

RECLAMATION

Managing Water in the West

Categorical Exclusion Checklist

Lomo Assignment

NCAO-CEC-14-20

Prepared by: Natalie Wolder Date: February 23, 2015
Natalie Wolder
Repayment Specialist
Northern California Area Office

Concurrence by: See Attachment 2 Date: February 23, 2015
Richard Stevenson
Native American Affairs Program Manager
Mid-Pacific Regional Office

Concurrence by: See Attachment 3 Date: January 6, 2015
Joanne Goodsell
Cultural Resource Specialist
Mid-Pacific Regional Office

Concurrence by: Paul Zedonis Date: 2/23/2015
Paul Zedonis
Natural Resource Specialist
Northern California Area Office

Approved by: Federico Barajas Date: 2/24/15
Federico Barajas
Area Manager
Northern California Area Office



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

February 2015

Proposed Action

Voluntary Full Assignment of Sacramento River Settlement Contract, Contract No. 14-06-200-931A-R-1, from Lomo Cold Storage and Justin J. Micheli, Trustee of the Justin J. Micheli and Angeline Micheli 1988 Revocable Trust, Dated February 4, 1988, to Lomo Cold Storage and John M. Micheli, Trustee of the John M. Micheli 1996 Revocable Trust, Dated July 2, 1996, and Norman J. Alberts and Karen A. Alberts, Trustees of the Alberts 2008 Family Trust, Dated December 2, 2008. The assignment parcel is shown in Attachment 1.

Exclusion Categories

Bureau of Reclamation Categorical Exclusion - 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 ☒ Uncertain ☐ Yes ☐
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 ☒ Uncertain ☐ Yes ☐
3. This action would have significant impacts on public health or safety (43 CFR 46.215(a)). No ☒ Uncertain ☐ Yes ☐
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 ☒ Uncertain ☐ Yes ☐
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 ☒ Uncertain ☐ Yes ☐
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 No ☒ Uncertain ☐ Yes ☐

46.215 (e)).

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| 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 <input checked="" type="checkbox"/> Uncertain <input type="checkbox"/> Yes <input type="checkbox"/> |
| 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 <input checked="" type="checkbox"/> Uncertain <input type="checkbox"/> Yes <input type="checkbox"/> |
| 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 <input checked="" type="checkbox"/> Uncertain <input type="checkbox"/> Yes <input type="checkbox"/> |
| 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 <input checked="" type="checkbox"/> Uncertain <input type="checkbox"/> Yes <input type="checkbox"/> |
| 11. This action would affect ITAs (512 DM 2, Policy Memorandum dated December 15, 1993). | No <input checked="" type="checkbox"/> Uncertain <input type="checkbox"/> Yes <input type="checkbox"/> |
| 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 <input checked="" type="checkbox"/> Uncertain <input type="checkbox"/> Yes <input type="checkbox"/> |
| 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 <input checked="" type="checkbox"/> Uncertain <input type="checkbox"/> Yes <input type="checkbox"/> |
| 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 <input checked="" type="checkbox"/> Uncertain <input type="checkbox"/> Yes <input type="checkbox"/> |

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 way the property delineated on Exhibit B of Sacramento River Settlement Contract, Contract No. 14-06-200-941A-R-1, is held has changed and therefore requires a change to the name on the Settlement Contract.

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 landowners have requested that the Settlement Contract be assigned to them. This is merely an administrative action. There will be no change in the land use; and no construction will take place.


Attachment 1. Location of the assignment parcel.




Lomo Cold Storage and Michelli, Justin

Contract No. 14-06-200-931A-R-1

Exhibit B

 Contractor's Service Area

 Point of Diversion

0 0.5 1 2 Miles



Date: November 9, 2004
File Name: H:\dissects\contracts\lomo_cold_storage_and_michelli_justin\lomo_cold_storage_and_michelli_justin.mxd

725-202-90

Attachment 2. ITA concurrence Letter.



Zedonis, Paul <pzedonis@usbr.gov>

CR and ITA review: NCAO-CEC-15-01 - Lomo Assignment

STEVENSON, RICHARD <rstevenson@usbr.gov>

Mon, Feb 23, 2015 at 12:32 PM

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

Paul,

I have reviewed the proposed Voluntary Full Assignment of Sacramento River Settlement Contract, Contract No. 14-06-200-931A-R-1, from Lomo Cold Storage and Justin J. Micheli, Trustee of the Justin J. Micheli and Angeline Micheli 1988 Revocable Trust, Dated February 4, 1988, to Lomo Cold Storage and John M. Micheli, Trustee of the John M. Micheli 1996 Revocable Trust, Dated July 2, 1996, and Norman J. Alberts and Karen A. Alberts, Trustees of the Alberts 2008 Family Trust, Dated December 2, 2008, and have determined that this action does not have the potential to adversely impact Indian Trust Assets.

Dick Stevenson

[Quoted text hidden]

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Richard M. Stevenson

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Attachment 3. Cultural Resources concurrence.

CULTURAL RESOURCES COMPLIANCE
Mid-Pacific Region
Division of Environmental Affairs
Cultural Resources Branch

MP-153 Tracking Number: 15-NCAO-055

Project Name: Lomo Assignment

NEPA Document: NCAO-CEC-14-20

MP-153 Cultural Resources Reviewer: Joanne Goodsell

Date: January 6, 2015

At the request of the relevant landowners, Reclamation proposes to make a change to the assignment of Sacramento River Settlement Contract, Contract No. 14-06-200-931 A-R-1. This action, which is merely administrative, involves the type of activity that has no potential to cause effects on historic properties pursuant to 36 CFR § 800.3(a)(1). As such, Reclamation has no further obligations under Section 106 of the National Historic Preservation Act (16 USC 470 *et seq.*).

This document communicates the completion of the NHPA Section 106 review process for this undertaking. Please retain a copy in the administrative record for this action.