

RECLAMATION

Managing Water in the West

Categorical Exclusion Checklist

Partial Assignment of Sacramento River Settlement Contract No. 14-06-200-1616A-R-1

NCAO-CEC-17-21

Prepared by: Jake Berens Date: 8/16/17
Jake Berens
Water Conservation Specialist
Northern California Area Office (Willows)

Concurrence by: See Attachment 1 Date: August 14, 2017
Megan Simon
Northern California Area Office Designee for
Tribal Trust Assets

Concurrence by: See Attachment 2 Date: August 15, 2017
Scott Williams
Archaeologist
Mid-Pacific Regional Office

Concurrence by: Paul Zedonis Date: 8/16/17
Paul Zedonis
Environmental and Natural Resources
Supervisory Natural Resource Specialist/
Division Manager
Northern California Area Office

Approved by: Donald Bader Date: 8/17/17
Donald Bader
Area Manager
Northern California Area Office



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

August 2017

Proposed Action

On March 9, 2005, Reclamation entered into Sacramento River Settlement Contract No. 14-06-200-1616A-R-1 (Contract) with Mildred M. Heidrick, Trustee of the Emmett E. Heidrick and Mildred M. Heidrick Trust. On December 28, 2014, Mildred Heidrick passed away leaving the land within the Contractor's Service Area delineated in Exhibit B of the Contract (Figure 1) to her son, James Heidrick. By letter dated November 2, 2015, James Heidrick informed Reclamation that he had inherited the land within the Contractor's Service Area delineated in Exhibit B and wished to transfer the Contract to James Elliot Heidrick and Terry Ellen Heidrick, Trustees of the James Elliot and Terry Ellen Heidrick Family Trust dated June 4, 2014.

By Grant Deeds recorded in the Official Records of Yolo County, California as Document Nos. 2015-0024777-00, 2015-0024778-00, and 2015-0024779-00, all but 14.36 acres of the land within the Contractor's Service Area delineated in Exhibit B of Sacramento River Settlement Contract No. 14-06-200-1616A-R-1 was conveyed to James Elliot Heidrick and Terry Ellen Heidrick, Trustees of the James Elliott and Terry Ellen Heidrick Family Trust dated June 4, 2014.

By Grant Deed recorded in the Official Records of County of Yolo, California, by Document No. 2004-054484-00, Mildred M. Heidrick, Trustee of the Emmett E. Heidrick and Mildred M. Heidrick Trust, granted to Cheryl and Wayne Boney 14.36 acres of parcel 056-220-019-000 located within the property identified on Exhibit B of the Existing Contract. Then, by Grant Deed recorded in the Official Records of County of Yolo, California, by Document No. 2016-0028146-00, Cheryl and Wayne Boney granted to NS Consulting, LLC the same 14.36 acres of parcel 056-220-019-000 located within the property identified on Exhibit B of the Existing Contract.

The new owners of parcel 056-220-019-000 located within the Contract Service Area identified on Exhibit B of the Existing Contract have not demonstrated they have legal access to divert water from the authorized point of diversion identified on Exhibit A and Exhibit B of the Existing Contract. Also, parcel 056-220-019-000 located within the Contract Service Area identified on Exhibit B of the Existing Contract is not currently being operated in accordance with the Controlled Substances Act of 1970. Therefore, at this time Reclamation, will not pursue a partial contract assignment for this portion of the property identified on Exhibit B.

For the remaining portion of the Contract Service Area, at the request of the James Heidrick, Reclamation will process a partial contract assignment for the appropriate interests in Sacramento River Settlement Contract No. 14-06-200-1616A-R-1 from Mildred M. Heidrick Trustee of the Emmett E. Heidrick and Mildred M. Heidrick Trust to James Elliot Heidrick and Terry Ellen Heidrick, Trustees of the James Elliott and Terry Ellen Heidrick Family Trust dated June 4, 2014, to correspond with the change in property ownership. Reclamation's authority for the action is granted by Article 33 of the Settlement Contract.

The property is located in portions of Township 11N, Range 2E, Sections 25 & 30 (Attachment 1), Yolo County, CA. The APN is 056-220-020-000. The latitude/longitude is approximately

121° 41.418'W, 38° 46.560'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 | <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 | <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 ☒ 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 action is purely administrative. No change in land use or construction is associated with the action.

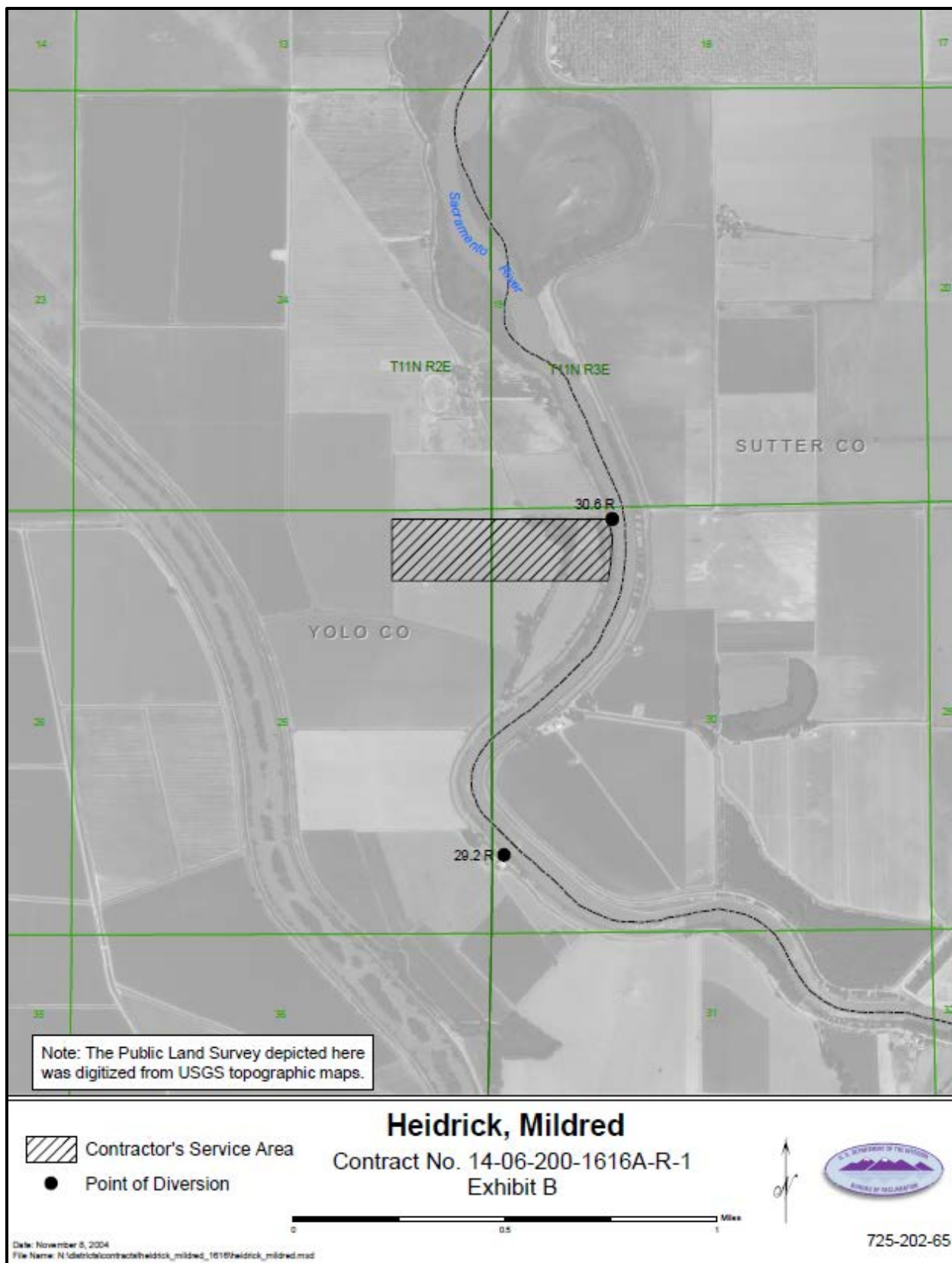


Figure 1. Exhibit B of Sacramento River Settlement Contract No. 14-06-200-1616A-R-1



Figure 2. Site Map with subject portion of Settlement Contract property overlain in green.

Attachment 1. Indian Trust Asset Review



Simon, Megan <msimon@usbr.gov>

ITA Review - Partial Assignment of SRSC 14-06-200-1616A-R-1

1 message

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

Mon, Aug 14, 2017 at 3:46 PM

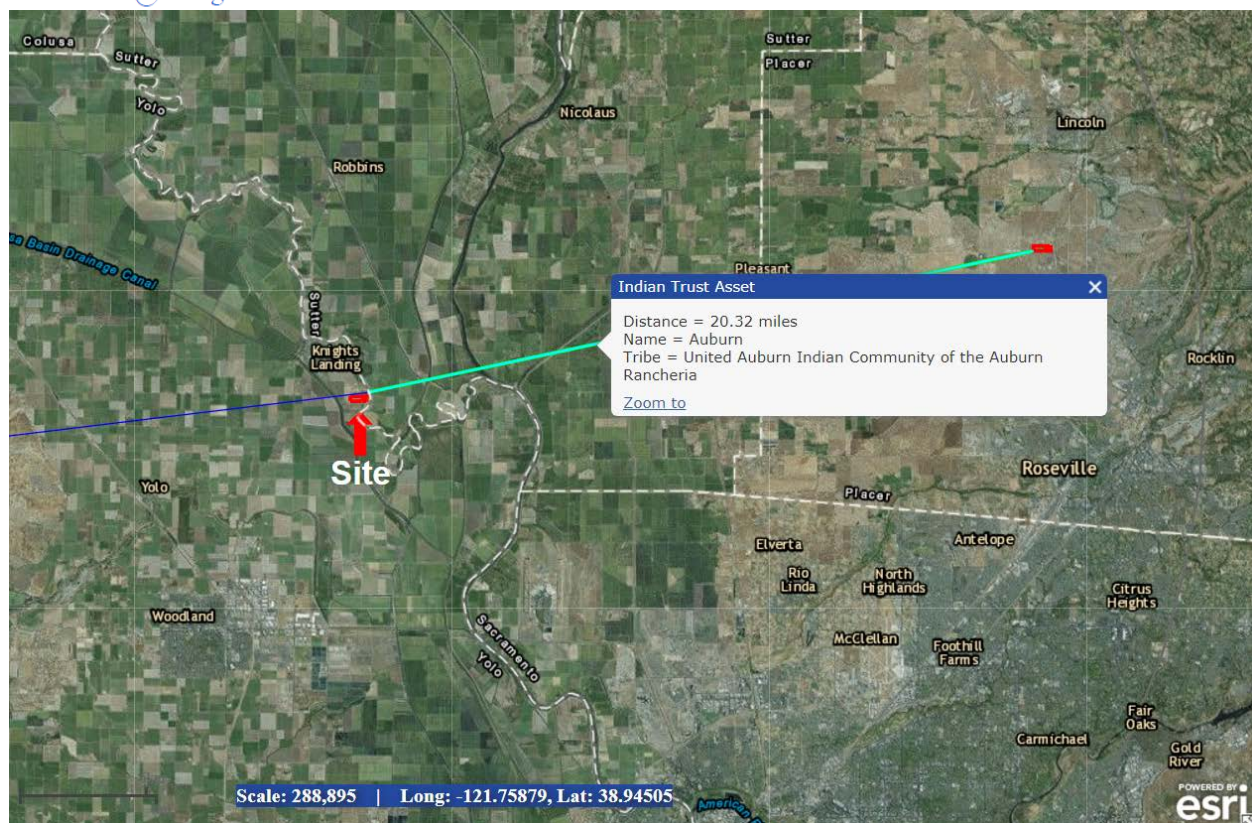
I have examined the referenced proposal and have determined that the property is located at least 20 miles from the closest Indian Trust Asset.

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

--

Megan K. Simon

Natural Resources Specialist
U.S. Bureau of Reclamation
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Shasta Lake, CA 96019
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Attachment 2. Cultural Resources Review

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

MP-153 Tracking Number: 17-NCAO-241

Project Name: Partial Assignment of Sacramento River Settlement Contract Number 14-06-200-1616A-R-1

NEPA Document: NCAO-CEC-17-21

NEPA Contact: Jake Beren, Natural Resource Specialist

MP 153 Cultural Resources Reviewer: Scott Williams, Archaeologist 

Date: August 15, 2017

At the request of the new property owners, Reclamation will re-assign the appropriate interests in the referenced Settlement Contract. 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 reassignment of these interests *exclude* parcel 056-220-019-000, located within the Contract Service Area identified on Exhibit B of the Existing Contract for which the current property owners have not demonstrated they have legal access to divert water from the authorized point of diversion identified on Exhibit A and Exhibit B of the Existing Contract. Reclamation's authority for the action is granted by Article 33 of the Settlement Contract. The action is purely administrative. No change in land use or construction is associated with the action.

This document is intended to convey the completion of the NHPA Section 106 process for this undertaking. I concur with item 8 that this action would not 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)). 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.