

# RECLAMATION

*Managing Water in the West*

## Categorical Exclusion Checklist

### Land Use Authorization to RD773 for Use of Additional Dredge Spoil Material at the Fabian Tract

CEC-17-010

Prepared by: Kate Connor Date: 12/18/2017  
Kate Connor  
Natural Resources Specialist  
South-Central California Area Office

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

Concurred by: Jenny Phillips Date: 12/21/2017  
Jenny Phillips  
Wildlife Biologist  
South-Central California Area Office

Concurred by: Rain L. Emerson Date: 12/26/2017  
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: Michael P. Jackson Date: 12/27/2017  
Michael P. Jackson, P.E.  
Area Manager  
South-Central California Area Office





## Background

The Bureau of Reclamation (Reclamation) and State Department of Water Resources are involved in a program to increase south Delta agricultural diversions for agricultural purposes. This program includes the dredging of the Grant Line and Fabian-Bell canals, Middle River, Old River, North Canal, and Victoria Canal. Spoils (i.e. dredged material that has been allowed to dry and settle on land) are placed on the western end of the Fabian Tract located approximately 8 miles northwest of the City of Tracy (Figure 1).

Reclamation District 773 – Fabian Tract (The District) received a license to remove and/or reuse up to 50,000 cubic yards of dredge spoil material from Reclamation's placement site to stabilize their levee along the Fabian Bell Canal (Figure 2). Reclamation signed Environmental Assessment/Finding of No Significant Impact (EA/FONSI 11-051) on January 17, 2013 allowing The District access to Reclamation Right of Way and use of up to 15,000 cubic yards annually, not to exceed 50,000 cubic yards total of dredge spoil material.

The District requests to amend the previous agreement to increase the total allowed volume of material, to accommodate future reinforcement to flood control structures, to a total of 75,000 cubic yards.

## Nature of the Action

Reclamation proposes to approve a land use authorization to The District allowing an additional 25,000 cubic yards of borrow material to be used for a total of 75,000 cubic yards.

The District would remove the spoils from the storage/drying location with an excavator and transfer them to diesel trucks for transport to levee maintenance areas. Once at the levee maintenance area, the spoils would be spread and compacted by heavy equipment to reinforce existing levee sections. The reinforcement would widen the backside of the levee, reinforcing the levee by compensating for fill material lost via waterside erosion. Hauling and staging would occur on a 60 foot-wide strip of land connecting the existing dredge spoils area with the base of the levee.

The proposed project would occur between July 1, 2018 and March 1, 2019.

No hazardous material will be used, produced, transported, or stored as a result of this project.







Figure 2 Previous and proposed projects and quantities



## Environmental Commitments

The District shall implement the following avoidance measures as part of the Proposed Action (Table 1).

Table 1 Environmental Protection Measures

Resource	Protective Measure
Biological Resources	<p>If construction would commence during the breeding season of February 1 through August 31, a qualified biologist or ornithologist would conduct pre-construction surveys for ground and tree-nesting raptors (including burrowing owls) at the Project site, in accordance with accepted survey protocols.</p> <p>If raptors are identified onsite or in the vicinity of the Project site during the preconstruction surveys, then an appropriate construction buffer area would be determined by the biologist/ornithologist, and the buffer area would be demarcated and avoided during construction. If it is not practicable to avoid said buffer areas during construction, the U.S. Fish and Wildlife Service would be consulted for appropriate action prior to disturbance within the buffer areas.</p> <p>If no raptors are identified during the pre-construction surveys, then construction may commence.</p>
Biological Resources	<p>If construction would commence during the non-breeding season of September 1 through January 31, a qualified biologist or ornithologist would conduct pre-construction surveys for burrowing owls at the Project site, in accordance with accepted survey protocols.</p> <p>If burrowing owls are not detected onsite or in the vicinity of the site, then construction may commence.</p> <p>If burrowing owls are detected during the preconstruction surveys the Reclamation biologist would be notified. If identified 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 project biologist/ornithologist has determined that all burrowing owls have vacated the site, then construction may proceed.</p>
Biological Resources	<p>A 100-foot buffer from the shrubs dripline shall be established around each eligible elderberry shrub (stems &gt;1" diameter) located near treatment sites. The elderberry shrubs and buffers shall be clearly flagged and marked as an Environmentally Sensitive Area.</p> <p>No equipment (i.e. excavators, tractors, and wheel loaders) shall be used within the 100-foot buffer from the dripline of elderberry shrubs.</p>

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

## 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

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.

## **Attachment A: Cultural Resources Determination**



**CULTURAL RESOURCES COMPLIANCE**  
**Division of Environmental Affairs**  
**Cultural Resources Branch (MP-153)**

**MP-153 Tracking Number:** 18-SCAO-100.1

**Project Name:** Land Use Authorization to RD773 for Use of Additional Dredge Spoil Material at the Fabian Tract

**NEPA Document:** 17-010

**NEPA Contact:** Kate Connor, Natural Resources Specialist

**MP 153 Cultural Resources Reviewer:** Gary Scholze, Archaeologist



**Date:** November 1, 2017

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Reclamation proposes to permit Reclamation District 773 – Fabian Tract (District) to remove/reuse spoils from the Reclamation's placement site to stabilize their levee along the Fabian Bell Canal. Reclamation previously consulted on this action (11-SCAO-215). An Environmental Assessment/Finding of No Significant Impact (EA/FONSI 11-051) was signed on January 17, 2013 which allowed the District Access to Reclamation right of way and use of up to 50,000 cubic yards of borrow material. The District is requesting to amend the previous agreement to increase the total allowed volume of material to accommodate future continuation of this project to a total of 75,000 cubic yards. The proposed action and project requires compliance with Title 54 USC § 306108, commonly known as Section 106 of the NHPA, and its implementing regulations found at 36 CFR Part 800.

Upon review of the project description and past project files, Reclamation's Cultural Resources Branch determined that Section 106 review and compliance for the proposed action was previously completed. Specifically, as part of an earlier Fabian Tract Spoils Reuse Project (MP-153 Tracking number 11-SCAO-215), Reclamation also consulted with the California State Historic Preservation Officer (SHPO) on activities and an area of potential effects that included the use of spoils (consisting of canal dredgings) currently proposed. Through this consultation, the SHPO offered concurrence with a finding of "no adverse effect" to historic properties (BUR\_2012\_1119\_001). Given this previous Section 106 finding of effect, I am able to concur with Item 8 on CEC-17-010. The proposed action would have no significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places.

This document conveys the completion of the cultural resources review and NHPA Section 106 process for this undertaking. Please retain a copy of this document in the administrative record for the proposed 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.