

# RECLAMATION

## *Managing Water in the West*

### Categorical Exclusion Checklist

## Land Use Authorization to the Garlic Company for Installation, Operation, and Maintenance of Water Pipelines over the Friant-Kern Canal at Approximate Mile Post 143.26 and 143.62

CEC-18-006

Prepared by:

Kathleen A. Linder

Kathleen A. Linder  
Natural Resources Specialist  
South-Central California Area Office

Date: 8/30/2018

Concurred by:

See Attachment A

Lex Palmer, Archaeologist  
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:

Rain L. Emerson

Rain L. Emerson  
Environmental Compliance Branch Chief  
South-Central California Area Office

Date: 8/30/2018

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: 08/31/2018



U.S. Department of the Interior  
Bureau of Reclamation  
South-Central California Area Office

August 2018

## Background

The Friant-Kern Canal is a part of the Bureau of Reclamation's (Reclamation's) Central Valley Project which provides water to the eastern portion of the San Joaquin Valley. The Applicant, The Garlic Company, has requested a Land Use Authorization for the purpose of providing additional fresh water and wastewater pipeline capacity to support ongoing operations at the Garlic Company's processing facilities. Additional fresh water supply is needed as well as increased wastewater pipeline capacity to support ongoing and future operations at the processing facilities and to transport wastewater from their garlic processing operations to adjacent permitted disposal facilities.

## Nature of the Action

Reclamation proposes to issue a Land Use Authorization to the Applicant for the installation of new fresh water supply and wastewater pipelines at two crossings of the Friant-Kern Canal. The pipeline segments will connect to constructed and stubbed out pipelines located outside Reclamation's right of way and will provide fresh water and transport wastewater to/from existing garlic processing facilities near Shafter, Kern County, California. The proposed Action would be located in Sections 23 and 26, Township 28 South, Range 26 East, Mount Diablo Base and Meridian. The new pipelines will be installed at existing Reclamation road bridge canal crossings, described as follows:

- 1) "Westerly Crossing" (Mile Post 143.26). They are installing one 16-inch casing pipe which will contain two 6-inch water pipelines.
- 2) "Easterly Crossing" (Mile Post 143.62). They are installing three total casings; a 20-inch casing; a 16-inch casing; and a 14-inch casing. The 20-inch and 14-inch are "spare" casings, to be left empty at this time for future utilities. The center casing (16-inch) will contain three total pipelines: two 6-inch pipes and one 8-inch.

A total of four new concrete saddle piers will be set to support the new casings. The casings will rest on the saddles on each side of both crossings, and will be strapped to the bridge in the middle of the crossing. Trenching will occur on both sides of each crossing.

The installation will consist of two 6-inch pipelines composed of Schedule 11 high-density polyethylene at two crossings of the Friant-Kern Canal. Associated improvements will include removal of an existing 8-inch fresh water pipeline from a steel casing at the eastern canal crossing which is owned by another private party. This 8-inch pipeline would be realigned to the Garlic Company's new steel casing pipe at the eastern canal crossing. Two new steel casings would also be installed at the easterly canal crossing.

## Environmental Commitments

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

- A qualified biologist will be employed, and available on an on-call basis to assist personnel with implementation of these conservation measures.
- A pre-construction survey for San Joaquin kit fox and any new dens or sign (scat, tracks, prey remains, etc.) of kit fox presence in the Proposed Action Area will occur no longer than 30 days prior, to the initiation of ground disturbance. During this survey, the biologist should look for additional areas that show kit fox presence near the construction site. If any new natural or atypical dens are identified, these dens should be mapped and appropriate exclusion zones to protect the den(s) shall be established. A brief letter report of the results of the pre-construction survey shall be prepared and submitted to Reclamation within 10 days of this survey. If any natal/pupping dens are identified, or if any San Joaquin Kit Fox individuals are seen, all construction will stop immediately and the siting will be reported to Reclamation within 24 hours. Work may not continue until guidance from Reclamation is received and/or until applicable consultation with the U.S. Fish and Wildlife is completed.
- A worker education program shall be provided to all employees, contractors, and any other personnel that will conduct work onsite for the Proposed Action. At a minimum, this program shall include information on the identification of the San Joaquin kit fox and its habitat needs, status of its presence in the Proposed Action Area, a list of all the measures that will be taken to protect this species during construction and implementation of the Proposed Action, and the penalties specified under the Federal Endangered Species Act for unlawful take.
- Any temporary spoils piles and all other loose dirt, excavations, trenches, etc. that may attract kit foxes shall be fenced appropriately to prevent entry and use by kit foxes. This fencing shall be maintained for the duration of the Proposed Action and shall be checked regularly to make sure no openings or other possible entry points for kit foxes have developed. Any openings in the fencing shall be repaired immediately after it has been determined that no kit fox is inside the enclosure(s).
- Any pipes or similar structures/equipment with an opening of 3.5 inches or greater that are staged for the Proposed Action shall be capped prior to staging on or near the ground in order to prevent entry and use by kit foxes. If at any time a kit fox is observed in a pipe or elsewhere in the Proposed Action Area, the project biologist shall be contacted and all construction within the vicinity of the kit fox shall be suspended until the animal can be correctly identified. Any kit fox present in the Proposed Action Area must be allowed to safely exit the area on its own accord. No attempt to handle, move, or otherwise interact with a kit fox is allowed.
- Disturbance of any burrow with an entrance of 4-inches or greater will be avoided pursuant to the U.S. Fish and Wildlife Service's 2011 Standardized Recommendation for Protection of the Endangered San Joaquin Kit Fox Prior to or During Construction Disturbance guidelines.
- A maximum speed of 20 mph shall be strictly enforced on all roadways within the Proposed Action Area during construction activities.
- To avoid disrupting nesting activities of migratory birds, a qualified biologist will conduct periodic inspections of any identified nests during the nesting season (February 1<sup>st</sup> through September 15) to determine when the nests are no longer being used. The Proposed Action will be delayed until after all young have fledged and the birds are no longer dependent upon the nests for their survival or there are no longer nesting birds in the vicinity.

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

## Exclusion Category

516 DM 14.5 D (10). *Issuance of permits, licenses, easements, and crossing agreements which provide right-of-way of 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
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"/>
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"/>
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"/>
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"/>
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"/>
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"/>
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"/>
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"/>
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"/>
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"/>
This action would affect ITAs (512 DM 2, Policy Memorandum dated December 15, 1993).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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"/>
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"/>
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:** 18-SCAO-115

**Project Name:** Land Use Authorization to the Garlic Company for Installation, Operation, and Maintenance of Water Pipelines over the Friant-Kern Canal

**NEPA Document:** CEC-18-006

**MP 153 Cultural Resources Reviewer:** Lex Palmer

**NEPA Contact:** Kat Linder/Rain Emerson

**Determination:** No Adverse Effect

**Date:** July 24, 2018

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Reclamation proposes to issue a Land Use Authorization to the Garlic Company for the installation of new fresh water supply and wastewater pipelines at two crossings of the Friant-Kern Canal. 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 pipeline segments would connect to constructed and stubbed out pipelines located outside the Reclamation's right of way and would provide fresh water and transport wastewater to/from existing garlic processing facilities near Shafter, Kern County.

Reclamation initiated consultation with the California State Preservation Office (SHPO) by letter dated July 2, 2018 requesting concurrence with a finding of no adverse effect for the proposed project. SHPO responded on January 23, 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.

Enclosures (2): Reclamation to SHPO letter July 2, 2018  
SHPO to Reclamation letter July 23, 2018



# 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 02 2018**

MP-153  
ENV-3.00

SPECIAL DELIVERY – HAND DELIVERED

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

Subject: National Historic Preservation Act (NHPA) Section 106 Consultation for the Garlic Company's (GC) Friant-Kern Canal (FKC) Water Pipeline Bridge Crossings, Kern County, California (Project #18-SCAO-115)

Dear Ms. Polanco:

The Bureau of Reclamation is initiating consultation under Title 54 USC § 306108, commonly known as Section 106 of the NHPA, and its implementing regulations found at 36 CFR Part 800, for the issuance of a Land Use Authorization for water pipelines crossing Reclamation's FKC right-of-way (ROW) (Enclosure 1, Figures 1-3). Reclamation determined that the issuance of a Federal authorization requires compliance with Section 106 of the NHPA, and its implementing regulations found at 36 CFR Part 800, and is a 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 concurrence on our finding of no adverse effect to historic properties pursuant to 36 CFR § 800.5(b).

The GC proposes to construct two pipeline segments located outside Reclamation's ROW to provide fresh water and transport wastewater to/from the GC. Reclamation's undertaking only includes the portion of the project within our ROW. The two new pipelines would be connected to existing stubbed pipelines outside Reclamation's ROW on the GC's property and would extend into Reclamation's ROW, spanning the FKC by using two historic period Timber Farm Bridges. The pipelines would continue out of Reclamation's ROW to the GC. The GC would remove an existing 8-inch fresh water pipeline from a steel casing at the east Timber Farm Bridge (FKC MP 143.62), and then install three metal casings with water and utility lines in them. The GC would install one 16-inch steel casing on the west Timber Farm Bridge (FKC MP 143.26). Four concrete saddle piers would be set to support the new casings. The casings would rest on the saddles on each side of both crossings, and would be strapped to the bridge in the middle of the crossing. Trenching would occur on both sides of each crossing. The work would occur on the bridges and in the canal berm, which would be returned to pre-project configurations using in-kind material (earth).

The area of potential effects (APE) for both crossings includes a horizontal area measuring approximately 30 inches wide and 500 feet long (Enclosure 2, Pipeline Plans sheet 11). The construction and staging activities would occur in an area totaling 0.03 acres. The vertical APE is approximately 4 feet deep



(Enclosure 2, pipeline plans). Equipment and materials would be staged on the FKC ROW. The APE is located in Sections 23 and 26, T. 28 S., R. 26 E., Mount Diablo Base and Meridian, as depicted on the Rosedale, California, 7.5 minute U.S. Geological Survey topographic quadrangle map (Enclosure 1, Figure 3).

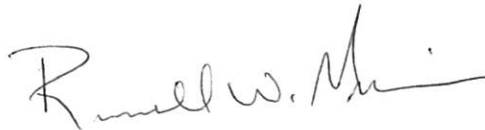
In an effort to identify historic properties within the APE, we used the results of a reconnaissance-level inventory of the FKC by JRP Historical Consulting, LLC, performed in 2017, and on-site images of the proposed path provided by South Valley Biological Consulting and Landmark Surveying and Engineering. The only cultural resource identified within the APE is the FKC and the two Timber Farm Bridges (Enclosure 3, APE images). The FKC has been previously determined as eligible for listing in the National Register of Historic Places (National Register) in a 1997 consensus determination by the State Historic Preservation Officer and is a historic property.

The construction of the FKC and the plowing of fields within and adjacent to the APE has disturbed between 6 and 50 feet or more of the vertical context. The work would occur within the FKC canal prism and ROW. Given the depositional characteristics of the landform and soils in the APE, ongoing impacts of agricultural development, and previous canal construction activity, there is low potential for encountering intact subsurface cultural resources in the APE. Since the APE is within the built environment of the previously disturbed canal prism and access road, Reclamation determined that no Native American consultation would be needed.

Reclamation applied the criteria of adverse effect to the historic properties in the APE in accordance with 36 CFR § 800.5(a). The FKC would not be visually or directly affected by the proposed undertaking as the lines would be installed in the canal berm and along the side of the Timber Farm Bridges. The proposed undertaking would result in no adverse effect to any of the characteristics that make the FKC eligible for inclusion in the National Register. Reclamation has reached a finding of no adverse effect to historic properties pursuant to 36 CFR § 800.5(b).

Based on the information presented above and enclosed documentation, Reclamation finds that the 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. Reclamation also requests your concurrence with our finding of no adverse effect to historic properties. If you have any questions or concerns regarding this project, please contact Mr. Lex Palmer, Architectural Historian, at 916-978-5213 or [kpalmer@usbr.gov](mailto:kpalmer@usbr.gov).

Sincerely,



*for* Anastasia T. Leigh  
Regional Environmental Officer

Enclosures – 3





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

Lisa Ann L. Mangat, Director

Julianne Polanco, State Historic Preservation Officer

1725 23rd Street, Suite 100, Sacramento, CA 95816-7100

Telephone: (916) 445-7000

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calshpo.ohp@parks.ca.gov

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July 23, 2018

In reply refer to: BUR\_2018\_0702\_002

**VIA ELECTRONIC MAIL**

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 Garlic Company's (GC) Friant-Kern Canal  
(FKC) Water Pipeline Bridge Crossings, Kern County, CA (Project #18-SCAO-115)

Dear Ms. Leigh:

The State Historic Preservation Officer (SHPO) received on July 02, 2018 your letter initiating consultation on the above referenced undertaking to comply with Section 106 of the National Historic Preservation Act of 1966 (as currently amended) and its implementing regulations found at 36 CFR Part 800. The U.S. Bureau of Reclamation (Reclamation) proposes to issue a Land Use Authorization for installing water pipelines that will cross Reclamation's FKC right-of-way (ROW). Reclamation has made a finding of *no adverse effects to historic properties* and seeks concurrence. Documentation provided is:

- *Enclosure 1: Figures 1 & 2: Project Location Maps (overlaid USGS Quad); Figure 3: Area of Potential Effects (APE) Map (overlaid aerial photo map)*
- *Enclosure 2: Garlic Company Pipeline Plans (11-17-2017): 11pp-Drawings & Aerial Photo Plans*
- *Enclosure 3: Figures 1-4: Color photos of APE locations and East & West Timber Farm Bridges.*

The GC proposes to construct two pipeline segments to provide fresh water and transport wastewater to and from the GC. Most of the alignment is outside of Reclamation's Right of Way (ROW). The two new pipelines are to be connected to existing stubbed pipelines on the GC's property and only extend into Reclamation's ROW, spanning the FKC, by using two historic period Timber Farm Bridges. The GC will remove an existing 8-inch fresh water pipeline from a steel casing at the east Timber Farm Bridge (FKC MP 143.62), and then install three metal casings with water and utility lines in them. The GC will install one 16-inch steel casing on the west Timber Farm Bridge (FKC MP 143.26). Four concrete saddle piers will be set to support the new casings, which will rest on the saddles on each side of both crossings, and be strapped to the bridge in the middle of the crossing. Trenching is to occur on both sides of each crossing. The work items will be on the bridges and in the canal berm, which is to be returned to pre-project configurations using in-kind material (earth).

The area of potential effects (APE) for both crossings includes a horizontal area measuring approximately 30 inches wide and 500 feet long, including the spans of the two timber bridges. The construction and staging activities area is about 0.03 acres total in size with a vertical APE of about 4 feet deep. Equipment and materials will be staged within the FKC ROW and access is on existing roads.

Historic properties identification used results of a reconnaissance-level inventory of the FKC (JRP Historical Consulting, LLC, 2017), and aerial images of the proposed pipeline path provided by South Valley Biological Consulting and Landmark Surveying and Engineering (Enclosure 2). The only cultural resource identified is the FKC with the

two Timber Farm Bridges (Enclosure 3, color photos). The FKC has been determined eligible for listing in the National Register of Historic Places (National Register), by consensus, in 1997 and is a historic property. Due to the extensive ground modifications during construction of the FKC and deep plowing of nearby agricultural fields, there is very low probability for the presence of buried site deposits.

Reclamation determined that consultation with Indian tribes was not necessary for this undertaking because of the limited APE and minimal visual effects. Also, because of the above-noted major ground disturbing activities, no intact sites of religious or cultural significance are likely to be present.

Reclamation applied the criteria of adverse effect for the undertaking (36 CFR 800.5(a)), and finds that the proposed project will result in no adverse effect to historic properties due to the proposed work scope taking place entirely within the disturbed FKC earthen berm and its prism. For the pipeline placement on the bridges, a pipeline already exists on the side of the East Timber Bridge and will be reused and the second pipeline will be placed in a similar manner, below the level of the main decking, for the West Timber Bridge. These pipe casing installations are plain and industrial in character, and the characteristic features of both bridges are minimally affected. The proposed undertaking will result in no adverse effect, either directly or visually, to any of the characteristics that make the FKC eligible for inclusion in the National Register (36 CFR 800.5(b)).

After OHP 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 and documented.*
- *Pursuant to 36 CFR 800.4(b), it is considered that Reclamation has made a reasonable and good faith effort to appropriately identify historic properties within the area of potential effects.*
- *Reclamation finds that the proposed undertaking will result in no adverse effect to historic properties. Pursuant to 36 CFR 800.5(b), **I agree.***

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 currently amended). Should you require further information, please contact Jeanette Schulz at [Jeanette.Schulz@parks.ca.gov](mailto:Jeanette.Schulz@parks.ca.gov) or her desk phone is: (916) 445-7031.

Sincerely,



Julianne Polanco  
State Historic Preservation Officer