United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Folsom Field Office
63 Natoma Street
Folsom, CA 95630
www.blm.gov/ca/folsom

EA Number: CA-180-08-84

Proposed Action: Remington Pipeline Replacement, Tuolumne Utility District, BLM R/W CA 17464

Location: Lot 19, Section 6, T. 2 N., R. 15 E., MDM; Tuolumne County

1.0 Purpose of and Need for Action

1.1 Need for Action

Tuolumne Utility District has applied to BLM for an amendment to their existing R/W CA 17464. This R/W was granted to the County of Tuolumne on September 9, 1985, authorizing construction of a penstock and electric line, as well as use of an existing road – Cattle Drive Trail. The purpose of the proposed penstock was to convey the water of the Columbia Ditch, which traverses the BLM parcel and was authorized under the Act of 1866, to a small hydro plant on private land below the BLM. On October 26, 2000, BLM approved an assignment of the R/W to the Tuolumne Utility District (TUD), who had acquired the facility from the County. The hydro project has not yet been constructed, and TUD has continued to operate the facility strictly as raw water delivery system, consisting of both open ditch and piped segments.

Recently, TUD observed that a 270' segment of 16" steel pipe, located toward the western boundary of the BLM, was starting to fail. The pipe is corroded, and water from the leaks in the pipe are undermining the pipe's supporting structures. All raw water delivered to the Columbia area is conveyed through this facility, so its integrity must be maintained. To insure the functionality of the system, TUD wants to install a new 24" PVC pipeline on an alignment roughly parallel to, but south of, the corroded 16" pipe. The 16" pipe would be left in place, to serve as an emergency overflow, but the main stream of water would be carried by the new 24". Because the proposed new alignment will not be exactly the same as the proposed hydro penstock, TUD has applied for an amendment to the R/W.

1.2 Conformance with Applicable Land Use Plans

The proposed action is subject to the 2008 Sierra Resource Management Plan (RMP). The proposed action is not within any of the Special Management Areas defined in that plan.

2.0 Proposed Action and Alternatives

2.1 Proposed Action

The eastern end of the proposed new 24" pipeline segment will tie into the existing open ditch at the same location where the existing 16" now ties in. It will then proceed downslope, in a generally westerly direction, for about 325', running along the north side of the existing "ditchtender's trail". At that point it will tie into an existing concrete box "overflow" structure on the margin of the Cattle Drive Trail/Orion Mine Road intersection. From this point, there will be an additional 52' of new pipe, heading west, running under Orion Mine Road, to tie into the existing open ditch.

Width of disturbance from clearing/grading will vary from 10' to 40'. The trench will be 48" wide and about 5' deep (3' of cover). The period of construction is expected to last about three weeks. During this period, TUD needs the temporary, one-time use of about 1300 square feet of level land at two locations adjacent to the permanent R/W area. In order to keep the pipe on a continuous downslope gradient, the new pipe will be installed above existing grade near the western end, just east of the overflow box. Material will be bermed over the pipe here to provide cover.

2.2 Project Design Features

During the period of construction, TUD will have water available on-site for dust control. The alignment cross-cuts a series of artificial terraces cut into the hillside at some time in the past; these terraces will be bladed down and the land returned to natural grade. Post construction, all disturbed areas will be mulched with weed-free straw, with wattles installed cross-slope as needed. TUD will notify residents in advance of any road closures. Areas of botanical and cultural sensitivity near the R/W area have been clearly marked on the ground, to facilitate avoidance of effects. All TUD's equipment will be washed down prior to use on the job site, to prevent introduction of unwanted plant materials. TUD will compensate the government for the fuelwood value of oaks to be removed. Post construction, TUD will restore to original or better condition all road surfaces and private water pipelines disturbed by them. Prior to construction, TUD will fill a dangerous open pit in the central portion of the R/W area.

2.3 No Action

If BLM does not grant the amendment, TUD would have to construct the new pipe within their existing (but unutilized) penstock R/W area. This is not feasible due to engineering/design constraints. If the existing leaking pipe is not replaced, the raw water supply to Columbia could fail.

2.4 Alternatives Considered but Eliminated from Detailed Analysis

Since the proposed design is the most practical all-around, no alternatives are being considered.

3.0 Affected Environment

Soils and Botany – See attached Botanical Resources Report

Wildlife – See attached Biological Resources Report

Hydrology – There are no natural water sources in the proposed R/W area.

Recreation – The "ditchtender's path" gets some use by hikers/walkers. It is not a constructed trail and will be re-established by use once construction is complete.

Cultural Resources - See attached memo

Fire/Fuels – The R/W is within the shaded fuelbreak constructed in 2007. The ground of the R/W area has been masticated, so all woody growth except for scattered mature trees has been removed. The fuelbreak is being maintained by CDF.

Social/agricultural – There is only one residence anywhere near the project area. There is no agricultural use in the vicinity.

4.0 Environmental Effects

The following critical elements have been considered for this environmental assessment, and unless specifically mention later in this chapter, have been determined to be unaffected by the proposal: air quality, areas of critical environmental concern, prime/unique farmlands, floodplains, water quality, threatened or endangered species, hazardous waste, cultural resources, native American concerns, wetlands and riparian zones, wild and scenic rivers, wilderness, invasive, nonnative weeds, and environmental justices.

4.1 Impacts of the Proposed Action and Alternatives

Soils – Temporary disturbance/displacement during period of construction; re-establishment post construction.

Botany – Removal of oaks 3-6", 2-8", 1-10", 2-20"; areas of invasive broom have been avoided

Wildlife - Temporary noise during period of construction.

Hydrology – Threat of accelerated stormwater runoff/erosion mitigated through post construction surface treatment.

Recreation – Disruption of hiking use of "ditchtender's track" during period of construction.

Visual resources – Visible 10'-40' wide swath of disturbance for a period of 3-5 years. The area designated for Class III VRM, and this situation satisfies the criteria.

Cultural – All resources avoided.

Fire/fuels – None

Social/agricultural – Disruption of traffic during installation of pipe under road (one day); equipment noise audible for one nearby resident during period of construction.

4.2 Impacts of the No Action Alternative

Failure of raw water supply to community of Columbia.

4.3 Cumulative Impacts

BLM has authorized no other water pipeline projects in this watershed within the last ten years and knows of no other proposed similar projects.

5.0 Agencies and Persons Consulted

TUD engineering and construction staff.

5.1 BLM Interdisciplinary Team

Jeff Babcock, Civil Engineer
Al Franklin, Botanist
Peggy Cranston, Wildlife Biologist
Ed Bollinger, Forester
James Barnes, Archeologist

Reviewers:

NEPA coordinator

Botany

Cultural Resources

Wildlife

Forester

Realty

5.2 Availability of Document and Comment Procedures

The EA, posted on Folsom Field Office's website (www.blm.gov/ca/folsom) under Information, NEPA (or available upon request), will be available for a 15-day public review period. Comments should be sent to the BLM at 63 Natoma Street, Folsom, CA 95630 or emailed to us at ca180@ca.blm.gov.

United States Department of the Interior

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Tuolumne Utility District's Remington Pipeline Replacement (CA-180-08-84)
Finding of No Significant Impact
September 2008

It is my determination that this decision will not result in significant impacts to the quality of the human environment. Anticipated impacts are within the range of impacts addressed by the Sierra RMP. Thus, the project does not constitute a major federal action having a significant effect on the human environment; therefore, an environmental impact statement (EIS) is not necessary and will not be prepared. This conclusion is based on my consideration of CEQ's following criteria for significance (40 CFR §1508.27), regarding the context and intensity of the impacts described in the EA and based on my understanding of the project:

1) Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects. Potential impacts include vegetation removal, soil disturbance and temporary noise and dust. However, none of these impacts would be significant at the local scale or cumulatively because of the small scale of the project and project design features that would reduce impacts to immeasurable levels.

2) The degree of the impact on public health or safety. No aspects of the project have been identified as having the potential to significantly and adversely impact public health or safety. In fact, the project is designed to enhance public health by providing a safe, reliable water supply.

3) Unique characteristics of the geographic area. There are none involved.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial effects. No anticipated effects have been identified that are scientifically controversial. As a factor for determining within the meaning of 40 C.F.R. § 1508.27(b)(4) whether or not to prepare a detailed environmental impact statement, "controversy" is not equated with "the existence of opposition to a use." *Northwest Environmental Defense Center v. Bonneville Power Administration*, 117 F.3d 1520, 1536 (9th Cir. 1997). "The term 'highly controversial' refers to instances in which 'a substantial dispute exists as to the size, nature, or effect of the major federal action rather than the mere existence of opposition to a use.'" *Hells Canyon Preservation Council v. Jacoby*, 9 F.Supp.2d 1216, 1242 (D. Or. 1998).

5) The degree to which the possible effects on the human environment are likely to be highly uncertain or involve unique or unknown risks. The analysis does not show that this action would involve any unique or unknown risks.

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. Facilities maintenance/improvement is not precedent setting.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. No significant site specific or cumulative impacts have been identified. The project is consistent with the actions and impacts anticipated in the Sierra RMP, as amended.

8) The degree to which the action may adversely affect National Historic Register listed or eligible to be listed sites or may cause loss or destruction of significant scientific, cultural or historical resources. The project area does not include any sites listed on the National Register of Historic Places or sites known to be eligible.

9) The degree to which the action may adversely affect ESA listed species or critical habitat. No ESA listed species (or their habitat) are known to occur in the project area.

10) Whether the action threatens a violation of environmental protection law or requirements. There is no indication that this decision will result in actions that will threaten such a violation.

_____ _____

William S. Haigh
Manager, Folsom Field Office

Date

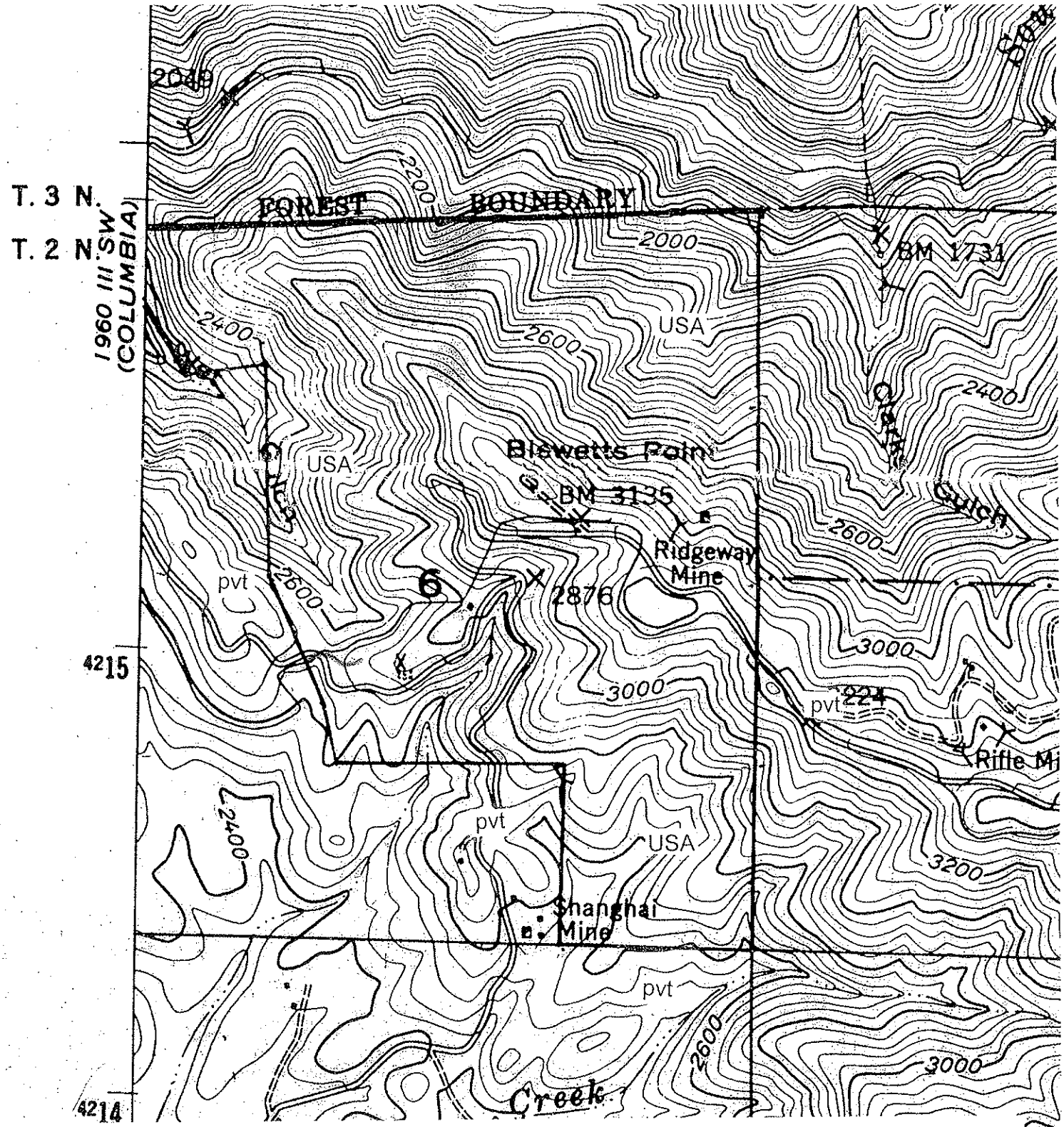


EXHIBIT A

Date: SEP 1 8 2008

CACA 17464 – Amendment #1. Added to existing R/W area, for purposes of authorizing construction of a replacement pipeline, an area 380 feet long by 40 feet wide, located in Section 6, T. 2 N., R. 15 E., MDM. Map is copy of Columbia SE 7.5' USGS quad enlarged to approximate scale of 1" = 1000'.

EXHIBIT B

CACA 17464 Amendment #1 (2800) Date: SEP 1 8 2008

STIPULATIONS

1. The right-of-way is subject to all valid existing rights.

2. The holder shall restore to original or better condition all road surfaces and private water pipelines disturbed by the holder.

3. No trees over 6" dbh shall be removed without the permission of the authorized officer.

4. The holder shall contact the authorized officer in case of a change in the holder's mailing address, change in business or corporate status, or change in the holder's designated agent.

5. The holder shall give advance notification to nearby residents of any anticipated road closures.

6. Slash generated in the course of clearing vegetation shall be disposed of either by: (1) removal from public land; or (2) lopping and scattering (all slash must be reduced to a size that is within 12" of the ground at all points); or (3) burning in compliance with state and local codes (burn sites on public land must be approved by the authorized officer).

7. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

8. All operations under this grant shall comply with State and Federal laws concerning the use of insecticides, herbicides, fungicides, rodenticides, and other similar substances. These shall be used only in accordance with their registered uses and within the limitations imposed by the Secretary of the Interior. Prior to use of such substances, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of substance to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information required by the authorized officer. All use of substances shall be in accordance with the approved plan. Approval of the plan will be at the discretion of BLM, and approval may be withheld if the

Authorized Officer determines that herbicide use would be inconsistent with the agency's land management objectives.

9. At the conclusion of construction, all disturbed land will be mulched with certified weed-free straw, with straw wattles installed as directed by the Authorized Officer.

10. The holder shall avoid any entry within the ground south of the R/W flagged by BLM with yellow tape reading "Environmentally Sensitive Area".

11. The holder shall construct waterbars on all disturbed areas over 10% slope, to the spacing and cross sections specified by the authorized officer.

12. The holder shall recontour the disturbed area by removing embankments, backfilling excavations, and grading to re-establish the approximate original contours of the land in the right-of-way.

13. The hazardous open pit within the R/W area shall be filled by the holder prior to construction.

14. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.

15. During construction, the holder will furnish and apply water, as needed, for dust control.

16. No construction or maintenance activities shall be performed when the soil is too wet to adequately support construction equipment.

17. Prior to removal of any trees having commercial value, the holder will negotiate a timber sale contract with BLM for purchase of the trees.

18. In all operations associated with the use of the right-of-way, the holder shall comply with the relevant provisions of the California Interagency Cooperative Fire Prevention Agreement.

19. Prior to being used in the R/W area, all equipment used on this project for the purpose of excavating, hauling, or compacting material of any kind, or distributing water, shall be clean of dirt and debris that may harbor noxious weeds.

    Construction materials like rock, aggregate, soil, vegetative material (including straw for erosion control), etc., that could harbor weed seed and that is brought onto the public lands from other locations, must come from certified weed free sources.

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Folsom Field Office
63 Natoma Street
Folsom, California 95630

IN REPLY
REFER TO:

8100
(CA-018.17)

SEP 18 2008

Memorandum

To: Field Manager, Folsom

From: Archeologist

Subject: Cultural Resources Recommendation for Proposed TUD Pipeline Replacement – Amendment to R/W CACA 17464

The APE for this project falls entirely within the area inventoried by BLM archeologist James Barnes for the Cattle Drive Trail Fuelbreak in 2007 (ARR# CA-018-S-TM-07/13). This intensive-level field inventory identified one cultural site proximal to the current project, site CA-018-TM-325, a mid-1900s occupancy site that is situated just south of the R/W. I re-examined this site on 9/17/08, confirmed the location of the site relative to the R/W, and flagged the northern site boundary. The subject grant will stipulate that TUD conduct no activities within the flagged area.

If the project is implemented in compliance with our conditions, the subject undertaking will have no effect on NRHP or eligible properties.

I concur in this finding.

/ACTING

Field Manager

Date 9/18/2008

The proposed TUD pipeline replacement project (T. 2N, R. 15E, Section 6, Lot 19) falls within the area of the Cattle Drive fuelbreak. Surveys of that project in 2007 found no special status plant concerns. However there are weed populations in the vicinity of the project, and avoiding the spread of these weeds should be addressed in the EA. The botanical inventory resource report for the Cattle Drive Trail fuels project is attached.

Albert Franklin 9/15/08

Al Franklin
Botanist

Bureau of Land Management
Bakersfield District
Folsom Resource Area

Botanical Resource Inventory Report

Project name: Cattle Drive Fuel Break.
Project description: Construction of a 200' wide shaded fuelbreak along an existing road using a mechanical masticator in some portions, and chainsaw work in other portions. The cut branches from chainsaw work would either be piled and burned, or dispersed on the soil surface. Tree spacing for leave-trees would be 20' or greater.
Size of disturbance: Approximately 12 acres.
Project location: T. 2N, R. 15E, sec. 6.
USGS Quads: Columbia SE
County: Tuolumne
Geographic area: Sierra foothills
Elevation range: 2660'-3200'
Geology/soils: Only soil mapping in the area of the project recognized by NRCS is just to the northeast of the project. There the soils are mapped as Fiddletown-Josephine series. Geologic mapping shows marine metasedimentary rock with minor metavolcanic rock; chaotic argillite and subordinate chert.
Land form: Ridgetop and sideslope.
Plant community/vegetation: West side ponderosa pine forest with incense cedar, sugar pine, gray pine, black oak, interior live oak, canyon live oak, deerbrush, toyon, California coffeeberry, holly leaf redberry, western mountain mahogany, poison oak, buckbrush, yerba santa and mountain misery.
CNDDB records: *Iris hartwegii columbiana, Erythronium tuolumnense, Clarkia australis* all are listed for the quad. The habitat in the project area is unlike habitat for the *Erythronium*, and the project is outside the range of the *Clarkia*.
Inventory description (methodology, problems, reliability, coverage): The road was walked for the length of the proposed fuelbreak. Vegetation away from the road was examined at intervals, especially where vegetation varied. The survey was late in the season for identification of *Iris hartwegii columbiana.*
Sensitive species particularly searched for:
Sensitive species or other botanical resources at site: None found. However an iris was found and this iris could not be identified to species because of the late-season survey.
Weeds at site: Spanish broom is prominent at the west end of the fuelbreak. Brush in this area, including the Spanish broom, had already been cut with chainsaws and piled at the time of my visit. The CDF crew appeared to be unclear on the location of the private land/public land boundary. There is a smaller population of this shrub near the switchback.
There is a large population of French broom lining the road south to Yankee Hill, and smaller clusters of French broom along the proposed fuelbreak route.
Project impacts: *Iris hartwegii columbiana* might have been missed by the late season survey. The *Iris* that was found could not be identified to species. But this taxon, because it persists as a bulb beneath the soils surface, is not very susceptible to damage from cutting operations. The masticator does cause some soil disturbance, and if it was used in the habitat of this species could have an

impact. (If the masticator were to be used when soils were wet, it would cause compaction that would be likely to affect an iris.) No other special status species was found.

Recommendations:

For special status species:

Do any mastication work in the dormant season for irises, generally in the fall. If the work needs to occur in the spring, conduct an earlier-spring botanical survey to identify which iris occurs in the project area.

Chainsaw work is unlikely to have any substantial effect on the species, were the species to occur at the site.

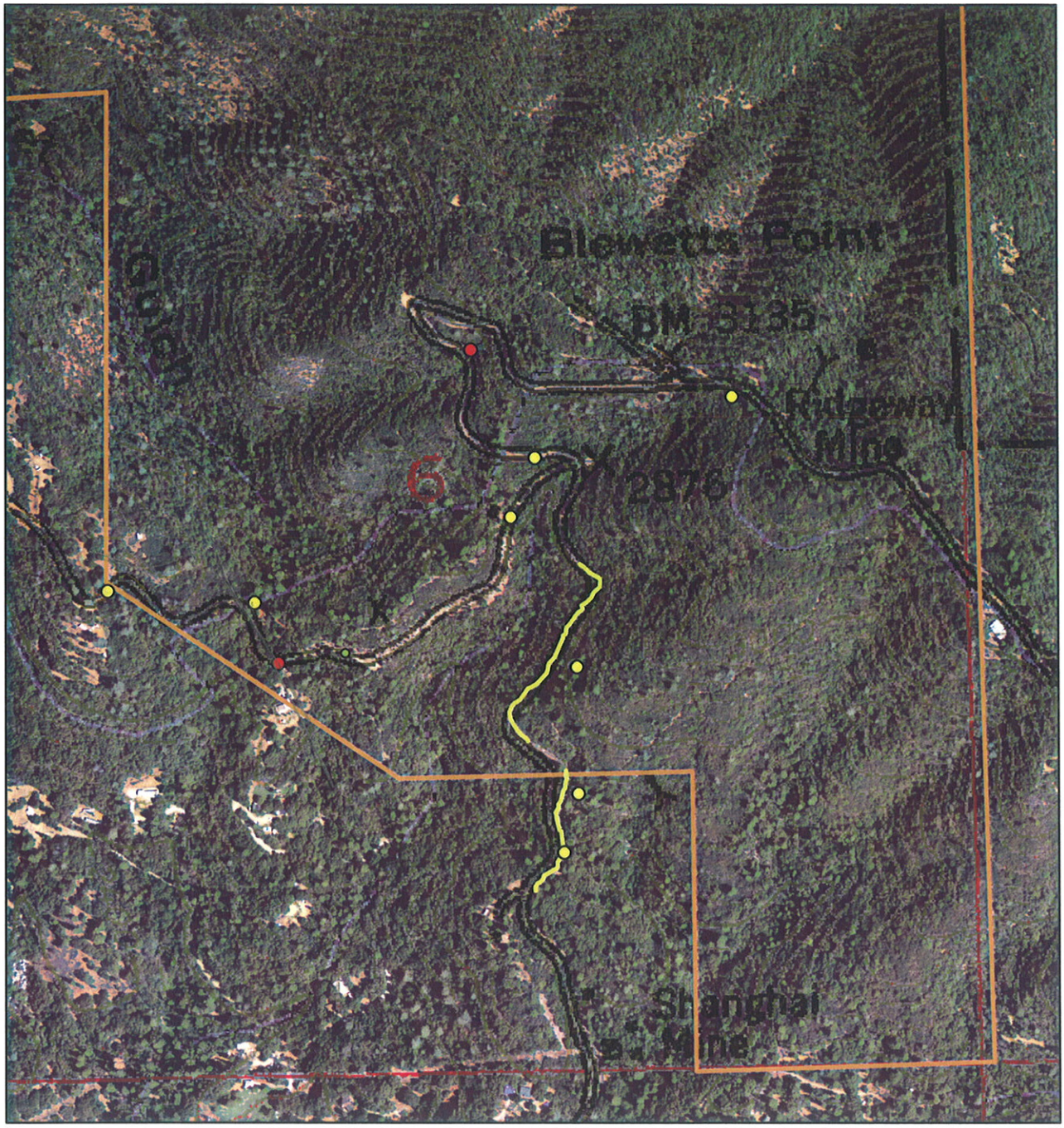
To prevent weed spread:

Mastication should not be used in French broom or Spanish broom populations, unless the shrub population is inspected and found to have **dropped all its fruits/seeds**. If mastication is used, resprouting can be expected, so there is unlikely to be a positive effect in terms of weed control.

To control broom populations, they should be cleared by cutting at the base with chainsaws or loppers in the dry portion of the year (August, September preferably) which will minimize re sprouting. Alternatively plants can be removed with weed wrenches. The use of weed wrenches prevents any possibility of resprouting.

Date of inventory: 6/8/07 **Date of report:** 7/25/07

Signature: Allan Franklin **Title:** Botanist



Cattle Drive Trail Fuelbreak

N

Weeds

- French broom
- Spanish broom

US Department of the Interior
BUREAU OF LAND MANAGEMENT
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Folsom, California
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www.ca.blm.gov/folsom
Date Prepared: 7/25/2007
Project: columbia_blewetts.mxd

Bureau of Land Management
Folsom Resource Area

Biological Resource Inventory Report

Project name: TUD ROW

Project description: Water pipeline

Size of disturbance: 325 feet

Project location: T: 2N R: 15E Sections: 6

USGS Quads: Columbia SE

County: Tuolumne

Elevation range: 2800

Plant community/vegetation: chamise, chaparral, Manzanita, oak, and other brush species.

CNDBB records: None in the immediate vicinity.

Inventory description (methodology, problems, reliability, coverage): Report based on previous clearance (2007)for a shaded fuel break.

Results: No special status animal species known or expected to occur on site.

Animal species or sign observed in 2007 clearance:

Osprey
Anna's hummingbird

Recommendations: Proceed with project.

Date of report: 9/12/08
Signature: Peggy Cranston Title: Wildlife biologist