

RECLAMATION


Managing Water in the West

Categorical Exclusion Checklist

Hiatt Family Trust to Hiatt Downer Ranch, LLC to Van Ruiten Bros. Assignment

NCAO-CEC-14 - 16

Prepared by:


Jake Berens
Water Conservation Specialist
Northern California Area Office (Willows)

Date:

June 10, 2014

Concurrence by:

Attachment 1
Patricia Rivera
Native American Affairs Program Manager
Mid-Pacific Regional Office

Date:

June 9, 2014

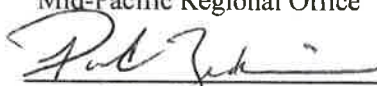
Concurrence by:

Attachment 2
Scott Williams
Archaeologist
Mid-Pacific Regional Office

Date:

June 10, 2014


Concurrence by:


Paul Zedonis
Natural Resource Specialist
Northern California Area Office

Date:

6/10/2014

Approved by:


Brian Person
Area Manager
Northern California Area Office

Date:

6/11/14



U.S. Department of the Interior
Bureau of Reclamation
Mid Pacific Region

June 2014

Proposed Action

Assignment of Sacramento River Settlement Contract No. 14-06-200-880A-R-1, from Thomas Hiatt, Trustee of the Hiatt Family Trust to the Hiatt Downer Ranch, LLC, to Van Ruiten Bros.

Note: the assignment from Thomas Hiatt to Hiatt Downer Ranch, LLC was reviewed in a prior CEC (NCAO-CEC-12-19) and is included as part of this action since the action has not been formally recorded by the Regional Office at the time of this review.

Exclusion Categories

Bureau of Reclamation Categorical Exclusion - 516 DM 6 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.

Extraordinary Circumstances

Below is an evaluation of the extraordinary circumstances as required in 43 CFR 46.215.

- | | | | | | | |
|---|----|-------------------------------------|-----------|--------------------------|-----|--------------------------|
| 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 ☒ Uncertain ☐ Yes ☐
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 ☒ Uncertain ☐ Yes ☐
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; and 43 CFR 46.215 (g)). No ☒ Uncertain ☐ Yes ☐
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 ☒ Uncertain ☐ Yes ☐
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 ☒ Uncertain ☐ Yes ☐
11. This action would affect ITAs (512 DM 2, Policy Memorandum dated December 15, 1993). No ☒ Uncertain ☐ Yes ☐
12. This action would have a disproportionately high and adverse effect on low income or minority populations (EO 12898; and 43 CFR 46.215 (j)). No ☒ Uncertain ☐ Yes ☐
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 ☒ Uncertain ☐ Yes ☐
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 ☒ Uncertain ☐ Yes ☐

Regional Archeologist concurred with Item 8 (email attached).

ITA Designee concurred with Item 11 (email attached).

NEPA Action Recommended

☒ CEC – This action is covered by the exclusion category and no extraordinary circumstances exist. The action is excluded from further documentation in an EA or EIS.

☐ Further environmental review is required, and the following document should be prepared.

☐ EA

☐ EIS

Environmental commitments, explanations, and/or remarks:

The property delineated on Attachment 1 (also as known as Exhibit B of Sacramento River Settlement Contract No. 14-06-200-880A-R-1), at the time the contract was executed was owned by the Hiatt Family Trust. On August 30, 2005 by Grant Deeds recorded August 30, 2005, in the Official Records of Sutter County, California, as Document No. 2005-0026079 and 2005-0026082, the Contractor voluntarily conveyed an undivided ½ interest to Thomas L. Hiatt, and an undivided ½ interest to Theresa M. Hiatt, as tenants in common, of the land within said Contractor's Service Area. Immediately after receiving title Thomas L. Hiatt and Theresa M. Hiatt, as tenants in common, voluntarily conveyed to Hiatt Downer Ranch, LLC, all of the land within said Contractor's Service Area by Grant Deeds recorded August 30, 2005, in the Official Records of Sutter County, California, as Document No. 2005-0026080 and 2005-0026083.

Then by Grant Deed recorded on February 1, 2013 in the Official Records of Sutter County, California, as Document No. 2013-0001996 the property delineated on Exhibit B of Sacramento River Settlement Contract No. 14-06-200-880A-R-1, was transferred from Hiatt Downer Ranch LLC, to Van Ruiten Bros., a general partnership.

The property delineated on Exhibit B of Sacramento River Settlement Contract No. 14-06-200-880A-R-1 is located in portions of Township 12N, Range 2E, Sections 7 & 8. The Sutter County APNs are 29-010-009, 29-010-015, 29-040-011, and 29-040-016. The Lat/long is approximately 121°46'59.278"W, 38°54'7.417"N.

Article 23(a) of the Settlement Contract provides that the rights and obligations under the contract can be assigned in whole or in part with the approval of the United States. The new landowners have requested that the Settlement Contract be assigned to them in order to show the current ownership of the property delineated on Exhibit B of Sacramento River Settlement Contract No. 14-06-200-880A-R-1 This is merely an administrative action. Currently the property is in agricultural production and it is anticipated that it will remain that way for the foreseeable future. There will be no change in the land use; and no construction will take place related to this action.

Attachment 1.



Attachment 1. Indian Trust Assets review



Zedonis, Paul <pzedonis@usbr.gov>

CR and ITA review: NCAO CEC Hiatt Downer to Ruiten Bros Assignmnt. 6/9/14

RIVERA, PATRICIA <privera@usbr.gov>

Mon, Jun 9, 2014 at 3:30 PM

To: "Zedonis, Paul" <pzedonis@usbr.gov>

Cc: Kristi Seabrook <kseabrook@usbr.gov>, Mary Williams <marywilliams@usbr.gov>

Paul,

I reviewed the proposed action to approve the assignment of Sacramento River Settlement Contract No. 14-06-200-880A-R-1, from Thomas Hiatt, Trustee of the Hiatt Family Trust to the Hiatt Downer Ranch, LLC, to Van Ruiten Bros.

The proposed action does not have a potential to impact Indian Trust Assets.

Patricia L. Rivera
Native American Affairs Program Manager
Bureau of Reclamation
2800 Sacramento, California 95825
(916) 978-5194

CULTURAL RESOURCES COMPLIANCE
Division of Environmental Affairs
Cultural Resources Branch (MP-153)

MP-153 Tracking Number: 14-NCAO-212

Project Name: Hiatt Family Trust to Hiatt Downer Ranch, LLC to Van Ruiten Bros.
Assignment

NEPA Document: NCAO-CEC-14-xx

NEPA Contact: Paul Zedonis, Natural Resource Specialist

MP 153 Cultural Resources Reviewer: Scott Williams, Archaeologist



Date: June 10, 2014

This proposed undertaking by Reclamation is re-assignment of Sacramento River Settlement Contract No. 14-06-200-880A-R-1, from Thomas Hiatt, Trustee of the Hiatt Family Trust to the Hiatt Downer Ranch, LLC, to Van Ruiten Bros.. This is the type of undertaking that does not have the potential to cause effects to historic properties, should such properties be present, pursuant to the NHPA Section 106 regulations codified at 36 CFR § 800.3(a)(1). Reclamation has no further obligations under NHPA Section 106, pursuant to 36 CFR § 800.3(a)(1).

The property delineated on Exhibit B of Sacramento River Settlement Contract No. 14-06-200-880A-R-1, at the time the contract was executed was owned by the Hiatt Family Trust. On August 30, 2005 by Grant Deeds recorded August 30, 2005, the Contractor voluntarily conveyed an undivided ½ interest to Thomas L. Hiatt, and an undivided ½ interest to Theresa M. Hiatt, as tenants in common, of the land within said Contractor's Service Area. Immediately after receiving title Thomas L. Hiatt and Theresa M. Hiatt, as tenants in common, voluntarily conveyed to Hiatt Downer Ranch, LLC, all of the land within said Contractor's Service Area by Grant Deeds. Then by Grant Deed recorded on February 1, 2013 in ownership transferred from Hiatt Downer Ranch LLC, to Van Ruiten Bros., a general partnership.

This undertaking is merely an administrative action. Currently the property is in agricultural production and it is anticipated that it will remain that way for the foreseeable future. There will be no change in the land use; and no construction will take place related to this action. Reclamation made a finding of no adverse effect to historic properties, pursuant to 36 CFR Part 800.5(b), from the proposed project.

This memorandum is intended to convey the completion of the NHPA Section 106 process for this undertaking. Please retain a copy in the administrative record for this action. Should changes be made to this project, additional NHPA Section 106 review, possibly including consultation with the State Historic Preservation Officer, may be necessary. Thank you for providing the opportunity to comment.