

RECLAMATION

Managing Water in the West

Categorical Exclusion Checklist

Orland Unit Water Users' Association, Lowe & Orland Ranch Annexation

NCAO-CEC-13-24

Prepared by:

Jake Berens
Jake Berens
Water Conservation Specialist
Northern California Area Office

Date:

11/06/2013

Concurrence by:

See Attachment 1
Patricia Rivera
Native American Affairs Program Manager
Mid-Pacific Regional Office

Date:

November 6, 2013

Concurrence by:

See Attachment 2
William Soule
Archaeologist, Div. of Environ. Affairs
Mid-Pacific Regional Office

Date:

August 19, 2013

Concurrence by:

Paul Zedonis
Paul Zedonis
Natural Resource Specialist
Northern California Area Office

Date:

11/6/2013

Approved by:

Brian Person
fn: Brian Person
Area Manager
Northern California Area Office

Date:

11/8/13



U.S. Department of the Interior
Bureau of Reclamation
Mid Pacific Region

November 2013

Proposed Action

Annexation of approximately 391.69 acres into the Orland Project Land Schedule (OPLS) for the water stored and/or diverted by the Orland Project facilities which are operated and maintained by the Orland Unit Water Users Association (Orland Unit).

The Orland Project was authorized for irrigation purposes only. In recent years the Orland area has seen significant growth in population resulting in the subdivision of lands for housing. Parcels less than 5 acres in size have been removed from irrigation service by Orland Unit resulting in approximately 300 acres being withdrawn from irrigation service since 1983. Orland Unit has taken out land that was deemed unsuitable for irrigation due to unproductive soils. Also, water right certificates were never issued for 852 acres. As lands were withdrawn from irrigation, other lands were added that were suitable for irrigation. Also, Orland Unit lost approximately 338 acres from the construction of the Tehama-Colusa Canal and Interstate 5.

In order to remain economically viable because of these various changes, Orland Unit chose to add more lands, most of which were located adjacent to the authorized OPLS. On February 11, 2009, the U.S. District Court for the Eastern District of California ordered to amend the OPLS by adding approximately 1,633.08 acres. The 2/11/09 Court order also outlined the formal process to annex and detach additional properties from the OPLS.

The proposed action will provide formal approval of changes in the OPLS, or authorized place of use, to include 70.53 acres of land owned by Larry Eugene Lowe and Phyllis Jean Lowe, and 321.16 acres owned by Orland Ranch, LLC.

The 321.16 acre Orland Ranch, LLC property currently has an established almond orchard. It lies adjacent to 320 acres under the same ownership that is presently supplied irrigation water from Orland Project Lateral 210. The property to be annexed will utilize Orland Project water instead of groundwater.

The 70.53 acre Lowe property is currently being dry farmed to forage crops and utilized for dry pasture. Once able to receive irrigation water, the owner plans to use the land for irrigated pasture and/or seasonal crops such as grains and forages. The landowner plans to install an above-ground, center-pivot circle system to establish irrigation to this parcel. Access from Lateral 210 to the land to be annexed will be accommodated across other land owned by the Lowe's.

According to Orland Unit both of these properties will be served with existing turnout facilities located along lateral 210.

The approval of these changes will not increase the OPLS beyond its maximum authorized area of 21,000 irrigated acres. There will be no change in the authorized purpose of use (irrigation) or in the way the Orland Project facilities are operated and maintained as a result of this action.

The Orland Ranch, LLC property proposed to be annexed comprise portions or entire Glenn County Assessor's Parcel Numbers 027-040-003, 027-040-006, and 027-040-008 and are located

in portions of Section 25 and 26, Township 22 North, Range 4 West Mount Diablo Meridian, in Glenn County, California (122°16'30.694"W 39°44'9.056"N). The Lowe property proposed to be annexed is in portions of Glenn County Assessor's Parcel Numbers 027-030-003 and 027-290-001 and is located in Township 22, Range 4 west, Sections 13 & 14, Mount Diablo Meridian, in Glenn County, California (122°16'17.158"W 39°45'27.474"N).

Exclusion Categories

Bureau of Reclamation Categorical Exclusion - 516 DM 6 Appendix 9.D.3 Administration and implementation of project repayment and water service contracts, including approval of organizational or other administrative changes in contracting entities brought about by inclusion or exclusion of lands in these contracts.

Extraordinary Circumstances

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

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| 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 ☐ |

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| 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 ☐ |

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:

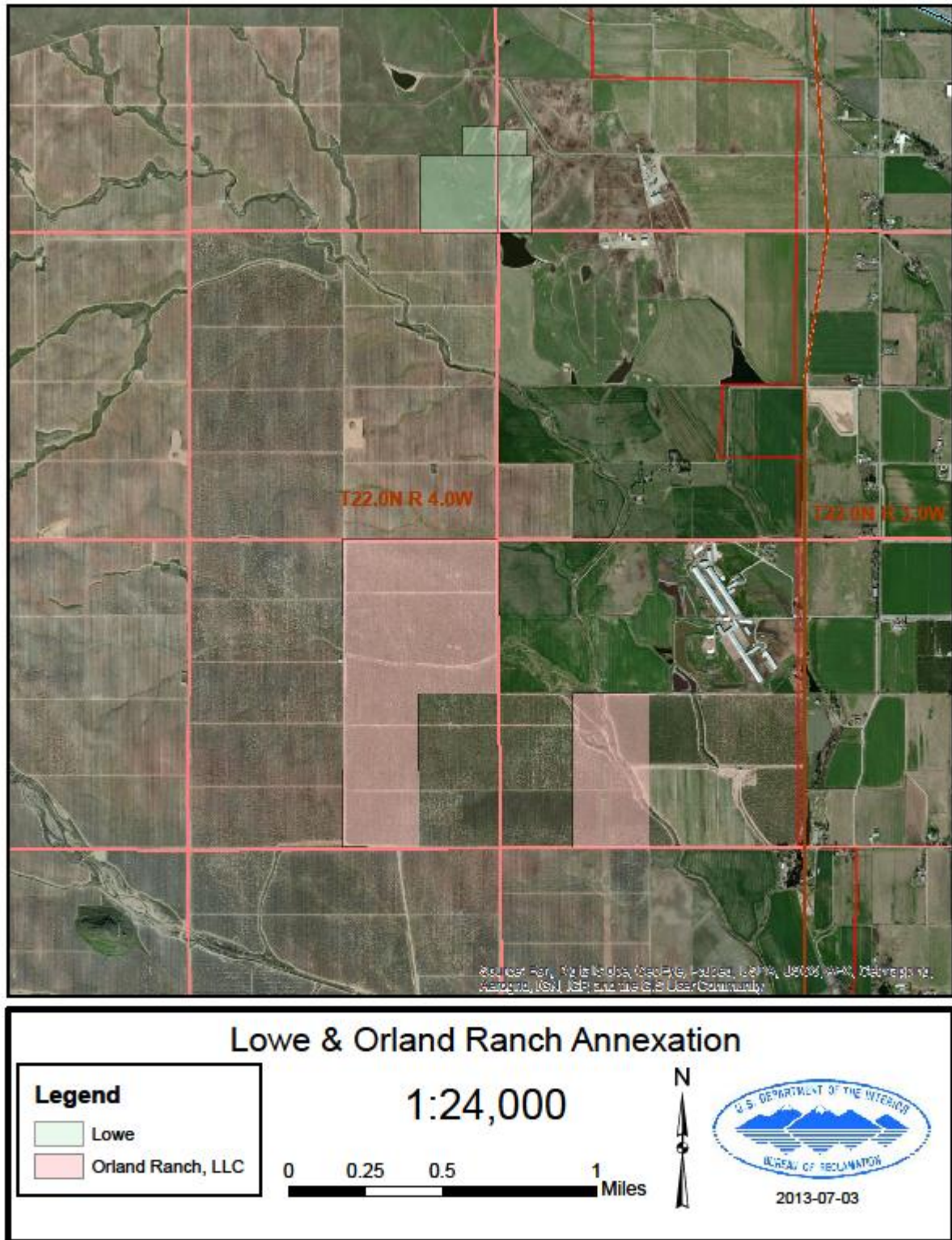


Figure 1. Land proposed for annexation.

Attachment 1. ITA concurrence.



Zedonis, Paul <pzedonis@usbr.gov>

**ITA Review: NCAO CEC Orland Unit Annex - Lowe & Orland Ranch
11/04/13**

RIVERA, PATRICIA <privera@usbr.gov>

Wed, Nov 6, 2013 at 6:34 AM

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

Paul,

I reviewed the proposed action to approve the changes in the Orland Project Land Schedule (OPLS), or authorized place of use, to include 70.53 acres of land owned by Larry Eugene Lowe and Phyllis Jean Lowe, and 321.16 acres owned by Orland Ranch, LLC. The approval of these changes will not increase the OPLS beyond its maximum authorized area of 21,000 irrigated acres. There will be no change in the authorized purpose of use (irrigation) or in the way the Orland Project facilities are operated and maintained as a result of this action.

Annexation of approximately 391.69 acres into the Orland Project Land Schedule (OPLS) for the water stored and/or diverted by the Orland Project facilities which are operated and maintained by the Orland Unit Water Users Association (Orland Unit).

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adjacent to 320 acres under the same ownership that is presently supplied irrigation water from Orland Project Lateral 210. The property to be annexed will utilize Orland Project water instead of groundwater.

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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 2



IN REPLY
REFER TO:
MP-153
ENV-3.00

United States Department of the Interior

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

VIA ELECTRONIC MAIL ONLY

August 19, 2013
MEMORANDUM

To: Paul Zedonis
Natural Resource Specialist, Northern California Area Office

From: William E. Soule
Archaeologist, Division of Environmental Affairs

Subject: 13-NCAO-224: Orland Unit Water Users Association, Lowe Property & Orland Ranch Annexation

This proposed undertaking by Reclamation is to approve the annexation of two parcels comprising approximately 391.69 acres into the Orland Project Land Schedule for water stored and/or diverted by the Orland Project facilities operated and maintained by the Orland Unit Water Users Association. 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).

The 321.16 acre Orland Ranch, LLC property is currently an established almond orchard that lies adjacent to 320 acres that is presently supplied water by the Orland Project Lateral 210. After annexation, the property will use Orland Project water instead of ground water. The 70.53 acre Lowe property is currently dry farmed for forage crops and pasture. The landowner plans to install an above-ground, center-pivot circle system for the irrigation of small grains, forage, and pasture. The Proposed Action will not produce any new ground disturbances, it will not result in the construction of new facilities or the modification of existing facilities, and it will not result in any changes in land use.

After reviewing NCAO-CEC-13-24, dated July, 2013, I concur with item 8 which states that this action would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places. 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 action, 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)