

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Additional Point of Delivery for Byron Bethany Irrigation District's Non-Central Valley Project Water to Westlands Water District

FONSI-12-052

Recommended by:



Rain Healer
Natural Resources Specialist
South-Central California Area Office

Date: 06/15/2012

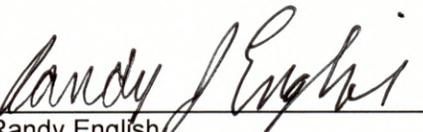
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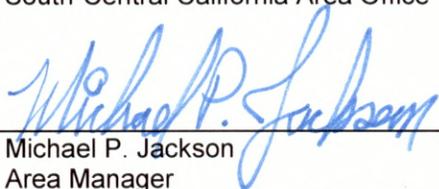
Concurred by:



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Date: 6/15/12

Approved by:



Michael P. Jackson
Area Manager
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Date: 6/15/2012



Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the South-Central California Area Office of the Bureau of Reclamation (Reclamation), has determined that an environmental impact statement is not required for the approval of an additional point of delivery of Byron Bethany Irrigation District's non-Central Valley Project (CVP) water to Westlands Water District (WWD). This Finding of No Significant Impact (FONSI) is supported by Reclamation's Supplemental Environmental Assessment (SEA)-12-052, *Additional Point of Delivery of Byron Bethany Irrigation District's Non-Central Valley Project Water to Westlands Water District*, and is hereby incorporated by reference.

Background

In March 2010, Reclamation signed a FONSI approving the execution of five-year Warren Act Contracts for Banta-Carbona Irrigation District, Byron Bethany Irrigation District (BBID), Patterson Irrigation District, and West Stanislaus Irrigation District. The five-year Warren Act Contracts allowed for the conveyance and storage per contractor of up to 10,000 acre-feet per year (AFY) of non-CVP surface water in the Delta-Mendota Canal through February 28, 2016.

The environmental effects of the proposed five-year Warren Act Contracts was analyzed in the Environmental Assessment (EA)-09-156, *Five-year Warren Act Contracts for Banta-Carbona Irrigation District, Byron Bethany Irrigation District, Patterson Irrigation District, and West Stanislaus Irrigation District*. EA-09-156 analyzed direct, indirect, and cumulative impacts to the following resources: surface water resources, land use, air quality, biological resources, cultural resources, Indian Trust Assets (ITA), socioeconomic resources, environmental justice, and global climate change. No adverse impacts were expected to occur as a result of the issuance of the five-year contracts.

In April 2012, Reclamation received a request from BBID to approve delivery of up to 5,000 AFY of their pre-1914 water rights water (non-CVP water), previously analyzed in EA-09-156, to WWD via the San Luis Canal. The additional points of delivery to WWD are the only change proposed from what was analyzed in EA-09-156. Delivery of BBID's non-CVP water to WWD will continue through February 28, 2016, consistent with EA-09-156 and BBID's current Warren Act Contract.

Proposed Action

Reclamation will approve additional points of delivery along the San Luis Canal for conveyance of up to 5,000 AFY of BBID's non-CVP water to WWD. Delivery of this water will continue through February 28, 2016, consistent with BBID's existing Warren Act Contract. BBID's non-CVP water will continue to be pumped into the Delta-Mendota Canal at milepost 3.71R. This water, less losses, will then be conveyed down the Delta-Mendota Canal and pumped into O'Neill Forebay by the O'Neill Pumping Plant. From O'Neill Forebay, BBID's non-CVP water will be conveyed down the San Luis Canal for delivery to WWD's turnouts. Any water not delivered to WWD will be stored in San Luis Reservoir for later delivery to WWD or for exchange with Reclamation for return to BBID.

Environmental Commitments

The Proposed Action is subject to the following conditions:

- The water will only be used for beneficial purposes and in accordance with Federal Reclamation law and guidelines.
- The water will not be used to place untitled or new lands into production, or to convert undeveloped land to other uses.
- The Proposed Action will not affect CVP or State Water Project operations; all supplies will be previously scheduled for delivery points south-of-Delta, and do not require additional Delta exports.
- The movement of the water will not require the construction of any new water diversion or conveyance facilities.
- The Proposed Action must comply with water quality standards specified in Exhibit D of the Warren Act Contract (see Appendix A of EA-12-052).

Reclamation's finding that implementation of the Proposed Action will result in no significant impact to the quality of the human environment is supported by the following findings:

Findings

Water Resources

No additional CVP diversions are being generated or needed for the delivery of BBID's non-CVP water to WWD via the San Luis Canal. No modifications of existing facilities are required for the movement of this water to WWD. Therefore, there will be no impact to district or federal facilities or water rights as a result of the Proposed Action.

No activities such as dredging or filling of wetlands or surface waters will be required for implementation of the Proposed Action, therefore, permits obtained in compliance with the Clean Water Act are not required. Executive Order 11988 requires Federal agencies to prepare floodplain assessments for actions located within or affecting flood plains, and similarly, Executive Order 11990 places similar requirements for actions in wetlands. The Proposed Action will not affect either concern as there are none within the action area.

The amount of BBID's non-CVP water proposed for delivery to WWD is part of their existing pre-1914 water rights entitlement and will not require additional diversions. This water is approximately 10 percent of their entitlement and will not impact BBID's ability to service other agricultural or urban users. Therefore, the Proposed Action will not adversely impact surface water resources within BBID.

The addition of 5,000 AF of BBID's non-CVP water to WWD's overall water supply will help increase water supply reliability in WWD. Therefore, the Proposed Action will have beneficial impacts to water resources within WWD.

Land Use

Under the Proposed Action, neither BBID nor WWD will change historic land and water management practices. BBID's non-CVP water will move through existing facilities for delivery to lands within WWD and will be used on existing crops. The water will not be used to place untilled or new lands into production, or to convert undeveloped land to other uses. Therefore, there will be no change to land use.

Biological Resources

Affects are similar to the No Action Alternative. Most of the habitat types required by species protected under the Endangered Species Act do not occur in the Proposed Action area. Any encountered biological resources are likely to be those associated with actively cultivated land. The Proposed Action will not involve the conversion of any land fallowed and untilled for three or more years as the non-CVP water will be used on existing agricultural lands. Such actions will require additional environmental review. Since no natural stream courses or additional surface water pumping will occur and there are capacity limitations and water quality restrictions in the Delta-Mendota Canal, there will be no effect to listed fish species. No critical habitat occurs within the area affected by the Proposed Action; therefore, no primary constituent elements of any critical habitat will be affected.

Based upon the short duration of the water availability, the requirement that no native lands be converted without consultation with U.S. Fish and Wildlife Service, and the stringent requirements for introduction of non-CVP water into federal facilities, any potential impacts to wildlife (whether federally listed or not) will be precluded. Reclamation has determined there will be no effect to listed species or birds protected by the Migratory Bird Treaty Act.

Cultural Resources

There will be no impacts to cultural resources as a result of implementing the Proposed Action as the Proposed Action will facilitate the flow of water through existing facilities to existing users. No new construction or ground disturbing activities will occur as part of the Proposed Action. The pumping, conveyance, and storage of water will be confined to existing pumps and CVP facilities. These activities have no potential to cause effects to historic properties pursuant to 36 Code of Federal Regulations Part 800.3(a)(1).

Indian Sacred Sites

The Proposed Action will not 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. There will be no impacts to Indian Sacred Sites as a result of the Proposed Action.

Indian Trust Assets

The Proposed Action will not impact ITA as there are none in the Proposed Action area.

Environmental Justice

The Proposed Action will not cause dislocation, changes in employment, or increase flood, drought, or disease and will not disproportionately impact economically disadvantaged or minority populations.

Socioeconomic Resources

The availability of this additional supplemental water supply will have beneficial impacts on socioeconomic resources with WWD as this water will be used to help sustain existing crops and maintain farming within the district. As there will be no adverse impact to water resources within BBID that will impact their ability to deliver water to their agricultural and urban uses, there will be no impacts to socioeconomic resources within BBID.

Air Quality

No construction or modification of facilities will be needed under the Proposed Action to move BBID's non-CVP water to WWD through the San Luis Canal. CVP water will be moved either via gravity or electric pumps which will not produce emissions that impact air quality. Therefore, a conformity analysis is not required under the Clean Air Act and there will be no impact to air quality as a result of the Proposed Action.

Global Climate

The Proposed Action will not involve physical changes to the environment or construction activities and, therefore, will not impact global climate change. Global climate change is expected to have some effect on the snow pack of the Sierra Nevada and the runoff regime. Current data are not yet clear on the hydrologic changes and how they will affect the San Joaquin Valley. CVP water allocations are made dependent on hydrologic conditions and environmental requirements. Since Reclamation operations and allocations are flexible, any changes in hydrologic conditions due to global climate change will be addressed within Reclamation's operation flexibility and therefore surface water resource changes due to climate change will be the same with or without either alternative.

Cumulative Impacts

Cumulative impacts result from incremental impacts of the Proposed Action or No Action alternative when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. To determine whether cumulatively significant impacts are anticipated from the Proposed Action or the No Action alternative, the incremental effect of both alternatives were examined together with impacts from past, present, and reasonably foreseeable future actions in the same geographic area.

As in the past, hydrological conditions and other factors are likely to result in fluctuating water supplies which drives requests for water service actions. Water districts aim to provide water to their customers based on available water supplies and timing, all while attempting to minimize costs. Farmers irrigate and grow crops based on these conditions and factors, and a myriad of water service actions are approved and executed each year to facilitate water needs. Each water service transaction involving Reclamation undergoes environmental review prior to approval.

Existing or foreseeable projects, in addition to the proposed delivery of BBID's non-CVP water to WWD, that could affect or could be affected by the Proposed Action or No Action alternative include the following:

Exchange Contractors 25-Year Water Transfer Program The San Joaquin River Exchange Contractors are currently transferring up to 130,000 AF of their substitute water to Reclamation under a 10-year (March 1, 2005, through February 28, 2014) water transfer program. Under the current program, the San Joaquin River Exchange Contractors develop sources of water to temporarily reduce the need for delivery of substitute water by Reclamation. The sources of water developed by the San Joaquin River Exchange Contractors include a maximum of 80,000 AF from conservation, tailwater recapture, and groundwater as well as a maximum of 50,000 AF from voluntary temporary land fallowing. For each AF of water developed by the San Joaquin River Exchange Contractors, an in-kind amount of water is considered acquired and left within the CVP for Reclamation to deliver to CVP contractors or wildlife areas. Reclamation and the San Joaquin River Exchange Contractors prepared an EIS/Environmental Impact Report (EIR) for the 10 year program and a ROD was completed March 23, 2005. As the program will expire soon, Reclamation and the San Joaquin River Exchange Contractors have proposed extending the program for another 25 years. A draft EIS/EIR was released for a 60 public review on May 4, 2012.

San Joaquin River Restoration Project In 2006, the San Joaquin River Restoration Program (SJRRP) was established to implement the Stipulation of Settlement in *NRDC, et al. v. Kirk Rodgers et al.* The Settlement's two primary goals include: (1) restoration and maintenance of fish population in the San Joaquin River below Friant Dam to the confluence of the Merced River; and (2) management of water resources in order to reduce or avoid adverse water supply impacts to Friant Division long-term contractors. The SJRRP is a long-term effort to restore flows to the San Joaquin River from Friant Dam to the confluence of Merced River in order to meet the two goals established in the Settlement. In 2007, Reclamation released a notice of intent to prepare a programmatic EIS/EIR in the Federal Register. The draft programmatic EIS/EIR was released for a 60 public review on April 22, 2011. A final programmatic EIS/EIR is pending.

As an initial action to guide implementation of the SJRRP, the Settlement requires that Reclamation modify releases from Friant Dam from October 1 to September 30 for a program of interim flows in order to collect pertinent scientific data and to implement a monitoring program. Environmental effects for the release of interim flows from Friant Dam down the San Joaquin River were addressed in a FONSI and EA/Initial Study entitled *Water Year 2010 Interim Flows Project*. Supplemental EAs and FONSIs for continuation of interim flows were also completed for Water Years 2011 and 2012 (March 1, 2011 through February 28, 2013). Full restoration flows are scheduled to start no later than January 1, 2014.

In order to reduce or avoid adverse water supply impacts to all of the Friant Division long-term contractors that may result from the interim flows, Reclamation developed plans for recirculation, recapture, reuse, and exchange or transfer of interim flows. An EA that analyzed the impacts of recirculation of interim flows entitled *Recirculation of Recaptured Water Year 2012 San Joaquin River Restoration Program Interim Flows* was released for public comment on February 7, 2012 and a FONSI completed on April 3, 2012.

Meyers Farms Groundwater Banking Program The Meyers Family Farm Trust pursued development of the Meyers Farm Water Bank to store water in above-normal and wet years for later use during below-normal, dry, and critically-dry years. Under the banking program, CVP and non-CVP water to be banked flows from the Mendota Pool into five recharge ponds. Banked water is later extracted and pumped into Mendota Pool for exchange with Reclamation. The original project was analyzed in EA-05-09 *Meyers Farm Water Banking Project – Mendota, California* and a FONSI signed May 9, 2005. Two supplemental EAs and FONSI for the project were prepared to increase the annual extraction rate and to add Banta-Carbona Irrigation District’s non-CVP surface water to the banking program. In addition, Reclamation has recently received a request to increase the rate of extraction from Meyers Bank from 6,316 AFY to 10,526 AFY, to amend the cumulative total amount of CVP water banked from 35,000 AF to 60,000 AF at any given time, to increase the amount of Banta Carbona Irrigation District’s non-CVP water conveyed in the Delta-Mendota Canal for banking from 5,000 AFY to 10,000 AFY, to approve the annual transfer of up to 5,000 AFY of Banta Carbona Irrigation District’s CVP water in-lieu of their non-CVP water for banking at Meyers Bank, and to deliver banked water via exchange to other areas within the service area of San Luis Water District. Reclamation is currently preparing an EA for the proposed amendments.

Tranquillity Irrigation District Transfer to San Luis Water District Under this project, Tranquillity Irrigation District could transfer up to 15,000 AF of its pumped groundwater to San Luis Water District via exchange with Reclamation at the Mendota Pool from March 1, 2011 through February 28, 2014 (Contract Years 2011 through 2013). Transfer in any single water year will not exceed 7,500 AF. The project was analyzed in EA-10-092 *Tranquillity Irrigation District/ San Luis Water District Groundwater Transfer/Exchange Program–2011 through 2013* and a FONSI completed on March 11, 2011.

Conveyance of Kings River Flood Flows to Westlands Water District Under this project, WWD could convey up to 50,000 AF of Kings River flood flows in the San Luis Canal from January 1, 2012 through December 31, 2016. The project was analyzed in EA-11-002 *Westlands Water District – Warren Act Contract for Conveyance of Kings River Flood Flows in the San Luis Canal* and a FONSI signed January 26, 2012.

Groundwater Pump-in Programs for San Luis Unit and Delta Division Contractors Under this project, participating CVP contractors within the Delta Division and San Luis Unit of the CVP could pump up to 50,000 AF total of groundwater into the Delta-Mendota Canal between March 1, 2012 through February 28, 2014 (Contract Years 2012 and 2013). The project was analyzed in EA-12-005 *Two-Year Exchange Agreements and/or Warren Act Contracts for Conveyance of Groundwater in the Delta-Mendota Canal – Contract Years 2012 through 2014 (March 1, 2012 – February 28, 2014)* and a FONSI was completed on May 8, 2012. The action was previously conducted between March 1, 2010 through February 28, 2012 (Contract Years 2010 and 2011) and analyzed in EA-09-169. It is likely that these actions will be requested in the future.

Byron-Bethany Irrigation District Long-term Exchange Agreement Reclamation has received a request from BBID to enter into a 40-year contract for the introduction of up to 4,725

AFY of their non-CVP surface water in to the Delta-Mendota Canal for exchange with Reclamation. Reclamation is currently preparing an EA for the proposed project.

Reclamation's Proposed Action is the approval of additional points of delivery of up to 5,000 AFY of BBID's non-CVP water to WWD via the San Luis Canal. This is the same amount of water previously analyzed in EA-09-156; therefore, no additional non-CVP water will need to be introduced into the Delta-Mendota Canal for the Proposed Action. The Proposed Action and other similar projects will not interfere with the projects listed above, nor will it hinder the normal operations of the CVP and Reclamation's obligation to deliver water to its contractors or to local fish and wildlife habitat.

The Proposed Action will not cumulatively impact district or federal facilities or water rights as no additional diversions or changes to distribution facilities are needed to move this water.

BBID's non-CVP water under the Proposed Action is approximately 10 percent of their pre-1914 water rights entitlement. Combined with the proposed long-term exchange agreement, BBID has proposed to introduce for transfer up to 9,725 AFY of their pre-1914 entitlement into the Delta-Mendota Canal which is approximately 19 percent of their entitlement and will not impact BBID's ability to service other agricultural or urban water users; therefore, the Proposed Action will not cumulatively impact surface water resources within BBID.

The addition of 5,000 AF of BBID's non-CVP water to WWD's overall water supply will help increase water supply reliability in WWD. Therefore, the Proposed Action will have cumulatively beneficial impacts to water resources within WWD.

Existing conditions, such as loss of habitat due to urbanization and expanding agricultural lands that cumulatively impact listed species and their habitats, are expected to occur under either alternative. The additional point of diversion for the conveyance and storage of up to 5,000 AFY from BBID to WWD is not expected to contribute cumulatively to habitat loss as this water will be used consistent with current uses. Therefore, there will be no cumulative significant impacts to biological resources as a result of the Proposed Action.

The availability of this additional supplemental water supply will have cumulatively beneficial impacts on socioeconomic resources with WWD as this water will be used to help sustain existing crops and maintain farming within the district. As there will be no impact to BBID's socioeconomic resources due to the Proposed Action, there will be no cumulative impacts.

Since there will be no direct or indirect impacts to air quality, cultural resources, global climate, Indian Sacred Sites, ITA, or land use as a result of the Proposed Action, there will be no cumulative impacts to these resources.

RECLAMATION

Managing Water in the West

Final Supplemental Environmental Assessment

Additional Point of Delivery for Byron Bethany Irrigation District's Non-Central Valley Project Water to Westlands Water District

SEA-12-052



**U.S. Department of the Interior
Bureau of Reclamation
Mid Pacific Region
South-Central California Area Office
Fresno, California**

June 2012

Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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Appendix A BBID’s Warren Act Contract

List of Acronyms and Abbreviations

AFY	Acre-feet per year
BBID	Byron Bethany Irrigation District
CNDDB	California Natural Diversity DataBase
CVP	Central Valley Project
CVPIA	Central Valley Project Improvement Act
EA	Environmental Assessment
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FONSI	Finding of No Significant Impact
FWCA	Fish and Wildlife Coordination Act
ITA	Indian Trust Asset
MBTA	Migratory Bird Treaty Act
NHPA	National Historic Preservation Act
Non-CVP water	BBID's pre-1914 surface water
Reclamation	Bureau of Reclamation
ROD	Record of Decision
SJRRP	San Joaquin River Restoration Program
WWD	Westlands Water District

Section 1 Introduction

1.1 Background

In March 2010, the Bureau of Reclamation (Reclamation) signed a Finding of No Significant Impact (FONSI) approving the execution of five-year Warren Act Contracts for Banta-Carbona Irrigation District, Byron Bethany Irrigation District (BBID), Patterson Irrigation District, and West Stanislaus Irrigation District. The five-year Warren Act Contracts allowed for the conveyance and storage per contractor of up to 10,000 acre-feet per year (AFY) of non-Central Valley Project (CVP) surface water in the Delta-Mendota Canal through February 28, 2016.

The environmental effects of the proposed five-year Warren Act Contracts was analyzed in the Environmental Assessment (EA)-09-156, *Five-year Warren Act Contracts for Banta-Carbona Irrigation District, Byron Bethany Irrigation District, Patterson Irrigation District, and West Stanislaus Irrigation District*. EA-09-156 analyzed direct, indirect, and cumulative impacts to the following resources: surface water resources, land use, air quality, biological resources, cultural resources, Indian Trust Assets (ITA), socioeconomic resources, environmental justice, and global climate change. No adverse impacts were expected to occur as a result of the issuance of the five-year contracts.

In April 2012, Reclamation received a request from BBID to approve delivery of up to 5,000 AFY of their pre-1914 water rights water (non-CVP water), previously analyzed in EA-09-156, to Westlands Water District (WWD) via the San Luis Canal. The additional points of delivery to WWD are the only change proposed from what was analyzed in EA-09-156. Delivery of BBID's non-CVP water to WWD would continue through February 28, 2016, consistent with EA-09-156 and BBID's current Warren Act Contract.

1.2 Purpose and Need

Due to legislative, regulatory, and environmental actions, the reliability of WWD's CVP supply has been reduced substantially, and now averages from 60-65 percent of contract amounts. WWD has taken numerous steps to obtain additional sources of irrigation water and to ensure that comprehensive water conservation practices are being followed; however, water supplies are still inadequate to provide reliable and cost-effective irrigation water to historically irrigated lands within WWD's service area. Landowners in WWD need to supplement their water deliveries with affordable water in order to maintain production on historically irrigated lands.

The purpose of the Proposed Action is to provide up to 5,000 AFY of water to irrigable lands within WWD consistent with the timeline analyzed in EA-09-156.

1.3 Reclamation's Legal and Statutory Authorities and Jurisdiction Relevant to the Proposed Federal Action

Several Federal laws, permits, licenses and policy requirements have directed, limited or guided the National Environmental Policy Act analysis and decision-making process of this EA and include the following as amended, updated, and/or superseded (all of which are incorporated by reference):

Reclamation Project Act

Section 14 of the Reclamation Project Act of 1939 (53 Stat. 1197; 43 U.S.C., subsection 389) authorizes the Secretary, for the purpose of orderly and economical construction or operation and maintenance of any project, to enter into such contracts for exchange or replacement of water, water rights, or electric energy or for the adjustment of water rights, as in his judgment are necessary and in the interests of the United States and the project.

Warren Act

The Warren Act (Act as of February 21, 1911; CH. 141, [36 STAT.925]) authorizes Reclamation to enter into contracts to impound, store, and/or convey non-project water when excess capacity is available in federal facilities.

Central Valley Project Improvement Act

Central Valley Project Improvement Act (CVPIA) of 1992, Title 34 of Public Law 102-575, Section 3408, Additional Authorities (c) authorizes the Secretary of the Interior to enter into contracts pursuant to Reclamation law and this title with any Federal agency, California water user or water agency, State agency, or private nonprofit organization for the exchange, impoundment, storage, carriage, and delivery of CVP and non-CVP water for domestic, municipal, industrial, fish and wildlife, and any other beneficial purpose, except that nothing in this subsection shall be deemed to supersede the provisions of section 103 of Public Law 99-546 (100 Stat. 3051).

Reclamation completed the Final Programmatic Environmental Impact Statement (EIS) for the CVPIA in October 1999 that analyzed alternatives and implementation of the CVPIA. The Record of Decision (ROD) was signed in January 9, 2001.

Water Quality Standards

Reclamation requires that the operation and maintenance of CVP facilities shall be performed in such a manner as is practical to maintain the quality of raw water at the highest level that is reasonably attainable. Water quality and monitoring requirements are established annually by Reclamation and are instituted to protect water quality in federal facilities by ensuring that imported non-CVP water does not impair existing uses or negatively impact existing water quality conditions. These standards are updated periodically. The water quality standards are the maximum concentration of certain contaminants that may occur in each source of non-CVP water. Water quality criteria for introduction of BBID's non-CVP water into the Delta-Mendota Canal are included as Exhibit D of the Warren Act Contract (see Appendix A).

1.4 Scope

This supplemental EA has been prepared to analyze the impacts of adding additional points of delivery of up to 5,000 AFY of BBID's non-CVP water to irrigable lands in WWD via the San Luis Canal (Figure 1-1). As no other changes have been made to the Proposed Action analyzed in EA-09-156, this supplemental EA will focus on the impacts of the Proposed Action that were not previously analyzed.

This EA has also been prepared to examine the possible effects of the No Action Alternative.

1.5 Resources Eliminated from Further Analysis

Reclamation analyzed the affected environment of the Proposed Action and No Action Alternative and has determined that there is no potential for direct, indirect, or cumulative effects to the following resources:

Air Quality

There would be no impacts to air quality under the No Action alternative as conditions would remain the same as existing conditions. No construction or modification of facilities would be needed under the Proposed Action to move BBID's non-CVP water to WWD through the San Luis Canal. CVP water would be moved either via gravity or electric pumps which would not produce emissions that impact air quality. Therefore, a conformity analysis is not required under the Clean Air Act and there would be no impact to air quality as a result of the Proposed Action.

Cultural Resources

There would be no impacts to cultural resources under the No Action alternative as conditions would remain the same as existing conditions. There would be no impacts to cultural resources as a result of implementing the Proposed Action as the Proposed Action would facilitate the flow of water through existing facilities to existing users. No new construction or ground disturbing activities would occur as part of the Proposed Action. The pumping, conveyance, and storage of water would be confined to existing pumps and CVP facilities. These activities have no potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1).

Environmental Justice

No impact to economically disadvantaged or minority populations would occur under the No Action alternative as conditions would remain the same as existing conditions. The Proposed Action would not cause dislocation, changes in employment, or increase flood, drought, or disease and would not disproportionately impact economically disadvantaged or minority populations.

Global Climate

Neither the Proposed Action nor the No Action alternative would involve physical changes to the environment or construction activities and, therefore, would not impact global climate change. Global climate change is expected to have some effect on the snow pack of the Sierra Nevada and the runoff regime. Current data are not yet clear on the hydrologic changes and how they will affect the San Joaquin Valley. CVP water allocations are made dependent on hydrologic

conditions and environmental requirements. Since Reclamation operations and allocations are flexible, any changes in hydrologic conditions due to global climate change would be addressed within Reclamation's operation flexibility and therefore surface water resource changes due to climate change would be the same with or without either alternative.

Indian Sacred Sites

No impact to Indian Sacred Sites would occur under the No Action alternative as conditions would remain the same as existing conditions. The Proposed Action would not 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. There would be no impacts to Indian Sacred Sites as a result of the Proposed Action.

Indian Trust Assets

No impact to ITA would occur under the No Action alternative as conditions would remain the same as existing conditions. The Proposed Action would not impact ITA as there are none in the Proposed Action area.

Land Use

There would be no impact to land use under the No Action alternative as conditions would remain the same as existing conditions. Under the Proposed Action, neither BBID nor WWD would change historic land and water management practices. BBID's non-CVP water would move through existing facilities for delivery to lands within WWD and would be used on existing crops. The water would not be used to place untilled or new lands into production, or to convert undeveloped land to other uses. Therefore, there would be no change to land use.

As there would be no impact to the resources listed above as a result of the Proposed Action or the No Action alternative, they will not be considered further.

1.6 Resources Requiring Further Analysis

This EA will analyze the affected environment of the Proposed Action and No Action Alternative in order to determine the potential direct, indirect, and cumulative effects to the following resources:

- Water Resources
- Biological Resources
- Socioeconomic Resources

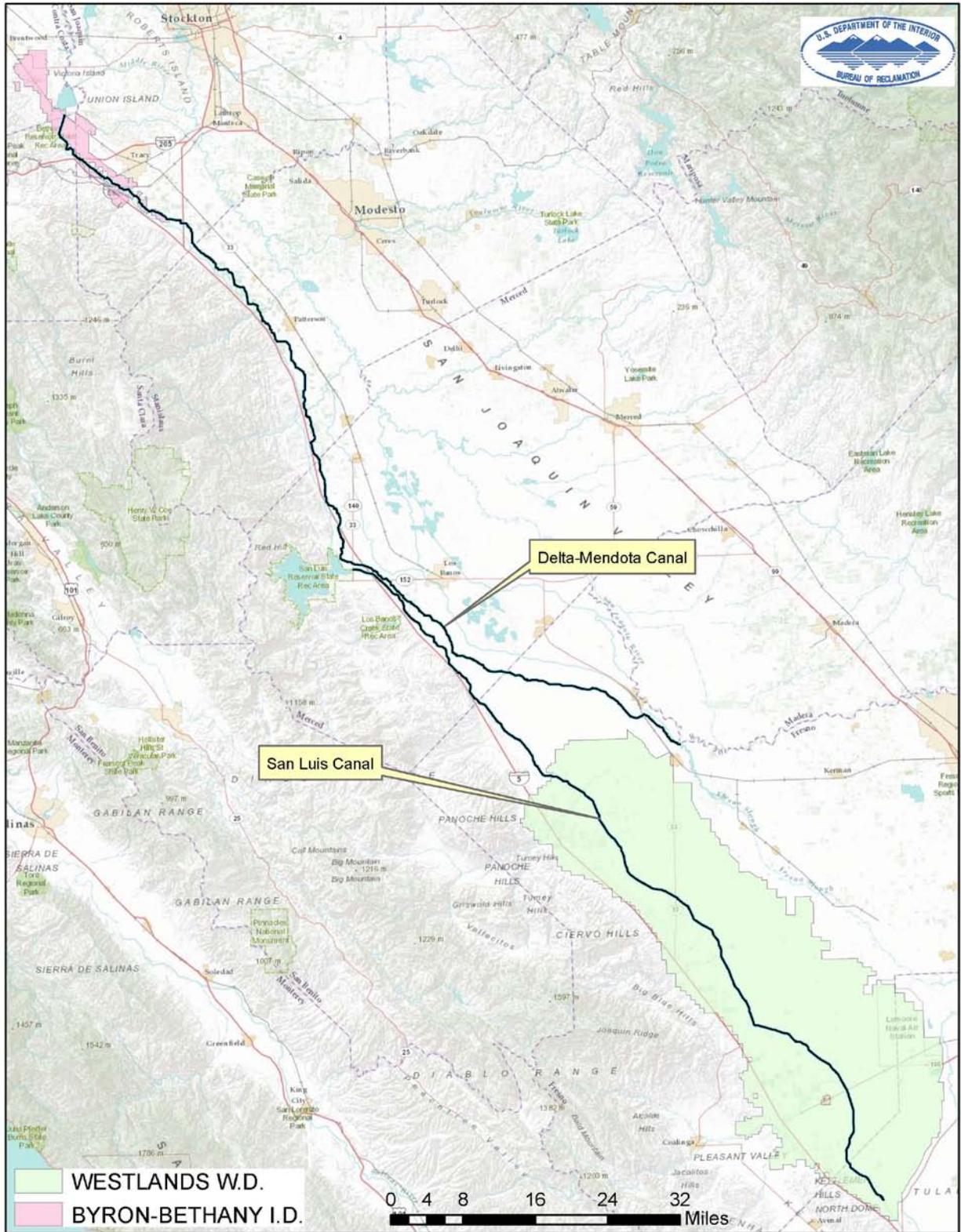


Figure 1-1 Proposed Action Area

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Section 2 **Alternatives Including the Proposed Action**

This EA considers two possible actions: the No Action Alternative and the Proposed Action. The No Action Alternative reflects future conditions without the Proposed Action and serves as a basis of comparison for determining potential effects to the human environment.

2.1 **No Action Alternative**

Under the No Action Alternative, Reclamation would not approve additional points of delivery for BBID's non-CVP water to WWD. BBID would continue to pump their non-CVP water into the Delta-Mendota Canal, dependent on available capacity, under their current Warren Act Contract which expires February 28, 2016. BBID's non-CVP water would be conveyed and stored in San Luis Reservoir. Return of BBID's non-CVP water to BBID would continue to be done via exchange with Reclamation.

2.2 **Proposed Action**

Under the Proposed Action, Reclamation would approve additional points of delivery along the San Luis Canal for conveyance of up to 5,000 AFY of BBID's non-CVP water to WWD. Delivery of this water would continue through February 28, 2016, consistent with BBID's existing Warren Act Contract. BBID's non-CVP water would continue to be pumped into the Delta-Mendota Canal at milepost 3.71R. This water, less losses, would then be conveyed down the Delta-Mendota Canal and pumped into O'Neill Forebay by the O'Neill Pumping Plant. From O'Neill Forebay, BBID's non-CVP water would be conveyed down the San Luis Canal for delivery to WWD's turnouts. Any water not delivered to WWD would be stored in San Luis Reservoir for later delivery to WWD or for exchange with Reclamation for return to BBID.

2.2.1 **Environmental Commitments**

The Proposed Action is subject to the following conditions:

- The water would only be used for beneficial purposes and in accordance with Federal Reclamation law and guidelines.
- The water would not be used to place untilled or new lands into production, or to convert undeveloped land to other uses.
- The Proposed Action would not affect CVP or State Water Project operations; all supplies would be previously scheduled for delivery points south-of-Delta, and do not require additional Delta exports.
- The movement of the water would not require the construction of any new water diversion or conveyance facilities.
- The Proposed Action must comply with water quality standards specified in Exhibit D of the Warren Act Contract (see Appendix A).

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Section 3 **Affected Environment and Environmental Consequences**

This section identifies the potentially affected environment and the environmental consequences involved with the Proposed Action and the No Action Alternative, in addition to environmental trends and conditions that currently exist.

The only difference between the Proposed Action analyzed in this Supplemental EA and the action analyzed in EA-09-156 is the delivery of BBID's non-CVP water to WWD via the San Luis Canal. Therefore, the affected environmental and environmental consequences section in this EA will focus on changes to the previous affected environment as a result of the Proposed Action and No Action alternative as well as areas that were not previously covered.

3.1 **Surface Water Resources**

3.1.1 **Affected Environment**

San Luis Canal

The San Luis Canal is a joint Federal/State facility. It is a concrete-lined canal with a capacity ranging from 8,350 to 13,100 cubic feet per second. The San Luis Canal is the biggest earth-moving project in Reclamation history. It is the federally-built and operated section of the California Aqueduct and extends 102.5 miles from the O'Neill Forebay, near Los Banos, in a southeasterly direction to a point west of Kettleman City. Capacity in the San Luis Canal is restricted by the physical limitations of the canal, pumping limits of the Banks Pumping Plant, and releases from San Luis Reservoir (Reclamation 2012a).

Westlands Water District

Westlands provides irrigation water to over 570,000 acres of annual and permanent crops in Fresno and Kings Counties. Water is delivered throughout Westlands via 1,034 miles of buried pipelines, virtually eliminating seepage and evaporation losses in the distribution system. All water is metered at the point of delivery through more than 3,200 agricultural and 250 M&I meters. The district also operates and maintains the 12-mile-long, concrete-lined, Coalinga Canal, the Pleasant Valley Pumping Plant, and the laterals that supply CVP water to the communities of Coalinga and Huron.

CVP Contracts On June 5, 1963 Westlands entered into a long-term contract (Contract No. 14-06-200-495A) with Reclamation for 1,008,000 AF of CVP supply from the SLC, Coalinga Canal, and Mendota Pool (Reclamation 1963). In a stipulated agreement dated September 14, 1981, the contractual entitlement to CVP water was increased to 1.15 million AF. The long-term contract expired December 31, 2007. The third interim renewal contract for this contract was issued in 2012 and remains in effect until February 28, 2014. It is anticipated that this interim renewal contract would be renewed prior to its termination in 2014.

Assignments In 1999, Reclamation approved the three-way partial assignment (Contract No. 14-06-200-3365A-IR2) of 6,260 AFY to Santa Clara Valley Water District, Westlands Distribution District #1, and Pajaro Valley Water Management Agency from Mercy Springs Water District (Reclamation 1999). In 2003, Reclamation approved the partial assignment of 4,198 AFY from Mercy Springs Water District (Contract No. 14-06-200-3365A) to Westlands Distribution District #2 (Reclamation 2002). Between 2004 and 2006, Reclamation approved three other contract assignments from Delta-Mendota Canal contractors to Westlands Distribution District #1. These include: (1) 27,000 AFY from Broadview Water District (Contract No. 14-06-200-8092-IR8), (2) 2,990 AFY from Widren Water District (Contract No. 14-06-200-8018-1R7), and (3) 2,500 AFY from Centinella Water District [Contract No. 7-07-20-W0055] (Reclamation 2006, 2005a, 2004). The twelfth interim renewal contracts for these assignments were issued in 2012 and remains in effect until February 28, 2014. It is anticipated that these interim renewal contracts would be renewed prior to their termination in 2014. In 2012, Reclamation approved the assignment (Contract No. 14-06-200-7823J) of 4,000 AFY from Oro Loma Water District to WWD. This assignment runs consistent with Oro Loma Water District's long-term contract which expires in 2030 (Reclamation 2012b).

CVP Allocations The 10-year average allocation of south-of-Delta CVP water supplies available to Westlands between 2002 and 2011 are summarized in Table 3-1. The table lists maximum delivery percentages of CVP water on a yearly basis for agriculture purposes, and shows that the 10-year average is 62.5 percent of contract amounts, with the last four years averaging only some 43.8 percent of contract amounts. Due to south-of-Delta CVP operational constraints and fluctuating hydrologic conditions, water allocations in the future are likely to be similar to those shown in Table 3-1.

Table 3-1 Westlands Historical Water Supply

Water Year ¹	CVP Allocation (percent) ²	Net CVP Allocation (AF) ³	Groundwater (AF) ⁴	Water User Acquired (AF) ⁵	Additional District Supply (AF) ⁶	Total Supply (AF)	Fallowed Acres ⁷
2002	70	776,526	205,000	106,043	64,040	1,151,609	94,557
2003	75	855,306	160,000	107,958	40,362	1,163,626	76,654
2004	70	793,383	210,000	96,872	51,728	1,151,983	70,367
2005	85	986,159	75,000	20,776	108,335	1,190,270	66,804
2006	100	1,076,461	25,000	45,936	38,079	1,185,476	54,944
2007	50	629,520	315,000	87,554	79,810	1,111,884	96,409
2008	40	332,547	460,000	85,421	117,537	995,505	99,663
2009	10	195,716	480,000	68,070	77,424	821,210	242,239
2010	45	570,732	140,000	71,296	88,569	870,597	170,000
2011	80 ⁸	872,191 ⁸	25,000	50,000	196,036	1,143,227	75,000
Average	62.5	708,854	209,500	73,993	86,192	1,078,539	104,664

¹Water Year = March 1 to February 28/29 of the following year.
²Final CVP allocation per Water year.
³CVP allocation adjusted for carryover and rescheduled losses.
⁴Total groundwater pumped.
⁵Transfers between private landowners.
⁶Surplus water, supplemental supplies, and other adjustments.
⁷Agricultural land not in production.
⁸Estimated allocation.

3.1.2 Environmental Consequences

No Action

Under the No Action Alternative, Reclamation would not approve the additional point of delivery of up to 5,000 AF of BBID's non-CVP water to WWD via the San Luis Canal. BBID's non-CVP water would continue to be pumped into the Delta-Mendota Canal for later return to BBID's service area via exchange with Reclamation pursuant to the existing Warren Act Contract previously analyzed in EA-09-156. WWD would continue to receive their existing CVP water supplies dependent upon hydrologic conditions and operational constraints as it has in the past. Any additional water supply needs within WWD would need to be met from other sources, such as purchasing surface water supplies or from additional groundwater pumping.

Proposed Action

No additional CVP diversions are being generated or needed for the delivery of BBID's non-CVP water to WWD via the San Luis Canal. No modifications of existing facilities are required for the movement of this water to WWD. Therefore, there would be no impact to district or federal facilities or water rights as a result of the Proposed Action.

No activities such as dredging or filling of wetlands or surface waters would be required for implementation of the Proposed Action, therefore, permits obtained in compliance with the Clean Water Act are not required. Executive Order 11988 requires Federal agencies to prepare floodplain assessments for actions located within or affecting flood plains, and similarly, Executive Order 11990 places similar requirements for actions in wetlands. The Proposed Action would not affect either concern as there are none within the action area.

The amount of BBID's non-CVP water proposed for delivery to WWD is part of their existing pre-1914 water rights entitlement and would not require additional diversions. This water is approximately 10 percent of their entitlement and would not impact BBID's ability to service other agricultural or urban users. Therefore, the Proposed Action would not adversely impact surface water resources within BBID.

The addition of 5,000 AF of BBID's non-CVP water to WWD's overall water supply would help increase water supply reliability in WWD. Therefore, the Proposed Action would have beneficial impacts to water resources within WWD.

Cumulative Impacts

Cumulative impacts result from incremental impacts of the Proposed Action or No Action alternative when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. To determine whether cumulatively significant impacts are anticipated from the Proposed Action or the No Action alternative, the incremental effect of both alternatives were examined together with impacts from past, present, and reasonably foreseeable future actions in the same geographic area.

As in the past, hydrological conditions and other factors are likely to result in fluctuating water supplies which drives requests for water service actions. Water districts aim to provide water to

their customers based on available water supplies and timing, all while attempting to minimize costs. Farmers irrigate and grow crops based on these conditions and factors, and a myriad of water service actions are approved and executed each year to facilitate water needs. Each water service transaction involving Reclamation undergoes environmental review prior to approval.

Existing or foreseeable projects, in addition to the proposed delivery of BBID's non-CVP water to WWD, that could affect or could be affected by the Proposed Action or No Action alternative include the following:

Exchange Contractors 25-Year Water Transfer Program The San Joaquin River Exchange Contractors are currently transferring up to 130,000 AF of their substitute water to Reclamation under a 10-year (March 1, 2005, through February 28, 2014) water transfer program. Under the current program, the San Joaquin River Exchange Contractors develop sources of water to temporarily reduce the need for delivery of substitute water by Reclamation. The sources of water developed by the San Joaquin River Exchange Contractors include a maximum of 80,000 AF from conservation, tailwater recapture, and groundwater as well as a maximum of 50,000 AF from voluntary temporary land fallowing. For each AF of water developed by the San Joaquin River Exchange Contractors, an in-kind amount of water is considered acquired and left within the CVP for Reclamation to deliver to CVP contractors or wildlife areas. Reclamation and the San Joaquin River Exchange Contractors prepared an EIS/Environmental Impact Report (EIR) for the 10 year program and a ROD was completed March 23, 2005. As the program will expire soon, Reclamation and the San Joaquin River Exchange Contractors have proposed extending the program for another 25 years. A draft EIS/EIR was released for a 60 public review on May 4, 2012 (Reclamation 2012c).

San Joaquin River Restoration Project In 2006, the San Joaquin River Restoration Program (SJRRP) was established to implement the Stipulation of Settlement in *NRDC, et al. v. Kirk Rodgers et al.* The Settlement's two primary goals include: (1) restoration and maintenance of fish population in the San Joaquin River below Friant Dam to the confluence of the Merced River; and (2) management of water resources in order to reduce or avoid adverse water supply impacts to Friant Division long-term contractors. The SJRRP is a long-term effort to restore flows to the San Joaquin River from Friant Dam to the confluence of Merced River in order to meet the two goals established in the Settlement. In 2007, Reclamation released a notice of intent to prepare a programmatic EIS/EIR in the Federal Register. The draft programmatic EIS/EIR was released for a 60 public review on April 22, 2011 (Reclamation 2011a). A final programmatic EIS/EIR is pending.

As an initial action to guide implementation of the SJRRP, the Settlement requires that Reclamation modify releases from Friant Dam from October 1 to September 30 for a program of interim flows in order to collect pertinent scientific data and to implement a monitoring program. Environmental effects for the release of interim flows from Friant Dam down the San Joaquin River were addressed in a FONSI and EA/Initial Study entitled *Water Year 2010 Interim Flows Project* (Reclamation 2010) Supplemental EAs and FONSIs for continuation of interim flows were also completed for Water Years 2011 and 2012 (March 1, 2011 through February 28, 2013). Full restoration flows are scheduled to start no later than January 1, 2014.

In order to reduce or avoid adverse water supply impacts to all of the Friant Division long-term contractors that may result from the interim flows, Reclamation developed plans for recirculation, recapture, reuse, and exchange or transfer of interim flows. An EA that analyzed the impacts of recirculation of interim flows entitled *Recirculation of Recaptured Water Year 2012 San Joaquin River Restoration Program Interim Flows* was released for public comment on February 7, 2012 and a FONSI completed on April 3, 2012 (Reclamation 2012d).

Meyers Farms Groundwater Banking Program The Meyers Family Farm Trust pursued development of the Meyers Farm Water Bank to store water in above-normal and wet years for later use during below-normal, dry, and critically-dry years. Under the banking program, CVP and non-CVP water to be banked flows from the Mendota Pool into five recharge ponds. Banked water is later extracted and pumped into Mendota Pool for exchange with Reclamation. The original project was analyzed in EA-05-09 *Meyers Farm Water Banking Project – Mendota, California* and a FONSI signed May 9, 2005 (Reclamation 2005). Two supplemental EAs and FONSI for the project were prepared to increase the annual extraction rate and to add Banta-Carbona Irrigation District’s non-CVP surface water to the banking program. In addition, Reclamation has recently received a request to increase the rate of extraction from Meyers Bank from 6,316 AFY to 10,526 AFY, to amend the cumulative total amount of CVP water banked from 35,000 AF to 60,000 AF at any given time, to increase the amount of Banta Carbona Irrigation District’s non-CVP water conveyed in the Delta-Mendota Canal for banking from 5,000 AFY to 10,000 AFY, to approve the annual transfer of up to 5,000 AFY of Banta Carbona Irrigation District’s CVP water in-lieu of their non-CVP water for banking at Meyers Bank, and to deliver banked water via exchange to other areas within the service area of San Luis Water District. Reclamation is currently preparing an EA for the proposed amendments.

Tranquillity Irrigation District Transfer to San Luis Water District Under this project, Tranquillity Irrigation District could transfer up to 15,000 AF of its pumped groundwater to San Luis Water District via exchange with Reclamation at the Mendota Pool from March 1, 2011 through February 28, 2014 (Contract Years 2011 through 2013). Transfer in any single water year would not exceed 7,500 AF. The project was analyzed in EA-10-092 *Tranquillity Irrigation District/ San Luis Water District Groundwater Transfer/Exchange Program–2011 through 2013* and a FONSI completed on March 11, 2011 (Reclamation 2011b).

Conveyance of Kings River Flood Flows to Westlands Water District Under this project, WWD could convey up to 50,000 AF of Kings River flood flows in the San Luis Canal from January 1, 2012 through December 31, 2016. The project was analyzed in EA-11-002 *Westlands Water District – Warren Act Contract for Conveyance of Kings River Flood Flows in the San Luis Canal* and a FONSI signed January 26, 2012 (Reclamation 2012e).

Groundwater Pump-in Programs for San Luis Unit and Delta Division Contractors Under this project, participating CVP contractors within the Delta Division and San Luis Unit of the CVP could pump up to 50,000 AF total of groundwater into the Delta-Mendota Canal between March 1, 2012 through February 28, 2014 (Contract Years 2012 and 2013). The project was analyzed in EA-12-005 *Two-Year Exchange Agreements and/or Warren Act Contracts for Conveyance of Groundwater in the Delta-Mendota Canal – Contract Years 2012 through 2014 (March 1, 2012 – February 28, 2014)* and a FONSI was completed on May 8, 2012

(Reclamation 2012f). The action was previously conducted between March 1, 2010 through February 28, 2012 (Contract Years 2010 and 2011) and analyzed in EA-09-169. It is likely that these actions would be requested in the future.

Byron-Bethany Irrigation District Long-term Exchange Agreement Reclamation has received a request from BBID to enter into a 40-year contract for the introduction of up to 4,725 AFY of their non-CVP surface water in to the Delta-Mendota Canal for exchange with Reclamation. Reclamation is currently preparing an EA for the proposed project.

Reclamation's Proposed Action is the approval of additional points of delivery of up to 5,000 AFY of BBID's non-CVP water to WWD via the San Luis Canal. This is the same amount of water previously analyzed in EA-09-156; therefore, no additional non-CVP water would need to be introduced into the Delta-Mendota Canal for the Proposed Action. The Proposed Action and other similar projects would not interfere with the projects listed above, nor would it hinder the normal operations of the CVP and Reclamation's obligation to deliver water to its contractors or to local fish and wildlife habitat.

The Proposed Action would not cumulatively impact district or federal facilities or water rights as no additional diversions or changes to distribution facilities are needed to move this water.

BBID's non-CVP water under the Proposed Action is approximately 10 percent of their pre-1914 water rights entitlement. Combined with the proposed long-term exchange agreement, BBID has proposed to introduce for transfer up to 9,725 AFY of their pre-1914 entitlement into the Delta-Mendota Canal which is approximately 19 percent of their entitlement and would not impact BBID's ability to service other agricultural or urban water users; therefore, the Proposed Action would not cumulatively impact surface water resources within BBID.

The addition of 5,000 AF of BBID's non-CVP water to WWD's overall water supply would help increase water supply reliability in WWD. Therefore, the Proposed Action would have cumulatively beneficial impacts to water resources within WWD.

3.2 Biological Resources

3.2.1 Affected Environment

Reclamation requested an official species list from the U.S. Fish and Wildlife Service on June 12, 2012 via the Sacramento Field Office's website:

http://www.fws.gov/sacramento/ES_Species/Lists/es_species_lists-form.cfm (Document Number 120612085004). The list is for the following 7 ½ minute U.S. Geological Survey quadrangles, which overlapped WWD: Stratford, Westhaven, Kettleman City, Huron, Gujarral Hills, Avenal, La Cima, Coalinga, Burrel, Vanguard, Lemoore, Five Points, Westside, Harris Ranch, Calflax, Tres Pecos Farms, Lillis Ranch, Domengine Ranch, San Joaquin, Helm, Tranquillity, Coit Ranch, Levis, Cantua Creek, Chaney Ranch, Chounet Ranch, Tumey Hills, Monocline Ridge, Firebaugh, Hammonds Ranch, and Broadview Farms (USFWS 2012).

Reclamation further queried the California Natural Diversity Database (CNDDB) for records of protected species within the project location (CNDDB 2012). The two lists, in addition to other information within Reclamation's files were combined to create the following list (Table 3-2).

Table 3-2 Federal Protected Species with Potential to be Present

Species	Status ¹	Occurrence Potential in WWD Service Area ²
Amphibians		
California red-legged frog <i>Rana aurora draytonii</i>	T	Absent. No individuals or habitat in area of impact.
California tiger salamander <i>Ambystoma californiense</i>	T	Absent. No individuals or habitat in area of impact.
Bird		
burrowing owl <i>Athene cunicularia</i>	MBTA	Present. Documented as extant within WWD and potential habitat present. No construction of new facilities; no conversion of lands from existing uses.
California condor <i>Gymnogyps californianus</i>	E	Absent. No individuals or habitat in area of effect.
Swainson's hawk <i>Buteo swainsoni</i>	MBTA	Present. Documented as extant in Project Area. No construction of new facilities; no conversion of lands from existing uses.
western snowy plover <i>Charadrius alexandrinus nivosus</i>	T	Possible. Documented as extant within vicinity of WWD and potential habitat present. No construction of new facilities; no conversion of lands from existing uses.
Fish		
Central Valley Steelhead <i>Oncorhynchus mykiss</i>	T	Absent. No natural waterways within the species' range would be affected by the proposed action.
Delta smelt <i>Hypomesus transpacificus</i>	T	Absent. No natural waterways within the species' range would be affected by the proposed action.
Invertebrates		
valley elderberry longhorn beetle <i>Desmocerus californicus dimorphus</i>	T	Absent. No individuals or elderberry shrubs in area of impact.
vernal pool fairy shrimp <i>Branchinecta lynchi</i>	T	Absent. No individuals or vernal pools in area of impact.
vernal pool tadpole shrimp <i>Lepidurus packardii</i>	E	Absent. No individuals or vernal pools in area of impact.
Mammals		
Fresno kangaroo rat <i>Dipodomys nitratooides exilis</i>	E, X	Absent. No individuals or habitat in area of effect. Critical habitat outside of WWD service area.
giant kangaroo rat <i>Dipodomys ingens</i>	E	Possible. Individuals documented along northwestern border of WWD service area around Panoche Hills. Does not occur in agricultural habitats. No construction of new facilities; no conversion of lands from existing uses.
Tipton kangaroo rat <i>Dipodomys nitratooides nitratooides</i>	E	Possible. An individual was documented along southern border of WWD service area in the Kettleman Hills. Does not occur in agricultural habitats. No construction of new facilities; no conversion of lands from existing uses.

Species	Status ¹	Occurrence Potential in WWD Service Area ²
San Joaquin kit fox <i>Vulpes macrotis mutica</i>	E	Present. CNDDDB records indicate this species occurs in the Project Area. No construction of new facilities; no conversion of lands from existing uses.
Plant		
California jewelflower <i>Caulanthus californicus</i>	E	Absent. No individuals or habitat in area of impact.
palmate-bracted bird's-beak <i>Cordylanthus palmatus</i>	E	Absent. No individuals or habitat in area of impact.
San Joaquin woolly-threads <i>Monolopia congdonii</i>		Possible. CNDDDB records indicate this species occurs along Panoche Creek. Does not occur in agricultural habitats. No construction of new facilities; no conversion of lands from existing uses.
Reptiles		
Blunt-nosed leopard lizard <i>Gambelia sila</i>	E	Present. CNDDDB records indicate this species occurs in the Project Area. No construction of new facilities; no conversion of lands from existing uses.
giant garter snake <i>Thamnophis gigas</i>	T	Possible. CNDDDB records indicate this species occurs east of the Project Area, in Mendota Pool. No construction of new facilities; no conversion of lands from existing uses.
<p>Sources: USFWS Sacramento Database 2012, CNDDDB (California Natural Diversity Database) 2012</p> <p>1 Status= Listing of Federally special status species, unless otherwise indicated E: Listed as Endangered MBTA: Birds protected under the Migratory Bird Treaty Act T: Listed as Threatened X: Critical Habitat designated for this species</p> <p>2 Definition Of Occurrence Indicators Present: Species reported in area and habitat present Possible: Species reported within vicinity and suitable habitat present Absent: Species not reported from service area and habitat requirements not met</p>		

3.2.2 Environmental Consequences

No Action

Under the No Action Alternative, Reclamation would not approve the additional point of delivery of BBID's non-CVP water to WWD. BBID's non-CVP water would continue to be pumped into the Delta-Mendota Canal for later return to BBID's service area via exchange with Reclamation pursuant to the existing Warren Act Contract previously analyzed in EA-09-156. The previous action was found to have no effect on species protected under the Endangered Species Act (ESA) or birds protected by the Migratory Bird Treaty Act (MBTA).

Proposed Action

Affects are similar to the No Action Alternative. Most of the habitat types required by species protected under the ESA do not occur in the Proposed Action area. Any encountered biological resources are likely to be those associated with actively cultivated land. The Proposed Action would not involve the conversion of any land fallowed and untilled for three or more years as the non-CVP water would be used on existing agricultural lands. Such actions would require additional environmental review. Since no natural stream courses or additional surface water

pumping would occur and there are capacity limitations and water quality restrictions in the Delta-Mendota Canal, there would be no effect to listed fish species. No critical habitat occurs within the area affected by the Proposed Action; therefore, no primary constituent elements of any critical habitat would be affected.

Based upon the short duration of the water availability, the requirement that no native lands be converted without consultation with U.S. Fish and Wildlife Service, and the stringent requirements for introduction of non-CVP water into federal facilities, any potential impacts to wildlife (whether federally listed or not) would be precluded. Reclamation has determined there would be no effect to listed species or birds protected by the MBTA.

Cumulative Impacts

Existing conditions, such as loss of habitat due to urbanization and expanding agricultural lands that cumulatively impact listed species and their habitats, are expected to occur under either alternative. The additional point of diversion for the conveyance and storage of up to 5,000 AFY from BBID to WWD is not expected to contribute cumulatively to habitat loss as this water would be used consistent with current uses. Therefore, there would be no cumulative adverse impacts to biological resources as a result of the Proposed Action.

3.3 Socioeconomic Resources

3.3.1 Affected Environment

The agricultural industry significantly contributes to the overall economic stability of the San Joaquin Valley. WWD's service area is predominately rural and agricultural. There are several communities and a few cities in the surrounding area that are homes for farm workers. In addition, there are small businesses that support agriculture such as feed and fertilizer sales, machinery sales and service, pesticide applicators, transport, packaging, marketing, etc.

The regional economic indicators of social well being are all measures of the social conditions within a region. As of April 2012, unemployment in Fresno County has risen to 15.8 percent over 5 percent higher than the State (California Employment Development Department 2012). The number of people below the poverty level in Fresno County in 2011 was 22.5 percent, nearly 10 percent higher than the State (U.S. Census Bureau 2012).

3.3.2 Environmental Consequences

No Action

Under the No Action Alternative, Reclamation would not approve the additional point of delivery of BBID's non-CVP water to WWD. BBID's non-CVP water would continue to be pumped into the Delta-Mendota Canal for later return to BBID's service area via exchange with Reclamation pursuant to the existing Warren Act Contract previously analyzed in EA-09-156. There would be no impact to socioeconomic resources in BBID as there would be no change from existing conditions. WWD would need to find other water sources to supplement its diminished CVP water supply. This could potentially impact socioeconomic resources within WWD as purchasing additional water supplies and/or additional groundwater pumping could be costly and could impact farming within the district.

Proposed Action

The availability of this additional supplemental water supply would have beneficial impacts on socioeconomic resources with WWD as this water would be used to help sustain existing crops and maintain farming within the district. As there would be no adverse impact to water resources within BBID that would impact their ability to deliver water to their agricultural and urban uses, there would be no impacts to socioeconomic resources within BBID.

Cumulative Impacts

There may be adverse cumulative impacts to socioeconomic resources under the No Action Alternative as WWD may need to purchase more water supplies and/or increase groundwater pumping in order to meet irrigation demands. There would be no impact to BBID as conditions would remain the same within these districts. The availability of this additional supplemental water supply would have cumulatively beneficial impacts on socioeconomic resources with WWD as this water would be used to help sustain existing crops and maintain farming within the district. As there would be no impact to BBID's socioeconomic resources due to the Proposed Action, there would be no cumulative impacts.

Section 4 **Consultation and Coordination**

4.1 **Fish and Wildlife Coordination Act (16 U.S.C. § 661 et seq.)**

The Fish and Wildlife Coordination Act (FWCA) requires that Reclamation consult with fish and wildlife agencies (federal and state) on all water development projects that could affect biological resources. The amendments enacted in 1946 require consultation with the Service and State fish and wildlife agencies “whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license”. Consultation is to be undertaken for the purpose of “preventing the loss of and damage to wildlife resources”.

The Proposed Action does not involve any new impoundment or diversion of waters, channel deepening, or other control or modification of a stream or body of water as described in the statute, but the exchange of pumped groundwater for CVP water. In addition, no construction or modification of water conveyance facilities are required for movement of this water. Consequently, Reclamation has determined that FWCA does not apply.

4.2 **Endangered Species Act (16 U.S.C. § 1531 et seq.)**

Section 7 of the ESA requires Federal agencies, in consultation with the Secretary of the Interior and/or Commerce, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of the critical habitat of these species.

Based upon the short duration of the water availability, the requirement that no native lands be converted without consultation with U.S. Fish and Wildlife Service, and the stringent requirements for introductions of non-CVP water into federal facilities that would preclude any impacts to wildlife, whether federally listed or not, Reclamation has determined there would be no effect to listed species.

4.3 **National Historic Preservation Act (16 U.S.C. § 470 et seq.)**

The National Historic Preservation Act of 1966 (NHPA), as amended (16 U.S.C. 470 et seq.), requires that federal agencies give the Advisory Council on Historic Preservation an opportunity to comment on the effects of an undertaking on historic properties, properties that are eligible for inclusion in the National Register of Historic Places. The 36 CFR Part 800 regulations implement Section 106 of the NHPA.

Section 106 of the NHPA requires federal agencies to consider the effects of federal undertakings on historic properties, properties determined eligible for inclusion in the National

Register. Compliance with Section 106 follows a series of steps that are designed to identify interested parties, determine the Area of Potential Effect, conduct cultural resource inventories, determine if historic properties are present within the Area of Potential Effect, and assess effects on any identified historic properties.

Reclamation has determined that the proposed undertaking of adding an additional point of delivery for BBID's Non-CVP water to WWD is the type of undertaking that has no potential to affect historic properties pursuant to 36 CFR Part 800.3(a)(1).

4.4 Migratory Bird Treaty Act (16 U.S.C. § 703 et seq.)

The MBTA implements various treaties and conventions between the United States and Canada, Japan, Mexico and the former Soviet Union for the protection of migratory birds. Unless permitted by regulations, the Act provides that it is unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not. Subject to limitations in the Act, the Secretary of the Interior may adopt regulations determining the extent to which, if at all, hunting, taking, capturing, killing, possessing, selling, purchasing, shipping, transporting or exporting of any migratory bird, part, nest or egg will be allowed, having regard for temperature zones, distribution, abundance, economic value, breeding habits and migratory flight patterns.

The Proposed Action would not change the land use patterns of the cultivated or fallowed fields that do have some value to listed species or birds protected by the MBTA; therefore, the Proposed Action would not affect birds protected by the MBTA.

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