RECLAMATION
Managing Water in the West

Categorical Exclusion Checklist

Contract Name Change – From Virginia L. Lempesis to Kenneth and Karen Carvalho Revocable Trust

CEC-18-035

Prepared by: _____ Date: 12/10/2018
Brian Lopez
Natural Resources Specialist
South-Central California Area Office

Concurred by: See Attachment A Date: See Attachment A
Archaeologist
Mid-Pacific Regional Office
Regional Archeologist concurred with Item 8. Their determination has been placed within the project file.

Concurred by: _____ Date: 12/14/2018
Ned Gruenhagen, Ph.D.
Wildlife Biologist
South-Central California Area Office

Concurred by: _____ Date: 12/17/2018
Rain L. Emerson
Environmental Compliance Branch Chief
South-Central California Area Office
ITA Designee concurred with Item 11. Their determination has been placed within the project file.

Approved by: _____ for Date: 12/17/2018
Michael P. Jackson, P.E.
Area Manager
South-Central California Area Office

Background

The Bureau of Reclamation (Reclamation) received a request for approval of a Contract Assignment (title change) to an established Central Valley Project contract, No. 11-WC-20-0026, titled *Virginia L. Lempesis As Trustee of the Virginia L. Lempesis Separate Property Trust Providing for the Adjustment and Settlement of Certain Claimed Water Rights (Contract)*. In 2015, Reclamation approved a title change for all interest in and to the federal Contract No. 11-WC-20-0026 (Contract), which was to be transferred to Kenneth J. Carvalho and Karen E. Carvalho, Husband and Wife, after the change in ownership of real property in Fresno County, California. This previous approval was analyzed in CEC-14-061, dated August 10, 2015. This Contract Assignment, however, was not changed at that time and the titles have since changed pursuant to a recent request from the Carvalho's to assign the contract to a revocable trust. 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 as shown in Exhibit "A" of the Contract (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 (Contract)* to *Kenneth and Karen Carvalho Revocable Trust*. This title change reflects an administrative change in the interest in and to the Contract. The Proposed Action area is shown in 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 an administrative or financial practice or change.*

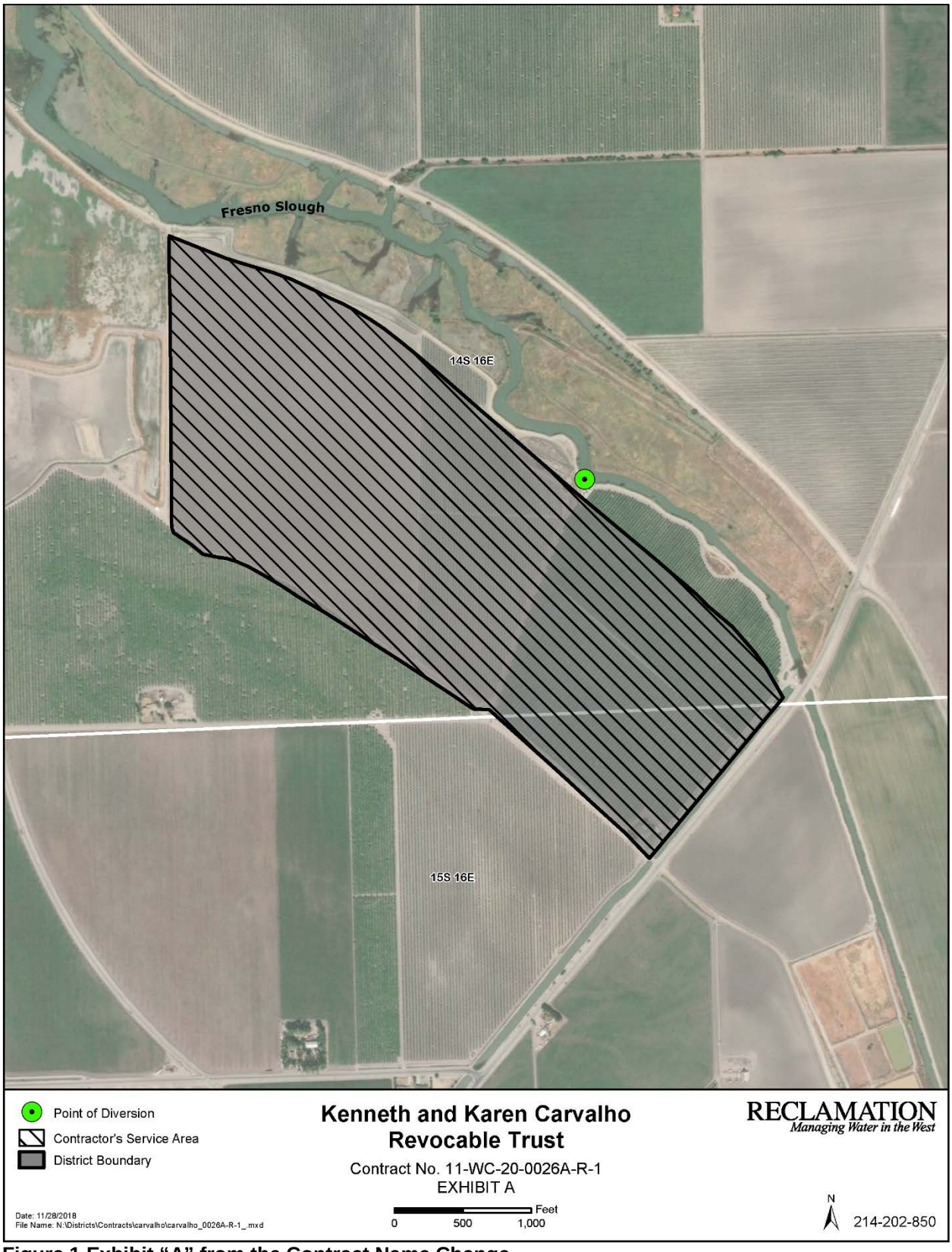

Figure 1 Exhibit "A" from the Contract Name Change

Evaluation of Criteria for Categorical Exclusion

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

Extraordinary Circumstance	No	Uncertain	Yes
1. This action would have a significant effect on the quality of the human environment (40 CFR 1502.3).	☑	☐	☐
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)).	☑	☐	☐
3. This action would have significant impacts on public health or safety (43 CFR 46.215(a)).	☑	☐	☐
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)).	☑	☐	☐
5. This action would have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks (43 CFR 46.215(d)).	☑	☐	☐
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)).	☑	☐	☐
7. This action would have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects (43 CFR 46.215 (f)).	☑	☐	☐
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)).	☑	☐	☐
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)).	☑	☐	☐
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)).	☑	☐	☐
11. This action would affect ITAs (512 DM 2, Policy Memorandum dated December 15, 1993).	☑	☐	☐
12. This action would have a disproportionately high and adverse effect on low income or minority populations (EO 12898) (43 CFR 46.215 (j)).	☑	☐	☐
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)).	☑	☐	☐
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)).	☑	☐	☐

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

MP-153 Tracking Number: 19-SCAO-034

Project Name: Contract Name Change – From Virginia L. Lempesis to Kenneth and Karen Carvalho Revocable Trust

NEPA Document: CEC-18-035

NEPA Contact: Brian Lopez, Natural Resources Specialist

MP 153 Cultural Resources Reviewer: Joanne Goodsell, Archaeologist

Date: November 29, 2018

Reclamation proposes to approve the title change of a Central Valley Project contract from *Virginia L. Lempesis as Trustee of the Virginia L. Lempesis Separate Property Trust* to the *Kenneth and Karen Carvalho Revocable Trust*. This title change reflects an administrative change in the interest in and to the contract.

Reclamation has determined the proposed action constitutes a Federal undertaking, as defined at 36 CFR § 800.16(y), that has no potential to cause effects to historic properties pursuant to 36 CFR § 800.3(a)(1). As such, Reclamation has no further obligations under Title 54 U.S.C. § 306108, commonly known as Section 106 of the National Historic Preservation Act (NHPA). Item 8 on CEC-18-035 is supported by this finding. 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 NHPA Section 106 process for this undertaking. Please retain a copy of this document in the administrative record for the proposed action. Should changes be made to the proposed action, additional NHPA Section 106 review, possibly including consultation with the State Historic Preservation Officer, may be necessary.