

CATEGORICAL EXCLUSION CHECKLIST
Virginia L. Lempesis (Wilson Ranch) Adjustment and Settlement of
Certain Claimed Water Rights Contract

South-Central California Area Office

April 11, 2012

Background: The Wilson Ranch consists of approximately 223 acres located on the Fresno Slough, adjacent to the Mendota Pool. The Wilson family, owners of the property, have asserted and exercised water rights to water in the Mendota Pool for over 70 years at the same point of diversion. The current owner is Virginia Lempesis trustee of the Virginia Lempesis Separate Property Trust. The property has historically been planted to row crops each year, and that pattern continues today.

Purpose and Need for Action: The purpose of the proposed action is to enter into a water rights settlement contract in order to quantify the amount of water that may be diverted from the Mendota Pool under the rights claimed by the property owner.

Proposed Action: Reclamation proposes entering into a contract for the adjustment and settlement of a claimed water right with the property owner for up to 600 acre-feet per year that would be managed similarly as other Settlement Contracts on the Mendota Pool. Both the point of diversion and means of diversion will be unchanged under the proposed contract. There would be no change in cropping patterns, no new land brought into production, no new facilities installed, and no other physical changes on the property or elsewhere as a result of the proposed contract. Under the proposed contract, the amount of water diverted would be measured and reported, and the amount of water diverted may be somewhat decreased from the historical average.

The property is located in Sections 32 and 33, Township 14 South, Range 16 East, and Sections 4 and 5, Township 15 South, Range 16 East, Mount Diablo Base and Meridian.

Exclusion Category: 516 DM 145 Categorical Exclusions D. Operation and Maintenance Activities.

(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.

(4) Approval, execution, and implementation of water service contracts for minor amounts of long-term water use or temporary or interim water use where the action does not lead to long-term changes and where the impacts are expected to be localized.

Evaluation of Criteria for Categorical Exclusion

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| 1. This action would have a significant effect on the quality of the human environment. | No <u>X</u> | Uncertain ____ | Yes |
| 2. This action would have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. | No <u>X</u> | Uncertain ____ | Yes |

Evaluation of Exemptions to Actions within Categorical Exclusion

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|--|-------------|----------------|-----|
| 1. This action would have significant adverse effects on public health or safety. | No <u>X</u> | Uncertain ____ | Yes |
| 2. 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; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas. | No <u>X</u> | Uncertain ____ | Yes |
| 3. This action would have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. | No <u>X</u> | Uncertain ____ | Yes |
| 4. This action would establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. | No <u>X</u> | Uncertain ____ | Yes |
| 5. This action would have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. | No <u>X</u> | Uncertain ____ | Yes |

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|--|-------------|----------------|-----|
| 6. This action would have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau (in coordination with a Reclamation cultural resources professional). | No <u>X</u> | Uncertain ____ | Yes |
| 7. 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. | No <u>X</u> | Uncertain ____ | Yes |
| 8. This action would violate a Federal, State, local, or tribal law or requirement imposed for protection of the environment. | No <u>X</u> | Uncertain ____ | Yes |
| 9. This action would affect Indian Trust Assets (ITA) (To be completed by Reclamation official responsible for ITA). | No <u>X</u> | Uncertain ____ | Yes |
| 10. This action would have a disproportionately high and adverse effect on low income or minority populations. | No <u>X</u> | Uncertain ____ | Yes |
| 11. 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. | No <u>X</u> | Uncertain ____ | Yes |
| 12. 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. | No <u>X</u> | Uncertain ____ | Yes |

Environmental commitments, explanation, and/or remarks: Reclamation would continue to require compliance with all commitments imposed by existing environmental documents, such as Biological Opinions and Programmatic Agreements. No other environmental commitments are required for the proposed action (see attached Environmental Commitment Program).

Prepared by:

CHUCK SIEK

Date: 4/16/12

South-Central California Area Office

Regional Archeologist concurred with Item 6. Their determination has been placed within the project file.

Area Office Biologist concurred with Item 7. Their determination has been placed within the project file.

ITA Designee concurred with Item 9. Their determination has been placed within the project file.

Concur:

Shanna McDonald

Date: 4/16/12

Wildlife Biologist, South-Central California Area Office

Concur:

[Signature]

Date: 4/16/12

Supervisory Natural Resources Specialist, South-Central California Area Office

Approved:

Landy English

Date: 4/24/12

Chief, Resources Management Division, South-Central California Area Office