

# RECLAMATION

## *Managing Water in the West*

### Categorical Exclusion Checklist

## Renewal of Expiring Land Use Authorizations for Parking and Access to Hammer Island

CEC-17-047

Prepared by:

Brian Lopez  
Brian Lopez  
Natural Resources Specialist  
South-Central California Area Office

Date: 8/31/2018

Concurred by:

See Attachment A  
Architectural Historian  
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  
Shauna McDonald  
Wildlife Biologist  
South-Central California Area Office

Date: 8/31/18

Concurred by:

Rain L. Emerson  
Rain L. Emerson  
Environmental Compliance Branch Chief  
South-Central California Area Office  
ITA Designee concurred with Item 11. Their determination has been placed within the project file.

Date: 09/05/2018

Approved by:

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

Date: 9/5/2018





## Background

Since October 1968, the Bureau of Reclamation (Reclamation) has maintained an easement agreement with Mrs. Hans Hammer for use of a portion of Reclamation land located along the shore of the Delta-Mendota Canal within Alameda County, downstream of Clifton Court Forebay. This 50-year easement agreement allowed Mrs. Hammer, her successors and assignees to “enter upon, construct, reconstruct, operate and maintain garage facilities, paving area, docks, access thereto and appurtenant facilities including right of way fencing where required” upon a 0.59 acre area on a shore opposite Hammer Island within Reclamation property boundaries. In September 1989, Reclamation entered into a license agreement with the Hammer Island Homeowners Association for an additional 100 foot by 72 foot area connected to the original easement. This license was approved with a 30-year duration.

With both easement and license agreements set to expire, Hammer Island LLC has requested a new land use authorization to cover both areas with the same intended purposes of operating and maintaining parking facilities and structures on Reclamation land (Figure 1).

## Nature of the Action

Reclamation proposes to renew both expiring land use authorizations, allowing Hammer Island LLC to operate and maintain parking lots and garages along on Reclamation property near the Delta-Mendota Canal. The renewal would be accomplished with a new land use authorization covering both the original 1968 easement area of 0.59 acres and the 100 foot by 72 foot area under the 1989 license. This new land use authorization would be valid for a term of up to 50 years.

## Exclusion Category

16 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.*

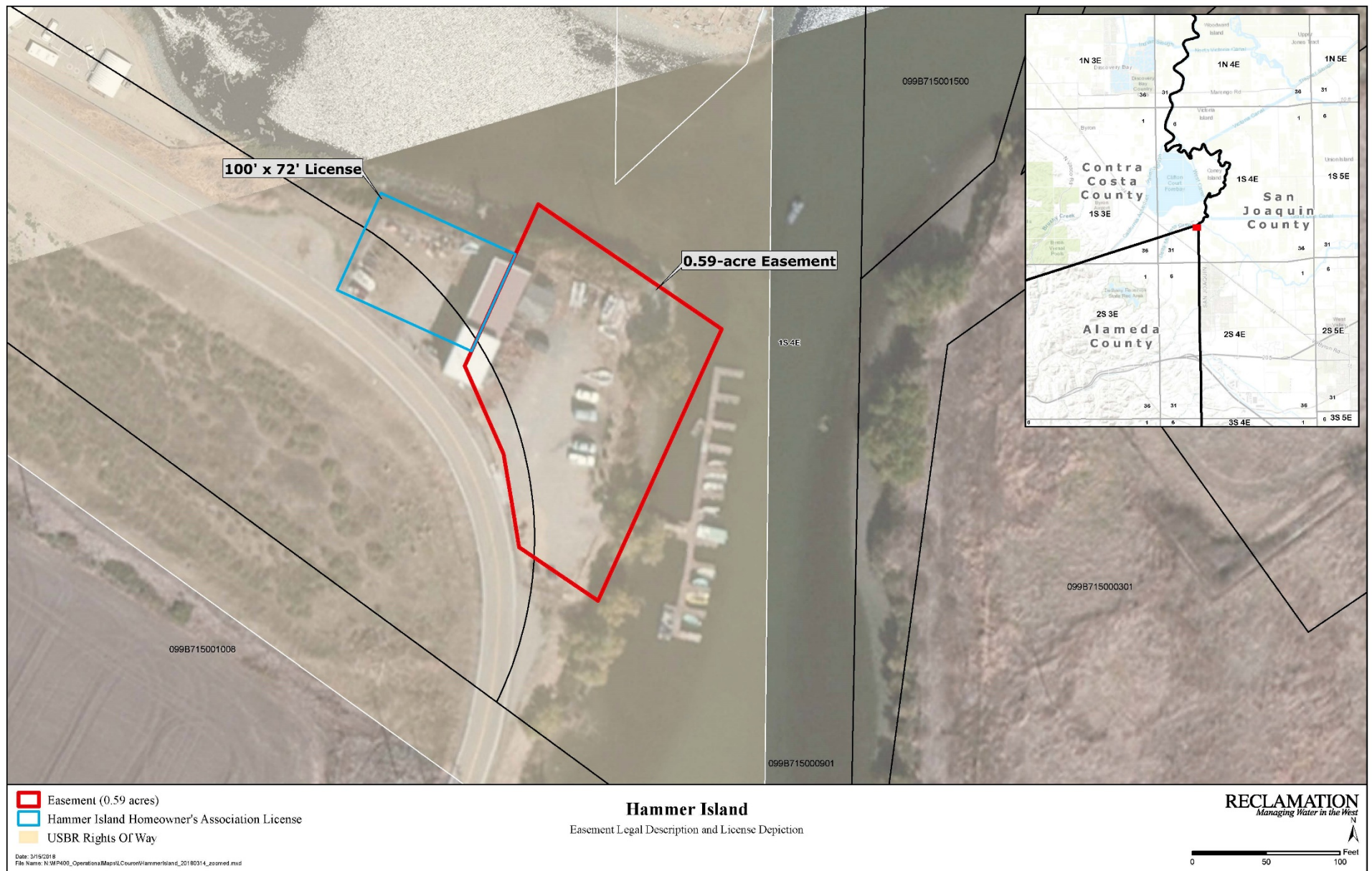


Figure 1 Hammer Island Parking Lot Location and Vicinity

## 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-028.001

**Project Name:** Renewal of Expiring Land Use Authorizations (LUA) for Parking and Access to Hammer Island

**NEPA Document:** 17-047

**NEPA Contact:** Brian Lopez

**MP-153 Cultural Resources Reviewer:** Lex Palmer, Architectural Historian

**Date:** August 17, 2018

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Reclamation proposes to renew an expiring LUA for the continued use of the Hammer Island parking lot. The current authorization expires November 1, 2018. The new LUA be valid for up to a 50-year period and would include a 100' by 72' area located immediately northwest of the expiring lease. No change in land use would occur. Language in the LUA would be updated to reflect Reclamation's current terms and conditions, which includes Reclamation's review and approval, including environmental review, for proposed changes to the current facility layout (such as construction, reconstruction/modifications).

No modification of existing facilities or ground disturbance will occur as a result of the proposed action without additional environmental review. Reclamation has determined the issuance of this LUA is the type of activity that does not have the potential to cause effects on historic properties pursuant to 36 CFR § 800.3(a)(1). As such, Reclamation has no further obligations under Title 54 U.S.C. § 306108, commonly known as Section 106 of the National Historic Preservation Act (NHPA). The proposed action will not have an impact on any historic properties listed or eligible for listing in the National Register of Historic Places.

This document conveys the completion of the cultural resources review and Section 106 process for this undertaking. Please retain a copy with the administrative record for this action. Should the proposed action change, additional review under Section 106, possibly including consultation with the State Historic Preservation Officer, may be required.