

RECLAMATION

Managing Water in the West

Environmental Assessment

McCoy Lateral Rehabilitation and Atwater Drain Bypass Project

17-24-MP



**U.S. Department of the Interior
Bureau of Reclamation**

September 2017

Mission Statements

The Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.



List of Acronyms and Abbreviations

APE	area of potential effects
CAAQS	California Ambient Air Quality Standards
CDFW	California Department of Fish and Wildlife
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CEQ	Council on Environmental Quality
DOI	Department of Interior
EA	Environmental Assessment
EPA	Environmental Protection Agency
IPaC	Information for Planning and Conservation
ITA	Indian Trust Assets
MID	Madera Irrigation District (district)
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Protection Act
NHPA	National Historic Preservation Act
NO _x	nitrogen oxides
NWI	National Wetlands Inventory
O ₃	ozone
PM ₁₀	particulate matter less than 10 microns in diameter
PM _{2.5}	particulate matter less than 2.5 microns in diameter
Reclamation	Bureau of Reclamation
ROG	reactive organic gases
SHPO	State Historic Preservation Officer
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Air Pollution Control District
VOC	volatile organic compounds
GHG	greenhouse gases
SJR	San Joaquin River
USFWS	United States Fish and Wildlife Service

Section 1 Introduction

In conformance with the National Environmental Policy Act of 1969 (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR 1500-1508), and Department of Interior (DOI) regulations (43 CFR Part 46), the Bureau of Reclamation (Reclamation) prepared this Environmental Assessment (EA) to disclose potential environmental effects associated with granting a CALFED Water Use Efficiency Grant (CALFED grant) to the Merced Irrigation District (district) for its McCoy Lateral Rehabilitation and Atwater Drain Bypass Project to conserve water (Proposed Action). The McCoy Lateral Relining would take place southwest of Livingston and the Atwater Drain Bypass would take place south of Atwater and west of Merced (Figures 1-3).

Figure 1: Regional Action Location



Figure 2: Proposed McCoy Lateral Rehabilitation

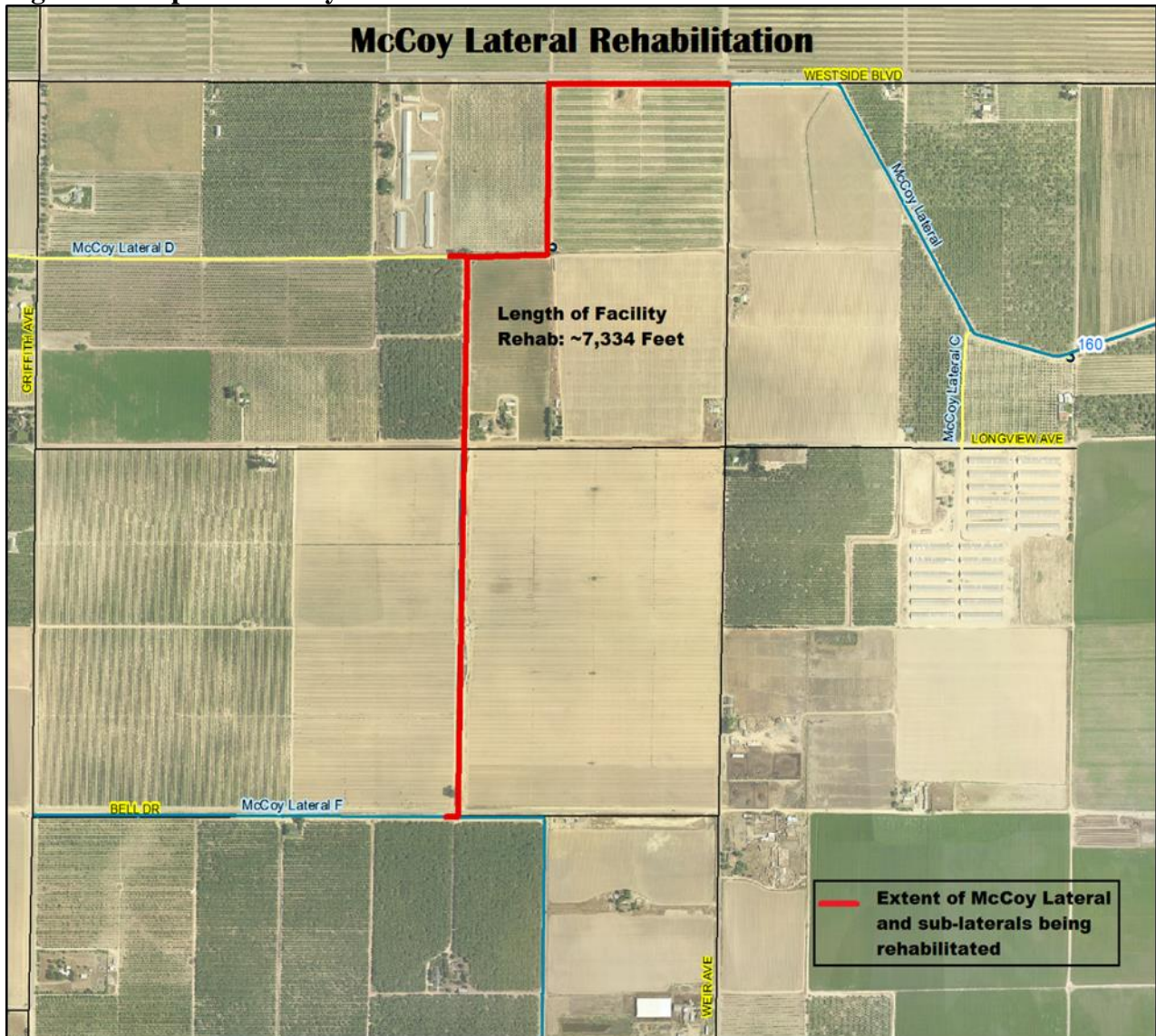
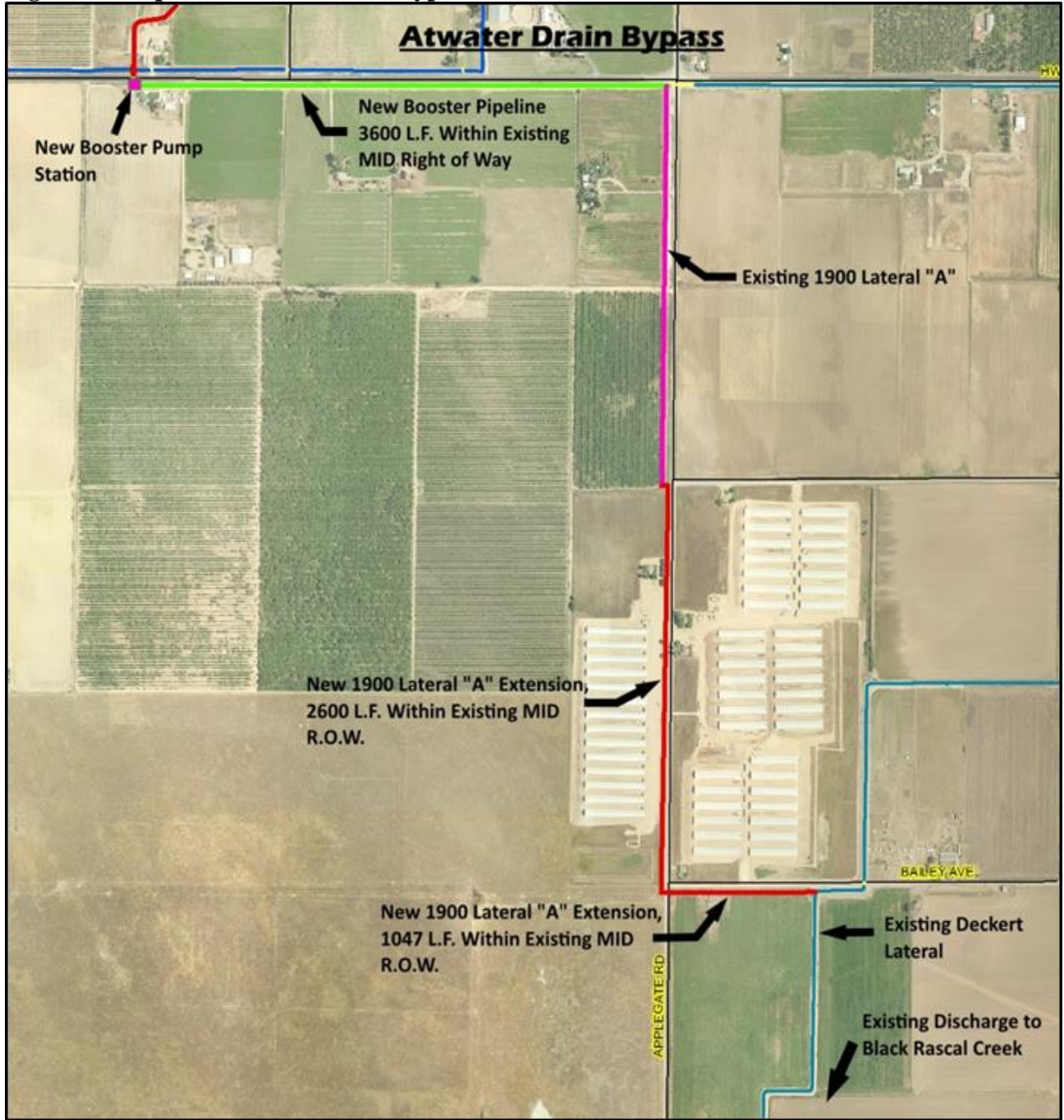


Figure 3: Proposed Atwater Drain Bypass



1.1 Need for the Proposed Action

The primary need for the Proposed Action is to conserve water. California has experienced consecutive years of drought leading up to the 2017 water year. The district estimates the total water conservation from the Proposed Action to be 2,561 acre-feet per year (AFY) (McCoy Lateral (1,065 AFY) + Atwater Drain (1,496AFY)).

Section 2 Proposed Action and Alternatives

2.1 No Action Alternative

Under the No Action Alternative, Reclamation would not award the district with CALFED grant funds of \$1,000,000. Although it is possible that the district may find alternate sources of funding for the project, for the purposes of this EA, the consequences of Reclamation not providing funding for the Proposed Action would result in no construction and no total water savings of 2,561 AFY.

2.2 Proposed Action

Reclamation's action is to award the district with \$1,000,000 through a CALFED grant, which will cover almost half of the \$2,033,070 needed for the district's action. The Proposed Action involves improving district water conveyance facilities at two separate locations, the McCoy Lateral (Figure 2) and the Atwater Drain Bypass (Figure 3). The McCoy Lateral Rehabilitation involves the enlargement of the McCoy Lateral and replacement of a dilapidated lining along a portion of the lateral that has been identified as a restrictive segment of the system. The action area of the McCoy location begins at the McCoy Lateral intersection with Weir Avenue and continues downstream for approximately 7,334 feet, terminating at the head of the McCoy Lateral "F". This action will include lining and rehabilitating the heads of two sub-laterals, the McCoy Lateral "D" and "F" (See Figure 2). Increasing the freeboard by six inches will allow for an increased flow capacity, and replacement of the lining will significantly reduce water seepage. It is estimated that approximately 1,065 AFY will be conserved by reducing seepage.

The Atwater Drain Bypass portion of the Proposed Action includes re-directing the spills of the 1900 and Tin Flume Laterals to a new booster pump station. These captured spills will be pumped through approximately 3,600 feet of new 36-inch pipeline to be installed underneath the existing 1900 Lateral and within the existing district right-of-way (Figure 3). The trench for the pipeline will be approximately 7 feet deep with 3 feet of cover below existing grade and 12 feet wide. The area of disturbance is limited to the width of the existing lateral

footprint which is approximately 38 feet wide and includes the trench, and equipment right of way. The new pipeline will discharge these captured spills to the head of the 1900 Lateral "A". The 1900 Lateral "A" will be extended south from its existing termination point for approximately 2,600 feet and then will turn easterly for approximately 1,050 linear feet, where it will discharge to the districts existing Deckert Lateral. The 1900 "A" extension will be constructed entirely within existing district right-of-way and consists of both open channel and pipeline sections. The Deckert Lateral ties into Black Rascal Creek, allowing for the conveyance of the captured operational discharges from the 1900 and Tin Flumes to Black Rascal Creek (See Figure 3). MID is obligated to supply the Stevinson Water District and Merquin Water District with up to 24,600 AFY. By redirecting flow back into Black Rascal Creek, Stevinson Water District and Merquin Water District can more easily access this water, which will also result in saving energy as the districts will not have to transfer water from as far. This action will not increase or decrease any of the flows in Black Rascal Creek as MID will reduce flows in the Deckert Lateral to accommodate the new flows from the Proposed Action. It is estimated that approximately 1,496 AFY will be conserved from this part of the proposed action. All construction activities will be conducted during day light hours.

2.2.1 Avoidance and Minimization Measures

As part of the Proposed Action, the district will implement the following measures to avoid and minimize potential effects to the affected environment:

- Dust control will be done using water trucks around and on all disturbed soil;
- Excess spoil, materials, forms, concrete, and trash from construction will be lawfully disposed of at a landfill site with dump trucks;
- Backfill material will be from the Project area and not from an outside source; and
- Construction equipment and any material delivery vehicles shall be maintained properly so as to not leak any oil, gas or lubricants in or around the Project.
- Nesting surveys for the Swainson's hawks should be conducted in accordance with the protocol outlined in the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee 2000). If potential Swainson's hawk nests or nesting substrates are located within half a mile of the Project sites, then those nests or substrates must be monitored for activity on a routine and repeating basis throughout the breeding season, or until Swainson's hawks or other raptor species are verified to be using them. The protocol recommends that ten visits be made to each nest or nesting site: one during January 1 – March 20 to identify potential nest sites, three during March 20 – April 5, three during April 5 – April 20, and three during June 10 – July 30. To meet the minimum level of protection for the species, surveys should be completed

for at least the two survey periods immediately prior to Project related ground disturbance activities. During the nesting period, active Swainson's hawk nests should be avoided by a half mile unless this avoidance buffer is reduced through consultation with the California Department of Fish and Wildlife (CDFW) and or the United States Fish and Wildlife Service (USFWS). If construction is scheduled to occur during the breeding season (February 1 to August 31), a pre-construction survey should be conducted on the Project sites and within 500 feet of its perimeter, in areas where there is potential for nesting raptors and other migratory birds to occur. The survey should include all areas that are suitable for the establishment of nests such as trees, power poles, shrubs, and the ground. The survey area should also include agricultural fields, fallow and disked lands, within which ground-nesting birds such as northern harriers and other species could nest. The pre-construction survey should be performed within 14 days of construction to identify active nests and mark those nests for avoidance. During the nesting period, raptor nests should be avoided by 500 feet and all other migratory bird nests should be avoided by 250 feet.

Section 3 Affected Environment and Environmental Consequences

3.1 Required Resource Discussions

Department of the Interior Regulations, Executive Orders, and Reclamation guidelines require a discussion of Indian sacred sites, Indian Trust Assets, and Environmental Justice when preparing environmental documentation. Impacts to these resources were considered and found to be minor or absent. Brief explanations for their elimination from further consideration are provided below:

3.1.1 Indian Trust Assets

Indian Trust Assets (ITAs) are legal interests in property or rights held in trust by the United States for Indian Tribes or individual Indians. Indian reservations, Rancherias, and Public Domain Allotments are common ITAs in California. The nearest ITA is the Chicken Ranch Rancheria of Mi-Wuk-Indians approximately 44 miles east of the project location. The proposed action does not have a potential to affect ITAs (see Appendix A).

3.1.2 Indian Sacred Sites

Executive Order 13007 (May 24, 1996) requires that federal agencies accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners, and avoids adversely affecting the physical integrity of

such sacred sites. The proposed action would not be located on Federal lands and therefore would not affect access to or use of Indian sacred sites.

3.1.3 Environmental Justice

Executive Order 12898 requires each Federal agency to identify and address disproportionately high and adverse human health or environmental effects, including social and economic effects of its program, policies, and activities on minority populations and low-income populations. No significant changes in agricultural communities or practices would result from the Proposed Action. The Proposed Action is not likely to have effects to any individual populations within the vicinity of the project. Accordingly, the Proposed Action would not have disproportionately negative effects on low-income minority populations with the action area.

3.2 No Action Alternative

Under the No Action Alternative, Reclamation would not award the district with CALFED grant money equal to \$1,000,000. Although it is possible that the district may find alternate sources of funding for the Project, for the purposes of this EA, the project would not move forward. In the absence of funding, there would be no effects to the human environment.

3.3 Proposed Action

3.3.1 Water Resources

The Merced River is the major waterway in the area and is approximately 2-miles north of the McCoy Lateral. The Merced River headwaters are on the western slope of the Sierra Nevada Mountains and the river meanders west until it forms Lake McClure. From Lake McClure, the Merced River continues west until its confluence with the San Joaquin River west of the Proposed Action. Black Rascal Creek and Bear Creek are approximately 1 mile south of the Atwater Drain Bypass. Black Rascal and Bear Creek meander from the east and gradually turn northwest until meeting the San Joaquin River near the Kesterson National Wildlife Refuge west of the Proposed Action. The San Joaquin River (SJR) is also a major waterway in the area but is located approximately 9 miles west of the McCoy Lateral. The SJR continues to meander north to its terminus in the Bay-Delta.

The Proposed Action involves relining and raising the freeboard of the McCoy Lateral which will conserve valuable surface water from seepage loss. The Proposed Action would result in a minor loss of groundwater infiltration from seepage loss. However, this water will be used locally for crop irrigation and it is not anticipated to result in a significant effect on the groundwater table as the net savings of surface water will result in less district groundwater extraction. This portion of the action will have no effect on the Merced River, Black Rascal Creek, the Kesterson National Wildlife Refuge or the San Joaquin River.

Additionally, water will be conserved by constructing the Atwater Drain Bypass which will allow for the beneficial re-use of otherwise lost flows to be redirected back into Black Rascal Creek and can be used by Stevinson Water District and Merquin Water District. This beneficial re-use will also save the water districts pumping energy. This portion of the action will have no effect on Black Rascal Creek and the Kesterson National Wildlife Refuge.

The district calculated that the combined water savings from construction of the Proposed Action would be 2,561 AFY.

3.3.2 Air Quality

The Proposed Action is located in the San Joaquin Valley Air Basin (SJVAB) and is subject to the San Joaquin Valley Air Pollution Control District (SJVAPCD) regulations. This air basin is currently in extreme non-attainment for ozone (O₃), and inhalable particulate matter between 2.5 and 10 microns in diameter (PM₁₀) under both the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS). As a result, the emissions of most concern are O₃ (including volatile organic compounds [VOC] and nitrogen oxide [NO_x] precursors), PM₁₀, and PM_{2.5}. Table 1 contains the attainment status and *de minimis* threshold for general conformity for the criteria pollutants of concern.

Table 1: SJVAB Attainment Status and *De Minimus* Thresholds for Federal Conformity Determinations

Pollutant	Attainment Status^a	(tons/year)
VOC (as ozone precursor)	Nonattainment ^d	10 ^b
NO _x (as an ozone precursor)	Nonattainment ^d	10 ^b
PM ₁₀	Nonattainment (CAAQS) Attainment (NAAQS)	15 ^c
PM _{2.5}	Nonattainment	100 15 ^c
^a Source: http://www.arb.ca.gov/desig/adm/adm.htm ^b 40 CFR 93.153 ^c SJVAPCD Threshold		

Construction emissions would vary from day to day and by activity, depending on the timing and intensity of construction. Generally, air quality impacts from the Proposed Action would be localized in nature and decrease with distance. The ground disturbing activities would result in the temporary emissions of dust and vehicle combustion pollutants during the following activities:

- Excavation for the trench for the pipeline;
- Backfilling the trench after completion of the pipeline;
- Raising and relining canal; and
- On-site construction equipment and haul truck engine emissions.

Calculated emissions from a similar project of larger magnitude from the Madera Irrigation District Water Conservation, Telemetry Upgrade and Improvement (Available: http://www.usbr.gov/mp/nepa/documentShow.cfm?Doc_ID=16881) Project in Madera County were estimated using the 2013 California Emissions Estimator Model (version 2013.2.1) for reactive organic gases (ROG)¹, NO_x, PM₁₀, and PM_{2.5} in March of 2014 (USBR 2014). Total project emissions from this project are presented in Table 2. Because the current project is similar in nature, but smaller in magnitude, emissions associated with the Proposed Action would not be expected to exceed these emission volumes.

Table 2: Estimated Comparable Project Emissions^a

Pollutant	Unmitigated (tons/year)	Mitigated (tons/year)
ROG/VOC	0.066	0.066
NO _x	0.58	0.58
PM ₁₀	0.17	0.070
PM _{2.5}	0.047	0.037
Carbon dioxide equivalents	49.58	49.58

^a Source: CalEEMod Version 2013.2.1

¹ The term “volatile organic compounds” are synonymous with “reactive organic gases” for the purposes of this document since both terms refer to hydrocarbon compounds that contribute to ozone formation.

The previous project was estimated to emit less than the *de minimis* threshold for NO_x and ROG/VOC as O₃ precursors, PM_{2.5} and PM₁₀; therefore, a federal general conformity analysis report was not required. The Proposed Action would also comply with the SJVAPCD's Regulation VIII (SJVAPCD 2012) control measures for construction emissions of PM₁₀. One of these control measures includes the use of water with all excavation, land leveling, grading, and backfill for fugitive dust suppression, as noted in Section 2.2.1. However, if dust suppression measures are not implemented, the estimated PM_{2.5} and PM₁₀ emissions from the Proposed Action are still expected to be well below the respective SJVAPCD thresholds.

3.3.3 Special Status Biological Resources

A Baseline Biological Resource Assessment prepared by Quad Knopf Inc. for the Proposed Action was received by Reclamation in 2016 to help determine if the Proposed Action has the potential to affect federally-listed species within the action area (Quad Knopf 2016). Quad Knopf, Inc. conducted an on-site biological investigation on May 12, 2016 to evaluate the potential for sensitive biological resources that may be adversely affected by the Project. The analysis was based upon existing site conditions, the potential for sensitive biological resources to occur on and in the vicinity of the two project sites, and any potential to effect biological resources. Literature reviews and database searches were conducted and included the California Natural Diversity Database (CNDDDB), California Native Plant Society (CNPS) database, USFWS Threatened and Endangered Species List (ESA), USFWS National Wetlands Inventory Map (NWI), and USFWS Critical Habitat data.

The database search listed potential historical occurrences of six sensitive natural vegetation communities, 32 special-status plant species, 27 special status wildlife species, and 14 other wildlife species that are tracked by the CNDDDB within the search area of both Projects (Quad Knopf 2016).

While the onsite biological investigation did not include protocol surveys for special status species, no special-status wildlife species were observed during the survey. However, some special-status wildlife species, including migratory birds, have the potential to occur in the action area or immediate vicinity. These species include the northern harrier (*Circus cyaneus*), burrowing owl (*Athene cunicularia*), and other migratory birds could potentially nest on the ground or in the trees in and near the action area. Swainson's hawk (*Buteo swainsonii*), tricolored blackbird (*Agelaius tricolor*), and wintering mountain plovers (*Charadrius montanus*) could potentially forage in the surrounding agricultural land and occur as transients within the action area (Quad Knopf 2016).

A list of federally threatened or endangered species was received from the U.S. Fish and Wildlife Service on December 5, 2016 from the Information for

Planning and Conservation (IPaC) portal (Appendix A: IPaC List). The IPaC list of species potentially occurring within the area is included in Table 3 below.

Table 3: Federally Threatened or Endangered Species

Scientific Name	Common Name	Federal Status	Effects	Potential habitat utilized by species in Proposed Action Area	McCoy Lateral	Atwater Bypass
AMPHIBIANS						
<i>Rana draytonii</i>	California Red-Legged Frog	T	NE	Absent. The Project occurs within the general range of this species. No suitable habitat in the Proposed Action area. No suitable habitat would be disturbed.	Y	Y
<i>Ambystoma californiense</i>	California tiger salamander	T	NE	Absent. The Project occurs within the general range of this species. No suitable habitat in the Proposed Action area. No suitable habitat would be disturbed.	Y	Y
CRUSTACEANS						
<i>Branchinecta conservation</i>	Conservancy Fair Shrimp	E	NE	Absent. The Project occurs within the general range of this species. No suitable habitat in the Proposed Action area. No suitable habitat would be disturbed.	Y	Y
<i>Branchinecta lynchi</i>	Vernal Pool Fairy Shrimp	T	NE	Absent. The Project occurs within the general range of this species. No suitable habitat in the Proposed Action area. No suitable habitat would be disturbed.	Y	Y

<i>Lepidurus packardi</i>	Vernal Pool tadpole shrimp	E	NE	Absent. The Project occurs within the general range of this species. No suitable habitat in the Proposed Action area. No suitable habitat would be disturbed.	Y	Y
FISHES						
<i>Hypomesus transpacificus</i>	Delta Smelt	T	NE	Absent. The Project occurs within the general range of this species. No suitable habitat in the Proposed Action area. No suitable habitat would be disturbed.	Y	Y
<i>Onchorhynchus (=Salmo) mykiss</i>	Steelhead	T	NE	Absent. The Project occurs within the general range of this species. No suitable habitat in the Proposed Action area. No suitable habitat would be disturbed.	Y	Y
FLOWERING PLANTS						
<i>Neostapfia colusana</i>	Colusa grass	T	NE	Absent. The Project occurs within the general range of this species. No suitable habitat in the Proposed Action area. No suitable habitat would be disturbed.	N	Y
INSECTS						
<i>Desmocerus californicus dimorphus</i>	Valley Elderberry Longhorn beetle	T	NE	Absent. The Project occurs within the general range of this species. No suitable habitat in the Proposed Action area. No suitable habitat would be disturbed.	Y	Y
MAMMALS						

<i>Dipodomys nitratoides exilllis</i>	Fresno Kangaroo Rate	E	NE	Absent. The Project occurs within the general range of this species. No suitable habitat in the Proposed Action area. No suitable habitat would be disturbed.	Y	N
<i>Vulpes macrotis mutica</i>	San Joaquin Kit Fox	E	NE	Absent. The Project occurs within the general range of this species. No suitable habitat in the Proposed Action area. No suitable habitat would be disturbed.	Y	Y
REPTILES						
<i>Gambelia silus</i>	Blunt-nosed Leopard Lizard	E	NE	Absent. The Project occurs within the general range of this species. No suitable habitat in the Proposed Action area. No suitable habitat would be disturbed.	Y	Y
<i>Thamnophis gigas</i>	Giant Garter Snake	T	NE	Absent. The Project occurs within the general range of this species. No suitable habitat in the Proposed Action area. No suitable habitat would be disturbed.	Y	Y

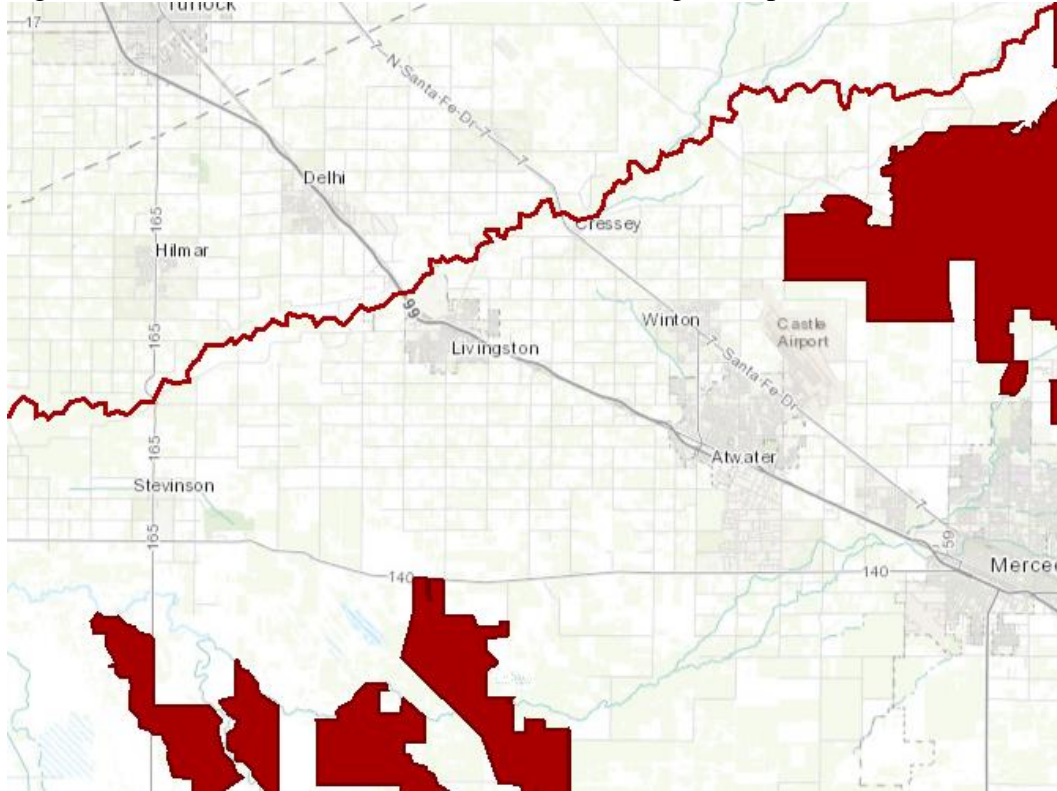
Key:

- (E) Endangered– Listed in the Federal Register as being in danger of extinction
- (T) Threatened – Listed as likely to become endangered within the foreseeable future
- (NE) No Effect – Proposed Action will have no effect on the species
- (Y) Yes – The species could potentially occur near the Proposed Action
- (N) No – The species is not present near the Proposed Action

The USFWS Critical Habitat for Threatened and Endangered Species mapper was used to determine the distance these habitats are from the Proposed Action. Although the interactive map does not allow users flexibility to add project features, users can measure distances. The McCoy Lateral Relining is

approximately 4.28 miles northwest of critical habitat and the Atwater Drain Bypass is approximately 5.23 miles east of critical habitat (Figure 4).

Figure 4: Critical Habitat for Threatened and Endangered Species



Based on the condition of the action area (agricultural production and maintained facilities), the distance from known occurrences and distance from critical habitat, construction details (no work at night), and the lack of suitable habitat, Reclamation has determined that the proposed action will have no effect on special status species or their habitat including ESA listed species.

3.3.4 Cultural Resources

Cultural resources is a broad term that includes prehistoric, historic, architectural, and traditional cultural properties. Title 54 U.S.C. 300101 et seq., formerly and commonly known as the National Historic Preservation Act (NHPA) is the primary legislation for Federal historic preservation. Section 106 of the NHPA (54 U.S.C. 306108) requires Federal agencies to take into consideration the effects of their undertakings on historic properties and to afford the Advisory Council on Historic Preservation an opportunity to comment. Historic properties are those cultural resources that are listed on or eligible for inclusion in the National Register of Historic Places (National Register). The implementing regulations at 36 CFR Part 800 for Section 106 describe the process that the Federal agency takes to identify historic properties within the area of potential effects and to assess the effects that the proposed undertaking will have on those

historic properties, through consultations with the State Historic Preservation Officer, Indian tribes, and other identified consulting and interested parties.

Reclamation proposes to award a CALFED Grant to the MID for the proposed McCoy Lateral and Atwater Drain Bypass Project. The expenditure of Federal funds 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).

In an effort to identify historic properties, a cultural resources report was completed by First Carbon Solutions (FCS), which included a records search, completion of a historic context, cultural resources survey, and evaluation of resources found within the area of potential effect (APE). Reclamation also conducted identification consultation with Native American tribes, as well as with Indian individuals or organizations, in February, 2017. No responses have been received. Based on the identification efforts, no archaeological resources were discovered within the APE and as all proposed ground disturbance is limited to historically deposited fill or engineered soils associated with the construction of the existing lateral, making the possibility of encountering potential buried sites within the vertical APE highly unlikely. Two built environment cultural resources identified within the APE, McCoy Lateral and 1900 Lateral (and the associated 1900 Lateral A), are associated with the MID Irrigation System that was previously evaluated as ineligible for the National Register of Historic Places (National Register). FCS confirmed the ineligibility of the MID Irrigation System and its two components. The McCoy Lateral and 1900 Lateral were also evaluated as not eligible for inclusion in the National Register as individual resources.

As there were no historic properties located within the APE, Reclamation determined that a finding of no historic properties affected pursuant to 36 CFR § 800.4(d)(1) was appropriate. Reclamation hand delivered the consultation package to California State Historic Preservation Office (SHPO) on July 28, 2017. The SHPO responded via email on August 25, 2017, concurring with Reclamation's findings.

3.4 Cumulative Impacts

According to CEQ regulations for implementing the procedural provisions of NEPA, a cumulative impact is defined as *the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time* (40 CFR 1508.7).

Section 3.2.2 Air Quality analysis shows that the Proposed Action would conform with thresholds for Federal and State conformity determinations for ROG/VOC,

NO_x, PM_{2.5}, PM₁₀. However, the Proposed Action has the potential to impact air quality through cumulatively combined construction related emissions of surrounding projects in the SJVAB. Since the SJVAB encompasses seven counties in addition to Merced County, emissions from projects occurring in those counties within the same general time period as the Proposed Action could lead to a cumulative significant impact.

With the exception of some planned Merced County projects that don't have a detailed construction schedule at this time, there are two known projects that will be under construction in a relatively similar timeframe as the Proposed Action. The projects include the following:

- Central California Irrigation District – Orestimba Creek Groundwater Recharge Project; and
- Merced Irrigation District Drought Protection Water Management Model Project.

The estimated cumulative emissions from the above listed projects are included in Table 4 below along with a project of greater magnitude than the Proposed Action which is used for comparative purposes.

Table 4: Estimated Cumulative Project Emissions

Pollutant	Central California Irrigation District - Orestimba Creek Groundwater Recharge Project (tons) ¹	Merced Irrigation District Drought Protection Water Management Model Project (tons) ²	Madera Irrigation District Water Conservation, Telemetry Upgrade and Improvement Project ³	TOTAL (tons)
VOC	0.15	1.58	0.066	1.80
NO _x	1.57	5.87	0.58	8.02
PM ₁₀	0.2	1.18	0.07	1.45
PM _{2.5}	0.13	0.7	0.037	0.9
CO ₂	0.99	NA	49.58	50.57
Total	3.04	9.33	50.33	62.7

Notes:

¹USBR 2016a.

²USBR 2016b.

³This analysis uses the Madera Irrigation District project as a comparative analysis to the Proposed Action as the Madera Irrigation District Project is much larger in magnitude than the Proposed Action and emissions from the Proposed Action would be less than emissions from the Madera Irrigation District project (as described in the air resources section) .

In addition to air quality impacts, greenhouse gases (GHG) are considered in the context of cumulative effects since any increase in greenhouse gas emissions would add to the existing inventory of gases that could contribute to climate change. In considering when to disclose projected quantitative GHG emissions, the Environmental Protection Agency (EPA) has provided a reference point of 25,000 metric tons of carbon dioxide equivalent emissions on an annual basis below which a GHG emissions quantitative analysis is not warranted unless quantification below that reference point is easily accomplished (EPA 2014). In California, Assembly Bill 32 established 25,000 metric tons/year as the threshold for mandatory emissions reporting for stationary sources (EPA, 2016). However, California did not establish a threshold for cumulative emissions from temporary mobile sources such as construction equipment, which would be lower than permanent stationary sources. As shown in Table 4, the cumulative total CO₂ emissions are 62.7 metric tons, which is substantially under the 25,000 metric ton/year reporting threshold.

Section 4 Consultation and Coordination

4.1 Agencies and Persons Consulted

Reclamation consulted and coordinated with SHPO, MID, and Quad Knopf, Inc.

4.2 Endangered Species Act (16 USC § 1531 et seq.)

Section 7 of the Endangered Species Act requires Federal agencies, in consultation with the Secretary of the Interior, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of the critical habitat of these species.

Reclamation determined that the project would have no effect on federally-listed as endangered or threatened species. Therefore, no consultation is needed.

Section 5 References

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Appendix A: ITA Concurrence

Requested by (office/program)	Nathaniel Martin
Fund	17XR0680A1
WBS	RX3172100000000000
Fund Cost Center	RR02015200
Region # (if other than MP)	
Project Name	McCoy Lateral Rehabilitation and Atwater Bypass Grant Project
CEC or EA Number	NA
Project Description (attach additional sheets if needed and include photos if appropriate)	<p>The district proposes to enlarge the McCoy Lateral and replace a dilapidated lining along a portion of the lateral (Figure 2). The area of disturbance will be approximately 7,334 feet. Replacing the McCoy Lateral lining will significantly reduce seepage from the canal and improve water transport efficiency. The district estimates that approximately 1,065 AFY of water conservation to benefit the Bay-Delta.</p> <p>Additionally, the district proposes to construct the Atwater Drain Bypass which will reduce operational discharges of irrigation water generated by the 1900 and Tin Flume Laterals. The project includes the capture and beneficial re-use of these operational discharges which would normally be discharged into Black Rascal Creek. The district estimates that the project will conserve approximately 1,496 AFY. Combined, the total estimated water conservation to the Bay-Delta and Lake McClure is estimated to be 2,561 AFY (1,065 AFY + 1,496AFY – conjunctive use of</p>
*Project Location (Township, Range, Section, e.g., T12 R5E S10, or Lat/Long cords, DD-MM-SS or decimal degrees). Include map(s)	<p><u>McCoy Lateral:</u></p> <ol style="list-style-type: none"> 1. 7S, 11E, 6 <p><u>Atwater Drain Bypass:</u></p> <ol style="list-style-type: none"> 1. 7S, 12E, 23 2. 7S, 12E, 26 3. 7S, 12E, 35 4. 8S, 12E, 2

Nathaniel Martin

Signature

Nathaniel Martin

Printed name of preparer

10/7/2016

ITA Determination:

The closest ITA to the proposed **McCoy Lateral Rehabilitation and Atwater Bypass Grant Project** activity is the **Chicken Ranch Rancheria of Me-Wuk-Indians** about **44.14** miles to the **northeast**. (See attached image).

Based on the nature of the planned work it **does not** appear to be in an area that will impact Indian hunting or fishing resources or water rights nor is the proposed activity on actual Indian lands. It is reasonable to assume that the proposed action **will not** have any impacts on ITAs.

K. Clancy

Signature

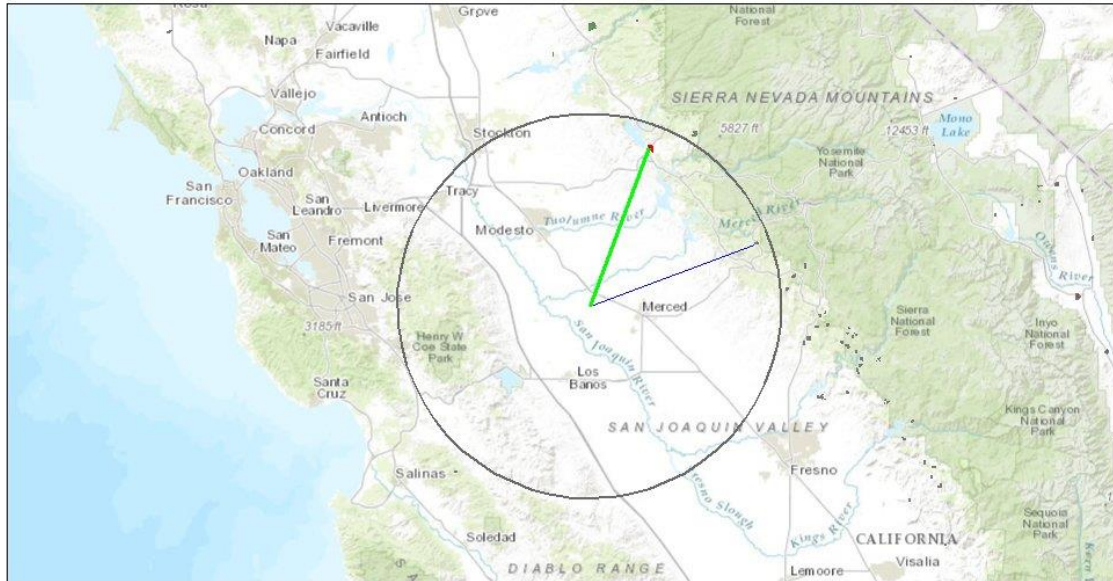
Kevin Clancy

10/03/2016

Printed name of approver

Date

McCoy Atwater Grant Project



- | | | |
|--|---|---|
| Native American Lands FL | Colony | Rancheria |
| Colony | Community | Reservation |
| PDA | Federally Recognized Tribal Entity | State Designated American Indian Statistical Area |
| Rancheria | Federally Recognized Tribal Entity (no land base) | Tribal Designated Statistical Area |
| Reservation | Not Provided | Tribal Jurisdiction Statistical Area |
| Native American Lands | Off-Reservation Trust Land | Village |
| <all other values> | Off-reservation Trust Land | |
| Alaska Native Regional Corporation | PDA | |
| Alaska Native Village Statistical Area | | |
| American Indian Reservation | | |



RECLAMATION
Managing Water in the West

Appendix B: NHPA, Section 106 Concurrence

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

1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov



August 25, 2017

In reply refer to: BUR_2017_0728_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 Proposed CALFED Water Use Efficiency Grant for the Merced Irrigation District (MID) McCoy Lateral Relining and Atwater Drain Bypass Project, Merced County, CA (Project # 12-SCAO-136)

Dear Ms. Leigh:

The State Historic Preservation Officer (SHPO) received on July 28, 2017 your letter initiating consultation on the above referenced undertaking under Section 106 of the NHPA, and its implementing regulations found at 36 CFR Part 800. Reclamation proposes to provide funding via a CALFED Water Use Efficiency Grant to MID for the McCoy Lateral Relining and Atwater Drain Bypass Project in order to capture and productively use available water that is not now utilized. Reclamation has evaluated the proposed undertaking and is seeking comments on its finding of no historic properties affected. Documents included with the submittal are:

- *Enclosure 1: Section 106 Cultural Resources Assessment McCoy Lateral Relining Project Merced Irrigation District, Merced County, California; June 03, 2016-Revised May 05, 2017. [By: D. DePietro, PhD, First Carbon Solutions, Irvine, CA] [For: Merced Irrigation District, Merced, CA & Quad Knopf, Inc., Merced, CA] [On behalf of U.S. Bureau of Reclamation]*
- *Enclosure 2: Section 106 Cultural Resources Assessment Atwater Drain Bypass Project Merced Irrigation District, Merced County, California; June 17, 2016-Revised May 25, 2017. [By: D. DePietro, PhD, First Carbon Solutions, Irvine, CA] [For: Merced Irrigation District, Merced, CA & Quad Knopf, Inc., Merced, CA] [On behalf of U.S. Bureau of Reclamation]*

The proposed project has two components in two related locations. The first aspect of the project consists of enlarging the McCoy Lateral and replacing dilapidated lining along a portion of it identified as a restrictive segment. Only the bottom of the canal will be excavated for lining installation. The alignment begins at the McCoy Lateral intersection with Weir Avenue and continues downstream for about 7,334 feet, terminating at the head of the McCoy Lateral "F." The main McCoy Lateral banks will also be raised six inches by building on top of the existing banks. Included is lining and rehabilitating only the heads of two sub-laterals, the McCoy Lateral "D" and "F." Around 1,065 acre-feet of water will be conserved each year through reduced seepage, resulting in less water taken from the Bay-Delta system and with more locally available for beneficial uses.

The second aspect involves re-directing the spills of 1900 and Tim Flume Irrigation Laterals from the Atwater Drain to a new booster pump station. Adding the pump station will require sawing the lateral walls flush to the bottom and deepening the structure. Lateral 1900 will be undergrounded by installing a 36-inch diameter pipeline along its current alignment within a

seven foot deep by 12-foot wide trench. Lateral 1900 "A" will also be extended as a partially open canal for about 3,650 feet in a southerly and then easterly direction to discharge into the existing Deckert Lateral. The extension is along a previously filled-in earlier canal. The Atwater Drain Bypass project will capture and re-use water from operational discharges by redirecting spills from the 1900 and Tin Flume Laterals to Black Rascal Creek, to be used for farming and irrigation.

The Area of Potential Effects (APE) consists of two contiguous project footprint and staging areas which are contained within MID's right-of-way. The McCoy Lateral area is located immediately west and southwest of the intersection of Westside Boulevard and Weir Avenue and is bordered by farmland with no structures nearby. The 1900 Lateral and 1900 Lateral "A" area is located immediately adjacent and parallel to State Route-140 and Applegate Road, running along their southern and western sides respectively and is also surrounded by farmlands. Maximum vertical depth for the deepest project excavation is about seven feet.

For historic properties identification efforts, Reclamation coordinated with MID who then contracted with First Carbon Solutions (FCS) to conduct cultural resources studies for the two project components (see document list above). Both studies included records searches (April 25, 2016), pedestrian field surveys (May 20, 2016), and updating of California State Parks DPR 523 forms. No prehistoric archaeological resources were located in the field survey and, given that the trenching will occur in alignments that were previously disturbed for various canal construction activities over time, there appears to be a very low probability of inadvertently encountering intact subsurface deposits.

The only cultural resources identified within the APE are the MID Irrigation System (P-24-001909), the McCoy Lateral (P-24-001911; CA-Mer-471H [in 2010]), the Atwater Drain (P-24-001684) and the 1900 Lateral and associated 1900 Lateral "A" (P-24-001685). The Laterals and Drain are components of the larger MID Irrigation System.

Reclamation examined records of previous projects associated with the MID Irrigation System and found that it had previously issued a grant to MID in 2012 that resulted in a consensus determination that the MID Irrigation System (P-24-001909) is not eligible for inclusion in the National Register of Historic Places (NRHP) under any National Register Criteria (SHPO# BUR110513A, April 17, 2012 response letter). For the current undertaking, FCS further recorded segments of the 1900 Lateral and its associated 1900 Lateral "A" (P-24-001685) and McCoy Lateral (P-24-001911), updated DPR 523 site records for the laterals, and confirmed that these segments of the MID irrigation system are also ineligible for inclusion in the National Register as MID irrigation system contributors. In addition, FCS evaluated each lateral as an individual property and recommended that neither is individually eligible for inclusion in the NRHP due to failure to meet any of the National Register Criteria A-D. Reclamation states that it agrees with these eligibility determinations.

Pursuant to 36 CFR 800.3(f)(2), Reclamation identified the Picayune Rancheria of Chukchansi Indians of California, the Santa Rosa Rancheria Tachi Yokut Tribe, the Table Mountain Rancheria, and the Tule River Indian Tribe as Indian tribes likely to attach religious or cultural significance to any historic properties that might be located within the APE. Reclamation contacted the tribes on February 7, 2017, and February 13, 2017, notifying them of the undertaking and inviting participation in the Section 106 process.

Pursuant to 36 CFR 800.4(a)(3), Reclamation also contacted the Amah Mutsun Tribal Band, North Valley Yokuts Tribe, and South Sierra Miwuk Nation as individuals and organizations who may provide assistance in the identification of any historic properties within the APE that may be affected by the undertaking. To date, no responses have been received. Reclamation will consider all tribal comments and make notifications as required should any concerns be subsequently identified.

Based on the information provided above and in the enclosed materials, Reclamation has determined that no historic properties exist within the APE and reached a finding of no historic properties affected for the proposed undertaking for the CALFED Water Use Efficiency Grant for the Merced Irrigation District (MID) McCoy Lateral Relining and Atwater Drain Bypass Project, Merced County, CA (Project # 12-SCAO-136). Reclamation invites comments on the delineation of the APE, the appropriateness of the historic properties identification efforts and on its finding.

After OHP staff review of the documentation, the following comments are offered:

- Pursuant to 36 CFR 800.4(a)(1), there are no objections to the APE as defined and delineated as two contiguous areas;
- Pursuant to 36 CFR 800.4(b), Reclamation has documented a reasonable and good faith effort to identify historic properties within the overall area of potential effects.
- Reclamation has determined that the proposed undertaking will result in no historic properties affected. Pursuant to 36 CFR 800.4(d)(1), **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

Appendix C: IPac List



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office

FEDERAL BUILDING, 2800 COTTAGE WAY, ROOM W-2605

SACRAMENTO, CA 95825

PHONE: (916)414-6600 FAX: (916)414-6713

Consultation Code: 08ESMF00-2017-SLI-0440

December 05, 2016

Event Code: 08ESMF00-2017-E-00810

Project Name: Atwater Bypass

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2)

of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: Atwater Bypass

Section 1 Of ficial Species List

Provided by:

Sacramento Fish and Wildlife Office
FEDERAL BUILDING
2800 COTTAGE WAY, ROOM W-2605
SACRAMENTO, CA 95825
(916) 414-6600

Consultation Code: 08ESMF00-2017-SLI-0440

Event Code: 08ESMF00-2017-E-00810

Project Type: STREAM / WATERBODY / CANALS / LEVEES / DIKES

Project Name: Atwater Bypass

Project Description: Install pipeline for booster pump.

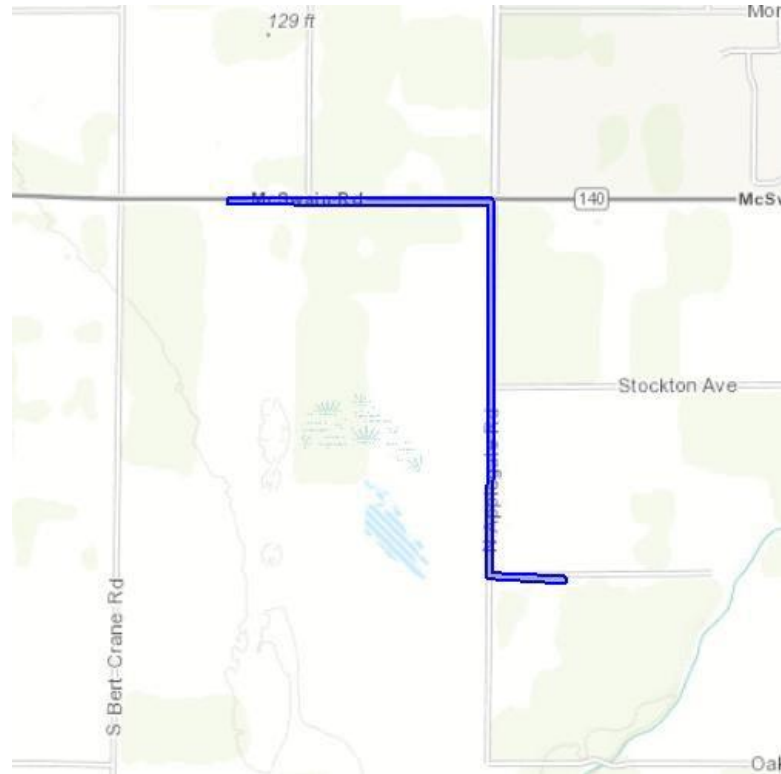
Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior
Fish and Wildlife Service

Project name: Atwater Bypass

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-120.61499081939051 37.30215347740375, -120.61489376651012 37.302112878087826, -120.61485400632496 37.30201547842806, -120.61493904731165 37.28770696832222, -120.61146693619179 37.287575423986794, -120.61139165068663 37.28754943543762, -120.6113366648604 37.287459988464136, -120.61136103257132 37.28735785905204, -120.61145047954481 37.28730287322582, -120.61508221236777 37.28743782714003, -120.61515616211372 37.28746286020074, -120.61521182615056 37.28754948752493, -120.61512918775651 37.30187947996113, -120.62769449860265 37.301913247195344, -120.62779139411549 37.30195368803785, -120.6278313135957 37.30205079950602, -120.62779087275321 37.30214769501885, -120.62769376128504 37.302187614499076, -120.61499081939051 37.30215347740375)))

Project Counties: Merced, CA



United States Department of Interior
Fish and Wildlife Service

Project name: Atwater Bypass

Section 2 Endangered Species Act Species List

There are a total of 12 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Amphibians	Status	Has Critical Habitat	Condition(s)
California red-legged frog (<i>Rana draytonii</i>) Population: Wherever found	Threatened	Final designated	
California tiger Salamander (<i>Ambystoma californiense</i>) Population: U.S.A. (Central CA DPS)	Threatened	Final designated	
Crustaceans			
Conservancy fairy shrimp (<i>Branchinecta conservatio</i>) Population: Wherever found	Endangered	Final designated	
Vernal Pool fairy shrimp (<i>Branchinecta lynchi</i>) Population: Wherever found	Threatened	Final designated	
Vernal Pool tadpole shrimp (<i>Lepidurus packardi</i>) Population: Wherever found	Endangered	Final designated	
Fishes			
Delta smelt (<i>Hypomesus</i>)	Threatened	Final designated	



United States Department of Interior
Fish and Wildlife Service

Project name: Atwater Bypass

<i>transpacificus</i> Population: Wherever found			
steelhead (<i>Oncorhynchus (=salmo) mykiss</i>) Population: Northern California DPS	Threatened		
Flowering Plants			
Colusa grass (<i>Neostapfia colusana</i>) Population: Wherever found	Threatened	Final designated	
Insects			
Valley Elderberry Longhorn beetle (<i>Desmocerus californicus dimorphus</i>) Population: Wherever found	Threatened	Final designated	
Mammals			
San Joaquin Kit fox (<i>Vulpes macrotis mutica</i>) Population: wherever found	Endangered		
Reptiles			
Blunt-Nosed Leopard lizard (<i>Gambelia silus</i>) Population: Wherever found	Endangered		
Giant Garter snake (<i>Thamnophis gigas</i>) Population: Wherever found	Threatened		



United States Department of Interior
Fish and Wildlife Service

Project name: Atwater Bypass

Section 3 Critical habitats that lie within your project area

There are no critical habitats within your project area.



United States Department of Interior
Fish and Wildlife Service

Project name: Atwater Bypass

United States Department of the Interior



FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office

FEDERAL BUILDING, 2800 COTTAGE WAY, ROOM W-2605

SACRAMENTO, CA 95825

PHONE: (916)414-6600 FAX: (916)414-6713

Consultation Code: 08ESMF00-2017-SLI-0443

December 05, 2016

Event Code: 08ESMF00-2017-E-00815

Project Name: McCoy Lateral Rehabilitation

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2)



United States Department of Interior
Fish and Wildlife Service
Project Name: *Atwater Butte*

of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

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We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: McCoy Lateral Rehabilitation

Section 1 Official Species List

Provided by:

Sacramento Fish and Wildlife Office
FEDERAL BUILDING
2800 COTTAGE WAY, ROOM W-2605
SACRAMENTO, CA 95825
(916) 414-6600

Consultation Code: 08ESMF00-2017-SLI-0443

Event Code: 08ESMF00-2017-E-00815

Project Type: STREAM / WATERBODY / CANALS / LEVEES / DIKES

Project Name: McCoy Lateral Rehabilitation

Project Description: Canal lining and widening

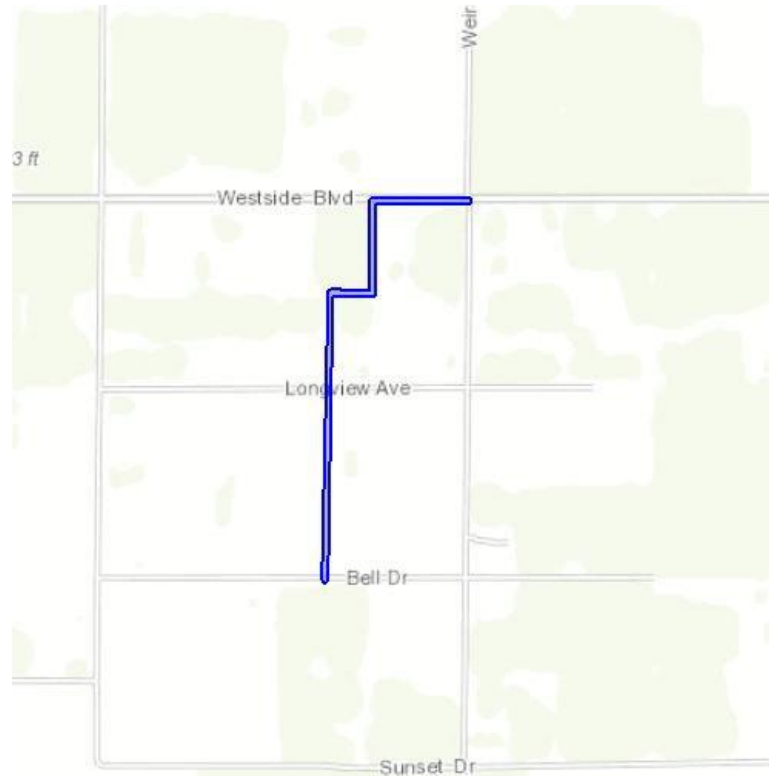
Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior
Fish and Wildlife Service

Project name: McCoy Lateral Rehabilitation

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-120.80322628855298 37.35682369952624, -120.8031841901984 37.35691941537628, -120.80308687040963 37.356957660037644, -120.80116808707926 37.356925885293144, -120.80120929477717 37.36033231078924, -120.80118675806143 37.36040932108995, -120.80112500180743 37.36046055247746, -120.79639434814452 37.36047115433847, -120.79631813271588 37.36044803464095, -120.79626760651871 37.36038646829157, -120.79628028369481 37.360257754762614, -120.79639434814452 37.36019678604403, -120.80093326695858 37.36019678604403, -120.80089203121163 37.356788041879696, -120.80091503801614 37.3567103212099, -120.80103147675835 37.356649217136486, -120.80295517823222 37.35668107332465, -120.80320948720386 37.34579823700844, -120.80325192270129 37.345702198314626, -120.80334983874093 37.345664295130966, -120.80344587743474 37.345706730628386, -120.80348378061841 37.34580464666803, -120.80322628855298 37.35682369952624)))

Project Counties: Merced, CA



United States Department of Interior
Fish and Wildlife Service

Project name: McCoy Lateral Rehabilitation

Section 2 Endangered Species Act Species List

There are a total of 12 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Amphibians	Status	Has Critical Habitat	Condition(s)
California red-legged frog (<i>Rana draytonii</i>) Population: Wherever found	Threatened	Final designated	
California tiger Salamander (<i>Ambystoma californiense</i>) Population: U.S.A. (Central CA DPS)	Threatened	Final designated	
Crustaceans			
Conservancy fairy shrimp (<i>Branchinecta conservatio</i>) Population: Wherever found	Endangered	Final designated	
Vernal Pool fairy shrimp (<i>Branchinecta lynchi</i>) Population: Wherever found	Threatened	Final designated	
Vernal Pool tadpole shrimp (<i>Lepidurus packardi</i>) Population: Wherever found	Endangered	Final designated	
Fishes			
Delta smelt (<i>Hypomesus</i>)	Threatened	Final designated	



United States Department of Interior
Fish and Wildlife Service

Project name: McCoy Lateral Rehabilitation

<i>transpacificus</i> Population: Wherever found			
steelhead (<i>Oncorhynchus (=salmo) mykiss</i>) Population: Northern California DPS	Threatened		
Insects			
Valley Elderberry Longhorn beetle (<i>Desmocerus californicus dimorphus</i>) Population: Wherever found	Threatened	Final designated	
Mammals			
Fresno kangaroo rat (<i>Dipodomys nitratooides exilis</i>) Population: Wherever found	Endangered	Final designated	
San Joaquin Kit fox (<i>Vulpes macrotis mutica</i>) Population: wherever found	Endangered		
Reptiles			
Blunt-Nosed Leopard lizard (<i>Gambelia silus</i>) Population: Wherever found	Endangered		
Giant Garter snake (<i>Thamnophis gigas</i>) Population: Wherever found	Threatened		



United States Department of Interior
Fish and Wildlife Service

Project name: McCoy Lateral Rehabilitation

Section 3 Critical habitats that lie within your project area

There are no critical habitats within your project area.