

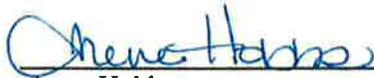
RECLAMATION

Managing Water in the West

Categorical Exclusion Checklist (CEC)

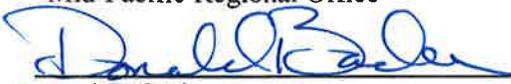
Tehama County Public Works - Elder Creek Levee Repair - Excavation and Removal of Tehama-Colusa Canal Spoils – TCC Milepost 8.20

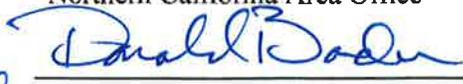
NCAO-CEC-15-18

Prepared by:  Date: 12/17/2015
Irene Hobbs
Realty Specialist
Northern California Area Office

Concurrence by: See Attachment 1 Date: September 16, 2015
Megan Simon
Northern California Area Office Designee
for Tribal Trust Assets

Concurrence by: See Attachment 2 Date: _____
James D. Collis
Archaeologist
Mid-Pacific Regional Office

Concurrence by:  Date: 12/17/2015
for Paul Zedonis
Environmental and Natural Resources
Supervisory Specialist/Division Manager
Northern California Area Office

Approved by:  Date: 12/17/2015
for Federico Barajas
Area Manager
Northern California Area Office



Proposed Action

The Tehama County Public Works Department (County) has requested a permit to remove spoils from the construction of the Tehama Colusa Canal (TCC), placed on the Bureau of Reclamation's (Reclamation) land at TCC milepost 8.20, to repair the Elder Creek levee embankment, maintained by the County. The site is a TCC right-of-way (ROW) along the south bank of Elder Creek, approximately one-half mile west of San Benito Avenue in Gerber, CA and is located in Saucos Rancho Tehama Ranch Subdivision, Township 25 North, Ranch 3 West, M.D.M. of Tehama County.

The Elder Creek levee embankment has suffered severe erosion, necessitating its immediate repair. Recently-completed sampling indicated the spoils on Reclamation's land are geotechnically-suitable for use in the repair. At least 8,800, but no more than 10,000 cubic yards, of spoil would be excavated from the ROW and placed along the embankment. The action will be completed in the 2015 winter season.

It should be noted that, although the action under review by Reclamation in this CEC is the removal of the borrow material from the ROW, the Corps designated Reclamation as the Federal lead agency for the National Historic Preservation Act (NHPA) Section 106 review. Therefore, the Area of Potential Effect (APE) defined in Reclamation's Cultural Resources review also includes the material placement/levee repair site.

The ROW to be used for this action has been previously disturbed. The canal itself is concrete lined. The TCCA regularly maintains the area and engages in a weed abatement program along both the ROW and in the canal.

The Tehama-Colusa Canal Authority (TCCA) and a Reclamation engineer have reviewed the Proposed Action. It has been determined the proposed activity will not interfere with the operation and maintenance of the TCC.

According to a report generated via the US Fish & Wildlife Service's (Service) Information for Planning and Conservation (IPaC) application, nine (9) species Federally-listed as Endangered or Threatened have the potential to inhabit the Gerber quadrangle, in which the site is located. However, no Critical Habitat has been designated for these species in the site vicinity. In addition, no observations of any of these species were recorded in the California Natural Diversity Database (CNDDDB) within one mile of the borrow area. The majority of the species listed in the IPaC report do not have adequate or appropriate habitat at the site, with the notable exception of the Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), which lives its entire lifecycle in elderberry shrubs, such as those present on both the subject material borrow site and the adjacent material placement site.

Exclusion Categories

D.10. Issuance of permits, licenses, easements, and crossing agreements which provide right-of-way over Bureau lands where the action does not allow for or lead to a major 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 No Uncertain Yes

designated critical habitat for these species (43 CFR 46.215 (h)).

- 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:

The County received a Clean Water Act (CWA) Section 401 water quality certification from the State Water Quality Control Board in conjunction with the repair project, as well concurrence from the Corps that the project is covered, for CWA Section 404 compliance, under Nationwide Permits (NWP) 3 (Maintenance) and 13 (Bank Stabilization). The County has also filed CEQA Categorical Exemption documentation for the project.

The County will adhere to Best Management Practices (BMPs) in concert with the NWP coverage, including but not limited to the following:

- Sediment and erosion control practices will be instituted;
- Topographic surveys and construction staking will be used at the fill collection location to delineate the difference between spoil material and native soils, and;
- Work crews will be educated about the importance of not disturbing native soils and the appropriate actions to take if any previously unknown historic, cultural, or archaeological remains or artifacts are discovered during implementation of the project.

With regard to the potential presence of protected species, the County's consultant completed a Biological Assessment for the Valley elderberry longhorn beetle (beetle) due to the presence of elderberry shrubs on Reclamation's property, as well as the levee embankment. As a consequence, the Corps, as the Federal lead agency for the repair project, completed informal consultation with the Service on the Corps' determination that the project, include the site, as defined by Reclamation for the purposes of its review, "may affect, but is not likely to adversely affect" the beetle. In a letter dated December 1, 2015 (Attachment 3), the Service: noted that the project area is not Critical Habitat for the beetle; concurred with the determination of "may affect, but is not likely to adversely affect" the beetle, and; endorsed the County's proposed avoidance and minimization plan, to be adhered to during site preparation and construction activities for the protection of the beetle and its habitat. The avoidance and minimization plan includes the establishment of setbacks around the elderberry shrubs, imposed by chain link fence, in addition to the following measures:

- No work will be conducted between March 15 and June 15, the emergence period of the beetle;
- A worker awareness training program for construction personal will be conducted by a qualified biologist before construction activities begin. The program will inform all construction personnel about the life history and status of the beetle and the need to avoid damaging the elderberry plants;
- Water will be applied to unpaved haul roads, and to other areas disturbed by the project which may have the potential for produce dust. Water will be applied to these areas at a minimum of twice daily by means of a water truck to control fugitive dust; and
- Project-related vehicles shall observe a 20-mile-per-hour speed limit within construction areas, except on existing paved roads where they shall adhere to posted speed limits.

Figure 1. Vicinity Maps

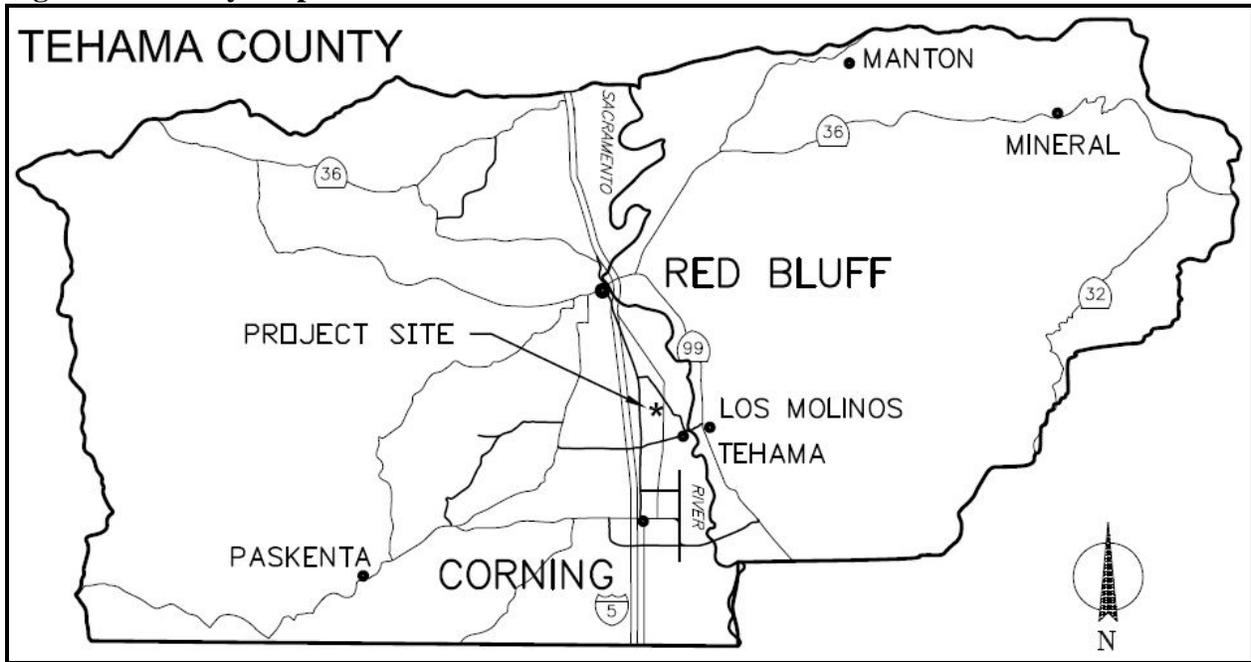


Figure 1A (adapted from Tehama Co. Public Works Temporary Use Exhibit 'A' for the Tehama-Colusa Canal Project No. 940953)

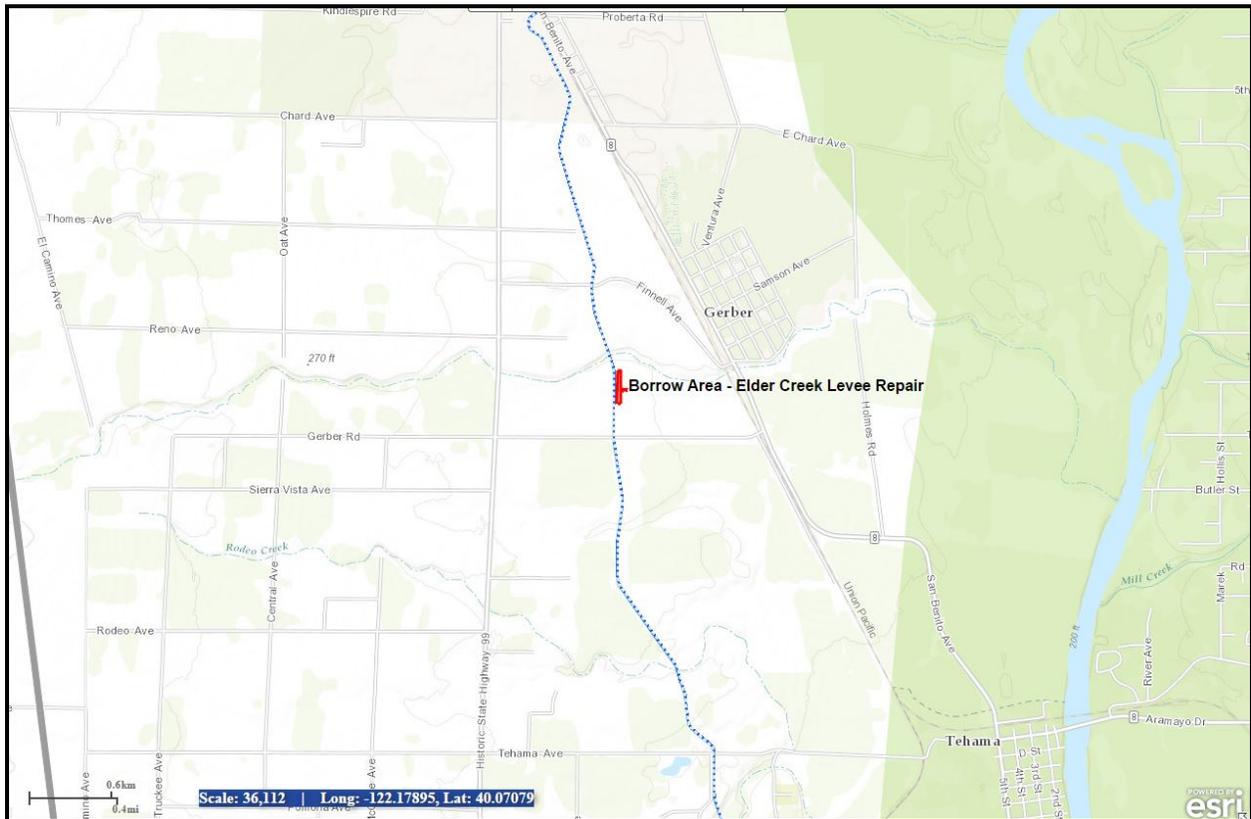


Figure 1B

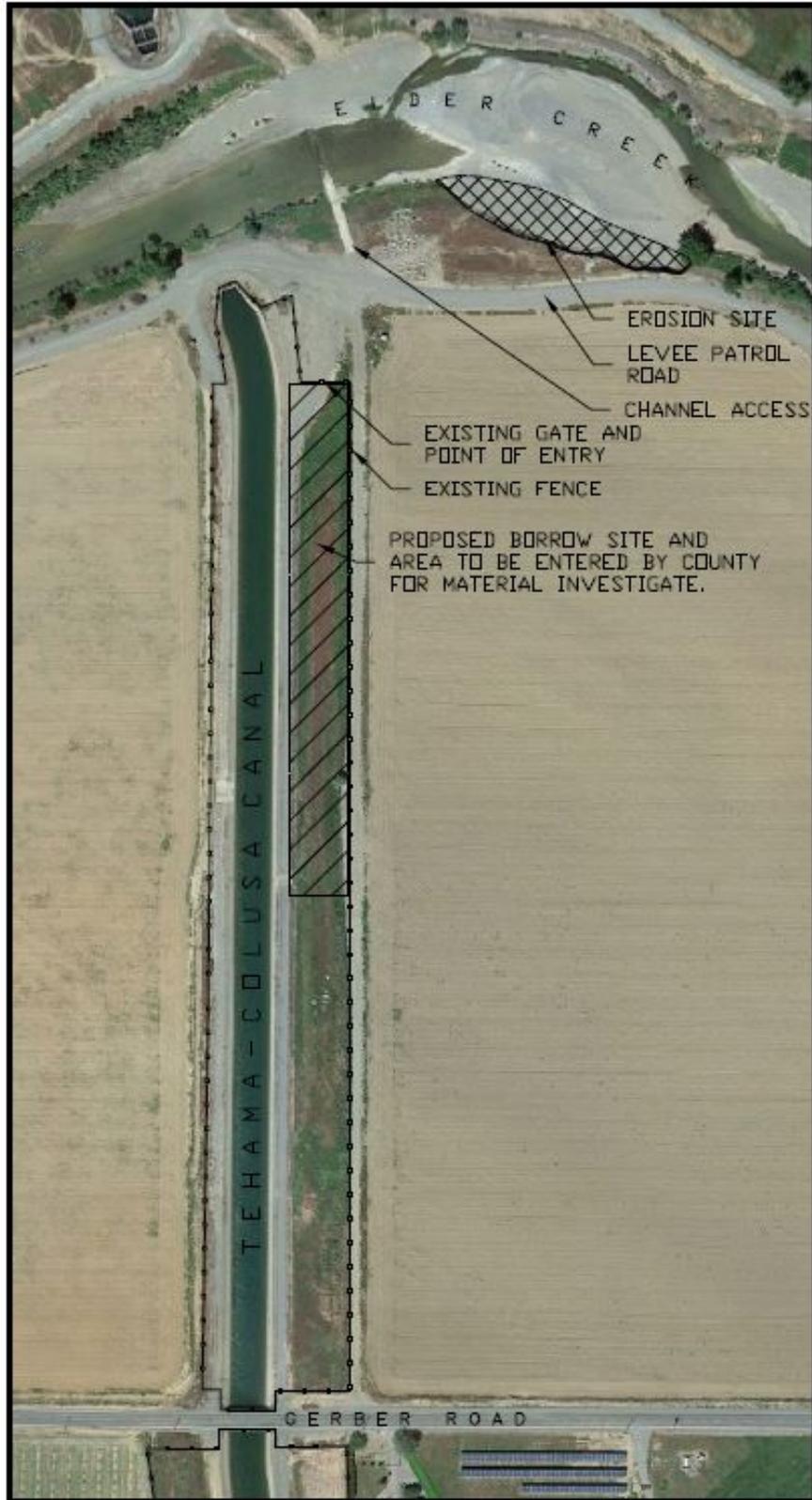
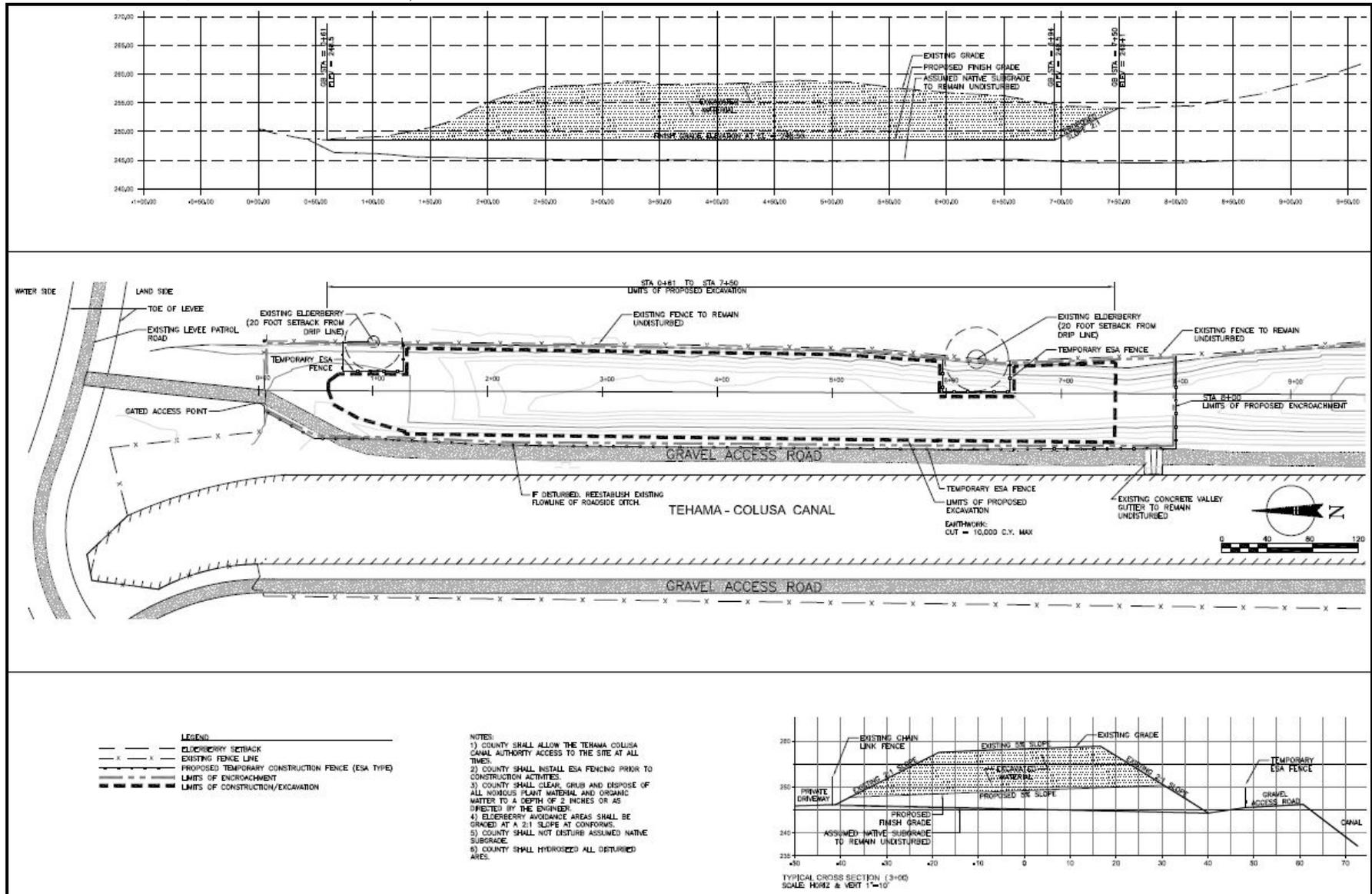


Figure 2A. Approximate limits of proposed excavation (diagonal hatching).

Figure 2B. Site Plan (extracted from Tehama Co. Public Works “Tehama Colusa Canal Borrow Material Earthwork Plan P-1; horizontal scale: 1” = 40’; vertical scale: 1” = 5’)





Photograph 1: View of site to south.



Photograph 2: View to north of bank erosion requiring material for repair.

Attachment 1. Indian Trust Asset Review



Simon, Megan <msimon@usbr.gov>

ITA Review - TCPW Elder Creek Levee Repair Investigative Sampling

1 message

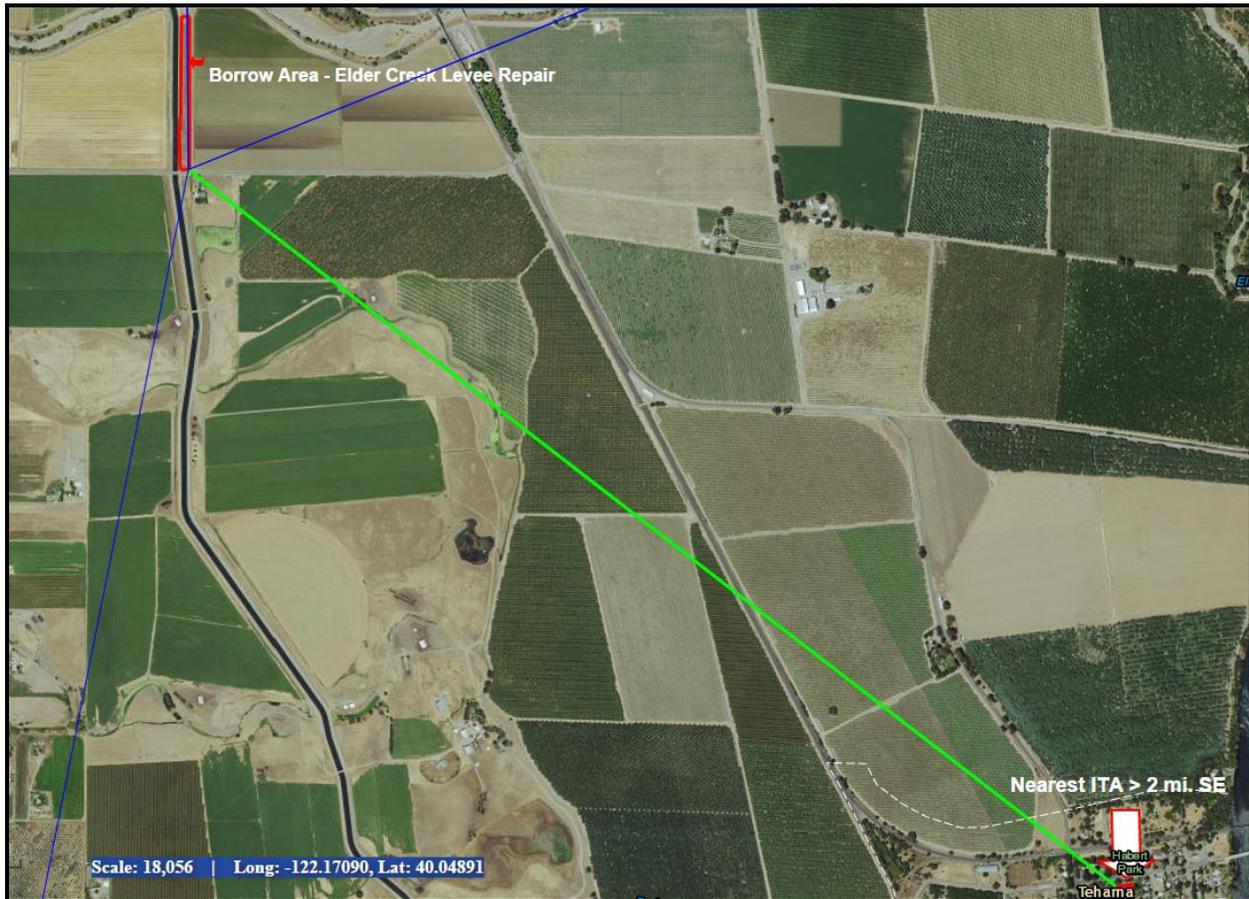
Simon, Megan <msimon@usbr.gov>
To: Paul Zedonis <pzedonis@usbr.gov>

Wed, Sep 16, 2015 at 4:10 PM

I have examined the proposal Tehama County Public Works - Elder Creek Levee Repair - Investigative Sampling of Tehama-Colusa Canal Spoils - TCC Milepost 8.20, and have determined that this facility is at least 2 miles from the closest Indian Trust Asset. I have determined that there is no likelihood that this facility will adversely impact Indian Trust Assets.

Megan K. Simon

Natural Resources Specialist
U.S. Bureau of Reclamation
Northern California Area Office
16349 Shasta Dam Blvd.
Shasta Lake, CA 96019
(530) 276-2045
msimon@usbr.gov



Attachment 2. Cultural Resources Review

CULTURAL RESOURCES COMPLIANCE
Division of Environmental Affairs
Cultural Resources Branch (MP-153)

MP-153 Tracking Number: 15-NCAO-262.001

Project Name: Tehama County Public Works (TCPW) Elder Creek Levee Repair Project,
Tehama County, California

NEPA Contact: Megan Simon, Natural Resources Specialist

MP 153 Cultural Resources Reviewer: James D. Collis, Archaeologist

Date: December 16, 2015

The Bureau of Reclamation intends to provide approval to the TCPW to utilize an existing spoil pile on Reclamation land as borrow material to repair erosion damage to the nearby Elder Creek levee. The issuance of Reclamation approval constitutes an undertaking as defined in 36 CFR § 800.16(y) and is a type of activity that has the potential to cause effects to historic properties under 36 CFR § 800.3(a). The U.S. Army Corps of Engineers (Corps) also has a permitting role in the project, with Reclamation designated as the lead Federal agency for Section 106 compliance.

During the winter of 2014, TCPW identified an urgent need to repair the eroded sections of the Elder Creek levee. Suitable borrow materials were identified in a nearby spoil pile created from the construction and ongoing operations and maintenance for the Tehama-Colusa Canal (TCC). All material would be removed from the upper, disturbed portions of the spoil pile, with a buffer of this disturbed material maintained above the original ground surface underlying the pile. The two work areas are approximately 322 feet apart. Access between the two locations would be entirely on graded or otherwise existing roads.

Reclamation has determined that the area of potential effects (APE) for the proposed project includes the portion of the levee needed for repairs and the portions of the spoil pile to be used for the repairs. Access will be via existing roads. The APE is located in sections 1 and 2, T. 24 N., R. 3 W., Mount Diablo Meridian, as depicted on the Gerber, California, 7.5' U.S. Geological Survey topographic quadrangle map. The portion of the levee on Elder Creek that is to be repaired encompasses an area of approximately 0.5 acres and the extent of the spoil pile is approximately 2.98 acres. The combined APE for this project totals approximately 3.5 acres. The vertical APE is limited to the amount of borrow material removed from above the natural ground surface and the levee repair area. There will be no atmospheric emissions, noise, or visual effects discernible after the repairs on the levee are completed.

In an effort to identify historic properties, Reclamation conducted records searches through internal archives, a search of General Land Office records, Native American coordination, and a physical reconnaissance of the project area. The current APE was subjected to a cultural reconnaissance by Reclamation staff on October 28, 2015. The reconnaissance was negative for any cultural materials. These collective efforts resulted in the identification of two built cultural

CULTURAL RESOURCES COMPLIANCE

Division of Environmental Affairs

Cultural Resources Branch (MP-153)

resources: the TCC and the Elder Creek levee. Reclamation has assumed eligibility for both of these resources for the purposes of this project only.

With regard to Reclamation responsibilities under 36 CFR §§ 800.3(f)(2) and 800.4(a)(4), Reclamation identified the Paskenta Band of Nomlaki Indians of California and the Redding Rancheria, California as Indian tribes that may have knowledge about cultural sites in the project area. Reclamation has submitted coordination letters to both of these tribes and will consider any comments that are received and consult as applicable.

The entirety of the proposed project is within highly disturbed soils. The levee repair would occur within the Elder Creek waterway, where constant and natural processes of soil deposition and removal create an environment where no intact cultural layer could maintain integrity. The spoil area along the TCC from which borrow material would be drawn is entirely constructed. Any cultural materials that may have existed within the spoil at the time of construction of the TCC would not have maintained integrity throughout the excavation and deposition processes that have occurred due to the construction and maintenance of the waterway. This berm has been and will continue to be modified through ongoing canal operations and maintenance activities as materials are deposited and removed. The canal itself will not be affected by any of the proposed actions for this undertaking. None of the proposed activities will affect the integrity of the TCC or its assumed association with the CVP.

Reclamation has determined that the proposed undertaking will result in no adverse effect to historic properties. Reclamation consulted with (November 16, 2015), and received concurrence from (December 16, 2015), the California SHPO on a finding of no adverse effects pursuant to 36 CFR §800.5(b). Consultation correspondence between Reclamation and the SHPO has been provided with this cultural resources compliance document for inclusion in the administrative record for this action.

This document serves as notification that Section 106 compliance has been completed for the undertaking described in the Cultural Resources Compliance Request dated October 26, 2015 for NEPA project NCAO-CEC-15-21. Please note that, if project activities subsequently change, additional NHPA Section 106 review, including further consultation with the SHPO, may be required. Thank you for providing the opportunity to comment.

Attachments

Letter: Reclamation to SHPO dated 11/16/2015

Letter: SHPO to Reclamation dated 12/16/2015

References

Collis, James D., and John Fogerty

2015 A Cultural Reconnaissance of the Tehama County Public Works Elder Creek Levee Repair Project, Tehama County, California. Project Number: 15-NCAO-262.001. U.S. Bureau of Reclamation, Sacramento, California.



United States Department of the Interior

BUREAU OF RECLAMATION
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825-1898

IN REPLY REFER TO:

MP-153
ENV-3.00

NOV 16 2015

CERTIFIED – RETURN RECEIPT REQUESTED

Ms. Julianne Polanco
State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

Subject: National Historic Preservation Act (NHPA) Section 106 Consultation for the Tehama County Public Works (TCPW) Elder Creek Levee Repair Project, Tehama County, California (15-NCAO-262.001)

Dear Ms. Polanco:

The Bureau of Reclamation is initiating consultation under 54 U.S.C. § 306108, formerly known as Section 106 of the NHPA, and its implementing regulations found at 36 CFR Part 800, for the proposed TCPW Elder Creek Levee Repair Project in Tehama County, California (Figure 1 in enclosed report). Reclamation proposes to provide approval to the TCPW to utilize an existing spoil pile on Reclamation land as borrow material to repair erosion damage to the nearby Elder Creek levee. The issuance of Reclamation approval for the proposed project constitutes an undertaking as defined in 36 CFR § 800.16(y) and is a type of activity that has the potential to cause effects to historic properties under 36 CFR § 800.3(a). The U.S. Army Corps of Engineers (Corps) will also have a permitting role in the project, with Reclamation designated as the lead Federal agency for Section 106 compliance (correspondence enclosed). We are entering into consultation with you on this undertaking and requesting concurrence on our finding of no adverse effect to historic properties.

During the winter of 2014, TCPW identified an urgent need to repair the eroded sections of the Elder Creek levee. Suitable borrow materials were identified in a nearby spoil pile created from the construction and ongoing operations and maintenance for the Tehama-Colusa Canal (TCC). All material would be removed from the upper, disturbed portions of the spoil pile with a buffer of this disturbed material maintained above the original ground surface underlying the pile (refer to photographs in enclosed report). The two work areas are approximately 322 feet apart. Access between the two locations would be entirely on graded or otherwise existing roads.

Reclamation has determined that the area of potential effects (APE) for the proposed project includes the portion of the levee needed for repairs and the portions of the spoil pile to be used

for the repairs (Figures 1 and 2 in the enclosed report). Access will be via existing roads. The APE is located in sections 1 and 2, T. 24 N., R. 3 W., Mount Diablo Meridian, as depicted on the Gerber, California, 7.5' U.S. Geological Survey topographic quadrangle map. The portion of the levee on Elder Creek that is to be repaired encompasses an area of approximately 0.5 acres and the extent of the spoil pile is approximately 2.98 acres. The combined APE for this project totals approximately 3.5 acres. The vertical APE is limited to the amount of borrow material removed and the levee repair area - all above the natural ground surface. There will be no atmospheric emissions, noise, or visual effects discernible after the repairs on the levee are completed.

In an effort to identify historic properties, Reclamation conducted records searches through internal archives, a search of General Land Office records, Native American coordination, and conducted a physical reconnaissance of the project area. Reclamation reviewed a draft cultural resources inventory that included a California Historic Records Information System records search conducted in 2014 (NEIC File #14-79) by AECOM for the Elder Creek Channel Rehabilitation Project (Martinez & Ambacher 2014). This inventory was conducted for the California Department of Water Resources who issued an Initial Study/Proposed Mitigated Negative Declaration for the rehabilitation project, dated May 2015, under the California Environmental Quality Act (posted at www.water.ca.gov; copy enclosed on compact disc). The AECOM draft report includes a historic context for the Elder Creek Channel and levee system (also presented in the enclosed Initial Study/Proposed Mitigated Negative Declaration). Since the current APE was not included in the AECOM surveys, it was subjected to a cultural reconnaissance by Mr. John Fogerty, Reclamation Archaeologist, on October 28, 2015. The reconnaissance was negative for any cultural materials (report enclosed). These efforts resulted in the identification of two built cultural resources: the TCC and the Elder Creek levee.

The TCC was constructed between 1965 and 1980 as part of the Sacramento Canals Unit of Reclamation's Central Valley Project (CVP) to provide irrigation water to the Sacramento Valley. Although the TCC has not been formally recorded, for purposes of this undertaking only, Reclamation will assume eligibility for listing on the National Register of Historic Places (National Register) through its association with the Central Valley Project (CVP). Reclamation considers the CVP to be eligible for listing for its association with California's economic and agricultural development and growth. The Elder Creek levee was recorded by AECOM for the 2014 report discussed above (Martinez & Ambacher 2014), although a determination of eligibility under the NHPA was not formally made or submitted to you. Through consultation with the Corps, it was agreed that Reclamation would submit the site record with a determination of eligibility for the levee. Based on an evaluation of the criteria of eligibility (36 CFR § 60.4), AECOM recommended the levee to be not eligible for listing on the National Register. Refer to the site record (Appendix A of the enclosed report) and to the cultural resources section of the enclosed Initial Study/Proposed Mitigated Negative Declaration for additional context and discussion. After reviewing the site recording and evaluation of eligibility, Reclamation determines that the Elder Creek levee is not eligible for inclusion on the National Register.

With regard to Reclamation responsibilities under 36 CFR §§ 800.3(f)(2) and 800.4(a)(4), Reclamation identified the Paskenta Band of Nomlaki Indians of California and the Redding Rancheria, California as Indian tribes that may have knowledge about cultural sites in the project area.

Reclamation has submitted coordination letters to both of these tribes and will consider any comments that are received and consult as applicable.

The entirety of the proposed project is within highly disturbed soils. The levee repair would occur within the Elder Creek waterway, where constant and natural processes of soil deposition and removal create an environment where no intact cultural layer could maintain integrity. The Elder Creek levee itself is not a historic property. The spoil area along the TCC from which borrow material would be drawn is entirely constructed. Any cultural materials that may have existed within the spoil at the time of construction of the TCC would not have maintained integrity throughout the excavation and deposition processes that have occurred due to the construction and maintenance of the waterway. This berm has been and will continue to be modified through ongoing canal operations and maintenance activities, as materials are deposited and removed. The canal itself will not be affected by any of the proposed actions for this undertaking. None of the proposed activities will affect the integrity of the TCC or its assumed association with the CVP.

Based on the information provided above and in the enclosed report, Reclamation finds that the proposed undertaking will result in no adverse effect to historic properties. We invite your comments on the delineation of the APE and the appropriateness of our historic properties identification efforts. Pursuant to 36 CFR § 800.5(b), we are also requesting your concurrence with our finding of no adverse effect by the proposed undertaking. In the event of any post-review discoveries, Reclamation will follow the process outlined at 36 CFR § 800.13(b) and notify your office accordingly. If you have any questions or concerns regarding this project, please contact Mr. Jim Collis, at 916-978-5053 or jcollis@usbr.gov.

Sincerely,



Anastasia T. Leigh
Regional Environmental Officer

Enclosures – 3

Reference:

Martinez, Jessé, and Patricia Ambacher

2014 Addendum: Cultural Resources Analysis for the Elder Creek Channel Rehabilitation Project. California Department of Water Resources, Sacramento, California.

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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December 16, 2015

Reply in Reference To: BUR_2015_1120_001

Anastasia T. Leigh
Regional Environmental Officer
United States Department of the Interior
Bureau of Reclamation
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825-1898

Re: National Historic Preservation Act (NHPA) Section 106 Consultation for the Tehama County Public Works Elder Creek Levee Repair Project, Tehama County, California (15-NCAO-262.001)

Dear Ms. Leigh:

Thank you for your November 16, 2015 letter initiating consultation with the State Historic Preservation Officer (SHPO) for the above referenced undertaking. The Bureau of Reclamation (Reclamation) is consulting with the SHPO to comply with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f), as amended, and it's implementing regulations 36 CFR 800. Your letter requests SHPO concurrence on the Reclamation's finding of no adverse effect to historic properties (36 CFR §800.5(b)) as a result of this undertaking.

Reclamation is proposing to provide approval to the Tehama County Public Works (TCPW) to utilize an existing soil pile on Reclamation land as borrow material to repair erosion damage to the nearby Elder Creek levee. Reclamation has determined the area of potential effects (APE) to include the portion of the levee needed for repairs and the portions of the spoil pile to be used for the repairs. Access will be via existing roads. The vertical APE is limited to the amount of borrow material removed and the levee repair area-all above the natural ground surface. The APE is depicted on Figures 1 and 2 of the *A Cultural Reconnaissance of the Tehama County Public Works Elder Creek Levee Repair Project* (Collis 2015) report enclosed with your letter. I find the Reclamation's determination and documentation of the APE to be sufficient (36 CFR §800.4(a)(1)).

Efforts to identify historic properties within the APE (36 CFR §800.4(b)(1)) were conducted by Reclamation cultural staff. These efforts are detailed in Collis 2015 and consisted of a record search and a pedestrian survey of the entire APE. Reclamation also sought information from the Paskenta Band of Nomlaki Indians of California and the Redding Rancheria pursuant to 36 CFR §800.3(f)(2) to assist in identifying properties which may be of religious and cultural significance to them and may be eligible for listing in the NRHP (36 CFR §§800.4(a)(4) and 800.4(b)).

Ms. Leigh
December 16, 2015

BUR_2015_1120_001
Page 2 of 2

Identification efforts identified two cultural resources within the APE: the Tehama-Colusa Canal (TCC) and the Elder Creek Levee. I find the Reclamation's level of effort in identifying historic properties within the APE to be reasonable (36 CFR §800.4(b)(1)).

For the purposes of this undertaking only, Reclamation will treat the TCC and Elder Creek Levee as eligible resources for the National Register of Historic Places (NRHP) under Criterion A for their association to the Sacramento Canals Unit of Reclamation's Central Valley Project (CVP) to provide irrigation water to the Sacramento Valley. Pursuant to 36 CFR § 800.5(a)(1), Reclamation has applied the criteria of adverse effect to the TCC and Elder Creek Levee and has determined that the undertaking will not alter any of the characteristics that qualify either property for inclusion in the NRHP.

Based on the Reclamation's level of effort, they have made a finding of no adverse effect to historic properties as a result of this undertaking (36 CFR §800.5(b)). I concur.

Thank you for seeking my comments and considering historic properties as part of your undertaking. Please be advised that under certain circumstances, such as post-review discoveries or a change in the undertaking description, you may have future responsibilities for this undertaking under 36 CFR Part 800. If you require further information, please contact Alicia Perez at 916-445-7020 or at Alicia.Perez@parks.ca.gov or Kathleen Forrest at 916-445-7022 or at Kathleen.Forrest@parks.ca.gov.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'J' followed by a horizontal line extending to the right.

Julianne Polanco
State Historic Preservation Officer

Attachment 3. Resource Agency Correspondence



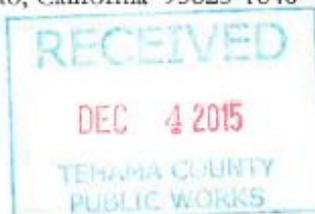
United States Department of the Interior



In Reply Refer to:
08ESMF00-
2016-I-0183-1

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Suite W-2605
Sacramento, California 95825-1846

Matthew P. Kelley
Chief, Redding Regulatory Office
U.S. Army Corps of Engineers
310 Hemsted Drive, Suite 310
Redding, California 96002



DEC 01 2015

Subject: Informal Consultation on the Elder Creek Emergency Levee Repair Project, Tehama County, California (SPK-2015-00820)

Dear Mr. Kelley:

This letter is in response to the U.S. Army Corps of Engineers' (Corps) October 21, 2015, request for initiation of informal consultation with the U.S. Fish and Wildlife Service (Service) on the proposed Elder Creek Emergency Levee Repair Project (proposed project), Tehama County, California. Your request which included the October 2015, *Biological Assessment, Elder Creek Emergency Levee Repair Project Levee Mile 1.9* (biological assessment), was received by the Service on October 22, 2015; however, the request and biological assessment were insufficient to initiate consultation. We requested additional information from the Corps on November 10, and 19, 2015, via email and phone correspondence. We received all of the requested additional information on November 19, 2015, in a revised letter, dated November 18, 2015, from the Corps. The biological assessment presents an evaluation of the proposed project's effects on species federally-listed under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)(Act).

At issue are the proposed project's effects on the federally-listed as threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) (beetle).

The federal action we are consulting on is the issuance of a permit from the Corps for the repair and fill of approximately 600 linear feet of levee, located on the south bank of Elder Creek at levee mile 1.9. The Tehama County Flood Control and Water Conservation District (applicant) proposes to repair a section of levee that has significant damage as a result of storm events in 2014, and is considered a critical levee repair by the Corps. The proposed project would reconstruct the levee to near historic conditions of 2010, returning the levee to the designed level of flood protection.

Pursuant to 50 CFR §402.12(j), you submitted a biological assessment for our review and requested our concurrence with the findings presented therein. These findings conclude that the proposed project may affect, but is not likely to adversely affect the beetle. The proposed project is not within designated or proposed critical habitat for the beetle.

In considering your request, we based our evaluation of your findings on the following: 1) the October 21, 2015, letter initiating informal consultation; 2) the accompanying October 2015,

biological assessment prepared by Tehama Environmental Solutions, Incorporated (consultant); 3) emails and telephone correspondence between the Corps and the Service, on November 10 and 19, 2015, clarifying the proposed project's location, avoidance and minimization measures, and that there is no critical habitat designated for the beetle within the project; 4) the November 18, 2015, revised Corps letter initiating informal consultation; and 5) additional information available to the Service.

The proposed project is located on Elder Creek, approximately 10 miles southeast of Red Bluff and 0.25 miles west of the town of Gerber, California, and is approximately 3 river miles upstream of the confluence with the Sacramento River. The levee will be repaired utilizing a rock slope protection (RSP) mix, consisting of a 70:30 ratio of agricultural grade soil to rock revetment (18 to 24 inch rock). After the RSP mix is placed on the waterside slope of the levee, it will be topped with 6 to 12 inches of agricultural grade soil and seeded with native grasses, and covered with erosion fabric. Construction equipment will include excavators and other earth-moving equipment, haul trucks, and hand tools. The proposed project is scheduled to be completed this winter (2015-2016) before heavy rains occur, and is estimated to be completed within a three-week period.

A total of three elderberry shrubs were identified within 100 feet of the proposed project during a focused field survey for elderberry shrubs, which was conducted in 2015. Elderberry shrubs (*Sambucus spp.*) are the sole host plant for the beetle, and elderberry stems measuring 1.0 inch or greater in diameter are necessary for the beetle to complete its life cycle. Frequently, the only evidence of use by the beetle is in the form of exit holes on the stems of the elderberry shrubs. No exit holes were observed on any of the three elderberry shrubs located within 100 feet of the proposed project.

Elder Creek is a seasonally intermittent creek with a channel that is continually shifting, causing the bank to rapidly erode, and preventing riparian vegetation from becoming established. The eroding levee is sparsely vegetated with dry ruderal non-native vegetation, with the exception of a single elderberry shrub and walnut tree, located at the downstream end of the erosion site.

Two of the three elderberry shrubs are situated behind an existing chain link fence, which parallels a gravel access road. The access road is frequently utilized for agricultural purposes and to access Elder Creek for maintenance and inspections, and will also be used as the main haul route for the proposed project. A combination of setback distances will be implemented for the two elderberry shrubs located along the access road, because there is a limited amount of open space between the two elderberry shrubs and the access road. While the access road and its easement are both wide enough to allow passage of haul trucks and equipment for the proposed project, there is only enough additional space to maintain a fenced setback area located 5 feet from the dripline of each of the two elderberry shrubs (east of the chain link fence). Located on the opposite side of these two elderberry shrubs and the chain link fence (west of the chain link fence) are the spoil piles, which will be used as fill material for the proposed project. High visibility fencing will also be installed on this side of the chain link fence to protect the two elderberry shrubs. A setback area located 20 feet from the driplines of the two elderberry shrubs will be maintained on the side of the chain link fence where the spoil piles are located.

The third elderberry shrub is located on the waterside slope of the levee on Elder Creek, at the downstream transition area for the repair. Transplanting of the elderberry shrub is not feasible,

because removing the shrub and its root ball would further compromise the levee's structural integrity at the erosion site. As a minimization measure, high visibility fencing will be installed 5 feet from the dripline of the elderberry shrub, and no disturbances will occur within this setback area. An excavator will be operated from the channel of Elder Creek for the placement of soil and RSP mix outside of the 5 foot setback area. A 20 foot setback area from the dripline of the elderberry shrub will be maintained for on the ground equipment use, with the exception of minimal equipment access which will be limited to the levee patrol road.

Currently the roots of this elderberry shrub located at the erosion site are not exposed, but because the shrub is growing on the bank in close proximity to where the erosion is occurring, it will be necessary to place the RSP mix and additional soil within the 20 foot setback area to stabilize the ground around the shrub, and to repair the levee. Before the RSP mix is added, agricultural grade soil will be carefully placed first near the elderberry shrub, outside the 5 foot setback area. The RSP mix will be placed on top of the soil, then topped with 6 to 12 inches of additional soil, and seeded with native grasses. The RSP mix will transition into the existing revetment previously placed on the levee.

In addition to implementing best management practices which include, erosion and sediment control, the applicant has proposed the following avoidance and minimization measures in order to prevent impacts to the beetle and its habitat:

- No work will be conducted between March 15 and June 15, the emergence period of the beetle;
- A worker awareness training program for construction personnel will be conducted by a qualified biologist before construction activities begin. The program will inform all construction personnel about the life history and status of the beetle and the need to avoid damaging the elderberry plants;
- Water will be applied to unpaved haul route roads, and to other areas disturbed by the project that may have the potential to produce dust. Water will be applied to these areas at a minimum of twice daily by means of a water truck to control fugitive dust; and
- Project-related vehicles shall observe a 20 mile-per-hour speed limit within construction areas, except on existing paved roads where they shall adhere to posted speed limits.

After reviewing all the available information, we concur with your determination that the proposed project may affect, but is not likely to adversely affect the beetle. The proposed project reached the 'may affect' level and the subsequent requirement for a biological assessment, due to the fact that suitable habitat for the beetle, in the form of elderberry shrubs with stems measuring 1.0 inch or greater in diameter occur within the proposed project. Due to the proposed avoidance and minimization measures, the Service believes that any potential indirect adverse effects to the beetle are unlikely to result in take of the beetle and are therefore insignificant for the purposes of this consultation.

This concludes the Service's review of the proposed project. No further action pursuant to the Act is necessary unless new information reveals effects of the proposed project that may affect listed species in a manner or to an extent not considered; the proposed project is subsequently modified in

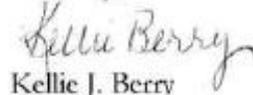
Mr. Matthew P. Kelley

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a manner that causes an effect to federally-listed species or critical habitat that was not considered in this determination; or a new species or critical habitat is designated that may be affected by the proposed project.

If you have any questions regarding the proposed project, please contact Julie Wolford, Fish and Wildlife Biologist (Julie_Wolford@fws.gov), or myself (Kellie_Berry@fws.gov) at (916) 414-6631.

Sincerely,



Kellie J. Berry

Chief, Sacramento Valley Division

cc:

Robert Chase, U.S. Army Corps of Engineers, Redding, California

Ryan Teubert, Tehama County Flood Control and Water Conservation District, Gerber, California

Jeff Souza, Tehama Environmental Solutions, Incorporated, Red Bluff, California