



DEPARTMENTS OF THE ARMY AND THE AIR FORCE  
NATIONAL GUARD BUREAU  
111 SOUTH GEORGE MASON DRIVE  
ARLINGTON, VA 22204-1382

NGB-ARI-RE

1 JUL 2008

MEMORANDUM FOR THE U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO  
DISTRICT: ATTN: CESP-K-RE-C (BILL CASALE), 1325 J STREET, SACRAMENTO,  
CA 95814-2922

SUBJECT: Directive for Water Pipeline Easement at Camp Roberts (Lake Nacimiento  
Project)

1. Reference Report of Availability, 16 January 2007, same subject.
2. Request that the Sacramento District Corps of Engineers execute subject easement. Consideration should be at Fair Market Value for a term of 25 Years. Additional requirements for the easement are specified in the Determination of Availability. Please provide this office a copy of the completed instrument.
3. Administrative funding this action will be provided by the County of San Luis Obispo.
4. The point of contact at NGB-ARI-RE is Ms. Regina Powell at DSN 327-1177 or Commercial 703 607.1177.

Encl

A handwritten signature in black ink, appearing to read "Michael J. Bouchard".

MICHAEL J. BOUCHARD  
Colonel, EN  
Installations Division Chief

CF:  
CFMO, CA  
USPFO, CA



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NGB-ARE

MEMORANDUM FOR The Adjutant General, Headquarters California Army National Guard (CAARNG), ATTN: DEP (CO John H. Moorman), 9800 Goethe Rd., Sacramento, CA 95826-9101

SUBJECT: National Environmental Policy Act (NEPA) Review of the Final Environmental Assessment (EA) for the Nacimiento Water Project

1. References:

a. 32 CFR 651, Environmental Analysis of Army Actions, 29 Mar 02.

b. The National Guard Bureau (NGB) NEPA Handbook, Guidance on Preparing Environmental Documentation for Army National Guard Actions in Compliance with NEPA of 1969, Jun 06.


2. In accordance with procedures established in references 1a and 1b, this EA has been approved by the NGB. A copy of the signed Finding of No Significant Impact is enclosed. This completes the appropriate NEPA documentation for this project in accordance with reference 1a.

3. If there is a delay in project construction or project conditions change, review the EA to ensure it adequately addresses the changes in the project. If the EA is invalid, new NEPA documentation must be completed before project initiation.

4. Additionally, the Memorandum of Agreement among and between the US Army Corps of Engineers (San Francisco District), the California Army National Guard, the National Guard Bureau, the San Luis Obispo County Flood Control and Water Conservation District and the California State Historic Preservation Officer regarding the issuance of a Permit under Section 404 of the Clean Water Act (33 USC Sec. 1344) for the Nacimiento Water Project, San Luis Obispo County California has been fully signed and implemented and all aspects of the MOA need to be followed.

5. The point of contact is MAJ Steve Stadelman, Training Lands Support Officer, DSN 327-7968, 703-607-7968, or [steve.stadelman@us.army.mil](mailto:steve.stadelman@us.army.mil).

Encl  
as

  
JEFFREY G. PHILLIPS  
COL, NGB  
Chief, Environmental  
Programs Division



DEPARTMENTS OF THE ARMY AND THE AIR FORCE  
NATIONAL GUARD BUREAU  
111 SOUTH GEORGE MASON DRIVE  
ARLINGTON, VA 22204-1382

NGB-ARE-I

5 February 2008

MEMORANDUM FOR NGB-ARI-RE, ATTN: MR. KEN PARKS

SUBJECT: Review of an Environmental Baseline Study on a Water Pipeline Easement, through the California ARNG (CAARNG) Camp Roberts, San Luis Obispo County, California

1. Reference:

- a. Environmental Baseline Study, Nacimiento Water Project – Camp Roberts Segment, San Luis Obispo County, California, Prepared for San Luis Obispo County Flood Control and Water Conservation District. January 2008.
- b. Phase I Environmental Site Assessment, Lake Nacimiento Water Project, San Luis Obispo, California. Prepared by Kleinfelder, Inc. 11 October 2005.
- c. ASTM Standards on Environmental Baseline Surveys D 6008-96.
- d. ARNG Environmental Condition of Property Standard Operating Procedure, 14 March 2007.
- e. Army Regulation 200-1, Chapter 15-6, Military construction and Morale, Welfare, and Recreation Construction on Army Installations, 13 December 2007.

2. Based on the information presented in reference 1a, the CAARNG is proposing to provide a 9-mile long, 65-acre Easement to San Luis Obispo County Flood Control and Water Conservation District for the installation of a Water Pipeline. The pipeline will cross Camp Roberts property, which was initially developed as an Army training base in 1940.

3. Based on the review of the EBS in reference 1a and the ESA in reference 1b, ARE-I has determined that sufficient information has been obtained to determine that a due diligent effort towards all appropriate inquiry has been performed to satisfy 42 U.S. Code 9601(35) (B) requirements for the subject property. ARE-I concurs with the findings that the Environmental Condition of the Property (ECOP) is classified as a Category 1 - (Areas where no release or disposal of hazardous substances or petroleum products has occurred, including no migration of these substances from adjacent areas).

4. POC for this memo is John B. Haines, Senior Cleanup Program Support Specialist at 703.607.7986.

  
JOHN E. TESNER  
NGB ARE-I  
Chief, Cleanup Branch

CF:

Mr. Dee W. Lloyd, NGB-ARE-I  
MAJ Robert Hales, NGB-ARE-C  
Mr. Mark Ouimet, CAARNG  
Mr. Scott Hilyard, CAARNG

## FINDING OF NO SIGNIFICANT IMPACT (FNSI)

### CONSTRUCTION AND OPERATION OF THE NACIMIENTO WATER PROJECT THROUGH CAMP ROBERTS, CALIFORNIA

#### Introduction

The California Army National Guard (CAARNG) and the National Guard Bureau (NGB) have prepared an Environmental Assessment (EA) for the issuance of a Report of Availability (ROA) of property to allow construction and operation of the Nacimiento Water Project (NWP) through Camp Roberts, California. The EA was prepared in accordance with the National Environmental Policy Act (NEPA, 42 USC § 4321 to 4370e), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (CEQ Regulations, 40 CFR Parts 1500-1508), *Environmental Analysis of Army Actions* (32 CFR 651) and the National Guard Bureau NEPA Handbook, June 2006.

#### **1. Description of Proposed Action and Alternatives**

**Proposed Action.** The Proposed Action is the issuance of a ROA by the CAARNG to allow construction and operation of a nine-mile segment of the NWP water transmission pipeline to proceed as currently approved and planned, through Camp Roberts. The ROA would be used by the U.S. Army Corp of Engineers (USACE) to grant an easement to the San Luis Obispo County Flood Control and Water Conservation District, which is necessary for implementation of the NWP, a new water supply project that would transport raw water from Lake Nacimiento through Camp Roberts and south to communities including: Paso Robles, Templeton, Atascadero, and San Luis Obispo.

The easement would be a real estate outgrant by the U.S. Army, allowing the use of real property for non-Army use. Per AR 405-80, *Management of Title and Granting Use of Real Property*, the outgrant process begins with a ROA, which states that property currently licensed to the CAARNG is available for the USACE's proposed use (i.e., easement for the NWP). The outgrant would identify the terms and conditions of non-Army land use within the easement. The use granted must be of direct benefit to the United States, promote the national defense or Army mission, or be in the public interest.

The ROA requires an Environmental Baseline Survey (EBS) and this EA. Pursuant to Army Regulation 200-1, *Environmental Management*, an EBS must be conducted for all real property transactions, including outgrants. The EBS is a stand-alone document, written under direction of the CAARNG, that must contain a summary statement of the environmental condition of the property. The EBS for the Proposed Action, dated January 2008, has been completed and approved by the NGB.

The property under consideration is an easement corridor that would run through the southern portion of the installation and would include one 850,000 gallon storage tank that would be constructed near the southeast boundary of the installation.

**Alternatives Considered.** The CAARNG analyzed a No Action Alternative and three alternative easement routes through Camp Roberts. The alternative easements were eliminated from further analysis because they did not meet the purpose and need for the Proposed Action. No

additional alternatives to the Proposed Action were identified that met the purpose and need of the Proposed Action. The Proposed Action is identified as the CAARNG's preferred alternative.

No Action Alternative. Under this alternative, CAARNG would not issue the ROA, and the USACE would not grant the easement to the SLOCFCWCD. Consequently, there would be no NWP facilities built on the grounds of Camp Roberts. Under the No Action Alternative, the pipeline route for the NWP would be established around the perimeter of the Camp Roberts property.

## **2. Environmental Analysis**

Based on the analysis contained in the EA, the CAARNG has determined that the known and potential impacts of the Proposed Action on land use and aesthetics, air quality, noise, geology and soils, water resources, biological resources, cultural resources, infrastructure, and hazardous and toxic materials and waste would not be significant. The Proposed Action would have no adverse effects on environmental justice and would have beneficial effects on socioeconomics.

No significant adverse effects on biological resources, including federally-listed species and their critical habitat, are expected as a result of the Proposed Action. With the implementation of the environmental protection measures described in Section 2.3, construction of the pipeline and storage tank should not result in significant adverse effects to special-status or migratory birds (such as bald eagles, California condors, and burrowing owls), San Joaquin kit fox, or South Central California Coast (S-CCC) steelhead trout.

Construction of the pipeline would have a direct impact on two vernal pools and could have an indirect impact on up to eight other vernal pools as described in the biological assessment (Appendix B of the final EA). The incidental take of vernal pool fairy shrimp and their habitat is authorized by the USFWS under Biological Opinion 1-8-07-F-10 (March 30, 2007), issued to the USACE. The Biological Opinion states that the NWP "would not jeopardize the continued existence of vernal pool fairy shrimp" and therefore associated incidental take of this species is permitted.

The construction of the pipeline through Camp Roberts could require removal of up to approximately 500 oak trees. However, with implementation of the Oak Tree Mitigation & Monitoring Plan as described in Section 2.3 of the final EA, there would be no significant adverse effects to sensitive habitats such as oak woodlands.

The Proposed Action would not have disproportionately high or adverse human health and environmental effects on a minority and low-income population near the proposed site.

### Mitigation

Mitigation measures to minimize project impacts on the human and natural environments are discussed in Section 5.12 of the final EA. Several mitigation measures are required to reduce potentially significant adverse effects to biological resources.

A number of mitigation measures will be implemented to reduce potentially significant effects to less than significant levels. These measures are discussed in Section 2.3.1 of the final EA. They are also organized by resource area below. Pursuant to the aforementioned March 30,

2007, Biological Opinion the USFWS issued to the USACE, the USACE is responsible for the mitigation measures identified in a. – c. below.

a. Vernal Pool Fairy Shrimp

(1) For pools that will be directly impacted, silt fencing will be erected around the deepest portion of pools to retain portions of these features following construction, if possible, and minimize project disturbances. If pools will be eliminated, a qualified biologist would assess the total acreage of pools that cannot be avoided. Construction activities would be limited to the dry season (roughly April 15 to October 15) near occupied shrimp pools. For pools that cannot be avoided, a qualified biologist will salvage the upper 1/2-inch of top soil prior to construction for later pool inoculation following construction.

(2) For occupied pools located within 100 feet of project activities, silt fencing will be erected at the limits of construction to minimize indirect effects to these features. Silt fencing would be included in construction specifications for these sites and would be erected under the direct supervision of a qualified biologist.

b. San Joaquin Kit Fox

If kit fox occupancy is determined at a given site, closure activities at that location would immediately be halted and the USFWS contacted. Depending on the type of identified den, one of the following reasonable and prudent measures would be implemented:

- Known (active) den – establish a 100 foot construction exclusion zone around the identified location.
- Natal/Pupping den (active or inactive) – contact the USFWS to determine the appropriate construction exclusion zone.

c. Steelhead Trout

Construction activities in the vicinity of potential steelhead occurrences will be restricted to the low-flow period of June 15 through November 1. Restricting construction activities to this work window will minimize potential impacts to migrating adult and smolt steelhead resulting from bentonite releases.

d. Oak Trees

(1) Preconstruction Identification: Prior to ground disturbing or staging activities, identify all oak trees within the construction corridor to be avoided, trimmed, or removed using different colored flagging and a sequential numbering system.

(2) Oak Tree Avoidance: Narrow the construction corridor where possible from 100 feet to a maximum of 30 feet to avoid individual oak trees and oak woodland stands.

(3) Mitigation Planting: Oak seedlings planted to offset impacts of the NWP on Camp Roberts must meet the following performance criteria: The duration of the monitoring will be seven years or when the oak plantings have (1) a basal diameter of 2 inches or a height of 6 feet, (2) survived one year without protective cages; and (3) survived two years without supplemental watering or irrigation.

### 3. Regulations

The Proposed Action would not violate NEPA, its regulations promulgated by the CEQ, *Environmental Analysis of Army Actions*, or any other Federal, State, or local environmental regulations.

### 4. Commitment to Implementation

The NGB and the CAARNG affirm their commitment to implement this EA in accordance with NEPA. Implementation is dependent on funding. The CAARNG and the NGB's Environmental Programs, Training and Installations Divisions will ensure that adequate funds are requested in future years' budgets to achieve the goals and objectives set forth in this EA.

### 5. Public Review and Comment

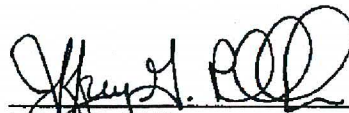
The final EA and DFNSI were made available for public review and comment for 30 days (May 27, 2008 through June 25, 2008) following publication of the draft public notice in the San Luis Obispo Tribune newspaper. Review locations included the San Luis Obispo, Atascadero and Paso Robles public libraries. The County of San Luis Obispo also enabled the public to download and review the final EA and DFNSI from their web site. No written comments were submitted to CAARNG during the public review period. For further information contact Mr. Douglas Bryceson, CAARNG Environmental Program Manager at (916) 361-4335 or douglas.bryceson1@us.army.mil.

### 6. Finding of No Significant Impact

After careful review of the EA, I have concluded that implementation of the Proposed Action would not generate significant controversy or have a significant impact on the quality of the human or natural environment. This analysis fulfills the requirements of NEPA and the CEQ Regulations. An Environmental Impact Statement will not be prepared and the National Guard Bureau is issuing this Finding of No Significant Impact.

14 Jul 08

Date



Jeffrey G. Phillips  
Colonel, NGB  
Chief, Environmental  
Programs Division



DEPARTMENTS OF THE ARMY AND THE AIR FORCE  
JOINT FORCE HEADQUARTERS  
OFFICE OF THE ADJUTANT GENERAL - CALIFORNIA NATIONAL GUARD  
9800 GOETHE ROAD - P.O. BOX 269101  
SACRAMENTO, CALIFORNIA 95826-9101

CAJS-J4-CAFE

16 January 2007

MEMORANDUM FOR Chief, National Guard Bureau, ATTN: NGB-ARI, (Mr. Ken Parks), 111 South George Mason Drive, Arlington, Virginia 22204-1382

SUBJECT: Report of Availability (ROA) for Nacimiento Water Project through Camp Roberts

1. Attached is an ROA for utility easements to allow the Nacimiento Water Project onto and through Camp Roberts.
2. All associated environmental documentation has been forwarded to NGB-ARE.
3. If you have any questions or concerns please contact the Chief, Real Property Branch, CPT (Ret) Mark Ouimet, at (916) 854-3788.

FOR THE ADJUTANT GENERAL:

A handwritten signature in black ink that reads "Darryl J. Balcao".

DARRYL J. BALCAO  
COL, EN, CA ARNG  
Construction and Facilities  
Management Officer



SECTION A

DETERMINATION OF AVAILABILITY

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Part 1. MACOM CERTIFICATION

FOR THOSE ACTIONS TO BE EXECUTED BY ACSIM OR DASA(I&H):

The information furnished in Sections B and C has been fully coordinated with BRAC, if applicable, Environmental, legal, and real estate and is accurate and complete. I recommend that the Determination of Availability be approved by signing Section A, Part 2, of this ROA.

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Date

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MACOM Certification Authority

I have reviewed Section C, Environmental Considerations, including all attachments, and, if this is a lease action, the draft FOSL and EBS, and have determined that the environmental considerations are legally sufficient.

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Date

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SIGNATURE  
(MACOM Staff Judge Advocate/Counsel)

Section A  
DETERMINATION OF AVAILABILITY


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Part 2. APPROVAL

1. Based upon the attached Report of Availability (ROA) and its findings, which have been reviewed for accuracy and completeness, I have determined that the property identified in the enclosed ROA is available for the intended use.
2. I have determined that the proposed use is compatible with the installation mission and with the installation Master Plan.
3. I have determined that the property is not excess to the overall installation purpose and has not been identified as under utilized in surveys mandated by AR 405-70.
4. The proposed easement action described in the ROA is approved subject to the County's agreement to complete actions listed at Attachment C.
5. I hereby authorize negotiations and execution of an easement in accordance with the attached ROA and applicable laws, regulations, and policy guidance.

1 JUL 2008

Date

  
MICHAEL J. BOUCHARD  
Colonel, EN  
Installations Division Chief

## SECTION B

### REPORT OF AVAILABILITY Installation: Camp Roberts GENERAL AND OPERATIONAL INFORMATION

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#### SECTION I. OUTGRANT ADMINISTRATION:

1. **Name, address and telephone number of Applicant or requestor's representative(s), if any:** County of San Luis Obispo, Department of Public Works, Attn: John Hollenbeck, County Government Center, Room 207, San Luis Obispo, CA 93408; (805) 781-1288.

2. **Proposed use:** The County of San Luis Obispo requests right of way access for the construction and maintenance of a water transmission pipeline and water tank on the Camp Roberts premise. This project, known as the Nacimiento Water Project, will allow transportation of approximately 17,500 afy of water entitlement from Lake Nacimiento to the County of San Luis Obispo and its purveyors over 64-miles.

Also included as part of this project is a request for an overhead PG&E transmission line easement. Typical alignment will follow the path of the waterline easement provided in the topography permits.

3. **Proposed type of outgrant:**

Lease

For BRAC: \_\_\_\_\_ Interim Lease

\_\_\_\_\_ Lease in Furtherance of Conveyance

Easement

Permit or License

4. **Start date, if applicable:** Construction anticipated to begin February 2007.

5. **Recommended term of outgrant:**

  25   years.

       months.

#### SECTION II. PROPERTY INFORMATION:

1. **General property identification. Provide sufficient information to locate the property for environmental reviews and for the USACE District to develop a legal description to include in the outgrant document. Provide legal descriptions, if available. Attach existing maps or aerial photographs. Map(s) should also be attached to the Finding of Suitability to Lease (FOSL), if a lease, showing the nearest installation boundary.**

As described in Attachment B (aerial project plans) submitted by Black & Veatch, construction of the waterline begins at approximately Station 80+00 and ends at Station 530+00. The typical path follows along the perimeter of Boy Scout Road and West Perimeter Road.

The proposed water tank will be located along the east side of Generals Road and south of Station 530+00 (Attachment B). Attachment C, titled "Pipeline Alignment Studies and Refinements," also provides details for the Camp Robert's construction.

**2. Acreage:** 50.15 Acres Permanent Waterline Easement; 62.87 Acres Temporary Construction Easement; 1.84 Acres Exclusive Water Tank Easement.

**3. General character of the property (short description of the uses of the property; i.e., industrial, residential, warehouse, etc.):** Military / commercial

Area of impact is currently vacant land. Located within the area are paved roads such as Boy Scout Road, West Perimeter Road, and Generals Road. No buildings exist within the requested right of way area.

**4. Are Government buildings and improvements included in the area?**

No.

Yes. If yes, identify and describe all buildings, facilities and improvements, e.g., Identification Nos., square footage outgranted/percentage of building, type of construction, and condition:

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**5. Existing or preceding property use (Provide a description below for each building, facility, area, etc., in either list or table format. If the overall use is the same, i.e. industrial, then a general description is sufficient.):**

Property use is vacant land. There are no improvements within the project area, except for an abandoned bridge known as Boy Scout Bridge.

**6. United States property interest:**

fee simple title

easement

in-lease

other.

**7. Is the property subject to a reversionary interest, which would be violated by the proposed use?**

No.

Information not known. USACE District should check title documents.

Yes. If yes, describe:

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**8. Army interest:**

direct control

permit from a Federal Agency

withdrawn from the public domain.

**9. Type of jurisdiction:**

Exclusive Federal Jurisdiction

Concurrent Federal Jurisdiction

Proprietary status

10. If Exclusive or concurrent, does jurisdiction need to be retroceded to allow for the proposed use?

No

Yes, Explain. If a retrocession action is pending, identify the status of that effort:

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**SECTION III. OPERATIONAL FACTORS:**

1. Will the proposed use require utilities?

No. If no, go to question 2.

Yes. Will Army be providing required utilities or services on a reimbursable basis?

No. Are utilities, e.g. electricity, natural gas/propane/heating oil, potable water, wastewater treatment, telephone, etc., available from public utility companies?

No

Yes. If yes, identify the type, quantity, and provider of such services: \_\_\_\_\_

Yes. If yes, identify the instrument to be used to establish the terms under which such services will be provided and the type, quantity, and estimated cost. Note that this instrument should be executed prior to execution of the outgrant.

2. Will the proposed use require destruction, relocation, modification, or replacement of Government facilities?

No

Yes. If yes, please explain:

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3. The grant of the proposed use:

a. is compatible with the operation of the installation,

b. is compatible with the BRAC Implementation Plan, if BRAC,

c. is compatible with contemplated development and other activities as shown in an approved Master Plan, or

d. is in support of the installation mission.

**4. If it is not compatible with any of the above or in support of the installation missions, please explain why the use should be approved or list the site specific limitations, restrictions, or conditions to be included in the outgrant to make the proposed use compatible, e.g., security, access, parking, hours of operation:**

Special requirements such as fencing will need to be coordinated in order to permit routine maintenance by non-military personnel for the proposed water tank. Also, in the event the pipeline needs repair, special arrangements will need to be made with Camp Roberts staff for entry.

**5. Non-Environmental Safety Issues and Concerns, if any:**

Easement must include language pertaining to explosive ordinances. This topic was discussed extensively with County of San Luis Obispo personnel during project update meetings held on 1 June 2005 and 20 September 2005. The County of San Luis Obispo hired UXB International of Blacksburg, VA to inspect the premises prior to construction of Nacimiento Water Project. Camp Roberts is responsible for the removal and disposal of explosive ordinances.

**6. Airfields and Airspace:**

**a. Will the planned use of the property affect the airspace over or near the property or military installation?**

No

Yes. If yes, the proposed occupancy or modification may be allowed subject to the following restrictions being incorporated in the outgrant: \_\_\_\_\_

Yes, near the property or military installation but affecting property not owned by the United States. If yes, does the United States have a potential "taking of private property" issue? Explain. \_\_\_\_\_

**b. Will the outgrant of the property require the notification of the FAA?**

No

Yes. If yes, please explain who will notify the FAA and when: \_\_\_\_\_

**c. Will structures be built on the property which will require an airspace study?**

No

Yes. If yes, please explain who will do the study and any other requirements: \_\_\_\_\_

**7. REMARKS - include any legal, policy, or mission factors you are aware of which may affect the proposed use of the property:**

None known at this time.

**SECTION IV. PRELIMINARY PROCEDURES:**

**1. Inventory and Condition Reports: A recent inventory showing the condition of the property is available:**

No

Yes. Give date and location of the document:

**2. Consideration:**

For BRAC, less than fair market value is recommended for this action under authority of 10 USC 2667(f). Provide justification. Current estimated caretaker or operational costs are \_\_\_\_\_. Provide any specific recommendations:

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USACE district is requested to determine fair market value for the outgranted interest.

Consideration should be collected in cash.

Consideration should be in cash or in-kind as set out in the attached discussion of possible in-kind consideration. (Attachment C)

Consideration should be offset for the improvement, maintenance, protection, repair or restoration of the property outgranted, as shown in an attached offset plan.

**3. Waiver of Competition:**

Competition is not required in accordance with AR 405-80.

A waiver of competition is not recommended.

A waiver of competition is recommended. Provide full justification and proposed grantee, if waiver is recommended.

**4. Other applicable laws, regulations, MOA's, etc. requiring consideration for processing this action:**

None known at this time.

**5. Additional information that will assist in processing this application/action:**

**6. Stewart B. McKinney Homeless Requirements:**

McKinney Act requirements do not apply to this action.

McKinney Act requirements apply, necessary screening has been completed, and no interest was expressed. Give dates.

**7. Estimated Costs to further process the outgrant:**

USACE District costs: \$50,000 estimate by USACE

Installation costs: \_\_\_\_\_

**Funds are currently available**  Yes  No

In progress. The County of San Luis Obispo agreed to submit advanced payment to the

USACE for all services rendered provided the USACE submits invoice detailing scope of work, budget, and schedule.

8. I certify that I have reviewed Section B, that is has been coordinated in accordance with applicable command guidance, and that it is accurate and complete. Based on the information provided above, I recommend that the outgrant be  
 APPROVED     DENIED.

12 January 2007  
Date



SIGNATURE

Construction and Facilities  
Management Officer

**Enclosures:**

**Attachment A - Pipeline Alignment Studies and Refinements**

**Attachment B - Aerial project plans, Black & Veatch**

**Attachment C - In-kind Consideration**



ATTACHMENT C

DRAFT

~~IN THE COUNTY OF SAN LUIS OBISPO~~

Installation: Camp Roberts

KRP 15 Jul 09

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Nacimiento Water Project

County of San Luis Obispo and PG&E Easements:

1. Reconstruction of full width of paved roads impacted by construction and hydroseeding along the disturbed construction corridor.
2. Security and gate improvement near proposed water tank. Due to the location of the proposed water tank, remediation will need to be negotiated so that County personnel may have 24 hour access.
3. Restoration and/or expansion of fire break near water tank location.
4. Purchase and planting of Oak trees.

## SECTION C

### REPORT OF AVAILABILITY

Installation:

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#### ENVIRONMENTAL and CULTURAL CONSIDERATION:

##### 1. COASTAL ZONE MANAGEMENT (CZM) (if applicable):

CZM is not applicable.

CZM is applicable and the proposed use is/will be consistent with the approved state CZM Plan.

##### 2. CLEAN WATER ACT (FEDERAL WATER POLLUTION CONTROL ACT):

This action will not involve the discharge of any pollutants into the waters of the United States or less than one million gallons of discharge per day will be made.

This action will entail the discharge of more than one million gallons of pollutants into the waters of the United States per day.

The applicant has applied for and received a NPDES Permit from the EPA/appropriate state agency. If not received, state circumstances:

The Grantee is complying with the requirements of a NPDES Permit and the Grantee has a monitoring and reporting procedure.

Subsequent requests for expansion or additional construction should be reviewed to assure the Grantee is in compliance with the five acre rule.

##### 3. FLOODPLAIN:

This property is not located within the 100 year floodplain and does not fall under the purview of Executive Order 11988.

This property is located within the 100 year floodplain and does fall under the purview of Executive Order 11988 and (circle the appropriate):

a. The proposed occupancy or modification will not adversely impact the floodplain.

b. There is no other practicable alternative available for this intended use.

c. The proposed occupancy or modification may be allowed subject to the following restrictions being incorporated in the outgrant document:

\_\_\_\_\_.

**4. WETLANDS:**

This property is not located within a wetlands area and, therefore, does not fall under the purview of Executive Order 11990.

This property is located within a wetlands area and does fall under the purview of Executive Order 11990, accordingly, the following restrictions must be incorporated in the outgrant document: \_\_\_\_\_ (Status of 404 Permit process \_\_\_\_\_)

**5. ENDANGERED SPECIES:**

This action will not jeopardize the habitat of any endangered species of fish, wildlife, or plants pursuant to the Endangered Species Act.

This action jeopardizes the habitat of endangered species of fish, wildlife, and/or plants identified on an attached map. Accordingly, the following restrictions must be incorporated in the outgrant document to protect the habitat:

\_\_\_\_\_

**6. FISH AND WILDLIFE COORDINATION ACT:**

This action will not jeopardize fish and wildlife species or habitat integral to Congressionally authorized mitigation or General Plans, or Army agreed to recommendations in Fish and Wildlife reports prepared under the provisions of the FWCA.

This action will jeopardize fish and wildlife species or habitat integral to Congressionally authorized mitigation or General Plans, or Army agreed to recommendations in Fish and Wildlife reports prepared under the provisions of the FWCA. Impact description: \_\_\_\_\_ RECOMMENDED ACTIONS PRIOR TO AVAILABILITY:

\_\_\_\_\_

**7. HISTORICAL AND CULTURAL RESOURCES:**

The area has been surveyed for historical and cultural resources and there have been none identified on this property, and this action is in compliance with the National Historic Preservation Act and other relevant laws; Executive Order 11593, Protection and Enhancement of the Cultural Environment; or any MOA's related thereto.

A survey has identified historical and/or cultural resources on this property. This action has been coordinated with the State Historic Preservation Officer and the Advisory Council on Historic Preservation in accordance with 36 CFR 800. The

following restrictions must be incorporated into the outgrant document to protect the resource: See Attached Environmental Assessment and Cultural Resources Agreement Document

Native American graves or artifacts have been identified on this property. Refer to requirements of the American Indian Religious Freedom Act and Native American's Graves Protection and Repatriation Act.

Archaeological sites or resources have been identified on this property. Refer to the Antiquities Act; Archaeological and Historical Preservation Act; and Archaeological Resources Protection Act.

#### 8. MISCELLANEOUS PROVISIONS.

The proposed outgrant activity will involve the use of pesticides, e.g. Agricultural, golf courses, restaurants. Refer to the Federal Insecticide, Fungicide, and Rodenticide Act and state pesticide regulations, as necessary.

The proposed outgrant activity will impact an area designated under the Wild and Scenic Rivers Act. Attach any site specific restrictions necessary to protect the area.

The proposed outgrant activity will include fuel burners, incinerators, gas pumps, solvent or other volatile compounds. Refer to the Clean Air Act and state and local regulations. Give status of state and local permits.

The proposed outgrant activity will include substances covered by the Toxic Substances Control Act.

Other special purpose environmental laws, as follows:

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#### 9. NEPA REQUIREMENTS:

This action falls under one of the Categorical Exclusions (CX) contained in AR 200-2 or ER 200-2-2 (Procedures for Implementing NEPA). The environmental affect of the action has been considered. A Record of Environmental Consideration (REC) is attached.

The impact of this action is considered to be minimal or insignificant. An Environmental Assessment (EA) with a Finding of No Significant Impact (FONSI) is attached/is being prepared.

The impact of this action is considered to be significant. An Environmental Impact Statement (EIS), or supplement thereto, is attached/is being prepared.

#### 10. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Environmental Baseline Study (EBS) or Preliminary Assessment

**Screening (PAS):**

An EBS/PAS has been conducted and no HTRW substances were identified as released, stored, or disposed on the property in the threshold quantities. Copy is attached.

A EBS/PAS has been conducted which indicates HTRW substances were released, stored, or disposed on the property in the threshold quantities. The CERCLA notice should be included in the outgrant document. Copy is attached containing the details. Choose one:

a. Remedial actions have been taken so that the property is considered safe for the proposed use.

b. Remedial actions have not been taken. Provide details and justification for outgranting in the current condition.

**11. Real Property Contaminated with Ammunition, Explosives or Chemicals.**

The property has been decontaminated using the most appropriate technology consistent with the proposed use of the property.

Transfers is to another Federal agencies for compatible use of surface decontaminated real property, subject to the following limitations, restrictions and prohibitions concerning the use of the property, to ensure personnel and environmental protection: \_\_\_\_\_

Access rights are reserved to implement any monitoring plan.

Coordination with HQDA, DACS-SF and DAMO-SWS attached with the Land Disposal Site Plan (LDSP). Reference AR 385-64, "U.S. Army Explosives Safety Program."

**12. WASTE DISPOSAL (The Solid Waste Recovery Act, as amended; Resource Conservation and Recovery Act (RCRA)).**

The applicant will not generate hazardous waste or will not treat, dispose or store waste defined by EPA as having the following characteristics - corrosivity, ignitability, reactivity, or toxicity.

The applicant will generate hazardous waste or will produce waste defined by EPA as having the following characteristics - corrosivity, ignitability, reactivity, or toxicity. Choose the appropriate:

a. The applicant has obtained a hazardous waste identification number from EPA and, if applicable, the state.

b. The applicant has established records, waste management requirements, and a Spill Prevention Plan.

13. Underground/Other Storage Tanks.

There are no UST on the property and the applicant will not be installing tanks.

There are no above ground storage tanks for fuel or other regulated substances and the applicant will not be installing tanks.

There are UST on the property and/or the applicant will be installing tanks.  
Existing tanks are in compliance with current laws and regulations: \_\_\_\_ Yes \_\_\_\_  
No. Construction of proposed tanks have been certified for such compliance: \_\_\_\_  
Yes \_\_\_\_ No.

There are above ground storage tanks for fuel or other regulated substances on the property and/or the applicant will be installing tanks. Existing tanks are in compliance with current laws and regulations: \_\_\_\_ Yes \_\_\_\_ No. Construction of proposed tanks have been certified for such compliance: \_\_\_\_ Yes \_\_\_\_ No.

14. ADDITIONAL COMMENTS: \_\_\_\_\_

1 Jul 08  
Date

  
SIGNATURE  
(Title)