

# RECLAMATION

*Managing Water in the West*

## Categorical Exclusion Checklist

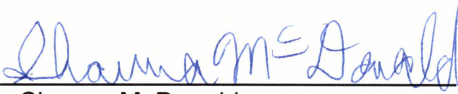
# License Renewal, Fox Farms at Friant-Kern Canal

CEC-12-036

Prepared by:

 Date: 4-11-13  
Ben Lawrence  
Natural Resources Specialist  
South-Central California Area Office

Concurred by:

 Date: 4/11/13  
Shauna McDonald  
Wildlife Biologist  
South-Central California Area Office

Concurred by:

 Date: 4/12/13  
Chuck Siek  
Supervisory Natural Resources Specialist  
South-Central California Area Office

Approved by:

for  Date: 4/16/13  
Michael P. Jackson  
Area Manager  
South-Central California Area Office



## Background

In conjunction with the development of the Central Valley Project (CVP) in California, the Bureau of Reclamation (Reclamation) acquired land across the state as right-of-way (ROW) for canals and other infrastructure. For several years a portion of that land near the intersection of the Friant-Kern Canal (FKC) with the St. Johns River (see Figure 1) has been used for the cultivation and harvesting of pomegranate trees by a private operator under license to Reclamation. This property is more specifically described as 7.00 acres located at Canal Milepost (MP) 69.42 in Section 1 of Township 18S, Range 26E, in the Visalia USGS Quad.

The license (#07-LC-20-9536) for this use of Reclamation's property has expired. The operator has requested a renewal of the license for the economic life of the trees, estimated at twenty-five (25) years.

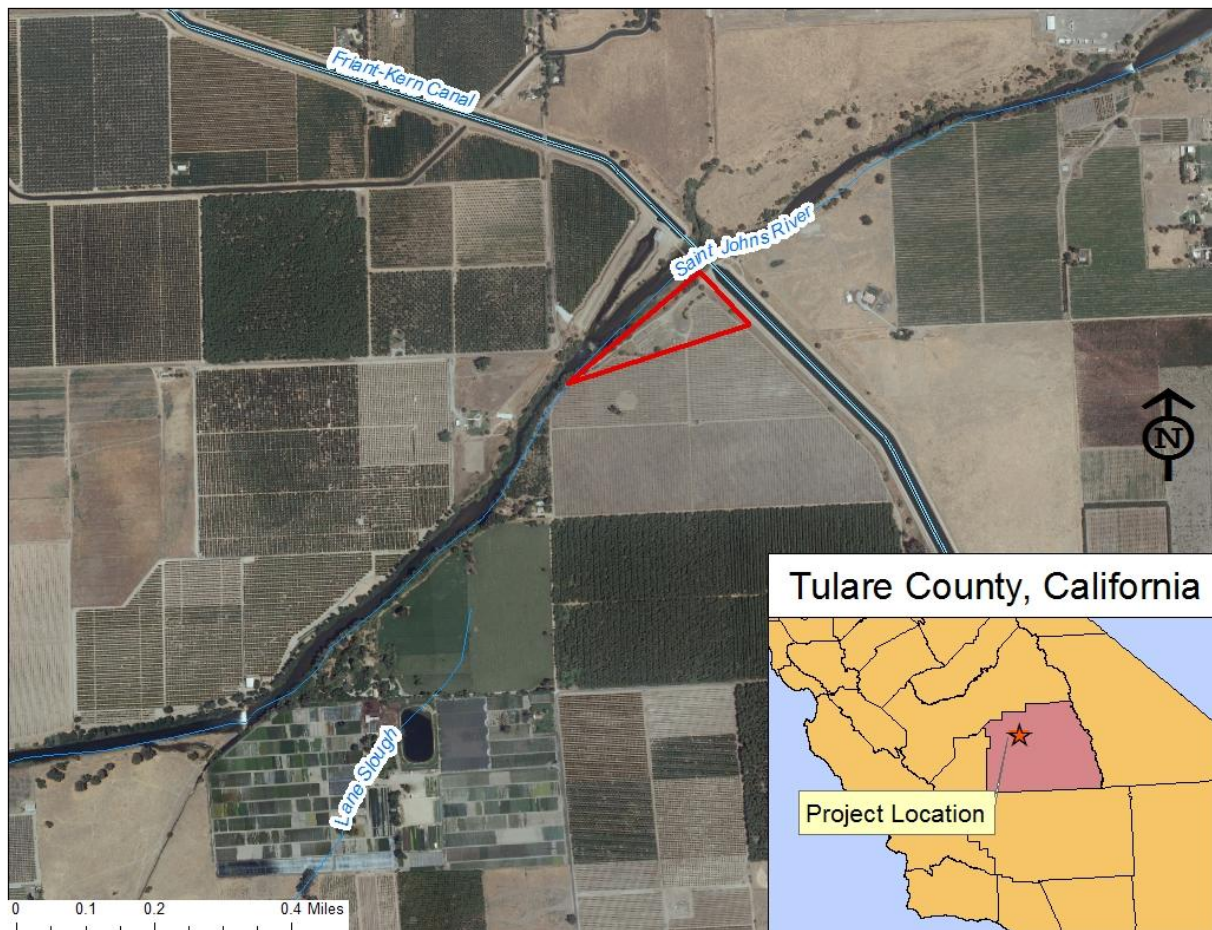


Figure 1 – Project Location

## Purpose and Need for Action

The purpose of the action is to allow the licensee to continue to make use of Reclamation property for beneficial purposes which do not conflict with Reclamation's needs and goals for the water distribution system.

## Proposed Action

Reclamation proposes to issue a license to allow Fox Farms to farm on the property. The term of the license will not exceed twenty-five (25) years, which is the estimated economic life of the trees. There would be no new construction, no disturbance of previously undisturbed soils and no transfer or reassignment of water or water rights.

## Environmental Commitments

The proponent would implement the following environmental commitments to avoid any environmental consequences associated with the Proposed Action (Table 1). Environmental consequences for resource areas assume the measures specified would be fully implemented.

**Table 1** Environmental Commitments

Resource	Protection Measure
(Multiple)	There will be no new construction or disturbance of previously undisturbed soil.
Water	There will be no transfer or reassignment of water or water rights.

## Exclusion Category

516 DM 14.5 paragraph D (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.*

## 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.

**From:** [Rivera, Patricia L](#)  
**To:** [Lawrence, Benjamin T](#)  
**Subject:** RE: Request for Determinations, SCCAO CEC 12-036, Fox Farms License Renewal  
**Date:** Tuesday, June 19, 2012 7:05:22 AM

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Ben,

I reviewed the proposed action to issue a 25-year license to Fox Farms to continue to farm pomegranate trees on property owned by Reclamation adjacent to the St. Johns River and Friant-Kern Canal.

The proposed action does not have a potential to affect Indian Trust Assets. The nearest ITA is a Public Domain Allotment approximately 15 miles NW of the project location.

Patricia

**From:** [Williams, Scott A](#)  
**To:** [Lawrence, Benjamin T](#)  
**Cc:** [BOR MPR Cultural Resources Section](#)  
**Subject:** License Renewal, Fox Farms at Friant-Kern Canal, CEC 12-205 (12-SCAO-205)  
**Date:** Thursday, June 14, 2012 8:54:50 AM

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Tracking Number: Your project has been assigned Project No. 12-SCAO- 205  
Document: CEC 12-036  
Project: License Renewal, Fox Farms at Friant-Kern Canal

Mr. Lawrence:

The proposed undertaking for Reclamation to renew a license (#07-LC-20-9536) for use of Reclamation's property has no potential to cause effects to historic properties pursuant to the Section 106 implementing regulations at 36 CFR Part 800.3(a)(1).

In conjunction with the development of the Central Valley Project (CVP) in California, the Bureau of Reclamation (Reclamation) acquired land across the state as right-of-way (ROW) for canals and other infrastructure. For several years a portion of that land near the intersection of the Friant-Kern Canal (FKC) with the St. Johns River has been used for the cultivation and harvesting of pomegranate trees by a private operator under license to Reclamation. The purpose of the action is to allow the licensee to continue to make use of Reclamation property for beneficial purposes which do not conflict with Reclamation's needs and goals for the water distribution system. There would be no new construction, no disturbance of previously undisturbed soils and no transfer or reassignment of water or water rights. This property is described as approximately 8.00 acres located at Canal Milepost (MP) 69.42 in Section 1 of Township 18S, Range 26E, in the Visalia USGS Quad.

I concur with Item 8 of the CEC 12-036, for this action.

This concludes the Section 106 review process. Please retain a copy of this e-mail with the administrative record for this action. If the project activities change or circumstances are altered after this review, there may be additional Section 106 review responsibilities up to and including consultation with the California State Historic Preservation Officer.

Sincerely,

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