).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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)).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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.

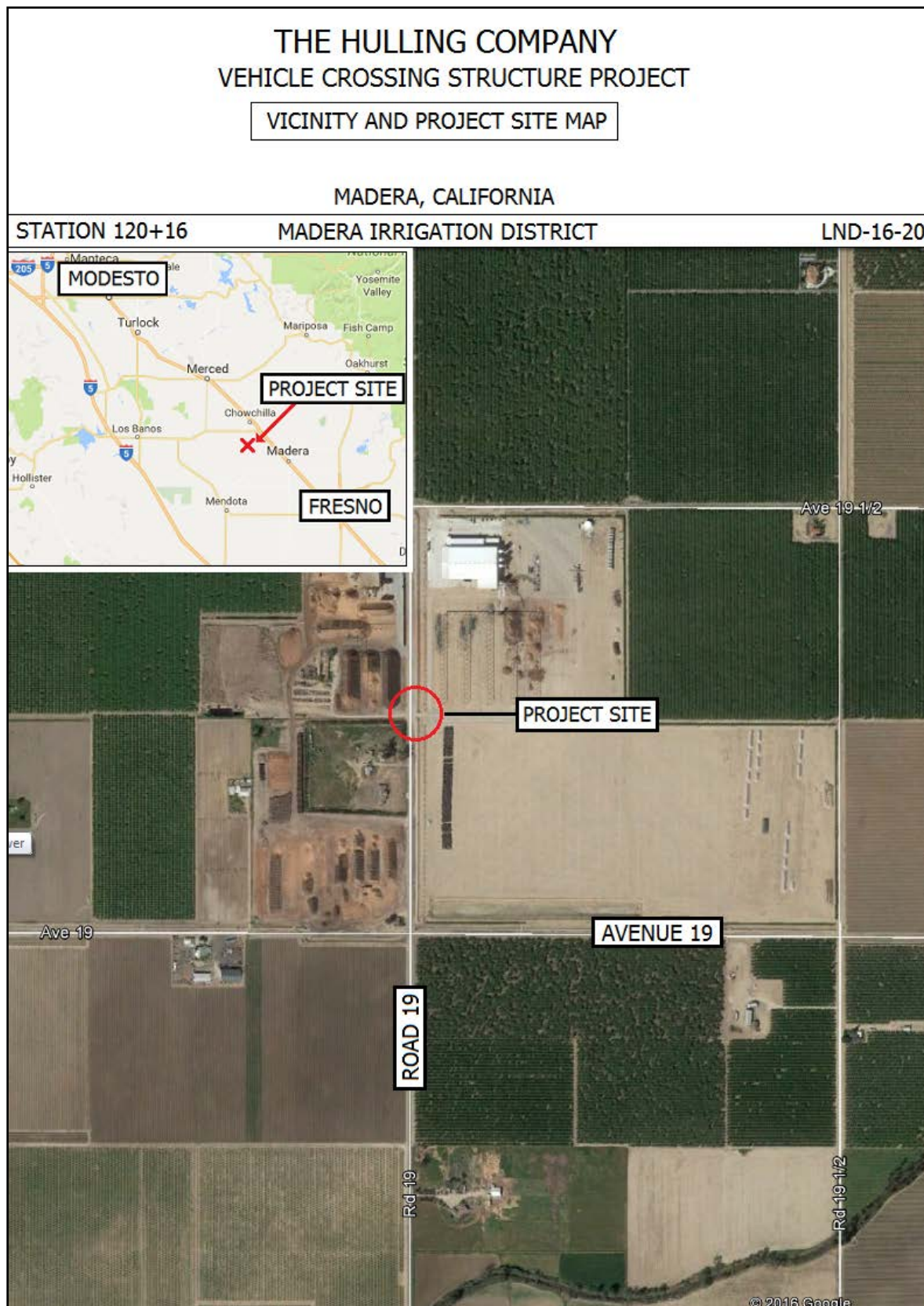
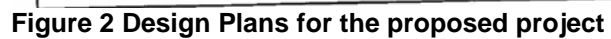


Figure 1 Proposed Action area



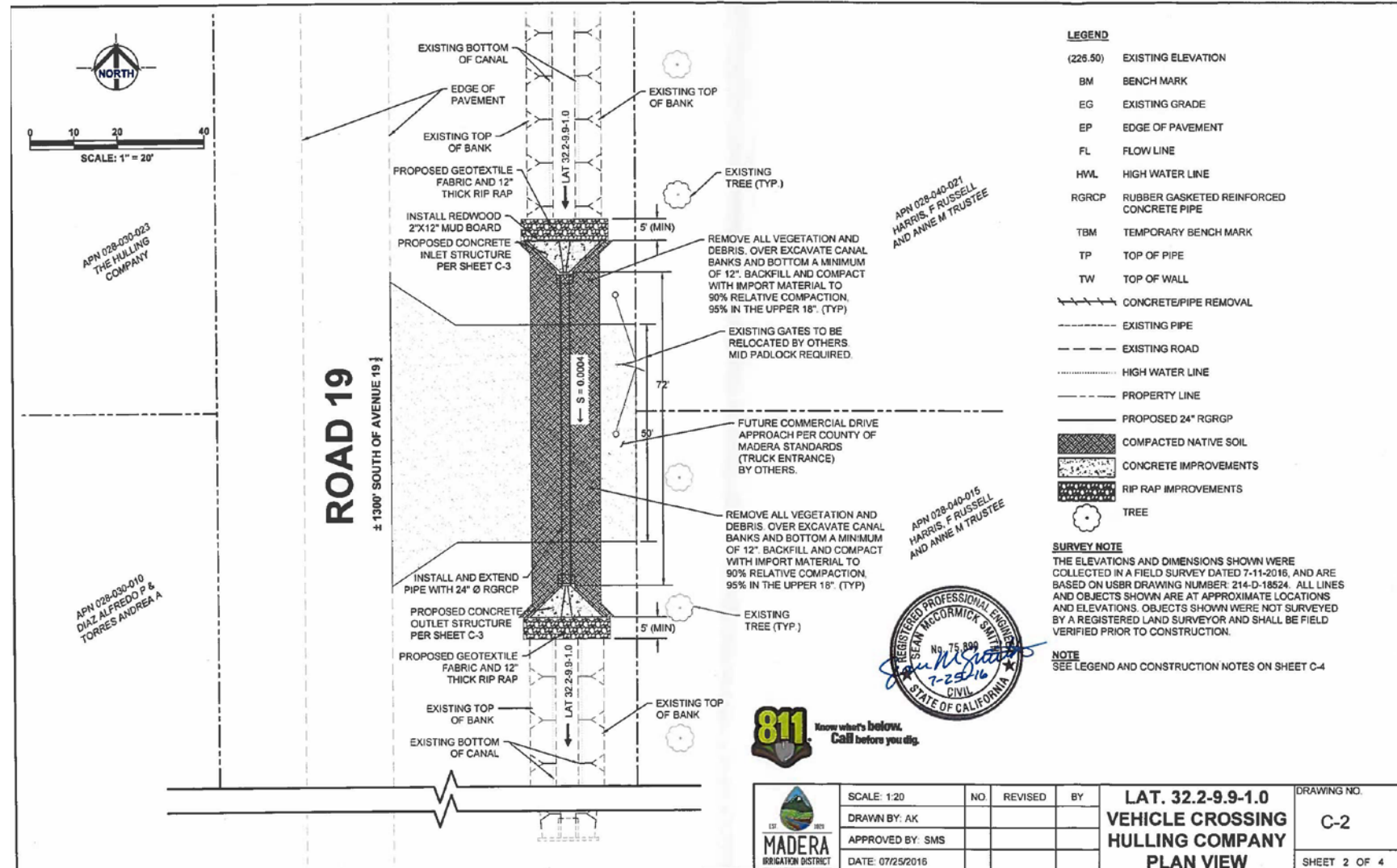


Figure 3 Design Plans for the proposed project

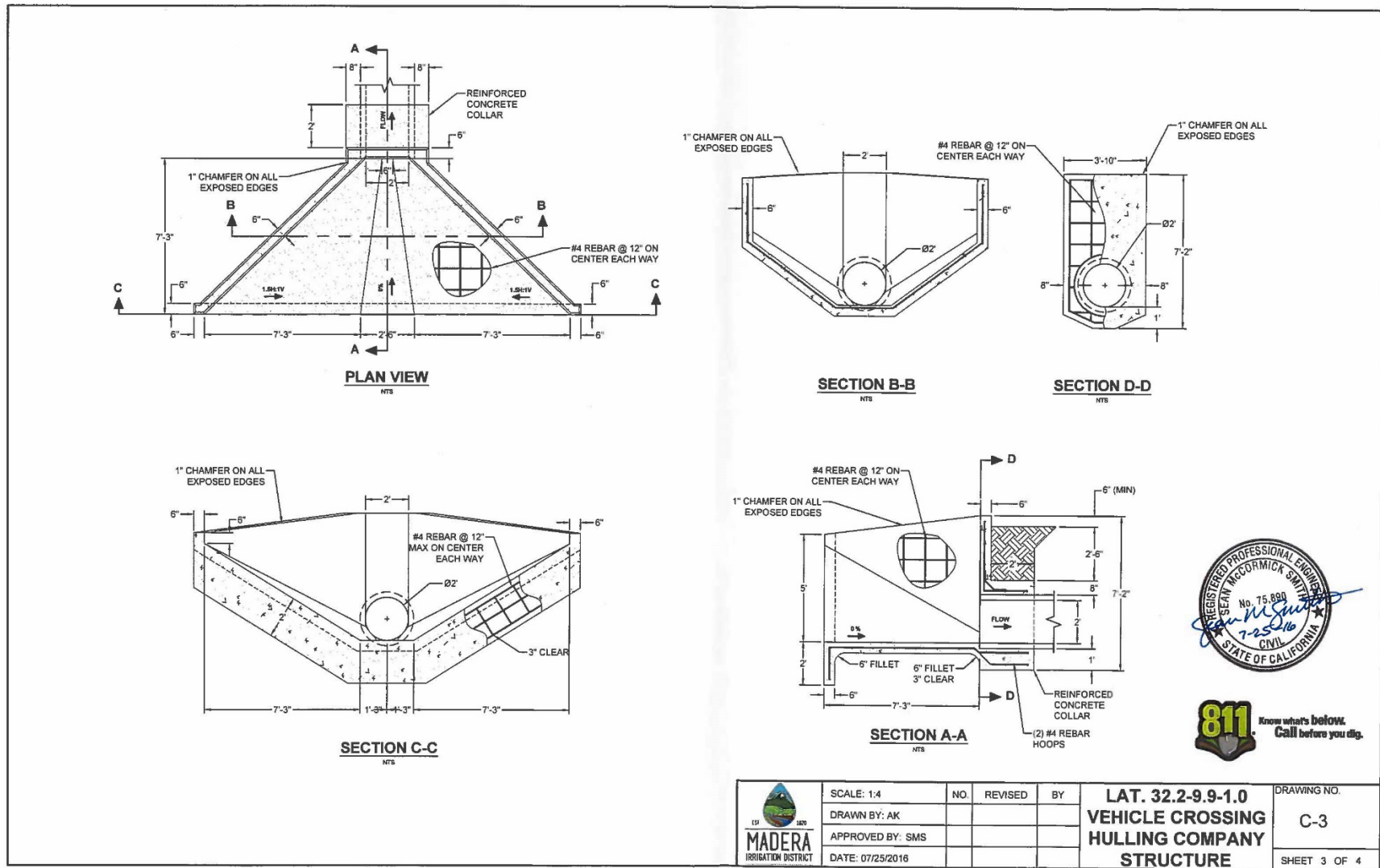


Figure 4 Design plans for the proposed project

Attachment A: Cultural Resources Determination

CULTURAL RESOURCE COMPLIANCE
Mid-Pacific Region
Division of Environmental Affairs
Cultural Resources Branch

MP-153 Tracking Number: 17-SCAO-055

Project Name: Installation of a Vehicle Crossing at Lateral 32.2-9.9-1.0 Project

NEPA Document: CEC-16-054

MP 153 Cultural Resources Reviewer: Mark Carper

NEPA Contact: Rain Emerson

Determination: No Adverse Effect

Date: August 22, 2017

This proposed undertaking by Reclamation is to authorize the replacement of a crossing structure over Lateral 32.2-9.9-1.0 of the MID's irrigation system within Reclamation's right-of-way in Madera County, California by The Hulling Company. Reclamation determined that the issuance of an 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 Hulling Company has requested authorization to build a crossing structure that will allow for trucks to pass across the Lateral off Road 19 in Madera County. The proposal involves removing the existing unpermitted post 1988 structure, salvaging what materials can be salvaged, and constructing a new crossing within the removal footprint that meets engineering specifications for the purposes of a commercial vehicle crossing.

In an effort to identify historic properties in the APE, Reclamation conducted an internal archival review and a record search through the Southern San Joaquin Valley Information Center (Record Search No. 16-196). Because the proposed project is contained entirely within the confines of the lateral's built environment, no field survey was considered necessary for the project. In 2014, Culturescape prepared a cultural resources inventory report for the Madera Irrigation District (MID) for a Reclamation WaterSmart Grant improvements project (Project #13-MPRO-191; BUR_2014_02012_001) that provided a historic context which identified Lateral 32.2-9.9-1.0 as part of the MID system. The MID water distribution and delivery system was not evaluated for eligibility for listing on the National Register of Historic Places (National Register).

CULTURAL RESOURCE COMPLIANCE
Mid-Pacific Region
Division of Environmental Affairs
Cultural Resources Branch

One cultural resource, Lateral 32.2-9.9-1.0, was identified within the current APE. The lateral comes off of Lateral 32.2 of the MID water distribution and delivery system (Enclosure 3). This system delivers water from Reclamation's Madera Canal to agricultural lands. Due to the small scale and nature of the present undertaking, an evaluation of the entire MID system for eligibility to the National Register of Historic Places 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 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 32.2-9.9-1.0 is a contributing component to the eligibility of the MID distribution system.

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.

Pursuant to 36 CFR § 800.5, Reclamation applied the criteria of adverse effect for the undertaking to Lateral 32.2-9.9-1.0, and found there would be no adverse effect to the lateral. The undertaking involves removing and replacing an existing crossing structure over Lateral 32.2-9.9-1.0. Crossings are ubiquitous structures on canals and laterals and the replacement of an existing crossing will have no effect to any of characteristics that potentially make Lateral 32.2-9.9-1.0 or the MID system eligible for listing on the National Register.

Since all proposed activities will be conducted entirely within the constraints of the lateral's built environment, there is little potential to encounter sites of religious and cultural significance pursuant to the regulations at 36 CFR § 800.3(f)(2) and 36 CFR § 800.4(a)(4). Reclamation did not consult with Indian tribes for this undertaking.

CULTURAL RESOURCE COMPLIANCE
Mid-Pacific Region
Division of Environmental Affairs
Cultural Resources Branch

Reclamation initiated consultation with California the State Historic Preservation Officer (SHPO) on July 21, 2017 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 21, 2017.

I concur with Item 8 on CEC-16-054. 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
1725 23rd Street, Suite 100, Sacramento, CA 95816-7100
Telephone: (916) 445-7000 FAX: (916) 445-7053
calshpo@parks.ca.gov www.ohp.parks.ca.gov

Julianne Polanco, *State Historic Preservation Officer*

August 18, 2017

In reply refer to: BUR_2017_0721_002

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 Issuing a Land Use Authorization to Madera Irrigation District (MID) for Installation of a Vehicle Crossing at Lateral 32.2-9.9-1.0, Madera County, California (Project # 17- SCAO-055)

Dear Ms. Leigh:

The Office of Historic Preservation (OHP) received on July 21, 2017 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. Reclamation proposes to issue a long-term lands use authorization to MID for a proposed project that consists of replacing an unauthorized crossing structure over Lateral 32.2-9.9-1.0 within Reclamation's right-of-way of the MID's irrigation system in Madera County, California. The current crossing does not meet Reclamation's specifications and thus needs to be removed and replaced with one that does. Reclamation is seeking comments on its finding of no adverse effects to historic properties. Documents included with the submittal are:

- *Enclosure 1: Figure 1-Project Location (USGS Quad); Figure 2-Area of Potential Effects (aerial photo map)*
- *Enclosure 2: Crossing photos (existing conditions)*
- *Enclosure 3: Cultural Resource Inventory for Madera ID Water Conservation 13-MPRO-191 MID Job # 27-13-2 Submitted to Madera Irrigation District 12152 Road 28¼, Madera, Madera County, CA; January 2014 [By: Culturescape, Mariposa, CA]*

MID has requested authorization to build a new crossing structure that will allow trucks to pass across the Lateral off Road 19 in Madera County. The undertaking involves removing the existing unpermitted post-1988 structure, salvaging what materials can be salvaged and within the removal footprint, constructing a new crossing that meets engineering specifications for the purposes of a commercial vehicle crossing.

The area of potential effects (APE) is limited to the removal footprint of about 200 square feet (0.005 acres). All construction will be contained within this area, which is in the existing lateral and berm, entirely within previously disturbed soils. The maximum vertical APE is about 3 feet below present ground surface. All access, staging and any necessary stockpiling will be on the adjacent dirt road.

Historic properties identification efforts were conducted by Reclamation with an internal archival review and formal records search (No. 16-196 Southern San Joaquin Valley Information Center). Culturescape, on behalf of MID, provided a historic context, which identified Lateral 32.2-9.9-1.0 as part of the MID system (Culturescape 2014). However,

for this project, the overall MID water distribution and water delivery system was not evaluated for potential listing in the National Register of Historic Places (NRHP) due to the confined APE and very limited nature of the current undertaking.

As all activities will be conducted entirely within the constraints of the lateral's existing built environment, there is little potential to encounter sites of religious and cultural significance pursuant to the regulations at 36 CFR 800.3(f)(2) and 36 CFR 800.4(a)(4). Therefore, Reclamation did not consult with Indian tribes for this undertaking

One cultural resource, Lateral 32.2-9.9-1.0, was identified within the current APE. The lateral comes off Lateral 32.2 of the MID water distribution and delivery system which delivers water from Reclamation's Madera Canal to local agricultural lands. Reclamation assumes, for the purposes of this undertaking only, that the entire MID water distribution and delivery system is eligible for listing under Criterion A, for the themes of water conveyance and development of agriculture in the San Joaquin Valley. In addition, for purposes of the current undertaking only, Reclamation assumes that Lateral 32.2-9.9-1.0 is a contributing component to the eligibility of the larger MID distribution system.

Reclamation finds that there will be no adverse effect to Lateral 32.2-9.9-1.0. The undertaking involves removing and replacing an existing crossing structure. Crossings are ubiquitous structures on canals and laterals and the replacement in place will have no effect to any of the characteristics that potentially make Lateral 32.2-9.9-1.0 or the MID system eligible for listing in the NRHP. Reclamation invites comments on the APE, identification efforts and its finding.

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 32.2-9.9-1.0 as a contributing element to that district.
- Reclamation has determined that the proposed undertaking will 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.

Sincerely,



Julianne Polanco
State Historic Preservation Officer



United States Department of the Interior

BUREAU OF RECLAMATION
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825-1898

IN REPLY REFER TO:

JUL 21 2017

MP-153
ENV-3.00

HAND DELIVERED

Ms. Julianne Polanco
State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

Subject: National Historic Preservation Act (NHPA) Section 106 Consultation for Issuing a Land Use Authorization to Madera Irrigation District (MID) for Installation of a Vehicle Crossing at Lateral 32.2-9.9-1.0, Madera County, California (Project # 17-SCAO-055)

Dear Ms. Polanco:

The Bureau of Reclamation is 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 the replacement of an unauthorized crossing structure over Lateral 32.2-9.9-1.0 of the MID's irrigation system within Reclamation's right-of-way in Madera County, California (Enclosure 1: Figure 1 and Enclosure 2). The current crossing does not meet Reclamation's specifications, therefore, it needs to be removed and replaced with one that does. Reclamation proposes to issue a long-term lands use authorization to MID for this purpose, which 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). We are entering into consultation with you regarding this undertaking and requesting your concurrence with our finding of no adverse effect to historic properties, pursuant to 36 CFR § 800.5(b).

MID has requested authorization to build a crossing structure that will allow for trucks to pass across the Lateral off Road 19 in Madera County. The proposal involves removing the existing unpermitted post 1988 structure, salvaging what materials can be salvaged, and constructing a new crossing within the removal footprint that meets engineering specifications for the purposes of a commercial vehicle crossing (refer to Enclosure 2.)

Reclamation determined the area of potential effects (APE) for this undertaking is limited to the removal footprint, which totals approximately 200 square feet (0.005 acres) (Enclosure 1: Figure

2). All construction will be within the confines of this area, which is in the existing lateral and berm, entirely within previously disturbed soils (Enclosure 1: Figure 2). The maximum vertical APE is approximately 3 feet below ground surface. Staging and any necessary stockpiling for the project will be on the adjacent dirt road. The legal description for the proposed project is Section 26, T. 10 S., R. 16 E., Mount Diablo Base and Meridian, as depicted on the Gregg, CA 7.5' U.S. Geological Survey topographic quadrangle map (Enclosure 1: Figure 1).

In an effort to identify historic properties in the APE, Reclamation conducted an internal archival review and a record search through the Southern San Joaquin Valley Information Center (Record Search No. 16-196). Because the proposed project is contained entirely within the confines of the lateral's built environment, no field survey was considered necessary for the project. In 2014, Culturescape prepared a cultural resources inventory report for MID for a Reclamation WaterSmart Grant improvements project (Project #13-MPRO-191; BUR_2014_02012_001) that provided a historic context which identified Lateral 32.2-9.9-1.0 as part of the MID system (Enclosure 3). The MID water distribution and delivery system was not evaluated for eligibility for listing on the National Register of Historic Places (National Register).

Since all proposed activities will be conducted entirely within the constraints of the lateral's built environment, there is little potential to encounter sites of religious and cultural significance pursuant to the regulations at 36 CFR § 800.3(f)(2) and 36 CFR § 800.4(a)(4). Reclamation did not consult with Indian tribes for this undertaking.

One cultural resource, Lateral 32.2-9.9-1.0, was identified within the current APE. The lateral comes off of Lateral 32.2 of the MID water distribution and delivery system (Enclosure 3). This system delivers water from Reclamation's Madera Canal to agricultural lands. Due to the small scale and nature of the present undertaking, an evaluation of the entire MID system for eligibility to the National Register of Historic Places 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 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 32.2-9.9-1.0 is a contributing component to the eligibility of the MID distribution system.

Pursuant to 36 CFR § 800.5, Reclamation applied the criteria of adverse effect for the undertaking to Lateral 32.2-9.9-1.0, and found there would be no adverse effect to the lateral. The undertaking involves removing and replacing an existing crossing structure over Lateral 32.2-9.9-1.0. Crossings are ubiquitous structures on canals and laterals and the replacement of an existing crossing will have no effect to any of characteristics that potentially make Lateral 32.2-9.9-1.0 or the MID system eligible for listing on the National Register.

Based on the above discussion, Reclamation finds the proposed undertaking will result in no adverse effect to historic properties pursuant to 36 CFR § 800.5(b). We invite your comments on the delineation of the APE and the appropriateness of the historic properties identification efforts. We also request your concurrence on our finding of no adverse effect to historic

properties. Please contact Mr. Mark Carper, Archaeologist, at 916-978-5552 or mcarper@usbr.gov, if you have any questions, comments, or concerns regarding this project.

Sincerely,



Anastasia T. Leigh
Regional Environmental Officer

Enclosures - 3