CATEGORICAL EXCLUSION CHECKLIST
Temporary Water Service Contracts for Non-Central Valley Project Contractors on the Eastside of the San Joaquin Valley

South-Central California Area Office November 30, 2011

Background: For more than five years the Bureau of Reclamation (Reclamation) has executed annual contracts with non-Central Valley Project contractors (NCVPC) to utilize unstorable flood flows. Millerton Reservoir is a relatively small reservoir that typically fills and empties multiple times during a Contract Year (March 1 through February 28). There are times that snowmelt-produced flows exceed the storage capacity of the reservoir and are more than contractors with long-term water service contracts choose to divert at the time.

This also can occur in the winter due to the flood control restrictions required by the Army Corps of Engineers where although the reservoir may not be full, inflow would cause the level in the reservoir to exceed levels required to maintain flood control capacity. Reclamation can either spill the water into the San Joaquin River or offer it to contractors for a limited and specified time period under one year contracts.

Proposed Action: Reclamation proposes to execute 215 contracts for temporary supplies of unstorable flood flows with NCVPC during Contract Year 2012. Temporary supplies of unstorable flood flows pursuant to Section 215 of the Reclamation Reform Act may be made available to those eligible NCVPC within the Friant Place of Use, that have access to water deliveries via the Friant-Kern Canal, Madera Canal, and/or Millerton Lake, hereinafter referred to as the Friant Division Facilities. The priority for the provision of temporary water is specified by the Friant Operational Guidelines.

The availability of this temporary surplus water will be at Reclamation's discretion and dependent on storage capacity in the reservoir and other operational considerations. The quantity of water will be based on reservoir operations, hydrologic conditions, and Friant operating guidelines.

This temporary water may be used for irrigation or municipal/industrial purposes and must be used within the eligible contractor's water service boundary identified in the NCVPC. No banking, transferring or exchanging of temporary surplus water is covered under this Categorical Exclusion.

The following list includes potential recipients for Contract Year 2012 temporary flood flows.

POTENTIAL SURPLUS WATER RECIPIENTS IN 2012

NCVPC and their sub-entities (Includes State Water Project Contractors)	
Buena Vista Water Storage District	[5]Kings River Conservation District Consolidated Irrigation District
Cawelo Water District**	Lakeside Irrigation District
Corcoran Irrigation District	Liberty Water District
Hermosa Water Company	North Kern Water Storage District
[1]Kaweah Delta Water Conservation District	Root Creek Water District
[2] Kern County Water Agency	Rosedale-Rio Bravo Water Storage District
Kern Delta Water District	Semitropic Water Storage District
[3] Kern Water Bank Authority	Tulare Lake Basin Water Storage District

Sub-entities not within the Places of Use for the Friant Division and are excluded from this action

[1]Kaweah Delta Water Conservation District*

- Corcoran Irrigation District
- Lakeside Irrigation District
- Kings County Water District

[2] Kern County Water Agency

- Kern Delta Water District
- Rosedale-Rio Bravo Water Storage
- Henry Miller Water District**
- Buena Vista Water Storage District

[3]Kern Water Bank Authority

- Kern County Water Agency
- Westside Mutual Water Company**
- Semitropic Water Storage District

[4] Kings River Conservation District

- Alta Irrigation District
- Clark's Fork Reclamation District No. 2069
- Consolidated Irrigation District
- Corcoran Irrigation District
- Empire West Side Irrigation District
- Fresno Irrigation District
- James Irrigation District
- Kings County Water District
- Kings River Water District
- Laguna Irrigation District
- Lakeside Irrigation Water District
- Liberty Water District
- Mid-Valley Water District
- Raisin City Water District
- Riverdale Irrigation District
- Salyer Water District
- Stratford Irrigation District
- Tranquillity Irrigation District
- Tulare Lake Basin Water Storage District
- Tulare Lake Reclamation District No. 761
- Tulare Ditch Company
- Corcoran Irrigation Company
- Crescent Canal Company
- John Heinlen Mutual Water Company
- Last Chance Water Ditch Company
- Lemoore Canal and Irrigation District
- Liberty Canal Company
- Liberty Mill Race Company
- Lovelace Water Corporation
- Peoples Ditch Company
- Reed Ditch Company
- Southeast Lake Water Company
- Stinson Canal and Irrigation Company
- Upper San Jose Water Company

*Kaweah Delta Water Conservation District partial Assignment from Ivanhoe ID conversion to a CVP Contractor
**Partially outside the Place of Use for the Friant Division

Purpose of Action: The purpose of the Proposed Action is to approve, execute, and administer 215 contracts. This contract action allows the NCVPC the ability to utilize the surplus water that is not storable for project purposes or infrequent and otherwise unstoreble flood flows of short duration.

Exclusion Category: 516 DM 14.5 D (4) Approval, execution and implementation of water service contracts for minor amounts of long-term water use or temporary or interim water use

Exclusion Category: 516 DM 14.5 D (4) Approval, execution and implementation of water service contracts for minor amounts of long-term water use or temporary or interim water use where the action does not lead to long-term changes and where the impacts are expected to be localized.

Evaluation of Criteria for Categorical Exclusion

1. This action or group of actions would have a significant effect on the quality of the human environment.	No _X_	Uncertain ___	Yes ___
2. This action or group of actions would 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 an adverse effect on unique geological features such as wetlands, wild or scenic rivers, refuges, flood plains, rivers placed on the nationwide river inventory, or prime or unique farmlands. (Same as 516 DM 2, Appendix 2, Part 2.2).	No _X_	Uncertain ___	Yes ___
3. This action will have highly controversial environmental effects.	No _X_	Uncertain ___	Yes ___
4. This action will have highly uncertain environmental effects or involve unique or unknown environmental risks.	No _X_	Uncertain ___	Yes ___
5. This action will establish a precedent for future actions.	No _X_	Uncertain ___	Yes ___

6. This action is related to other actions with individually insignificant but cumulative significant environmental effects.	No _X_	Uncertain ___	Yes ___
7. This action will affect properties listed or eligible to be listed in the National Register of Historical Places.	No _X_	Uncertain ___	Yes ___
8. This action will adversely affect a species listed or proposed to be listed as endangered or threatened.	No _X_	Uncertain ___	Yes ___
9. This action threatens to violate Federal, State, Local or Tribal law or requirements imposed for protection of the environment.	No _X_	Uncertain ___	Yes ___
10. This action will affect Indian Trust Assets.	No _X_	Uncertain ___	Yes ___
11. This action will disproportionately affect minority or low-income populations.	No _X_	Uncertain ___	Yes ___

NEPA Action: Categorical Exclusion _X_ EA ___ EIS___

Environmental commitments, explanation, and/or remarks:

☐Yes ☒No Environmental commitments are required and attached.

- ☐ San Joaquin Kit Fox Avoidance and Minimization Measures
- ☐ Giant Garter Snake Avoidance and Minimization Measures
- ☐ California Tiger Salamander Avoidance and Minimization Measures
- ☐ California Red-Legged Frog Avoidance and Minimization Measures
- ☐ Other

Prepared by:

Chuck Siek Date: 12/15/11

South-Central California Area Office

Regional Archeologist concurrence with Item 7:
See attachment.

ITA Designee concurrence with Item 10:
See attachment.

Concur:
Shauna McDonald Date: 12/15/11
Wildlife Biologist, South-Central California Area Office

Concur:
Date: 12/15/11
Supervisory Natural Resources Specialist, South-Central California Area Office

Concur:
Randy Engle Date: 12/23/11
Chief, Resources Management Division, South-Central California Area Office

Approved:
acting Sheryl Carter Date: 12-23-11
Deputy Area Manager, South-Central California Area Office

RECLAMATION
Managing Water in the West

Environmental Commitment Program

This form must accompany all Federal discretionary action approvals that require compliance with the National Environmental Policy Act and other applicable environmental laws.

Environmental Document[1]: 11-095

On January 14, 2011 the President's Council on Environmental Quality (CEQ) issued guidance for Federal agencies to implement, monitor and evaluate environmental commitments identified in Environmental Assessments and Environmental Impact Statements completed for compliance with the National Environmental Policy Act (NEPA).

The Bureau of Reclamation's NEPA Handbook provides guidance on the establishment of an Environmental Commitment Program (ECP) to meet the CEQ guidance. The ECP is a system designed to implement, monitor and evaluate the environmental commitments identified in the NEPA document. This guidance also pertains to Categorical Exclusions when environmental commitments have been identified in order to meet the requirements for exclusion. These commitments fall under one or more of the following categories:

1. **Commitments where no construction or ground disturbance is involved**
   These commitments are typically associated with water transfers, exchanges, Warren Act contracts and similar actions.

   Required ☐ Not Required ☒

2. **Commitments where construction or ground disturbance is involved**
   These commitments are typically associated with short-term construction impacts resulting from modifications to Federal facilities or modifications to non-Federal facilities where there is a Federal nexus such as Federal funds or approvals.

   Required ☐ Not Required ☒

3. **Long-term commitments**
   These commitments are typically associated with larger construction or ground disturbing activities where impacts to resources such as wetlands, special status species habitat or water quality may occur that require long-term mitigation and monitoring.

   Required ☐ Not Required ☒

Note: If the "Not Required" boxes are checked on all three commitment categories, no further action is required. If any of the required boxes are checked please refer to the following Environmental Commitment table for a summary of the commitments required for environmental compliance. A comprehensive description of the environmental commitments can be found in the associated environmental document. Please direct any questions or comments regarding the Environmental Commitment Program to:

Chuck Siek, Supervisory Natural Resources Specialist
Department of Interior, Bureau of Reclamation
1243 "N" Street, Fresno, CA. 93721
(559) 487-5138 email at csiek@usbr.gov

[1] Environmental Document types include: Categorical Exclusion, Environmental Assessment/Finding of No Significant Impact and Environmental Impact Statement/Record of Decision

United States Department of the Interior

BUREAU OF RECLAMATION
1243 "N" Street
Fresno, CA 93721

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:
Friant Division
ENV-7.00
SCC-424

December 15, 2011

MEMORANDUM

To: Chuck Siek
Natural Resource Specialist

From: Shauna McDonald
Wildlife Biologist

Subject: No-Effect Determination for Temporary Water Service Contracts for Non-Central Valley Project Contractors on the Eastside of the San Joaquin Valley (CEC-11-095)

Reclamation proposes to execute 215 contracts for temporary supplies of unstorable flood flows with Non-Central Valley Project Contractors (NCVPC) during Contract Year 2012. Temporary supplies of unstorable flood flows pursuant to Section 215 of the Reclamation Reform Act may be made available to those eligible NCVPC within the Friant Place of Use, that have access to water deliveries via the Friant-Kern Canal, Madera Canal, and/or Millerton Lake, hereinafter referred to as the Friant Division Facilities. The priority for the provision of temporary water is specified by the Friant Operational Guidelines.

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This water would only be available for temporary (one-year) use and thus would not be used to support any land use change or involve construction of any new facilities. Therefore, based upon the nature of this action Reclamation has determined there would be No Effect to proposed or listed species or critical habitat under the Endangered Species Act of 1973, as amended (16 U.S.C. §1531 et. seq.).

Siek, Charles R

From: Williams, Scott A
Sent: Wednesday, November 23, 2011 2:32 PM
To: Siek, Charles R
Cc: BOR MPR Cultural Resources Section
Subject: Section 106 Review of review of CEC 11-95

Project No. 12-SCAO-038
Section 106 Review of review of CEC 11-95

Charles Siek:

The proposed undertakings to contract for temporary supplies of unstorable flood flows, *for Temporary Water Service Contracts for the Friant and Cross Valley Division Contractors (CEC 11-95)* during contract Year 2012 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 proposed action will execute 215 contracts for temporary supplies of unstorable flood flows with NCVPC during Contract Year 2012. Temporary supplies of unstorable flood flows pursuant to Section 215 of the Reclamation Reform Act may be made available to those eligible NCVPC within the Friant Place of Use, that have access to water deliveries via the Friant-Kern Canal, Madera Canal, and/or Millerton Lake, hereinafter referred to as the Friant Division Facilities. The priority for the provision of temporary water is specified by the Friant Operational Guidelines.

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After review the CEC 11-095 – titled "*Temporary Water Service Contracts for the Friant and Cross Valley Division Contractors* " November 30, 2011, I concur with line 7 of that CEC.

Exclusion Category: 516 DM 14.5 D (4) Approval, execution and implementation of water service contracts for minor amounts of long-term water use or temporary or interim water use where the action does not lead to long-term changes and where the impacts are expected to be localized.

This email memo is intended to convey the conclusion of the Section 106 process for this undertaking. Please retain a copy of this memo with the CEC file. Thank you for providing the opportunity to comment on this action.

Scott A. Williams, M.A. Archaeologist
Bureau of Reclamation, Mid-Pacific Region
2800 Cottage Way, MP-153
Sacramento, CA 95825
916-978-5042

Siek, Charles R

From: Rivera, Patricia L
Sent: Wednesday, November 23, 2011 12:55 PM
To: Siek, Charles R
Subject: RE: Request for Determinations: Temporary Water Service Contracts for Section 215 Water

Chuck,

I reviewed the proposed action to execute contracts to South of Delta CVP Contractors, Friant CVP Contractors, and Friant Non-CVP Contractors for temporary supplies of unstorable flood flows during Contract Year 2012 (Section 215 Water). Temporary supplies of unstorable flood flows may be available to those eligible contractors. The availability of this temporary surplus water will be at Reclamation's discretion and dependent on storage capacity in the reservoir and other operational considerations. This quantity of water will be based on reservoir operations, hydrologic conditions, and operating guidelines.

- Other Federal Agencies Involved/Cooperating Agencies and Roles: None
- Level of NEPA Anticipated: Categorical Exclusions (attached).
- Project Location on USGS Topo Map and Legal Description, GIS Shape Files if available: Numerous districts are involved over a large area and there is no ground disturbance therefore no mapping is available other then what is in CEC 11-096.
- Supplemental Information
    - No ground disturbance
    - Documentation from Applicant/Proponent: N/A
    - Construction Plans, Specifications: N/A

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

Patricia