

# RECLAMATION

*Managing Water in the West*

## Categorical Exclusion Checklist (CEC)

### Orland Unit Water Users' Association's Northside Canal – Northside Distribution System Improvements – Orland Project

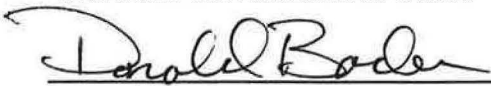
NCAO-CEC-16-07

Prepared by:  Date: June 14, 2016  
Megan Simon  
Natural Resource Specialist  
Northern California Area Office

Concurrence by: See Attachment 1 Date: November 23, 2015  
Megan Simon  
NCAO Designee for Tribal Trust Assets

Concurrence by: See Attachment 2 Date: March 22, 2016  
BranDee Bruce  
Archaeologist  
Mid-Pacific Regional Office

Concurrence by:  Date: 6/14/2016  
Paul Zedonis  
Supervisory Natural Resource Specialist  
Northern California Area Office

Approved by:  Date: 6/14/2016  
Donald Bader  
Acting Area Manager  
Northern California Area Office

## **Proposed Action**

The Orland Unit Water Users' Association (OUWUA) will replace antiquated and aging components of existing Reclamation-owned irrigation facilities, in a key reach of the OUWUA's Northside Distribution System, with long crested weirs and automated gates, via an MP-620 permit with Reclamation. The infrastructure replacements are designed to reduce the operational spillage of the irrigation water distribution system and improve water delivery service by providing increased flexibility and reliability, and are forecasted to increase water use efficiency by 2,700 acre-feet (af) annually. Work will be completed along approximately 4.25 miles of the Association's Northside Canal, located in north central Glenn County (Figure 1). The work sites are generally surrounded by agricultural lands, historically used for row crops and irrigated pasture.

The Orland Project was authorized by Congress in 1907 under the Reclamation Act of 1902. Title to all Orland Project water is held by the United States and administered by the Bureau of Reclamation. The OUWA is a private, non-profit corporation, established in 1907 to operate and maintains the Orland Project under contract to Reclamation. The Proposed Action is part of the Northside Distribution System Improvement Project, funded by Proposition 50 and administered by California Department of Natural Resources under a Water Use Efficiency Grants Program, developed to better support modern on-farm irrigation methods and improve irrigation delivery service.

The Orland Project utilizes its pre-1914 and post-1914 water rights to store water at East Park Reservoir and Stony Gorge Reservoir, respectively, in compliance with all applicable codes and regulations. Water is released from the reservoirs into Stony Creek for diversion into the OUWUA canals. With the exception of water stored in Stony Gorge Reservoir, Stony Creek and its tributaries are adjudicated under what is known as the "Angle Decree." Water is stored in Stony Gorge reservoir under the authority of the State Water Resources Control Board. The OUWUA does not provide groundwater as a source of irrigation supply, though some lands within the service area utilize private groundwater wells occasionally.

The OUWUA will replace 20 existing water level control structures and lateral headings on the Association's Northside Canal: 12 existing water level control structures will be modified or replaced with long crested weirs; eight existing lateral headings will be replaced with new automated lateral heading gates. A long-throated flume and a sharp-crested weir will be installed to measure flows at the primary diversion and spill location, respectively, in order to support improved operation and to monitor project performance. Automated lateral headgates and flow measurement devices will be added to the OUWUA's existing Supervisory Control and Data Acquisition (SCADA) system to provide remote monitoring and control capability. Additionally, the OUWUA's North Diversion from Stony Creek will be automated to enable timely and convenient flow adjustments as needed to minimize diversions and system spillage while meeting customer water demands reliably. The OUWUA will be responsible for operating and maintain all improved facilities.

Structural improvements will generally necessitate the removal of the existing concrete structures and replacement with new concrete structures of improved design and function. However, the purpose, base function, and capacity of the original structures will not be changed.

All new structures and improvements will be contained within the OUWUA's existing canal operation prism and maintenance right-of-way. Changes to the facilities locations and footprint will be minor.

There are several occurrences where barbed wire fences installed by adjacent landowners have encroached on the OUWUA's right of way and will need to be offset to allow for construction and future operation of the improvements. Required offsets range from 5-8 feet from existing locations.

The area of the general project alignment is predominantly rural and relatively sparsely populated, with only 13 residences within 1,000 feet of any site where work will be occurring. Construction activities will not impact agricultural operations in the area. The completed improvements will result in increased water use efficiency, which, in turn, would have agricultural benefits and provide for continued productivity.

The project will involve the use of moderate construction machinery and, potentially, haul trucks, if additional fill is required. Proximity of residences to work sites ranges from 100 feet to 1,000 feet with an average of 450 feet. Construction noise may exceed the noise standard at times but would be temporary, of a short duration and generally compatible with the normal noise environment of the rural setting. There would be a slight increase in traffic to the project area during construction, but no increased demand on public services. Alterations and closures of roads will be limited to an approximate eight-hour closure and temporary disturbance of one private road for installation of a pipeline segment. The project will not have an effect with respect to mosquito production because there would be no increase in water surface area or ponded water relative to existing conditions.

No hazardous materials will be used for project construction. The project does not include heavy earthmoving or bulk earthwork activities resulting in low potential for airborne soil particles. The potential for water quality impacts is low because the canals will be empty during construction. The US Army Corps of Engineers (Corps) determined the project to be exempt from permitting requirements per Section 404(f)(1)(C) of the Clean Water Act and 33 CFR 323.4(a)(3) and 40 CFR 232.3(c)(3) which exempts construction or maintenance of irrigation ditches and maintenance of drainage ditches. The exemption includes appurtenant features functionally related to irrigation ditches including siphons, pumps, head gates, wing walls, weirs, diversion structures, and other such facilities. Likewise, the project is exempt from the Regional Water Quality Control Board's Storm Water Pollution Prevention Plan and Section 401 Water Quality certification processes due to its small footprint (24 sites totaling less than one acre). The Section 1600 Streambed Alteration Permit from the California Department of Fish and Wildlife (CDFW) is not required because the Proposed Action does not include work within CDFW jurisdiction.

The existing canal prism is stable, compacted earthen material with a concrete lining. The areas the canal traverses are not prone to mud slides, landslides, and/or soil erosion; as such, construction activities will not lead to increased risk of these types of impacts. The Proposed Action will not increase the risk of loss of property from flooding nor increase the impact of floods upon human safety, health, and welfare. Further, the proposed improvements provide

self-regulation of excess canal flows which will reduce the likelihood of canal overtopping. The installation of remote monitoring and remote control telemetry equipment enable increased responsiveness to changing canal conditions further reducing the risk of loss of property from flooding.

The project will not result in substantial changes to land use practices or changes to potential habitat of any flora or fauna of the region. There are no Wild and Scenic rivers, parks and recreation land, wilderness areas, or national monuments existing within the project area. The project area does not include wetlands or refuges, and is not anticipated to have an impact on migratory bird species that utilize wetlands and refuges.

The canal itself is concrete and gunnite lined. The OUWUA regularly maintains the area and engages in a weed abatement program along both the right-of-way and in the canal, thus minimizing vegetative cover and reducing the potential for introduction or re-distribution of noxious species during construction activities. Although the potential for noxious species to be imported on construction equipment entering the job site exists, the risk is expected to be low due to the limited equipment anticipated for the job.

There are no economically-disadvantaged or minority populations that would be disproportionately affected by the proposed action. There would be no long-term change in employment as a result of the project or other social affects apart from the intended economic benefits of improved water management. The benefits of improved water management would accrue to the entire community including the farmers, their employees, and the local businesses they support. Benefits would be distributed in proportion to the usual distribution of the benefits of agricultural production.

The Proposed Action is part of a multi-phased system modernization planning effort to increase water use efficiency. The first phase of the project was completed in 2012. Future phases are conceptual in nature with no identified timeline. Considered together, all phases of the proposed project do not alter the area served, intent, operation, or use of the existing irrigation system and thus will not have a cumulative environmental effect. Water use efficiency is likely to increase as the phases are completed, which would result in less operational spillage, on-farm tailwater, and deep percolation. The modernized system will allow the OUWUA to provide more flexible service to their existing growers which may entice growers to utilize surface water supplies rather than pump groundwater, thereby sustaining the local groundwater aquifers and limiting the introduction of groundwater contaminants into surface waters or food supply.

## Exclusion Categories

Bureau of Reclamation Categorical Exclusion – 516 DM 14.5, D (1): Maintenance, rehabilitation, and replacement of existing facilities which may involve a minor change in size, location, and/or operation.

## 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 | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 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 | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 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-  | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |

01; and 43 CFR 46.215 (g)).

- |  |    |                                     |           |                          |     |                          |
|--|----|-------------------------------------|-----------|--------------------------|-----|--------------------------|
| 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 | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 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 | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |

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:**

Although a water quality certification and stormwater pollution prevention plan are not required for the project, construction contractors will be directed to implement erosion and sediment control best management practices (BMPs) to stabilize earthen slopes, preparing sites for any stormwater that may enter the channels upstream, reducing the mobility of sediment, and generally protecting sites such that stormwater discharge from the work sites remains in the canal and follows normal drainage patterns. Good housekeeping BMPs will include designated concrete washout areas, designated trash bins, designated material storage areas, and the development and adoption of a spill response plan.

The OUWUA contracted with Davids Engineering (Davis), to complete a California Environmental Policy Act (CEQA) review in support of the Proposed Action. Glenn County accepted the lead agency role for the CEQA process and indicated they will file a Class 2 Categorical Exemption (Replacement or Reconstruction) from CEQA per Article 19 §15302 of the Statute. Davids's subcontractor, ENPLAN, provided a cultural resource report in support of the CEQA review. ENPLAN consulted with the Native American Heritage Commission to perform a Sacred Lands Search. The search failed to indicate the presence of Native American cultural resources in the immediate project area. ENPLAN's efforts were supplemented by Reclamation with communications to local Native American communities and the State Historic Preservation Office (SHPO).

Reclamation treats all components of the Orland Project as potentially eligibility for inclusion in the National Register of Historic Places (National Register) under Criteria A, as it applies to the themes of water conveyance and the development of agriculture in the West and, more specifically, in the northern Central Valley of California. The cultural resource investigation resulted in the documentation and recording of Beat 5 of the Orland Project, which includes four historic canal segments and 22 associated structures, but concluded that the Proposed Action would not alter the overall location and function of these canal segments and structures and therefore would result in no adverse effect to historic properties. However, if any additional cultural resources, i.e., artifacts, bones, or shell, that are not described in the initial archaeological report are discovered during construction activities, all work within 35 feet of the discovery will cease until the nature of the discovery is assessed by a qualified archaeologist.

Reclamation researched the California Natural Diversity Database (CNDDB) maintained by the California Department of Fish and Wildlife, and the US Fish and Wildlife Service's (Service) Information, Planning, and Conservation System (IPaC), to determine the presence of listed species within the Project area. Based on a review of the information obtained and of the project area in relation to the habitat of identified species, Reclamation determined that the area to be temporarily disturbed under the Proposed Action does not appear to constitute habitat for any listed species, with the exception of the Valley elderberry longhorn beetle (VELB). On April 26, 2016, Reclamation initiated informal consultation with the Service requesting the Service's concurrence with its finding that the Project is "not likely to adversely affect" the VELB. The memorandum detailing the rationale for the determination, including project BMPs for the protection of this species, to be instituted in conjunction with the Project, and the Service's response of concurrence with Reclamation's finding, are included as Attachment 3.

The closest Indian Trust Asset to the project is the Paskenta Rancheria. The Rancheria is located greater than 4.25 miles north of the project area and would not be affected by the project. Given that the stream is fully adjudicated, the preferred alternative would not affect the Rancheria's water supply, and the use of the water is too far from the Rancheria to affect uses of associated lands.

The road closure will be coordinated with the affected resident. Landowners or property tenants will be notified of upcoming construction and a provided with contact information should there be requests or concerns. Landowners whose fences encroach on the OUWUA right-of-way will be provided advanced notice of work activities.

The risk of the introduction or spread of noxious species via construction equipment will be mitigated through a requirement for the contractor to the clean equipment that has been in areas known to contain noxious or invasive nonnative species.

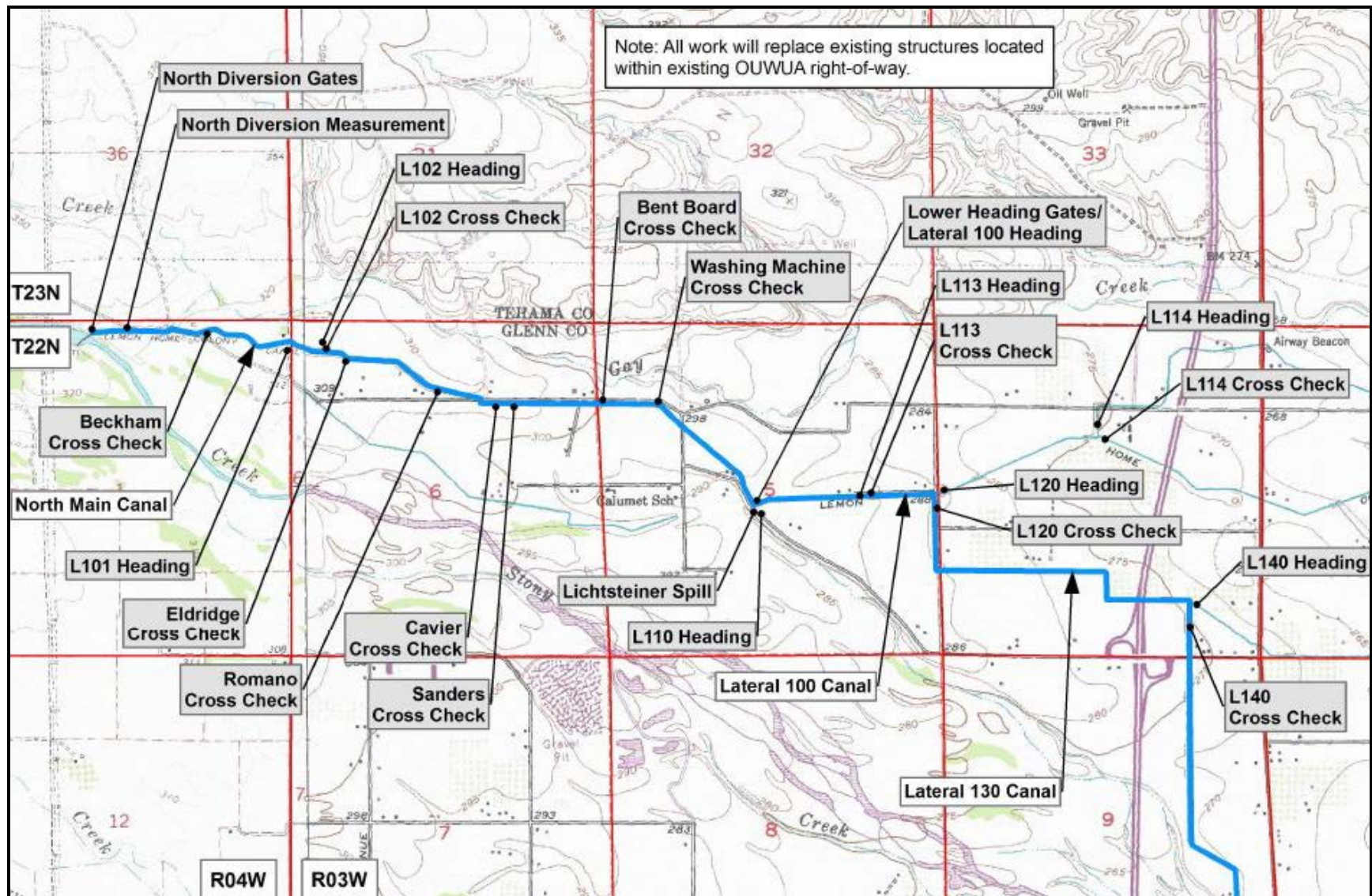


Figure 1. Map depicting Northside canal.

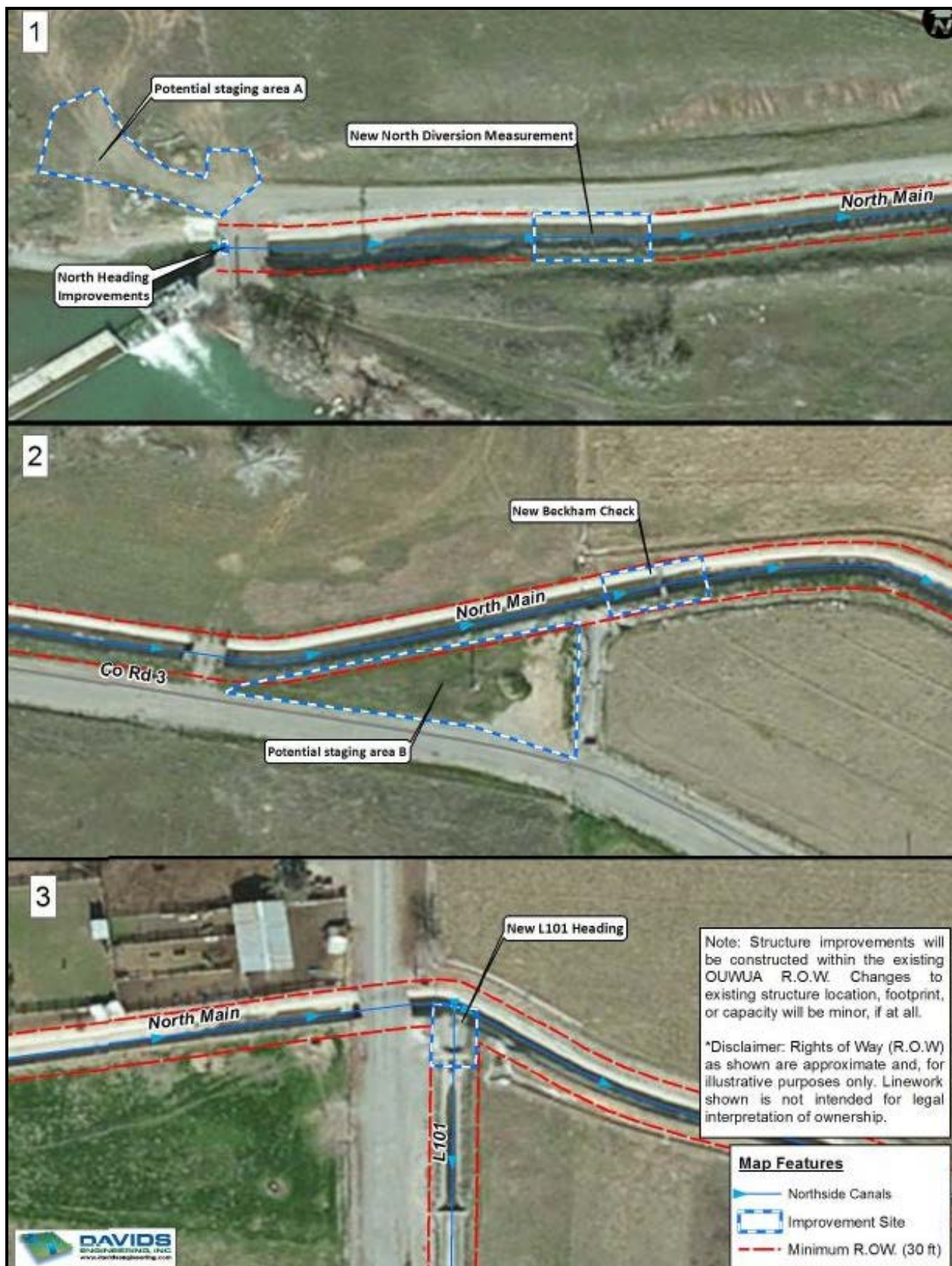


Figure 2A. Locations of improvements along Northside canal.

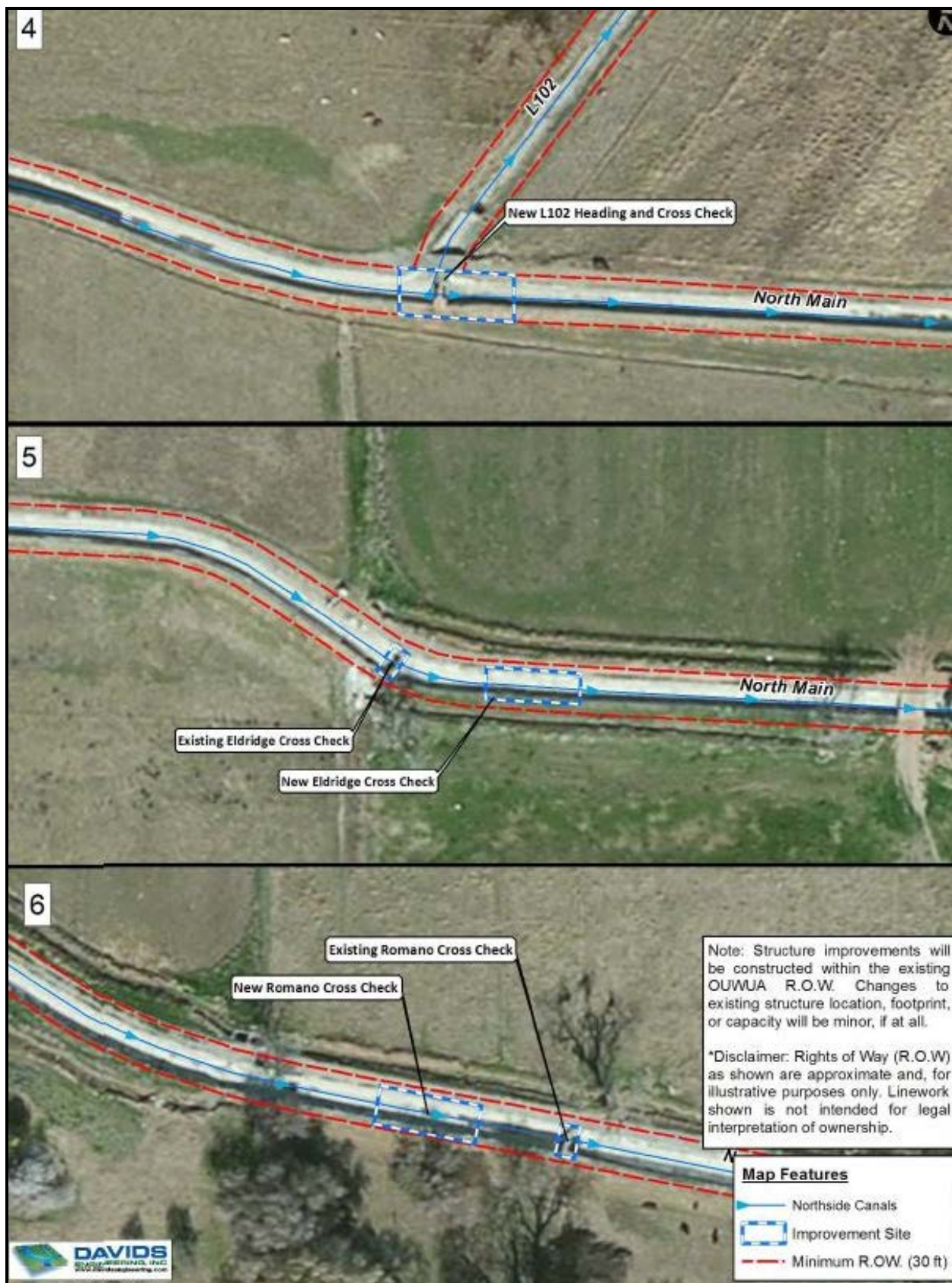


Figure 2B. Locations of improvements along Northside canal.

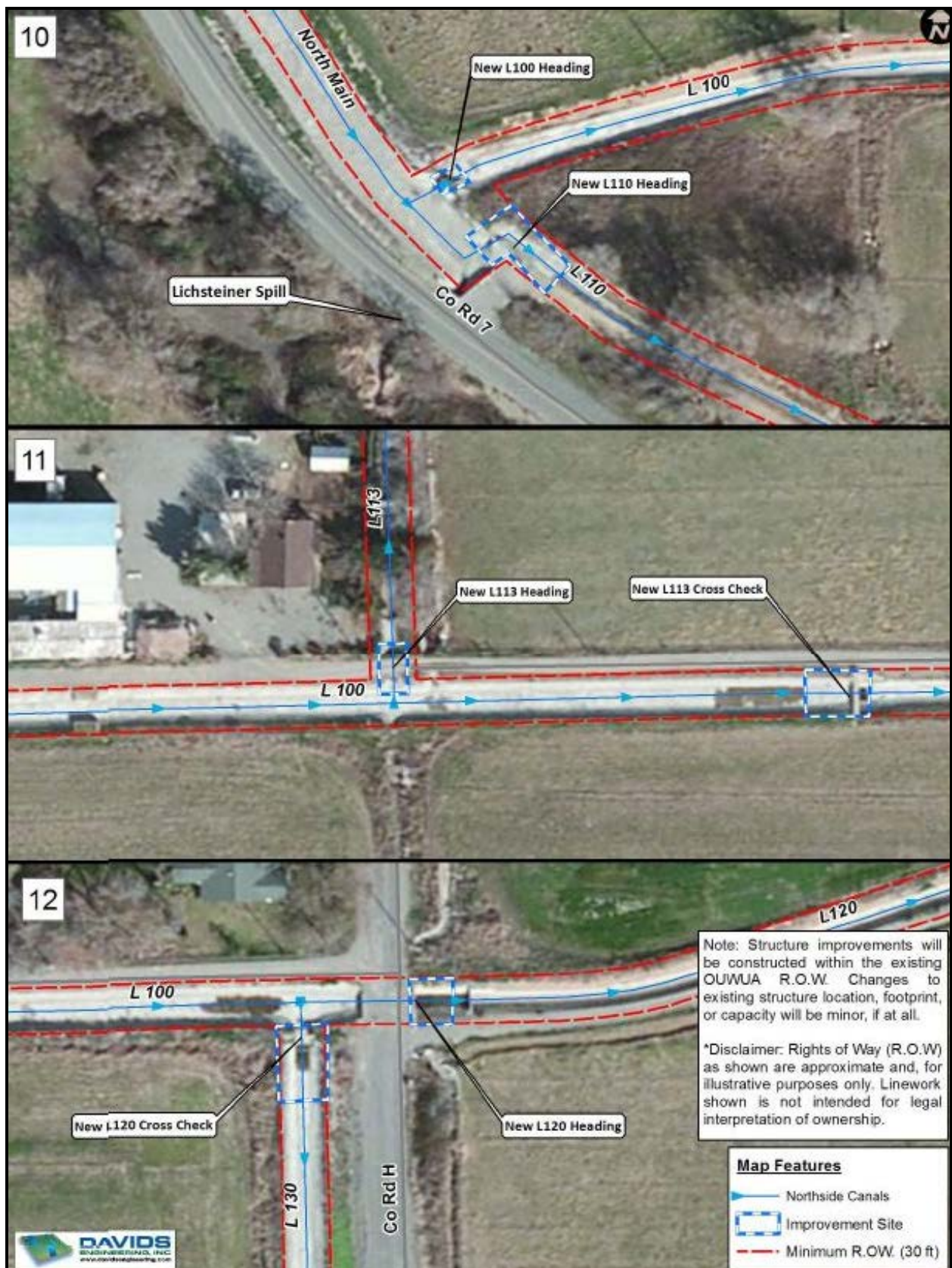


Figure 2C. Locations of improvements along Northside canal.

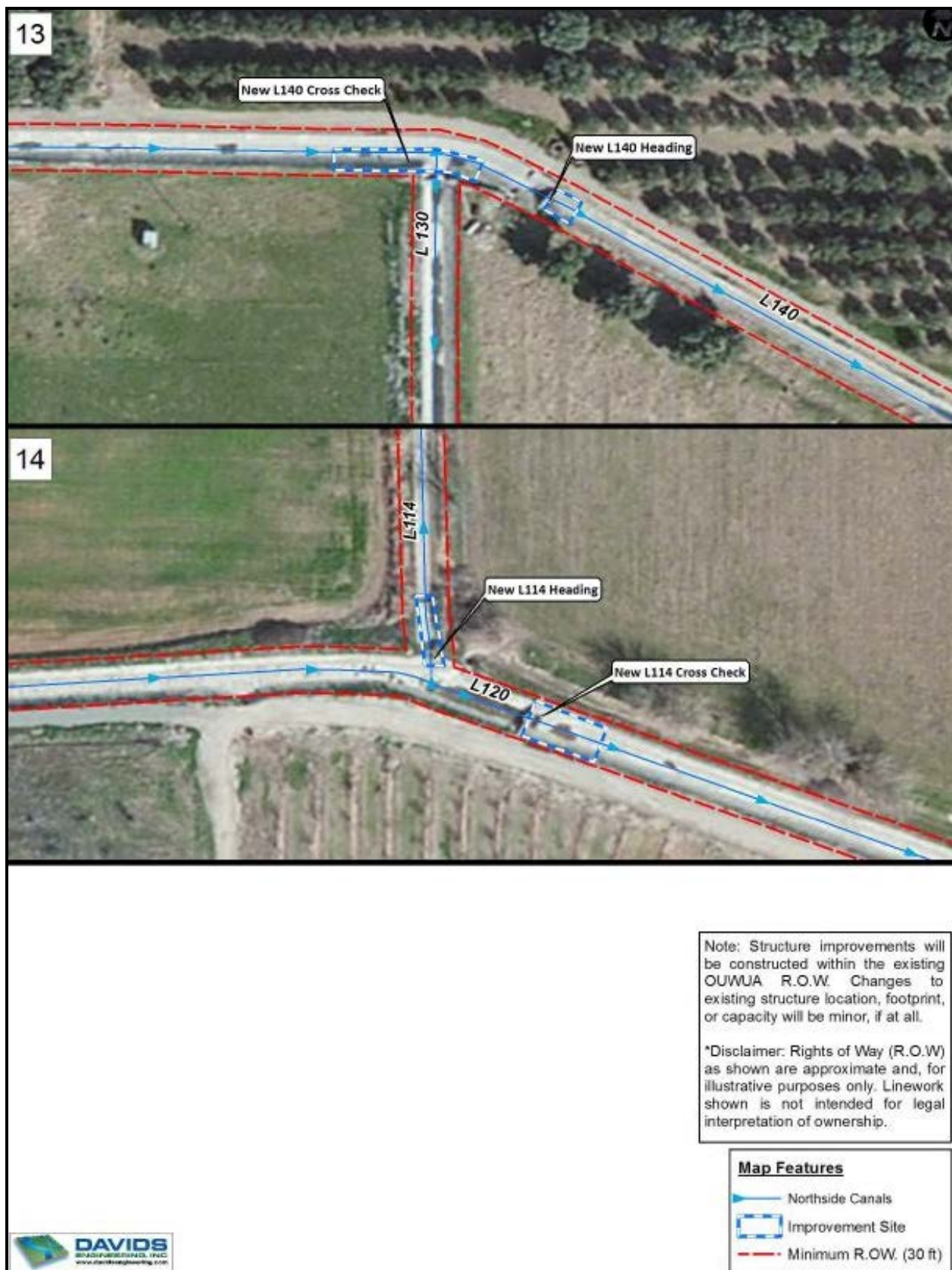


Figure 2D. Locations of improvements along Northside canal.

**Figure 3. Sample photographs of canal and embankments.**



**Figure 3, Cont.**



## Attachment 1. Indian Trust Asset review



Simon, Megan <msimon@usbr.gov>

### ITA Review - Northside Canal - Water Level Control Structure Upgrades - Orland Project

1 message

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

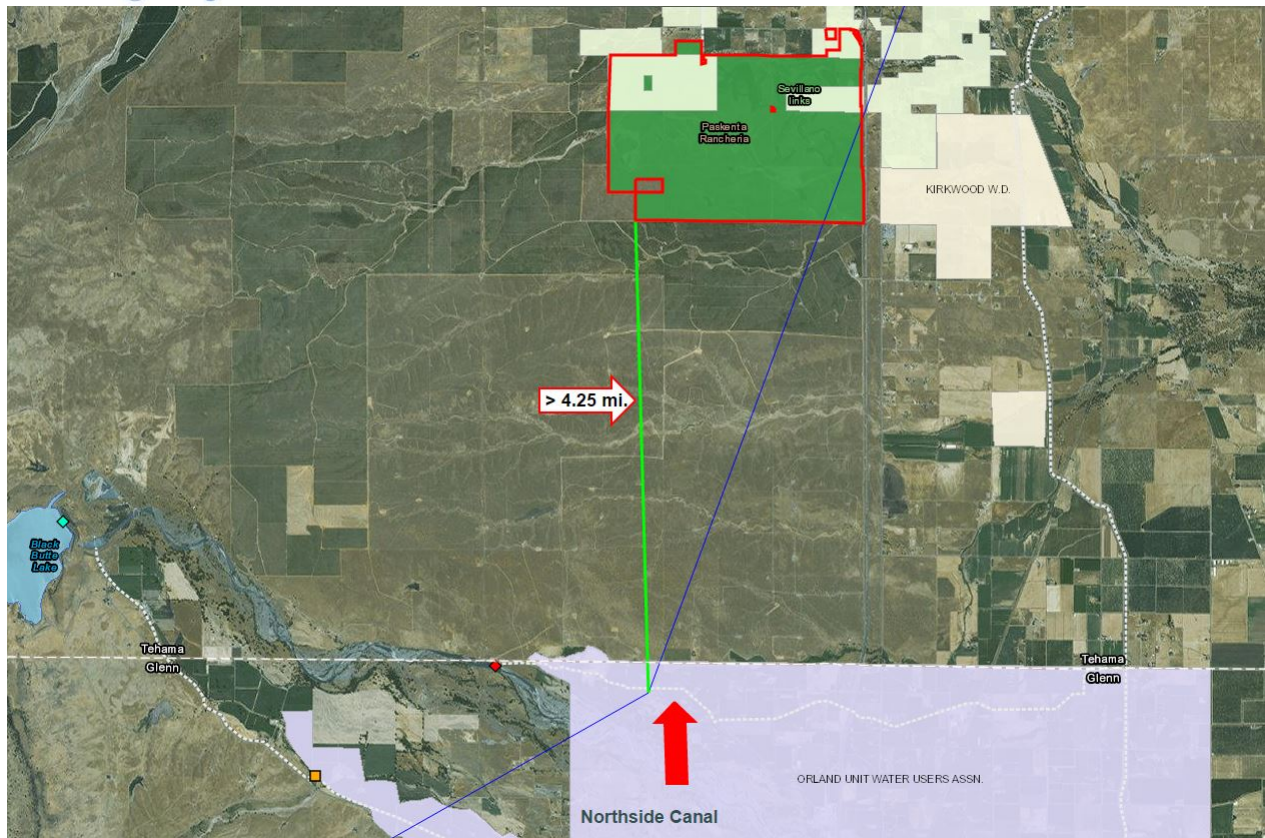
Mon, Nov 23, 2015 at 5:18 PM

I have examined the proposal for the Northside Canal Water Level Control Structure Upgrades project and have determined that the affected facilities are at least 4.25 miles from the closest Indian Trust Asset (ITA). I have determined that there is no likelihood that project-related activities will adversely impact ITAs.

—

*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](mailto:msimon@usbr.gov)



**Attachment 2. Cultural Resource Compliance (page 1 of 3)**

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

MP-153 Tracking Number: 15-NCAO-126

Project Name: Orland Unit Water Users Association (OUWUA) Northside Distribution System Improvement Project

NEPA Document: CEC-15-126

MP 153 Cultural Resources Reviewer: BranDee Bruce, Architectural Historian

Date: March 22, 2016

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OUWUA is requesting Reclamation's approval to modernize portions of Beat 5 of the Northside Distribution System, a component of the Orland Project. The Orland Project was constructed and is owned by Reclamation, and is managed by the OUWUA. Reclamation has determined that this is the type of action that has the potential to cause effects to historic properties pursuant to 36 CFR §800.3 of the Section 106 implementing regulations. As a result of this determination, Reclamation implemented the steps in the Section 106 process as outlined at §800.3 to §800.6.

Proposed project activities include the alteration or replacement of 22 existing water control structures (WCS) within existing canals or laterals. The WCS will either be new flap gates, long-crested weirs, or Rapple flumes. Installation of these WCS will widen the existing lateral or canal up to 4-feet. Automation of all retrofitted or new WCS will be completed as part of this project. Finally, minor road grading on existing roads will occur.

The historic property identification efforts included records searches, background research and historic context development, and pedestrian surveys of the APE by ENPLAN to identify any cultural resources that might be present. A portion of the Northside Distribution System of the Orland Project, Beat 5, was identified, recorded, and evaluated for eligibility for inclusion in the National Register of Historic Places (National Register). Neither the Orland Project nor the overall Northside Distribution System have been recorded or evaluated for the National Register, although portions of the Orland Project have previously been evaluated separately for inclusion in the National Register. For the purposes of this undertaking, Reclamation is treating the Northside Distribution System and the Orland Project as eligible for inclusion in the National Register. Beat 5 was evaluated as a contributing component to the Northside Distribution System. Reclamation entered into consultation with the California State Historic Preservation Officer (SHPO) on February 19, 2016, seeking their concurrence Beat 5's eligibility and on a finding of no adverse effect to historic properties pursuant to 36 CFR § 800. 5(b). SHPO stated that they could not concur on eligibility of Beat 5 until such a time that the Northside Distribution System and the Orland Project's eligibility was determined, but stated that treating Beat 5 as eligible for the National Register for this undertaking is appropriate. SHPO concurred with a finding of "no adverse effect to historic properties pursuant to 36 CFR § 800. 5(b)" on March 22, 2016 (consultation attached).

After reviewing NCAO-CEC-15-126, I concur with Item 8 that this action would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places.

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.

## Attachment 2. Cultural Resource Compliance (page 2 of 3)

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

1725 23<sup>rd</sup> Street, Suite 100  
SACRAMENTO, CA 95816-7100  
(916) 445-7000 Fax: (916) 445-7053  
calshpo@parks.ca.gov  
www.ohp.parks.ca.gov



March 22, 2016

Reply in Reference To: BUR\_2016\_0219\_001

Anastasia T. Leigh  
Regional Environmental Officer  
Bureau of Reclamation, Mid-Pacific Region  
2800 Cottage Way  
Sacramento, CA 95825-1898

RE: Orland Unit Water Users Association (OUWUA) Northside Distribution System  
Improvement Project, Glenn County, California (15-NCAO-126)

Dear Ms. Leigh:

Thank you for the letter received on February 19, 2016, initiating consultation with me for the above-referenced project to comply with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 300101), as amended, and its implementing regulation found at 36 CFR § 800. The Bureau of Reclamation (Reclamation) is seeking my comments regarding the effects the undertaking described below will have on historic properties. Included with the consultation letter were:

- *Cultural Resources Inventory Orland Unit Water Users Association Northside Distribution System Improvement Project, Glenn County, California* (report), prepared by ENPLAN for Davids Engineering in October, 2015
- *Orland Unit Water Users' Association Northside Distribution System Improvements 95% Design* plan set

As described in the consultation package, the undertaking would modernize selected structures on Beat 5 of the Northside Distribution System, a component of Reclamation's Orland Project, in order to improve the efficiency of on-farm irrigation systems and to reduce operational spillage. The OUWUA has operations and maintenance responsibilities for these Reclamation-owned facilities. The undertaking includes alteration or replacement of 22 existing water control structures (WCS) within existing canals or laterals, as well as automation of the WCS. The WCS will either be new flap gates, long-crested weirs, or Replogle flumes. Installation of these WCS will widen the existing lateral or canal up to 4 feet. In addition the undertaking would require minor road grading to access roads along canals and a borrow site located adjacent to the Tehama Colusa Canal north of County Road 8.

The Area of Potential Effect (APE), as fully described in the report, incorporates 16 discontinuous sections of Beat 5 defined to encompass the structures selected for improvement as well as an approximately 25-foot buffer to allow for access and equipment staging. Structures closer than 50 feet from each other were incorporated into the same section. The vertical APE is defined as the maximum depth for excavation for the undertaking, 2 feet 6 inches. The borrow site adjacent to the Tehama Colusa Canal (TCC) consists of an existing stockpile and will not involve any ground disturbing activities.

Identification efforts included a records search, pedestrian survey, evaluation of resources within the APE, and Native American consultation. Three cultural resources were identified within the APE, the Orland Project, Beat 5 of the Northside Division, and the TCC. The Orland Project as a whole and the TCC were not fully recorded and evaluated as that effort is outside the scope of this undertaking, however Reclamation is treating them as eligible for the purposes

## Attachment 2. Cultural Resource Compliance (page 3 of 3)

Ms. Anastasia Leigh  
March 22, 2016  
Page 2 of 2

BUR\_2016\_0219\_001

of this project only. Beat 5 was recorded and evaluated, and recommended as eligible for listing on the National Register of Historic Places (NRHP) as a contributor to the Orland Project.

After reviewing the information submitted with your letter, I offer the following comments:

- I agree that the Area of Potential Effect (APE) as represented in the attachments to your letter is appropriate.
- I concur that Reclamation's identification and evaluation efforts are sufficient for this undertaking.
- As the Orland Project as a whole has not yet been evaluated, but is being treated as eligible for the purposes of this project only, I cannot concur at this time that Beat 5 is eligible as a contributor to the Orland Project. The information submitted does not support NRHP eligibility for Beat 5, as a complete evaluation of the Orland Project will be necessary before contributors can be identified. I recommend that Beat 5 also be treated as eligible until the Orland Project is evaluated in its entirety.
- I concur with your finding and agree that pursuant to 36 CFR § 800.5(b), a Finding of No Adverse Effect is appropriate for the undertaking as described.
- Please be advised that under certain circumstances, such as an unanticipated discovery or a change in project description, you may have 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, please contact Kathleen Forrest, Historian, at (916) 445-7022 or by email at [kathleen.forrest@parks.ca.gov](mailto:kathleen.forrest@parks.ca.gov).

Sincerely,



Julianne Polanco  
State Historic Preservation Officer

**Attachment 3: Informal ESA Consultation (page 1 of 6)**



IN REPLY REFER TO:  
NC-312  
ENV-7.00

**United States Department of the Interior**

BUREAU OF RECLAMATION  
Mid-Pacific Region  
Northern California Area Office  
16349 Shasta Dam Boulevard  
Shasta Lake, CA 96019-8400

APR 28 2016

**MEMORANDUM**

To: Supervisory Fish and Wildlife Biologist,  
Sacramento Fish and Wildlife Office  
(Attn: Kellie Berry)

From: Megan Simon   
Natural Resource Specialist

Subject: Request for Concurrence under Section 7 of the Endangered Species Act (ESA) for the  
Orland Unit Water Users' Association's (OUWUA) Northside Distribution System  
Improvements Project.

The Bureau of Reclamation requests concurrence from the U.S. Fish and Wildlife Service that the proposed OUWUA Northside Distribution System Improvement Project would have no effect on the giant garter snake (*Thamnophis gigas*; GGS) or its critical habitat, and; is not likely to adversely affect the Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*; VELB) or its habitat.

The proposed project is located along an approximate 4.25 mile stretch of the OUWUA Northside Distribution System in Glenn County, California. Reclamation is the lead Federal agency for the Project and will issue an MP-620 permit (Mid-Pacific region permit for additions or alternations to Federal facilities) to the OUWUA to complete the work. The work will consist of replacing antiquated and aging components of Reclamation-owned and OUWUA-managed irrigation facilities with long-crested weirs and automated gates.

Site preparation and construction would occur during the fall to winter season when the canal is dry and suitable for maintenance. You are referred to the Draft Categorical Exclusion Checklist (CEC) *Orland Unit Water Users' Association's Northside Distribution System Improvements – Orland Project, NCAO-CEC-15-126* (Attachment 1) for details of the Proposed Action.

On December 3, 2015, Reclamation accessed your agency's online database website for a current list of species and critical habitat that occur within or may be affected by this project. In addition, on December 11, 2015, Reclamation accessed the State's online California Natural Diversity Database (CNDDB) for additional information on occurrences of federally-listed species and those proposed for listing. The online databases were queried using a free-hand but conservative outline of the project site.

In its review of the database research results, Reclamation provided consideration to GGS as a potential species of concern. Reclamation's subsequent research indicated that Glenn County is the northern terminus of the GGS's range. The site, in turn, is in northern Glenn County, further limiting the potential for GGS to be located in the project area. Reclamation contacted local biologist and GGS expert, Mr. Eric Hansen, regarding the potential for GGS to occur at the site (personal communication, December 11, 2015). Mr. Hansen provided a database of recent GGS trappings in Glenn, Butte, and Colusa Counties. All of the Glenn County trappings occurred in the West of Biggs US Geological Survey (USGS) topographic quadrant, which is far removed to the south of the project site. Mr. Hansen confirmed that GGS are not highly prevalent in Glenn County and stated that, because the canal in question is gunnite-lined and unsuitable for denning and there are no wetlands, freshwater marsh, or rice fields adjacent to the site to function as upland habitat; any potential GGS habitat would be fragmented and inadequate for the GGS to fulfill its life cycle. Therefore, according to Mr. Hansen, any potential GGS occurrence at the site would be limited to migration through the site to more suitable habitat. There is no aquatic vegetation cover for GGS at the site. Further, the work would be completed in the winter season when the canal is dry and GGS are inactive. Therefore, Reclamation concluded the opportunity for GGS to encounter the site during migration is eliminated; there is no anticipated effect to GGS from the project.

The VELB occurs in riparian woodlands, where it feeds on the pith (larva), and flowers and leaves (adult stage) of elderberry shrubs (*Sambucus nigra ssp. caerulea*) with stems measuring at least 1.0-inch in diameter at ground level. The presence of exit holes on the stems of the elderberry shrubs may indicate the presence of the VELB. A solitary elderberry shrub was reported on a property immediately adjacent to the northern-most work site of the project by OUWUA and observed by Reclamation during a reconnaissance survey conducted on March 22, 2016. The elderberry shrub is located along a bank and is separated from the work site by a barbed wire fence. Its dripline extends toward the water and away from the work site. Although no exit holes were observed on the shrub, which appeared stressed, stems meeting the minimum size requirement for VELB were observed; the shrub is conservatively assumed suitable VELB habitat. The beetle is completely dependent on this shrub species; thus, the shrub will be protected during project activities. The primary impacts that the project may have on VELB are directly injuring individual beetles and causing harm to the elderberry shrub during work activities.

You are referred to Attachment 2, which provides a plan of the work site on which the elderberry shrub was observed, photographs of the elderberry shrub and a description of its location with respect to project activities. It should be noted that improvements to the heading gates at the work site will involve only light equipment, likely limited to a small walk-behind trencher and a truck-mounted crane-hoist. All activity will be immediately adjacent to the existing gate operators and between the existing control/electrical shed and the gate actuators. The potential work site cannot be moved outside a 100-foot buffer around the elderberry shrub to completely avoid impacts, as is recommended in the conservation plan for the species; however, a 20-foot buffer can and will be observed. The following avoidance and minimization measures will be implemented to reduce potential impacts on VELB to a less-than-significant level:

- No vegetation will be removed or impacted during work activities.
- The Elderberry shrub (located within 100 feet of high project activity) shall be buffered by placing orange fencing at a 20-foot radius around the shrub.
- Entrance and egress of vehicles and equipment for project activities will be limited to the developed canal maintenance road.
- At least one sign shall be erected at the edge of the avoidance area with the following information: "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The sign(s) shall be clearly readable from a distance of 20 feet in accessible directions, and shall be maintained for the duration of construction.
- Contractors shall be briefed on the need to avoid damaging the elderberry plant and the possible penalties for not complying with these requirements. Work crews shall be briefed regarding the status of the beetle and the need to protect its elderberry host plant.
- Work will occur during the VELB's inactive season (outside the period of March 1 to June 30), when adults present would have yet to emerge from the shrub. Work will be temporary, occurring no longer than one week.

In summary, Reclamation believes that the project would have no effect on GGS and is not likely to adversely affect VELB. We request your concurrence with our determination.

This constitutes the best scientific and commercial data available. If you need additional information, please contact me at 530-276-2045 or [msimon@usbr.gov](mailto:msimon@usbr.gov) immediately to allow the opportunity to provide information for consideration as prescribed by 50 CFR 402.14( d).

Attachments – 2

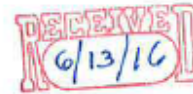
**Attachment 3: Informal ESA Consultation (page 4 of 6)**



In Reply Refer to:  
08ESMF00-  
2016-I-1599-1

**United States Department of the Interior**

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



**JUN 08 2016**

**Memorandum**

**To:** Natural Resources Specialist, Northern California Area Office,  
U.S. Bureau of Reclamation, Shasta Lake, California

**From:** Chief, Sacramento Valley Division, Sacramento Fish and Wildlife Office,  
Sacramento, California *Kellie Berry*

**Subject:** Informal Consultation on the Orland Unit Water Users' Association (OUWUA)  
Northside Distribution System Improvements Project (NC-312 ENV-7.00), Glenn  
County, California

This memorandum is in response to the U.S. Bureau of Reclamation's (BOR) April 28, 2016, request for initiation of informal consultation with the U.S. Fish and Wildlife Service (Service) on the proposed OUWUA Northside Distribution System Improvement Project (proposed project) in Glenn County, California. Your request was received by the Service on May 5, 2016. At issue are the proposed project's effects on the federally-listed as threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) (beetle). This response is provided under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act) and in accordance with the implementing regulations pertaining to interagency cooperation (50 CFR 402).

The federal action we are consulting on is the issuance of funding under Proposition 50 and administered by the California Department of Natural Resources under the Water Use Efficiency Grants Program to replace antiquated and aging components of existing Reclamation-owned irrigation facilities. The infrastructure replacement is authorized via a Mid-Pacific region permit (MP-620) with BOR.

Pursuant to 50 CFR 402.12(j), you submitted a draft Categorical Exclusion Checklist (CEC) for our review and requested 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 any federally-listed species.

In considering your request, we based our evaluation on the following: (1) your April 28, 2016, memorandum initiating informal consultation; (2) the CEC received by the Service on May 05, 2016; (3) telephone and email correspondence between the Service, the BOR, and the applicant; and (4) additional information available to the Service.

### Attachment 3: Informal ESA Consultation (page 5 of 6)

The proposed project is located along an approximate 4.25 mile stretch of the OUWUA Northside distribution system in Glenn County, California. The proposed project includes the replacement of 20 existing water level control structures and lateral headings on the association's Northside canal. A long-throated flume and a sharp-crested weir will be installed to measure flows at the primary diversion and spill locations in order to support improved operation and to monitor project performance. Automated lateral headgates and flow measurement devices will be added to the OUWUA's existing Supervisory Control and Data Acquisition (SCADA) system to provide remote monitoring and control capability. Additionally, the OUWUA's north diversion from Stony Creek will be automated to enable timely and convenient flow adjustments as needed to minimize diversions and system spillage while meeting customer water demands reliably.

Structural improvements will generally necessitate the removal of the existing concrete structures and replacement with new concrete structures of improved design and function. All new structures and improvements will be contained within the OUWUA's existing canal operation prism and maintenance right-of-way.

A solitary elderberry shrub (*Sambucus* sp.), the sole host plant for the beetle, with stems measuring 1 inch or greater in diameter at ground level is present on the property adjacent to the northern-most work site of the proposed project. The elderberry shrub is located along a barbed-wire fenceline approximately 31 feet from two existing manual gate operators scheduled to be removed. All activity will be immediately adjacent to the existing gate operators and between the existing control/electrical shed and the gate actuators. The elderberry shrub will be protected through the implementation of proposed conservation measures.

The applicant proposes to implement the following conservation measures in order to minimize disturbance to the beetle and its habitat:

- No vegetation will be removed or impacted during work activities.
- The elderberry shrub shall be buffered by placing orange fencing at a 20-foot radius around the shrub.
- Ingress and egress of vehicles and equipment for project activities will be limited to the developed canal maintenance road.
- At least one sign shall be erected at the edge of the avoidance area with the following information: "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." This sign(s) shall be clearly readable from a distance of 20 feet in accessible directions, and shall be maintained for the duration of construction.
- Contractors shall be briefed on the need to avoid damaging the elderberry shrub and the possible penalties for not complying with these requirements. Work crews shall be briefed regarding the status of the beetle and the need to protect its elderberry host plant.
- Work will occur during the beetle's inactive season (outside the period of March 1<sup>st</sup> to June 30<sup>th</sup>), when adults present would have yet to emerge from the shrub. Work will be temporary, occurring no longer than one week.

### Attachment 3: Informal ESA Consultation (page 6 of 6)

Natural Resources Specialist

3

After reviewing all the available information, we concur with your determination that the proposed project is not likely to adversely affect the beetle. The proposed project reached the 'may affect' level due to the fact that the proposed project occurs within the known range of the beetle, an elderberry plant is present in the action area, and beetles may be present in the action area. Due to the conservation measures proposed by the applicant, the Service believes that any potential direct adverse effects to the beetle from the proposed project are unlikely to occur, and are therefore discountable for the purposes of this consultation. In addition, due to the proposed conservation measures, the Service believes that any potential indirect adverse effects to the elderberry host plant of the beetle are unlikely to result in take of the beetle itself, and are therefore insignificant for 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 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 Adam Stewart, Fish and Wildlife Biologist ([Adam\\_Stewart@fws.gov](mailto:Adam_Stewart@fws.gov)), or myself ([Kellie\\_Berry@fws.gov](mailto:Kellie_Berry@fws.gov)) at (916) 414-6631.