

# RECLAMATION

## *Managing Water in the West*

### Categorical Exclusion Checklist

## **Contract Name Change – Virgiana L. Lempesis to Kenneth J. Carvalho and Karen E. Carvalho (Contract No. 11-WC-20-0026)**

**CEC-14-061**

Prepared by:

  
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Supervisory Natural Resources Specialist  
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Date: 08/07/2015

Concurred by:

See Attachment A  
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Architectural Historian  
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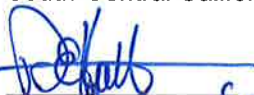
Date: See Attachment A

Concurred by:

  
Shauna McDonald  
Wildlife Biologist  
South-Central California Area Office

Date: 8/7/15

Approved by:

  
Michael Jackson *for*  
Area Manager  
South-Central California Area Office

Date: 8/10/15





## Background

The Bureau of Reclamation (Reclamation) received a request for approval of a title change to an established federal contract. On May 6, 2013, Virginia L. Lempesis, Trustee of the Virginia L. Lempesis Separate Property Trust (Seller) executed a “Purchase and Sale Agreement and Escrow Instructions” with Kenneth J. Carvalho and Karen E. Carvalho (Buyer) for real property located in Fresno County. The real property consists of 240 acres, which include, without limitation, all improvements owned by Seller and includes all of the Seller’s interest in and to the federal Contract between the United States and Virginia L. Lempesis, Trustee of the Virginia L. Lempesis Separate Property Trust providing for the Adjustment and Settlement of Certain Claimed Water Rights Contract No. 11-WC-20-0026 (Contract). The contract is for the settlement and adjustment of certain claimed water rights to the San Joaquin River under the 1939 Purchase Contract, downstream of the Friant Dam along the Fresno Slough. The United States is willing to deliver to the contractor and the contractor is willing to accept up to 600 acre feet per year of Central Valley Project water from the Mendota Pool for the irrigation of approximately 215 acres located within the area shown in Exhibit “A” of the Contract (see Figure 1).

## Nature of the Action

Reclamation proposes to approve a title change to Contract No. 11-WC-20-0026 from Virginia L. Lempesis as Trustee of the Virginia L. Lempesis Separate Property Trust Providing for the Adjustment and Settlement of Certain Claimed Water Rights, to Kenneth J. Carvalho and Karen E. Carvalho, Husband and Wife as reflected in change of ownership of real property in Fresno County California. The Proposed Action area is shown on Figure 1.

## Exclusion Category

516 DM 14.5 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 and administrative or financial practice or change.*

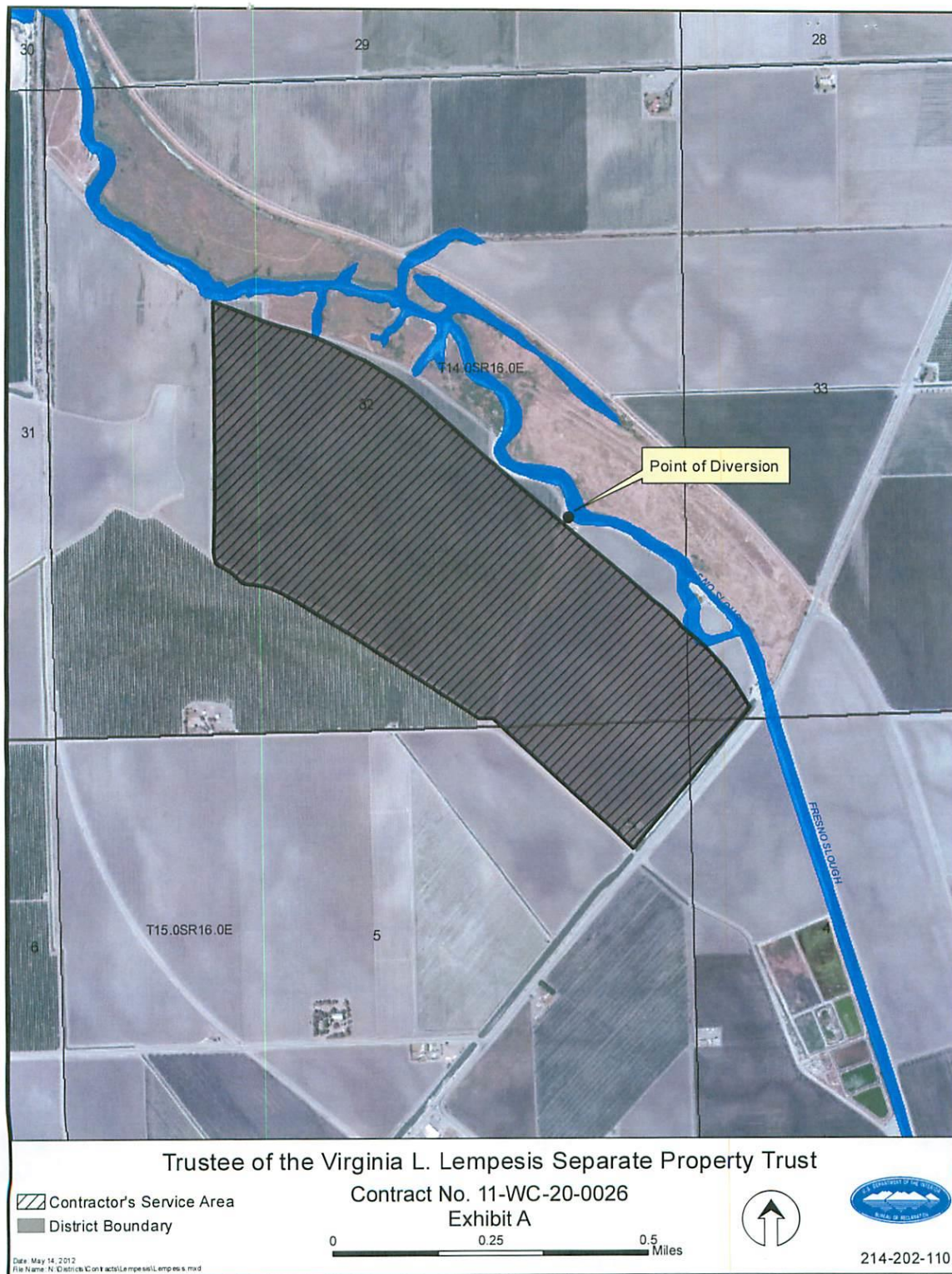


Figure 1 Proposed Action Area

## Evaluation of Criteria for Categorical Exclusion

- |   |   |                                       |                                 |
|---|---|---------------------------------------|---------------------------------|
| 1. This action would have a significant effect on the quality of the human environment (40 CFR 1502.3).   | No<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><input type="checkbox"/> |
| 3. This action would have significant impacts on public health or safety (43 CFR 46.215(a)).  | No<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><input type="checkbox"/> |
| 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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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) (43 CFR 46.215 (g)).  | No<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><input type="checkbox"/> |
| 11. This action would affect ITAs (512 DM 2, Policy Memorandum dated December 15, 1993).   | No<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><input type="checkbox"/> |
| 12. This action would have a disproportionately high and adverse effect on low income or minority populations (EO 12898) (43 CFR 46.215 (j)).  | No<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><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<br><input checked="" type="checkbox"/> | Uncertain<br><input type="checkbox"/> | Yes<br><input type="checkbox"/> |

### NEPA Action: Categorical Exclusion

The Proposed Action is covered by the exclusion category and no extraordinary circumstances exist. The Action is excluded from further documentation in an EA or EIS.

## **Attachment A: Cultural Resources Determination**

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

MP-153 Tracking Number: 15-SCAO-030

Project Name: CEC 14-061 Contract Name Change – Virgiana L. Lempesis to Kenneth J. Carvalho and Karen E. Carvalho (Contract No. 11-WC-20-0026)

NEPA Document: CEC

MP 153 Cultural Resources Reviewer: BranDee Bruce, Architectural Historian

Date: December 1, 2014

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Reclamation proposes to change Contract No. 11-WC-20-0026 from Virginia L. Lempesis to Kenneth J. Carvalho and Karen E. Carvalho to reflect change in ownership of approximately 240 acres in Fresno County California. Authorization of the proposed action constitutes an undertaking as defined in Section 301(7) of the National Historic Preservation Act (NHPA) (16 USC 470 *et seq.*). Upon review, Reclamation has determined that this undertaking involves the type of activity that does not have the potential to cause effects on historic properties listed or eligible for listing on the National Register of Historic Places. As such, Reclamation has no further obligations under Section 106 of the NHPA pursuant to 36 CFR 36 CFR § 800.3(a)(1).

This document 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 proposed action, additional NHPA Section 106 review, possibly including consultation with the State Historic Preservation Officer, may be necessary.