



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Sacramento Fish and Wildlife Office  
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In reply refer to:  
1-1-04-I-0721

**FEB 15 2005**

## Memorandum

**To:** Area Manager, Northern California Area Office, Bureau of Reclamation, Sacramento, California

**From:** *pv* Field Supervisor, Sacramento Fish and Wildlife Office, Sacramento, California  
*David Sanchez*

**Subject:** Conclusion of Consultation on Long-Term Renewal of Five Water Service Contract in the Sacramento River Division

This memorandum is in response to your April 13, 2004, letter requesting formal consultation on the proposed long term renewal of Central Valley Project water service contracts in the Shasta, Trinity, and Sacramento River Divisions of the Northern California Area Office. Your request was received by the U.S. Fish and Wildlife Service (Service) on April 14, 2004. This response is in accordance with the Endangered Species Act of 1973, as amended.

### Conclusion of Informal Consultation

We have reviewed the information provided in your April 13, 2004 letter; the accompanying Biological Assessments for long-term contract renewals provided for the Shasta and Trinity River Divisions (dated August 2003) and the Black Butte, Corning Canal, and Tehama-Colusa Canal Units (dated April 2004); supplemental information provided by your office and by the U.S. Bureau of Reclamation (Reclamation) Mid-Pacific Regional Office, including GIS data; and other information available to us. We have determined that the proposed renewal of the Sacramento River Division's long term water service contract for the Kirkwood Water District, Glide Water District, Stonyford, Whitney Construction, and the U.S. Forest Service is not likely to adversely affect listed species or critical habitat.

For most of the water districts, there are no listed species, associated habitats, or critical habitat within the district boundaries and therefore we do not believe that there will be measurable direct or indirect effects on them as a result of the proposed action. However, there may be seasonal wetlands that have the potential to support listed vernal pool crustacean habitat within the Kirkwood Water District boundaries.

Projects or actions that involve significant modification of the landscape could contribute to adverse effects to vernal pool crustaceans, should they occur in this area of the district. For instance, the proposed water service contract for Kirkwood allows the district the opportunity to

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receive water for municipal and industrial (M&I) purposes including for use in municipalities and commercial and residential developments. This availability of M&I water to the district could result in growth-inducing effects resulting in land transfers and/or sales where the land could be significantly altered and habitat destroyed. If constructed in the area of the district where vernal pools currently exist, these projects will contribute to the loss and degradation of habitats of listed species across their range, particularly in Tehama County. These activities may alter vernal pool crustacean habitat and can potentially harass, harm, injure, or kill these species.

In most cases, these actions would be subject to Federal review. Projects involving waters of the United States, including many vernal pools and seasonal wetlands, may require a 404 permit from the U.S. Army Corps of Engineers. Approvals or permitting by Federal agencies constitutes a Federal action pursuant to the Act and would therefore require Section 7 consultation prior to the action. The Service will analyze these projects or actions to determine if they will result in the jeopardy of federally-listed species and/or adverse modification and destruction of critical habitat for these species. Projects that involve the establishment of annually-tilled crops in the area where vernal pools currently exist, are prohibited by the Farm Bill from filling any seasonal wetland, including vernal pools, to establish such crops. Prior to the establishment of additional crops, landowners must consult the Natural Resources Conservation Service who will determine if the proposed establishment of such crops is compliant with the Farm Bill and the Act.

Due to the likelihood that Federal review would be required for actions that would adversely affect vernal pool crustaceans and/or their associated habitats, we do not believe that there will be measurable direct or indirect effects on them as a result of the proposed action. This consultation does not exempt private parties from the prohibitions of section 9 of the Act for incidental take that may result from the use or application of Central Valley Project water.

This concludes informal consultation on renewal of the Kirkwood Water District, Glide Water District, Stonyford, Whitney Construction, and the U.S. Forest Service CVP water service contracts. No further action is needed unless: (1) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered; (2) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered; or (3) a new species is listed or critical habitat designated that may be affected by the action; and (4) discretionary Federal agency involvement or control over the action is maintained (or is authorized by law). Reclamation should continue to monitor these actions and review this determination as needed based on the reinitiation criteria.

If you have questions regarding the proposed project, please contact Jan Knight at (916) 414-6620.