


RECLAMATION

Managing Water in the West

Categorical Exclusion Checklist


Voluntary Partial Assignment of Sacramento River Settlement Contract Number 14-06-200-880X-R-1


NCAO-CEC-17-04

Prepared by:  Date: 11-18-16
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Northern California Area Office (Willows)

Concurrence by: Attachment 2 Date: November 10, 2016
Megan Simon
Northern California Area Office Designee for
Tribal Trust Assets

Concurrence by: Attachment 3 Date: November 16, 2016
BranDee Bruce
Architectural Historian
Mid-Pacific Regional Office

Concurrence by:  Date: 11-21-2016
for Paul Zedonis
Environmental and Natural Resources
Supervisory Natural Resource Specialist/
Division Manager
Northern California Area Office

Approved by:  Date: 11-21-2016
Donald Bader
Area Manager
Northern California Area Office



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

November 2016

Proposed Action

Reclamation will execute a Voluntary Partial Assignment of Sacramento River Settlement Contract (Settlement Contract) Number 14-06-200-880X-R-1 from Hiatt Downer Ranch, LLC, Trustee of the Philip B. Illerich Family Trust created under declaration of trust dated September 19, 1995, to Van Ruiten Bros. Reclamation will also update the name of the Trustee for the Illerich Family Trust to Gail J. Owens.

At the time the original Settlement Contract was executed, the property delineated on Exhibit B of the Settlement Contract was owned by the Hiatt Family Trust and the Illerich Family Trust as Tenants in Common, each owning 50% of the interest in the Settlement Contract which conveys 372 acre feet (AF) Base Supply and 212 AF Project Water to the landowners. The Hiatt Family Trust name has since been changed to the Hiatt Downer Ranch, LLC and its interest in the subject property sold to Van Ruiten Bros; the Illerich Family Trust interest was transferred through inheritance to Gail I. Owens.

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 written approval of the United States. Reclamation will execute the Voluntary Partial Assignment Contract to convey the new ownership at the landowners' request.

The property is located in portions of Township 12N, Range 2E, Section 7 and Township 12N, Range 1E, Section 12, Sutter County, CA. The Sutter County Tax Assessor's Parcel Numbers are 29-020-009 and 29-020-010. The latitude/longitude is approximately 121°47'43.694"W, 38°53'55.196"N. The property is in agricultural production and will remain so for the foreseeable future.

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 ☒ 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 | <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 | <input checked="" type="checkbox"/> | Uncertain | <input type="checkbox"/> | Yes | <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 | <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 ☒ 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

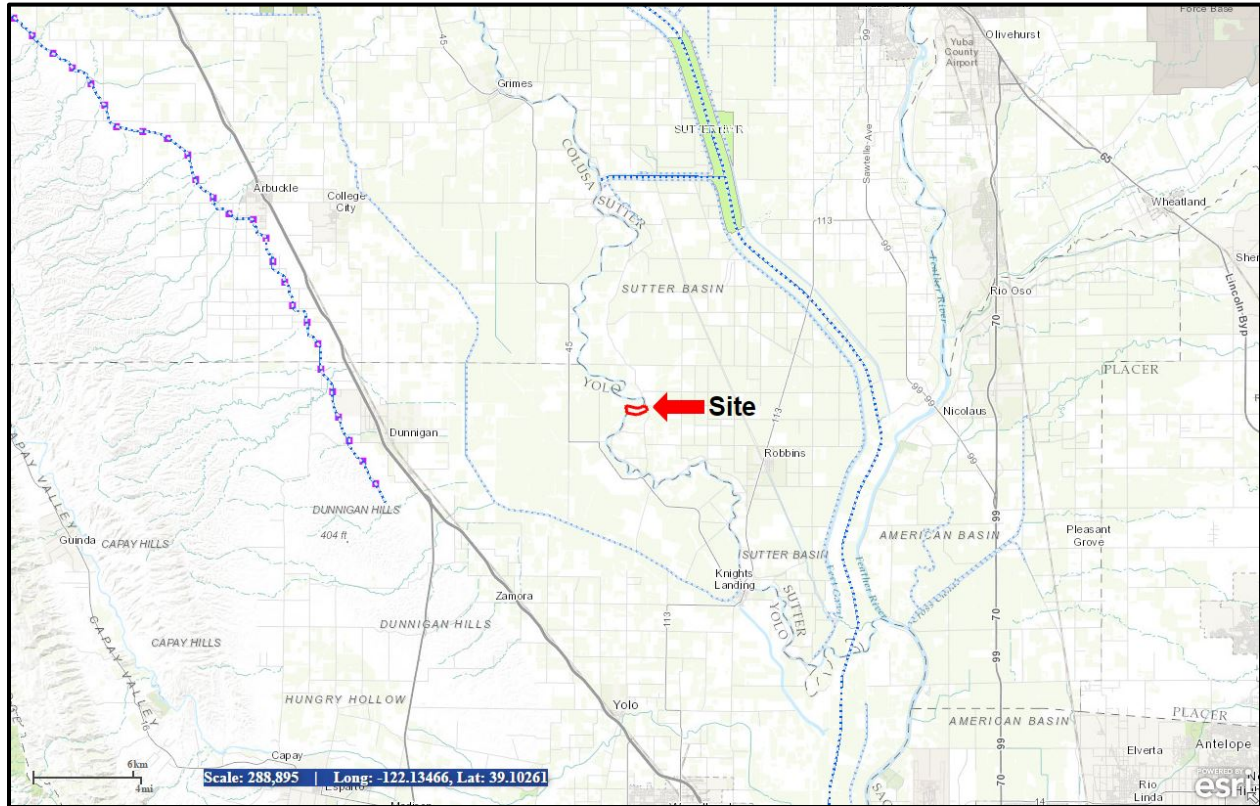
☐ EIS

Environmental commitments, explanations, and/or remarks:

This CEC supersedes and replaces NCAO-CEC-13-07. The owners have changed during the time the aforementioned CEC was signed and the present (November 2016).

The action is purely administrative. No change in land use is associated with the action. There will be no change in the place of use, purpose of use, quantity, or point of diversion for the water provided via the Contract as a result of the action. No modification to any facilities or construction will result from this action.

Attachment 1. Site Location Maps



Attachment 1, Cont.



Attachment 2. Indian Trust Asset Review



Simon, Megan <msimon@usbr.gov>

ITA Review - SRSC 14-06-200-880X-R-1 - Partial Assign

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

Thu, Nov 10, 2016 at 3:25 PM

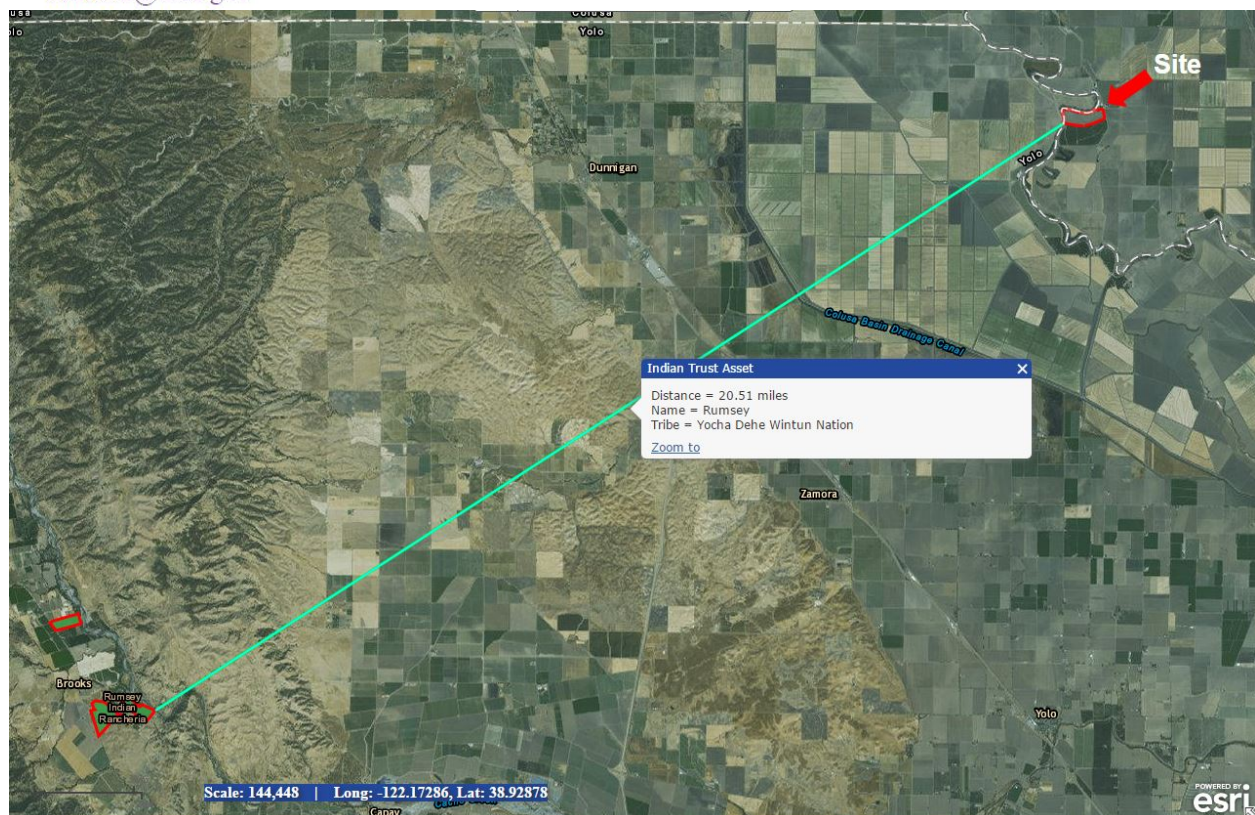
I have examined the referenced proposal and have determined that the facility is at least 20.5 miles from the closest Indian Trust Asset.

I have determined that there is no likelihood that this action will adversely impact Indian Trust Assets.

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Megan K. Simon

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Attachment 3. Cultural Resources Review

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

MP-153 Tracking Number: 17-NCAO-028

Project Name: Voluntary Partial Assignment of Sacramento River Settlement Contract Number 14-06-200-880X-R-1

NEPA Document: NCAO-CEC-17-04

NEPA Contact: Megan Simon, Natural Resource Specialist

MP-153 Cultural Resources Reviewer: BranDee Bruce, Architectural Historian

Date: November 16, 2016

Reclamation proposes to execute a Voluntary Partial Assignment of Sacramento River Settlement Contract (Settlement Contract) Number 14-06-200-880X-R-1 from Hiatt Downer Ranch, LLC to Van Ruiten Bros and update the name of the Trustee for the Illerich Family Trust to Gail J. Owens. At the time the original Settlement Contract was executed, the Settlement Contract was owned by the Hiatt Family Trust and the Illerich Family Trust as Tenants in Common, each owning 50% of the interest in the Settlement Contract which conveys 372 acre feet (AF) Base Supply and 212 AF Project Water to the landowners. This proposed undertaking will update the names within the Settlement Contract only. No change in land use is associated with the action. No modification to any facilities or construction will result from this action.

Reclamation has determined that the proposed action is the type of activity that does not have the 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 (54 U.S.C. § 306108). Based on analysis of the project activities, I concur with Item 8 in NCAO-CEC-17-04 that the proposed action would have no significant impacts on properties listed, or eligible for listing on the National Register of Historic Places.

This document conveys the completion of the cultural resources review and Section 106 process for this undertaking. Please retain a copy with the administrative record for this action. Should the proposed action change, additional review under Section 106, possibly including consultation with the State Historic Preservation Officer, may be required.