

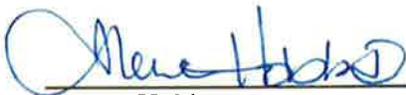
RECLAMATION

Managing Water in the West

Categorical Exclusion Checklist (CEC)

Colusa County Water District Discharge Facility – Tehama-Colusa Canal, Milepost 95.69L

NCAO-CEC-14-2

Prepared by:  Date: 1/28/2014
Irene Hobbs
Realty Specialist
Northern California Area Office

Concurrence by: See Attachment 2 Date: January 22, 2014
Patricia Rivera
Native American Affairs Program Manager
Mid-Pacific Regional Office

Concurrence by: See Attachment 3 Date: January 28, 2014
William Soule
Archaeologist
Mid-Pacific Regional Office

Concurrence by:  Date: 1/28/2014
Paul Zedonis
Natural Resource Specialist
Northern California Area Office

Approved by:  Date: 1/28/14
for: Brian Person
Area Manager
Northern California Area Office



Proposed Action

Colusa County Water District (District) is requesting permission to install, operate and maintain a new discharge facility at Milepost 95.69L on the Tehama Colusa Canal (TCC) (Figure 1). This new discharge facility is in accordance with the District’s Warren Act Contract No. 04-WC-20-2867. The new 10-inch PVC pipeline will be installed from a well located on land owned by Mr. Floyd Harlan and run onto Reclamation’s right-of way across the operation and maintenance access road and extend into the canal through the embankment. A backhoe would be used to dig the trench. Soils extracted by trenching would be prevented from entering the canal and would be reused to cover the new pipeline. All land disturbance associated with this action will occur on land that was previously disturbed when the TCC was constructed. The pipeline over the U.S. right of way and access road shall have a minimum of 2-feet of cover. A cross sectional view of the project area is shown in Figure 2. This action would occur in late winter or early spring in preparation for the irrigation season. The license period will be for no longer than ten years. Photos of the action area are provided in Figure 3..

The Tehama-Colusa Canal Authority (TCCA) has reviewed the District’s request and an onsite inspection was conducted on January 17, 2014, with TCCA, the District, Reclamation personnel and the landowner present. It was determined the proposed facility will not interfere with the operation and maintenance of the TCCA.

The proposed discharge facility location is in Section 32, Township 14 North, Range 2 West, Mount Diablo Meridian in Colusa County.

Biological Resources

According to the California Natural Diversity Database (CNDDDB), the Arbuckle quad where this action would occur has known observations for two Federally listed species of concern, namely the giant garter snake (*Thamnophis gigas*) and the Palmated-bracted salty bird’s beak (*Chloropyron palmatum*). Additionally, the U.S. Fish and Wildlife Service’s online database identifies several species or their habitat that may exist in the Arbuckle quad (Attachment 1). In review of the species and their habitat requirements, Reclamation has determined that the proposed action will have no effect on these species because the area that will be temporarily disturbed does not constitute habitat for any of these species. The canal itself is concrete lined, and the TCCA regularly maintains the area and engages in a weed abatement program along both the right-of-way and in the canal.

Bureau of Reclamation Categorical Exclusion:– 516 DM 14.5, D(10): Issuance of permits, licenses, easements and crossing agreements which provide right-of-way over Bureau of Reclamation lands where the action does not allow or lead to larger public or private action.

Extraordinary Circumstances

Below is an evaluation of the extraordinary circumstances as required in 43 CFR 46.215.

- 1. This action would have a significant effect on the quality of the human environment (40 CFR 1502.3). No Uncertain Yes

2. This action would have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA Section 102(2)(E) and 43 CFR 46.215(c)). No Uncertain Yes
3. This action would have significant impacts on public health or safety (43 CFR 46.215(a)). No Uncertain Yes
4. This action would have significant impacts on such natural resources and unique geographical characteristics as historic or cultural resources; parks, recreation, and refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); flood plains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas (43 CFR 46.215 (b)). No Uncertain Yes
5. This action would have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks (43 CFR 46.215(d)). No Uncertain Yes
6. This action would establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects (43 CFR 46.215 (e)). No Uncertain Yes
7. This action would have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects (43 CFR 46.215 (f)). No Uncertain Yes
8. This action would have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by Reclamation (LND 02-01; and 43 CFR 46.215 (g)). No Uncertain Yes
9. This action would 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 for these species (43 CFR 46.215 (h)). No Uncertain Yes
10. This action would violate a Federal, Tribal, State, or local law or requirement imposed for protection of the environment (43 CFR 46.215 (i)). No Uncertain Yes

- 11. This action would affect ITAs (512 DM 2, Policy Memorandum dated December 15, 1993). No Uncertain Yes
- 12. This action would have a disproportionately high and adverse effect on low income or minority populations (EO 12898; and 43 CFR 46.215 (j)). No Uncertain Yes
- 13. This action would 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 (EO 13007; 43 CFR 46.215 (k); and 512 DM 3). No Uncertain Yes
- 14. This action would 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; EO 13112; and 43 CFR 46.215 (l)). No Uncertain Yes

Regional Archeologist concurred with Item 8 (email attached).

ITA Designee concurred with Item 11 (email attached).

NEPA Action Recommended

CEC – This action is covered by the exclusion category and no extraordinary circumstances exist. The action is excluded from further documentation in an EA or EIS.

Further environmental review is required, and the following document should be prepared.

- EA
- EIS

Environmental commitments, explanations, and/or remarks:

Cost Authority Number for this request is: 14XR0680A2 RX.07258947.3230000



Google earth

Figure 1. Project Location

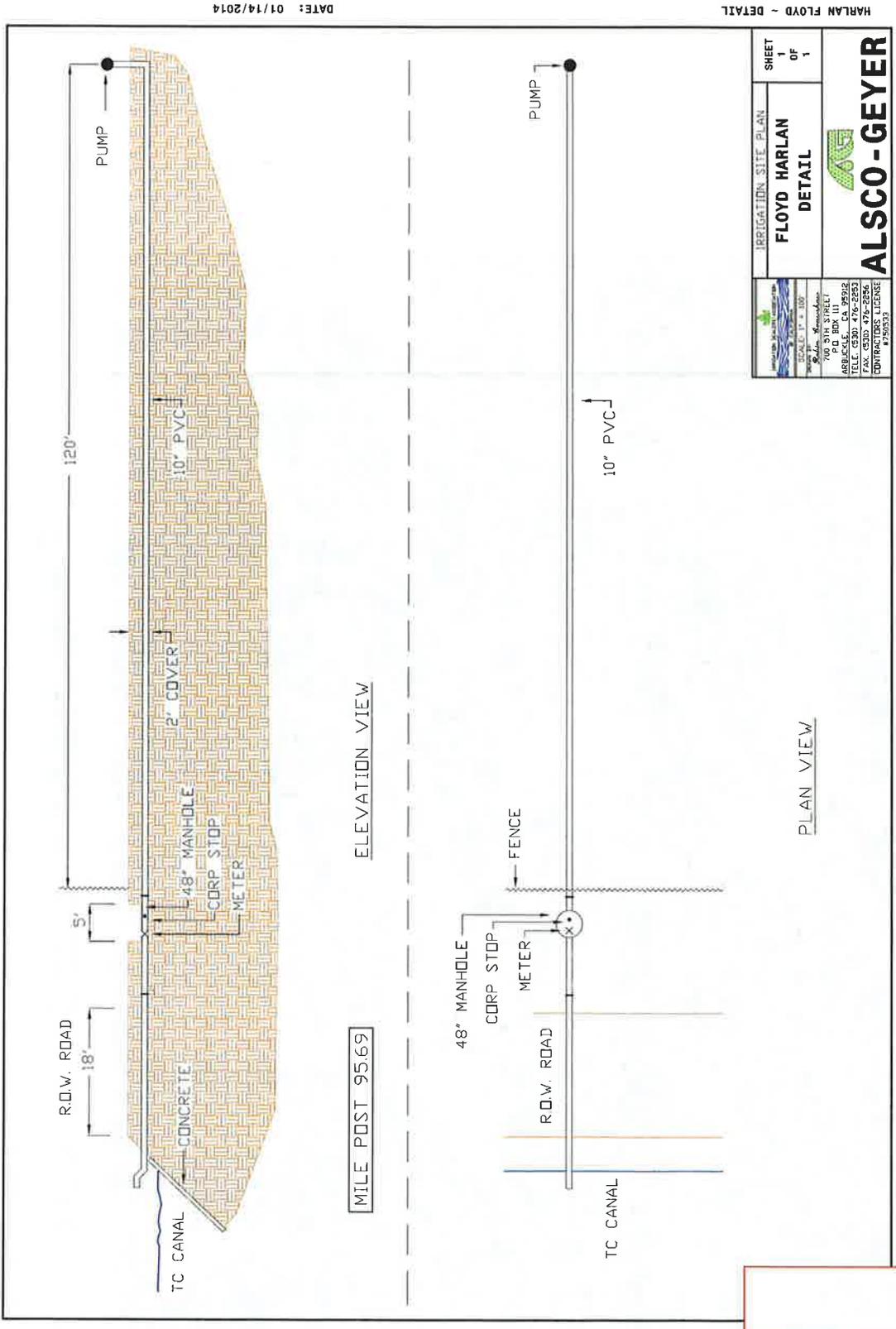


Figure 2. Elevation and plan views of the project.



Figure 3. Approximate pipeline location (black line) for the Floyd Harlan Discharge facility installation. Photo "A" is looking southward from the below the canal berm to the TCC, Photo "B" is looking northward to the pump station location.

Attachment 1. Fish and Wildlife Service list of species of concern in the Arbuckle quad.

**U.S. Fish & Wildlife Service
Sacramento Fish & Wildlife Office**

Federal Endangered and Threatened Species that Occur in
or may be Affected by Projects in the Counties and/or
U.S.G.S. 7 1/2 Minute Quads you requested

Document Number: 140122111404

Database Last Updated: September 18, 2011

Quad Lists

Listed Species

Invertebrates

- Branchinecta lynchi*
vernal pool fairy shrimp (T)
- Desmocerus californicus dimorphus*
valley elderberry longhorn beetle (T)
- Lepidurus packardii*
vernal pool tadpole shrimp (E)

Fish

- Hypomesus transpacificus*
delta smelt (T)
- Oncorhynchus mykiss*
Central Valley steelhead (T) (NMFS)
- Oncorhynchus tshawytscha*
Central Valley spring-run chinook salmon (T) (NMFS)
winter-run chinook salmon, Sacramento River (E) (NMFS)

Amphibians

- Ambystoma californiense*
California tiger salamander, central population (T)
- Rana draytonii*
California red-legged frog (T)

Reptiles

- Thamnophis gigas*
giant garter snake (T)

Birds

- Strix occidentalis caurina*
northern spotted owl (T)

Plants

- Cordylanthus palmatus*
palmate-bracted bird's-beak (E)

Candidate Species

Birds

- Coccyzus americanus occidentalis*
Western yellow-billed cuckoo (C)

Quads Containing Listed, Proposed or Candidate Species:

ARBUCKLE (546D)

County Lists

Listed Species

Invertebrates

- Branchinecta conservatio*
Conservancy fairy shrimp (E)

S

Branchinecta lynchi
vernal pool fairy shrimp (T)

S

Desmocerus californicus dimorphus
valley elderberry longhorn beetle (T)

S

Leptodurus packardii
Critical habitat, vernal pool tadpole shrimp (X)
vernal pool tadpole shrimp (E)

S

Syncaris pacifica
California freshwater shrimp (E)

S

Fish

Acipenser medirostris
green sturgeon (T) (NMFS)

S

Hypomesus transpacificus
delta smelt (T)

S

Oncorhynchus mykiss
Central Valley steelhead (T) (NMFS)
Critical habitat, Central Valley steelhead (X) (NMFS)
Northern California steelhead (T) (NMFS)

S

Oncorhynchus tshawytscha
Central Valley spring-run chinook salmon (T) (NMFS)
Critical Habitat, Central Valley spring-run chinook (X) (NMFS)
Critical habitat, winter-run chinook salmon (X) (NMFS)
winter-run chinook salmon, Sacramento River (E) (NMFS)

S

Amphibians

Ambystoma californiense
California tiger salamander, central population (T)
Critical habitat, CA tiger salamander, central population (X)

S

Rana draytonii
California red-legged frog (T)

S

Reptiles

Thamnophis gigas
giant garter snake (T)

S

Birds

Strix occidentalis caurina

S northern spotted owl (T)

Plants

Chamaesyce hooveri
Hoover's spurge (T)
S

Cordylanthus palmatus
palmate-bracted bird's-beak (E)
S

Neostapfia colusana
Colusa grass (T)
S

Orcuttia pilosa
hairy Orcutt grass (E)
S

Sidaicea keckii
Keck's checker-mallow (=checkerbloom) (E)
S

Tuctoria greenii
Greene's tuctoria (=Orcutt grass) (E)
S

Candidate Species

Birds

Coccyzus americanus occidentalis
Western yellow-billed cuckoo (C)
S

Mammals

Martes pennanti
fisher (C)
S

Key:

- (E) *Endangered* - Listed as being in danger of extinction.
- (T) *Threatened* - Listed as likely to become endangered within the foreseeable future.
- (P) *Proposed* - Officially proposed in the Federal Register for listing as endangered or threatened.
- (NHP) Species under the Jurisdiction of the National Oceanic & Atmospheric Administration Fisheries Service. Consult with them directly about these species.
- Critical Habitat* - Area essential to the conservation of a species.
- (PX) *Proposed Critical Habitat* - The species is already listed. Critical habitat is being proposed for it.
- (C) *Candidate* - Candidate to become a proposed species.
- (V) *Vacated* by a court order. Not currently in effect. Being reviewed by the Service.
- (X) *Critical Habitat* designated for this species

Important Information About Your Species List

How We Make Species Lists

We store information about endangered and threatened species lists by U.S. Geological Survey 7½ minute quads. The United States is divided into these quads, which are about the

size of San Francisco.

The animals on your species list are ones that occur within, or may be affected by projects within, the quads covered by the list.

- Fish and other aquatic species appear on your list if they are in the same watershed as your quad or if water use in your quad might affect them.
- Amphibians will be on the list for a quad or county if pesticides applied in that area may be carried to their habitat by air currents.
- Birds are shown regardless of whether they are resident or migratory. Relevant birds on the county list should be considered regardless of whether they appear on a quad list.

Plants

Any plants on your list are ones that have actually been observed in the area covered by the list. Plants may exist in an area without ever having been detected there. You can find out what's in the surrounding quads through the California Native Plant Society's online [Inventory of Rare and Endangered Plants](#).

Surveying

Some of the species on your list may not be affected by your project. A trained biologist and/or botanist, familiar with the habitat requirements of the species on your list, should determine whether they or habitats suitable for them may be affected by your project. We recommend that your surveys include any proposed and candidate species on your list. See our [Protocol](#) and [Recovery Permits](#) pages.

For plant surveys, we recommend using the [Guidelines for Conducting and Reporting Botanical Inventories](#). The results of your surveys should be published in any environmental documents prepared for your project.

Your Responsibilities Under the Endangered Species Act

All animals identified as listed above are fully protected under the Endangered Species Act of 1973, as amended. Section 9 of the Act and its implementing regulations prohibit the take of a federally listed wildlife species. Take is defined by the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any such animal.

Take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR §17.3).

Take incidental to an otherwise lawful activity may be authorized by one of two procedures:

- If a Federal agency is involved with the permitting, funding, or carrying out of a project that may result in take, then that agency must engage in a formal [consultation](#) with the Service. During formal consultation, the Federal agency, the applicant and the Service work together to avoid or minimize the impact on listed species and their habitat. Such consultation would result in a biological opinion by the Service addressing the anticipated effect of the project on listed and proposed species. The opinion may authorize a limited level of incidental take.
- If no Federal agency is involved with the project, and federally listed species may be taken as part of the project, then you, the applicant, should apply for an incidental take permit. The Service may issue such a permit if you submit a satisfactory conservation plan for the species that would be affected by your project.

Should your survey determine that federally listed or proposed species occur in the area and are likely to be affected by the project, we recommend that you work with this office and the California Department of Fish and Game to develop a plan that minimizes the project's direct and indirect impacts to listed species and compensates for project-related loss of habitat. You should include the plan in any environmental documents you file.

Critical Habitat

When a species is listed as endangered or threatened, areas of habitat considered essential

to its conservation may be designated as critical habitat. These areas may require special management considerations or protection. They provide needed space for growth and normal behavior; food, water, air, light, other nutritional or physiological requirements; cover or shelter; and sites for breeding, reproduction, rearing of offspring, germination or seed dispersal.

Although critical habitat may be designated on private or State lands, activities on these lands are not restricted unless there is Federal involvement in the activities or direct harm to listed wildlife.

If any species has proposed or designated critical habitat within a quad, there will be a separate line for this on the species list. Boundary descriptions of the critical habitat may be found in the Federal Register. The information is also reprinted in the Code of Federal Regulations (50 CFR 17.95). See our [Map Room](#) page.

Candidate Species

We recommend that you address impacts to candidate species. We put plants and animals on our candidate list when we have enough scientific information to eventually propose them for listing as threatened or endangered. By considering these species early in your planning process you may be able to avoid the problems that could develop if one of these candidates was listed before the end of your project.

Species of Concern

The Sacramento Fish & Wildlife Office no longer maintains a list of species of concern. However, various other agencies and organizations maintain lists of at-risk species. These lists provide essential information for land management planning and conservation efforts. [More info](#)

Wetlands

If your project will impact wetlands, riparian habitat, or other jurisdictional waters as defined by section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act, you will need to obtain a permit from the U.S. Army Corps of Engineers. Impacts to wetland habitats require site specific mitigation and monitoring. For questions regarding wetlands, please contact Mark Littlefield of this office at (916) 414-6520.

Updates

Our database is constantly updated as species are proposed, listed and delisted. If you address proposed and candidate species in your planning, this should not be a problem. However, we recommend that you get an updated list every 90 days. That would be April 22, 2014.

Attachment 2. ITA concurrence



**CR & ITA Review: NCAO CEC CCWD Discharge Facility -TCC- MP95.69L
01/22/14**

RIVERA, PATRICIA <privera@usbr.gov>

Wed, Jan 22, 2014 at 4:23 PM

To: "Zedonis, Paul" <pzedonis@usbr.gov>

Cc: Kristi Seabrook <kseabrook@usbr.gov>, Mary Williams <marywilliams@usbr.gov>

Paul,

I reviewed the proposed action to approve Colusa County Water District's (District) request to install, operate and maintain a new discharge facility at Milepost 95.69L on the Tehama Colusa Canal (TCC). This new discharge facility is in accordance with the District's Warren Act Contract No. 04-WC-20-2867.

The proposed action does not have a potential to impact Indian Trust Assets.

Patricia Rivera
Native American Affairs Program Manager
US Bureau of Reclamation
Mid-Pacific Region
2800 Sacramento, California 95825
(916) 978-5194

Attachment 3. Cultural Resource concurrence

**CULTURAL RESOURCE COMPLIANCE
Reclamation Division of Environmental Affairs
MP-153**

MP-153 Tracking Number: 14-NCAO-077

Project Name: Colusa County Water District (CCWD) Discharge Facility – Tehama-Colusa Canal (TCC) Milepost 95.69L

NEPA Document: NCAO-CEC-14-2

NEPA Contact: Paul Zedonis, Natural Resources Specialist

MP 153 Cultural Resources Reviewer: William Soule, Archaeologist

Date: 01/28/2014

The undertaking by Reclamation is to grant permission to the CCWD to install, operate, and maintain a new discharge facility at Milepost 95.69L on the TCC. This is the type of undertaking that does not have the potential to cause effects to historic properties, should such historic properties be present, pursuant to the National Historic Preservation Act (NHPA) Section 106 regulations codified at 36 CFR Part 800.3(a)(1).

CCWD is requesting permission to install, operate and maintain a new discharge facility at Milepost 95.69L on the Tehama Colusa Canal (TCC) (Figure 1). This new discharge facility is in accordance with the District's Warren Act Contract No. 04-WC-20-2867. The new 10-inch PVC pipeline will be installed from a well located on land owned by Mr. Floyd Harlan and run onto Reclamation's right-of way across the operation and maintenance access road and extend into the canal through the embankment.

After reviewing the materials submitted by NCAO, I concur with a statement in NCAO-CEC-14-2 that this action would not have significant effects on properties listed, or eligible for listing, on the National Register of Historic Places as determined by Reclamation. With this determination, Reclamation has no further NHPA Section 106 obligations. This memorandum is intended to convey the completion of the NHPA Section 106 process for this undertaking. Please retain a copy in the administrative record for this action. Should changes be made to this project, additional NHPA Section 106 review, possibly including consultation with the State Historic Preservation Officer, may be necessary. Thank you for providing the opportunity to comment.

CC: Cultural Resources Branch (MP-153), Anastasia Leigh – Regional Environmental Officer (MP-150)