CATEGORICAL EXCLUSION CHECKLIST
Temporary Water Service Contracts for the Friant and Cross Valley Division Contractors

South-Central California Area Office November 30, 2011

Background: For more than fifteen years the Bureau of Reclamation (Reclamation) has executed annual contracts with Friant and Cross Valley Division Contractors to utilize unstorable flood flows (Figure 1). 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. The Contractors may choose not to take the additional water made available at their existing contract rates.

Reservoir storage can also be exceeded in the winter due to the flood control restrictions required by the Army Corps of Engineers. While 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 the contractors for a limited and specified time period under one year contracts which have some relief in pricing and land application restrictions and is over and above the contract quantities specified in the long-term contracts.

The additional water supply coupled with the reduced price provided in these contracts make the flood flows more attractive and contractors are willing to put larger amounts of water to beneficial uses such as percolation for conjunctive use, which would not have been economically feasible under the long-term contract pricing structure.

Proposed Action: Pursuant to Section 215 of the Reclamation Reform Act, Public Law 97-293, Reclamation proposes to execute contracts for temporary supplies of unstorable flood flows, with the Friant and Cross Valley Division Central Valley Project contractors during Contract Year 2012. Temporary supplies of unstorable flood flows may be available to those eligible CVP contractors having access to water deliveries via the Friant-Kern Canal, Madera Canal, and/or Millerton Lake. 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. This quantity of water will be based on reservoir operations, hydrologic conditions, and Friant operating guidelines.

This temporary water may be used for irrigation and municipal and industrial purposes. Temporary water must be used within the eligible contractor's water service boundary identified in their interim and long-term contracts. 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 TEMPORARY FLOOD FLOW RECIPIENTS IN 2012

Friant Division Contractors	
Arvin-Edison Water Storage District	Lewis Creek Water District
Chowchilla Water District	Lindmore Irrigation District
City of Fresno	Lindsay-Strathmore Irrigation District
City of Lindsay	*Lower Tule River Irrigation District
City of Orange Cove	Madera Irrigation District
County of Madera	Orange Cove Irrigation District
Delano-Earlimart Irrigation District	Porterville Irrigation District
Fresno County Waterworks #18	Saucelito Irrigation District
Exeter Irrigation District	Shafter-Wasco Irrigation District
Fresno Irrigation District	Southern San Joaquin Municipal Utility District
Garfield Water District	Stone Corral Irrigation District
Gravelly Ford Water District	Tea Pot Dome Water District
International Water District	Terra Bella Irrigation District
Ivanhoe Irrigation District	Tulare Irrigation District
Kaweah-Delta Water Conservation District	

Cross Valley Contractors	
[1]County of Fresno	*Lower Tule River Irrigation District
[2]County of Tulare	Pixley Irrigation District
Hill's Valley Irrigation District	[3]Kern-Tulare Water District
Tri-Valley Water District	

[1]County of Fresno includes customer Fresno County Service Area #34
[2]County of Tulare includes customer Alpaugh ID, Atwell WD, Hills Valley ID, Saucelito ID, Frasinetto Farms LLC, Stone Corral ID, City of Lindsay, Strathmore Public Utility District, Styrotek, Inc., and City of Visalia
[3]Effective as of January 1, 2009, Rag Gulch Water District assigned to Kern-Tulare Water District
*Lower Tule River Irrigation District has both a Friant Division & Cross Valley Canal Contract

Purpose of Action: The purpose of the Proposed Action is to allow the beneficial use of unstorable water and enhance the repayment of the Friant Project. Contractors need low cost water supplies above their annual crop demand to refill the groundwater aquifer to allow for future conjunctive use in dry years.

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.

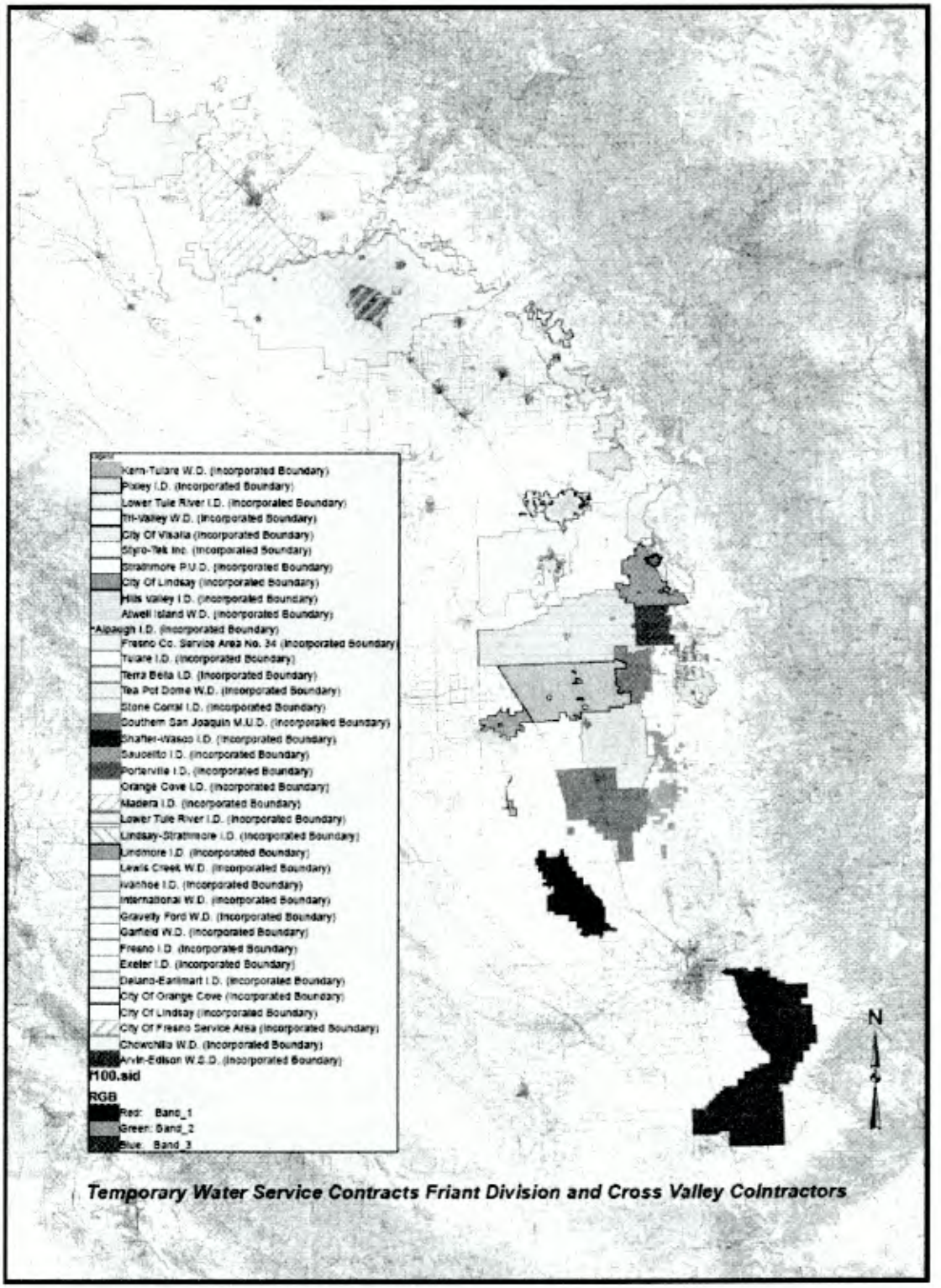
Kern-Tulare W.D. (Incorporated Boundary)
Pixley I.D. (Incorporated Boundary)
Lower Tule River I.D. (Incorporated Boundary)
Tri-Valley W.D. (Incorporated Boundary)
City Of Visalia (Incorporated Boundary)
Styro-Tek Inc. (Incorporated Boundary)
Strathmore P.U.D. (Incorporated Boundary)
City Of Lindsay (Incorporated Boundary)
Hills Valley I.D. (Incorporated Boundary)
Atwell Island W.D. (Incorporated Boundary)
Alpaugh I.D. (Incorporated Boundary)
Fresno Co. Service Area No. 34 (Incorporated Boundary)
Tulare I.D. (Incorporated Boundary)
Terra Bella I.D. (Incorporated Boundary)
Tea Pot Dome W.D. (Incorporated Boundary)
Stone Corral I.D. (Incorporated Boundary)
Southern San Joaquin M.U.D. (Incorporated Boundary)
Shafter-Wasco I.D. (Incorporated Boundary)
Saucelito I.D. (Incorporated Boundary)
Porterville I.D. (Incorporated Boundary)
Orange Cove I.D. (Incorporated Boundary)
Madera I.D. (Incorporated Boundary)
Lower Tule River I.D. (Incorporated Boundary)
Lindsay-Strathmore I.D. (Incorporated Boundary)
Lindmore I.D. (Incorporated Boundary)
Lewis Creek W.D. (Incorporated Boundary)
Ivanhoe I.D. (Incorporated Boundary)
International W.D. (Incorporated Boundary)
Gravelly Ford W.D. (Incorporated Boundary)
Garfield W.D. (Incorporated Boundary)
Fresno I.D. (Incorporated Boundary)
Exeter I.D. (Incorporated Boundary)
Delano-Earlimart I.D. (Incorporated Boundary)
City Of Orange Cove (Incorporated Boundary)
City Of Lindsay (Incorporated Boundary)
City Of Fresno Service Area (Incorporated Boundary)
Chowchilla W.D. (Incorporated Boundary)
Arvin-Edison W.S.D. (Incorporated Boundary)
100.sid
RGB
Red: Band_1
Green: Band_2
Blue: Band_3
N
Temporary Water Service Contracts Friant Division and Cross Valley Cointractors

Figure 1

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 ___	'es

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: _____

South-Central California Area Office

Regional Archeologist concurrence with Item 7:
See attachment.

ITA Designee concurrence with Item 10:
See attachment.

Concur: for J. Lewis

Date: 12/23/11

Wildlife Biologist, South-Central California Area Office

Concur:

Date: 12/15/11

Supervisory Natural Resources Specialist, South-Central California Area Office

Concur:

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

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 CEC-11-096

Project No. 12-SCAO-037
Section 106 Review of review of CEC-11-96

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 11-96)* 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 actions to execute contracts for temporary supplies of unstorable flood flows, with the Friant and Cross Valley Division Central Valley Project contractors during Contract Year 2012. Temporary supplies of unstorable flood flows may be available to those eligible CVP contractors having access to water deliveries via the Friant-Kern Canal, Madera Canal, and/or Millerton Lake. 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. This quantity of water will be based on reservoir operations, hydrologic conditions, and Friant operating guidelines.

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

After review the CEC 11-096 – titled "*Temporary Water Service Contracts for the Friant and Cross Valley Division Contractors*" received November 23, 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

United States Department of the Interior

BUREAU OF RECLAMATION
1243 "N" Street
Fresno, CA 93727

TAKE PRIDE IN AMERICA

IN REPLY REFER TO
General
ENV 7.00
SCC-422

December 15, 2011

MEMORANDUM

To: Chuck R. Siek
Supervisory Natural Resources Specialist

From: Jennifer L. Lewis
Endangered Species Act Branch

Subject: No-Effect Determination for *Temporary Water Service Contracts for the Friant and Cross Valley Division Contractors* (CEC-11-096)

The Bureau of Reclamation (Reclamation) proposes to execute annual contracts for temporary water supplies to Friant and Cross Valley Division Central Valley Project (CVP) contractors during Contract Year 2012. This water would be available for irrigation and municipal and irrigation purposes. Temporary supplies of unstorable flood flows may be available to those eligible CVP contractors having access to water deliveries via the Friant-Kern Canal, Madera Canal, and/or Millerton Lake. 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. This quantity of water will be based on reservoir operations, hydrologic conditions, and Friant Operational Guidelines.

The purpose for the contract is to make this non-storable flood water available to contractors for beneficial use at a reduced pricing structure. However, it cannot be transferred, banked, or exchanged. Contractors that may potentially receive this excess water are listed in the CEC.

To assure compliance with section 7 of the Endangered Species Act, this water must be conveyed through existing facilities. No new construction shall take place to convey this water. Grasslands and shrub land that have never been tilled or irrigated must not be tilled and put into agricultural production using this water. If the land has been fallow for three consecutive years or more, it must be inspected for federally protected species. The survey method must be deemed appropriate by the Contracting Officer. If threatened or endangered species are found, such lands may not be irrigated with this Surplus Water. The intent is that irrigation activities not affect the presence of threatened or endangered species.

With the above limitations and based upon the nature of this action Reclamation has determined there would be No Effect to listed species or designated critical habitat under the Endangered Species Act (16 U.S.C. §1531 et. seq.).

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]: 11-096

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