

# RECLAMATION

## *Managing Water in the West*

### Categorical Exclusion Checklist

## Water Year 2017 Orland-Artois Water District Reclamation Reform Act Section 215 Contract

NCAO-CEC-17-11

Prepared by:

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Date:

March 6, 2017

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Concurrence by:

Attachment 2

Date:

March 6, 2017

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Northern California Area Office  
Designee for Tribal Trust Assets

Concurrence by:

Attachment 3

Date:

March 6, 2017

BranDee Bruce  
Architectural Historian  
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Concurrence by:

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Date:

3/6/2017

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Approved by:

Donald Bader

Date:

3/8/2017

Donald Bader  
Area Manager  
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U.S. Department of the Interior  
Bureau of Reclamation  
Mid Pacific Region

March 2017

## **Background**

In recent years, conversion of rice and other crops to orchard-type crops has increased substantially in Orland-Artois Water District (District) and vicinity. These orchard-type crops have been planted on District and non-District lands and use groundwater as a supplemental source of water. Increased pumping, over longer periods of time, to support these crops has increased the demand on the groundwater aquifer. In the past, the use of surface water from the District benefited the aquifers. With the reductions in available surface water in recent drought years and the conversion from crops, such as rice, that benefit groundwater recharge, recharge has substantially decreased in the service area in recent years. This decrease is considerable enough that, if unaided, the aquifer recharge may become unsustainable for current uses in the near term.

In the months preceding Water Year 2017 (January and February 2017), approximately 1.35 million AF of water was released from Shasta Dam in flood operations.

Section 215 of the Reclamation Reform Act (RRA), Public Law 97-293 of 1982 authorizes the Bureau of Reclamation (Reclamation) to provide temporary water service contracts (Section 215 contracts) of one year or less for water supplies that are not storable for project purposes or are infrequent and otherwise unmanaged flood flows of short duration. Section 215 water may be used for irrigation and municipal and industrial purposes and must be used within the District's Boundaries and within the Central Valley Project (CVP) Consolidated Place of Use.

## **Proposed Action**

Reclamation will execute a Section 215 contract with Orland-Artois Water District (District) for temporary service of up to 3,000 acre-feet of water, pursuant to Section 215 of the RRA, during Water Year 2017 (March 1, 2017 through February 28, 2018), for use on lands located within the Contractor's Boundaries. The availability of Section 215 water would be at Reclamation's discretion and dependent on reservoir capacity and operations, hydrologic conditions, and the District's operating guidelines.

Water diverted pursuant to the Section 215 contract would be applied to gravel areas and drainage ditches within the District's Boundaries, as delineated on Exhibit A of its Renewed Water Service Contract, Contract Number 14-06-200-8382A-LTR1 (Figures 1 and 2). The ultimate intended purpose of the water application is to recharge the aquifer in support of existing agricultural uses.

Section 215 water delivery would be from existing facilities. No banking, transferring, or exchanging of Section 215 water would be allowed unless otherwise approved by Reclamation.

## Exclusion Categories

Bureau of Reclamation Categorical Exclusion – 516 DM 14.5.D.4. Approval, execution, and implementation of water service contracts for minor amounts of long-term water use or temporary or interim water use where the action does not lead to long-term changes and where the impacts are expected to be localized.

## 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 02-01;   | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |

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***

X 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 District, the California Department of Water Resources, and the County of Glenn operate a network of monitoring wells which will be used to monitor the recharge in areas where Section 215 water is applied. No construction or modification of facilities will be needed for delivery of this water. Lands that have never been tilled or irrigated will not be tilled or put into agricultural production using this water. Lands that have been fallowed and untilled for three consecutive years, or more, will not be irrigated with this surplus water.

Of the nine species identified on the US Fish and Wildlife Service (Service) Official Species List for the project as having the potential to occur in the project area and/or be affected by the project, none have Service-designated Critical Habitat within the District's Boundaries. Only one of the nine species listed on the Official Species List, and afforded protection under the Federal Endangered Species Act (ESA), the vernal pool fairy shrimp (*Branchinecta lynchi*), had a reported occurrence within the District's Boundaries recorded in the California Natural Diversity Database (CNDDDB), maintained by the California Department of Fish and Wildlife. Section 215 water will be applied to drainage ditches that currently accept water and gravel areas that do not constitute habitat for listed species. Therefore, the action is not anticipated to impact ESA-listed species.

## Attachment 1. Site Location Maps

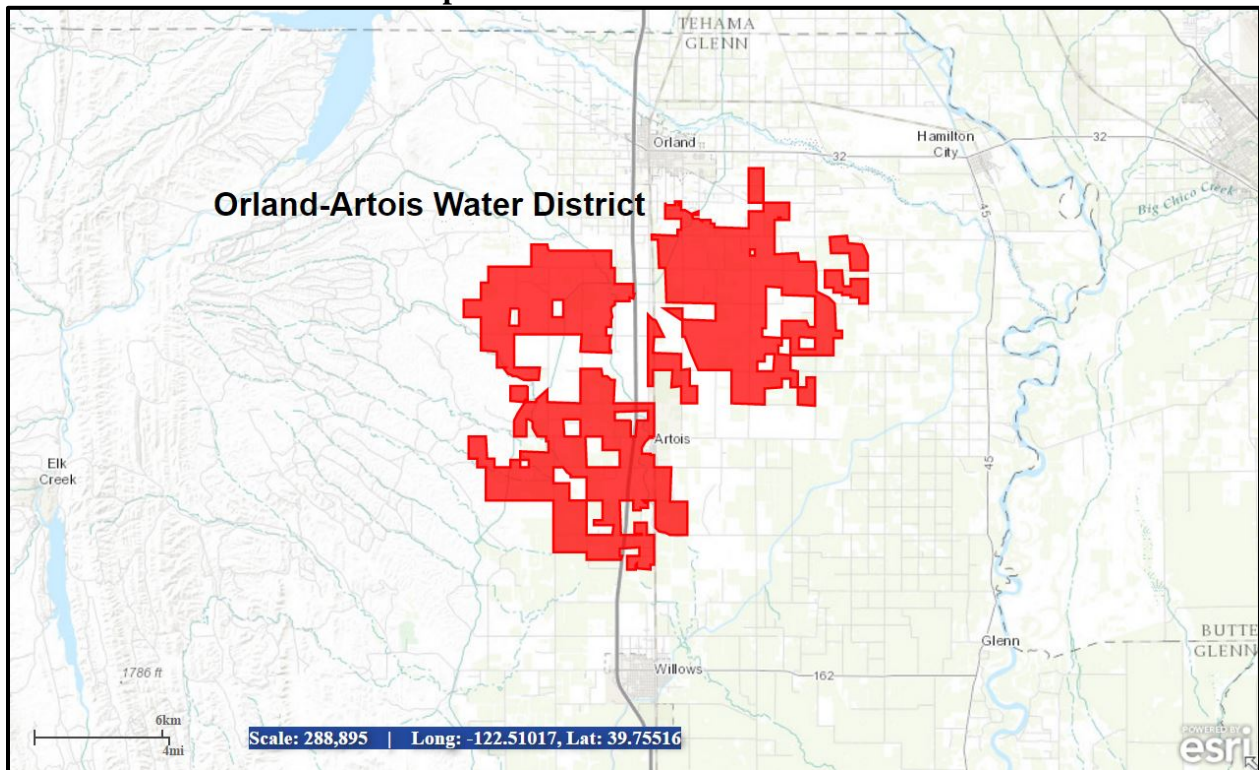


Figure 1. Vicinity Map depicting project area, outlined in red.



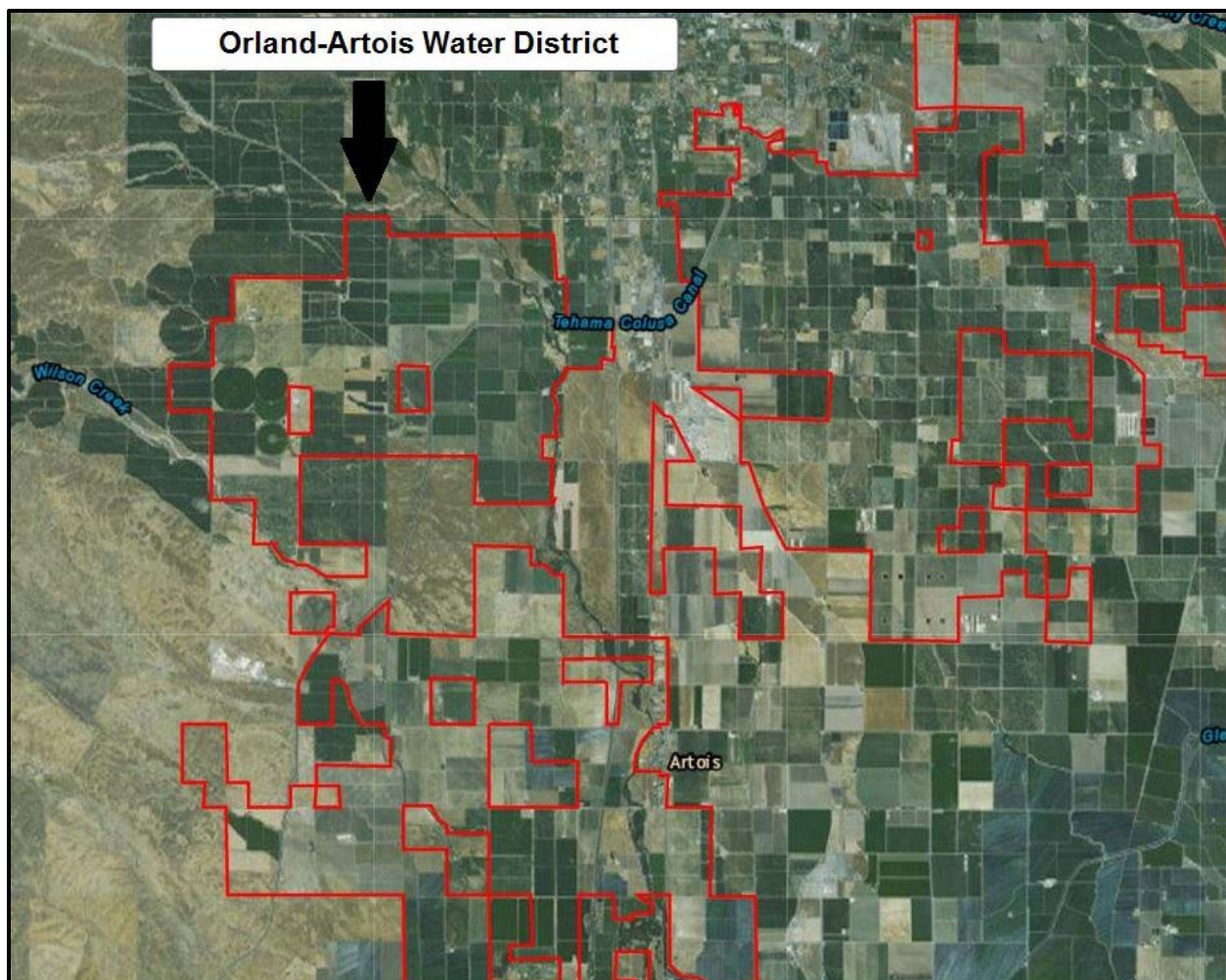


Figure 2. Site Map depicting project location, outlined in red.

## Attachment 2. Indian Trust Asset Review



Simon, Megan <msimon@usbr.gov>

### ITA Review - Orland-Artois WD Section 215 Contract

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

Mon, Mar 6, 2017 at 10:42 AM

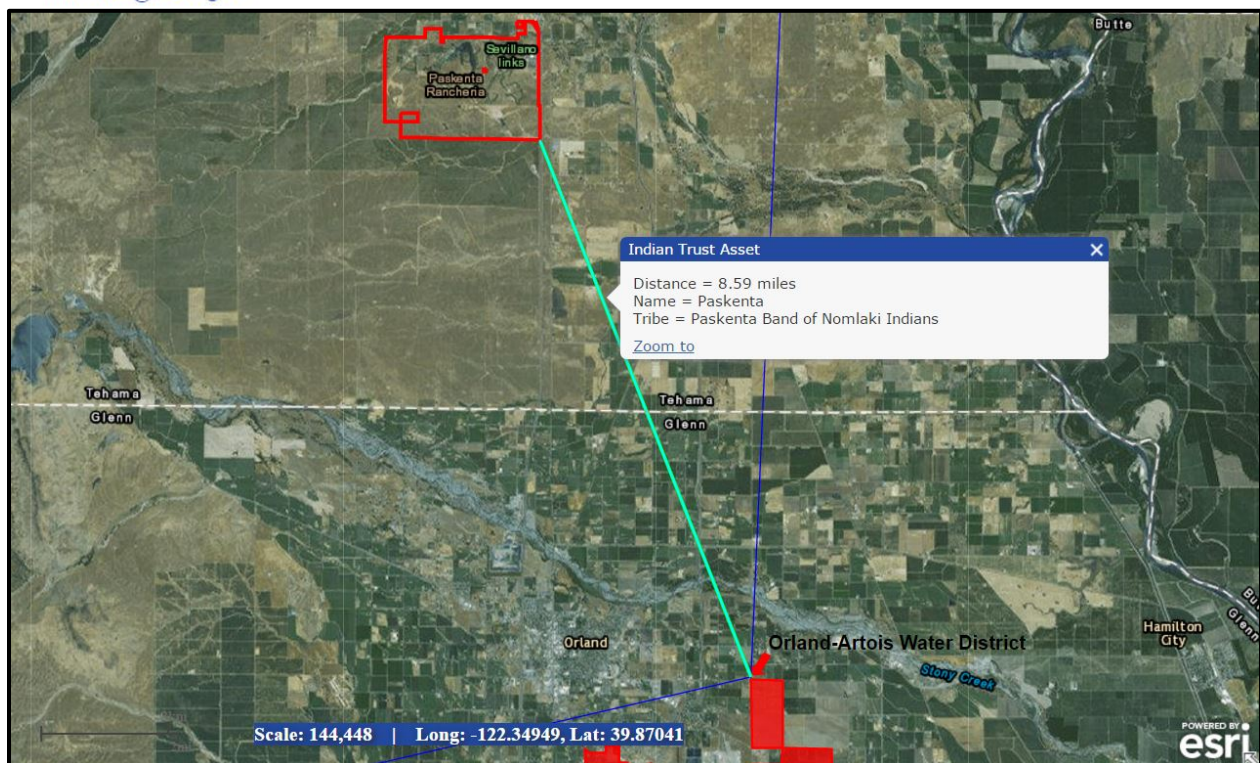
I have examined the referenced proposal and have determined that the facilities are at least 8.5 miles from the closest Indian Trust Asset.

I have determined that there is no likelihood that this action will adversely impact Indian Trust Assets.

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*Megan K. Simon*

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**Attachment 3. Cultural Resources Review**

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

**MP-153 Tracking Number:** 17-NCAO-101

**Project Name:** Water Year 2017 Orland-Artois Water District Reclamation Reform Act Section 215 Contract

**NEPA Document:** NCAO-CEC-17-11

**NEPA Contact:** Megan Simon, Natural Resources Specialist

**MP-153 Cultural Resources Reviewer:** BranDee Bruce, Architectural Historian

**Date:** March 6, 2017

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Reclamation proposes to execute a Section 215 contract during Contract Year 2017 (March 1, 2017 through February 28, 2018) for temporary supply of up to 3,000 acre feet of Section 215 water to Orland-Artois Water District (District) for use to recharge the aquifer within their existing boundaries in support of existing agricultural uses. The availability of Section 215 water would be at Reclamation's discretion and dependent on reservoir capacity and operations, hydrologic conditions, and the District's operating guidelines. No construction or modification of facilities is needed for delivery of this water.

Reclamation has determined that the proposed action is the type of activity that does not have the potential to cause effects on historic properties pursuant to 36 CFR § 800.3(a)(1). As such, Reclamation has no further obligations under Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108). Based on analysis of the project activities, I concur with Item 8 in NCAO-CEC-17-11 that the proposed action would have no significant impacts on properties listed, or eligible for listing on the National Register of Historic Places.

This document conveys the completion of the cultural resources review and Section 106 process for this undertaking. Please retain a copy with the administrative record for this action. Should the proposed action change, additional review under Section 106, possibly including consultation with the State Historic Preservation Officer, may be required.