

RECLAMATION

Managing Water in the West

Categorical Exclusion Checklist

EZ Angus Encroachment

CEC-13-028

Prepared by:


Ben Lawrence
Natural Resources Specialist
South-Central California Area Office

Date: 7-17-13

Concurred by:

See Attachment
Archaeologist/Architectural Historian
Mid-Pacific Regional Office

Date: See Attachment

Concurred by:

See Attachment
Native American Affairs Specialist
Mid-Pacific Regional Office

Date: See Attachment

Concurred by:


Lisa Carlson
Wildlife Biologist
South-Central California Area Office

Date: 7/17/2013

Concurred by:


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

Date: 7/18/13

Approved by:

for 
Michael Jackson
Area Manager
South-Central California Area Office

Date: 7/30/13



Background

The Friant-Kern Canal (FKC) was constructed by the Bureau of Reclamation (Reclamation) to deliver water from Millerton Lake to Fresno, Tulare and Kern Counties. The FKC is 151.8 miles long from its starting point at Friant Dam to its terminus at the Kern River near the City of Bakersfield.

The EZ Angus Ranch (Ranch) is located adjacent to the FKC in central Tulare County, west of the town of Porterville (see Figures 1 and 2). In approximately 2003 the Ranch owner constructed several improvements which encroached partially or entirely on FKC right of way owned by Reclamation. These include barns, horse corrals and a fence, as shown in Attachment A. While these structures do not conflict with Reclamation's use of the property or operation of the canal, there currently is no legal authorization for their presence. The property owner has requested formal approval for the encroachment.

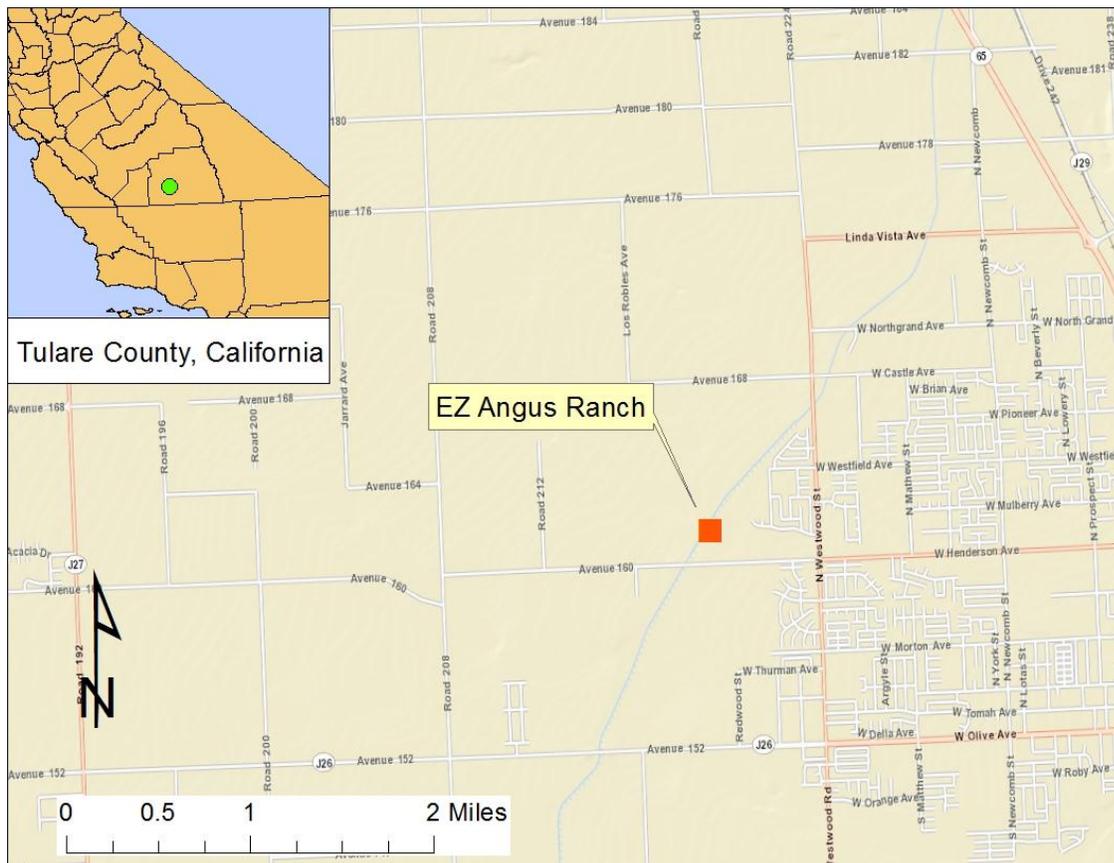


Figure 1 Project Location



Figure 2 Project Site

Purpose and Need for Action

There is a need to provide a legal basis for the encroachment of the EZ Angus barns and corrals on FKC right of way. The purpose of the proposed action is to recognize the encroachment with a formal authorization.

Proposed Action

Reclamation proposes to provide a land use authorization to allow the continued presence of privately owned structures and fencing that are partially or completely on Reclamation right of way adjacent to the FKC in Tulare County. The authorization would remain in effect until it is revoked or until the property is sold. No new construction or disturbance is proposed.

Environmental Commitments

The property owner would implement the following environmental commitments to avoid any environmental consequences associated with the Proposed Action (Table 1). Environmental consequences for resource areas assume the measures specified would be fully implemented.

Table 1 Environmental Commitments

Resource	Protection Measure
Habitat, Cultural Resources	No new construction or ground disturbance will take place.
Biological	A 100-foot wide buffer shall be established and maintained around all elderberry plants containing one or more stems greater than 1.0 inch in diameter at ground level. No insecticides, herbicides, fertilizers, or other chemicals that might harm the beetle or its host plant, should be used in the buffer area(s).
Biological	If necessary, mowing of grasses/ ground cover may occur within the 100 foot buffer area(s) from July through April to reduce fire hazard. No mowing should occur within five (5) feet of elderberry plant stems. Mowing must be done in a manner that avoids damaging the plant (e.g., stripping away bark through careless use of mowing/trimming equipment).
Biological	Observations of San Joaquin kit foxes in the action area shall be reported to Reclamation biological staff for entry into the California Natural Diversity Database.

Exclusion Category

Categorical E516 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.* exclusion

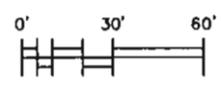
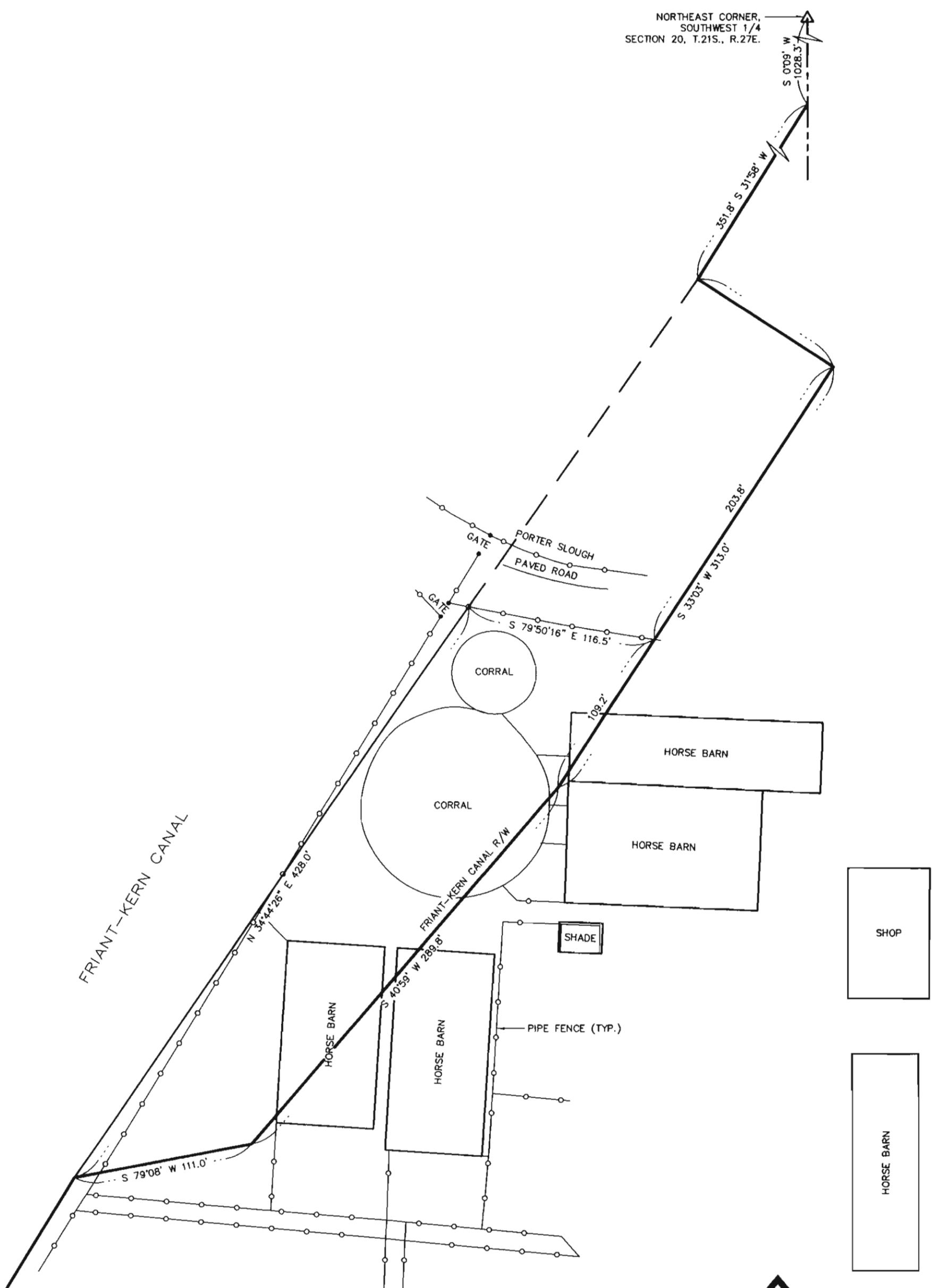
Evaluation of Criteria for Categorical Exclusion:

- | | | | |
|---|---|---------------------------------------|---------------------------------|
| 1. This action would have a significant effect on the quality of the human environment (40 CFR 1502.3). | No
<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) (43 CFR 46.215 (g)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |

- | | 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)). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <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)). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. This action would affect ITAs (512 DM 2, Policy Memorandum dated December 15, 1993). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <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)). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <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)). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <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)). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Attachment A Site Plans (Provided by Proponent)

NORTHEAST CORNER,
SOUTHWEST 1/4
SECTION 20, T.21S., R.27E.



SCALE: 1" = 60'

Attachment B 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

May 06, 2013
MEMORANDUM

To: Ben Lawrence
Natural Resource Specialist – South-Central California Area Office

From: William Soule
Archaeologist – Division of Environmental Affairs

Subject: 13SCAO-160 EZ Angus Encroachment

This proposed undertaking by Reclamation is the Granting of an authorization to EZ Angus Ranch regarding the past construction of several barns and corrals which encroached partially or entirely on the Friant-Kern Canal right-of-way (ROW) owned by Reclamation. This is the type of undertaking that does not have the potential to cause effects to historic properties, should such properties be present, pursuant to the NHPA Section 106 regulations codified at 36 CFR § 800.3(a)(1). Reclamation has no further obligations under NHPA Section 106, pursuant to 36 CFR § 800.3(a)(1).

The EZ Angus Ranch is located adjacent to Reclamation's Friant-Kern Cana near Porterville in central Tulare County. In approximately 2003, the ranch owner constructed several improvements, including barns and corrals that encroached on Reclamation's ROW. As these structures do not conflict with Reclamation's use of the property or operation of the canal, Reclamation is proposing to grant an authorization for their presence within the ROW. The authorization will include the condition that no future new construction or ground disturbance will be allowed within the subject portion of the Friant-Canal ROW.

After reviewing CEC-13-028, dated May, 2013, I concur with item 8 which states 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.

Bill

William E. Soule, M.A., Archaeologist
U.S. Bureau of Reclamation, Mid-Pacific Region, MP-153

2800 Cottage Way, Sacramento, CA 95825

Phone: 916-978-4694

Fax: 916-978-5055

Email: wsoule@usbr.gov

CC: Cultural Resources Branch (MP-153), Anastasia Leigh – Regional Environmental Officer (MP-150)

Attachment C Indian Trust Assets Determination



Lawrence, Benjamin <blawrence@usbr.gov>

SCCAO CEC 13-028; EZ Angus Encroachment

RIVERA, PATRICIA <privera@usbr.gov>

Wed, May 1, 2013 at 3:38 PM

To: "Lawrence, Benjamin" <blawrence@usbr.gov>

Cc: Kristi Seabrook <kseabrook@usbr.gov>, Mary Williams <marywilliams@usbr.gov>

Ben,

I reviewed the proposed action to issue a land use authorization for the encroachments of a property owner, adjacent to the Friant-Kern Canal, who has constructed barns and horse corrals that encroach on Reclamation Right of Way along the Canal.

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

Patricia Rivera
Native American Affairs Program Manager
US Bureau of Reclamation
Mid-Pacific Region
2800 Sacramento, California 95825

KRISTI THIS IS ADMIN
(916) 978-5194