

**CATEGORICAL EXCLUSION CHECKLIST**  
***Westlands Water District***  
**Execution of a 9(d) Repayment Contract**

South-Central California Area Office

April 8, 2011

**Background:** Under authority of the San Luis Act (Public Law 86-488), the Bureau of Reclamation (Reclamation) initiated plans in 2001 to construct an agricultural drainage system for the San Luis Unit of the Central Valley Project. As a result, Reclamation prepared an Environmental Impact Statement (EIS), *San Luis Drainage Feature Re-evaluation*, to analyze the environmental impacts of several alternatives for which to build drainage collection facilities for drainage-impacted lands within the San Luis Unit, of which Westlands Water District (WWD) is a part. A Final EIS was completed in June 2006 and a Record of Decision (ROD) was signed in March 2007. The Final EIS and ROD are hereby incorporated by reference.

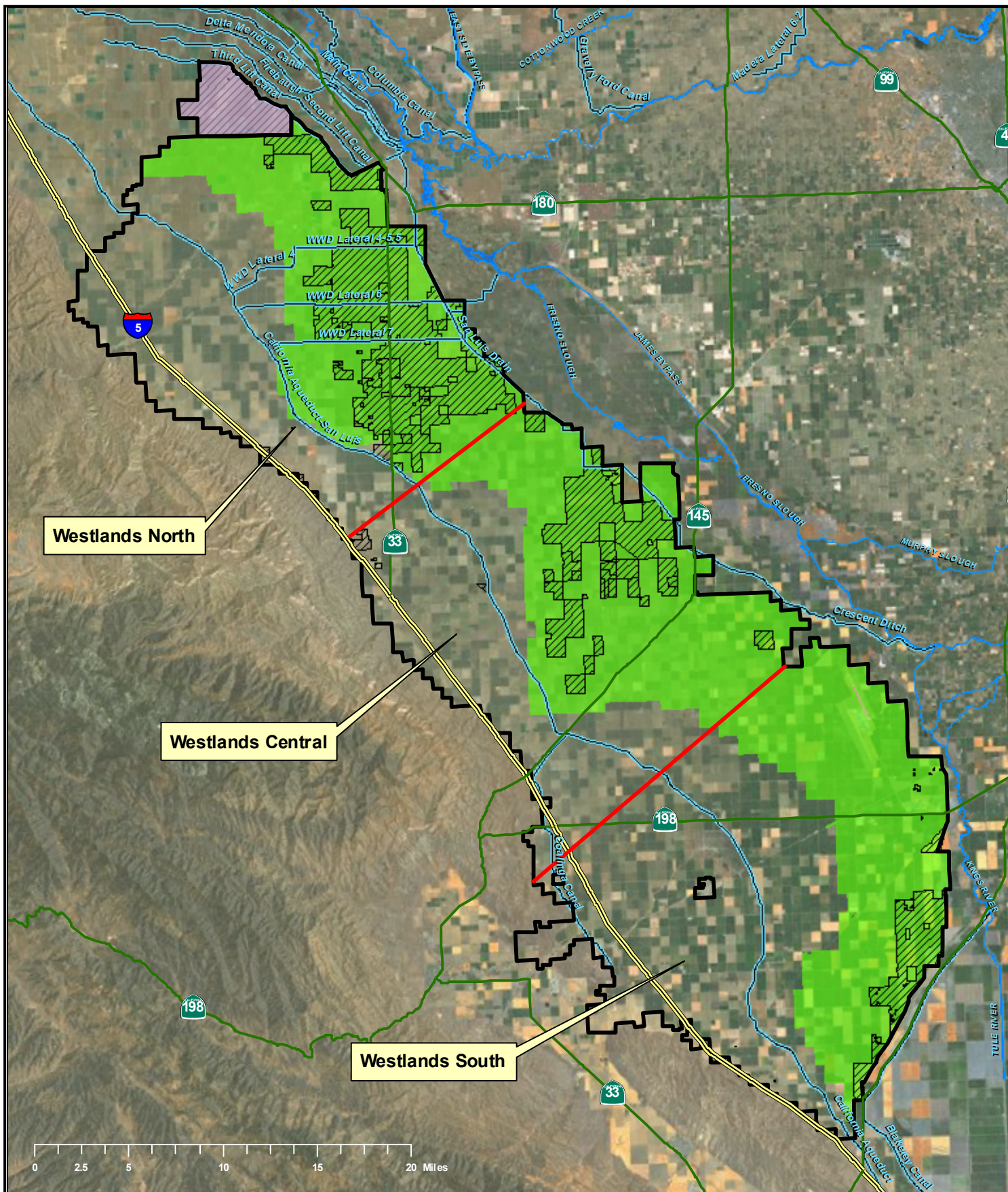
**Purpose and Need for Action:** To protect the interests of the United States, Reclamation's water-related contracts must ensure that repayment of the reimbursable capital cost is made in accordance with Reclamation Law. Subsections 9(c), (d), and (e) of the Reclamation Project Act of 1939 (RPA), as amended, requires repayment of all reimbursable costs.

Reclamation needs to enter into a contract with WWD, which would provide for reimbursement of Federal funds used to construct drainage facilities as analyzed in the 2006 Final EIS.

**Proposed Action:** Reclamation proposes to negotiate, execute, and administer a contract, pursuant to section 9(d) of the RPA, with WWD to repay costs related to providing drainage facilities/service for drainage-impacted lands within WWD (see Exhibit A). The contract, hereto referred to as a 9(d) Repayment Contract, is proposed for a term not to exceed 40 years.

This Categorical Exclusion Checklist (CEC) is not intended to address the construction of the drainage collection facilities since that analysis is already covered in the Final EIS and ROD; therefore, this CEC is being used for the proposed execution of a 9(d) Repayment Contract for WWD. The Proposed Action is administrative in nature and would not involve any ground-disturbing activities.

**Categorical Exclusion:** 516 DM D (14) Approval, renewal, transfer, and execution of an original, amendatory, or supplemental water service or repayment contract where the only result will be to implement an administrative or financial practice or change.



- Construction Group Separator
  - Westlands Water District Boundary
  - Broadview WD (Westlands WD DD#1)
  - Lands Owned By Westlands Water District
  - Drainage Impaired Lands As Identified In "San Luis Drainage Feature Re-evaluation Feasibility Report"; Reclamation 2008
- Date: February 14, 2011; Revised 3/18/11, 4/4/11  
File Name: N:\Westlands Repayment\WestlandsRepayment.mxd

## Construction Groups Westlands Water District

Contract No. 11-WC-20-0051  
Exhibit A



805-202-32

**Evaluation of Criteria for Categorical Exclusion**

- |  |                 |                         |     |
|--|-----------------|-------------------------|-----|
| 1. This action would have a significant effect on the quality of the human environment.  | No <u>  X  </u> | Uncertain <u>      </u> | Yes |
| 2. This action would have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. | No <u>  X  </u> | Uncertain <u>      </u> | Yes |

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

- |  |                 |                         |     |
|--|-----------------|-------------------------|-----|
| 1. This action would have significant impacts on public health or safety.  | No <u>  X  </u> | Uncertain <u>      </u> | 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 <u>  X  </u> | Uncertain <u>      </u> | Yes |
| 3. This action would have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.   | No <u>  X  </u> | Uncertain <u>      </u> | 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 <u>  X  </u> | Uncertain <u>      </u> | Yes |

- |  |                 |                         |     |
|--|-----------------|-------------------------|-----|
| 5. This action would have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.   | No <u>  X  </u> | Uncertain <u>      </u> | 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 <u>  X  </u> | Uncertain <u>      </u> | 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 <u>  X  </u> | Uncertain <u>      </u> | Yes |
| 8. This action would violate a Federal, State, local, or tribal law or requirement imposed for protection of the environment.  | No <u>  X  </u> | Uncertain <u>      </u> | Yes |
| 9. This action would affect Indian Trust Assets (ITA) (To be completed by Reclamation official responsible for ITA).   | No <u>  X  </u> | Uncertain <u>      </u> | Yes |
| 10. This action would have a disproportionately high and adverse effect on low income or minority populations.   | No <u>  X  </u> | Uncertain <u>      </u> | 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 <u>  X  </u> | Uncertain <u>      </u> | 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

**NEPA Action:**      Categorical Exclusion X

**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:

Michael Inthavong

Date: April 8, 2011

South-Central California Area Office

Regional Archeologist concurrence with Item 7:  
See Attachment.

ITA Designee concurrence with Item 10:  
See Attachment.

Concur:

  
Wildlife Biologist, South-Central California Area Office

Date: April 8, 2011

Concur:

  
Supervisory Natural Resources Specialist, South-Central California Area Office

Date: 4/11/11

Concur:

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

Date: 4-12-11

Approved:

  
Deputy Area Manager, South-Central California Area Office

Date: 4/12/11

## Inthavong, Michael T

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**From:** Lewis, Jennifer  
**Sent:** Monday, March 07, 2011 12:48 PM  
**To:** Inthavong, Michael T  
**Subject:** RE: status update CEC for WWD 9(d) contract

Greetings, Michael,

Thank you for this opportunity to review the Westlands Water District 9(d) Repayment Contract for potential impacts to Biological Resources.

This Contract is an administrative action only and does not include ground disturbing activities or changes in water delivery. Therefore, the proposed project will have no effect to species or critical habitat designated under Endangered Species Act.

Please place a copy of this email with the CE.

Thanks,

Jennifer L. Lewis  
Wildlife Biologist  
Bureau of Reclamation  
South-Central California Area Office  
work: 559-487-5197  
1243 "N" Street  
Fresno, CA 93721-1831

## Inthavong, Michael T

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**From:** Rivera, Patricia L  
**Sent:** Tuesday, April 19, 2011 11:26 AM  
**To:** Inthavong, Michael T  
**Subject:** RE: ITA Request Form Correction (CEC-10-086)

Michael,

I reviewed the proposed action to negotiate, execute, and administer a contract, pursuant to section 9(d) of the Reclamation Project Act, with Westlands Water District (WWD) to repay costs related to providing drainage facilities/service for drainage-impacted lands within WWD. The contract, hereto referred to as a 9(d) Repayment Contract, is proposed for a term not to exceed 40 years.

This Categorical Exclusion Checklist (CEC) is not intended to address the construction of the drainage collection facilities since that analysis is already covered in separate environmental documents; therefore, this CEC is being used for the proposed execution of a 9(d) Repayment Contract for WWD. The Proposed Action is administrative in nature and would not involve any ground-disturbing activities.

The proposed action does not have a potential to affect Indian Trust Assets. The nearest ITA is Santa Rosa Rancheria approximately 6 miles East of the project location.

Patricia



## Inthavong, Michael T

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**From:** Goodsell, Joanne E  
**Sent:** Thursday, October 07, 2010 8:56 AM  
**To:** Inthavong, Michael T; Perry, Laureen (Laurie) M  
**Cc:** Ramsey, Dawn; Barnes, Amy J; Bruce, Brandee E; Nickels, Adam M; Overly, Stephen A  
**Subject:** RE: CR Review (CEC-10-086)

Tracking No. 11-SCAO-004

Project Name: Execution of a 9(d) Repayment Contract

Location: Westlands Water District, Fresno and Kings Counties, California

Exclusion Category: 516 DM D (14): Approval, renewal, transfer, and execution of an original, amendatory, or supplemental water service or repayment contract where the only result will be to implement an administrative or financial practice or change.

Michael,

The proposed action to execute a 9(d) Repayment Contract with Westlands Water District (WWD) has been determined to be the type of activity that has no potential to cause effects on historic properties pursuant to 36 CFR Part 800.3(a)(1).

To ensure the repayment of reimbursable capital costs associated with the construction of an agricultural drainage system within the San Luis Unit, Reclamation needs to enter into a contract with WWD. The execution of the proposed repayment contract would provide for reimbursement of federal funds use to construct drainage facilities within the northern sub-unit of WWD. The proposed action is administrative in nature and would not involve any ground-disturbing activities.

As the proposed action has no potential to affect historic properties, no additional consideration under Section 106 of the National Historic Preservation Act is required. I concur with Item 6 of the CEC dated October 6, 2010.

Thank you for the opportunity to review the proposed action. Please place a copy of this concurrence with the CEC administrative record.

Joanne Goodsell  
Archeologist, Bureau of Reclamation  
Mid-Pacific Regional Office  
2800 Cottage Way, MP-153  
Sacramento, CA 95825  
(916) 978-5499 [jgoodsell@usbr.gov](mailto:jgoodsell@usbr.gov)

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**From:** Inthavong, Michael T  
**Sent:** Wednesday, October 06, 2010 3:17 PM  
**To:** Perry, Laureen (Laurie) M  
**Cc:** Goodsell, Joanne E; Ramsey, Dawn; Barnes, Amy J; Bruce, Brandee E; Nickels, Adam M; Overly, Stephen A  
**Subject:** CR Review (CEC-10-086)

Good Afternoon Laurie,

Please assign one of your team members to review the attached CEC. The Proposed Action involves executing a repayment contract with Westlands Water District for reimbursement of facilities built by Reclamation as part of the San Luis Drainage Feature Re-evaluation. Let me know if there is anything else I can provide to help with the review process.

CA#: [A10-0805-2681-001-91-0-0](#)

Thanks,  
Michael I