

# RECLAMATION

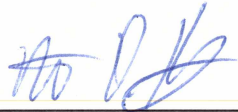
*Managing Water in the West*

## Categorical Exclusion Checklist

# Southern San Joaquin Municipal Utility District Reorganization #1

CEC-12-088

Prepared by:



Date:

2/13/13

Nick Kilb  
Natural Resources Specialist  
South-Central California Area Office

Concurred by:



Date:

02/14/2013

Lisa Carlson  
Biological Science Technician  
South-Central California Area Office

Concurred by:




Date:

2/13/13

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

Approved by:

for   
Michael Jackson  
Area Manager  
South-Central California Area Office

Date:

2/15/13





## Background

In the early part of 1999, several landowners adjacent to Southern San Joaquin Municipal Utility District (SSJMUD) requested the annexation of their lands into SSJMUD boundaries, some of which required removal of lands from the Kern-Tulare Water District (KTWD)'s boundaries. On April 14, 1999, SSJMUD forwarded their request to the Kern County Local Agency Formation Commission (LAFCo). The LAFCo approved the requests September 28, 1999. As a result of an oversight in 1999, the boundary changes to SSJMUD and KTWD were neither approved nor recognized by Reclamation. The inclusion of the lands into SSJMUD was reviewed by Reclamation in 2007, in Categorical Exclusion Checklist (CEC) 07-123; that document is incorporated by reference. For various reasons, no action was taken following the completion of CEC-07-123.

## Purpose and Need for Action

SSJMUD and KTWD need Reclamation to change their district boundaries listed in Exhibit A of their existing repayment contracts, in order to recognize the LAFCo action. The annexations would provide SSJMUD the opportunity to further utilize their water supply, while assisting KTWD by reducing the demand on their distribution system.

## Proposed Action

Reclamation's action involves both the inclusion of lands into SSJMUD, and the exclusion of lands from KTWD. Reclamation would change the boundaries listed in Exhibit A of SSJMUD's repayment contract to include 16 parcels encompassing approximately 1,206.42 acres (Table 1, Figure 1). Reclamation would also change the boundaries listed in Exhibit A of KTWD's repayment contract to exclude 13 land parcels totaling approximately 925.73 acres (Table 2, Figure 1). No additional CVP water would be allocated due to this annexation.

## Environmental Commitments

Reclamation, SSJMUD, KTWD and the landowners will implement the following environmental protection measures:

Resource	Protection Measure
Biological / Land	There will be no land use changes, construction, or property alterations related with this action.
Biological / Land	No conversion of pasture to other forms of agriculture (i.e. row crops or orchard) may occur unless Reclamation has been contacted and has confirmed that no federally protected species will be affected by the conversion.

Environmental consequences for resource areas assume the measures specified would be fully implemented.

**Table 1 Parcels to be included in SSJMUD's boundaries**

Assessor's Parcel Number	Area (Acres)	Section	Township	Range
050-180-05	160.87	25	25S	26E
051-131-06	82.38	30	25S	27E
051-131-07	59.54	30	25S	27E
051-131-08	19.78	30	25S	27E
051-132-03	10.60	31	25S	27E
051-132-39	58.77	31	25S	27E
051-132-40	58.80	31	25S	27E
051-132-63	40.24	31	25S	27E
051-132-64	39.65	31	25S	27E
051-132-65	80.81	31	25S	27E
051-132-66	39.87	31	25S	27E
051-132-67	116.90	31	25S	27E
060-151-20	39.76	1	26S	26E
060-151-49	79.60	1	26S	26E
060-151-52	238.79	1	26S	26E
060-152-06	80.06	12	26S	26E
<b>TOTAL</b>	<b>1206.42</b>			

**Table 2 Parcels to be excluded from KTWD's boundaries**

Assessor's Parcel Number	Area (Acres)	Section	Township	Range
051-131-06	82.38	30	25S	27E
051-131-07	59.54	30	25S	27E
051-131-08	19.78	30	25S	27E
051-132-03	10.60	31	25S	27E
051-132-39	58.77	31	25S	27E
051-132-40	58.80	31	25S	27E
051-132-63	40.24	31	25S	27E
051-132-64	39.65	31	25S	27E
051-132-65	80.81	31	25S	27E
051-132-66	39.87	31	25S	27E
051-132-67	116.90	31	25S	27E
060-151-49	79.60	1	26S	26E
060-151-52	238.79	1	26S	26E
<b>TOTAL</b>	<b>925.73</b>			

## 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.*

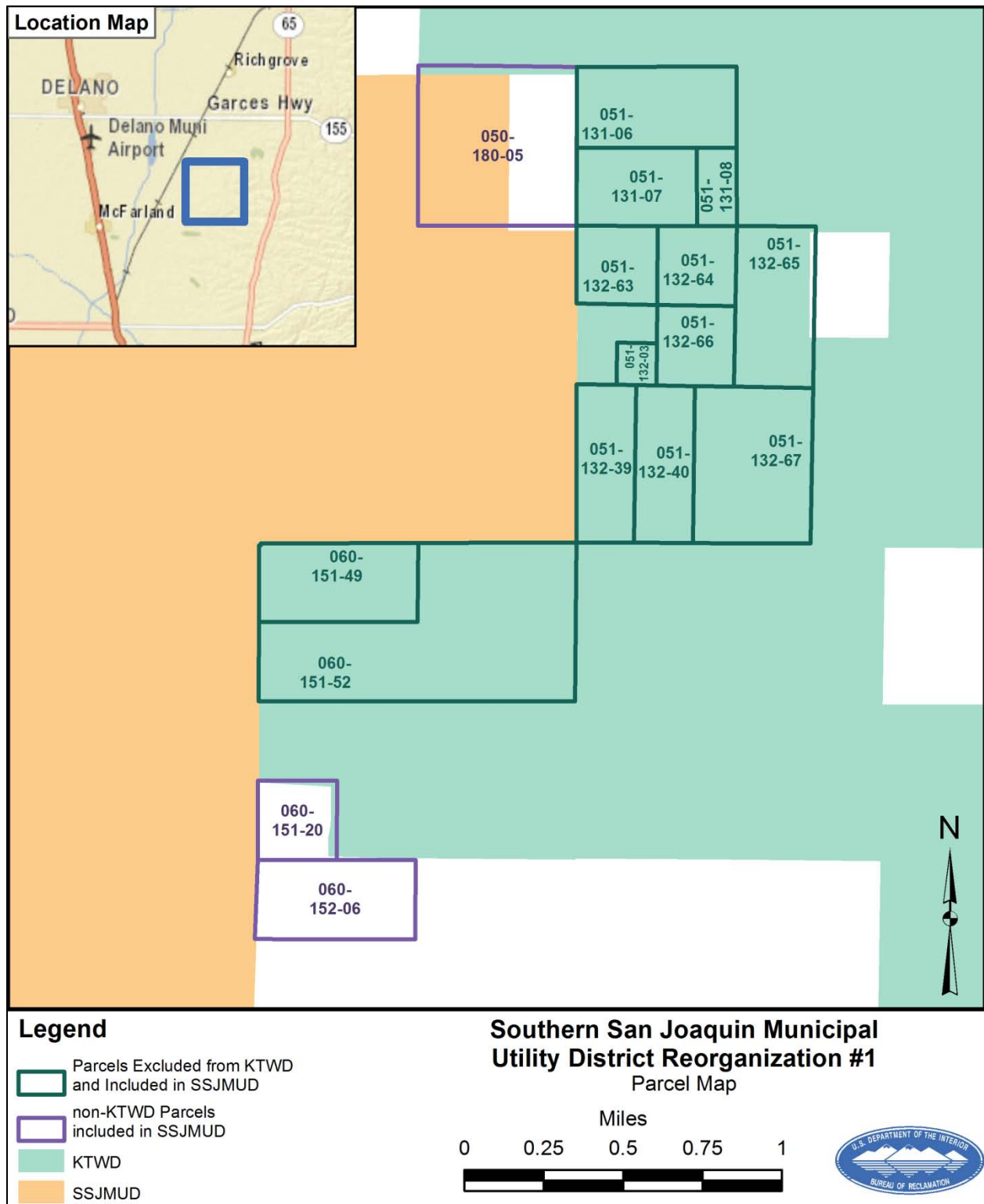


Figure 1 Map of Included and Excluded Parcels

## 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"/> |
| 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)).   | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <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)).   | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |
| 11. This action would affect ITAs (512 DM 2, Policy Memorandum dated December 15, 1993).   | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <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)).  | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <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)).   | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <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)). | No | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <input type="checkbox"/> |

Regional Archeologist concurred with Item 8. Their determination has been attached.

ITA Designee concurred with Item 11. Their determination has been attached.

Area Office Biologist concurred with Item 9. Their determination has been placed in the project file.





# **Attachment A Indian Trust Assets Determination**

**From:** [Rivera, Patricia L](#)  
**To:** [Kilb, Nicholas D](#); [Robbins, Eleanor J \(Ellie\)](#); [Williams, Mary D \(Diane\)](#)  
**Subject:** RE: Request for Determinations, CEC-12-088, Southern San Joaquin Municipal Utility District Reorganization #1  
**Date:** Friday, December 07, 2012 11:21:16 AM

---

Nick,

I reviewed the proposed action as noted below:

In the early part of 1999, several landowners adjacent to Southern San Joaquin Municipal Utility District (SSJMUD) requested the annexation of their lands into SSJMUD boundaries, some of which required removal of lands from the Kern-Tulare Water District (KTWD)'s boundaries. On April 14, 1999, SSJMUD forwarded their request to the Kern County Local Agency Formation Commission (LAFCo) via Cornerstone Engineering, Inc. (Bakersfield, CA); the LAFCo approved the requests in Resolutions 99-14 and 99-16 dated September 28, 1999. As a result of an oversight in 1999, the boundary changes to SSJMUD and KTWD were neither approved nor recognized by Reclamation. The inclusion of the lands into SSJMUD was reviewed by Reclamation in 2007, in Categorical Exclusion Checklist (CEC) 07-12. For various reasons, no action was taken on CEC-07-123.

SSJMUD and KTWD need Reclamation to change the boundaries listed in Exhibit A of their existing repayment contracts, in order to recognize the LAFCo action. The annexations would provide SSJMUD the opportunity to further utilize their water supply, while assisting KTWD by reducing the demand on an over-tapped distribution system. Reclamation's action involves the inclusion of lands into SSJMUD, and the exclusion of lands from KTWD. Reclamation would change the boundaries listed in Exhibit A of SSJMUD's repayment contract to include 16 parcels encompassing approximately 1,206.42 acres. Reclamation would also change the boundaries listed in Exhibit A of KTWD's repayment contract to exclude 13 land parcels totaling approximately 925.73 acres. No additional CVP water would be allocated due to this annexation. The proposed action does not have a potential to affect Indian Trust Assets. Patricia

---

# **Attachment B Cultural Resources Determination**

**From:** [Soule, William E](#)  
**To:** [Kilb, Nicholas D](#)  
**Cc:** [BOR MPR Cultural Resources Section](#)  
**Subject:** RE: Request for Determinations, CEC-12-088, Southern San Joaquin Municipal Utility District Reorganization #1  
**Date:** Friday, December 07, 2012 10:49:47 AM

---

Nick:

Re: 13-SCAO-045: Section 106 Review of Southern San Joaquin Municipal Utility District Reorganization #1

This proposed undertaking by Reclamation is to change the boundaries in exhibit A of the Southern San Joaquin Municipal Utility District (SSJMUD) repayment contract to include 16 parcels totaling 1,206.42 acres, and to change the boundaries in Exhibit A of the Kern-Tulare Water District (KTWD) repayment contract to exclude 13 parcels totaling 925.73 acres. These parcels were already receiving federal water through existing contracts and the water use and land use will not change due to this administrative modification. No additional Central Valley Project water would be allocated due to this action.

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 Section 106 regulations codified at 36 CFR Part 800.3(a)(1). After reviewing draft CEC-12-088, I concur with item 8. This email is intended to convey the completion of the Section 106 process for this undertaking. Please retain a copy in the administrative record for this NEPA action. Thank you for providing the opportunity to comment on this action.

Sincerely,

Bill

William E. Soule, M.A., Archaeologist  
U.S. Bureau of Reclamation, Mid-Pacific Region  
2800 Cottage Way, MP-153  
Sacramento, CA 95825  
Phone: 916-978-4694  
Email: [wsoule@usbr.gov](mailto:wsoule@usbr.gov)

---