

Kern-Tulare Water District
Exclusion "X"

South-Central California Area Office

Date: 05-24-2011

To:	Wildlife Biologist	SCC 420	<u>sk</u>	D Hyatt	<u>DEH</u>
	Supervisory Nat. Res. Specialist	SCC 411	<u>X</u>	C Siek	<u>Siek 6/9/11</u>
	Secretary	SCC 101	<u>101</u>	P Escobar	<u>6/9/11</u>
	Chief, Resource Division	SCC 400	<u>400</u>	R English	<u>6/10/11</u>
	Deputy Area Manager	SCC 102	<u>102</u>	L Myers	<u>6/16/11</u>
	Natural Resource Specialist	SCC 413	<u>413</u>	D Oliveira	<u>6/17/11</u>

Cost Authority Number: A1R-1752-9652-220-03-6-2

Key Code: 367

From: Danielle Oliveira

Subject: Review and signing of Categorical Exclusion Checklist

Please review the attached CEC and route it according to the order on the list. When your review is finished, please date, initial and sign on the last page. However, if you have comments or questions please contact the Environmental Team or the proponent of the action. When everyone has signed the CEC, please return it to Danielle Oliveira.

Thank you.

Ready for Central Files 6/17/2011

Copies to: MP-3730 (1 Copy)

Project Lead (1 Copy): Rena Ballew – SCC-414

CATEGORICAL EXCLUSION CHECKLIST
Kern-Tulare Water District (KTWD)
Exclusion of Lands

South-Central California Area Office

March 28, 2011

Background: KTWD has revised their Sphere of Influence with the Kern County Local Agency Formation Commission (LAFCo) by detaching land. The LAFCo action occurred on August 26, 2010. This action will only affect the quantities of water delivered by the appropriate districts for the subject territory. There will be no upgrade needed to existing facilities as a result of the annexation. KTWD has requested that the Bureau of Reclamation change their contractor service area.

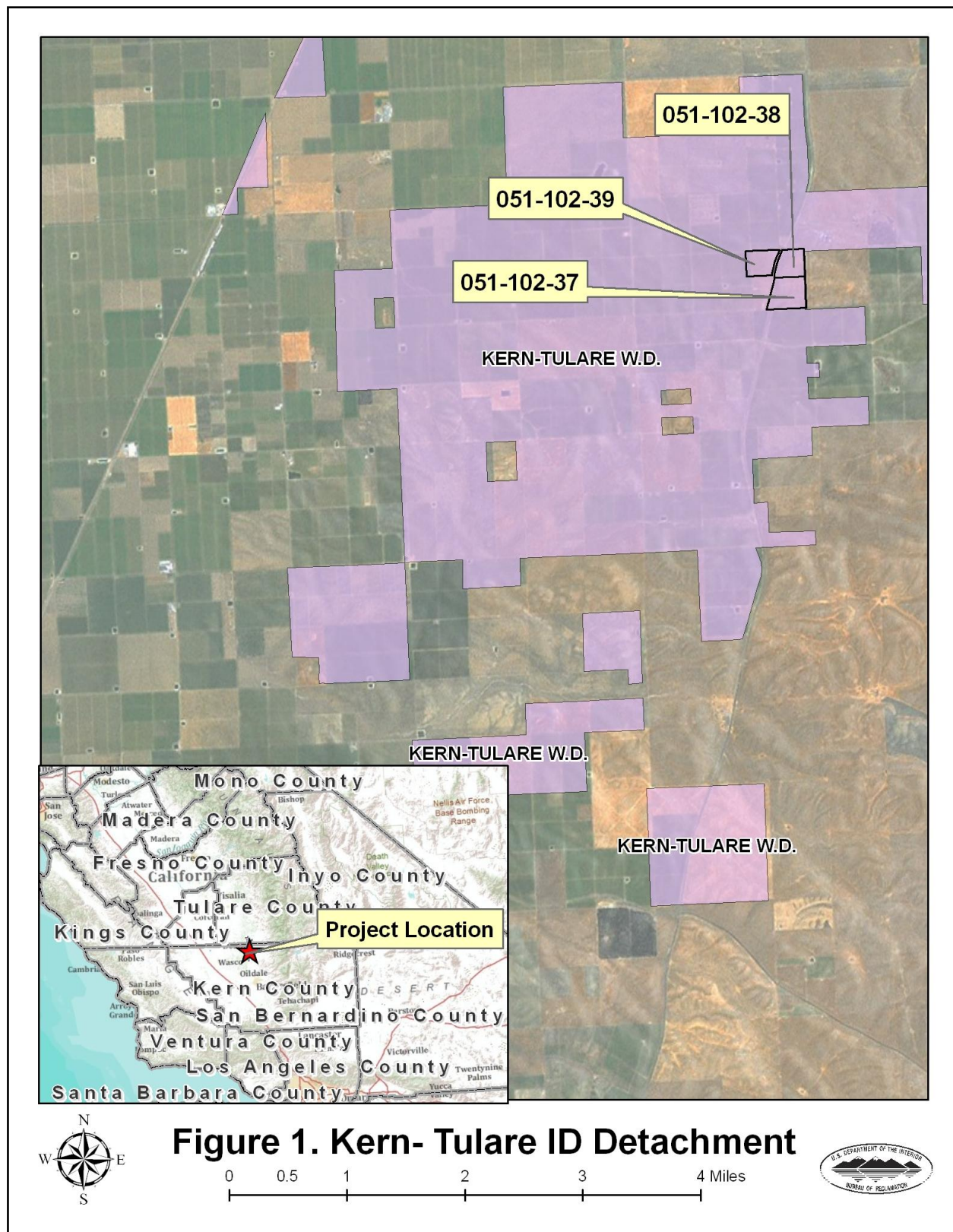
Purpose and Need for Action: KTWD has requested that its service area boundaries be condensed to exclude ± 124.43 acres. KTWD landowners have requested to be removed from the KTWD boundaries and be relieved of liability for the payment of any amounts which shall become due in the future.

Proposed Action: Reclamation proposes to approve the detachment of ± 124.43 acres from KTWD. See Table 1. for Assessor's Parcel Number [APN] and Figure 1. for parcel map

Table 1. – Parcel Locations (Kern County)

APN	Acres	Township, Range, Section
051-102-37	52.43	T25S R27E S17
051-102-38	37	T25S R27E S17
051-102-39	35	T25S R27E S17

Exclusion Category: 516 DM 14.5 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.



Evaluation of Criteria for Categorical Exclusion

- | | | | |
|---|-------------|----------------|-----|
| 1. This Action will have a significant effect on the quality of human environment | No <u>X</u> | Uncertain ____ | 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 ____ | 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 ____ | 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 (E.O. 11990); floodplains (E.O. 11988); national monuments; migratory birds; and other ecologically significant or critical areas | No <u>X</u> | Uncertain ____ | Yes |
| 3. This action will have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks | No <u>X</u> | Uncertain ____ | 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 ____ | 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 or Historic Places (National Register) as determined by the bureau (in coordination with a Reclamation cultural resources professional, LND 02-01 D(1)(a)) | 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 ITAs (To be completed by Reclamation official responsible for ITAs) | 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 (Federal Noxious Weeds Control Act)

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:

Danielle OliveiraDate: May 25, 2011

South-Central California Area Office

Regional Archeologist concurrence with Item 7:
See attachment.ITA Designee concurrence with Item 10:
See attachment.

Concur:



Date:

5/27/11Wildlife Biologist, South-Central California Area Office

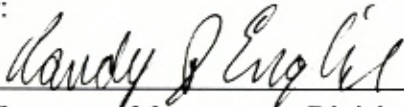
Concur:



Date:

6/9/11Supervisory Natural Resources Specialist, South-Central California Area Office

Concur:



Date:

6/10/11Chief, Resources Management Division, South-Central California Area Office

Approved:



Date:

6/16/11Deputy Area Manager, South-Central California Area Office

From: [Overly, Stephen A](#)
To: [Oliveira, Danielle M](#); [Perry, Laureen \(Laurie\) M](#)
Cc: [Barnes, Amy J](#); [Bruce, Brandee E](#); [Goodsell, Joanne E](#); [Nickels, Adam M](#); [Williams, Scott A](#); [Dunay, Amy L](#); [Fogerty, John A](#)
Subject: RE: Cultural Resource Request for CEC-10-108
Date: Wednesday, March 30, 2011 2:55:33 PM

11-SCAO-113

Hi Danielle,

The proposed action for Reclamation to amend an existing contract with the Kern-Tulare Water District (KTWD) without any subsequent change in land use does not have the potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1).

Project Description: Reclamation proposes to approve the detachment of 124.43 acres from the KTWD service area. The detachment involves parcels 051-102-37, -38, and -39 and will only affect the quantities of water delivered by the appropriate district for the subject territory. The KTWD landowners have requested to be removed from the KTWD boundaries in order to avoid any further assessments on the property.

NEPA Exclusion Category: 516 DM 14.5 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.

I concur with Item 6 of CEC 10-108. This concludes the Section 106 review process. Please retain a copy of this transmittal with the project file.

Thank you for providing the opportunity to comment.

Tony

Stephen (Tony) Overly, M.A. Archaeologist
U.S. Bureau of Reclamation, Mid-Pacific Region
2800 Cottage Way, MP-153
Sacramento, CA 95825
916-978-5552

From: Oliveira, Danielle M
Sent: Monday, March 28, 2011 11:09 AM
To: Perry, Laureen (Laurie) M
Cc: Barnes, Amy J; Bruce, Brandee E; Goodsell, Joanne E; Nickels, Adam M; Overly, Stephen A; Ramsey, Dawn
Subject: Cultural Resource Request for CEC-10-108

Hello Laurie,

Attached to this email is the environmental document and topo map for CEC-10-108 an exclusion of 124.43 acres in Kern-Tulare Water District.

Cost Authority: **A1R-1752-9652-220-003-6-2**

Township/Range/Section: **T25S R27E S17**

If you or your team have any questions or need any additional information please do not hesitate to contact me.

Thank you.

Danielle M. Oliveira
Biological Science Technician
Resource Management Division
U.S. Bureau of Reclamation
1243 "N" Street
Fresno, CA 93721
Office: (559)487-5295

From: [Rivera, Patricia L](#)
To: [Oliveira, Danielle M](#)
Subject: RE: ITA Request for CEC-10-108
Date: Monday, April 04, 2011 7:33:05 AM

Danielle,

I reviewed the proposed action to approve the detachment of ± 124.43 acres from Kern Tulare Water District. See Table 1. for Assessor's Parcel Number [APN] and attached figure for parcel map.

Table 1. – Parcel Locations (Kern County)

APN	Acres	Township, Range, Section
051-102-37	52.43	T25S R27E S17
051-102-38	37	T25S R27E S17
051-102-39	35	T25S R27E S17

The proposed action does not have a potential to affect Indian Trust Assets. The nearest ITA is the Tule River Reservation approximately 70 miles NE of the project location.

Patricia



United States Department of the Interior



BUREAU OF RECLAMATION
South-Central California Area Office
1243 N Street
Fresno, California 93721-1813

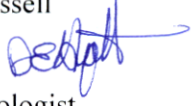
IN REPLY REFER TO:

SCC-420
ENV-7.00
Friant Division

APR 25 2011

MEMORANDUM

To: Field Supervisor, U.S. Fish and Wildlife Service, Sacramento, CA
Attn: Dan Russell

From: David E. Hyatt 
Supervisory Biologist

Subject: Exclusion of Lands from Kern-Tulare Water District (KTWD)

Pursuant to Bureau of Reclamation (Reclamation) commitment on inclusions and exclusions presented on pages 2-40 and 2-57 of the Biological Opinion on Implementation of the Central Valley Project Improvement Act and Continued Operation and Maintenance of the Central Valley Project (CVP) (1-1-01-1-0311), Reclamation is hereby notifying the U.S. Fish and Wildlife Service (Service) of an exclusion. On August 26, 2010 KTWD revised their sphere of influence with the Kern County Local Agency Formation Commission (LAFCo) (Figure 1). KTWD has requested Reclamation change KTWD's contractor service area (Table 1). This action will only affect the provider (e.g. KTWD) of water delivered to the subject area. KTWD's request excludes ~ 124.43 acres within its service boundary area and Reclamation's action is the approval of the exclusion. There will be no changes to existing facilities as a result of the exclusion.

Reclamation has made a No Effect determination under the Endangered Species Act (16 U.S.C. §1531 et. seq.) for the proposed federal action of approving this exclusion. Reclamation is not seeking concurrence with this determination. If the Service has any comments on this action, please notify Reclamation in writing within 30 days of receipt of this memo.

Table 1
Parcel Locations (KTWD)

APN	Acres	Township, Range, Section
051-102-37	52.43	T25S R27E S17
051-102-38	37	T25S R27E S17
051-102-39	35	T25S R27E S17

If you have any questions, please contact David E. Hyatt, Supervisory Wildlife Biologist, at 559-487-5139, dhyatt@usbr.gov, or for the hearing impaired at 800-735-2929.

Attachment

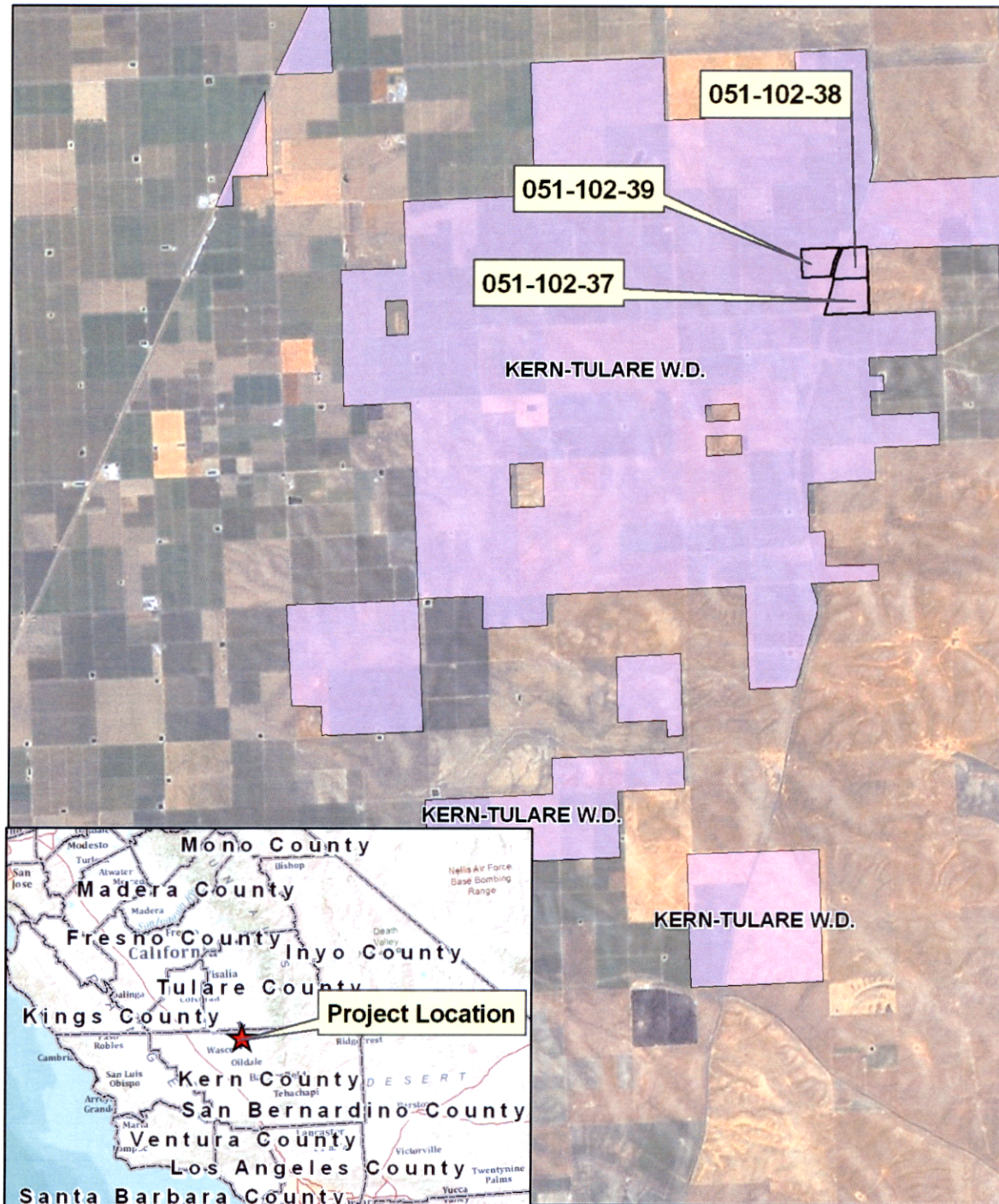


Figure 1. Kern- Tulare ID Detachment



0 0.5 1 2 3 4 Miles

