

RECLAMATION

Managing Water in the West

Categorical Exclusion Checklist

Rocky Hill Agricultural License Renewal

CEC-12-099

Prepared by:



Nicholas Kilb
Natural Resources Specialist
South-Central California Area Office

Date: 3/29/13

Concurred by:



Jennifer Lewis
Wildlife Biologist
South-Central California Area Office

Date: 4-2-13

Concurred by:

for 

Chuck Siek
Supervisory Natural Resources Specialist
South-Central California Area Office

Date: 4-2-13

Approved by:

for 

Michael Jackson
Area Manager
South-Central California Area Office

Date: 4/5/13



Background

Reclamation has issued licenses/leases since 1965 to Rocky Hill, Inc. (Applicant) to use part of the Friant-Kern Canal (Canal) right of way to grow mature end-row orange trees (Figure 1). The last five-year license (Contract No. 07-LC-20-9568) expired in October 2012, at which time the Applicant requested renewal of the license.

The use of the right of way for agricultural purposes would not change from past uses: harvesting, weeding, and maintenance of the orange trees. The proposed license would allow continued productivity of prime farmland and farmland of statewide importance.

Previous Environmental Review

Reclamation performed environmental reviews for previous renewals of the license (Table 1). The following Categorical Exclusion Checklists (CECs) were completed and no extraordinary circumstances were found; they are incorporated in this review by reference.

Table 1 Previous Licenses and Environmental Reviews

License / Contract #	Date of License	CEC #	Date CEC Signed
07-LC-20-9568	10/17/2007	CEC-07-92	08/28/2007
02-LC-20-7900	06/11/2002	CEC-00-64	06/06/2000
5-07-20-L6467	06/21/1995	Unnumbered	05/18/1995

Need for the Proposed Action

Rocky Hill, Inc. needs to renew their agricultural license to grow mature end-row orange trees along the Friant-Kern Canal.

Proposed Action

Reclamation would issue a five-year, revocable agricultural license to allow use of a narrow strip to of the Canal right of way, west of the Canal between milepost (MP) 71.37 and 73.15; Tulare County, CA; Rocky Hill 7.5'USGS Quadrangle; TI8S R26E, Sections 12, 13 and 24 (Figure 2). The Applicant would also be given the option to renew the license for up to four additional five-year intervals (25 years total).

Environmental Commitments

Reclamation and the Applicant would implement the following environmental protection measures associated with the Proposed Action (Table 2). Environmental consequences for resource areas assume the measures specified would be fully implemented.

Table 2 Environmental Commitments

Resource	Protection Measure
Biological, Land	The license would authorize neither new construction nor major changes in operation and maintenance.
Hazardous Materials, Land, Water	The Applicant must not allow contamination or pollution of Federal lands, waters, or facilities and for which the Licensee has the responsibility for care, operation, and maintenance by its employees or agents, and shall take reasonable precautions to prevent such contamination or pollution by third parties. Substances causing contamination or pollution shall include but are not limited to hazardous materials, thermal pollution, refuse, garbage, sewage effluent, industrial waste, petroleum products, mine tailings, mineral salts, misused pesticides, pesticide containers, or any other pollutants.
Land / Water	The Applicant shall keep the land free from weeds (common and noxious), animal pests, waste, and debris.
Land / Water	The Applicant's use of the land shall not interfere with existing or proposed Reclamation facilities or operations.
Water	The Applicant shall not take water from the Canal for any reason.

Exclusion Category

516 DM 14.5 paragraph D (10): *Issuance of permits, licenses, easements, and crossing agreements which provide right-of-way over Bureau lands where the action does not allow for or lead to a major public or private action.*

Evaluation of Criteria for Categorical Exclusion:

1. This action would have a significant effect on the quality of the human environment (40 CFR 1502.3). No Uncertain Yes
2. This action would have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA Section 102(2)(E) and 43 CFR 46.215(c)). No Uncertain Yes
3. This action would have significant impacts on public health or safety (43 CFR 46.215(a)). No Uncertain Yes
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 Uncertain Yes

Evaluation of Criteria for Categorical Exclusion:

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| 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) (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) (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"/> |

Evaluation of Criteria for Categorical Exclusion:

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 (1)).
- No Uncertain Yes

Regional Archeologist concurred with Item 8. Their determination has been attached.

ITA Designee concurred with Item 11. Their determination has been attached

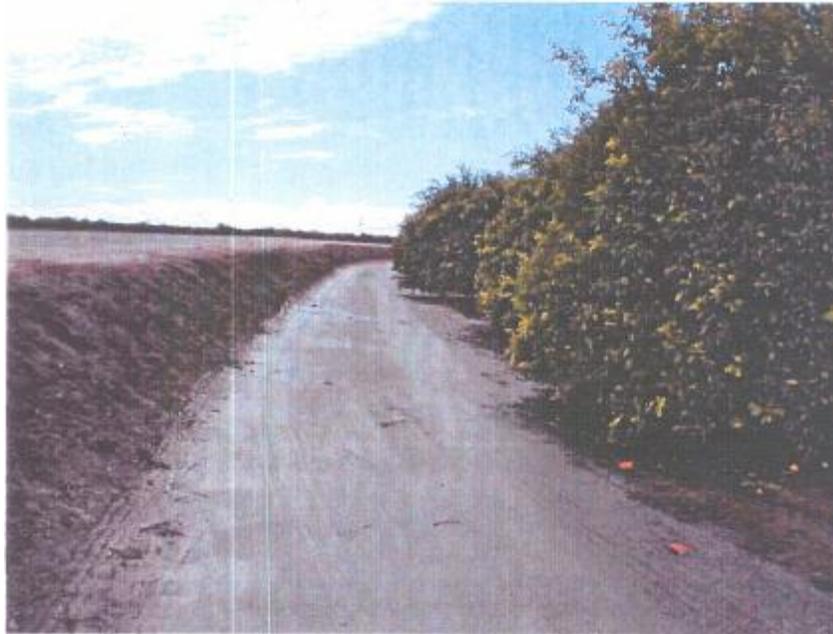


Figure 1 Orange Trees in the Friant-Kern Canal Right of Way

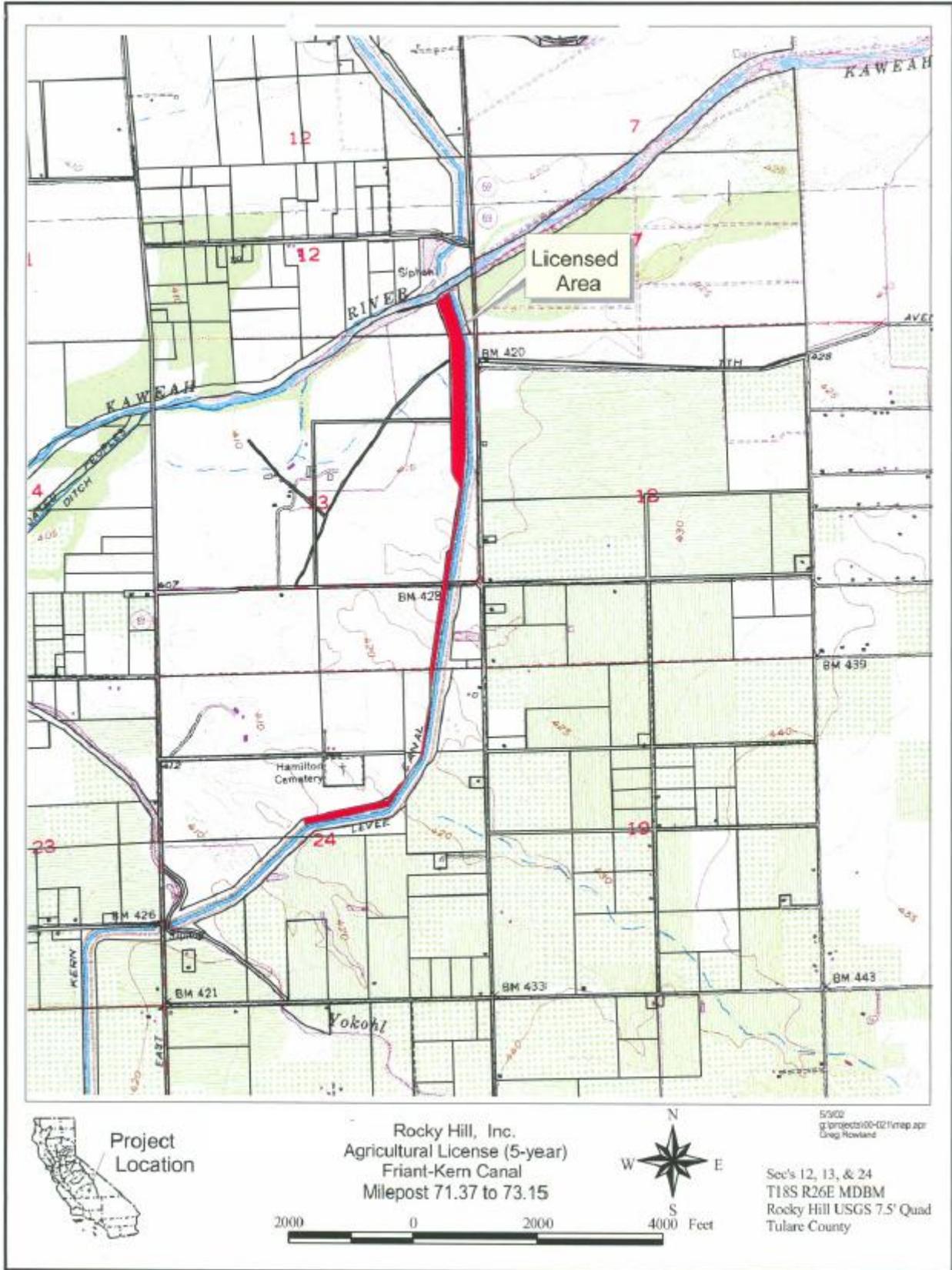


Figure 2 License Area Map

Attachment A Cultural Resources Determination



United States Department of the Interior

BUREAU OF RECLAMATION
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825-1898

IN REPLY
REFER TO:
MP-153
ENV-3.00

VIA ELECTRONIC MAIL ONLY

March 26, 2013
MEMORANDUM

To: Nicholas Kilb
SCAO

From: Scott Williams
Archaeologist – Division of Environmental Affairs

Subject: Rocky Hill Agricultural License Renewal; CEC-12-099 (13-SCAO-099)

Nicholas

The proposed undertaking for Reclamation to renew a license/lease for use of Reclamation land along a portion of the Friant-Kern Canal ROW, by the Rocky Hill, Inc. has no potential to cause effects to historic properties pursuant to the Section 106 implementing regulations at 36 CFR Part 800.3(a)(1).

The project is located west of the Friant-Kern Canal between milepost 71.37 and 73.15, in Tulare County, CA. The project is situated on the Rocky Hill 7.5'USGS Quadrangle; Sections 12, 13 and 24, T18S R26E. Rocky Hill, Inc. needs to renew their agricultural license to grow mature end-row orange trees along the Friant-Kern Canal. Reclamation would issue a five-year, revocable agricultural license renewal, to allow use of a narrow strip of the Friant-Kern Canal right of way. The Applicant would also be given the option to renew the license for up to four additional five-year intervals (25 years total). There will be no change of land use since the original issuance of the license/lease in 1965.

I concur with Item 8 of the CEC-12-099, for this action.

This concludes the Section 106 review process. Please retain a copy of this Memo with the administrative record for this action. If the project activities change or circumstances are altered after this review, there may be additional Section 106 review responsibilities up to and including consultation with the California State Historic Preservation Officer.

Attachment B Indian Trust Assets Determination



Kilb, Nicholas <nkilb@usbr.gov>

Request for Determinations, CEC-12-099 Rocky Hill Agricultural License Renewal

RIVERA, PATRICIA <privera@usbr.gov>
To: Nicholas Kilb <nkilb@usbr.gov>

Tue, Mar 26, 2013 at 11:34 AM

Nick,

I reviewed the proposed action to approve Rocky Hill, Inc.'s request to renew its agricultural license to grow mature end-row orange trees along the Friant-Kern Canal.

Reclamation would issue a five-year, revocable agricultural license renewal, to allow use of a narrow strip to of the Friant-Kern Canal right of way. The Applicant would also be given the option to renew the license for up to four additional five-year intervals (25 years total).

The proposed actin does not have a potential to affect Indian Trust Assets.

Patricia Rivera
Native American Affairs Program Manager
US Bureau of Reclamation
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