

**CATEGORICAL EXCLUSION CHECKLIST**  
***Mar-Hi Farms Permit to Access San Luis Canal Right-of-Way***

South-Central California Area Office

April 10, 2012

**Background:** Mar-Hi Farms (proponent) encroached on Reclamation right of way along the San Luis Canal by preparing land for non-permanent row crops (tomatoes). The ground disturbance included chiseling and discing the land and the installation of a PVC pipe which connects to buried drip irrigation “tape” placed in the center of each bed about 10” deep. The PVC pipe branches off from a pump and filter from an existing irrigation turnout operated and maintained by the San Luis Water District.

**Purpose and Need for Action:** The proponent is requesting issuance of a permit to allow use of the previously prepared land in order to avoid a crop yield loss and land preparation cost loss of approximately \$13,000. Planting must be started by June 1, 2012 to avoid loss to the proponent.

**Proposed Action:** Reclamation proposes to issue a permit through December 31, 2012 to allow the proponent to plant, grow and harvest non-permanent row crops on Reclamation’s San Luis Canal right-of-way. Equipment to be used includes a tractor disc, cultivator, mulcher, transplanter, mechanical and hand pruners. Crops will be planted with a mechanical GPS system and harvested mechanically. All items will be removed from the land at the expiration of the permit.

Legal description: Southeast quarter (SE ¼) of Section 33, Township 13S, Range 12E, Fresno County. APN 010-061-44ST. San Luis Canal milepost 102.64. (Figure 1).

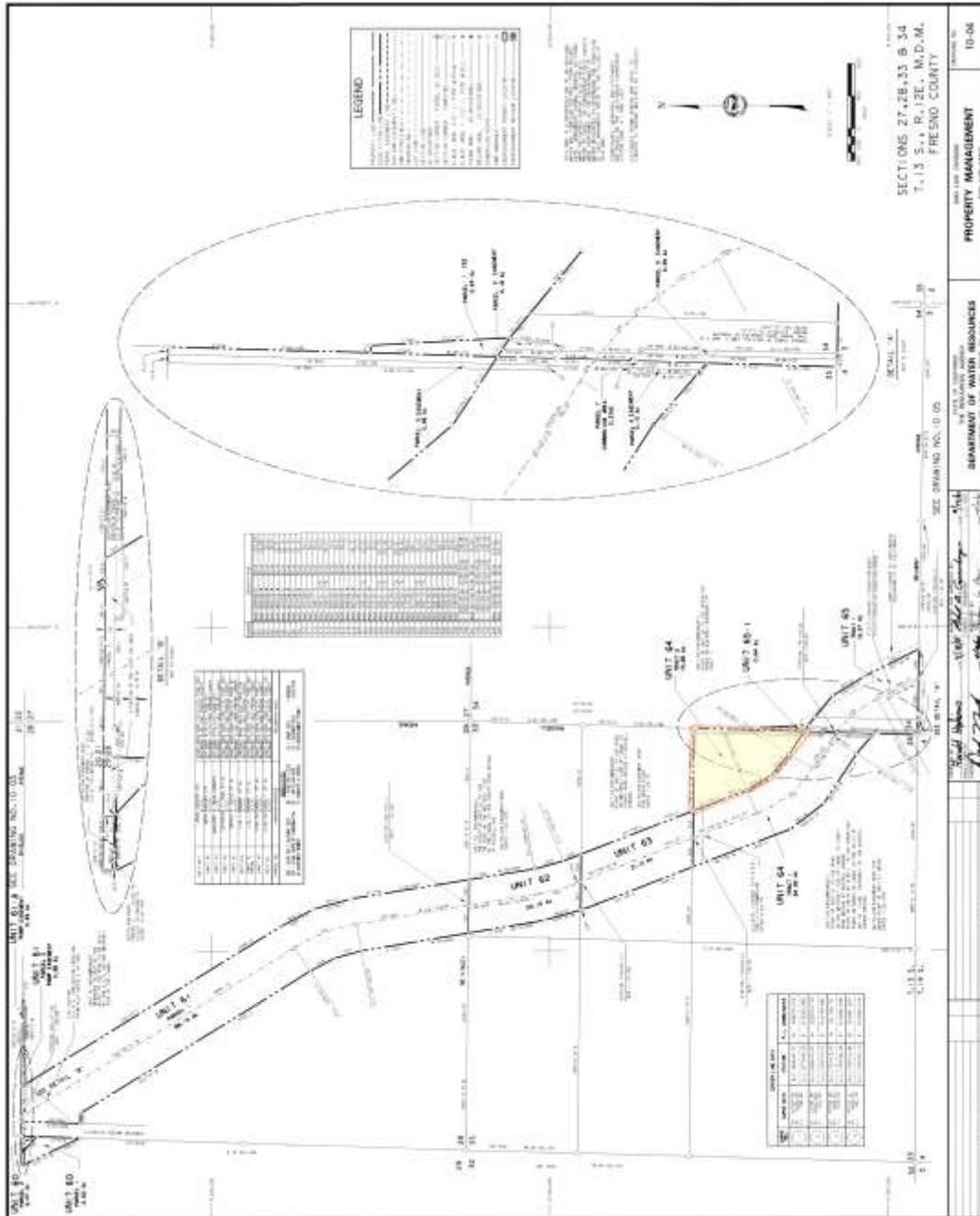
**Exclusion Category:** 516 DM 14.5 D. Operation and Maintenance Activities. (10) Issuance of permits, licenses, easements, and crossing agreements which provide right-of-way over Bureau lands where the action does not allow for or lead to a major public or private action.

**Environmental Commitments:**

- Project-related vehicles shall observe a 20 MPH speed limit in all project areas, except on county roads and State and federal highways.
- All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in closed containers and removed at least once a week from the action area.
- To prevent harassment, mortality of wildlife or destruction of habitat by dogs or cats, no pets will be permitted in the action area.
- Activities will be limited to daytime hours.
- Per the SCCAO Operations and Maintenance Biological Opinion (1-1-04-F-0368), Integrated Pest Management Plans shall be followed. The California Department of Pesticide Regulation County Recommendations for Pesticide Applications must also be followed. The proponent has a valid Restricted Materials Permit (10-12-1010365).

- No pesticides or herbicides shall be applied outside structures when precipitation could cause runoff. Spraying in early morning hours will be avoided, if possible, to reduce the chance of encountering listed species (USFWS, 2004).
- Per the *Standardized Recommendations for Protection of the Endangered San Joaquin Kit fox Prior to or During Ground Disturbance*, the use of rodenticides and herbicides in the action area should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes (and other federally protected species) and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions. If rodent control must be conducted, zinc phosphide should be used because of proven lower risk to the kit fox (CDFG, 2011).
- The use of carbamate insecticides or the organophosphate insecticides monocrotophos and dimethoate shall be prohibited to prevent primary or secondary poisoning of Swainson's hawks that may potentially forage in the action area (Woodbridge, 1998).

Figure 1 Proposed Action Location



**Evaluation of Criteria for Categorical Exclusion**

1. This action would have a significant effect on the quality of the human environment. No X Uncertain \_\_\_\_ Yes

2. This action would have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. No X Uncertain \_\_\_\_ Yes

**Evaluation of Exemptions to Actions within Categorical Exclusion**

1. This action would have significant adverse effects on public health or safety. No X Uncertain \_\_\_\_ Yes

2. 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; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas. No X Uncertain \_\_\_\_ Yes

3. This action would have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. No X Uncertain \_\_\_\_ Yes

4. This action would establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. No X Uncertain \_\_\_\_ Yes

5. This action would have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. No X Uncertain \_\_\_\_ Yes
6. This action would have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau (in coordination with a Reclamation cultural resources professional). No X Uncertain \_\_\_\_ Yes
7. 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. No X Uncertain \_\_\_\_ Yes
8. This action would violate a Federal, State, local, or tribal law or requirement imposed for protection of the environment. No X Uncertain \_\_\_\_ Yes
9. This action would affect Indian Trust Assets (ITA) (To be completed by Reclamation official responsible for ITA). No X Uncertain \_\_\_\_ Yes
10. This action would have a disproportionately high and adverse effect on low income or minority populations. No X Uncertain \_\_\_\_ Yes
11. 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. No X Uncertain \_\_\_\_ Yes

12. 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.

No X Uncertain \_\_\_\_ Yes

Prepared by:

Chuck Siek

5/14/12

South-Central California Area Office

Regional Archeologist concurred with Item 6. Their determination has been placed within the project file.

Area Office Biologist concurred with Item 7. Their determination has been placed within the project file.

ITA Designee concurred with Item 9. Their determination has been placed within the project file.

Concur:

  
Supervisory Natural Resources Specialist, South-Central California Area Office

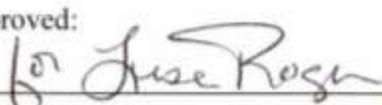
Date: 5/29/12

Concur:

  
Chief, Resources Management Division, South-Central California Area Office

Date: 5/29/12

Approved:

  
Area Manager, South-Central California Area Office

Date: 5/29/12