

# Westland's Water District

## License Renewal

South-Central California Area Office

Date: June 9, 2011

To:	Wildlife Biologist	SCC 420	✓	D Hyatt	DBA
	Supervisory Nat. Res. Specialist	SCC 411	✓	C Siek	5/20-4/3/11
	Secretary	SCC 101	✓	P Escobar	6/14/11
	Chief, Resource Division	SCC 400	✓	R English	7/5/11
	Deputy Area Manager	SCC 102	✓	L Myers	7/12/11
	Natural Resource Specialist	SCC 413	✓		7/14/11

Cost Authority Number: AIR-1752-9652-220-04-5-9

Key Code: 617

From:

Michael Eng

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

7/14/11

Copies to: MP-3730 (1 Copy)

Project Lead (1 Copy): Laura Couron – SCC-454

JUL 19 2011  
BPM

DATE ACTION TAKEN
COPIES TO
Classification
Project

ENV-6.00  
AIR CEC #11-019

BUREAU OF RECLAMATION  
SCCAO, FRESNO, CA

***Westland's Water District***  
**Renewal of License No. 6-07-20-L6637**

South-Central California Area Office

June 27, 2011

**Background:** In March 1998 the Bureau of Reclamation (Reclamation) entered into an agreement with Westland's Water District (WWD), and issued License Number 6-07-20-L6637 permitting the installation, operation, maintenance and removal of a series of temporary diversion facilities on the Right-Of-Way (ROW) of the San Luis Canal (SLC) (Figure 1), which expired on December 31, 2001. The license issued to WWD was subsequently renewed on March 17, 2004 extending the license from January 1, 2002 to December 31, 2006 and has since expired. The original license included 36 temporary diversion facilities (Table 1.) The diversion structures are temporary, and typically consist of a stationary pipe (combination of metal and polyvinyl chloride pipes), small pumps, and an anchoring system, usually installed by the private landowner on behalf of WWD. No permanent diversion structures or operations were permitted by Reclamation as part of the original licensing or subsequent renewal process due to the cost of replacement construction, maintenance, and licensing permanent Reclamation maintained facilities.

Table 1. San Luis Canal Temporary Diversion Facilities

Mile Post	Lessee/Operator	Approx. Station No.
105.20L	R.A. Sano Farms	1876+91
114.00R	Baker Farming	2357+50
114.64R	Roscommon Farm	2387+15
114.90R	Baker Farming	2401+00
114.92R	Baker Farming	2401+00
115.44R	Baker Farming	2429+12
116.02R	Hansen Farms	
116.32R	Peacock Farming	2475+07
116.91R	Robertson Farms	
117.42R	Robertson Farms	2534+00
118.49R	Coburn Ranch	2590+72
119.56RA	Panoche Farming Co.	2647+40
119.56RB	Coburn Ranch	2647+40
119.60R	104 Pistachios	
119.63RA	Chaney Ranch	2651+00
119.63RB	Rabb Family Farms	2651+00
120.86R	Coburn Ranch	
120.87RA, B & C	104 Pistachios	
122.01R	Three Rocks Ranch	
122.02R	Three Rocks Ranch	

124.16R	Michael Contente	2890+00
124.19R	Three Rocks Ranch	2890+00
125.35R	Keith Parkey	
125.36R	Keith Parkey	
128.49R	Brooks Farm	3119+32.59
141.29R	Double D Farms	
142.57R	32-30 Farming Co.	
142.60R	Harris Farms Inc.	
142.61R	Harris Farms Inc.	
147.75R	Woolf Farming Co.	
149.59R	Woolf Farming Co.	4239+39.94
150.48R	Woolf Farming Co.	

**Purpose and Need for Action:** The purpose of the proposed action is to continue delivery of Central Valley Project (CVP) water to privately-owned agricultural lands, for which WWD has a contract with Reclamation. These lands, which are owned by agricultural WWD customers, are currently served by the WWD temporary diversion and distribution system until such time as permanent facilities can be constructed.

**Proposed Action:** Reclamation proposes to renew the expired license for up to 5 years that would allow WWD to continue to operate and maintain the aforementioned 36 temporary diversion facilities on the ROW of the SLC that deliver CVP irrigation water to agricultural customers. No additional facilities would be constructed nor would any other construction or additional diversion (beyond that which has already been permitted) from the SLC occur as part of the proposed action. The license renewal would apply only to existing facilities and be applicable between July 1, 2011 and July 1, 2016.

**Exclusion Category:** 516 DM 14.5 D (10). Issuance of permits, licenses, easements, and crossing agreements which provide right-of-way over Bureau lands where action does not allow for or lead to a major public or private action.





## 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 X

Uncertain \_\_\_\_

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 X

Uncertain \_\_\_\_

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 X

Uncertain \_\_\_\_

Yes

8. This action would violate a Federal, State, local, or tribal law or requirement imposed for protection of the environment

No X

Uncertain \_\_\_\_

Yes

9. This action would affect ITAs (To be completed by Reclamation official responsible for ITAs)

No X

Uncertain \_\_\_\_

Yes

10. This action would have a disproportionately high and adverse effect on low income or minority populations

No X

Uncertain \_\_\_\_

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 X

Uncertain \_\_\_\_

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:



Michael Eng

Date: June 27, 2011

South-Central California Area Office

Regional Archeologist concurrence with Item 7:  
See attachment.

ITA Designee concurrence with Item 10:  
See attachment.

Concur:

  
Date: 6/27/2011  
Wildlife Biologist, South-Central California Area Office

Concur:

  
Date: 6/27/11  
Supervisory Natural Resources Specialist, South-Central California Area Office

Concur:

  
Date: 7/5/11  
Chief, Resources Management Division, South-Central California Area Office

Approved:

  
Date: 7/12/11  
Deputy Area Manager, South-Central California Area Office

**Sent:** Thursday, May 26, 2011 7:55 AM  
**To:** Oliveira, Danielle M  
**Subject:** RE: ITA Request for CEC-11-019

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Danielle,

I reviewed the proposed action to renew an existing license for up to 5 years that would allow Westlands Water District (WWD) to continue to operate and maintain 36 temporary diversion facilities on the Right-Of-Way of the San Luis Canal. Until such time when permanent facilities are constructed, temporary facilities would be used as points of delivery for Central Valley Project Water through a WWD contract.

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

Patricia

**Sent:** Wednesday, May 25, 2011 9:01 AM  
**To:** Oliveira, Danielle M  
**Cc:** Barnes, Amy J; Bruce, Brandee E; Dunay, Amy L; Fogerty, John A; Goodsell, Joanne E; Overly, Stephen A; Perry, Laureen (Laurie) M; Williams, Scott A; Nickels, Adam M  
**Subject:** FW: CR Request for CEC-11-019

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Project No. 11-SCAO-150  
Project Title: Westlands Water District Renewal of License No. 6-07-20-L6637

Danielle:

Reclamation proposes to renew an existing license for up to 5 years that would allow the Westlands Water District (WWD) to continue to operate and maintain 36 temporary diversion facilities on the Right-of-Way of the San Luis Canal (SLC). This undertaking as proposed has no potential to cause effects to historic properties.

These temporary diversion facilities have been in use since 1998 and no new ground disturbance or construction of new facilities are proposed under this license renewal. As this proposed action has no potential to affect historic properties pursuant to 36 CFR Part 800.3(a)(1), no additional consideration is required under Section 106 of the National Historic Preservation Act. Accordingly, I concur with Item 6 of the Categorical Exclusion Checklist (CEC-11-019).

Thank you for the opportunity to comment on this proposed action. Please Place a copy of this concurrence in the CEC Administrative record for this project.

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)

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**From:** Oliveira, Danielle M  
**Sent:** Monday, May 23, 2011 11:47 AM  
**To:** Perry, Laureen (Laurie) M  
**Cc:** Barnes, Amy J; Bruce, Brandee E; Dunay, Amy L; Fogerty, John A; Goodsell, Joanne E; Nickels, Adam M; Overly, Stephen A; Soule, William E; Williams, Scott A  
**Subject:** CR Request for CEC-11-019

Hello Laurie,



If you have any questions or need any additional information please do not hesitate to contact me.  
Have a great day.

Danielle Oliveira  
Biological Technician  
Bureau of Reclamation  
1243 N. Street Fresno, CA 93721  
(559)487-5295




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

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IN REPLY REFER TO:

June 9, 2011

MEMORANDUM

To: Danielle M. Oliveira  
From: David E. Hyatt   
Supervisor, Endangered Species Act Branch

Subject: No-Effect Determination for Westlands Water District License Renewal (CEC-019)

Reclamation proposes to renew an existing license for up to 5 years to allow Westlands Water District to continue to operate and maintain 36 temporary diversion facilities in the Right-of-Way of the San Luis Canal. Until such time when permanent facilities are constructed, temporary facilities would continue to be used as points of delivery for Central Valley Project Water through a Westlands Water District contract.

To assure compliance with Section 7 of the Endangered Species Act, these facilities would continue to be operated and maintained as in the past. No new construction would take place and no major changes in operation and maintenance would occur. If listed species are observed during routine operation and maintenance, Reclamation would be notified.

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.).