

RECLAMATION

Managing Water in the West

Categorical Exclusion Checklist

City of Madera Sewer Crossing Under Lateral 24.2

CEC-17-028

Prepared by:

Kate Connor

Kate Connor
Natural Resources Specialist
South-Central California Area Office

Date: 2/12/2018

Concurred by:

See Attachment A

Lex Palmer
Architectural Historian
Mid-Pacific Regional Office

Date: See Attachment A

Regional Archeologist concurred with Item 8. Their determination has been placed within the project file.

Concurred by:

for Lisa Buck

Lisa Buck
Wildlife Biologist
South-Central California Area Office

Date: 2/12/2018

Concurred by:

R. Emerson

Rain L. Emerson
Supervisory Natural Resources Specialist
South-Central California Area Office

Date: 2/12/2018

ITA Designee concurred with Item 11. Their determination has been placed within the project file.

Approved by:

Michael P. Jackson

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

Date: 2/13/2018



Background

The City of Madera (City) proposes to install, operate, and maintain a sanitary sewer pipe along Ellis Street (Figure 1). The project facilities are part of the City's Sanitary Sewer Master Plan and will consist of 3,700 feet of sewer pipe and manhole structures. The proposed pipeline would begin at an existing sewer main near Ellis Street and Highway 99, and parallel Ellis Street to Road 26, crossing Reclamation's Right-Of-Way (ROW) under Lateral 24.2 (Lateral) of the Madera Canal (Figure 1). At Road 26, the pipeline turns north and runs parallel with Road 26 to Martin Street.

Nature of the Action

Reclamation proposes to issue a 25-year Land Use Authorization to the City for installation, operation, and maintenance of a sewer pipeline that crosses Reclamation's ROW along the Lateral.

The City proposes to install a 21-inch diameter gravity-flow pipeline within a 36-inch diameter steel casing under the Lateral via jack and bore method which would require excavation of a 15' wide by 35' long and 23' deep sending and receiving pit within the county ROW.

The section of pipeline on Reclamation's ROW would be approximately 126-feet long, 23-feet deep, and 36-inches wide (Figure 2). The top of the steel casing (pipe) would be a minimum of 8.5-feet below the bottom of the Lateral (Figure 3).

Equipment that would be used includes several backhoes, a utility truck, and an auger boring machine. Ellis St. would be closed to through traffic during construction, but access to residents and emergency vehicles will be provided at all times. A detailed traffic control plan would be prepared by the contractor and submitted to Madera County for approval. The proposed project would take approximately 30 days to complete and is anticipated to start in February 2018.

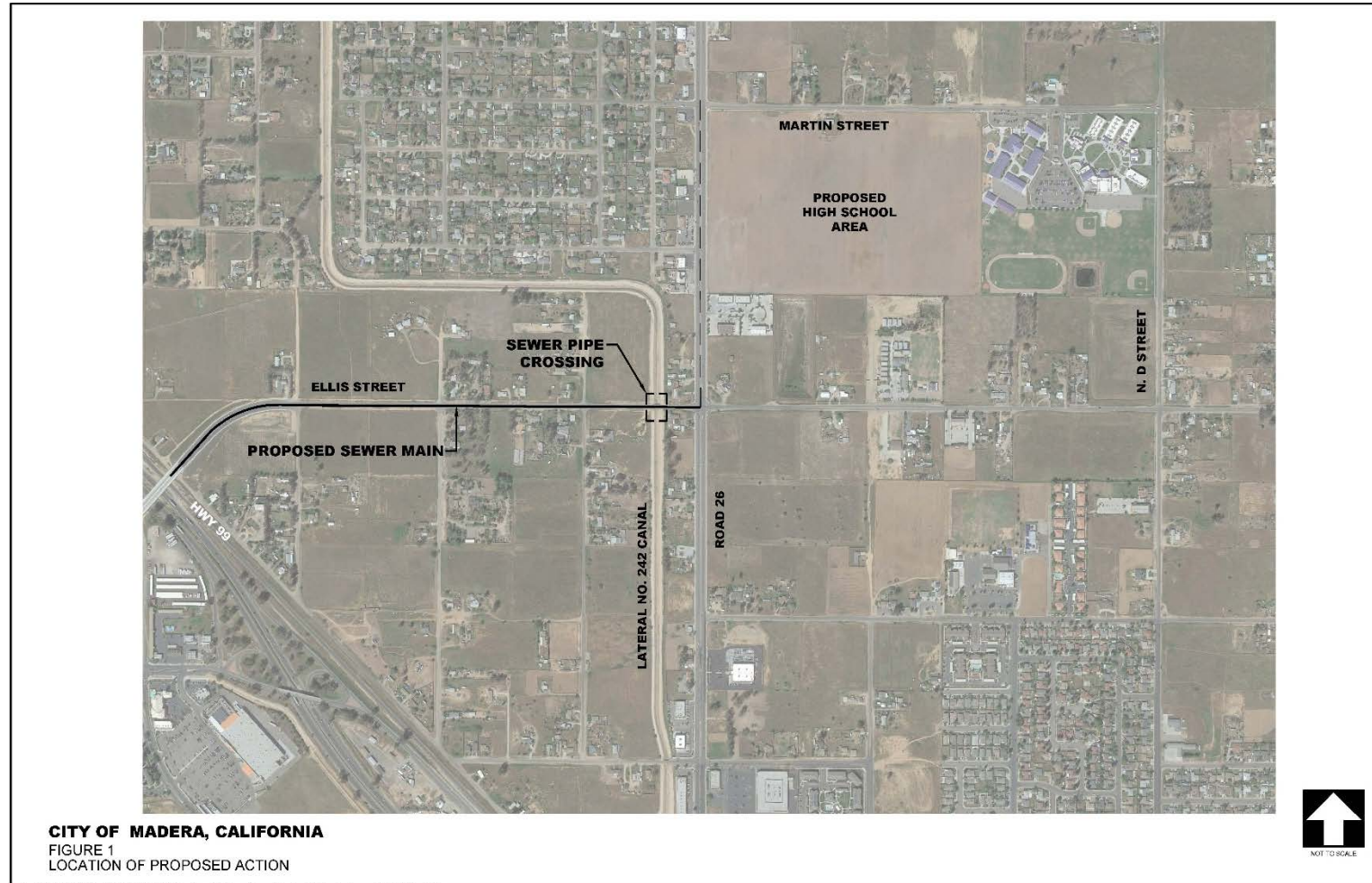


Figure 1 Location of the Proposed Action

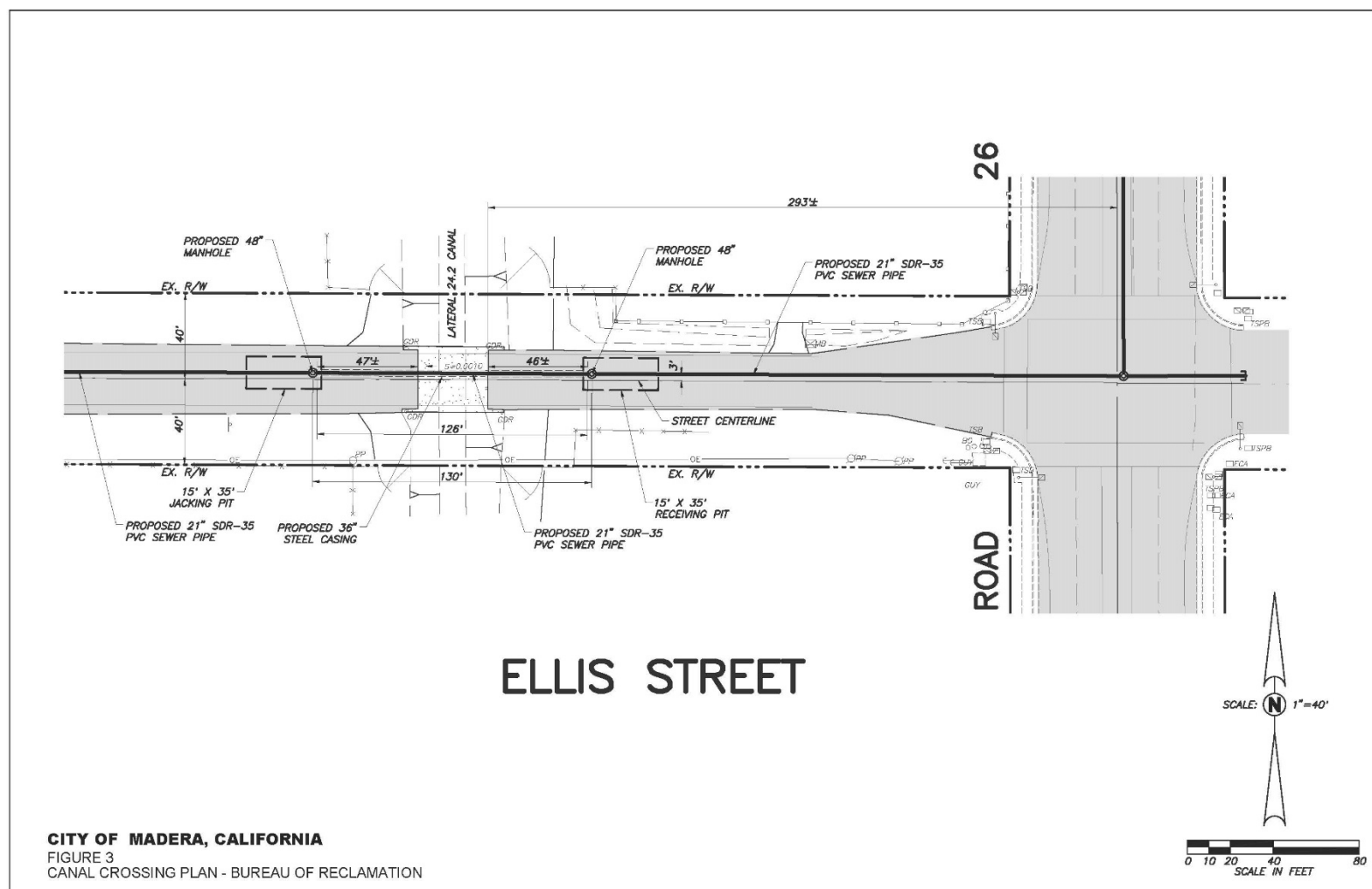


Figure 2 Design plans for the Proposed Action

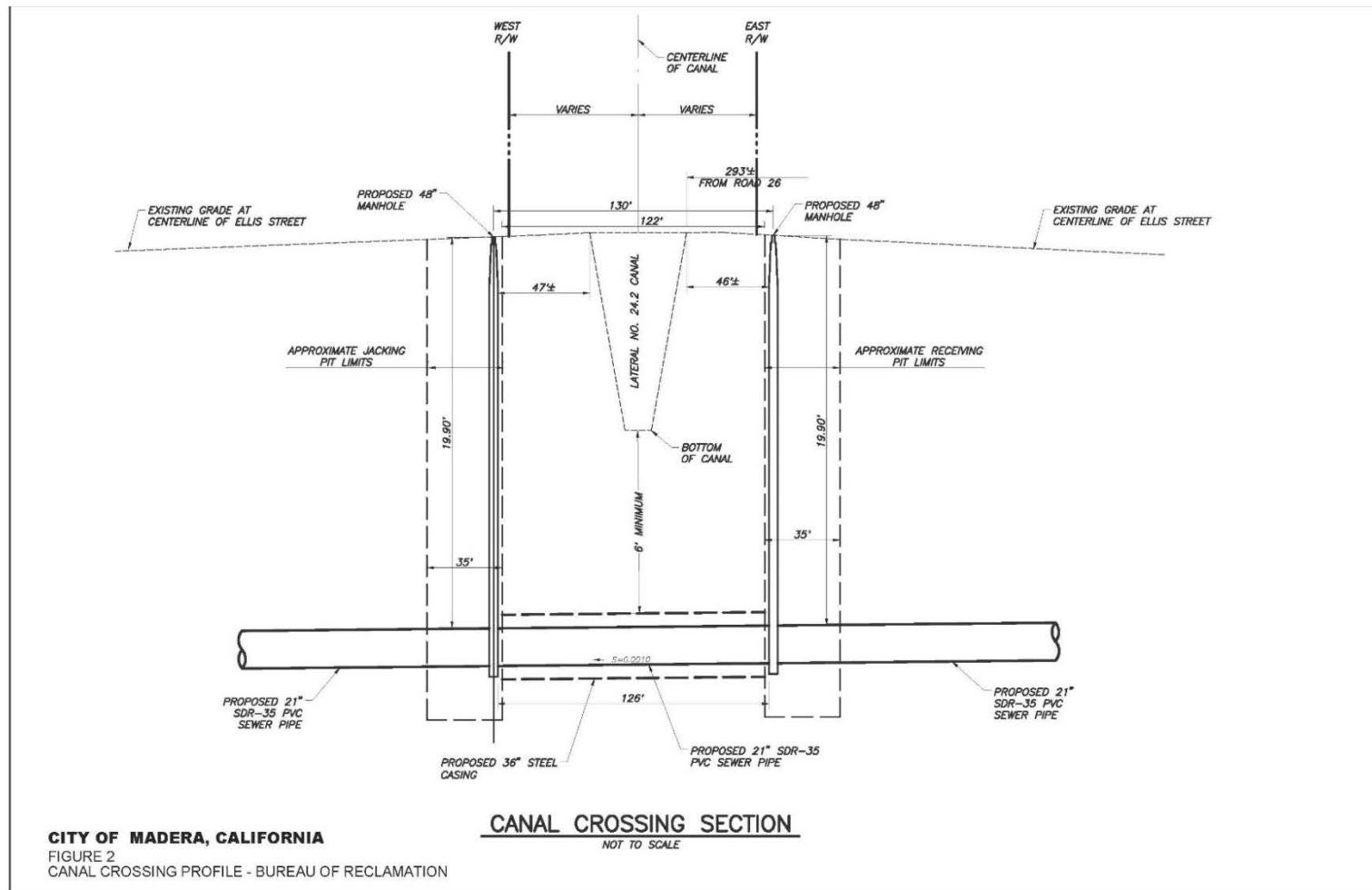


Figure 3 Profile of the Canal Crossing for the Proposed Action

Environmental Commitments

The City 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
Biology	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 Action Area. A letter report documenting survey methods and findings shall be submitted to Reclamation at least 5 days before the start of construction on the Proposed Action.
Biology	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.
Biology	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.
Biology	In order to avoid impacts to nesting migratory birds, if work would occur between February 1st and August 31st a nesting survey shall be conducted 15 days prior to the start of construction. The nesting survey should include examination of all trees within 200 feet of the entire Action Area (i.e., within a zone of influence of nesting birds). The zone of influence includes those areas off the project site where birds could be disturbed by earth-moving vibrations and/or other construction-related noise.
Biology	If birds are identified nesting in or within the zone of influence of the construction project, a qualified biologist shall inform Reclamation and establish a temporary protective nest buffer around the nest(s). The nest buffer should be staked with orange construction fencing or orange lath staking. The buffer must be of sufficient size to protect the nesting site from construction related disturbance and shall be established by a qualified ornithologist or biologist. Typically, adequate nesting buffers are 50 feet from the nest site or nest tree for small birds and up to 300 feet for raptor species.
Biology	No construction or earth-moving activity shall occur within any established nest protection buffer between February 1st and August 31st unless it has been determined by a qualified ornithologist/biologist that the young have fledged and have attained sufficient flight skills to avoid project construction zones, or that the nesting cycle is otherwise completed. At the end of the nesting cycle, when a qualified biologist determines if the nest has been abandoned by its occupants, temporary nest buffers may be removed and construction may commence in established nesting buffers without further regard for the nest site

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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Extraordinary Circumstance	No	Uncertain	Yes
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)).	<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 RESOURCE COMPLIANCE
Mid-Pacific Region
Division of Environmental Affairs
Cultural Resources Branch

MP-153 Tracking Number: 17-SCAO-232.001

Project Name: City of Madera (City) Sewer Crossing Under Lateral 24.2 Project, Madera County, California

NEPA Document: CEC-17-0283

MP 153 Cultural Resources Reviewer: Lex Palmer

NEPA Contact: Kate Connor

Determination: No Adverse Effect

Date: January 18, 2018

This proposed action by Reclamation is to issue a 25-year Land Use Authorization to the City for a sewer pipeline that will cross Reclamation's right-of-way (ROW) underneath the Madera Canal Lateral 24.2 and authorize the construction of the pipeline. Reclamation determined that the issuance of the authorization and construction activity is an undertaking as defined in 36 CFR § 800.16(y) and is a type of activity that has the potential to cause effects on historic properties under 36 CFR § 800.3(a).

The City proposes to install a 21-inch-diameter gravity-flow pipeline within a 36-inch diameter steel casing under Lateral 24.2 to connect the sewer pipeline along Ellis Street. The jack-and-bore method will be used, which requires excavating sending and receiving pits in order to bore horizontally underground between two points running east to west along Ellis Street where it crosses the canal.

Reclamation initiated consultation with the California State Preservation Office (SHPO) by letter dated December 20, 2017 requesting concurrence with a finding of no adverse effect for the proposed project. SHPO responded on January 18, 2018, (refer to attached SHPO letter) and concurred with Reclamation's finding of no adverse effect, pursuant to 36 CFR § 800.5(b).

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.



**DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION**

Lisa Ann L. Mangat, Director

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January 17, 2018

In reply refer to: BUR_2017_1220_002

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

Dear Ms. Leigh:

Subject: Section 106 Consultation for the City of Madera (City) Sewer Crossing Under Lateral 24.2 Project Madera County, California (Project #17-SCAO-232.001)

The State Historic Preservation Officer (SHPO) received on December 20, 2017 your letter initiating consultation on the above referenced undertaking to comply with Section 106 of the National Historic Preservation Act of 1966 (as amended) and its implementing regulations found at 36 CFR Part 800. The U.S. Bureau of Reclamation (Reclamation) proposes to issue a 25-year Land Use Authorization to the City for a sewer pipeline that will cross Reclamation's right-of-way (ROW) underneath the Madera Canal Lateral 24.2 (Lateral 24.2) within the City. Reclamation's authority is only within its ROW. Reclamation has reached a finding of *no adverse effects to historic properties* for this undertaking and requests concurrence. Along with the consultation letter, the following documentation was provided:

- *Cultural Resources Investigation for the City of Madera Sewer Crossing Project, Madera County, CA—Project Tracking No: 17-SCAO-232.001; October, 2017 [By: L. Palmer & A. Barnes, US Bureau of Reclamation, Mid-Pacific Region, Sacramento, CA]*

The City proposes to install a 21-inch-diameter gravity-flow pipeline within a 36-inch-diameter steel casing under Lateral 24.2 to connect the sewer pipeline along Ellis Street. The jack-and-bore method will be used, which requires excavating sending and receiving pits in order to bore horizontally underground between two points running east to west along Ellis Street where it crosses the canal. Pit dimensions will be about 15 feet wide by 35 feet long by 23 feet deep and will be located on Ellis Street (beyond Reclamation's ROW) on both sides of Lateral 24.2. For safety, each pit will be enclosed by a 6-foot chain link fence or Caltrans Type-K barrier. The ROW pipeline section will measure circa 126 feet long and be placed 23 feet deep and the top of the 36-inch steel casing pipe will be a minimum of 8.5 feet below the bottom of the lateral's prism. Needed equipment includes backhoes, a utility truck, and an auger borer. All excavation and boring will occur within the Ellis Street roadbed as well as within the extent of the original construction zone for Lateral 24.2.

The area of potential effects (APE) includes a horizontal area about 25 feet wide and 250 feet long where all construction and staging activities for the jack-and-bore activities will occur, totaling 0.17 acre. The vertical APE is around 23 feet deep for the bore alignment.

Historic properties identification efforts included a records search and information from Reclamation's project records and internal records of cultural resources surveys, sites, and project data related to the locale. A detailed field survey was done on October 06, 2017 with negative results for surface evidence of any prehistoric or other archaeological sites. Soils studies and previous disturbances indicate a very low probability of any intact buried deposits. The only cultural resource identified in the APE is Madera Canal Lateral 24.2.

The Madera Canal diverts water into Dry Creek and then to the 24.2 Lateral headworks, located about 6.5 miles downstream at Abbey's Hole by Avenue 20-1/2. Lateral 24.2 is a clay-lined open canal with various short culverts at road crossings until Ave 11 (21.1 miles). Downstream of Avenue 11, it travels 0.75 miles in a pipe and spills into the Main I pipeline. It is one of the three primary laterals (Lateral 6.2, Lateral 24.2, and Lateral 32.2) built by Reclamation in the 1950s to divert water from the Madera Canal. Reclamation evaluated Lateral 24.2 and determined that it meets significance requirements and is eligible for listing in the NRHP as a contributor to the Madera Canal, which contributes to the Central Valley Project (CVP). The Madera Canal (P-20-2308/CA-MAD-2649H) has been previously determined to be eligible as a contributor to the CVP in 2006. Lateral 24.2 retains sufficient integrity for listing as a contributor to the Madera Canal but is not individually eligible.

Reclamation identified the Tule River Indian Tribe as an Indian tribe who might attach religious and cultural significance to historic properties within the APE. Reclamation sent letters on October 24, 2017, inviting their participation in the Section 106 review process. Letters were also sent to the North Valley Yokuts Tribe and Southern Sierra Miwuk Nation who are Native American organizations likely to have knowledge or concerns with the area. No comments have been received to date. Reclamation will work with these tribes to address any concerns that may subsequently arise regarding the proposed undertaking and will make notifications as required.

After reviewing the scope of current project activities, Reclamation finds that the project will result in no adverse effects to any characteristics that make Lateral 24.2 eligible as a contributor because the sewer will be installed under the lateral. Reclamation requests review and comment on APE delineation, efforts to identify historic properties, and seeks concurrence that their finding of *no adverse effects to historic properties* is appropriate. Following 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.
- Reclamation determined that Lateral 24.2 is NRHP eligible as a contributor to the eligible Madera Canal under Criterion A, for a theme of Madera County irrigation and agriculture and the Canal's association with the CVP. Pursuant to 36 CFR 800.4(c)(2), **I agree.**
- Reclamation has determined that the proposed undertaking will result in no adverse effects to historic properties affected. Pursuant to 36 CFR 800.5(b), **I do not object.**

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