

CATEGORICAL EXCLUSION CHECKLIST
Temporary Water Service Section 215 Contracts for South of Delta Contractors
(Inclusion of Non-Central Valley Project Contractors)

South-Central California Area Office

May 20, 2011

Background: The potential of exceeding capacity of the Central Valley Project (CVP) share of San Luis Reservoir storage, combined with the current availability of pumping capacity at the C.W. “Bill” Jones Pumping Plant (Jones Pumping Plant) and sufficient inflows to the Sacramento-San Joaquin River Delta (Delta), may lead the Bureau of Reclamation (Reclamation) to declare the temporary availability of surplus water (Section 215 water) pursuant to Section 215 of the Reclamation Reform Act of 1982 (96 Stat. 1270; 43 U.S.C. § 390∞) to CVP and/or Non-CVP contractors who can receive water pumped from Jones Pumping Plant. The contractor(s) receiving the surplus water are responsible for obtaining all necessary agreements and contracts to convey the water. No water would be scheduled or delivered until all such agreements, contracts, and advance payment for surplus water have been completed and submitted to Reclamation.

Reclamation anticipates that surplus water may be made available during the period between February 1, 2011 and February 29, 2012. This water would only be available for use if the Jones Pumping Plant capacity is such that available CVP storage in San Luis Reservoir can be fully utilized. The availability of this surplus water may be limited or terminated early if the Jones Pumping Plant is needed to ensure San Luis excess capacity is met or for other CVP purposes.

In February 2011, Reclamation prepared a Categorical Exclusion Checklist (CEC)-11-010 for the execution of Section 215 contracts with South of Delta (SOD) CVP contractors. Since that time, SOD Non-CVP contractors have requested Section 215 contracts.

Purpose and Need for Action: Reclamation needs to manage unstorable flood flows SOD. The purpose of the Proposed Action is to approve and execute temporary water service contracts in order to assist Reclamation in its management of unstorable flood flows pursuant to Section 215 of the Reclamation Reform Act of 1982 (96 Stat. 1270; 43 U.S.C. § 390∞).

Proposed Action: Reclamation proposes to execute temporary water service contracts, upon request, for SOD Non-CVP contractors in conjunction with the CVP contractors previously described in CEC-11-010 for Section 215 water from the Delta. The time frame for the action would be February 1, 2011 through February 29, 2012. Priorities for surplus water would be in the following order as directed by the Area Manager and the Central Valley Operations Office (CVO) and as described in CEC-11-010:

First Priority	
Can take Section 215 water off canals listed	
Delta-Mendota Canal	San Luis Canal
Banta-Carbona Irrigation District	Pacheco Water District
Byron-Bethany Water District	Panoche Water District
Del Puerto Water District	San Luis Water District (above and below Dos Amigos PP)
Eagle Field Water	Westlands WD (under their IRC and all their assignment contracts)
Mercy Springs Water District	City of Avenal
Oro Loma Water District	City of Coalinga (via Pleasant Valley PP off Coalinga Canal)
Pacheco Water District	City of Huron
Panoche Water District	Dept. of Veterans Affairs
Patterson Water District	Dept. of Fish and Game
San Luis Water District	Dos Palos Powers Authority
The West Side Irrigation District	
West Stanislaus Irrigation District	
The City of Tracy (and partial assignments)	

Second Priority
Can take Section 215 water if it is entering Mendota Pool from the DMC
Delta Division-Mendota Pool
Fresno Slough Water District
Tranquillity PUD
James Irrigation District
Laguna Water District
Reclamation District No. 1606
Coelho Family Trust
Tranquillity Irrigation District
Westlands Water District Distribution Districts 1 and 2
San Joaquin River Exchange Contractors
Central California Irrigation District
San Luis Canal Company
Firebaugh Canal Company
Columbia Canal Company
Marvin & Patricia Meyers
Dudley & Indart

Second Priority	
Can only take Section 215 water if it available in San Luis Reservoir per CVO	
Hollister Conduit off the San Luis Reservoir	Pacheco Tunnel off the San Luis Reservoir
San Benito County Water Storage District	Santa Clara Valley Water District

Third Priority
Can only take Section 215 water if it can be made available at O'Neill Forebay for the water to move via Articles 3 and 5 of the Cross Valley interim renewal contract per CVO
Cross Valley Contractors
County of Fresno
County of Tulare (including their 10 subcontractors listed in their interim renewal contract)
Hill's Valley Irrigation District
Kern-Tulare Water District (2 contracts)
Lower Tule River Irrigation District
Pixley Irrigation District
Tri-Valley Water District

Third Priority
Can take Section 215 water conveyed in accordance with the County of Fresno contract
Friant Division
Arvin-Edison Water Storage District

Fourth Priority
Can only take Section 215 water if it can be made available at O'Neill Forebay and the Mendota Pool
Non-CVP SOD Contractors
Dudley Ridge Water District
Mid-Valley Water District
Paramount Farms
Poso Creek Water Company
Rosedale-Rio Bravo Water Storage District

Reclamation would make Section 215 water available to CVP and/or Non-CVP contractors in the Delta Division (DMC, Mendota Pool), West San Joaquin Division (San Luis Canal), Refuges receiving CVP water, the San Felipe Division (Santa Clara and San Benito), and Cross Valley Contractors. Delivery of this water could occur via the following CVP facilities: Jones Pumping Plant, Delta Mendota Canal, O'Neill Pumping/Generating Plant, San Luis Canal, Coalinga Canal, Pleasant Valley Pumping Plant, Gianelli PGP, Pacheco Pumping Plant, Coyote Pumping Plant, Santa Clara Conduit, and Hollister Conduit.

Contractors requiring the use of State Water Project (SWP) facilities are responsible for coordinating SWP conveyance with the Department of Water Resources. Contractors requiring the use of the Cross Valley Canal are responsible for coordinating conveyance of the Section 215 water with the Kern County Water Agency.

Reclamation would make weekly evaluations to determine if the availability period can be maintained (February 1, 2011 through February 29, 2012). Reclamation would review the estimated Jones Pumping Plant capacity on a continuing basis, and may revise the daily amount of available surplus water, to ensure that these deliveries do not result in early drawdown of CVP storage in San Luis Reservoir or adversely affect other CVP contractors.

Section 215 water is only available in the Mendota Pool area when it is entering the Mendota Pool.

No construction or modification of facilities would be needed for delivery of this water.

Exclusion Category: 516 DM 14.5 D (4) Approval, execution and implementation of water service contracts for minor amounts of long-term water use or temporary or interim water use where the action does not lead to long-term changes and where the impacts are expected to be localized.

Evaluation of Criteria for Categorical Exclusion

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|--|-------------|----------------|-----|
| 1. This action would have a significant effect on the quality of the 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 adverse effects 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; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas. | No <u>X</u> | Uncertain ____ | 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 ____ | 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 |

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|--|-----------------|-------------------------|-----|
| 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:

Rain HealerDate: May 20, 2011

South-Central California Area Office

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

Concur:

Date: 5.26.11

Wildlife Biologist, South-Central California Area Office

Concur:

Date: 5/26/11

Supervisory Natural Resources Specialist, South-Central California Area Office

Concur:

Date: 5/26/11

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

Approved:

Date: 5/26/11

Deputy Area Manager, South-Central California Area Office

Healer, Rain L

From: Williams, Scott A
Sent: Wednesday, May 25, 2011 9:19 AM
To: Healer, Rain L
Cc: Perry, Laureen (Laurie) M; Nickels, Adam M; Overly, Stephen A; Soule, William E; Barnes, Amy J; Bruce, Brandee E; Fogerty, John A; Goodsell, Joanne E; Dunay, Amy L
Subject: Re: CEC-11-034
Attachments: CEC-11-034 NCVP 215.doc

Project No. 11-SCAO-151

Dear Rain Healer:

The proposed undertaking to share a temporary surplus of water (per Section 215) with the Central Valley Project (CVP) and Non-CVP contractors will result in actions that have no potential to cause effects to historic properties pursuant to the regulations at 36 CFR Part 800.3(a)(1).

The potential of exceeding capacity of the Central Valley Project (CVP) share of San Luis Reservoir storage, combined with the current availability of pumping capacity at the C.W. "Bill" Jones Pumping Plant (Jones Pumping Plant) and sufficient inflows to the Sacramento-San Joaquin River Delta (Delta), may lead the Bureau of Reclamation (Reclamation) to declare the temporary availability of surplus water (Section 215 water) pursuant to Section 215 of the Reclamation Reform Act of 1982 (96 Stat. 1270; 43 U.S.C. § 390∞) to CVP and/or Non-CVP contractors who can receive water pumped from Jones Pumping Plant.

After reviewing CEC Temporary Water Service Section 215 Contracts for the South Delta Contractors (inclusion of non-Central Valley Project Contractors) I concur with number 6 within the CEC.

Location: South-of-Delta Non-CVP

Exclusion 515 DM 14.5 D (4).

This email is intended to convey the conclusion of the Section 106 process for this undertaking. Please retain a copy of this concurrence with the CEC file. Thank you for the opportunity to comment.

Sincerely,

ESA Effects Analysis

I reviewed Reclamation's Proposed Action of executing 2011 contracts for temporary surplus water supplies with Non-Central Valley Project Contractors for South of Delta Contractors. This surplus water would be available for irrigation and Municipal or Irrigation purposes. The purpose of the Proposed Action is to make this non-storable flood water available to contractors for beneficial use at a reduced pricing structure. However, it would not be transferred, banked, or exchange. Contractors that may potentially receive this excess water are listed in the CEC.

To assure compliance with section 7, this water must be conveyed through existing facilities. No new construction shall take place to convey this water. Grasslands and shrub land that have never been tilled or irrigated must not be tilled and put into agricultural production using this water. If the land has been fallow for three consecutive years or more, it must be inspected for endangered species. The survey method must be deemed appropriate by the Contracting Officer. If threatened or endangered species are found, such lands may not be irrigated with this Surplus Water. The intent is that irrigation activities not affect the presence of threatened or endangered species.

Thank you,

Jennifer L. Lewis

From: Rivera, Patricia L
Sent: Thursday, May 26, 2011 11:25 AM
To: Siek, Charles R
Subject: RE: CEC-11-034

Charles,

I reviewed the proposed action to execute temporary water service contracts, upon request, for South-of-Delta (SOD) Non-Central Valley Project (CVP) contractors in conjunction with the CVP contractors previously described in CEC-11-010 for Section 215 water from the Delta. The time frame for the action would be February 1, 2011 through February 29, 2012. Priorities for surplus water would be in the following order as directed by the Area Manager and the Central Valley Operations Office (CVO) and as described in CEC-11-010.

The proposed action does not have a potential to affect Indian Trust Assets. The project is inside Table Mountain Rancheria.

Patricia