Categorical Exclusion Log Number: CEC-11-027

San Luis Reservoir
Entry Gate at Medeiros SRA

South-Central California Area Office

Date: June 13, 2011

To:				
	Wildlife Biologist	SCC 424	S McDonald	6/13/11
	Supervisory Nat. Res. Specialist	SCC 411	C Siek	6/24/11
	Secretary	SCC 101	P Escobar	6/24/11
	Chief, Resource Division	SCC 400	R English	7/8/11
	Deputy Area Manager	SCC 102	L Myers	7/12/11
	Natural Resource Specialist	SCC 413	D Oliveira	7/14/11

Cost Authority Number: A20-0805-4997-000-00-0-0 Key Code: 220
From: Danielle Oliveira

Subject: Review and signing of Categorical Exclusion Checklist

Please review the attached CEC and route it according to the order on the list. When your review is finished, please date, initial and sign on the last page. However, if you have comments or questions please contact the Environmental Team or the proponent of the action. When everyone has signed the CEC, please return it to Danielle Oliveira.

Thank you.

Ready for Central Files July 15, 2011

Copies to: MP-3730 (1 Copy)

Project Lead (1 Copy): Jack Collins – SCC-452

CATEGORICAL EXCLUSION CHECKLIST
San Luis Reservoir State Recreation Area
Installation of Two Pipe Gates

South-Central California Area Office April 14, 2011

Background: The San Luis Reservoir (SLR) is a water-storage reservoir and along with the O'Neil Forebay and Los Banos Creek Reservoir, they make up the San Luis Reservoir State Recreation Area (SLRSRA). The California Department of Parks and Recreation (DPR) and the Bureau of Reclamation (Reclamation) have an agreement to manage Reclamation lands surrounding SLR for recreation purposes. DPR also has the responsibility of maintaining the infrastructure needed for the safety and security of the park facilities.

There are current locations around SLRSRA that lack a gate system; leading to unauthorized entry of facilities and vandalism.

Purpose and Need for Action: The purpose of this action would be to protect valuable park resources as a precautionary safety tool. The first gate, located at the entrance of Medeiros State Recreation Area (SRA), would be installed in case this area needed to be closed off and the second gate, located at Medeiros half point, would be for when a service reduction would need to be enforced.

Proposed Action: Reclamation proposes to allow DPR to install two new gates, the first gate being at the entrance of Medeiros SRA and the second being at the Medeiros halfway. (Figure 1) The proposed locations are aligned to keep topographical features the same and would be secured with Best Management Practices prior to groundbreaking. All areas would be secured to protect the public as well as the project and surrounding landscape.

The two metal swing gates would cover a 35' to 40' span at each of the two sites. Ground work would be to auger two 2' diameters by 4' deep holes next to the existing boundary fence pasts at the existing gates locations. It would be necessary to install two 6" by 8' galvanized steel posts and filled with gravel. After this holes would then be filled with concrete for increased stability. After the concrete cures gates would be mounted to the galvanized steel posts.

To increase security a 3/8" chain and padlock would be used to secure the gates.

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.

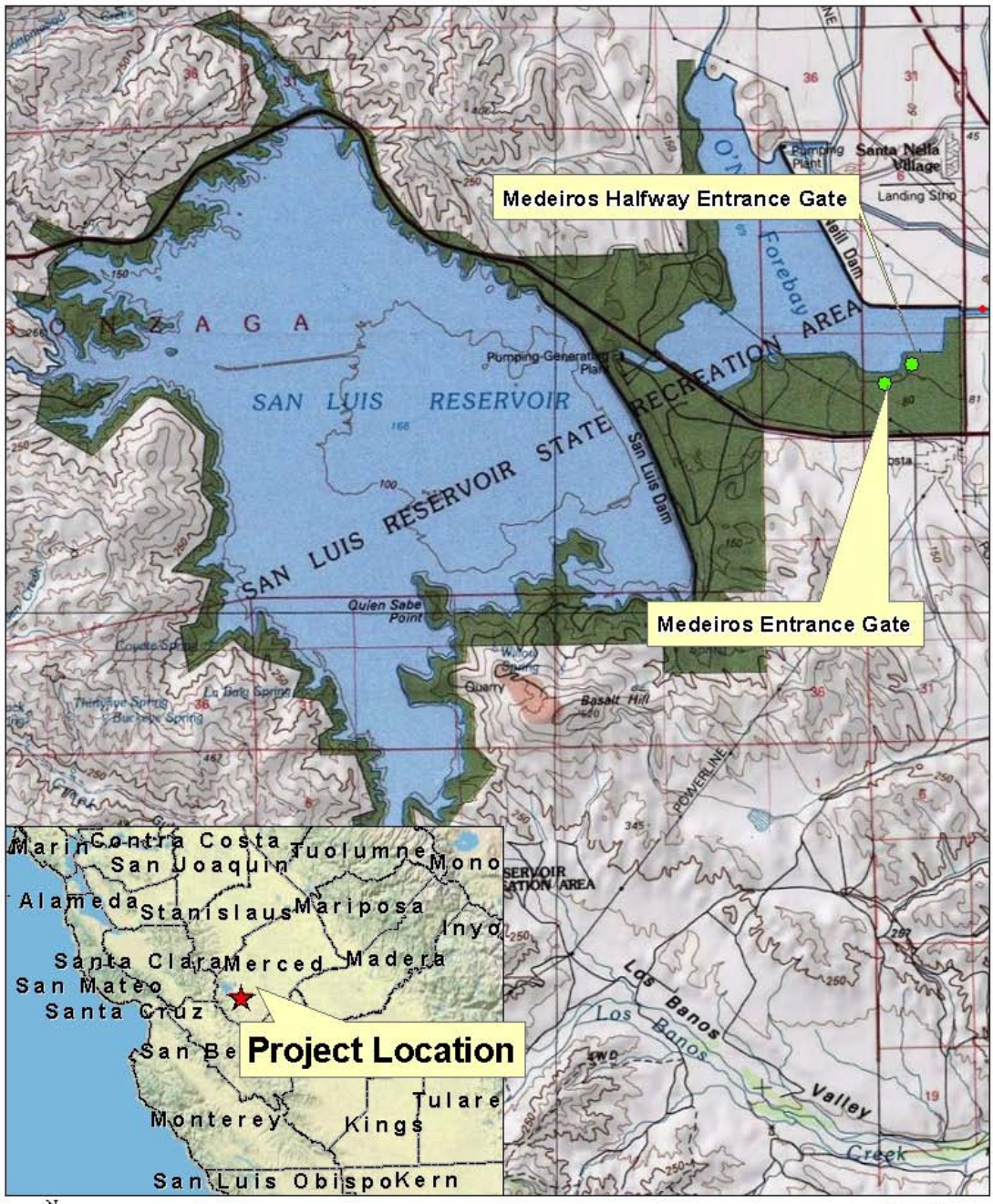

Figure 1. Project Location

Figure 2. Entrance at Medeiros SRA with proposed gate

Figure 3. Medeiros Half Point with proposed gate

Evaluation of Criteria for Categorical Exclusion

1. This Action will have a significant effect on the quality of human environment	No X	Uncertain ___	Yes
2. This action would have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources	No X	Uncertain ___	Yes

Evaluation of Exemptions to Actions within Categorical Exclusion

1. This action would have significant impacts on public health or safety	No X	Uncertain ___	Yes
2. 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 (E.O. 11990); floodplains (E.O. 11988); national monuments; migratory birds; and other ecologically significant or critical areas	No X	Uncertain ___	Yes
3. This action will have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks	No X	Uncertain ___	Yes
4. This action would establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects	No X	Uncertain ___	Yes

5. This action would have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects	No X	Uncertain ___	Yes
6. This action would have significant impacts on properties listed, or eligible for listing, on the National Register or Historic Places (National Register) as determined by the bureau (in coordination with a Reclamation cultural resources professional, LND 02-01 D(1)(a)	No X	Uncertain ___	Yes
7. 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	No X	Uncertain ___	Yes
8. This action would violate a Federal, State, local, or tribal law or requirement imposed for protection of the environment	No X	Uncertain ___	Yes
9. This action would affect ITAs (To be completed by Reclamation official responsible for ITAs)	No X	Uncertain ___	Yes
10. This action would have a disproportionately high and adverse effect on low income or minority populations	No X	Uncertain ___	Yes
11. 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	No X	Uncertain ___	Yes

12. This action would contribute to the introduction, continued existence, or spread of noxious weeks or non-native invasive species know to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weeks Control Act)	No _X_	Uncertain ___	Yes

NEPA Action: Categorical Exclusion _X_

Environmental commitments, explanation, and/or remarks:

☒Yes ☐No Environmental commitments are required and attached.

- ☒ San Joaquin Kit Fox Avoidance and Minimization Measures
- ☐ Giant Garter Snake Avoidance and Minimization Measures
- ☐ California Tiger Salamander Avoidance and Minimization Measures
- ☐ California Red-Legged Frog Avoidance and Minimization Measures
- ☐ Other:

Prepared by:

Danielle Oliveira Date: June 13, 2011

South-Central California Area Office

Regional Archeologist concurrence with Item 7:
See attachment.

ITA Designee concurrence with Item 10:
See attachment.

Concur:

_____ Date: _____
Wildlife Biologist, South-Central California Area Office

Concur:

_____ Date: _____
Supervisory Natural Resources Specialist, South-Central California Area Office

Concur:

_____ Date: _____
Chief, Resources Management Division, South-Central California Area Office

Approved:

_____ Date: _____
Deputy Area Manager, South-Central California Area Office

Prepared by:

Danielle Oliveira Date: June 13, 2011

South-Central California Area Office

Regional Archeologist concurrence with Item 7:
See attachment.

ITA Designee concurrence with Item 10:
See attachment.

Concur:
Shawna McDonald Date: 6/13/11
Wildlife Biologist, South-Central California Area Office

Concur:
Date: 6/24/11
Supervisory Natural Resources Specialist, South-Central California Area Office

Concur:
Randy J English Date: 7/8/11
Chief, Resources Management Division, South-Central California Area Office

Approved:
Laurel Myers Date: 7/12/11
Deputy Area Manager, South-Central California Area Office

United States Department of the Interior

BUREAU OF RECLAMATION
1243 "N" Street
Fresno, CA 93727

IN REPLY REFER TO:
San Luis Unit
ENV 7.00
SCC-424

June 13, 2011

MEMORANDUM

To: Danielle M. Oliveira

From: Shauna McDonald
Wildlife Biologist Shauna McDonald

Subject: No-Effect Determination for San Luis Reservoir State Recreation Area Installation of Two Pipe Gates (CEC-11-027)

Reclamation proposes to allow DPR to install two new gates, the first gate being at the entrance of Medeiros SRA and the second being at the Medeiros halfway. (Figure 1) The proposed locations are aligned to keep topographical features the same and would be secured with Best Management Practices prior to groundbreaking. All areas would be secured to protect the public as well as the project and surrounding landscape.

The two metal swing gates would cover a 35' to 40' span at each of the two sites. Ground work would be to auger two 2' diameters by 4' deep holes next to the existing boundary fence pasts at the existing gates locations. It would be necessary to install two 6" by 8' galvanized steel posts and filled with gravel. After this holes would then be filled with concrete for increased stability. After the concrete cures gates would be mounted to the galvanized steel posts. To increase security a 3/8" chain and padlock would be used to secure the gates.

The action area is potential habitat for the San Joaquin kit fox (Vulpes macrotis mutica). No other habitat for Federally proposed or listed species or critical habitat occurs in the action area. The photographs provided with the categorical exclusion checklist show that the area is near the water (O'Neill Forebay). Kit foxes are unlikely to occur there. However, the U.S. Fish and Wildlife Service's 2011 Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior To or During Ground Disturbance need to be implemented. As long as the preconstruction survey finds no evidence of a San Joaquin kit fox or any potential dens that cannot be properly avoided, then the project can proceed with the implementation of standard avoidance measures and there would be no effect on the San Joaquin kit fox.

With the above limitations and based upon the nature of this action Reclamation has determined there would be No Effect to proposed or listed species or any critical habitat under the Endangered Species Act of 1973, as amended (16 U.S.C. §1531 et. seq.).

U.S. FISH AND WILDLIFE SERVICE STANDARDIZED RECOMMENDATIONS FOR PROTECTION OF THE ENDANGERED SAN JOAQUIN KIT FOX PRIOR TO OR DURING GROUND DISTURBANCE

Prepared by the Sacramento Fish and Wildlife Office
January 2011

INTRODUCTION

The following document includes many of the San Joaquin kit fox (*Vulpes macrotis mutica*) protection measures typically recommended by the U. S. Fish and Wildlife Service (Service), prior to and during ground disturbance activities. **However, incorporating relevant sections of these guidelines into the proposed project is not the only action required under the Endangered Species Act of 1973, as amended (Act) and does not preclude the need for section 7 consultation or a section 10 incidental take permit for the proposed project.** Project applicants should contact the Service in Sacramento to determine the full range of requirements that apply to your project; the address and telephone number are given at the end of this document. Implementation of the measures presented in this document may be necessary to avoid violating the provisions of the Act, including the prohibition against "take" (defined as killing, harming, or harassing a listed species, including actions that damage or destroy its habitat). These protection measures may also be required under the terms of a biological opinion pursuant to section 7 of the Act resulting in incidental take authorization (authorization), or an incidental take permit (permit) pursuant to section 10 of the Act. The specific measures implemented to protect kit fox for any given project shall be determined by the Service based upon the applicant's consultation with the Service.

The purpose of this document is to make information on kit fox protection strategies readily available and to help standardize the methods and definitions currently employed to achieve kit fox protection. The measures outlined in this document are subject to modification or revision at the discretion of the Service.

IS A PERMIT NECESSARY?

Certain acts need a permit from the Service which includes destruction of any known (occupied or unoccupied) or natal/pupping kit fox dens. Determination of the presence or absence of kit foxes and /or their dens should be made during the environmental review process. All surveys and monitoring described in this document must be conducted by a qualified biologist and these activities do not require a permit. A qualified biologist (biologist) means any person who has completed at least four years of university training in wildlife biology or a related science and/or has demonstrated field experience in the identification and life history of the San Joaquin kit fox. In addition, the biologist(s) must be able to identify coyote, red fox,

gray fox, and kit fox tracks, and to have seen a kit fox in the wild, at a zoo, or as a museum mount. Resumes of biologists should be submitted to the Service for review and approval prior to an6y survey or monitoring work occurring.

SMALL PROJECTS

Small projects are considered to be those projects with small foot prints, of approximately one acre or less, such as an individual in-fill oil well, communication tower, or bridge repairs. These projects must stand alone and not be part of, or in any way connected to larger projects (i.e., bridge repair or improvement to serve a future urban development). The Service recommends that on these small projects, the biologist survey the proposed project boundary and a 200-foot area outside of the project footprint to identify habitat features and utilize this information as guidance to situate the project to minimize or avoid impacts. If habitat features cannot be completely avoided, then surveys should be conducted and the Service should be contacted for technical assistance to determine the extent of possible take.

Preconstruction/preactivity surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities or any project activity likely to impact the San Joaquin kit fox. Kit foxes change dens four or five times during the summer months, and change natal dens one or two times per month (Morrell 1972). Surveys should identify kit fox habitat features on the project site and evaluate use by kit fox and, if possible, assess the potential impacts to the kit fox by the proposed activity. The status of all dens should be determined and mapped (see Survey Protocol). Written results of preconstruction/preactivity surveys must be received by the Service within five days after survey completion and prior to the start of ground disturbance and/or construction activities.

If a natal/pupping den is discovered within the project area or within 200-feet of the project boundary, the Service shall be immediately notified and under no circumstances should the den be disturbed or destroyed without prior authorization. If the preconstruction/preactivity survey reveals an active natal pupping or new information, the project applicant should contact the Service immediately to obtain the necessary take authorization/permit.

If the take authorization/permit has already been issued, then the biologist may proceed with den destruction within the project boundary, except natal/pupping den which may not be destroyed while occupied. A take authorization/permit is required to destroy these dens even after they are vacated. Protective exclusion zones can be placed around all known and potential dens which occur outside the project footprint (conversely, the project boundary can be demarcated, see den destruction section).

OTHER PROJECTS

It is likely that all other projects occurring within kit fox habitat will require a take authorization/permit from the Service. This determination would be made by the Service during the early evaluation process (see Survey Protocol). These other projects would include, but are not limited to: Linear projects; projects with large footprints such as urban development; and projects which in themselves may be small but have far reaching impacts (i.e., water storage or conveyance facilities that promote urban growth or agriculture, etc.).

The take authorization/permit issued by the Service may incorporate some or all of the protection measures presented in this document. The take authorization/permit may include measures specific to the needs of the project and those requirements supersede any requirements found in this document.

EXCLUSION ZONES

In order to avoid impacts, construction activities must avoid their dens. The configuration of exclusion zones around the kit fox dens should have a radius measured outward from the entrance or cluster of entrances due to the length of dens underground. The following distances are **minimums**, and if they cannot be followed the Service must be contacted. Adult and pup kit foxes are known to sometimes rest and play near the den entrance in the afternoon, but most above-ground activities begin near sunset and continue sporadically throughout the night. Den definitions are attached as Exhibit A.

Potential den**	50 feet
Atypical den**	50 feet
Known den*	100 feet
Natal/pupping den (occupied and unoccupied)	Service must be contacted

*Known den: To ensure protection, the exclusion zone should be demarcated by fencing that encircles each den at the appropriate distance and does not prevent access to the den by kit foxes. Acceptable fencing includes untreated wood particle-board, silt fencing, orange construction fencing or other fencing as approved by the Service as long as it has openings for kit fox ingress/egress and keeps humans and equipment out. Exclusion zone fencing should be maintained until all construction related or operational disturbances have been terminated. At that time, all fencing shall be removed to avoid attracting subsequent attention to the dens.

**Potential and Atypical dens: Placement of 4-5 flagged stakes 50 feet from the den entrance(s) will suffice to identify the den location; fencing will not be required, but the exclusion zone must be observed.

Only essential vehicle operation on existing roads and foot traffic should be permitted. Otherwise, all construction, vehicle operation, material storage, or any other type of surface-disturbing activity should be prohibited or greatly restricted within the exclusion zones.

DESTRUCTION OF DENS

Limited destruction of kit fox dens may be allowed, if avoidance is not a reasonable alternative, provided the following procedures are observed. The value to kit foxes of potential, known, and natal/pupping dens differ and therefore, each den type needs a different level of protection. **Destruction of any known or natal/pupping kit fox den requires take authorization/permit from the Service**.

Destruction of the den should be accomplished by careful excavation until it is certain that no kit foxes are inside. The den should be fully excavated, filled with dirt and compacted to ensure that kit foxes cannot reenter or use the den during the construction period. If at any point during excavation, a kit fox is discovered inside the den, the excavation activity shall cease immediately and monitoring of the den as described above should be resumed. Destruction of the den may be completed when in the judgment of the biologist, the animal has escaped, without further disturbance, from the partially destroyed den.

Natal/pupping dens: Natal or pupping dens which are occupied will not be destroyed until the pups and adults have vacated and then only after consultation with the Service. Therefore, project activities at some den sites may have to be postponed.

Known Dens: Known dens occurring within the footprint of the activity must be monitored for three days with tracking medium or an infra-red beam camera to determine the current use. If no kit fox activity is observed during this period, the den should be destroyed immediately to preclude subsequent use.

If kit fox activity is observed at the den during this period, the den should be monitored for at least five consecutive days from the time of the observation to allow any resident animal to move to another den during its normal activity. Use of the den can be discouraged during this period by partially plugging its entrances(s) with soil in such a manner that any resident animal can escape easily. Only when the den is determined to be unoccupied may the den be excavated under the direction of the biologist. If the animal is still present after five or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of a biologist, it is temporarily vacant, for example during the animal's normal foraging activities. **The Service encourages hand excavation, but realizes that soil conditions may necessitate the use of excavating equipment. However, extreme caution must be exercised.**

Potential Dens: If a take authorization/permit has been obtained from the Service, den destruction may proceed without monitoring, unless other restrictions were issued with the take authorization/permit. If no take authorization/permit has been issued, then potential dens should be monitored as if they were known dens. If any den was considered to be a potential den, but is later determined during monitoring or destruction to be currently, or previously used by kit fox (e.g., if kit fox sign is found inside), then all construction activities shall cease and the Service shall be notified immediately.

CONSTRUCTION AND ON-GOING OPERATIONAL REQUIREMENTS

Habitat subject to permanent and temporary construction disturbances and other types of ongoing project-related disturbance activities should be minimized by adhering to the following activities. Project designs should limit or cluster permanent project features to the smallest area possible while still permitting achievement of project goals. To minimize temporary disturbances, all project-related vehicle traffic should be restricted to established roads, construction areas, and other designated areas. These areas should also be included in preconstruction surveys and, to the extent possible, should be established in locations disturbed by previous activities to prevent further impacts.

1. Project-related vehicles should observe a daytime speed limit of 20-mph throughout the site in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction should be minimized to the extent possible. However if it does occur, then the speed limit should be reduced to 10-mph. Off-road traffic outside of designated project areas should be prohibited.

2. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the Service and the California Department of Fish and Game (CDFG) shall be contacted as noted under measure 13 referenced below.

3. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe

may be moved only once to remove it from the path of construction activity, until the fox has escaped.

4. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site.

5. No firearms shall be allowed on the project site.

6. No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens.

7. Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the Service. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox.

8. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the Service.

9. An employee education program should be conducted for any project that has anticipated impacts to kit fox or other endangered species. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program should include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to the previously referenced people and anyone else who may enter the project site.

10. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. should be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is

disturbed during the project, but after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the Service, California Department of Fish and Game (CDFG), and revegetation experts.

11. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the Service should be contacted for guidance.

12. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFG immediately in the case of a dead, injured or entrapped kit fox. The CDFG contact for immediate assistance is State Dispatch at (916)445-0045. They will contact the local warden or Mr. Paul Hoffman, the wildlife biologist, at (530)934-9309. The Service should be contacted at the numbers below.

13. The Sacramento Fish and Wildlife Office and CDFG shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The Service contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFG contact is Mr. Paul Hoffman at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.

14. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the Service at the address below.

Any project-related information required by the Service or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at:

Endangered Species Division
2800 Cottage Way, Suite W2605
Sacramento, California 95825-1846
(916) 414-6620 or (916) 414-6600

EXHIBIT "A" - DEFINITIONS

"Take" - Section 9 of the Endangered Species Act of 1973, as amended (Act) prohibits the "take" of any federally listed endangered species by any person (an individual, corporation, partnership, trust, association, etc.) subject to the jurisdiction of the United States. As defined in the Act, take means " . . . to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct". Thus, not only is a listed animal protected from activities such as hunting, but also from actions that damage or destroy its habitat.

"Dens" - San Joaquin kit fox dens may be located in areas of low, moderate, or steep topography. Den characteristics are listed below, however, the specific characteristics of individual dens may vary and occupied dens may lack some or all of these features. Therefore, caution must be exercised in determining the status of any den. Typical dens may include the following: (1) one or more entrances that are approximately 5 to 8 inches in diameter; (2) dirt berms adjacent to the entrances; (3) kit fox tracks, scat, or prey remains in the vicinity of the den; (4) matted vegetation adjacent to the den entrances; and (5) manmade features such as culverts, pipes, and canal banks.

"Known den" - Any existing natural den or manmade structure that is used or has been used at any time in the past by a San Joaquin kit fox. Evidence of use may include historical records, past or current radiotelemetry or spotlighting data, kit fox sign such as tracks, scat, and/or prey remains, or other reasonable proof that a given den is being or has been used by a kit fox. The Service discourages use of the terms "active" and "inactive" when referring to any kit fox den because a great percentage of occupied dens show no evidence of use, and because kit foxes change dens often, with the result that the status of a given den may change frequently and abruptly.

"Potential Den" - Any subterranean hole within the species' range that has entrances of appropriate dimensions for which available evidence is insufficient to conclude that it is being used or has been used by a kit fox. Potential dens shall include the following: (1) any suitable subterranean hole; or (2) any den or burrow of another species (e.g., coyote, badger, red fox, or ground squirrel) that otherwise has appropriate characteristics for kit fox use.

"Natal or Pupping Den" - Any den used by kit foxes to whelp and/or rear their pups. Natal/pupping dens may be larger with more numerous entrances than dens occupied exclusively by adults. These dens typically have more kit fox tracks, scat, and prey remains in the vicinity of the den, and may have a broader apron of matted dirt and/or vegetation at one or more entrances. A natal den, defined as a den in which kit fox pups are actually whelped but not necessarily reared, is a more restrictive version of the pupping den. In practice, however, it is difficult to distinguish between the two, therefore, for purposes of this definition either term applies.

"Atypical Den" - Any manmade structure which has been or is being occupied by a San Joaquin kit fox. Atypical dens may include pipes, culverts, and diggings beneath concrete slabs and buildings.

From:	Soule, William E
To:	Oliveira, Danielle M
Cc:	Barnes, Amy J; Bruce, Brandee E; Dunay, Amy L; Fogerty, John A; Goodsell, Joanne E; Nickels, Adam M; Perry, Laureen (Laurie) M; Williams, Scott A
Subject:	FW: CR Request for CEC-11-027
Date:	Friday, May 27, 2011 1:48:09 PM

Project No. 11-SCAO-152
Project Name: San Luis Reservoir State Recreation Area Installation of Two Pipe Gates

Danielle:

The proposed undertaking to install two metal swing gates at the Medeiros Entrance and the Madeiros Halfway Entrance points within the on San Luis Reservoir State Recreation Area does not have the potential to cause effects to historic properties assuming that such properties are present pursuant to the Section 106 Regulations codified at 36 CFR Part 800.3(a)(1). The new gates will be attached to galvanized steel posts installed on both sides of an existing paved road and an existing gravel road located in an area previously disturbed by the construction of the O'Neill Forebay.

As the proposed action has no potential to affect historic properties, no additional consideration is required under Section 106 of the National Historic Preservation Act. Accordingly, I concur with item 6 of CEC-11-027 dated April 14, 2011.

Thank you for the opportunity to comment on this proposed action. Please place a copy of this concurrence with the CEC administrative record for the action.

Bill

William E. Soule, M.A., Archaeologist
U.S. Bureau of Reclamation, Mid-Pacific Region
2800 Cottage Way, MP-153
Sacramento, CA 95825
Phone: 916-978-4694
Email: wsoule@usbr.gov

From: Oliveira, Danielle M
Sent: Wednesday, May 25, 2011 11:36 AM
To: Perry, Laureen (Laurie) M
Cc: Barnes, Amy J; Bruce, Brandee E; Dunay, Amy L; Fogerty, John A; Goodsell, Joanne E; Nickels, Adam M; Overly, Stephen A; Soule, William E; Williams, Scott A
Subject: CR Request for CEC-11-027

Hello Laurie,

I hope you are having an enjoyable Wednesday. Attached to this email is the Draft NEPA document

for CEC-11-027 for the Installation of two metal gate in the San Luis State Recreation Area, along with a Topo. Information is as followed:

Cost Authority: **A20-0805-4997-000-00-0-0**
Township/Range/Section: **T 10.0S/ R 9.0E/S 10**

If you have any questions or need an additional information please do not hesitate to contact me. Have a great day.

Danielle Oliveira
Biological Technician
Bureau of Reclamation
1243 N. Street Fresno, CA 93721
(559)487-5295

From: Rivera, Patricia L
To: Oliveira, Danielle M
Subject: RE: ITA Request for CEC-11-027
Date: Thursday, May 26, 2011 6:40:23 AM

Danielle,

I reviewed the proposed action to allow the Department of Parks and Recreation to install two new gates. The first gate being at the entrance of Medeiros State Recreation Area and the second being at the Medeiros halfway. The proposed locations are aligned to keep topographical features the same and would be secured with Best Management Practices prior to groundbreaking. All areas would be secured to protect the public as well as the project and surrounding landscape. The installation of the gates is to increase security.

The two metal swing gates would cover a 35' to 40' span at each of the two sites. A 3/8" chain and padlock would be used to secure the gates. Ground work would be to auger two 2' diameters by 4' deep holes next to the existing boundary fence pasts at the existing gates locations. It would be necessary to install two 6" by 8' galvanized steel posts and filled with gravel. After this holes would then be filled with concrete for increased stability. After the concrete cures gates would be mounted to the galvanized steel posts.

The proposed action does not have a potential to affect Indian Trust Assets. The nearest ITA is Chicken Ranch Rancheria approximately 67 miles NNE of the project location.

Patricia