

RECLAMATION

Managing Water in the West

Categorical Exclusion Checklist

Contra Costa Water District Lateral 9.1 Relocation Project

CEC-17-018

Prepared by:



Jennifer L. Lewis
Natural Resources Specialist
South-Central California Area Office

Date: 2-12-2018

Concurred by:

See Attachment A

Mark Carper
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:



Shauna McDonald
Wildlife Biologist
South-Central California Area Office

Date: 2/12/18

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: 2/12/2018

Approved by:



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

Date: 2/13/2018



Background

DeNova Homes (DeNova) is planning to construct the Wildflower Station Development Project (also called the Hillcrest Avenue Project) located approximately 0.30 miles south of Highway 4 in the City of Antioch, Contra Costa County, California. This development is currently being reviewed by the City of Antioch. As part of this development, DeNova will grade this 23-acre parcel (Figure 1).

The Contra Costa Canal Lateral 9.1 underground pipeline is located within the proposed Wildflower Station Development Project. Reclamation has an approximate 1,100 foot by 16 foot easement from DeNova for this portion of our facility which runs through the developer's property. Because of the grading, Lateral 9.1 would receive up to 15 feet of fill. The existing lateral was not designed for soil and construction loading that would occur from grading. In addition, future service of this pipe would require deep excavation that is not practical within the existing easement; therefore, the lateral needs to be relocated within the existing easement.

Nature of the Action

Reclamation will issue an MP-620 Permit (a Mid-Pacific Region-specific permit for modification or alteration of Reclamation-owned facilities) to Contra Costa WD to relocate Lateral 9.1 within the existing easement that crosses the developer's proposed Wildflower Station Development Project (Proposed Action).

If required, a temporary above ground bypass would be constructed to supply Contra Costa WD customers' water along Lateral 9.1 during the shutdown. If the contractor chooses not to install a bypass, a protective barrier would be installed prior to construction to protect the existing pipe from construction loads. The barrier would consist of a reinforced concrete mat, steel plates or another similar measure to protect the pipe during construction.

After DeNova grades their land, DeNova will trench up to 1,100 feet by 20 feet wide by 10 feet deep for the installation of the new 24-inch diameter pipe. The new pipeline would be relocated within the existing easement at a standard burial of 3-6 feet, as required due to varying topography and utilities. The new pipeline will be connected at each side of the property to the existing pipeline, within the existing easement, see Figure 2. Figure 2 also includes an adjacent private lateral. The pipeline would also include installation of blow-offs, shut-off valves, and air release valves. After completion of the new lateral, the old lateral would be filled with concrete slurry, capped at each end and abandoned in place. In addition to the work at this site, a shut-off valve would be installed at the Lateral 9.1 turnout on the Contra Costa Canal (Milepost 9.147) (Figure 3). This would require excavation down to the lateral to cut out a section of the lateral and install the shut-off valve. The excavation is anticipated to be 10 feet by 10 feet by 12 feet. If groundwater is encountered during excavation, it would be tested and either trucked from the site or discharged to a local storm drain or sanitary sewer. Because no groundwater was found during the geotechnical investigation at the development site, it is not anticipated that high

quantities of groundwater would be encountered; however, groundwater can vary seasonally. This action would allow Contra Costa WD to continue O&M of the facility.

Equipment for project construction includes excavators, back hoes, compactors, delivery trucks, dump and flat-bed trucks. Construction is estimated between March through December 2018.

Environmental Commitments

DeNova shall implement the following environmental protection measures to avoid environmental consequences associated with the Proposed Action:

- 1) DeNova shall follow the California Department of Fish and Wildlife's (CDFW's) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (CDFG 2000). To meet CDFW's recommendations for protection of Swainson's Hawks, surveys should be conducted for a ½ mile radius around all project activities and should be completed for at least the two survey periods immediately prior to a project's initiation. However, as all areas within two miles of the project site are developed, the survey would actually focus on the project site. If nesting Swainson's Hawks are found on the project site, the recommendations to avoid injury or killing of the hawks or nest abandonment would be implemented.
- 2) Per CDFW's Staff Report (CDFG 2012), take avoidance (preconstruction) surveys for Western Burrowing Owls shall be conducted 14 days prior or less to initiating ground disturbance. As burrowing owls may recolonize a site after only a few days, time lapses between project activities trigger subsequent take avoidance surveys, including but not limited to a final survey conducted within 24 hours prior to ground disturbance to ensure absence. If no owls are found during these surveys, no further steps for the burrowing owl would be necessary.

Burrowing owl surveys would be conducted by walking the entire project site. Pedestrian survey transects would be spaced to allow 100 percent visual coverage of the ground surface. The distance between transect center lines shall be seven meters to 20 meters and may need to be reduced to account for differences in terrain, vegetation density, and ground surface visibility. Poor weather may affect the surveyor's ability to detect burrowing owls; therefore, surveyors would avoid conducting surveys when wind speed is greater than 20 kilometers per hour and there is precipitation or dense fog. To avoid impacts to owls from surveyors, owls and/or occupied burrows should be avoided by a minimum of 50 meters wherever practical to avoid flushing owls from occupied burrows. Disturbance to occupied burrows shall be avoided during all seasons.

If burrowing owls are detected on the site, the following restricted activity dates and setback distances are recommended per CDFW's Staff Report (CDFG 2012).

- a) From April 1 through October 15, low disturbance and medium disturbance activities would have a 200 meter buffer, while high disturbance activities would have a 500 meter buffer from occupied nests.
- b) From October 16 through March 31, low disturbance activities would have a 50 meter buffer, medium disturbance activities would have a 100 meter buffer, and high disturbance activities would have a 500 meter buffer from occupied nests.

- c) No earth-moving activities or other disturbance would occur within the afore-mentioned buffer zones of occupied burrows. These buffer zones shall be fenced as well. If burrowing owls were found in the project area, a qualified biologist would also need to delineate the extent of burrowing owl habitat on the site.
- 3) In order to avoid impacts to other nesting birds, a nesting survey shall be conducted 15 days prior to commencing construction work or tree removal if this work would occur between February 1st and August 31st. The nesting survey should include examination of all trees within 200 feet (approx. 61 meters) of the entire project site (i.e., within a zone of influence of nesting birds), not just trees slated for removal. 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.

If birds are identified nesting on or within the zone of influence of the construction project, a qualified biologist shall 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 with extensive experience working with nesting birds near and on construction sites. Typically, adequate nesting buffers are 50 feet from the nest site or nest tree dripline for small birds and up to 300 feet for sensitive nesting birds that include several raptor species known the region of the project site that are not generally expected to occur on the project site.

No tree removal, 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 (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones, or that the nesting cycle is otherwise completed. In the region that includes the project site, most species complete nesting by mid-July. This date can be sometimes be earlier or later, and would have to be determined by the qualified biologist. At the end of the nesting cycle, and abandonment of the nest by its occupants, as determined by a qualified biologist, temporary nest buffers may be removed and construction may commence in established nesting buffers without further regard for the nest site.

- 4) DeNova must follow their U.S. Army Corps of Engineers (Corps) issued Nationwide Permit (NWP) 29 (Residential Developments), pursuant to Section 404 of the Clean Water Act, for impacts from the proposed Wildflower Station Development Project to 0.133 acres of water of the U.S (Corps File No. SPK-2014-00644). As required by the NWP, DeNova Homes will purchase 0.133 acres of seasonal wetland mitigation credits to mitigate for the impacts to 0.133 acres of Waters of the U.S. In addition, DeNova Homes will be obtaining a Water Quality Certification from the Water Quality Control Board, pursuant to Section 401 of the Clean Water Act.
- 5) DeNova must follow their Clean Water Act, Section 401 Water Quality Certification from the Central Valley Regional Water Quality Control Board.

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



Figure 1 Proposed Project Location

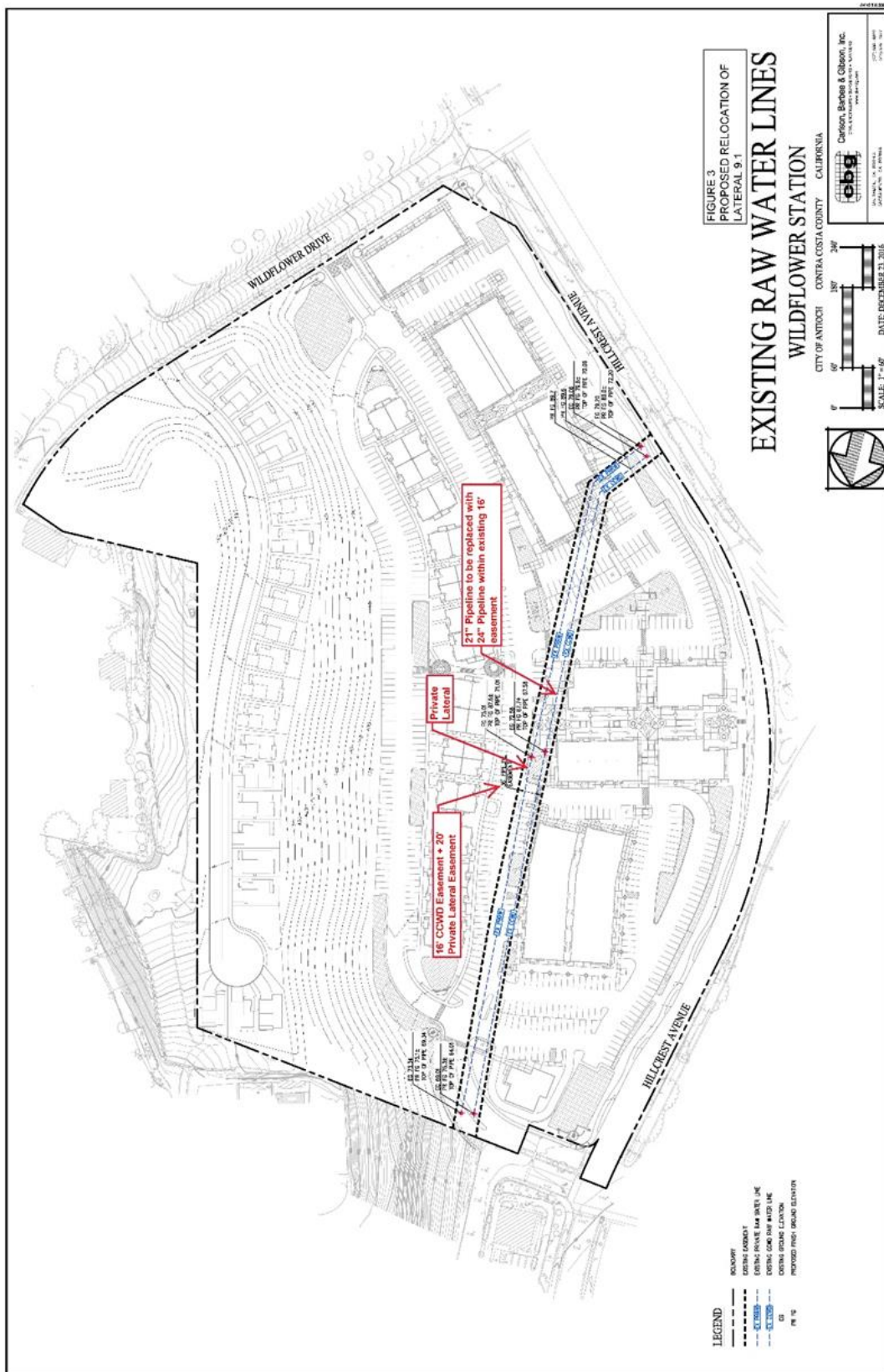


Figure 2 Proposed Relocation of Lateral 9.1



Figure 3 Shut-off Valve for Lateral 9.1 on the Contra Costa Canal

Exclusion Category

516 DM 14.5 D.(1). Maintenance, rehabilitation, and replacement of existing facilities which may involve a minor change in size, location, and/or operation.

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"/>

Extraordinary Circumstance	No	Uncertain	Yes
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-187

Project Name: Relocation of Contra Costa Canal (CCC) Lateral 9.1 Project

NEPA Document: CEC-17-018

MP 153 Cultural Resources Reviewer: Mark Carper

NEPA Contact: Jennifer L. Lewis

Determination: No Adverse Effect to Historic Properties

Date: February 5, 2018

Contra Costa Water District (CCWD) proposes to relocate Lateral 9.1 of the Reclamation-owned CCC in Contra Costa County, California. CCWD operates and maintains the CCC on behalf of Reclamation and is requesting a permit to conduct the relocation. Reclamation determined that the issuance of a permit to modify or alter Reclamation-owned facilities constitutes 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 CCC Lateral 9.1 underground pipeline is located within the proposed Wildflower Station Development Project. Reclamation has an easement for this portion of the facility which runs through the developer's property. The developer will need to grade their property, resulting in up to 15 feet of fill placed on top of the Lateral 9.1 alignment. The existing lateral was not designed for soil and construction loading that would occur from this grading. In addition, future service of this pipe would require deep excavation that is not practical within the existing easement. As such, the section of pipe within the parcel will need to be relocated vertically within the easement.

Efforts to identify historic properties consisted of searching internal records and archives. Since the entire APE is within the easement for the existing buried Lateral 9.1 pipeline which was previously disturbed during its construction, no in-field surveys were deemed necessary. Also, since this project is entirely within a built environment and has no potential to affect sites of religious or cultural significance to Indian tribes or other Native Americans, Reclamation did not consult with these groups for this undertaking.

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

Reclamation evaluated Lateral 9.1 for eligibility for listing on the National Register, and determined it to be not eligible either on an individual basis or as a contributing element to the CCC and the CVP. Unlike the CCC as a whole, the lateral did not play an active role in the CCC by stemming salinity intrusion in Suisun Bay or as a component of the first operational CVP facility.

Reclamation applied the criteria of adverse effect [36 CFR § 800.5(a)(1)] and the Secretary of the Interior's Standards for the Treatment of Historic Properties [36 CFR § 68.3(a)] to the project and determined that the proposed abandonment-in-place of the extant pipeline section of Lateral 9.1 and the installation of the shut-off valve will result in no significant alterations to the historic characteristics that make the CCC eligible for the National Register. The proposed construction activities associated with the installation of the shut-off valve in the CCC will occur within the canal's berm and other previously disturbed areas. Further, the proposed installation is consistent with other similar valve installations along the CCC. No other changes to the CCC or the larger CVP are proposed for the project. Reclamation made a determination of no adverse effect to historic properties for this undertaking pursuant to 36 CFR § 800.5(b).

Reclamation consulted with the State Historic Preservation Officer (SHPO) by sending a consultation package on January 4, 2018. SHPO concurred with all this finding on February 1, 2018.

I concur with Item 8 on CEC-17-018. 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.



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

Lisa Ann L. Mangat, Director

Julianne Polanco, State Historic Preservation Officer

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February 01, 2018

In reply refer to: BUR_2018_0108_001

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 the Relocation of Contra Costa Canal (CCC)
Lateral 9.1 Project, Contra Costa County, California (Project #17-SCAO-187)

Dear Ms. Leigh:

The State Historic Preservation Officer (SHPO) received on January 08, 2018 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 permit to the Contra Costa Water District (CCWD) for a project involving the relocation of a section of pipe of Lateral 9.1 of the Reclamation-owned CCC in Contra Costa County. The CCWD operates and maintains the CCC on behalf of Reclamation and needs to conduct the relocation to accommodate land development activities for the proposed Wildflower Station Development Project (WSDP). The developer will grade the property for construction, with up to 15 feet of additional fill placed over the Lateral 9.1 alignment. The alignment was not originally designed to handle such an increased load nor is it practicable to deep excavate through the additional overburden should future maintenance needs occur. Therefore, the buried pipe within the parcel must be relocated vertically. Reclamation has reached a finding of *no adverse effect to historic properties* for this undertaking and requests concurrence. Provided documentation is:

- *On Disk: Cultural Resources Report: Contra Costa Canal Encasement Project, March, 2006 [By: JRP Historical Consulting, Davis, CA & Far Western Anthropological Research Group, Inc., Davis, CA] [For: Contra Costa Water District, Concord, CA] [CR Report: 2006]*
- *Maps: Figure 1: Project Location (USGS Quad); Figure 2: Plan for Relocation of Lateral 9.1 (Project Plan Drawing: Existing Raw Water Lines-12-23-2016); Figure 3: Shut-off Valve for Lateral 9.1 on the Contra Costa Canal (overlaid aerial photo); Figure 4: Area of Potential Effects (APE) (overlaid aerial photo).*

The CCC Lateral 9.1 underground pipeline is located in the proposed WSDP lands within a Reclamation-owned easement for this portion of the facility on the developer's property. After the developer grades the WSDP land they will trench, within the existing easement, up to 1,100 feet by 20 feet wide by 10 feet deep for the installation of the new 24-inch-diameter pipe. This new pipeline will be placed above the existing pipeline, within the new fill at a standard burial depth of 3 to 6 feet, as required, due to varying topography and utilities. Installation of the new pipeline will also include installation of blow-offs, shut-off valves and air release valves. Each end of the new pipeline will be connected to the existing Lateral 9.1. After completion and connection of the new lateral, the old lateral will be filled with concrete slurry, capped at each end and abandoned in place.

As part of the installation of the new pipe, a new shut-off valve will be installed on the CCC at the Lateral 9.1 turnout (Milepost 9.147). This requires excavation down to the new lateral pipe to cut out a section of the lateral and install the shut-off valve. Excavation is anticipated to be an opening 10 feet by 10 feet by 12 feet.

The Area of Potential Effects (APE) totals about 0.025 acres and consists of a linear corridor that includes all proposed construction activities and staging. The vertical extent of the APE is about 10 feet below the surface of the new fill to access the existing pipeline.

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. As the initial installation of the existing pipeline involved extensive grading and excavation, no pedestrian survey was conducted and there is no-to-very-minimal probability of intact buried sites.

As this project is entirely within a built environment and has no potential to affect sites of religious or cultural significance to Indian tribes or other Native Americans, Reclamation did not consult with these groups for this undertaking.

The CCC (Site P-07-002695) has been previously determined eligible for National Register of Historic Places (NRHP) listing as part of the Central Valley Project (CVP). Reclamation applied all four criteria to Lateral 9.1 and determined it does not meet any significance requirements either individually or as a contributor to the CCC. Installing a replacement buried pipe will not change any historic characteristics of the nearby CCC. Reclamation finds that the project is a *no adverse effect to historic properties* outcome and requests comments on APE delineation, efforts to identify historic properties, and seeks concurrence that their finding is appropriate. Following OHP staff review, 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.
- Pursuant to 36 CFR 800.4(c)(2), **I do not object** that Reclamation has determined that CCC Lateral 9.1 lacks significant historic context, and is therefore not eligible for listing in the NRHP, either individually or as a contributor to the eligible CCC.
- Reclamation finds that the proposed undertaking will result in no adverse effects to the 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