

RECLAMATION

Managing Water in the West

Categorical Exclusion Checklist

Robles Fish Passage Facility Fish Screenbay Spoil Clean-out

CEC-18-055

Prepared by:

Brian Lopez

Brian Lopez
Natural Resources Specialist
South-Central California Area Office

Date: 12/16/2018

Concurred by:

See Attachment A

Archaeologist
Mid-Pacific Regional Office

Regional Archeologist concurred with Item 8. Their determination has been placed within the project file.

Date: See Attachment A

Concurred by:

Ned Gruenhagen

Ned Gruenhagen, Ph.D.
Wildlife Biologist
South-Central California Area Office

Date: 12/14/2018

Concurred by:

Rain L. Emerson

Rain L. Emerson
Environmental Compliance Branch Chief
South-Central California Area Office

ITA Designee concurred with Item 11. Their determination has been placed within the project file.

Date: 12/18/2018

Approved by:

Michael P. Jackson

Michael P. Jackson, P.E.
Area Manager
South-Central California Area Office

Date: 12/18/2018



Background

The Robles Fish Passage Facility (Facility) lies at the Robles Diversion Dam (34.464820° N, -119.291107° E) along the Ventura River near the town of Ojai in Ventura County, California (Figure 1). The Facility provides a fish screenbay that prevents migrating fish from entering the Robles-Casitas Canal, which empties into Lake Casitas. Specifically, the Facility was designed to allow the endangered Southern California Distinct Population Segment of steelhead to safely access historic spawning areas above the Robles Diversion Dam and enable upstream and downstream migration over a range of flows.

The Thomas Fire was a wildfire event that affected Ventura and Santa Barbara Counties, burning over 280,000 acres from December 2017 to January 2018. Due in large part to the loss of native chaparral vegetation, the Thomas Fire is responsible for reduced infiltration of rain during two subsequent storm events, causing erosion and resultant sedimentation. The effects of this altered hydrology within the basin include increased in-channel sediment storage of water, and reduced in-channel infiltration rates associated with the addition of fine sediments. A significant amount of sediment has been deposited within the Facility (12 to 16 inches near the screenbay).

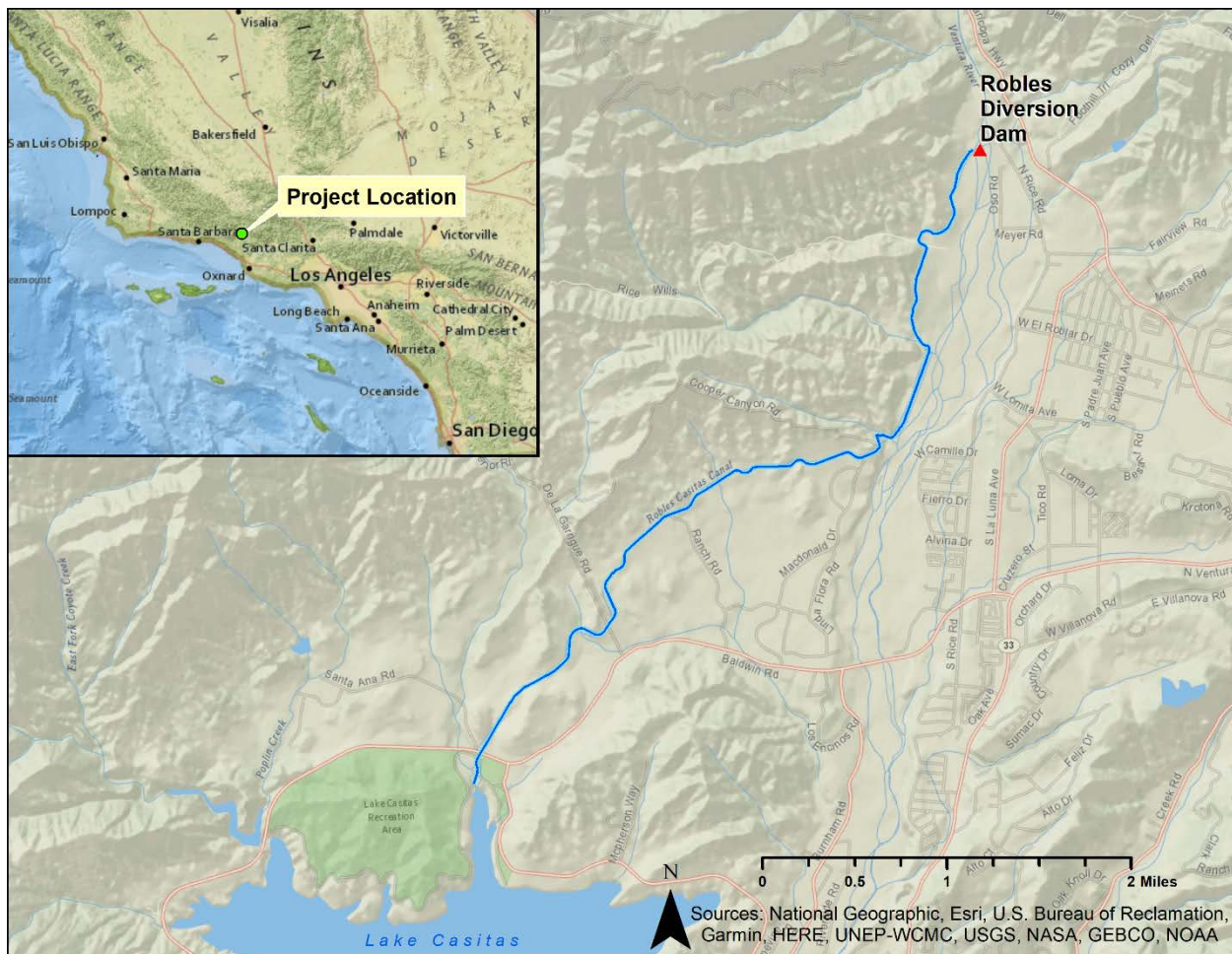


Figure 1 Vicinity of Robles Diversion Dam and Robles-Casitas Canal

With the buildup of sediment within the Facility, there exists potential adverse impacts to fish passage and water diversion operations. These impacts include a reduced hydraulic capacity – limiting the ability for the Facility to function as it was designed for water diversion; blockage of the fish ladder, which would result in required emergency shut-down of the Facility for cleaning; and potential constrictions along the screenbay, creating velocity “hot-spots” that may impinge steelhead and lead to injury or mortality. Other impacts include false readings from the Robles fish crowder and Vaki Riverwatcher, or even damage to the instrumentation due to excessive debris. A side effect of the sedimentation within the Facility and the altered hydrology within the watershed is prolonged flows along the screenbay. During most years, the Facility dries and can be cleaned when needed. However, because of these lasting effects of the Thomas Fire, the screenbay is still wetted to about 4 inches deep, with flows estimated at less than 0.1 cubic feet per second (CFS) and is not likely to dry before the steelhead passage season. The effects of the Thomas Fire are expected to be long-lasting and additional actions in future years are likely to be required to keep the fish passage facility clear and functioning as designed.

Nature of the Action

Casitas Municipal Water District (Casitas) is the operating entity for the Facility on the behalf of the Bureau of Reclamation (Reclamation). Casitas has proposed to remove an estimated 225 cubic yards of spoil (sediment and vegetation) that has accumulated in the Facility screenbay before the end of December 2018, as well as similar actions in the August-September timeframe for 2019 and 2020. The Proposed Action would enable the Facility to operate as designed, both for water diversions and safe fish passage. The spoil would be removed from the screenbay with equipment that could include a clamshell, bobcat tractor, or other loader and supporting vehicles (e.g., dump trucks, etc.) to transport and spread spoil. Hand tools may be used near the screens and in detail work to remove residual material not captured by the heavy equipment. The spoil would be deposited adjacent to the Facility, where previous construction has occurred and where forebay spoil has been placed in the past (Figure 2).

To facilitate spoil removal, the Low Flow Fish Bypass entrance leading to the screenbay would be closed. This would keep water from being diverted through the Facility, allowing the area to dry for spoil removal activities. The water not diverted through the Facility would flow over an opened spill gate(s) on the Ventura River and into the “entrance pool” downstream of the spill gates. The “entrance pool” is currently about 7-8 ft. deep. Prevention of water from being diverted into the Facility would allow the spoil in the screenbay to dry prior to being removed. It is anticipated that it may take approximately 2 to 3 weeks for the spoil to dry. The time needed to complete spoil removal would be approximately 3 days, once the spoil is sufficiently dry.

Any spoil that currently supports wetted emergent vegetation habitat in the screenbay (above the existing concrete substrate) would be removed and transported to a spoil deposition area on disturbed barren ground adjacent to the Facility. Spoil would be spread over this previously disturbed area that is relatively level upland, deposited in a manner minimizing risk of erosion and avoiding effects to shrubby and tree vegetation. After the spoil is removed, the spill gate would be closed, the gate to the Low Flow Fish Bypass exit channel would be re-opened, and flows would once again flow through the screenbay and travel downstream through the fish ladder.

Equipment will be staged within the fenced compound surrounding the Facility structures. This area is highly disturbed and regularly used by vehicles. The area is not vegetated, with roadway surfaces (i.e., including asphalt) and embankments along the screenbay and Robles Diversion Canal.



Figure 2 Project Area at Robles Fish Passage Facility

Environmental Commitments

The following avoidance and minimization measures shall be implemented by Casitas or their representatives to avoid potential environmental consequences associated with the Proposed Action.

Reclamation shall acquire a permit pursuant to Section 401 and Section 404 of the Clean Water Act prior to any work in the waterways that results in discharge of dredged material into waters of the United States.

The commitments for biological resources that may be within the Project Area are described in the concurrence to Reclamation's Biological Evaluation received from the U.S. Fish and Wildlife Service, dated December 11, 2018 (Attachment B). Additionally, the National Marine Fisheries Service has also provided a concurrence with Reclamation's Biological Evaluation, which describes those circumstances in which consultation must be reinitiated (Attachment C).

Environmental consequences for resource areas assume the measures specified would be fully implemented.

Exclusion Category

516 DM 14.5 C (3). *Minor construction activities associated with authorized projects which correct unsatisfactory environmental conditions or which merely augment or supplement, or are enclosed within existing facilities.*

Evaluation of Criteria for Categorical Exclusion

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

Extraordinary Circumstance	No	Uncertain	Yes
1. This action would have a significant effect on the quality of the human environment (40 CFR 1502.3).	☒	☐	☐
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)).	☒	☐	☐
3. This action would have significant impacts on public health or safety (43 CFR 46.215(a)).	☒	☐	☐
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)).	☒	☐	☐
5. This action would have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks (43 CFR 46.215(d)).	☒	☐	☐
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)).	☒	☐	☐
7. This action would have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects (43 CFR 46.215 (f)).	☒	☐	☐
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) (43 CFR 46.215 (g)).	☒	☐	☐

Extraordinary Circumstance	No	Uncertain	Yes
9. This action would have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species (43 CFR 46.215 (h)).	☒	☐	☐
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)).	☒	☐	☐
11. This action would affect ITAs (512 DM 2, Policy Memorandum dated December 15, 1993).	☒	☐	☐
12. This action would have a disproportionately high and adverse effect on low income or minority populations (EO 12898) (43 CFR 46.215 (j)).	☒	☐	☐
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)).	☒	☐	☐
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)).	☒	☐	☐

NEPA Action: Categorical Exclusion

The Proposed Action is covered by the exclusion category and no extraordinary circumstances exist. The Action is excluded from further documentation in an EA or EIS.

Attachment A: Cultural Resources Determination

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

MP-153 Tracking Number: 19-SCAO-033

Project Name: Robles Fish Passage Facility (Facility) Fish Screenbay Spoil Clean-out

NEPA Document: CEC-18-055

NEPA Contact: Brian Lopez, Natural Resources Specialist

MP 153 Cultural Resources Reviewer: Joanne Goodsell, Archaeologist

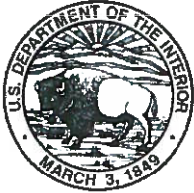
Date: November 27, 2018

Reclamation proposes to approve the removal of an estimated 225 cubic yards of spoil (sediment and vegetation) that has accumulated in the Facility fish screenbay. The spoil is the result of increased erosion and sedimentation caused by the Thomas Fire in Ventura and Santa Barbara Counties. The spoil would be removed from the concrete screenbay using a clamshell, bobcat tractor, or other loader and supporting vehicles (e.g., dump trucks, etc.) and hand tools to remove residual material not captured by the heavy equipment. The spoil would be deposited adjacent to the Facility, where previous construction has occurred and where forebay spoil has been placed in the past. Equipment would be staged within the fenced compound surrounding the Facility structures. The fish screenbay is a concrete lined structure and removing the accumulated sediment in this structure will result in no new ground disturbance.

Reclamation has 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). Item 8 on CEC-18-055 is supported by this finding. 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 NHPA Section 106 process for this undertaking. Please retain a copy of this document in the administrative record for the proposed action. Should changes be made to the proposed action, additional NHPA Section 106 review, possibly including consultation with the State Historic Preservation Officer, may be necessary.

Attachment B: U.S. Fish and Wildlife Service Concurrence



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
08EVEN00-2019-1-0133

December 11, 2018

Memorandum

To: Chief, Environmental Compliance Branch, Bureau of Reclamation, Fresno California

From: Assistant Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California
Christopher J. Dul

Subject: Robles Fish Passage Facility Fish Screenbay Spoil Clean-Out, Ventura River, Ventura County, California (SCC-423, 2.2.1.06, CE 18-055)

We have reviewed your request, dated November 9, 2018, and received in our office November 19, 2018, for our concurrence with your determination that clean-out of the subject screenbay may affect but is not likely to adversely affect the federally threatened California red-legged frog (*Rana draytonii*) and designated critical habitat for the federally endangered southwestern willow flycatcher (*Empidonax traillii extimus*). The purpose of the clean-out is to restore safe passage for the federally endangered southern steelhead (*Oncorhynchus mykiss*). The National Marine Fisheries Service (copied) and the California Department of Fish and Wildlife (copied) are responsible for southern steelhead. Your request and our response are made pursuant to section 7 of the Endangered Species Act of 1973, as amended (Act).

Casitas Municipal Water District (District) operates and maintains the Robles Fish Passage Facility (Facility) on behalf of the Bureau of Reclamation (Bureau). As such, the District is proposing to remove approximately 225 cubic yards of accumulated sediment and aquatic vegetation (spoil) from the Facility's screenbay. The spoil would be removed from the screenbay by heavy equipment that includes a clamshell excavator, bobcat tractor, or other loader, and supporting equipment (e.g., dump trucks) to transport and spread spoil. Hand tools would be used in areas that are inaccessible to heavy equipment. The spoil would be deposited adjacent to the Facility in a previously disturbed area. The Facility is located within Ventura River approximately 14 miles upstream from the Pacific Ocean.

The following conservation measures would be implemented by the District, their contractors, and their representatives:

1. Prior to the start of project activities, a qualified biologist will conduct an employee education program to familiarize all onsite workers with the biology and ecology of California red-legged frog, southern steelhead and its critical habitat, southwestern willow

flycatcher, and other species protected under the Act. The education program would also include an overview of the measures being implemented as part of the project to avoid effects to listed species and their critical habitat.

2. The observation of any federally listed species shall be reported within one work day to Bureau biological staff at telephone (559) 262-3000 and to biological staff at the Ventura Fish and Wildlife Field Office (805) 644-1766 and Mr. Anthony Spina at National Marine Fisheries Service (562) 980-4045, as appropriate.
3. Prior to stopping flow to the screenbay and initiating flow through the spill gate, Casitas or their contractor(s) or representative(s) will conduct surveys for California red-legged frog as part of the project. The surveys are anticipated to occur in November-December. Per Service guidance (Service 2005), because site specific conditions may warrant modifications to the timing of survey periods for California red-legged frog, approval for a modified survey from the U.S. Fish and Wildlife Service (Service) must be obtained by the District, their contractor(s), consultants, or representative(s) prior to conducting the planned surveys. Surveys to be conducted for California red-legged frog are described in Appendix A of the Bureau's biological assessment.
4. Screenbay clean-outs after the fish passage seasons in 2019 and 2020 would be conducted between August 15 and September 30 to avoid the California red-legged frog breeding period.
5. Because the screenbay clean-outs to be conducted following the fish passage season in 2019 and 2020 would be done during the non-breeding season for California red-legged frog, the Service's California red-legged frog survey protocol (Service 2005) would be conducted in 2019 and 2020, instead of following the California red-legged frog modified survey protocol proposed for 2018 (Appendix A).
6. During spoil removal, a District fisheries staff biologist or technician will be on site to monitor activities and be available to identify any potential listed species that are encountered. The biological monitor shall have the authority to halt work activities.
7. If California red-legged frog are detected during the project implementation, the observer shall notify the Service and Bureau biological staff within one work day of the detection and further consultation with the Service will be conducted to determine the course of action before proceeding with work.
8. For avoidance of effects to steelhead, and before flows to the screenbay are stopped, as deemed appropriate by the District's fisheries program manager, the District's staff will conduct a "bank" and/or snorkel survey at the Facility for southern steelhead prior to dewatering the screenbay. If southern steelhead are observed, the National Marine Fisheries Service and the Bureau will be notified within one work day and further consultation with

National Marine Fisheries Service will be conducted to determine the course of action before proceeding.

9. Project-related vehicles will observe a daytime speed limit of 15 miles per hour throughout the project area. Nighttime spoil removal will be avoided to the maximum extent possible; however, if nighttime spoil removal must occur, the speed limit for transport and spreading material shall be reduced to 10 miles per hour. Off-road traffic outside of designated project area is prohibited.
10. Work during times of precipitation shall be avoided to the maximum extent possible; however, if spoil removal or placement is required during periods of precipitation, the speed limit for transport and spreading material shall be 10-miles per hour.
11. Spoil shall be spread in the designated area adjacent to the Facility. Spoil shall be spread to avoid or minimize risk of erosion and spoil shall not be spread near the base of trees or shrubs such that it would negatively impact their persistence and growth.
12. Any contractor, employee, or other personnel who are responsible for inadvertently killing or injuring a listed species shall immediately report the incident to their supervisor. The supervisor shall immediately notify the Bureau and Service or National Marine Fisheries Service, as appropriate.
13. The Ventura Fish and Wildlife Service Office or the National Marine Fisheries Service Long Beach Office, as appropriate, shall be notified in writing within 3 working days of the accidental death or injury to a listed species. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information.
14. New records of California red-legged frog will be reported to the California Department of Fish and Wildlife's California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the individual(s) observed will also be provided to the Service.
15. If southern steelhead are observed in the vicinity of the screenbay and they may be affected by the project activities, the Bureau will contact the National Marine Fisheries Service to determine a course of action before proceeding with project activities.

California red-legged frog have not been documented within the Facility itself; however, they have been documented 1 mile downstream and 3.5 miles upstream of the Facility. There is suitable habitat for the California red-legged frog at the Facility which is known to harbor invasive bullfrogs (*Lithobates catesbeiana*).

Revised critical habitat for the southwestern willow flycatcher was designated on January 3, 2013 (78 Federal Register 344). The Facility site is within the Ventura River that falls within the Santa Clara River Management Unit portion of the Coastal California Recovery Unit. The primary constituent element specific to southwestern willow flycatcher includes:

(1) PCE 1— *Riparian vegetation*

Riparian habitat in a dynamic river or lakeside, natural or manmade successional environment (for nesting, foraging, migration, dispersal, and shelter) that comprises trees and shrubs (that can include Gooddings willow, coyote willow, Geyers willow, arroyo willow, red willow, yewleaf willow, pacific willow, box elder, tamarisk, Russian olive, buttonbush, cottonwood, stinging nettle, alder, velvet ash, poison hemlock, blackberry, seep willow, oak, rose, sycamore, false indigo, Pacific poison ivy, grape, Virginia creeper, Siberian elm, and walnut) and some combination of:

- a. Dense riparian vegetation with thickets of trees and shrubs that can range in height from 2 to 30 meters (about 6 to 98 feet). Lower-stature thickets (2 to 4 meters or 6 to 13 feet tall) are found at higher-elevation riparian forests and tall-stature thickets are found at middle- and lower-elevation riparian forests; and/or
- b. Areas of dense riparian foliage at least from the ground level up to approximately 4 meters (13 feet) above ground or dense foliage only at the shrub level, or as a low, dense tree canopy; and/or
- c. Sites for nesting that contain a dense (about 50 to 100 percent) tree or shrub (or both) canopy (the amount of cover provided by tree and shrub branches measured from the ground); and/or
- d. Dense patches of riparian forests that are interspersed with small opening of open water or marsh or areas with shorter and sparser vegetation that creates a variety of habitat that is not uniformly dense. Patch size may be as small as 0.1 ha (0.25 acre) or as large as 70 ha (175 acres); and

(2) PCE 2— *Insect prey populations*

A variety of insect prey populations found within or adjacent to riparian floodplains or moist environments, including: flying ants, wasps, and bees (Hymenoptera); dragonflies (Odonata); flies (Diptera); true bugs (Hemiptera); beetles (Coleoptera); butterflies/moths and caterpillars (Lepidoptera); and spittlebugs (Homoptera).

We concur with your determination that the project activities are not likely to adversely affect the California red-legged frog because the District will implement the aforementioned avoidance measures. Furthermore, project activities are not likely to adversely affect critical habitat for the southwestern willow flycatcher because the removal of a small area (approximately 0.19 acre) of riparian vegetation, which is within the screenbay, and removal of insect prey within the screenbay is insignificant; that is, we are unable to meaningfully measure, detect, or evaluate

effects. The 0.19-acre area that would be disturbed by project activities is 0.013 percent of the 1448.401-acre Ventura River segment of the Santa Clara Management Unit. Additionally, the 0.19-acre area is smaller than the 0.25-acre minimum patch size for it to be a territory and the screenbay lacks the vegetation structure for it to be a primary constituent element.

Further consultation, pursuant to section 7(a)(2) of the Act is not required. If the proposed action changes in any manner that may affect a listed species or critical habitat, you must contact us immediately to determine whether additional consultation is required. If you have any questions regarding this matter, please contact Chris Dellith of our staff at (805) 677-3308, or by electronic mail at chris_dellith@fws.gov.

cc:

Anthony Spina, National Marine Fisheries Service
Mary Larson, California Department of fish and Wildlife

Attachment C: National Marine Fisheries Service Concurrence



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

December 6, 2018

Refer to: WCR-2018-11078

Ned Gruenhagen, Ph.D.
U.S. Department of Interior
Bureau of Reclamation
1243 N St.
Fresno, CA 93721-1813

Re: Endangered Species Act Section 7(a)(2) concurrence letter for the Robles Diversion Dam Fish Passage Facility Screenbay Spoil Clean-out Project

Dear Dr. Gruenhagen:

On November 9, 2018, NOAA's National Marine Fisheries Service (NMFS) received your request for a written concurrence that Bureau of Reclamation's (Reclamation) proposed Robles Fish Passage Facility (Facility) Fish Screenbay Spoil Clean-out is not likely to adversely affect endangered steelhead (*Oncorhynchus mykiss*) or its designated critical habitat under the Endangered Species Act (ESA). This response to your request was prepared by NMFS pursuant to section 7(a)(2) of the ESA, implementing regulations at 50 CFR 402, and agency guidance for preparation of letters of concurrence.

This letter underwent pre-dissemination review using standards for utility, integrity, and objectivity in compliance with applicable guidelines issued under the Data Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001, Public Law 106-554). The concurrence letter will be available through NMFS' Public Consultation Tracking System (<https://pcts.nmfs.noaa.gov/pcts-web/homepage.pcts>). A complete record of this consultation is on file at NMFS' Southern California Coastal Office in Long Beach, California.

Action Area

The proposed action involves the Facility screenbay in the mainstem Ventura River and an upland staging and spoil-deposition site adjacent to the Facility, as depicted in Figure 1 and 2 in Reclamation's consultation package.

Proposed Action

Under the proposed action, Reclamation would authorize the owner of the Facility, Casitas Municipal Water District (Casitas), to conduct sediment and vegetation removal activities pursuant to the November 9, 2018, Biological Evaluation (BE), and amendments received by



NMFS on November 21, 2018. In this regard, the sediment and vegetation that has accumulated in the Facility screenbay (about 225 cubic yards) would be removed before the end of December 2018 using heavy equipment and hand tools, then deposited upslope and adjacent to the Facility. About three days is needed for removing this debris, however the debris must be allowed to dry prior to removal. To facilitate sediment desiccation and removal, the Low Flow Fish Bypass entrance leading to the screenbay would be temporarily closed, routing streamflow around the debris area for drying. Reclamation anticipates 2 to 3 weeks would be needed the sediment to dry. After the sediment is removed, the streamflow would be re-routed through the screenbay and fish ladder. In 2019 and 2020, sediment and vegetation removal from the Facility screenbay are proposed between August 15 and September 30.

Interrelated or Interdependent actions

There is no interrelated or interdependent action associated with the proposed action that would affect listed salmonids in the action area.

Action Agency's Effects Determination

Reclamation has determined that implementation of the proposed action may affect, but is not likely to adversely affect endangered steelhead or designated critical habitat for this species. Reclamation based their determination on the rationale that no upstream or downstream steelhead passage has been detected in recent monitoring, and the characteristically low perceived populations in the river below Matilija Dam and the Facility make it unlikely that steelhead are present in the vicinity of the Facility (Casitas 2018).

Consultation History

On November 9, 2018, Reclamation initiated informal consultation with NMFS for the Facility Fish Screenbay Spoil Clean-out. During pre-consultation technical assistance for this project, Reclamation and NMFS discussed the inclusion of minimization and avoidance measures to reduce adverse effects to listed species and critical habitat. On November 14, 2018, NMFS and Reclamation further discussed the removal of sediment and vegetation from the Robles Fish Passage Facility. On November 20, 2018, Reclamation provided NMFS with supplemental information that clarified the action area entirely involves the Facility screenbay concrete channel, not the forebay. On November 21, 2018, Reclamation provided NMFS with amendments to the BE that included extending the duration of the project through 2020 and changes to the original proposed avoidance measures.

Effects of the Action

Under the ESA, "effects of the action" means the direct and indirect effects of an action on the listed species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action (50 CFR 402.02). The applicable standard to find that a proposed action is not likely to adversely affect listed species or critical habitat is that all of the effects of the action are expected to be discountable, insignificant, or completely beneficial. Beneficial effects are contemporaneous positive effects without any adverse effects to the species

or critical habitat. Insignificant effects relate to the size of the impact and should never reach the scale where take occurs. Discountable effects are those extremely unlikely to occur.

The effects of the proposed sediment and vegetation removal from the Facility screenbay on steelhead are expected to be discountable. In particular, temporarily routing streamflow around the Facility is not expected to impact steelhead because monitoring of the Robles fish ladder using the Vaki and video cameras did not detect any steelhead moving through the ladder during the 2018 steelhead-migration season. Also, 2018 snorkel surveys by Casitas biologists throughout the Ventura River watershed at 14 different sites did not detect any juvenile steelhead rearing upstream of the Facility; only 1 parr steelhead was observed downstream in San Antonio Creek (tributary to the Ventura River). Furthermore, the screenbay will be isolated from the Ventura River channel by the closure of the entrance leading into this area, and the screenbay itself will be surveyed by Casitas biologist before and during the dewatering process. In 2019 and 2020, the debris removal is scheduled during the dry season.

The effects of the proposed Facility maintenance on steelhead designated critical habitat are expected to be insignificant. The debris removal will occur entirely within the Facility footprint in a concrete-lined and dry channel. Re-routing the streamflow through the Facility after the debris is removed is not anticipated to cause only minor increases in turbidity concentrations downstream of the Facility, owing in part to use of the minimization and avoidance measures. If the Ventura River naturally increases in response to rainfall before the flow is re-routed through the Facility, NMFS expects the background suspended sediment load in the river will be extremely high owing to effects of the Thomas Fire, masking any potential increase in turbidity concentrations owing to the sediment and vegetation removal. In 2019 and 2020, the debris-removal activities would be undertaken during the dry season, when flowing water would be negligible if present. Given this expectation, and the incorporation of the avoidance and minimization measures, only a minor increase in turbidity concentrations downstream of the Facility is anticipated for the 2019 and 2020 organic and inorganic removal activities.

Conclusion

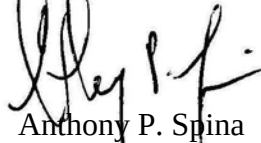
Based on this analysis, NMFS concurs with Reclamation that the proposed action is not likely to adversely affect endangered steelhead or designated critical habitat for this species within the action area of the Ventura River.

Reinitiation of Consultation

Reinitiation of consultation is required and shall be requested by Reclamation or by NMFS, where discretionary Federal involvement or control over the action has been retained or is authorized by law and (1) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (2) the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this concurrence letter; or if (3) a new species is listed or critical habitat designated that may be affected by the identified action (50 CFR 402.16). This concludes the ESA portion of this consultation.

Please contact Rick Bush at (562) 980-3562 or via email at Rick.Bush@noaa.gov if you have a question concerning this letter or if you would like additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony P. Spina', with a stylized flourish at the end.

Anthony P. Spina
Chief, Southern California Branch
California Coastal Office

cc: Mary Larson, California Department of Fish and Game
Roger Root, U.S. Fish and Wildlife Service
Administrative file#: 151422SWR2002PR6168