

RECLAMATION

Managing Water in the West

Categorical Exclusion Checklist

Reclamation Reform Act - Section 215 Contracts North Sacramento Valley Water Districts – Contract Year 2018

NCAO-CEC-18-02

Concurrence by: Attachment 1 Date: January 23, 2018

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Concurrence by: Attachment 2 Date: January 29, 2018

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

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Background

In recent years, agricultural production and conversion of row crops to orchard-type crops (e.g. tree nuts and olives) has increased substantially in the northern portion of the Sacramento Valley. Water Districts (Districts) use groundwater as a supplemental source of water to support these orchard-type crops. Increased pumping, over longer periods of time, associated with the use of groundwater, has increased the demand on aquifers. Historically, the land application of surface water by irrigation Districts benefited recharge to the aquifers. Increased use of drip and micro-sprinkler systems to irrigate these crops, in order to improve water management in recent years, has decreased the recharge potential associated with irrigation. With the reductions in available surface water in recent drought years and the conversion from crops that benefit groundwater recharge to those that do not contribute significantly to this function, aquifer recharge has substantially decreased in the northern Sacramento Valley in recent years. This decrease is considerable enough that, if unaided, the aquifer recharge may become unsustainable for current uses in the near term.

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. In the subject area, these waters would be released from Shasta Reservoir and Keswick Dam. Section 215 water may be used for irrigation and/or municipal and industrial purposes and must be used within the District's Service Area and/or Boundaries and within the Central Valley Project (CVP) Consolidated Place of Use.

During contract year 2017 (March 1, 2017 to February 28, 2018), Reclamation entered into Section 215 contracts with Orland-Artois Water District (WD) and Colusa County WD at these Districts' requests. In contract year 2017 to date, approximately 900 thousand acre-feet (TAF) water, beyond that which would have been released as base flow to the Sacramento River, was released from Keswick Dam in flood control operations (Figure 1)¹. As of October 2017, Orland-Artois WD had diverted the entirety of the 3 TAF quantity associated with their Section 215 contract and Colusa County WD had diverted 9,818 AF of the 10 TAF associated with their Section 215 contract.

As contract year 2018 approaches, Colusa County WD, Orland-Artois WD and additional Districts have submitted requests to Reclamation for new Section 215 contracts. The purpose of this Categorical Exclusion Checklist (CEC) is to document environmental review for the Proposed Action of Reclamation establishing new Section 215 contracts for contract year 2018 (March 1, 2018 through February 28, 2019) with interested Districts in the north Sacramento Valley.

¹ It should be noted that the winter of 2017-2018 (tail end of contract year 2017) has been relatively dry in comparison to contract year 2016, which was one of the wettest on record. Should an increase in precipitation and inflow to the river and reservoir occur late in the season necessitating flood control operations, the quantity of water available beyond that needed to manage operations and honor downstream water quality commitments (i.e. the base flow) cannot be accurately predicted but would likely be less than that available in the winter of 2016-2017.

Reclamation’s Central Valley Operations will monitor the environmental setting, as typical, to advise Reclamation’s contract managers of the quantity and timing of flood control operations that dictate the timing and quantity of Section 215-related diversions. Each District exercising its Section 215 contract shall submit a delivery schedule for the timing of delivery of the water to Reclamation for approval prior to diversion. Water purchased under Section 215 contracts will be metered at turnouts and service connections.

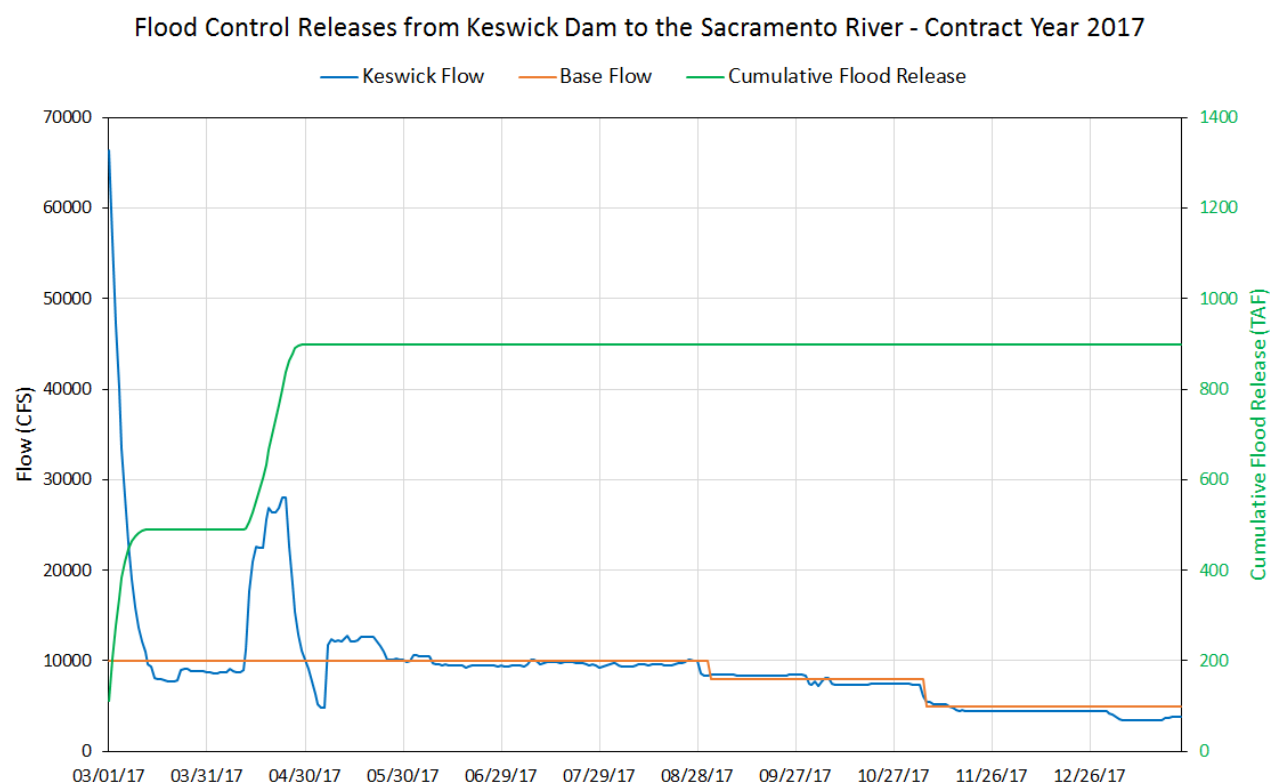


Figure 1. Flood Control Releases from Keswick Dam to the Sacramento River – Contract Year 2017

Proposed Action

Reclamation will execute new Section 215 contracts with Districts in the northern Sacramento Valley during contract year 2018 (March 1, 2018 through February 28, 2019), pursuant to Section 215 of the RRA. Districts that have expressed interest in pursuing Section 215 contracts are listed in Table 1. For assessment purposes, the total water amount contemplated for diversion under Section 215 contracts for contract year 2018 is approximately 52,050 AF which is the total of the proposed contractual maximums of all requests received. The availability of Section 215 water would be at Reclamation’s discretion and dependent on reservoir capacity and operations, hydrologic conditions, and the individual District’s operating guidelines. Depending on the District diverting, diversion of Section 215 flood waters would occur at either the Wintu or Red Bluff pumping plants (Figure 2A).

Water diverted pursuant to the Section 215 contracts would be applied to municipal and industrial (M&I) use, previously irrigated lands and/or those used for agricultural purposes, or

gravel areas that do not qualify as habitat for sensitive species, within the District's Service Area and Boundaries, as delineated on Exhibit A of their respective Renewed Water Service Contracts (Figures 2A-K). The ultimate intended purpose of the water application is to recharge the aquifers in support of existing agricultural uses.

Table 1. North Sacramento Valley Districts' Section 215 Requests for Contract Year 2018

District	Water Quantity (AF)
Bella Vista WD	2,000
Colusa County WD	15,000
Corning WD	250
Cortina WD	600
Davis WD	2,000
Glen Valley WD	200
Glide WD	3,000
Kanawha WD	6,000
Orland-Artois WD	15,000
Westside WD	8,000
Total as of 2/1/18	52,050

Water diverted pursuant to the Section 215 contracts would be from existing facilities. No banking, transferring, or exchanging of Section 215 water would be allowed unless otherwise approved in writing by Reclamation. Although the Districts and quantities contemplated for the purpose of assessment are not firm until established by the Section 215 contracts, the locations and total quantity assessed is a reasonable estimation for this purpose.

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 ☒ X 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 ☒ X 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

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:

Surface water inputs to the Sacramento River (below Keswick Dam) can be significant during storm season. Flow releases from Shasta and Keswick Dams, and controlled releases from Whiskeytown Dam to Clear Creek, as well as other tributaries, can cumulatively result in water in excess to the system requirements causing flooding. Invoking the 215 contracts would lessen the potential and intensity for bank scouring and flooding along the Sacramento River below the points of diversion that could occur during flood control releases.

Additional water diverted under Section 215 is purchased under a separate contract and not subject to the rate for Project water established in the District's Water Service Contract; although the origin of the water may be the same as water purchased under Article 3(f) of a Water Service Contract (3(f) water), Section 215 water may be offered at a discounted rate at the discretion of Reclamation's Area Manager. The Section 215 water pricing provides an incentive to the Districts to purchase Section 215 water rather than 3(f) water if the Section 215 contract has been established by the time the water is available. Regardless, the requirement to purchase the water, inability to store Section 215 water due to its temporary availability, the timing of its availability

(typically outside the irrigation season), scheduling of its diversion, contractual maximum quantities (albeit without acreage limitations to which 3(f) water is subject) that can be purchased and associated metering would serve as limiting mechanisms with regard to potential misuse or over-use of Section 215 contract water.

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.

The Districts, the California Department of Water Resources, and counties operate monitoring wells used to monitor recharge in areas where Section 215 water is applied. No issues with past capture and diversion of Section 215 waters have been brought to Reclamation's attention. Further, as an example of the value of the program, a 2017 study conducted by Orland-Artois Water District on recharge potential from the application of Section 215 waters verified that this water can contribute toward aquifer recharge.

In addition to the considerations above, the Section 215 contracts will stipulate that:

- Project facilities used to make available and deliver Temporary Water to the Contractor shall be operated and maintained in the most practical manner to maintain the quality of the Temporary Water at the highest level possible as determined by the Contracting Officer, and;
- The Contractor shall comply with all applicable water and air pollution laws and regulations of the United States and the State of California and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities necessary for the delivery of Temporary Water by the Contractor; and shall be responsible for compliance with all Federal, State, and local water quality standards applicable to surface and subsurface drainage and/or discharges generated through the use of Federal or Contractor facilities or Temporary Water provided by the Contractor within the Contractor's Service Area.

The Official Species List, obtained online from the US Fish and Wildlife Service (Service), identified 20 species afforded protection under the Federal Endangered Species Act (ESA) as having the potential to occur in the project area and/or be affected by the project.

Reclamation queried the California Natural Diversity Database (CNDDDB), maintained by the California Department of Fish and Wildlife, to identify reported occurrences of the species listed on the Official Species List within the boundaries of the affected portions of the Sacramento River and Districts. The CNDDDB was queried by county; results were refined to USGS quadrants overlapping some or all of the affected portions of the Sacramento River and affected Districts' service areas. Thirteen of the 20 species listed on the Official Species List had CNDDDB-reported occurrences within the 27 USGS quadrants overlapping some or all of the affected portions of the Sacramento River and/or Districts' service areas: the giant garter snake (*Thamnophis gigas*), CA tiger salamander (*Ambystoma californiense*), yellow-billed cuckoo (*Coccyzus americanus*), Valley elderberry longhorn beetle (VELB; *Desmoceris californicus dimorphus*), vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp

(*Lepidurus packardi*), Conservancy fairy shrimp (*Branchinecta conservatio*), Palmate-bracted bird's beak (*Cordylanthus palmatus*), Greene's tuctoria (*Tuctoria greenei*), Colusa grass (*Neostapfia colusana*), hairy Orcutt grass (*Orcuttia pilosa*), slender Orcutt grass (*Orcuttia pilosa*) and Hoover's spurge (*Chamaesyce hooveri*). In addition, four species under the jurisdiction of the National Marine Fisheries Service (NOAA) or that did not otherwise appear on the Official Species List had CNDDDB reportings in the affected quads: Central Valley steelhead (*Oncorhynchus* (= *Salmo*) *mykiss*), spring and winter-run Chinook salmon (*Oncorhynchus* (= *Salmo*) *tshawytscha*) and least Bell's vireo (*Vireo bellii pusillus*). The frequency of reportings of ESA-listed species within these affected quads was relatively low in comparison the overall frequency of reporting of these species in the counties queried in the CNDDDB.

Although the CA tiger salamander, slender cut Orcutt grass, vernal pool fairy shrimp, vernal pool tadpole shrimp, yellow-billed cuckoo, Central Valley steelhead and spring and winter-run Chinook salmon have proposed or final designated critical habitat, none of the species identified in the IPaC or CNDDDB reports have critical habitat within the affected Districts where Section 215 water would be applied (if not used for M&I purposes) with the exception of the fish species. None of these species have critical habitat on lands where Section 215 waters will be applied: those previously irrigated and/or those used for agricultural purposes, or gravel areas, which do not constitute habitat for listed species. Therefore, the action is not anticipated to impact ESA-listed species. Likewise, due to the nature of the affected action, migratory birds are not anticipated to be impacted.

Figure 2. Site Location Maps

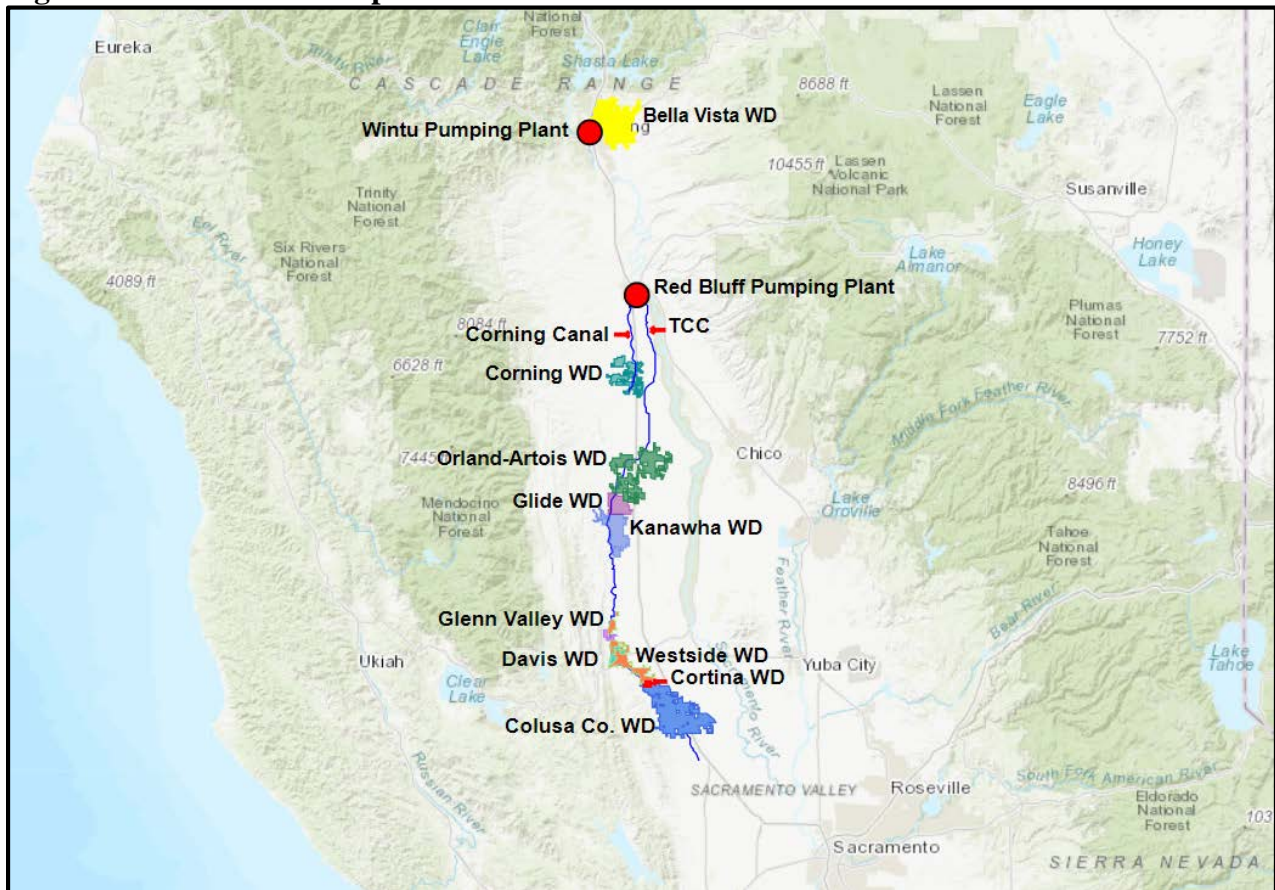


Figure 2A. Vicinity Map

Figure 2, Cont.

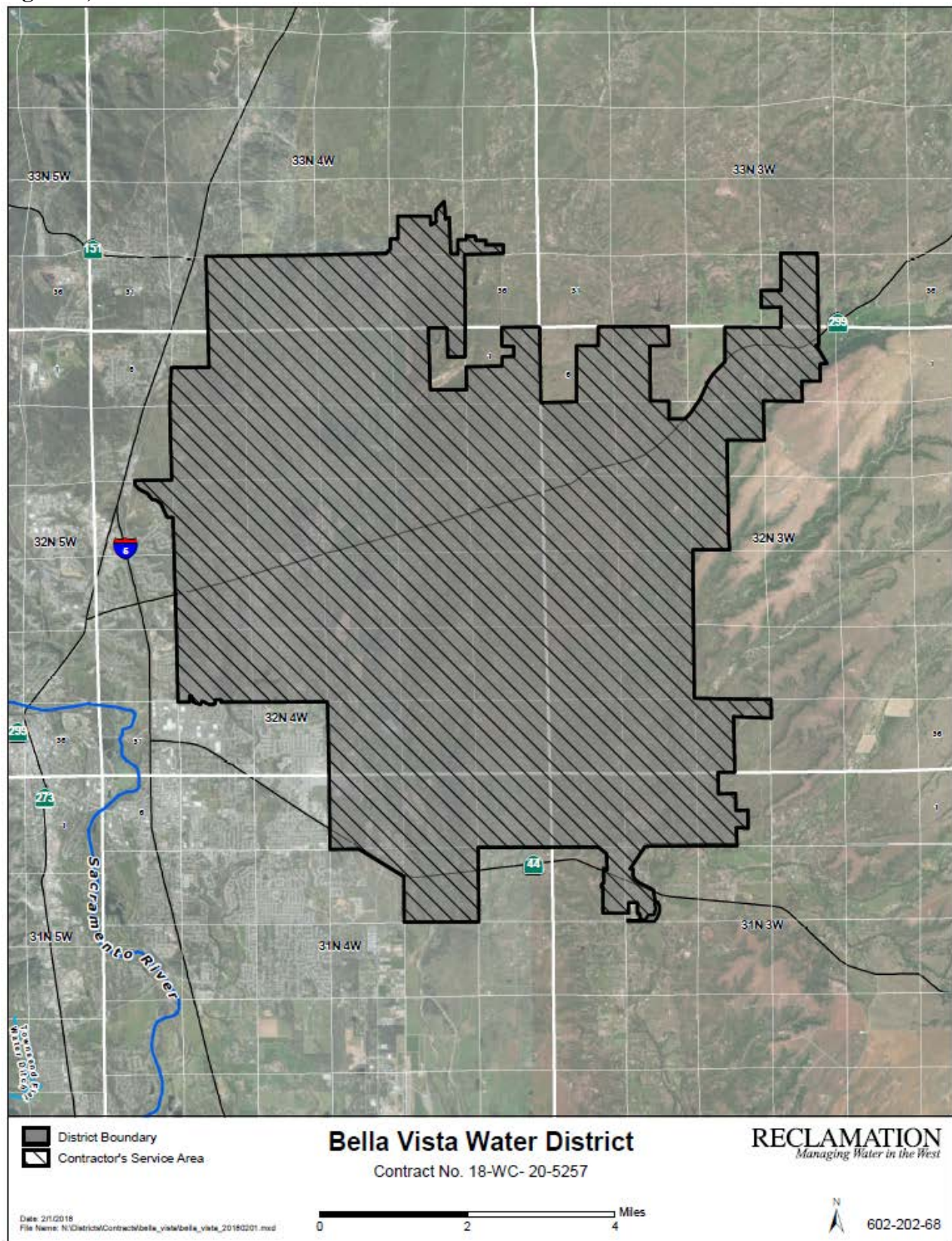


Figure 2B. Exhibit A from Renewed Water Service Contract No. 18-WC-20-5257

Figure 2, Cont.

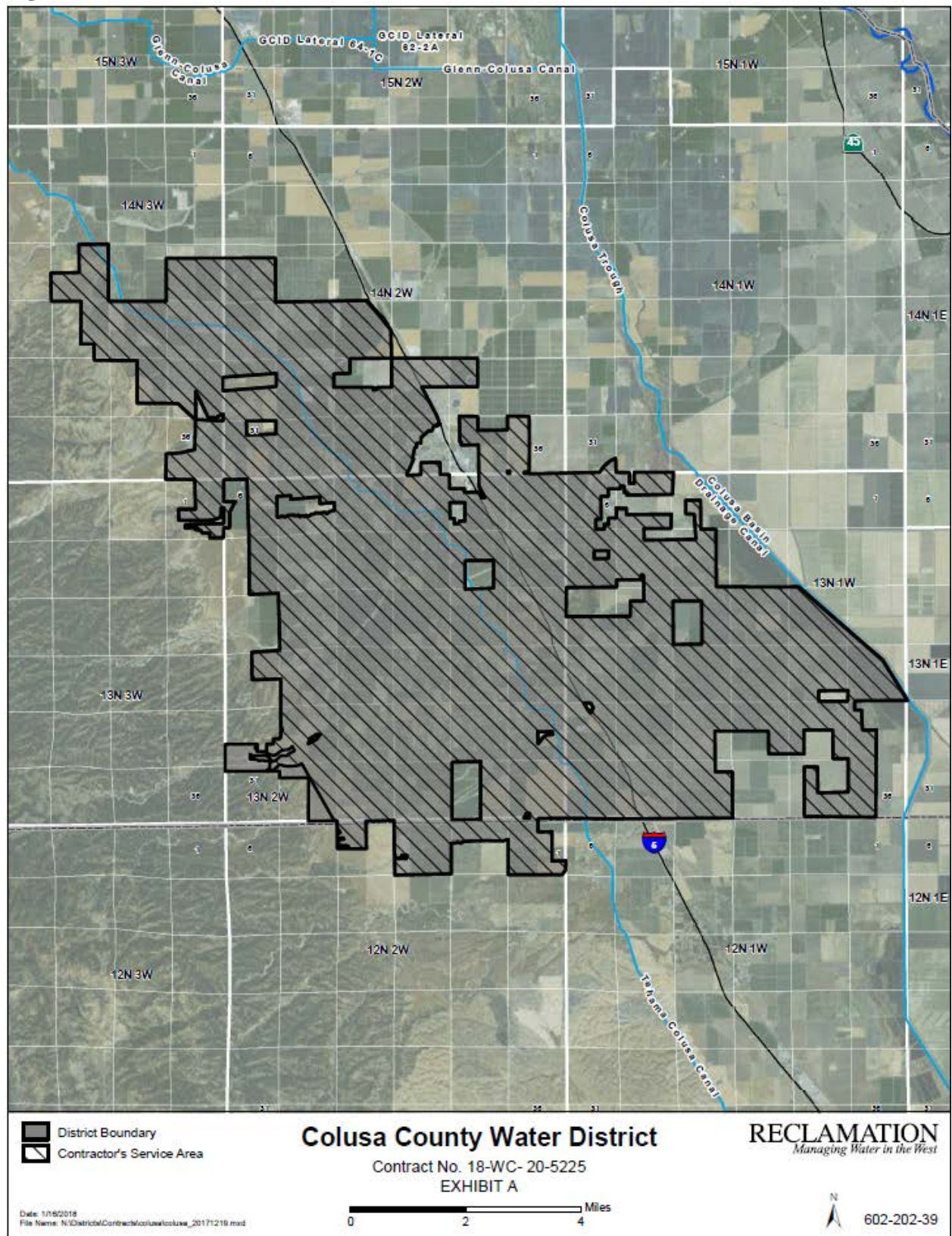


Figure 2C. Exhibit A from Renewed Water Service Contract No. 18-WC-20-5225

Figure 2, Cont.

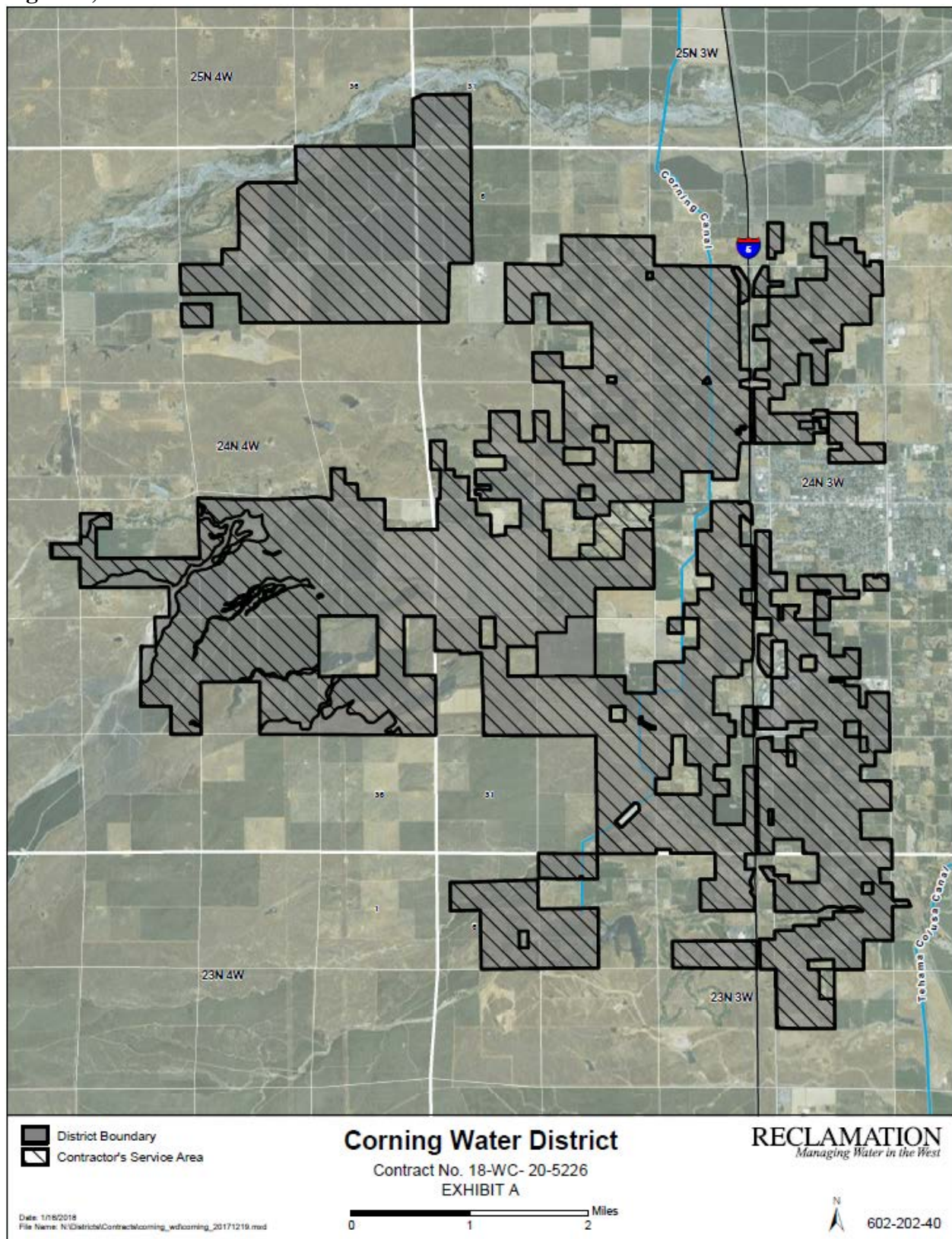


Figure 2D. Exhibit A from Renewed Water Service Contract No. 18-WC-20-5226

Figure 2, Cont.

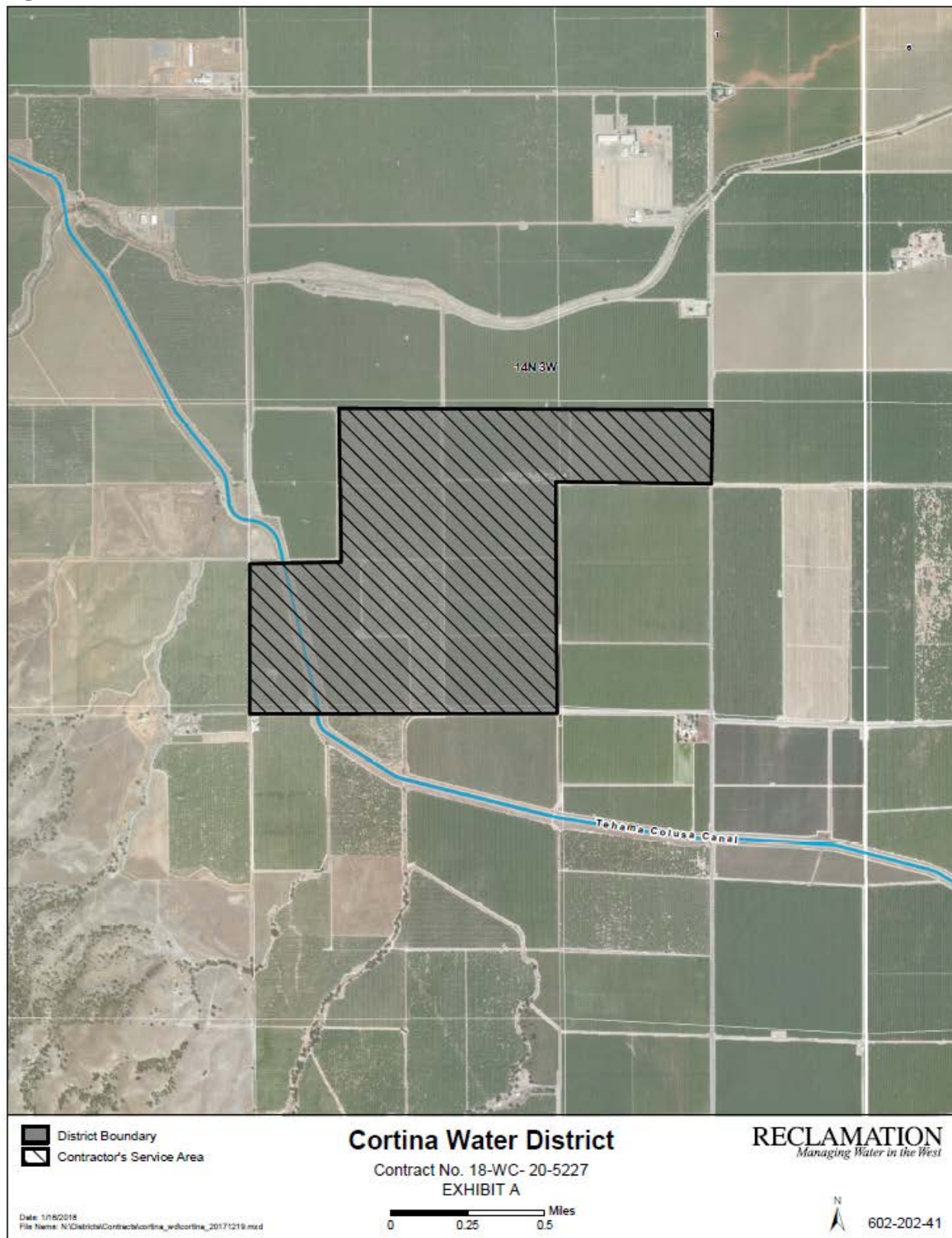


Figure 2E. Exhibit A from Renewed Water Service Contract No. 18-WC-20-5227

Figure 2, Cont.

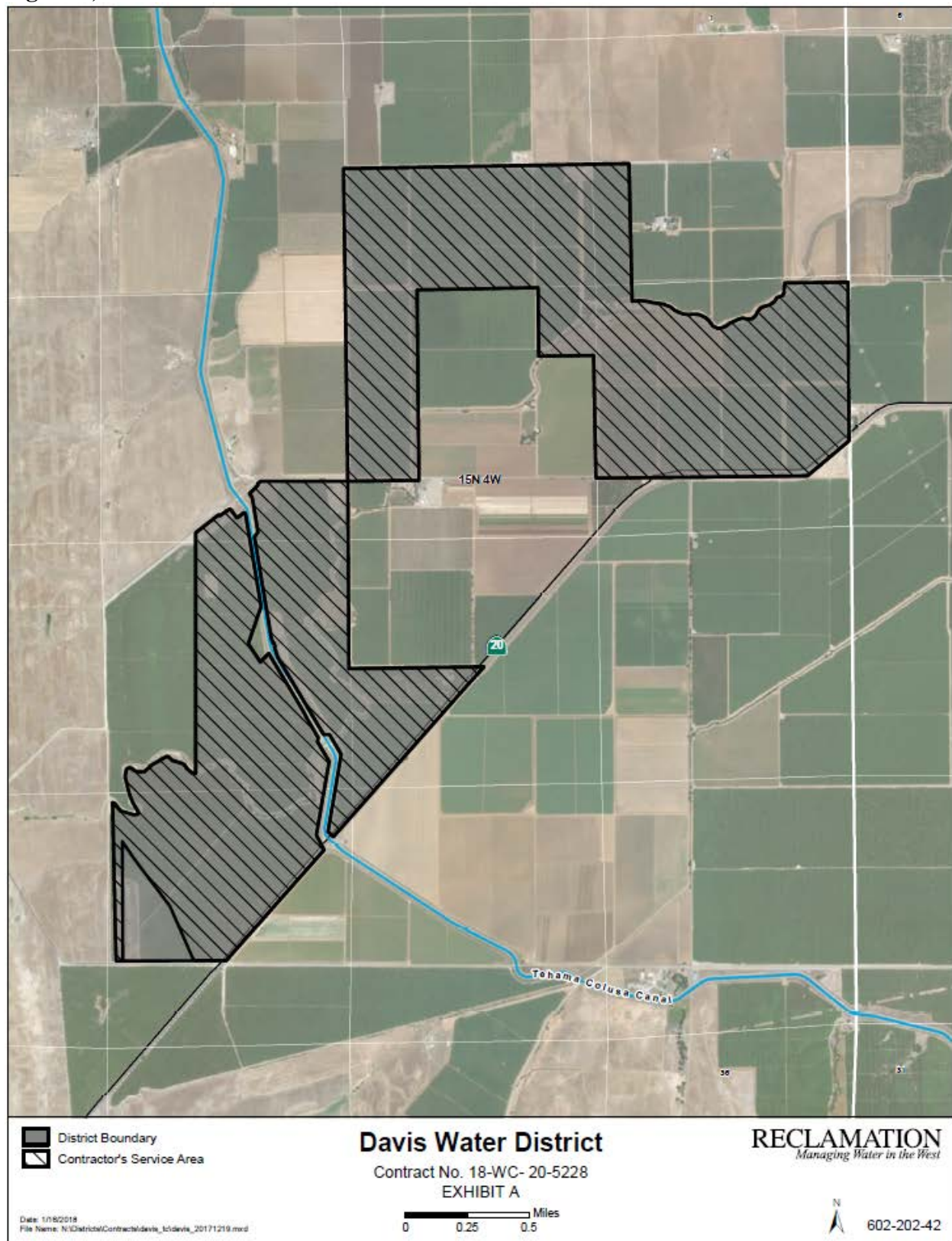


Figure 2F. Exhibit A from Renewed Water Service Contract No. 18-WC-20-5228

Figure 2, Cont.

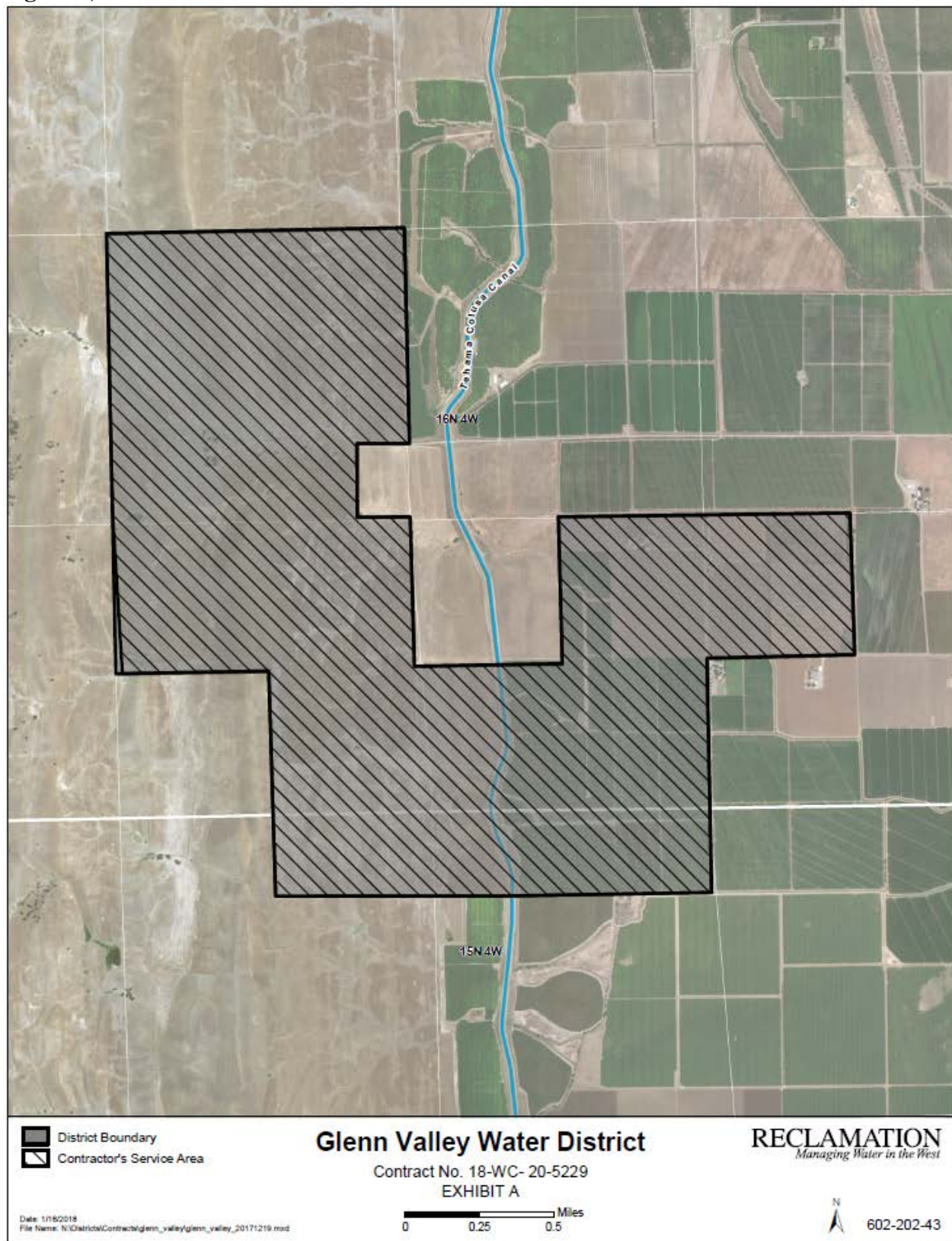


Figure 2G. Exhibit A from Renewed Water Service Contract No. 18-WC-20-5229

Figure 2, Cont.

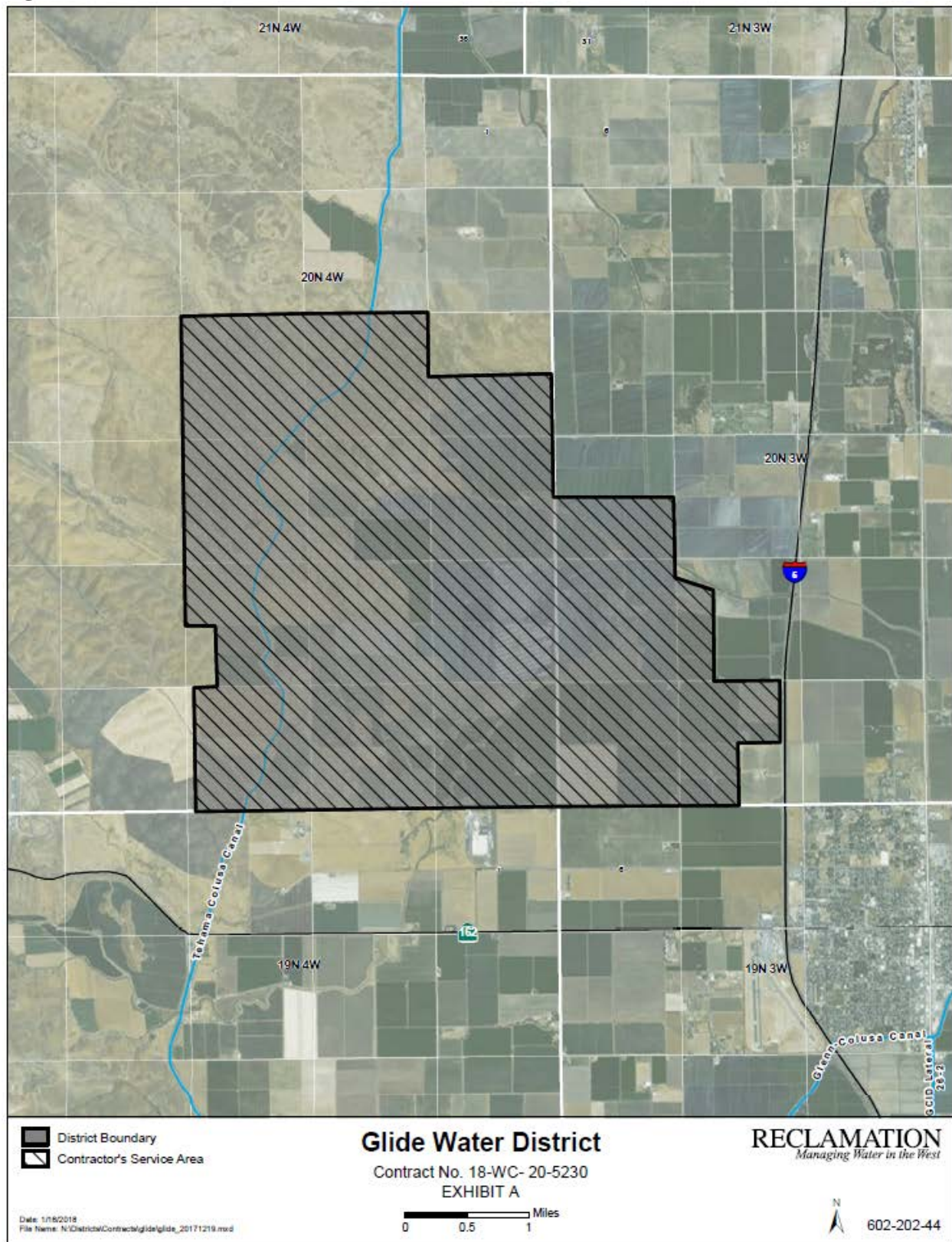


Figure 2H. Exhibit A from Renewed Water Service Contract No. 18-WC-20-5230

Figure 2, Cont.

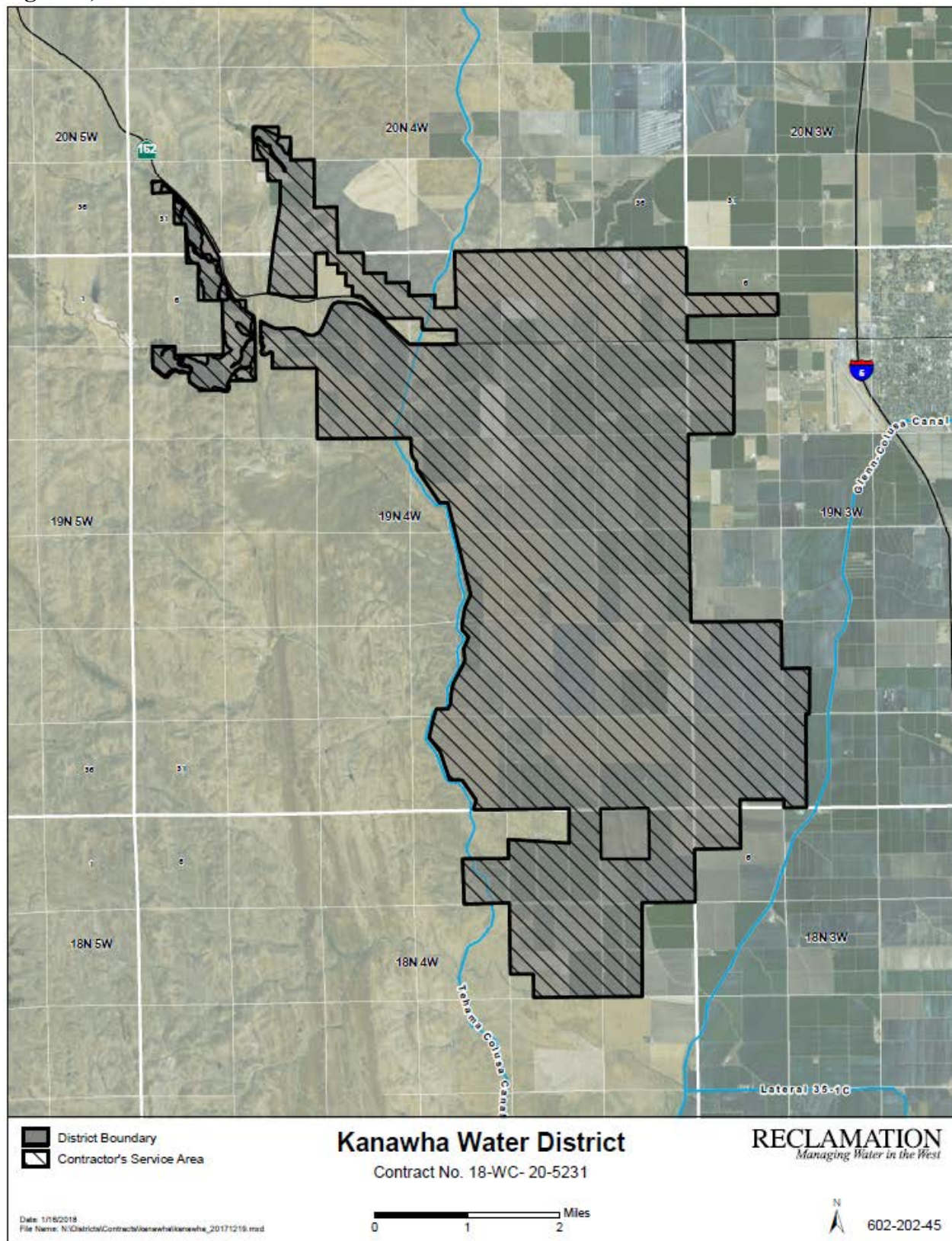


Figure 2I. Exhibit A from Renewed Water Service Contract No. 18-WC-20-5231

Figure 2, Cont.

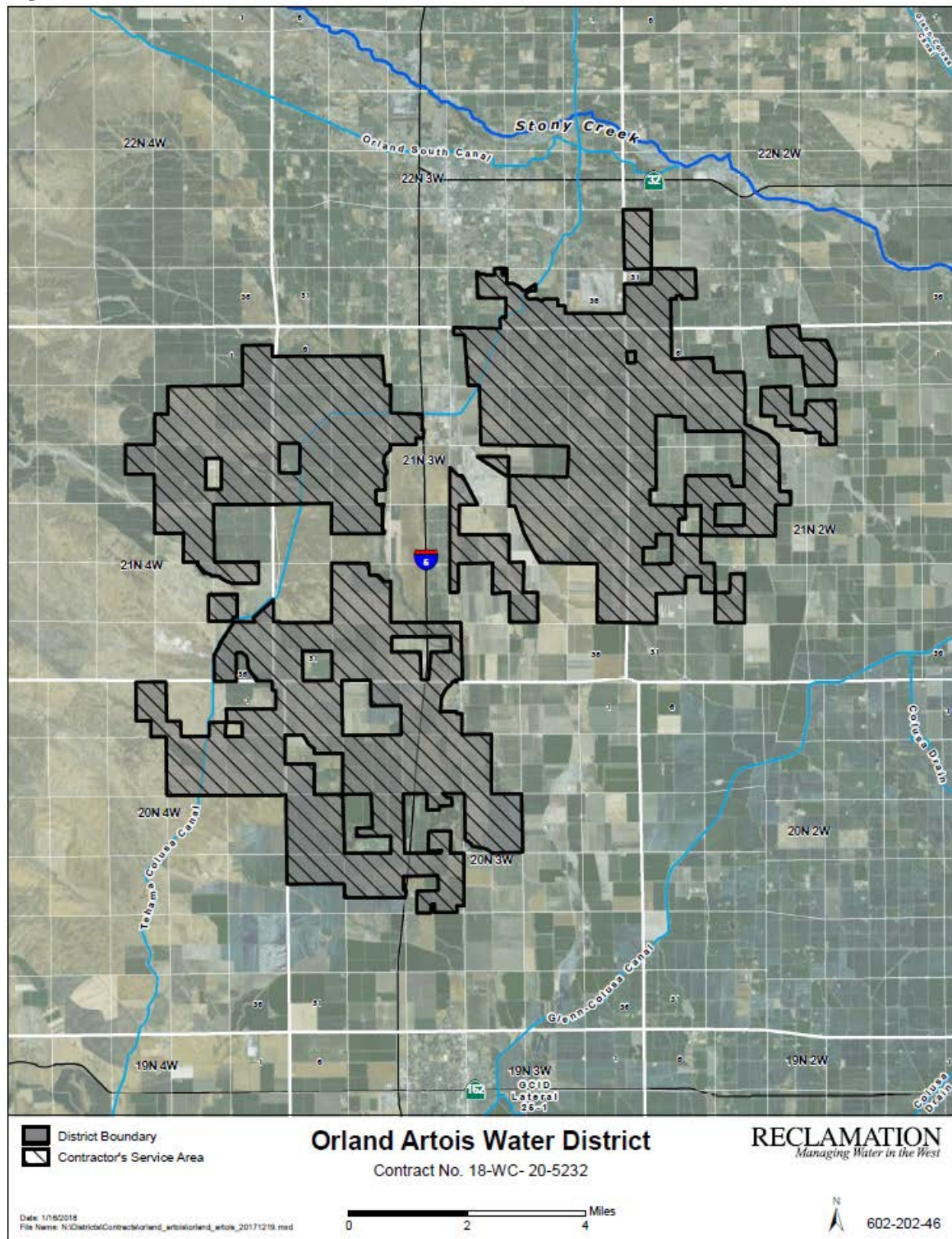


Figure 2J. Exhibit A from Renewed Water Service Contract No. 18-WC-20-5232

Figure 2, Cont.

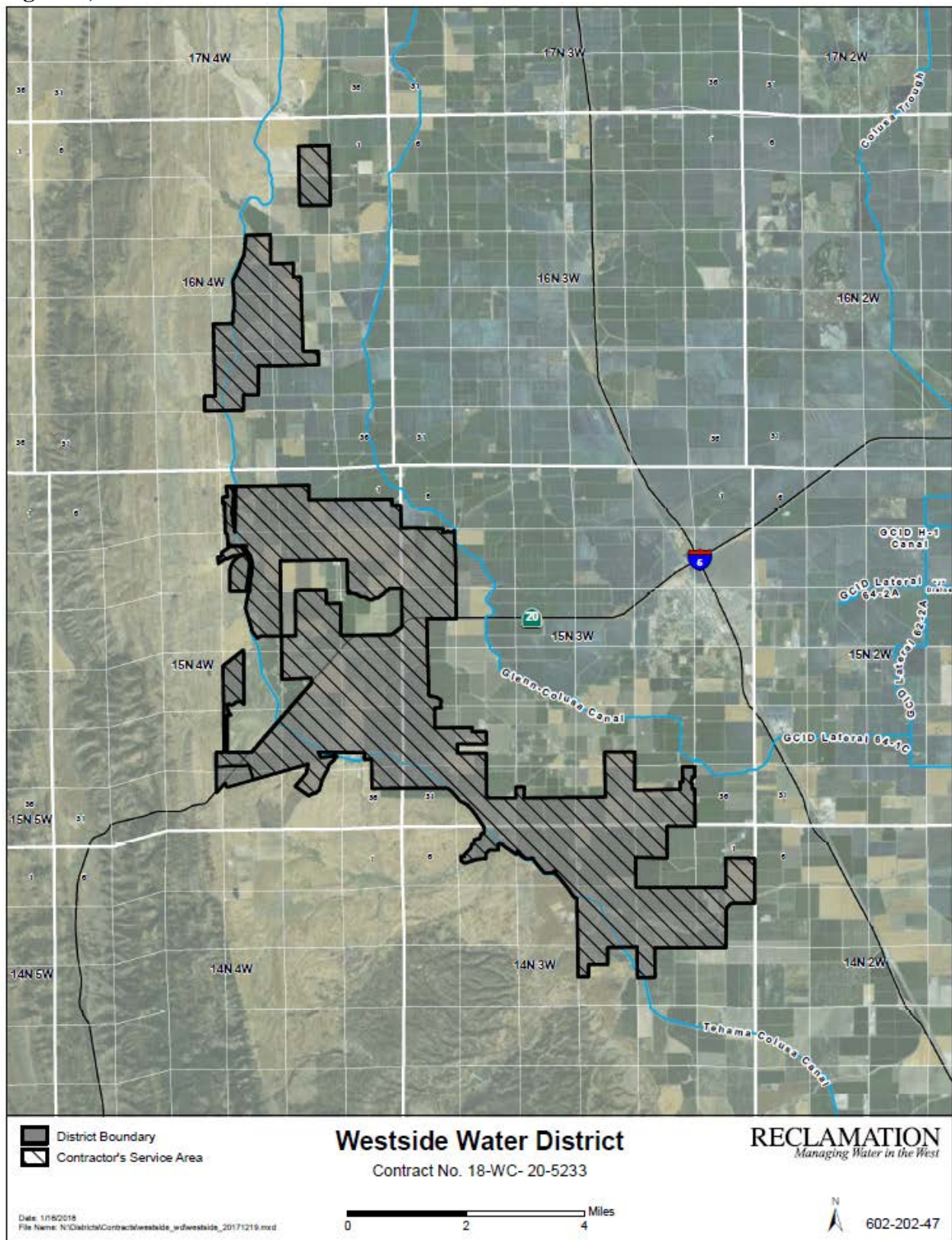


Figure 2K. Exhibit A from Renewed Water Service Contract No. 18-WC-20-5233

Attachment 1. Indian Trust Asset Review



Simon, Megan <msimon@usbr.gov>

ITA Review - N. Sacramento Valley Contractors - 2018 RRA Section 215 Contracts

1 message

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

Tue, Jan 23, 2018 at 4:49 PM

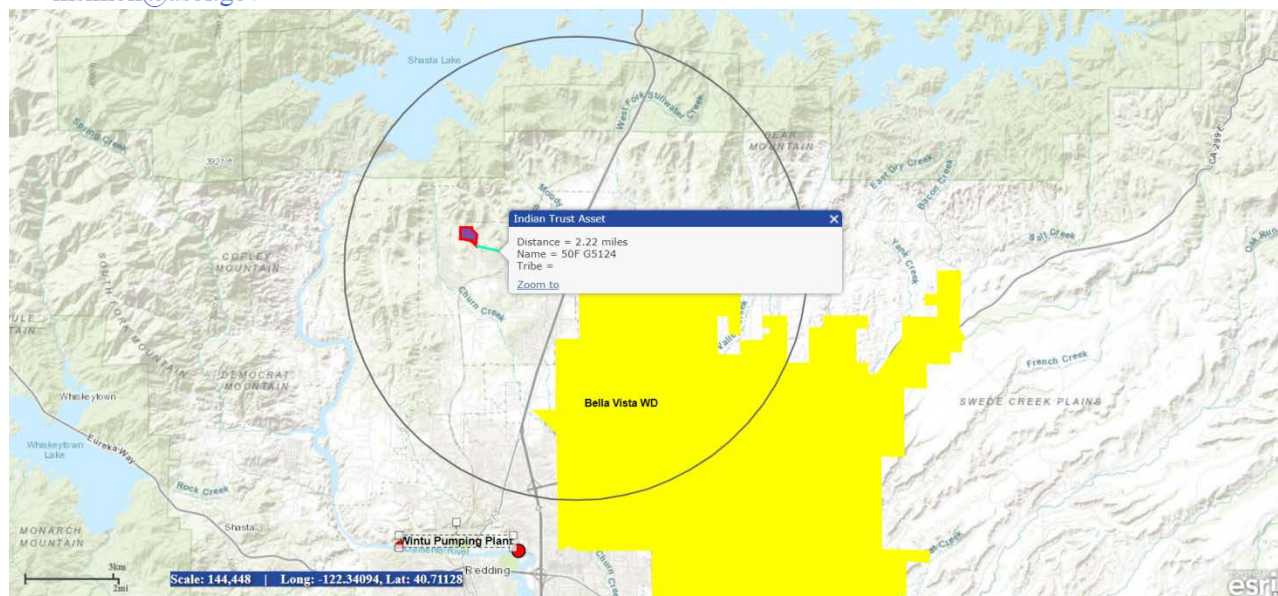
I have examined the referenced proposal and have determined that the facilities are located at least 2 miles from the closest Indian Trust Asset.

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

--

Megan K. Simon

Natural Resources Specialist
U.S. Bureau of Reclamation
Northern California Area Office
16349 Shasta Dam Blvd.
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Attachment 2. Cultural Resources Review

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

MP-153 Tracking Number: 18-NCAO-060

Project Name: Reclamation Reform Act - Section 215 Contracts - North Sacramento Valley
Water Districts – Contract Year 2018

NEPA Document: NCAO-CEC-18-02

NEPA Contact: Megan Simon, Natural Resource Specialist

MP 153 Cultural Resources Reviewer: Joanne Goodsell, Archaeologist

Date: January 29, 2018

JOANNE GOODSELL Digitally signed by JOANNE GOODSELL
Date: 2018.01.29 09:33:10 -08'00'

Reclamation is proposing to execute Section 215 contracts with interested water districts in the north Sacramento Valley during Water Year 2018 (March 1, 2018 through February 28, 2019). Water diverted pursuant to the Section 215 contracts (i.e., water supplies that are not storable for project purposes or are infrequent and otherwise unmanaged short duration flood flows) would be applied to municipal and industrial (M&I) use, previously irrigated lands and/or those used for agricultural purposes, or gravel areas within the boundaries of each District's Service Area. The ultimate intended purpose of the water application is to recharge the aquifer in support of existing agricultural uses. Water diverted pursuant to the Section 215 contracts would be from existing facilities. There is no new construction or change in land use associated with this proposed action.

Reclamation determined the proposed action constitutes a Federal undertaking, as defined at 36 CFR § 800.16(y), that has no potential to cause effects to historic properties pursuant to 36 CFR § 800.3(a)(1). As such, Reclamation has no further obligations under Title 54 U.S.C. 306108, commonly known as Section 106 of the National Historic Preservation Act (NHPA). This determination supports Item 8 on CEC-18-02: the proposed action would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places.

This document conveys the completion of the NHPA Section 106 process and cultural resources review 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.