

RECLAMATION

Managing Water in the West

Supplemental Environmental Assessment

Supplement to the South-of-Delta Accelerated Water Transfer Program to Include Water Acquisitions for Refuges

SEA-13-007



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

June 2013

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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Section 1 Introduction

1.1 Background

The Central Valley Project Improvement Act (CVPIA, Title 34 of Public Law 102-575) was signed into law in 1992 to mandate changes in management of the Central Valley Project (CVP). In addition to protecting, restoring, and enhancing fish and wildlife, one of the other purposes of the CVPIA is to increase water-related benefits provided by the CVP to the State of California through expanded use of voluntary water transfers and improved water conservation. To assist California urban areas, agricultural water users, and others in meeting their future water needs, Section 3405(a) of the CVPIA authorizes all individuals or districts who receive CVP water under water service or repayment contracts, water rights settlement contracts or exchange contracts to transfer, subject to certain terms and conditions, all or a portion of the water subject to such contract to any other California water users or water agency, State or Federal agency, Indian Tribe, or private non-profit organization for project purposes or any purpose recognized as beneficial under applicable State law. In addition, Section 3406(d)(2) of the CVPIA requires that the Secretary of the Interior provide water supplies to maintain and improve wetland habitat units of the Central Valley Refuges and Wildlife Habitat Areas.

After enactment of the CVPIA, the Bureau of Reclamation (Reclamation) has historically acknowledged water transfers and/or exchanges between CVP contractors geographically situated within the same region and who are provided water service through the same CVP facilities under an accelerated water transfer program (AWTP). The most recent AWTP for South of Delta (SOD) CVP contractors was analyzed in an Environmental Assessment (EA) entitled *Accelerated Water Transfers and Exchanges between Central Valley Project Contractors South of Delta Contractors Years 2011-2015* (EA-10-051). EA-10-051 analyzed the continued implementation of a five-year AWTP (March 1, 2011 through February 29, 2016) between SOD CVP contractors with access to Delta Division Facilities. A Finding of No Significant Impact (FONSI) was signed on February 14, 2011. Both EA and FONSI (Reclamation 2011) are hereby incorporated by reference.

Although SOD wildlife refuges were identified as recipients of transfers or exchanges pursuant to the AWTP in EA-10-051, water acquisition by Reclamation pursuant to Section 3406(d)(2) was not nor was there an analysis of refuges receiving transferred or exchanged water. Consequently, Reclamation is amending the previous EA to include water acquisitions for refuges and analyze the delivery of water to the refuges.

1.2 Need for the Proposed Action

Reclamation needs to acquire and deliver transferred or exchanged water in order to meet the refuge water requirements of CVPIA Section 3406(d)(2). The purpose of the Proposed Action is to continue to implement an accelerated water transfer program (AWTP) that facilitates efficient water management by allowing Reclamation and refuges to conduct annual water transfers and exchanges under an accelerated program which streamlines Reclamation's approval process. The

AWTP is needed to reduce redundant reviews and costs associated with Reclamation's approvals.

1.3 Scope

In accordance with Section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), as amended, this Supplemental EA (SEA) has been prepared to examine the potential direct, indirect, and cumulative impacts to the affected environment associated with the Proposed Action and No Action Alternative. The temporal scope of this SEA covers the same time period analyzed in EA-10-051 for the five-year AWTP (March 1, 2011 through February 29, 2016). The spatial scope of this SEA is the same as that covered in EA-10-051, except for the addition of the wildlife refuges shown in Figure 1-1 as recipients of water under the Water Acquisition Program.

1.4 Resources of Potential Concern

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

- Water Resources
- Biological Resources

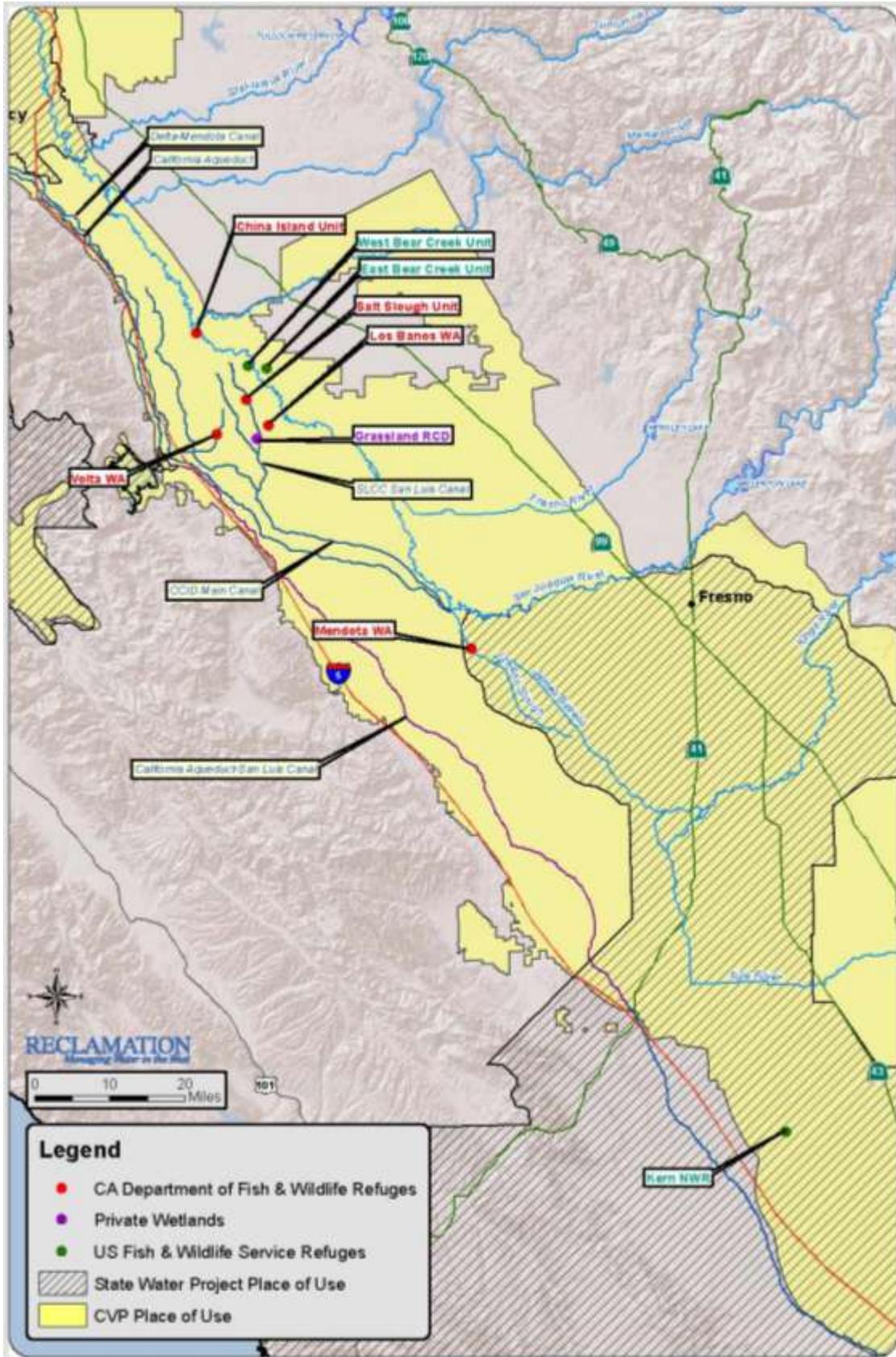


Figure 1-1 SOD Refuges Included in the Proposed Action

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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

Reclamation would not approve an accelerated water acquisition program for wildlife refuges during the timeline covered by EA-10-051 (March 1, 2011 through February 29, 2016). Temporary water acquisitions for refuges would continue on a case-by-case basis subject to separate environmental analysis and administrative review and approval.

2.2 Proposed Action

Reclamation proposes to implement an accelerated water acquisition program for wildlife refuges pursuant to Section 3406(d)(2) of the CVPIA. Reclamation would purchase CVP water annually from willing SOD contractors and/or Cross Valley contractors as described in EA-10-051 for the refuges shown in Figure 1-1. Purchased water would be delivered to the refuges through existing facilities via transfer or exchange as described in EA-10-051. No construction or modification of facilities would be needed for delivery of this water.

The Proposed Action would allow Reclamation to acknowledge the annual acquisition of CVP water for refuges without any additional environmental analysis for the period March 1, 2011 through February 29, 2016. The cumulative amount of water transferred, exchanged, or purchased under the water acquisition program annually would be limited to 150,000 acre-feet (AF) as described in EA-10-051. Prior to acknowledgement, each proposed acquisition would be reviewed by the Contracting Officer for consistency with the project description within this SEA, EA-10-051, and all applicable permits, laws and regulations.

2.2.1 Environmental Commitments

As described in EA-10-051, SOD CVP Contractors would transfer or exchange up to 150,000 AF of their SOD CVP contract supply each year subject to the following parameters:

- Transfers or exchanges addressed in EA-10-051 and this SEA are transfers or exchanges of CVP water between SOD Contractors all of whom are deemed to be located within the same geographical area. This includes transfers between Delta Division, San Luis Unit, San Felipe Division and the Cross Valley Contractor's Delta supply as well as SOD refuges as the recipients of transfers.
- Transfers that are greater than 20 percent of a contractor's supply must be publically noticed by the contractor prior to acknowledgment of such transfer.
- Transferred water can be either Agricultural or Municipal and Industrial (M&I) water.

- Transfers shall be of the type historically carried out among SOD Contractors.¹
- There would be no restriction on directionality – transfers do not require return transfers at a later date or year.
- The ultimate purpose of use can be for Agricultural, M&I purposes, fish and wildlife purpose and or groundwater recharge.
- Transfers would be completed between March 1st and February 28th or February 29th of any contract year.
- All transfers and exchanges will be between willing sellers and willing buyers.
- Exchanges must be completed within a one-year period (365 days) from date of initial delivery of exchanged water.
- Transfers and exchanges are limited to a cumulative total of 150,000 AF total annually.
- Transfers or exchanges would occur without new construction or modifications to facilities.
- Transfers or exchanges are limited to existing supply and will not increase overall consumptive use.
- Pertains to CVP water that would have been consumptively used or irretrievably lost to beneficial use during the year of the transfer.
- Transfers or exchanges cannot exceed the average annual quantity of water under contract actually delivered to the Contractor during the last three years of normal deliveries prior to enactment of the CVPIA.
- Transfers or exchanges for Agriculture would be used on lands irrigated within the last three consecutive years.
- Transfers or exchanges would not lead to any land conversions.
- Transfers or exchanges would comply with all Federal, State, Local or Tribal laws or requirements imposed for the protection of the environment and Indian Trust Assets.
- The Transferee would comply with Reclamation Reform Act.
- Water for transfer or exchange may not be freed up by shifting to an alternative surface water source that could potentially adversely affect CVP operations or other third party interests.

This Proposed Action does not cover:

- Transfers or exchanges that meet the above criteria but are increments of larger actions
- Transfers or exchanges that involve the transfer of previously transferred water
- Transfers or exchanges that involve a third party intermediary as an exchanger
- Transfers or exchanges of Section “215” water

¹ “Transfers of the type historically carried out among Project Contractors” shall mean transfers that are short-term transfers and the type that historically occurred within the same year for agricultural purposes prior to enactment of Section 3405(a) of Public Law 102-575, and those that have historically occurred for additional beneficial purposes subsequent to CVPIA, between CVP contractors located within the same geographical areas of the CVP, each of whom had a long-term interim contract with Reclamation for CVP water service that allowed for the transfer and/or exchange of CVP water.

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-10-051 is the acquisition, transfer, and exchange of CVP water by Reclamation for the wildlife refuges identified in Figure 1-1. Therefore, the affected environmental and environmental consequences section in this EA will focus on those changes and will not repeat information included in EA-10-051 as it is incorporated by reference into this SEA.

3.1 Water Resources

3.1.1 Affected Environment

Pursuant to Section 3406(d) of the CVPIA, the Secretary of the Interior, Reclamation, is obligated to provide firm water supplies of suitable quality to 19 specific wetlands and wildlife habitat areas (refuges) in the California Central Valley, including those identified in Figure 1-1. Refuge water allocations are distinguished for two water types, Level 2 and Level 4. Level 2 Refuge Water Supplies refer to the historical annual average amount of water the refuges received between 1977 and 1984. Level 4 Refuge Water Supply is the annual amount of water needed for full development of the refuges based upon management goals developed in the 1980s. Incremental Level 4 is the difference between historic annual average water deliveries (Level 2) to refuges, and the refuge water supplies required to achieve optimum wetlands and wildlife habitat management (Level 4).

Level 2 water supplies are primarily provided from CVP supplies. However, a small percentage of Level 2 supplies are met through other diverse sources including state water rights water and groundwater. Reclamation must acquire Incremental Level 4 water supplies through various means, including spot market purchases and groundwater development as Incremental Level 4 supplies are not provided from CVP yield.

Section 3406(d)(2) of the CVPIA requires that Reclamation provide full Level 4 supplies to all refuges starting in 2002. However, due to constraining issues including availability of water for Incremental Level 4 acquisition, funding and inadequate external conveyance capacity, Reclamation has not yet been able to meet that goal.

The supply of water needed for the refuges included in the Proposed Action is summarized in Table 3-1. The total Level 2 supply needed for the refuges under the Proposed Action is 209,837 AF and the total Incremental Level 4 supply is 110,388 AF.

Table 3-1 Wildlife Refuge Level 2 and Incremental Level 4 Contract Quantities

Refuges	Per Exhibit B of the Water Supply Contracts (Acre-Feet)		
	Level 2	100% Incremental Level 4 ¹	Total
San Luis NWR Complex			
East Bear Creek Unit ²	8,863	4,432	13,295
Los Banos Wildlife Area	16,670	8,330	25,000
West Bear Creek Unit	7,207	3,603	10,810
North Grasslands WA Complex			
China Island Unit	6,967	3,483	10,450
Grassland RCD	125,000	55,000	180,000
Mendota Wildlife Area ²	18,500	11,150	29,650
Salt Slough Unit	6,680	3,340	10,020
Volta Wildlife Area	10,000	6,000	16,000
Tulare Lake Basin			
Kern NWR	9,950	15,050	25,000
Total	209,837	110,388	320,225

¹Without conveyance losses.
²Conveyance constraints exist that inhibit full delivery of water supply.

3.1.2 Environmental Consequences

No Action

Under the No Action alternative, Reclamation would continue to seek water for the wildlife refuges listed in Figure 3-1 as required by Section 3406(d) of the CVPIA; however, water acquisition would not be done under an accelerated program requiring individual environmental review potentially impacting delivery of water to the refuges during critical refuge operational time periods.

Proposed Action

Under the Proposed Action, Reclamation would acquire CVP water supplies from willing sellers under an accelerated water acquisition program. The sources and amounts of water for the refuges are the same as those analyzed for the AWTP in EA-10-051 and would come from willing SOD and Cross Valley contractors covered in EA-10-051. As the water supply would be from SOD and Cross Valley contractors' allocations, the Proposed Action would not alter CVP operations, water storage or release patterns from CVP facilities, or the maximum volume of water delivered to the contractors. The delivery of CVP water acquired from willing sellers to the refuges would not affect water supply diversions from the Delta since this would be the same water supply already allocated to the districts south of the Delta and no additional diversions would be needed. Therefore, the Proposed Action would not interfere with Reclamation's obligations to deliver CVP water to other CVP contractors, wetland habitat areas, or for other environmental purposes. In addition, CVP water would be delivered to the refuges through existing infrastructure and would not require additional construction or modification of facilities for delivery. Therefore, there would be no impacts to CVP operations, facilities or supplies.

Delivery of CVP water under an accelerated acquisition program would provide operational flexibility and timely delivery of water supplies to the refuges as water is acquired resulting in beneficial water supply effects for the refuges.

Cumulative Impacts

Neither the No Action or Proposed Action alternatives would result in impacts to CVP water supplies, operations, or facilities when considered in combination with past, present, and future projects as the supplies would not increase diversions and would come from willing sellers' allocations; therefore there would be no cumulative impacts to these resources. Water acquisition under an accelerated program in conjunction with past, present, and future individual water acquisition actions could have a beneficial cumulative impact on refuges due to increased water supply reliability especially during critical operational time periods.

3.2 Biological Resources

3.2.1 Affected Environment

Refuges manage wetlands and other habitat types for wildlife foraging, nesting, and cover. Water use on refuges varies by depth, timing, and duration depending on the refuge habitat types being managed and the biological requirements of wildlife. The timing, speed, and duration of draw downs and flooding have important effects on plant and invertebrate composition, production, and wildlife use as well as the control of problem vegetation and disease outbreaks. The application of additional water is necessary during off-season irrigation for key forage species, seepage, evaporation, evapotranspiration, salt balance, and other factors.

San Luis National Wildlife Refuge Complex

The following refuges from the San Luis National Wildlife Refuge Complex are included in the Proposed Action:

East Bear Creek Unit Acquired in 1993, the 4,000-acre East Bear Creek Unit is located east of the San Joaquin River, in Merced County. The East Bear Creek Refuge includes Bear Creek and contains natural grasslands, vernal pools, riparian floodplain habitat, irrigated pasture and seasonal wetlands. East Bear Creek, as part of the San Luis National Wildlife Refuge, is managed primarily for migratory waterfowl, shorebirds, marsh and water birds and their associated habitat types, as well as for listed species. The Unit provides wetland habitat as a major wintering ground and migratory stopover point for large concentrations of waterfowl, shorebirds and other waterbirds. A rich botanical community of native bunchgrasses, native and exotic annual grasses, forbs, native shrubs, trees, and a variety of animal species are found on the refuge.

Los Banos Wildlife Area Purchased in 1929, Los Banos Wildlife Area was the first of a series of waterfowl refuges established throughout the state to manage habitat for wintering waterfowl. Expanded from its original 3,000 acres, there are now 6,217 acres of wetland habitat which includes lakes, sloughs and managed marsh. Western pond turtles, raccoons, striped skunks, beaver and muskrats, as well as over 200 species of birds are among the many animals found here.

West Bear Creek Unit The 3,892-acre West Bear Creek Unit was purchased from Joseph Gallo by the U.S. Fish and Wildlife Service (USFWS). This acquisition, formerly identified as West Gallo, was a major component of the San Joaquin Basin Plan/Kesterson Mitigation Plan, an interagency agreement involving Reclamation, USFWS and the California Department of Fish

and Game (now the California Department of Fish and Wildlife). At time of acquisition, this area consisted mainly of native grasslands and leveled agricultural fields, bordered on the west by Salt Slough and on the east by the San Joaquin River. Waterfowl that used the natural channels, basins, vernal pools, and associated uplands within this area included white-fronted cackling, Canada geese, breeding duck pairs, and hens with broods (counts as high as 500-1200). In addition, up to 3,000 sandhill cranes used the area in winter.

North Grasslands Wildlife Area Complex

The following refuges from the North Grasslands Wildlife Area Complex are included in the Proposed Action:

China Island Unit The 3,315-acre China Island Unit borders the San Joaquin River southwest of the confluence with the Merced River. The unit consists mainly of irrigated pasture and natural, but it also contains Valley oak woodland/riparian habitat that provides important habitat for a variety of wildlife. In addition, pastures provide habitat for geese, including the federally listed Aleutian Canada goose, and sandhill cranes. The China Island Unit, along with the Salt Slough Unit, was a part of the initial purchase of new lands to implement the San Joaquin Basin Action Plan/Kesterson Mitigation Plan. The State of California acquired both of these units in 1990 and managed them collectively as the North Grasslands Wildlife Area.

Grassland Resource Conservation District The Grassland Resource Conservation District (GRCD) contains approximately 75,000 acres and is composed of privately-owned hunting clubs and other privately-owned wetland areas, as well as all or portions of several state wildlife areas (such as Volta Wildlife Area, Los Banos Wildlife Area, Mud Slough Unit, Gadwall Unit, and Salt Slough Unit) and federal wildlife refuges (such as Kesterson National Wildlife Refuge, San Luis National Wildlife Refuge, Freitas Unit, and Blue Goose Unit). The area is the largest contiguous block of wetlands remaining in California's Central Valley and is a major wintering ground for migratory waterfowl and shorebirds of the Pacific Flyway. Up to 30 percent of the Central Valley's wintering population of ducks use this area, which is located in the San Joaquin Valley in Merced County.

Mendota Wildlife Area The Mendota Wildlife Area (MWA) encompasses 11,802 acres and is located in western Fresno County, approximately four miles southeast of the town of Mendota, California. The MWA is a large managed wetland habitat area in the south-central San Joaquin Valley, and constitutes valuable wildlife habitat in the midst of extensive farmland. The area is a major component of the Pacific Flyway, fostering the survival of migratory waterfowl and associated species from Alaska to Mexico, in addition to providing critical habitat for numerous resident species.

Salt Slough Unit The 2,241-acre Salt Slough Unit is located on the west side of Salt Slough, adjacent to San Luis NWR and Los Banos WA. As described for the China Island Unit, the Salt Slough Unit was one of the initial lands purchased in implementing the San Joaquin Basin Action Plan/Kesterson Mitigation Plan. California Department of Fish and Wildlife manages the unit as part of the North Grasslands Wildlife Area, along with the China Island Unit. Before its acquisition, the unit consisted mainly of irrigated pasture and was managed as a cattle ranch. The pasture provides important late-winter and early-spring habitat for geese, including the federally

listed Aleutian Canada goose. The unit also contains riparian habitat and some seasonal wetlands.

Volta Wildlife Area The 3,000-acre Volta Wildlife Area is located in western Merced County, approximately six miles east of the Santa Nella Water District and approximately seven miles northwest of the town of Los Banos. The area is situated on the north side of Ingomar grade and abuts the northwest portion of the Grassland Water District (GWD). The refuge lies within the GRCD, along its southwest boundary. The refuge maintains more than 1,800 acres of wetlands, including 1,400 acres of moist soil plants; 720 acres of alkali sink habitat are preserved on the refuge as a rare ecological community. The Volta Wildlife Area provides habitat for a variety of bird species, including ducks, geese, shorebirds, coots, and wading birds. Black-necked stilts, sandpipers, dunlins, and dowitchers are the dominant shorebird species.

Tulare Lake Basin

The following refuges from the Tulare Lake Basin are included in the Proposed Action:

Kern National Wildlife Refuge This refuge is the centerpiece of the Kern National Wildlife Refuge Complex. It is located 19 miles west of the city of Delano at the southern end of the San Joaquin Valley of California, within the historic Tulare Lake Basin. Until the 1900's, this area was covered by an inland lake and wetland complex totaling over 625,000 acres. But over time, agricultural and urban use drained the wetlands. Damming projects in the Sierra Nevada Mountain range cut off their historical inflow, resulting in 98 percent of the wetlands being lost. The refuge is one of the few remaining wetlands left in the area. Kern National Wildlife Refuge was established on November 18, 1960 to replace a portion of the lost wetlands, providing habitat for migratory waterfowl and shorebirds and consists of 11,249-acres of natural desert uplands, a relict riparian corridor, and developed seasonal marsh. The refuge provides critical, optimum wintering habitat for migratory waterfowl, water birds, shorebirds, and other wetland-dependent wildlife

3.2.2 Environmental Consequences

No Action

Under the No Action alternative, Reclamation would continue to seek water for the wildlife refuges listed in Table 3-1 as required by Section 3406(d) of the CVPIA; however, water acquisition would not be done under an accelerated program requiring individual environmental review potentially impacting delivery of water to the refuges during critical refuge operational time periods.

Proposed Action

Under the Proposed Action, the refuges listed in Table 3-1 would have a more streamlined program for receiving water. However, as with the No Action, in both cases, Reclamation would comply with Section 3406(d) of the CVPIA, and so management of the refuges would not be different under either the No Action or the Proposed Action alternative. Species and their habitats would not benefit or be adversely affected by the Proposed Action, relative to the No Action alternative. No infrastructure would be built to achieve the Proposed Action and therefore there would be no construction-related impacts.

Cumulative Impacts

As the Proposed Action would not result in any direct or indirect impacts to biological resources, it would not contribute cumulatively to any impacts on those resources.

3.3 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:

3.3.1 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, Reclamation would purchase CVP water from willing sellers which would then be delivered through existing infrastructure to the wildlife refuges identified in Figure 1-1. 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 a result of the Proposed Action.

3.3.2 Cultural Resources

There would be no impact to Cultural Resources under the No Action Alternative as conditions would remain the same as existing conditions. Reclamation determined on March 5, 2013 that the Proposed Action has no potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1). See Appendix A for Reclamation's determination.

3.3.3 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 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.

3.3.4 Indian Trust Assets

No impact to Indian Trust Assets would occur under the No Action Alternative as conditions would remain the same as existing conditions. Reclamation determined on March 4, 2012 that the Proposed Action would not impact Indian Trust Assets as there are none in the Proposed Action area. See Appendix A for Reclamation's determination.

3.3.5 Environmental Justice

The Proposed Action does not propose any features that would result in adverse human health or environmental effects, have any physical effects on minority or low-income populations, and/or alter socioeconomic conditions of populations that reside or work in the vicinity of the Proposed Action.

3.3.6 Socioeconomics

There would be no impacts to socioeconomics under the No Action Alternative as conditions would remain the same as existing conditions. The acquisition of CVP water by Reclamation would be from willing sellers and would not change socioeconomic resources within the

respective districts; therefore, there would be no impacts to socioeconomic resources due to the Proposed Action.

3.3.7 Air Quality

There would be no impacts to air quality under the No Action Alternative as conditions would remain the same as existing conditions. Under the Proposed Action, water acquired under an accelerated program would be delivered to wildlife refuges through existing facilities. Delivery of this water would require no modification of existing facilities or construction of new facilities. In addition, water delivery under the Proposed Action would move via gravity and electrical pumps as it would under the No Action Alternative; therefore, there would be no impact to air quality as a result of the Proposed Action. Since the Proposed Action has no potential to cause direct or indirect emissions of criteria pollutants that equal or exceed *de minimis* thresholds, a conformity analysis is not required pursuant to the Clean Air Act.

3.3.8 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.

Section 4 Consultation and Coordination

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

Section 7 of the Endangered Species Act 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.

Reclamation has determined that the Proposed Action would not affect any federally listed or proposed species or critical habitat. Therefore, no consultation under section 7 of the Endangered Species Act is required.

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

The Migratory Bird Treaty Act 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 maintain the same type, amount and locations of migratory bird habitat as the No Action alternative. There would be no impact to migratory birds.

Section 5 Preparers and Reviewers

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Section 6 Acronyms and Abbreviations

AF	Acre-feet
AWTP	Accelerated Water Transfer Program
CVP	Central Valley Project
CVPIA	Central Valley Project Improvement Act
EA	Environmental Assessment
FONSI	Finding of No Significant Impact
GRCD	Grassland Resource Conservation District
GWD	Grassland Water District
Level 2	Historic annual average water deliveries to refuges
Level 4	Refuge water supplies required to achieve optimum wetlands and wildlife habitat management
M&I	Municipal and Industrial
MWA	Mendota Wildlife Area
Reclamation	Bureau of Reclamation
SEA	Supplemental Environmental Assessment
SOD	South-of-Delta
USFWS	U.S. Fish and Wildlife Service

Section 7 References

Bureau of Reclamation (Reclamation). 2011. Final Environmental Assessment and Findings of No Significant Impact. *Accelerated Water Transfers and Exchanges, Central Valley Project Water, South of Delta Contractors 2011-2015* (FONSI/EA-10-051). Mid-Pacific Region South-Central California Area Office. Fresno, California.