


RECLAMATION

Managing Water in the West

Categorical Exclusion Checklist

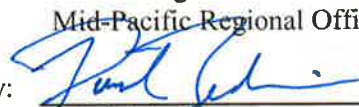
Disposal of Two Parcels of Acquired Reclamation Land – Tehama Colusa Canal, Reach 7 – Central Valley Project

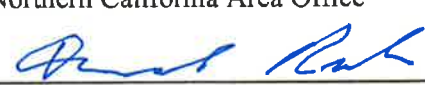
NCAO-CEC- 13-26

Prepared by:  Date: 5/6/2014
Irene Hobbs
Realty Specialist
Northern California Area Office

Concurrence by: See Attachment 3 Date: 11/14/2013
Patricia Rivera
Native American Affairs Program Manager
Mid-Pacific Regional Office

Concurrence by: See Attachment 4 Date: 05/06/2014
Mark Carper
Archaeologist
Mid-Pacific Regional Office

Concurrence by:  Date: 5/6/2014
Paul Zedonis
Natural Resource Specialist
Northern California Area Office

Approved by:  Date: 5/7/14
for: Brian Person
Area Manager
Northern California Area Office



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

May, 2014

Proposed Action

Reclamation is disposing of two parcels of acquired lands that have been identified by Reclamation and the Tehama Colusa Canal Authority (TCCA) as no longer needed for project purposes. The parcels were used for storing borrow material and a staging area during construction of the Canal and are not utilized by the TCCA for operations and maintenance activities.

The parcel descriptions are as follows:

1. A 4.65 acre of vacant land adjacent to the Canal between Stations 4806+82.10 to 4816+62.304, described as a portion of Tract 1, a 10.3 acre parcel identified by Reclamation as Unit No. **T-268** located in Section 14, Township 14, Range 3 West M.D.B.&M. The parcel was acquired from Eugene P. Arambel by grant deed dated July 26, 1977, recorded in the Colusa County Recorder's Office on December 20, 1977, in Book 454, Page 143, Assessor's Parcel Number 018-160-056. The legal description and plat map of the property is provided in Attachment 1. Cost Authority: Fund: XXXR0680R1 WBS: RR.17529652.2300185
2. A 7.72 acres of vacant land adjacent to the Canal between Stations 4958+95.00 to 4972+61.90 described as a portion of Tract 1, a 13.6 acre parcel identified by Reclamation as Unit No. **T-277** in Section 9, Township 14, Range 2 West M.D.B.&M. The parcel was acquired from J.P. Brennan Estate and Zita D. Brennan, c/o William F. Johns by grant deed dated October 13, 1977, recorded in the Colusa County Recorder's Office on March 6, 1980, in Book 485, Page 467, Assessor's Parcel Number 018-170-061. . The legal description and plat map of the property is provided in Attachment 2. Cost Authority: Fund: XXXR0680R1 WBS: RR.17529652.2300186

Exclusion Categories

Bureau of Reclamation Categorical Exclusion category: 516 DM 6 Appendix 9.D.7 Withdrawal, termination, modification, or revocation where the land would be opened to discretionary land laws and where such future discretionary actions would be subject to the NEPA process, and disposal or sale of acquired lands where no major change in usage is anticipated.

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 | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 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 | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 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 | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 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 | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 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 | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 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 | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 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 | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 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 | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 11. This action would affect ITAs (512 DM 2, Policy Memorandum dated December 15, 1993). | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 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 | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |

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 Peterson Ranch (Peterson) is currently utilizing both parcels of land for a two-year period covered under Permit No. 12-LC-20-0203 dated April 2, 2013 as part of the Peterson's almond orchard business. A CEC signed (NCAO-CEC-12-20), which is dated September 12, 2012, was completed for the temporary use of the two parcels.

Because the land is rural right-of-way that has been disturbed previously by the canal, road, and ditch construction, no impact to cultural resources is expected. The right-of-way does not provide habitat for any threatened or endangered species. Therefore, no known threatened endangered species, plant or animal will be affected.

Exhibit "B"

Legal Description of Excess Surplus Land

All that real property situate in the unincorporated area of Colusa County, State of California, and being a portion of the Northwest One Quarter of Section 14 Township 14 North Range 3 West M.D.B and M. Particularly described as follows:

Beginning in the Centerline of Evans Road, at a $\frac{3}{4}$ " Iron pipe marked L.S. 3653, said $\frac{3}{4}$ " Iron pipe also represents the West One Quarter Corner of Section 14.

Thence, South $89^{\circ}44'09''$ East, a distance of 475.45 feet to the southeast corner thereof and also being a point in the fence line of the Tehama Colusa Canal;

Thence, continuing along said fence line the following (6) Six courses and distances;

Thence, North $03^{\circ}52'34''$ East, a distance of 4.09 feet;

Thence, North $13^{\circ}31'47''$ West, a distance of 231.36 feet;

Thence, North $23^{\circ}40'54''$ West, a distance of 146.00 feet;

Thence, North $41^{\circ}03'47''$ West, a distance of 133.84 feet;

Thence, North $57^{\circ}09'41''$ West, a distance of 128.49 feet;

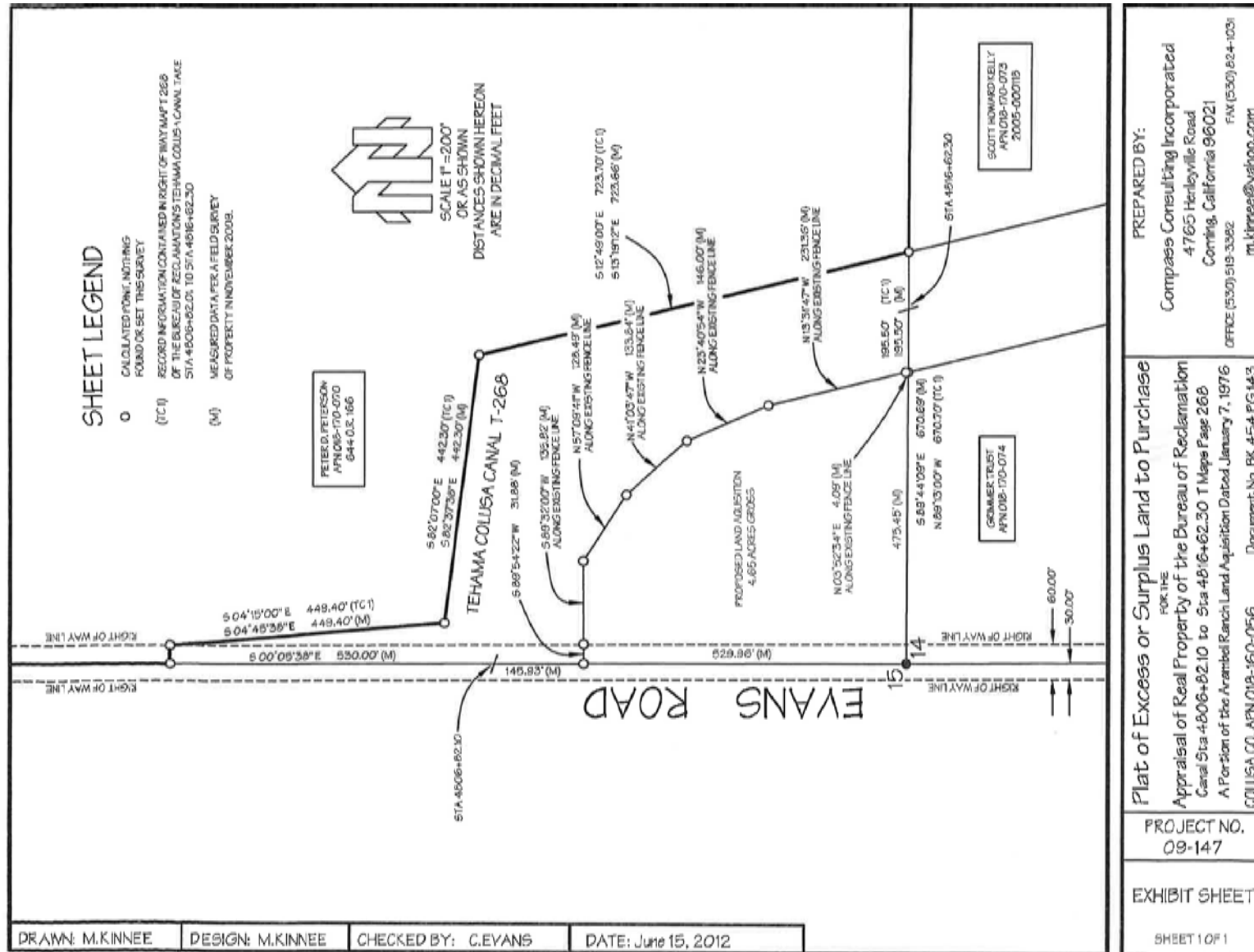
Thence, South $89^{\circ}32'00''$ West, a distance of 135.82 feet, to a point in the East Right of Way Line of Evans Road;

Thence, Leaving said fence line, South $89^{\circ}54'22''$ West, a distance of 31.88 feet to a point in the Centerline of Evans Road;

Thence, along said Centerline of Evans Road, South $00^{\circ}05'38''$ East, a distance of 529.96 feet;

to the true point of beginning for the above described parcel of land.

Containing 4.65 acres of land, more or less



Attachment 3. Legal description of 7.72 acre parcel (1 of 2 pages)

LEGAL DESCRIPTION

for
Bureau of Reclamation Surplus Property

All that certain real property situated in a portion of the Southwest Quarter and Southeast Quarter of Section 9 Township 14 North, Range 2 West, M.D.B. and M., in the County of Colusa, State of California, and being more particularly described as follows:

Beginning at a 1 1/4" iron pipe marking the center of Section 9, as shown on that certain map on file in Book 4 of Record of Surveys at Page 102 in Colusa County Records of said County of Colusa.

thence, North 86°55'04" East , along the North line of the southeast one quarter of Section 9, a distance of 532.79 feet;

thence, South 00°11'56" West , a distance of 662.36 feet;

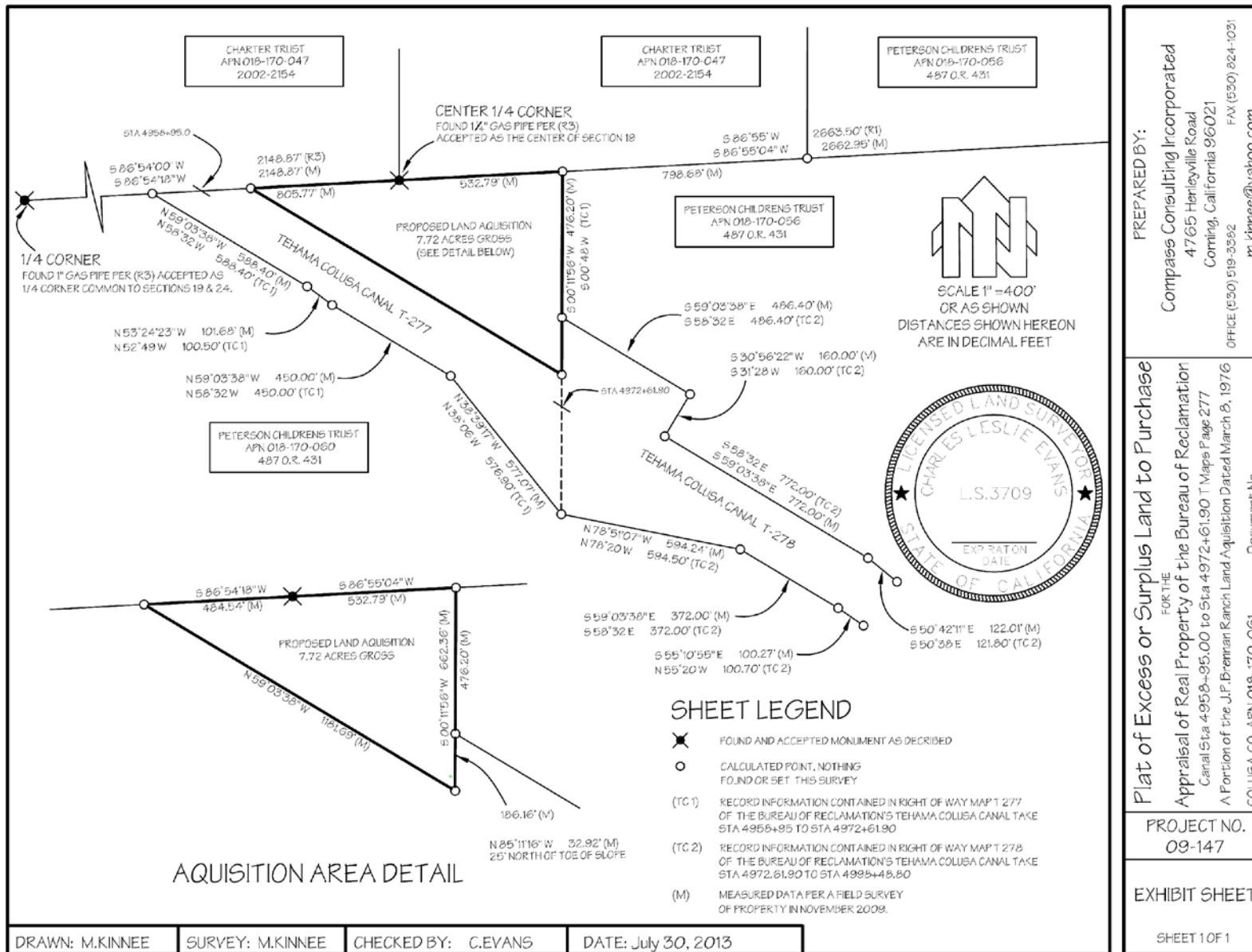
thence, North 59°03'38" West , a distance of 1181.69 feet to a point in the north line of the southwest one quarter of Section 9;

thence, North 86°54'18" East , a distance of 484.54 feet more or less to the point of beginning

The above described parcel contains a gross area of 7.72 acres, more or less.

Petersen Trust, Paul R. Minasian, Trustee
Job No. 09-147
Revised: July 30, 2013

Attachment 4 (cont.). Plat Map of 7.72 acre parcel (2 of 2 pages).



<p>PREPARED BY:</p> <p>Compass Consulting Incorporated 4765 Herleyville Road Corning, California 96021 OFFICE (530) 519-3592 FAX (530) 824-1051 m.kinne@yaho.com</p>	<p>Plat of Excess or Surplus Land to Purchase</p> <p>FOR THE Appraisal of Real Property of the Bureau of Reclamation Canal Sta 4958+95.00 to Sta 4972+61.90 T Maps Page 277 A Portion of the J.P. Brennan Ranch Land Acquisition Dated March 8, 1976 COLUSA CO. APN 018-170-061 Document No.</p>
	<p>PROJECT NO. 09-147</p>
	<p>EXHIBIT SHEET</p> <p>SHEET 1 OF 1</p>

Attachment 3.



Zedonis, Paul <pzedonis@usbr.gov>

CR & ITA Review: NCAO CEC Land Disposal TCC 111213

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

Thu, Nov 14, 2013 at 7:00 AM

Paul,

I reviewed the proposed action to dispose of two parcels of acquired lands that have been identified by Reclamation and the Tehama Colusa Canal Authority (TCCA) as no longer needed for project purposes. The parcels were used for storing borrow material and a staging area during construction of the Canal and are not utilized by the TCCA for operations and maintenance activities.

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

Kristi this is admin

Attachment 4 **CULTURAL RESOURCE COMPLIANCE**
Mid-Pacific Region
Division of Environmental Affairs
Cultural Resources Branch

MP-153 Tracking Number: 13-NCAO-223

Project Name: Disposal of Two Parcels of Land Acquired for Tehama Colusa Canal, Reach 7, Central Valley Project (CVP), Colusa County, California

NEPA Document: CEC 111213

Project Manager/NEPA Contact: Paul Zedonis

MP 153 Cultural Resources Reviewer: Mark Carper

Date: 5/6/2014

This proposed undertaking by Reclamation is the disposal of two parcels of acquired land in Colusa County, California. The disposition of Federal lands out of Federal ownership constitutes an undertaking pursuant to Section 301(7) of the NHPA (16 U.S.C. 470), as amended, which requires compliance with Section 106 of the NHPA. Reclamation conducted consultations under 36 CFR Part 800, the implementing regulations for Section 106 of the NHPA.

The proposed project entails the transfer of two separate parcels, T-268 (4.65 acres) and T-277 (7.72 acres) adjacent to the TCC. This land is in a rural right-of-way that has been previously disturbed from canal construction activities and used for various orchard-related activities.

Reclamation's identification efforts included archival research through the Northwest Information Center (January 2014) and a pedestrian cultural resource survey (February 2014). No cultural resources were identified in either parcel.

Reclamation initiated consultation with the California State Preservation Office (SHPO) by letter on March 24, 2013. A letter was also sent to the Cortina Indian Rancheria, the Grindstone Rancheria of Wintun-Wailaki Indians, and the Paskenta Band of Nomlaki Indians on March 4, 2013, with no response received. SHPO responded by letter on May 5, 2014 concurring with Reclamation's determination of no historic properties affected by the undertaking.

Reclamation has concluded the NHPA Section 106 process for this undertaking. This memo serves as concurrence with item #8 on CEC 111213 that the proposed action will have no significant impacts on historic properties. If project activities change or circumstances are altered after the date of this memo, additional NHPA Section 106 consultations or other cultural resources compliance review may be required.

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

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May 05, 2014

Reply in Reference To: BUR_2014_0327_002

Anastasia T. Leigh, Regional Environmental Officer
Bureau of Reclamation
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95816

RE: Disposal of Two Parcels of Land Acquired for Tehama Colusa Canal, Reach 7, Central Valley Project (CVP), Colusa County, California (13-NCAO-223).

Dear Ms. Leigh:

Thank you for seeking my consultation regarding the above noted undertaking. Pursuant to 36 CFR Part 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act (NHPA), Bureau of Reclamation (Reclamation) is seeking my comments regarding the delineation of the Area of Potential Effects (APE), adequacy of identification efforts, and a *Finding of No Historic Properties Affected* for the project.

Reclamation is proposing to dispose of two parcels of land (T-268 & T-277) acquired during construction of the Tehama Colusa Canal (TCC). This land was used for storing borrow material and as a staging area during construction. Reclamation and the Tehama County Canal Authority have determined these parcels are no longer needed for project purposes. The Area of Potential Effects (APE) is the parcel boundaries of two discontinuous parcels, adjacent to the TCC, totaling 12.37 acres.

In addition to your letter received March 27, 2014, you have submitted the MP-153 Cultural Resources Post Field Summary Record (Carper, March 1, 2014) as evidence of your efforts to identify and evaluate historic properties in the project APE.

Archival research included a records search at the Northwest Information Center (January 9, 2014) of the APE and a ½ mile radius. One previously recorded cultural resource, the TCC, was identified immediately adjacent to the APE. The TCC was completed in 1980 and is less than the 50 year threshold for consideration as a historic property; however the TCC is part of the CVP, which has been considered eligible to the National Register of Historic Places (NRHP). This project will not affect the TCC or its relationship to the CVP.

Native American consultation included contact with Native American tribes and individuals likely to have knowledge of sites of religious or cultural significance to them in the project area (March 4, 2014). No such properties were identified through consultation efforts.

A pedestrian surface survey was conducted on February 10, 2014, using 10 meter wide transects. Both parcels are highly disturbed from construction of the TCC and previous use as agricultural fields. Visibility was excellent. No new cultural resources were identified.

Pursuant to 36 CFR §800.4(d)(1) Reclamation has determined there will be *No Historic Properties Affected* by the proposed project. Based on your identification efforts I have the following comments:

1. Identification efforts are sufficient; however, please see comments 3-7 below.
2. I have no objections to the delineation of the APE, as depicted in the supporting documentation.
3. Please note that document submissions for consultation with my office must include dates on all identification efforts.
4. Native American consultation must include information on who Reclamation consulted with and a sample copy of the initial consultation contact letter should be attached to your report.
5. In addition, sending a consultation letter to Native American consulting parties is not sufficient. Attempts must be made to follow up on the letter and those attempts documented in the report.
6. The report must include the comments received from Native American consulting parties and how Reclamation has responded to those comments.
7. Please note, it is not good practice to conduct a records search and Native American consultation after the field survey is complete. A records search may identify sites that should be relocated or assist in directing your survey. Native American consultation may provide information that could shape the areas or method of survey and can address any Native American concerns. Be advised, in the future I may not concur identification efforts are adequate in this situation.
8. I concur with the *Finding of No Historic Properties Affected* for the project.

Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, Reclamation may have additional future responsibilities for this undertaking under 36 CFR Part 800. Thank you for seeking my comments and considering historic properties as part of your project planning. If you have any questions or concerns regarding archaeological resources, please contact Associate State Archaeologist, Kim Tanksley at (916) 445-7035 or by email at kim.tanksley@parks.ca.gov.

Sincerely,



Carol Roland-Nawi, PhD
State Historic Preservation Officer