Categorical Exclusion Documentation
DOI-BLM-CA-C060-2016-0054-CX

A. Background

BLM Office: Bakersfield Field Office, LLCAC06000

Case File #: CACA 56664

Project Title: Hungry Gulch Monitoring Water Wells

Location: MDBM, CA, T. 26 S., R. 32 E., sec. 13, lot 1, Kern County

Project Description, including any Stipulations
A right-of-way application has been filed with the Bureau of Land Management (BLM) by Hungry Gulch Mutual Water Company to drill test water wells to locate a potable water source to replace their current sources. The test water wells are needed because Hungry Gulch Mutual Water Company's wells are going dry and their water quality exceeds the arsenic level standards for potable water. The test wells will be used to locate water and to test the quality of any water located. This project is being conducted for the purposes of data collection for water analysis.

Two wells will be drilled East of Hungry Gulch Campground near Lake Isabella in Lot 1 of Section 13, T. 26 S., R. 32 E. The two wells will be drilled using a truck mounted air rotary rubber tired rig. The rig will excavate a 14-inch hole down 100 feet and then cement in an 8-inch conductor casing. A 6-inch hole will then be drilled with air blowing out the cuttings and rock dust until water is located. The cuttings will be mixed with water and retained on a pit on site. The mud pit is normally adjacent to the drilling rig and the drilling water is circulated through it. The pit is about 3 foot deep and about 12 feet by 12 feet or less. The pit is made from excavating the soil on site and making a containment berm, and after it dries out the pit with the rock cuttings from the drilling is leveled out. When the mud pit dries out it will be spread on the site and smoothed out. If water is not located, the test well will be filled with cement. If water is located a sample of up to 5,000 gallons of water will be taken and tested for drinking water quality. If the water quality meets standards, the well would be capped. Hungry Gulch would then need to apply for an authorization for development and production of the wells. The test wells would remain capped until a new application is filed with the Bureau of Land Management for developing production wells and a decision is made whether or not to authorize production wells. If the authorization to grant production wells is not granted, the test wells would be abandoned by being filled with cement and the land will restored back to its original state.

Required Mitigation Measures:

- All access and construction for the proposed action will occur only within the Area of Potential Effects (APE) identified during Section 106 review (see attached). All cultural resources will be avoided by a minimum distance of 100 feet for any activity that involves surface disturbance. This includes overland travel, spoils piles, and the spreading of dried mud. Any such avoidance areas identified by the BLM Archaeologist

will be flagged one day prior to construction and removed immediately following completion of construction. The applicant will provide a minimum 7-day notice for construction dates to the BLM in order to schedule availability of BLM Staff.

- In the event of an "inadvertent discovery" during any phase of the project, the ROW holder shall immediately notify the Field Manager and Archaeologist. An inadvertent discovery is defined as the identification of previously unknown cultural resources or human remains within the approved project area, staging area, or access routes. All access and use shall immediately cease within 200 feet of the discovery. Access and use of the area can proceed with written permission from the Field Manager.
- If vegetation must be trimmed or modified to clear a path for project equipment or during construction, the vegetation will first be inspected for nesting birds. Any branches supporting active nests will be left in place or trimmed in a manner that does not disturb the active nest.

The right-of-way map is shown as **Exhibit A**. Standard rights-of-way guide stipulations are shown as **Exhibit B**.

The Proposed Action is for the BLM to grant Right-of-way CACA 56664 to Hungry Gulch Mutual Water Company for 3 years or less authorized under the Title V of the Federal Land Policy and Management Act (FLPMA), October 21, 1976, as amended.

B. Land Use Plan Conformance

This action conforms to the Bakersfield Resource Management Plan (BRMP) approved in December 2014 because it is specifically provided for or is clearly consistent with the BRMP objectives and decisions as follows:

Goal LR-G-1: "Provide lands, interest in land, and authorizations for public and private uses while maintaining and improving resource values and public land administration to the extent consistent with federal law."

Objective LR-O-2: "Meet public, private, and Federal agency needs for realty-related land use authorizations and land withdrawals, including those authorizations necessary for wind, solar, biomass, and other forms of renewable energy development, to the extent consistent with federal law."

The proposed action has been reviewed for conformance with the BRMP, as required by 43 CFR 1610.5 and has been found to be in conformance with the objectives for this management area.

C. Compliance with the National Environmental Policy Act

The action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E (19):

> "Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition."

This categorical exclusion is appropriate for this action because a short term right-of-way will be issued for the purposes of drilling test wells and analyzing the water quality; the site would be restored back to its original condition. There are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the following extraordinary circumstances (43 CFR 46.215) apply.

Review of Extraordinary Circumstances:

1) Have significant impacts on public health or safety.

( ) Yes (X) No **Remarks**: The test water wells are a temporary authorization for water location and analysis purposes only; any disturbance to the area would be restored back to its original condition. The arsenic levels are not expected to rise in the existing well due the minimal amounts of water pumped from the proposed project. The impact is insignificant at the local, reginal and global scale due to the small amount of water use under the specific authorization. Therefore, no impacts on public health or safety are anticipated.

2) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.

( ) Yes (X) No **Remarks**: There are no park, recreation or refuge lands, wilderness areas, wild or scenic rivers, national natural landmarks, wetlands, floodplains, or national monuments in the project area. All cultural resources will be avoided during the project therefore water well construction will not have any significant impacts on historic or cultural resources. Water test wells will not have any significant impacts to drinking water aquifers, farmlands, or any other ecologically significant or critical areas because the proposed project would not greatly increase the usage from the water table or cause direct impacts to wetlands, local wildlife springs, or migratory birds; the authorization is temporary in nature, and proposes a negligible amount of water to be pumped from the water table. If vegetation must be trimmed or modified to clear a path for project equipment or during construction, the vegetation will first be inspected for nesting birds. Any branches supporting active nests will be left in place or trimmed in a manner that does not disturb the active nest. These measures will prevent impacts to nesting migratory birds. The habitat disturbance associated with the project is expected to restore naturally; chaparral is disturbance-adapted and quickly recolonizes disturbed soils. In addition, the right-of-way grant includes a stipulation requiring the holder to contact the BLM prior to conducting any ground disturbing activities, to receive guidance on compliance with Section 106 of the National Historic Preservation Act. Based on this, the proposed action is not expected to have significant impacts on natural resources and unique geographic characteristics.

3) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)].

( ) Yes (X) No **Remarks**: The environmental effects of installing test water wells, pumping enough water for test purposes, and abandoning or capping the wells are not highly controversial. The proposed project is not expected to harm existing private property water wells, as pumping from the water table will occur in negligible amounts, not considered significant at the local, regional, or global scale. There are no unresolved conflicts concerning alternative uses of the available resources regarding the approval of the authorization.

4) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

( ) Yes (X) No **Remarks**: The proposed project is not expected to pump large quantities of groundwater from the water table. The action is small in scale with insignificant potential risks. Therefore, the potential environmental effects from this right-of-way are well known. There are no unique or unknown environmental risks from implementing the proposed drilling of test water wells.

5) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

( ) Yes (X) No **Remarks**: This project would only provide authorization for a temporary use of water wells to locate and test water quality. The future development of any successful wells located from these test wells would require submission of a new application to the BLM for a separate authorization for developing production wells. The new application would be subject to separate analysis under the NEPA and Section 106 of the National Historic Preservation Act. Therefore, this proposed authorization of test wells does not establish a precedent or have any additional connected actions that have not been analyzed in this review.

6) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

( ) Yes (X) No **Remarks**: The drilling of test water wells and pumping of a minimal amount of water, only enough water to allow for testing for potability, would have negligible effects to plants, wildlife, cultural, or other sensitive resources. This authorization, and its effects, are temporary and do not have a direct relationship to other actions with environmental effects that would create cumulatively significant environmental effects.

7) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.

( ) Yes (X) No **Remarks:** Project stipulations documented as part of review with the Section 106 of the National Historic Preservation Act will be followed and include a requirement to avoid cultural resources within the defined Area of Potential Effects (APE). All construction and potential surface disturbance must occur within the project APE. Compliance with Section 106 of the National Historic Preservation Act determined that the project has no potential to affect historic properties within the ROW. This review was completed in March 2016 per the BLM California Cultural Protocol (2014).

8) 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.

( ) Yes (X) No **Remarks**: Listed or proposed species do not occur in the immediate project area. On September 17, 2014, the USFWS published a Federal Register Notice which concluded that the federally listed valley elderberry longhorn beetle does not occur in Kern County. Critical habitat does not occur in the general area of the project. For these reasons, there will be no effect to listed species or critical habitat. Consequently, significant impact to listed or proposed species or designated critical habitat is not expected.

9) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

( ) Yes (X) No **Remarks**: This action will not violate State, local or tribal laws.

10) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

( ) Yes (X) No **Remarks**: The proposed project will not have adverse effects to any low income or minority populations because the authorization is temporary and not expected to lead to significant decline of water available in the aquifer.

11) 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 (Executive Order 13007).

( ) Yes (X) No **Remarks**: The nature and location of the proposed action will not 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 (Executive Order 13007).

12) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

( ) Yes (X) No **Remarks** Seeds of weed species contained on vehicles or equipment are likely to be from species already present and established in the general area, such as bromes, filaree, and wild oats. For this reason the proposed action is not expected to contribute to the introduction, continued existence or spread of noxious weeds or non-native species. The site is too dry for some of the most problematical noxious weeds in the area (perennial pepperweed and purple loosestrife), which require much more soil moisture to survive. The possibility of a well vehicle introducing any new weed to the area is no different than the potential for any other vehicle in the area. There are no known populations of noxious weeds in the vicinity of the project area.

Reviewers:

/s/ *Christina Castellon*	7/26/2016
Project Leader	Date
Denis Kearns	7/25/2016
Botany/Invasive Species	Date
Amy Girado/ Tamara Whitley	7/20/2016
Cultural Resources	Date
Carly Summers	7/25/2016
Wildlife	Date
Tiera Arbogast	7/26/2016
Planning & Environmental Coordinator	Date

I considered the proposed action, NEPA compliance statement and review of extraordinary circumstances in my determination that there is no potential for significant impacts from this project. With minimal ground disturbance, this project can be completed without adverse impacts to natural and cultural resources.

D. Signature

Gabriel Garcia	7/26/2016
Gabriel Garcia	Date
Field Manager, Bakersfield Field Office	

E. Contact

For more information, contact: Christina Castellon; Realty Specialist; (661) 391-6159

U.S. DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
Bakersfield Field Office
3801 Pegasus Drive
Bakersfield, CA 93308
(661) 391-6000

Decision Record for DOI-BLM-CA-C060-2016-0054
Hungry Gulch Mutual Water Company Monitoring Water Wells

Introduction and Background

An application has been filed with the Bureau of Land Management (BLM) by Hungry Gulch Mutual Water Company to drill test water wells to locate a potable water source to replace their current sources. The test water wells are needed because Hungry Gulch Mutual Water Company's wells are going dry and their water quality exceeds the arsenic level standards for potable water. The test wells will be used to locate water and to test the quality of any water located. This project is being conducted for the purposes of data collection for water analysis.

Two wells will be drilled East of Hungry Gulch Campground near Lake Isabella in Lot 1 of Section 13, T. 26 S., R. 32 E. The two wells will be drilled using a truck mounted air rotary rubber tired rig. The rig will excavate a 14-inch hole down 100 feet and then cement in an 8-inch conductor casing. A 6-inch hole will then be drilled with air blowing out the cuttings and rock dust until water is located. The cuttings will be mixed with water and retained on a pit on site. The mud pit is normally adjacent to the drilling rig and the drilling water is circulated through it. The pit is about 3 foot deep and about 12 feet by 12 feet or less. The pit is made from excavating the soil on site and making a containment berm, and after it dries out the pit with the rock cuttings from the drilling is leveled out. When the mud pit dries out it will be spread on the site and smoothed out. If water is not located, the test well will be filled with cement. If water is located a sample of up to 5,000 gallons of water will be taken and tested for drinking water quality. If the water quality meets standards, the well would be capped. Hungry Gulch would then need to apply for an authorization for development and production of the wells. The test wells would remain capped until a new application is filed with the Bureau of Land Management for developing production wells and a decision is made whether or not to authorize production wells. If the authorization to grant production wells is not granted, the test wells would be abandoned by being filled with cement and the land will restored back to its original state.

The Proposed Action is for the BLM to grant Right-of-way CACA 56664 to Hungry Gulch Mutual Water Company authorized under the Title V of the Federal Land Policy and Management Act (FLPMA), October 21, 1976, as amended; standard rights-of-way stipulations are shown as **Exhibit B**.

Required Mitigation Measures:

- All access and construction for the proposed action will occur only within the Area of Potential Effects (APE) identified during Section 106 review (see attached). All cultural

resources will be avoided by a minimum distance of 100 feet for any activity that involves surface disturbance. This includes overland travel, spoils piles, and the spreading of dried mud. Any such avoidance areas identified by the BLM Archaeologist will be flagged one day prior to construction and removed immediately following completion of construction. The applicant will provide a minimum 7-day notice for construction dates to the BLM in order to schedule availability of BLM Staff.

- In the event of an "inadvertent discovery" during any phase of the project, the ROW holder shall immediately notify the Field Manager and Archaeologist. An inadvertent discovery is defined as the identification of previously unknown cultural resources or human remains within the approved project area, staging area, or access routes. All access and use shall immediately cease within 200 feet of the discovery. Access and use of the area can proceed with written permission from the Field Manager.
- If vegetation must be trimmed or modified to clear a path for project equipment or during construction, the vegetation will first be inspected for nesting birds. Any branches supporting active nests will be left in place or trimmed in a manner that does not disturb the active nest.

Decision and Rationale

It is my decision to authorize two test wells across BLM land in Lot 1 of Section 13, T. 26 S., R. 32 E., MDBM, Kern County, CA.

I considered the NEPA compliance statement and review of extraordinary circumstances in my determination that there is no potential for significant impacts from the project. With no new ground disturbance, the project can be completed without impact to natural and cultural resources.

Compliance with Laws, Regulations, Policies and Land Use Plans

This action conforms to the Bakersfield Resource Management Plan, approved in 2014. The proposed action has been reviewed for conformance with this plan, as required by 43 CFR 1610.5.

This action also complies with other environmental laws and acts including Endangered Species Act and National Historic Preservation Act.

Administrative Remedies

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Pacific Southwest Region, U.S. Department of Interior, 2800 Cottage Way, E-1712, Sacramento, CA 95825.

Gabriel Garcia 7/26/2016
Gabriel Garcia Date
Field Manager

EXHIBIT B
STIPULATIONS
CACA 56664

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

Any new surface disturbing activities, including maintenance will require notification to the BLM, and may require a BLM approved cultural resource survey prior to the issuance of a notice to proceed for the activity. A cultural monitor may be required, at the discretion of BLM, during the surface disturbing activities.

Any cultural and/or paleontological resource (historic or prehistoric site or object, or human remains) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

The holder shall coordinate all construction, maintenance and termination activities with the oil and gas leaseholder, grazing leaseholder, Underground Service Alert, and holders of rights-of-way on the subject lands, in order to avoid conflicts with existing operations. The name, address, and phone number of the holder(s) are available from the authorized officer.

The holder shall attach and maintain a marker to the well(s). Each of the wells nearest the entry and exit points of the BLM land. These markers shall be of stamped or engraved metal, and shall state the BLM serial number of this grant in characters no smaller than one inch high.

The holder shall designate a representative(s) who shall have the authority to act upon and to implement instructions from the authorized officer. The holder's representative shall be available for communication with the authorized officer within a reasonable time when construction or other surface disturbing activities are underway.

Right-of-way 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.

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

No routine maintenance activities shall be performed during periods when the soil is too wet to adequately support the equipment. If such equipment creates ruts in excess of **six (6) inches** deep, the soil shall be deemed too wet to adequately support the equipment.

Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer.

A site-specific weed control Environmental Assessment (EA) and a Pesticide Use Permit (PUP) must be completed before any use of pesticides on BLM lands. This can be a lengthy process and requires specific information, public notification, and review by the BLM State Office. In addition, any use of pesticides shall comply with all applicable Federal and State laws. Pesticides shall only be used in accordance with their registered uses, must be on the list of pesticides approved for use on California BLM lands, and used within limitations imposed by the Secretary of the Interior. Applicators of herbicides must have completed pesticide certification training and have a Certified Pesticide Applicator's License. A Pesticide Use Report (PUR) must be completed within 48 hours of all herbicide applications and pesticide application records for the areas and acres treated must be submitted to the Authorized BLM Officer each year.

All design, material, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.

Except rights-of-way expressly authorizing a road after construction of the project is completed, the holder shall not use the right-of-way as a road for purposes other than routine maintenance as determined necessary by the authorized officer in consultation with the holder.

All vehicle use by the holder or the holder's contractors during construction, inspection or maintenance shall be confined to existing roads. No new vehicle routes shall be created or cleared by the holder or the holder's contractor. No off-road vehicle travel is authorized.

The holder shall meet Federal, State, and local emission standards for air quality.

If vegetation must be trimmed or modified to clear a path for project equipment or during construction, the vegetation will first be inspected for nesting birds. Any branches supporting active nests will be left in place or trimmed in a manner that does not disturb the active nest. These measures will prevent impacts to nesting migratory birds.

When not under active construction, drill holes will be covered completely (such as with a plywood board) to prevent wildlife from falling in. Before beginning work the next day, holes will be checked for wildlife. Before holes are filled, they will be thoroughly inspected for animals. If an animal is discovered in the hole, it will be provided materials such as sticks or a wooden board to use as an exit ramp from the hole. All animals will be allowed to exit unharmed.

One brief post-construction report will be submitted within 60 days after project completion. The report should include pre- and post-construction photographs of each of the test well sites (including the drill site, the location of the mud pit, and where/how the mud was spread after drying), and the report should also include a record of any observation of impacts to wildlife (for example migratory bird nesting sites avoided, wildlife seen in or on construction equipment, etc.).

Following project completion, the site will be restored to its natural contours and barriers will be installed to restrict access to the site. This will minimize vehicle trespass and allow for natural restoration. Because of the small project footprint, it is expected that seed from the surrounding vegetation will easily colonize and revegetate the site, without the need for outside intervention. The chaparral in the project area easily rebounds after fire and quickly reclaims unmaintained roads.

Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pre-termination conference. This conference will be held to review the termination provisions of the grant. The authorized officer may require the removal and rehabilitation of certain structures or facilities in order to protect public health and safety and/or the environment.