

# RECLAMATION

*Managing Water in the West*

## Categorical Exclusion Checklist

### Kern-Tulare Water District Land Exclusion Detachment "Z"

**CEC-13-047**

Prepared by:

  
Rain L. Emerson  
Natural Resources Specialist  
South-Central California Area Office

Date: 12/06/2013

Concurred by:

See Attachment A  
Archaeologist/Architectural Historian  
Mid-Pacific Regional Office

Date: See Attachment A

Concurred by:

See Attachment B  
Native American Affairs Specialist  
Mid-Pacific Regional Office

Date: See Attachment B

Concurred by:

  
Lisa Carlson  
Wildlife Biology Technician  
South-Central California Area Office

Date: 12/06/2013

Concurred by:

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

Date: 12-6-13

Approved by:

  
Michael Jackson  
Area Manager  
South-Central California Area Office

Date: 12-6-13





# Background

Kern-Tulare Water District (Kern-Tulare) is a Central Valley Project (CVP) contractor located in southern Tulare and northern Kern counties that receives CVP water from the Sacramento-San Joaquin River Delta and Millerton Lake. In April 2013, Kern-Tulare received approval from the Kern County Local Agency Formation Commission (LAFCo) for the detachment of 3.64 acres (Detachment Z) under LAFCo Resolution No. 13-02 (Figure 1). Kern-Tulare has since requested that the Bureau of Reclamation (Reclamation) amend the district's CVP service area boundary to reflect this detachment.



Figure 1 Parcels Proposed for Detachment from Kern-Tulare

# Purpose and Need for Action

Kern-Tulare needs to revise its CVP service area boundary to reflect changes approved by LAFCo. The purpose of the Proposed Action is to amend the district's CVP service area boundary in order to reflect these changes.

## Proposed Action

Reclamation proposes to amend Kern-Tulare's CVP service area boundary to exclude the two parcels (3.64 total acres) listed in Table 1

**Table 1 Parcels Proposed for Exclusion from Kern-Tulare**

Assessor's Parcel Number	Approximate Acreage	Location within Kern County (MDB&M)
051-140-43	1.82	Section 29, Township 25S, Range 27E
051-140-47	1.82	Section 29, Township 25S, Range 27E

Both parcels are existing roads; therefore, no change in land use would occur as a result of the Proposed Action.

## Exclusion Category

516 DM 14.5 paragraph D (3): *Administration and implementation of project repayment and water service contracts, including approval of organizational or other administrative changes in contracting entities brought about by inclusion or exclusion of lands in these contracts.*

## 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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><input type="checkbox"/> |
| 3. This action would have significant impacts on public health or safety (43 CFR 46.215(a)).  | No<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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 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

September 18, 2013  
MEMORANDUM

To: Rain Emerson  
Natural Resource Specialist – South-Central California Area Office

From: William Soule  
Archaeologist – Division of Environmental Affairs

Subject: 13-SCAO-274: Kern-Tulare Water District (KTWD) Land Exclusion Detachment “Z”

This proposed undertaking by Reclamation is to amend KTWD’s Central Valley Project (CVP) service area boundary to exclude two parcels totaling 3.64 acres. Both parcels are existing roads. 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 National Historic Preservation Act (NHPA) Section 106 regulations codified at 36 CFR Part 800.3(a)(1).

KTWD is a CVP contractor located in southern Tulare and northern Kern counties that receives CVP water from the Sacramento-San Joaquin River Delta and Millerton Lake. In April 2013, KTWD received approval from the Kern County Local Agency Formation Commission (LAFCo) for the detachment of 3.64 acres (Detachment Z) under LAFCO Resolution No. 13-02 (Figure 1). KTWD has since requested that Reclamation amend the district’s CVP service area boundary to reflect this detachment. There is no ground disturbance, construction of new facilities, alternation of existing facilities, or change in land use associated with this proposed action.

After reviewing the materials provided for the Section 106 determination of effect for this undertaking, I concur with item 8 in CEC-13-047, which states that this action would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by Reclamation. This memorandum is intended to convey the completion of the NHPA Section 106 process for this undertaking. Reclamation has no further obligations under NHPA Section 106, pursuant to 36 CFR § 800.3(a)(1). 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.

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

# **Attachment B Indian Trust Assets Determination**



Emerson, Rain &lt;remerson@usbr.gov&gt;

## 13-047 For Review

**RIVERA, PATRICIA** <privera@usbr.gov>

Tue, Sep 24, 2013 at 3:49 PM

To: "Seabrook, Kristi" <kseabrook@usbr.gov>, Rain Emerson <rhealer@usbr.gov>, Rain Emerson <remerson@usbr.gov>

Rain,

I reviewed the proposed action to amend Kern-Tulare's CVP service area boundary to exclude the two parcels (3.64 total acres) listed in Table 1 below:

Table 1 Parcels Proposed for Exclusion from Kern-Tulare

Assessor's Parcel Number	Approximate Acreage	Location within Kern County (MDB&M)
051-140-43	1.82	Section 29, Township 25S, Range 27E
051-140-47	1.82	Section 29, Township 25S, Range 27E

Both parcels are existing roads; therefore, no change in land use would occur as a result of the Proposed Action.

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

Patricia Rivera  
 Native American Affairs Program Manager  
 US Bureau of Reclamation  
 Mid-Pacific Region  
 2800 Sacramento, California 95825  
 (916) 978-5194

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 Kristi this is admin just log into database thanks