

RECLAMATION

Managing Water in the West

DRAFT FINDING OF NO SIGNIFICANT IMPACT

Oro Loma Water District Partial Assignment of 4,000 acre-feet of Central Valley Project Water to Westlands Water District

FONSI-11-092

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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 the partial assignment of 4,000 acre-feet (AF) of Oro Loma Water District's (SSJMUD) Central Valley Project (CVP) water service contract to Westlands Water District (Westlands). This draft Finding of No Significant Impact is supported by Reclamation's Environmental Assessment (EA) Number EA-11-092, *Oro Loma Water District Partial Assignment of 4,000 acre-feet of Central Valley Project Water to Westlands Water District*, and is hereby incorporated by reference.

Reclamation intends to provide the public with an opportunity to comment on the draft FONSI and draft EA during a 30-day public review period.

Background

Westlands is a CVP contractor with a water service contract of 1,150,000 acre-feet (AF) and five assignment contracts of 42,948 AF with Reclamation summing up to 1,192,948 AF annually from the Sacramento-San Joaquin River Delta (Delta). Due to legislative, regulatory, and environmental actions, the reliability of this CVP supply has been reduced significantly, and now averages from 60 to 65 percent of contract amounts. To make up for the difference between the available CVP water supply and demands, Westlands and individual landowners have in recent years obtained, and are projected to obtain in the future, additional water supplies to supplement groundwater pumping.

Oro Loma is a CVP contractor with a water service contract with Reclamation for up to 4,600 AF per year (AFY) from the Delta. Poor soil conditions and a shallow groundwater table prevent landowners in Oro Loma from maximizing the beneficial use of this water supply. Consequently, Oro Loma has historically transferred some of their CVP water supply to other CVP contractors, such as Westlands, through the South-of-Delta (SOD) Accelerated Water Transfer Program (AWTP) which is an accelerated process that allows for water transfers and exchanges under Section 3405 of Central Valley Project Improvement Act (CVPIA, Title 34 of Public Law 102-575).

Rather than continue annual transfers under the SOD AWTP, Westlands and Oro Loma have requested Reclamation's approval for the partial assignment of 4,000 AF of Oro Loma's CVP water service contract to Westlands.

Proposed Action

Reclamation proposes to issue a partial assignment contract to Westlands for 4,000 AF of CVP water. In turn, Reclamation will amend Oro Loma's existing CVP water service contract to reflect Oro Loma's CVP contract quantity to be 600 AF.

As a result of the proposed assignment, water that was formerly transferred to Westlands from Oro Loma on an annual basis will be delivered to Westlands through the San Luis Canal (SLC) as scheduled for delivery by Westlands instead of Oro Loma. The assigned 4,000 AF of SOD CVP contractual supply will be used to meet Westlands' in-district demands and other uses consistent with the existing water service contract and Reclamation approvals.

No new infrastructure, modifications of facilities, or ground disturbing activities will be needed for movement of this water. No native or untilled land (fallow for three years or more) will be cultivated with water involved with these actions.

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 factors:

FINDINGS

Water Resources

The Proposed Action will not affect CVP operations and will not change existing diversion points from the Delta under Reclamation's water rights permits. The Proposed Action will not interfere with Reclamation's obligations to deliver water to other contractors, wetland habitat areas, or for other environmental purposes. The Proposed Action will not impact implementation of the SOD AWTP.

There will be no change in the point of diversion for the assigned water as the point of diversion in the Delta (Jones Pumping Plant) will be the same. In addition, as the water is already part of the baseline conditions for diversion from the Delta, there will be no increase in diversions from the Delta as a result of this assignment. Conveyance of the assigned water will be done through the SLC rather than the Delta-Mendota Canal which has been done previously when the water was annually transferred to Westlands.

Transfer of Oro Loma's CVP water supply (up to 100 percent) to other CVP contractors has occurred over the last 10 years. Since 2005, between 87 and 100 percent of Oro Loma's CVP water supply has been transferred solely to Westlands. The assignment of 4,000 AF of Oro Loma's supply will not change the environmental baseline of delivery of this water to Westlands as it has been occurring historically. Rather, the assignment will provide long-term reliability of this supply to Westlands. As Oro Loma cannot beneficially use their entire contract supply, the assignment will help to balance out deficiencies within Westlands and make the most beneficial use of available CVP supplies. The use of this water in Westlands will reduce the need for transfers of alternate sources of surface water. Oro Loma's remaining 600 AF CVP allocation will likely be used by Oro Loma in the same manner as its current supply, i.e. they will either use it to irrigate annual crops or continue to transfer it to other contractors through the SOD AWTP.

Land Use

Under the Proposed Action, there will be no impacts to land use within Oro Loma or Westlands as conditions will be similar to existing conditions. Oro Loma's CVP water has historically been transferred outside of Oro Loma to areas that support higher value crops (such as Westlands in the previous five years), and the Proposed Action will make these annual transfers permanent.

No native habitat, untilled lands or lands fallow for three or more years will be brought into production with this water as this water will be used to maintain existing crops within Westlands.

Biological Resources

Under the Proposed Action, the water will be conveyed in existing facilities to established agricultural lands similar to what has been done for the last five years during annual transfers between Westlands and Oro Loma. No native lands or lands fallowed and untilled for three or more years will be disturbed as this water will be used on existing farmed lands. The Proposed Action will not affect migratory birds, imperiled species, unique habitats, or species and habitats protected by federal or state law. No Essential Fish Habitat exists in the authorized Place of Use within the bounds of the agencies; therefore, the Proposed Action could not affect Essential Fish Habitat. Reclamation has determined that the Proposed Action will have no effect on Federally listed threatened or endangered species, designated critical habitat, or proposed or candidate species and critical habitat.

Cultural Resources

The Proposed Action consists of Reclamation issuing a partial assignment contract to Westlands and amending Oro Loma's repayment contract. As with the No Action alternative, the Proposed Action will result in no impacts to cultural resources.

Indian Sacred Sites

The Proposed Action involves the conveyance of water through existing facilities to established agricultural lands. Neither restriction of access to nor adverse effects to the physical integrity of any sacred sites will occur. As such, there be no direct, indirect, or cumulative impacts to Indian sacred sites as a result of the Proposed Action.

Indian Trust Assets

There will be no impact to Indian Trust Assets 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 nor will it disproportionately impact economically disadvantaged or minority populations. The Proposed Action may support and maintain jobs that low-income and disadvantaged populations rely upon through increased irrigation water supply reliability. Therefore, there may be a slight beneficial impact to minority or disadvantaged populations as a result of the Proposed Action.

Socioeconomic Resources

Under the Proposed Action, the status quo of agriculture will be maintained. CVP contractors will re-distribute CVP water to balance out local deficiencies in water supply and promote efficient irrigation of crops. The most productive farmland will remain in production. Seasonal labor requirements will have very little change, and businesses that support agriculture will not be financially harmed. The assignment will allow more productive and labor-intensive land to remain in production, thereby potentially improving socioeconomic conditions in the region.

Air Quality

Under the Proposed Action, CVP water will be delivered off the SLC to Westlands rather than off the DMC to Oro Loma. Delivery of this water will require no modification of existing facilities or construction of new facilities. In addition, 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 and there will be no impact to air quality as a result of the Proposed Action.

Global Climate Change

Electric pumps produce carbon dioxide that could potentially contribute to greenhouse gases. However, water under the Proposed Action is water that will be delivered from the existing facilities with or without the Proposed Action and is therefore part of the existing conditions. There will be no additional impacts to greenhouse gases as a result of the Proposed Action.

Cumulative Impacts

The assignment of 4,000 AF of Oro Loma's SOD CVP water supply to Westlands will be similar to baseline conditions (No Action Alternative) as this water has been annually transferred between these districts through the SOD AWTP. As there will be no impact to water diverted from the Delta, points of diversions, or CVP operations and this water will continue to be conveyed as it has been previously under the annual transfers, there will be no cumulative impacts as a result of the Proposed Action or the No Action Alternative.

In recent years, land use changes within the San Joaquin Valley have involved the urbanization of agricultural lands. These types of changes are typically driven by economic pressures and are as likely to occur with or without the Proposed Action and No Action Alternative. Accordingly, no cumulative impacts to land use are anticipated.

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 with or without the Proposed Action. Assignment of 4,000 AF of Oro Loma's SOD CVP allocation is not expected to contribute cumulatively to habitat loss as this water will be used on existing crops in Westlands and will not cause additional fallowing in Oro Loma as lands are already fallowed and/or dryland farmed. In addition, all conditions under the existing contract that protect biological resources will be transferred to Westlands for the portion allocated under the partial assignment. Therefore, there will be no cumulative adverse impacts to biological resources as a result of the Proposed Action.

As there will be no impacts to cultural resources, Indian Sacred Sites, or Indian Trust Assets as a result of Reclamation's Proposed Action, no cumulative impacts are expected to occur.

The Proposed Action, when added to other existing and proposed actions, will have a slight beneficial contribution to cumulative impacts for minority or disadvantaged populations as it will help support and maintain jobs that low-income and disadvantaged populations rely upon due to increased irrigation water supply reliability.

There may be adverse impacts to socioeconomic resources under the No Action Alternative as Westlands may need to purchase more costly water supplies and/or increase groundwater

pumping in order to meet irrigation demand should annual transfers between the districts cease. There will be no impact to Oro Loma as conditions will remain the same within the district.

Over the long term, the Proposed Action will have slight beneficial impacts to socioeconomic resources within Westlands' as the assigned water will increase the amount of Westlands' CVP water supply. This will subsequently help to maintain the economic viability of irrigated agriculture within the district, which presently includes a significant percentage of permanent crops. There is greater economic output associated with permanent crops, which includes a year-round demand for farm labor (as compared to annual crops). When added to other similar existing and proposed actions, the Proposed Action will contribute to beneficial cumulative impacts to socioeconomic resources within Westlands.

There will be no cumulative impacts to air quality as there will be no emissions that impact air quality or construction activities that will produce emissions that could cumulatively impact air quality

Impacts from greenhouse gases are considered to be cumulative impacts; however, delivery of water with or without the Proposed Action is part of the existing baseline conditions of the Central Valley and is not expected to produce additional greenhouse gases that could contribute to global climate change.

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 water resource changes due to climate change will be the same with or without the Proposed Action.

RECLAMATION

Managing Water in the West

Draft Environmental Assessment

Oro Loma Water District Partial Assignment of 4,000 acre-feet of Central Valley Project Water to Westlands Water District

EA-11-092



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

December 2011

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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List of Acronyms and Abbreviations

$\mu\text{g}/\text{m}^3$	Microgram per cubic meter
AF	Acre-feet
AFY	Acre-feet per year
APE	Area of Potential Effect
CAA	Clean Air Act
CARB	California Air Resources Board
CFR	Code of Federal Regulations
CH ₄	Methane
CO ₂	Carbon dioxide
CO	Carbon monoxide
CVP	Central Valley Project
CWA	Clean Water Act
Delta	Sacramento-San Joaquin River Delta
DMC	Delta-Mendota Canal
EA	Environmental Assessment
ESA	Endangered Species Act
EPA	Environmental Protection Agency
FONSI	Finding of No Significant Impact
FWCA	Fish and Wildlife Coordination Act
GHG	Greenhouse gases
ITA	Indian Trust Asset
mg/m^3	Milligram per cubic meter
M&I	Municipal and Irrigation
National Register	National Register of Historic Places
NHPA	National Historic Preservation Act
NO ₂	Nitrogen dioxide
NO _x	Nitrogen oxides
Oro Loma	Oro Loma Water District
O ₃	Ozone
PM _{2.5}	Particulate matter less than 2.5 microns in diameter
PM ₁₀	Particulate matter between 2.5 and 10 microns in diameter
ppm	Parts per million
Reclamation	Bureau of Reclamation
SIP	State Implementation Plan
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Air Pollution Control District
SLC	San Luis Canal
SOD	South-of-Delta
SO ₂	Sulfur dioxide
U.S.C.	U.S. Code
USFWS	U.S. Fish and Wildlife Service
VOC	Volatile organic compound
Westlands	Westlands Water District

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Section 1 Purpose and Need for Action

1.1 Background

Westlands Water District (Westlands) is a Central Valley Project (CVP) contractor with a water service contract with the Bureau of Reclamation (Reclamation) for 1,150,000 acre-feet (AF) and five assignment contracts of 42,948 AF summing up to 1,192,948 AF annually from the Sacramento-San Joaquin River Delta (Delta). Due to legislative, regulatory, and environmental actions, the reliability of this CVP supply has been reduced significantly, and now averages from 60-65 percent of contract amounts. To make up for the difference between the available CVP water supply and demands, Westlands and individual landowners have in recent years obtained, and are projected to obtain in the future, additional water supplies to supplement groundwater pumping.

Oro Loma Water District (Oro Loma) is a CVP contractor with a water service contract with Reclamation for up to 4,600 AF per year (AFY) from the Delta. Poor soil conditions and a shallow groundwater table prevent landowners in Oro Loma from maximizing the beneficial use of this water supply. Consequently, Oro Loma has historically transferred some of their CVP water supply to other CVP contractors, such as Westlands, through the South-of-Delta (SOD) Accelerated Water Transfer Program (AWTP) which is an accelerated process that allows for water transfers and exchanges under Section 3405 of Central Valley Project Improvement Act (CVPIA, Title 34 of Public Law 102-575).

Rather than continue annual transfers under the SOD AWTP, Westlands and Oro Loma have requested Reclamation's approval for the partial assignment of 4,000 AF of Oro Loma's CVP water service contract to Westlands.

1.2 Purpose and Need

California has experienced a severe drought in recent years that has reduced water supplies to many CVP contractors. SOD CVP water service contractors experienced reduced water supply allocations in 2007, 2008, 2009, and 2010 due to hydrologic conditions and regulatory requirements. The hydrologic condition for 2011 is wet, and although conditions have improved since the beginning of the water year, SOD CVP contractors still need to supplement supplies to meet demands because of past dry years and overall CVP operational constraints. Westlands, as a SOD CVP contractor, thus needs to identify additional supplies to avoid shortages for their customers.

The purpose of this partial assignment is to provide Westlands the long-term use of the CVP water that Oro Loma has historically transferred to Westlands on an annual basis through the SOD AWTP.

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 Environmental Assessment (EA) and include the following as amended, updated, and/or superseded (all of which are incorporated by reference):

- *The Reclamation Reform Act of 1982* applies to all irrigation land within an irrigation/water district, which has a water service contract with Reclamation and is subject to the acreage limitation and full-cost provisions of Reclamation law.
- *Central Valley Project Improvement Act of 1992, Title 34 (of Public Law 102-575), Section 3408(c)*, Additional Authorities 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).

1.4 Scope

This EA is being prepared to examine the possible impacts of approving the permanent partial assignment of Oro Loma's CVP water service contract to Westlands. This EA has also been prepared to examine the possible impacts of the No Action Alternative.

Both districts are located near each other on the western side of the San Joaquin Valley in Fresno (both districts) and Kings (Westlands) counties (Figure 1-1).

1.5 Potential Issues

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, Land Use, Biological Resources, Cultural Resources, Indian Sacred Sites, Indian Trusts Assets (ITA), Environmental Justice, Socioeconomic Resources, Air Quality, and Global Climate.

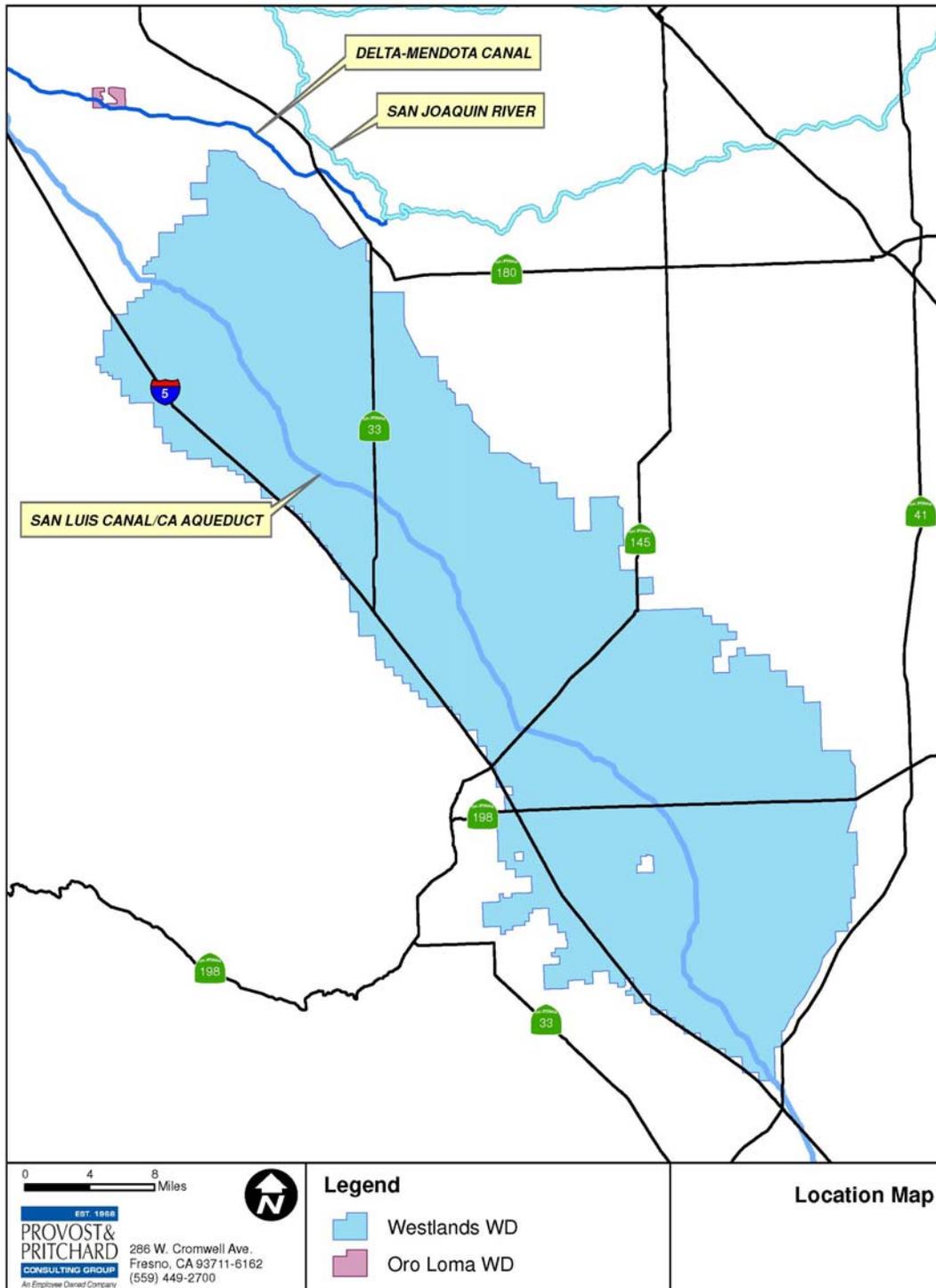


Figure 1-1 Location Map

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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 the assignment of 4,000 AF of Oro Loma's CVP water service contract to Westlands. Westlands would continue to request approvals to transfer most of Oro Loma's CVP supply to Westlands on an annual basis through the SOD AWTP.

2.2 Proposed Action

Reclamation proposes to issue a partial assignment contract to Westlands for 4,000 AF of CVP water. In turn, Reclamation would amend Oro Loma's existing CVP water service contract to reflect Oro Loma's CVP contract quantity to be 600 AF.

As a result of the proposed assignment, water that was formerly transferred to Westlands from Oro Loma on an annual basis would be delivered to Westlands through the San Luis Canal (SLC) as scheduled for delivery by Westlands instead of Oro Loma. The assigned 4,000 AF of SOD CVP contractual supply would be used to meet Westlands' in-district demands and other uses consistent with the existing water service contract and Reclamation approvals.

No new infrastructure, modifications of facilities, or ground disturbing activities would be needed for movement of this water. No native or untilled land (fallow for three years or more) would be cultivated with water involved with these actions.

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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.

3.1 Water Resources

3.1.1 Affected Environment

Central Valley Project

CVP water is used for the irrigation of agricultural areas, for municipal and industrial (M&I) uses, for the restoration of fisheries and aquatic habitat in the waterways that have been affected by water development, for wildlife refuges, and for other purposes. The largest use of CVP water is for agricultural irrigation. The greatest demand for irrigation water occurs in mid- to late summer, as crops mature and crop water use increases. During the winter, farmers also use water for frost control and pre-irrigation of fields to saturate the upper soil.

The amount of CVP water available each year for contractors is based, among other considerations, on the storage of winter precipitation and the control of spring runoff in the Sacramento and San Joaquin River basins. Reclamation's delivery of CVP water diverted from these rivers is determined by state water right permits, judicial decisions, and state and federal obligations to maintain water quality, enhance environmental conditions, and prevent flooding.

Delta-Mendota Canal The Delta-Mendota Canal (DMC), the second largest of the CVP waterways, was completed in 1951. It includes a combination of both concrete-lined and earth-lined sections and is about 117 miles in length. It carries water southeasterly from the Jones Pumping Plant into the DMC along the west side of the San Joaquin Valley for distribution to refuges, irrigation supply, M&I and to replace San Joaquin River water stored by Friant Dam and used in the Friant-Kern and Madera Canals. The canal transports water from the Jones Pumping Plant to the Mendota Pool, which is controlled by a concrete storage dam that was constructed in 1917. The DMC is divided into the upper and lower portions. The dividing point is Check 13 near Santa Nella, California. Check 13 is the intake to the O'Neill Forebay and San Luis Reservoir. The Mendota Pool is the terminus for the DMC and is located at the confluence of the San Joaquin River and the North Fork of the Kings River, approximately 30 miles west of the city of Fresno. Capacity in the DMC is restricted by the physical limitations of the canal and the pumping limits of the Jones Pumping Plant (Reclamation 2011a).

San Luis Canal The SLC 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 SLC 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. The first release of water from the

O'Neill Forebay to the initial reach of the canal was on April 13, 1967. The 138-foot-wide channel is 36 feet deep, 40 feet wide at the bottom, and lined with concrete. Capacity in the SLC is restricted by the physical limitations of the canal, pumping limits of the Banks Pumping Plant, and releases from San Luis Reservoir (Reclamation 2011b).

South-of-Delta Accelerated Water Transfer Program The CVPIA was signed into law in 1992 to mandate changes in management of the 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.

After enactment of the CVPIA, 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 AWTP. In 2010, Reclamation approved the continuation of the SOD AWTP through February 29, 2016. Reclamation prepared EA-10-051, *Accelerated Water Transfers and Exchanges, Central Valley Project, South of Delta Contractors 2011-2015* and a Finding of No Significant Impact (FONSI) was signed on February 14, 2011 (Reclamation 2011c). Both EA and FONSI are hereby incorporated by reference.

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 second interim renewal contract for this contract was issued in 2010 and remains in effect until February 29, 2012 (Reclamation 2010a). It is anticipated that this interim renewal contract would be renewed prior to its termination in 2012.

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 DMC 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 2010 and remains in effect until February 29, 2012 (Reclamation 2010). It is anticipated that these interim renewal contracts would be renewed prior to their termination in 2012.

Reclamation is currently preparing environmental analyses on the renewal of Westlands' interim renewal contracts.

CVP Allocations The 10-year average allocation of SOD 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 SOD 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.

Oro Loma Water District

Oro Loma is comprised of approximately 965 acres in northwestern Fresno County (Figure 1-1). Total acreage under irrigation and the types of crops grown in Oro Loma have changed little over time due in large part to constraints posed by high concentrations of salt and boron that naturally occur in the soils and a high, shallow water table requiring artificial drainage. Oro Loma does not pump groundwater and CVP water is its sole source of surface water.

CVP Contracts On April 7, 1959, Oro Loma signed a long-term contract (Contract 14-06-200-7823) with Reclamation for 4,600 AF of CVP water (Reclamation 1959). This contract expired on February 28, 1995. Following a series of interim renewal contracts, Oro Loma negotiated a long-term renewal of its water service contract (Contract 14-06-200-7823-LTR1) which Oro Loma and Reclamation executed with an effective date of March 1, 2005 that will expire in 2030. Contract Number 14-06-200-7823-LTR1 effective March 1, 2005 through February 28, 2030, superseded interim renewal contract 14-06-200-7828-IR8 (Reclamation 2005).

Annual Transfers Oro Loma has annually transferred, through the SOD AWTP, an average of 1,702 AFY in nine of the previous ten years, or 59 percent of its average CVP allocation of 2,875 AF, to other CVP contractors (Table 3-2). Prior to implementation of the CVPIA, Oro Loma did not transfer its' CVP allocation. Over the most recent 5-year period (2007-2011), Oro Loma has transferred an average of 1,914 AFY, or 95 percent of its average CVP allocation of 2,070 AF, solely to Westlands (Table 3-2). Any remaining CVP water left is used by Oro Loma to irrigate annual crops.

Table 3-2 Oro Loma Historical Water Supply and Water Transfers

Water Year ¹	CVP Allocation (percent) ²	CVP Allocation (AF)	CVP Allocation Transferred (AF)	CVP Allocation Transferred (percent)	Receiving District of Transferred Allocation
2002	70	3,220	2,395	74	Panoche Water District
2003	75	3,450	460	13	Westlands
2004	70	3,220	1,000	31	Panoche Water District, Eagle Field Water District
2005	85	3,910	3,600	92	Westlands
2006	100	4,600	0	0	
2007	50	2,300	2,000	87	Westlands
2008	40	1,840	1,838	99.9	Westlands
2009	10	460	460	100	Westlands
2010	45	2,070	2,070	100	Westlands
2011	80 ³	3,680	3,200	87	Westlands
Average	62.5	2,875	1,702	59	

¹Water Year = March 1 to February 28/29 of the following year.
²Final CVP allocation per Water year.
³Estimated allocation.

Groundwater Resources

The groundwater basin underlying Westlands and Oro Loma is comprised generally of two water-bearing zones: (1) an upper zone above a nearly impervious Corcoran Clay layer containing the Coastal and Sierran aquifers and (2) a lower zone below the Corcoran Clay containing the sub-Corcoran aquifer (DWR 2003). These water-bearing zones are recharged by subsurface inflow primarily from the west and northeast, and percolation of groundwater, and imported and local surface water. The Corcoran Clay separates the upper and lower water-bearing zones in the majority of Westlands but is not continuous in the western portion of Westlands.

Groundwater pumping started in this portion of the San Joaquin Valley in the early 1900's. Prior to delivery of CVP water, the annual groundwater pumpage in Westlands ranged from 800,000 to 1,000,000 AF during the period of 1950-1968. The majority of this pumping was from the aquifer below the Corcoran Clay, causing the sub-Corcoran groundwater surface to reach the average elevation of more than 150 feet below mean sea level by 1968. The large quantity of

groundwater pumped prior to delivery of CVP water caused a significant amount of land subsidence in some areas (DWR 2003). Westlands has implemented a groundwater management program to reduce the potential for future extreme subsidence.

After delivery of CVP water supplies into Westlands, groundwater pumping declined to about 200,000 AFY, or less, in the 1970's (DWR 2003). The reduction in groundwater pumping stabilized groundwater depths and in most portions of Westlands, groundwater levels significantly recovered. During the early 1990's, groundwater pumping greatly increased because of the reduced CVP water supplies caused by an extended drought, and regulatory actions related to the Central Valley Project Improvement Act. Groundwater pumping quantities are estimated to have reached 600,000 AFY during 1991 and 1992 when Westlands received only 25 percent of its contractual entitlement of CVP water. The increase in pumping caused a decline in groundwater levels which have since recovered. Normal or near normal CVP water supplies from 1995 to 1999 have reduced the estimated annual quantity of groundwater pumped to approximately 60,000 AFY, resulting in an increase in water surface elevations. However, since 2000, Westlands' water supply has been significantly reduced once again resulting in groundwater pumping between 25,000 AFY to over 400,000 AFY with a 10-year average of 209,500 AF (Table 3-1). Westlands estimates the current safe yield of groundwater underneath the district to be approximately 175,000 to 200,000 AFY. However, this quantity of groundwater is generally only pumped when other supplemental supplies are not available. This is due to the poorer quality of the groundwater compared to surface water. Westlands supplies groundwater to some district farmers and owns some groundwater wells, with the remaining wells privately owned by water users in the district.

Oro Loma does not pump groundwater as discussed previously.

3.1.2 Environmental Consequences

No Action

Under the No Action Alternative, Oro Loma would continue to annually transfer the majority of their CVP water supply to other CVP contractors as they cannot beneficially use their entire supply. Any water remaining after the annual transfers would continue to be used to irrigate annual crops planted in Oro Loma. Westlands would continue to seek annual water transfers from Oro Loma and other sources to partially offset insufficient water supplies in order to keep highly productive land under cultivation. Conveyance of Oro Loma's water to Westlands under these annual transfers would be done through the SLC as it has in the past and would require Reclamation approval as required by the SOD AWTP; therefore, there would be no impact to CVP operations or facilities.

Proposed Action

The Proposed Action would not affect CVP operations and would not change existing diversion points from the Delta under Reclamation's water rights permits. The Proposed Action would not interfere with Reclamation's obligations to deliver water to other contractors, wetland habitat areas, or for other environmental purposes. The Proposed Action would not impact implementation of the SOD AWTP.

There would be no change in the point of diversion for the assigned water as the point of diversion in the Delta (Jones Pumping Plant) would be the same. In addition, as the water is already part of the baseline conditions for diversion from the Delta, there would be no increase in diversions from the Delta as a result of this assignment. Conveyance of the assigned water would be done through the SLC rather than the DMC which has been done previously when the water was annually transferred to Westlands.

Transfer of Oro Loma's CVP water supply (up to 100 percent) to other CVP contractors has occurred over the last 10 years. Since 2005, between 87 and 100 percent of Oro Loma's CVP water supply has been transferred solely to Westlands (Table 3-2). The assignment of 4,000 AF of Oro Loma's supply would not change the environmental baseline of delivery of this water to Westlands as it has been occurring historically. Rather, the assignment would provide long-term reliability of this supply to Westlands. As Oro Loma cannot beneficially use their entire contract supply, the assignment would help to balance out deficiencies within Westlands and make the most beneficial use of available CVP supplies. The use of this water in Westlands would reduce the need for transfers of alternate sources of surface water. Oro Loma's remaining 600 AF CVP allocation would likely be used by Oro Loma in the same manner as its current supply, i.e. they would either use it to irrigate annual crops or continue to transfer it to other contractors through the SOD AWTP.

Cumulative Impacts

Reclamation's South-Central California Area Office has completed environmental analysis on a total of 154 water service related actions out of 183 proposed between 2007 and 2011 (Table 3-3). These actions include: water assignments, water banking activities, water contracts including renewals, amendments and extensions, water exchanges, land exclusions, land inclusions, execution of contracts for surplus water, water transfers, and Warren Act contracts for conveyance and/or storage of non-CVP water in federal facilities.

Table 3-3 Reclamation's Completed Water Service Related Actions 2006-2011

Proposed Water Service Related Projects	2007	2008	2009	2010	2011	Pending
Assignments	0	1	0	0	6	6
Banking	2	5	10	1	4	3
Contracts	2	0	2	3	4	2
Exchanges	5	7	9	4	3	5
Exclusion	2	0	3	3	0	0
Inclusion	4	2	1	3	0	2
Surplus Water	4	3	2	3	2	0
Transfers	5	10	10	7	1	3
Warren Act Contracts	11	8	21	5	5	8
SOD Proposed Water Service Projects	9	15	26	16	12	10
Pending Water Service Projects	1	2	7	2	16	28
Total Proposed Projects¹	141	109	181	113	58	101

¹Includes all projects proposed for a particular year, not just water service related projects.

Seventy-eight of the total projects proposed between 2006 and 2011 were specific to SOD contractors. A total of 28 proposed water service projects are still pending from the past five years including the 16 water service projects proposed for 2011 (Table 3-3). Ten of the pending

projects, including this EA and the EA being prepared for Westlands interim renewal contracts, are specific to SOD contractors. All of the pending actions are currently undergoing environmental analysis and any future proposed activities would require environmental review prior to implementation. It is likely more districts will request additional water service actions in 2012, similar to previous years. The Proposed Action is not likely to cumulatively impact this trend.

The assignment of 4,000 AF of Oro Loma's SOD CVP water supply to Westlands would be similar to baseline conditions (No Action Alternative) as this water has been annually transferred between these districts through the SOD AWTP. As there would be no impact to water diverted from the Delta, points of diversions, or CVP operations and this water would continue to be conveyed as it has been previously under the annual transfers, there would be no cumulative impacts as a result of the Proposed Action or the No Action Alternative.

3.2 Land Use

3.2.1 Affected Environment

Westlands Water District

Westlands lies mostly within the San Joaquin Desert where precipitation would naturally limit growth to certain plant species or crops. However, the soils and climate create some of the most fertile and productive cropland in the world when adequate water for those croplands are available. More than 60 different crops are commercially produced on approximately 570,000 irrigable acres in Westlands. The primary crops include tomatoes, grain, cotton and almonds (Table 3-4). In recent years, vegetable and permanent crops have become a larger part of the crop acreage, which require more water than crops such as wheat and other grains.

Table 3-4 Westlands Crop Acreage Report

	2006	2007	2008	2009	2010	Average
PERENNIAL CROPS						
Almonds	55,180	66,210	70,252	67,863	68,255	65,552
Pistachios	15,130	16,834	21,113	17,396	19,301	17,955
Grapes	12,704	13,382	13,836	13,905	13,299	13,425
Other	24,251	21,507	19,708	27,601	24,897	23,593
Total Perennial Crops	107,265	117,933	124,909	126,765	125,752	120,525
ANNUAL CROPS						
Tomatoes	93,250	101,175	89,506	81,225	78,937	88,819
Grain	69,150	52,902	129,653	62,537	85,766	80,002
Cotton	130,273	100,169	37,396	17,510	42,480	65,566
Melons	21,602	21,642	20,112	18,043	22,274	20,735
Lettuce	27,039	21,909	16,129	14,655	16,598	19,266
Forage	14,331	12,660	15,511	13,864	28,819	17,037
Onions	18,268	15,162	11,483	11,224	11,687	13,565
Garlic	10,486	12,584	10,285	8,857	9,881	10,419
Beans	7,033	2,000	2,621	9,067	5,967	5,338
Other	24,435	22,216	16,667	13,840	17,106	18,853
Total Annual Crops	415,867	362,419	349,363	250,822	319,515	339,597
Fallow	54,944	96,409	99,663	156,239	122,598	105,971
Net Cropped Acres	578,076	576,761	573,935	533,826	567,865	566,093
Source: WWD 2011						

Oro Loma Water District

The 965 acres in Oro Loma have not been intensively farmed or irrigated in recent years due in large part to constraints posed by high concentration of salt and boron that naturally occur in the soils and a high, shallow water table requiring artificial drainage. Rather, they have been dry-land farmed and from time to time farmed using the water remaining after transfers. Table 3-5 summarizes the farmed acreage between 2006 and 2010.

Table 3-5 Oro Loma Crop Acreage Report

	2007	2008	2009	2010	2011	Average
Cotton	67	67	67	67	0	54
Wheat	0	0	0	0	526	13
Fallow	898	898	898	898	439	898
Net Acres	965	965	965	965	965	965

Source: C. Vandenberg, pers. Comm. 2011

3.2.2 Environmental Consequences**No Action**

Under the No Action Alternative there would be no impacts to land use within the Proposed Action area as conditions would remain the same as existing conditions. The existing contract and associated 4,000 AF of CVP water supplies would remain with Oro Loma. Lands within Oro Loma would continue to be fallowed (as has been the case for several years), dry-farmed, or annually cropped, with the remaining water transferred out of Oro Loma on an annual basis. Because of the quality of the soils within Oro Loma's boundaries and drainage problems, it is unlikely the land would be converted into permanent plantings or used for other high value crops.

Westlands would continue to annually request transfers of Oro Loma's CVP supply as well as other water supplies in order to supplement their supplies to meet demand shortfalls because of CVP operational constraints.

Proposed Action

Under the Proposed Action, there would be no impacts to land use within Oro Loma or Westlands as conditions would be similar to existing conditions. Oro Loma's CVP water has historically been transferred outside of Oro Loma to areas that support higher value crops (such as Westlands in the previous five years), and the Proposed Action would make these annual transfers permanent. No native habitat, untilled lands or lands fallow for three or more years would be brought into production with this water as this water would be used to maintain existing crops within Westlands.

Cumulative Impacts

In recent years, land use changes within the San Joaquin Valley have involved the urbanization of agricultural lands. These types of changes are typically driven by economic pressures and are as likely to occur with or without the Proposed Action and No Action Alternative. Accordingly, no cumulative impacts to land use are anticipated.

3.3 Biological Resources

3.3.1 Affected Environment

Historically, native habitat types in Westlands and Oro Loma consisted of valley sink scrub and saltbush, grasslands, wetlands and riparian habitat. Over the last few decades, much of the historic native grassland and wetland habitats have been converted to farmland, which requires importation of water for production.

Table 3-6 was prepared using a list obtained on November 29, 2011 by accessing the U.S. Fish and Wildlife Service (USFWS) Database:

http://www.fws.gov/sacramento/y_old_site/es/spp_lists/auto_list_form.cfm. For the list the following 7 ½ minute U.S. Geological Survey quadrangles were queried (Document No. 111129120544): Avenal, Broadview Farms, Burrel, Calflax, Cantua Creek, Chaney Ranch, Chounet Ranch, Coalinga, Coit Ranch, Domengine Ranch, Dos Palos, Firebaugh, Five Points, Gujarral Hills, Hammonds Ranch, Harris Ranch, Helm, Huron, Kettleman City, La Cima, Lemoore, Levis, Lillis Ranch, Monocline Ridge, San Joaquin, Stratford, Tranquillity, Tres Pecos Farms, Tumey Hills, Vanguard, Westhaven and Westside. Additionally, anadromous species and their critical habitat also are included in Table 3-6 and were considered in Reclamation's evaluation of effects from the Proposed Action.

No records for listed species occur within Oro Loma (CNDDDB 2011) and there is no designated critical habitat within Oro Loma or Westlands.

Table 3-6 Federal Status Species and Designated Critical Habitat on Quad Lists for Westlands and Oro Loma and also listings in aquatic areas of the Delta

Species	Status ¹	Effects ²	Summary basis for ESA determination
INVERTEBRATES			
Valley elderberry longhorn beetle (<i>Desmocerus californicus dimorphus</i>)	T	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
Vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	T	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>)	E	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
FISH			
Central Valley Spring-run Chinook (<i>Oncorhynchus tshawytscha</i>)	E, X	NE	No effect to water in the Delta or inhabited areas. No critical habitat in action area.
Central Valley steelhead (<i>Oncorhynchus mykiss</i>)	T	NE	No effect on natural stream systems.
Delta smelt (<i>Hypomesus transpacificus</i>)	T, X	NE	No additional pumping or diversions or changes in pumping would occur at the Delta. No effect to water in the Delta or inhabited areas. No critical habitat in action area.

Species	Status ¹	Effects ²	Summary basis for ESA determination
North American Green Sturgeon, Southern Distinct Population Segment (<i>Acipenser medirostris</i>)	E,X	NE	No effect to water in the Delta or inhabited areas. No critical habitat in action area.
Sacramento River Winter-run Chinook (<i>Oncorhynchus tshawytscha</i>)	E,X	NE	No effect to water in the Delta or inhabited areas. No critical habitat in action area.
AMPHIBIANS			
California red-legged frog (<i>Rana aurora draytonii</i>)	T	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
California tiger salamander, central population (<i>Ambystoma californiense</i>)	T	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
REPTILES			
Blunt-nosed leopard lizard (<i>Gambelia sila</i>)	E	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
Giant garter snake (<i>Thamnophis gigas</i>)	T	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
BIRDS			
California condor (<i>Gymnogyps californianus</i>)	E	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
MAMMALS			
Fresno kangaroo rat (<i>Dipodomys nitratoides exilis</i>)	E, X	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
Giant kangaroo rat (<i>Dipodomys ingens</i>)	E	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
San Joaquin kit fox (<i>Vulpes macrotis mutica</i>)	E	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities.
Tipton kangaroo rat (<i>Dipodomys nitratoides nitratoides</i>)	E	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
PLANTS			
California jewelflower (<i>Caulanthus californicus</i>)	E	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
Palmate-bracted bird's beak (<i>Cordylanthus palmatus</i>)	E	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.

Species	Status ¹	Effects ²	Summary basis for ESA determination
San Joaquin woolly-threads (<i>Monolopia congdonii</i>)	E	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
<p>Source: USFWS 2011a and USFWS 2011b</p> <p>1 Status= Listing of Federally special status species E: Listed as Endangered T: Listed as Threatened X: Critical Habitat designated for this species</p> <p>2 Effects = Endangered Species Act Effect determination</p>			

3.3.2 Environmental Consequences

No Action

Under the No Action Alternative, Reclamation would not approve the partial assignment of 4,000 AF of Oro Loma's CVP water service contract to Westlands. Contractor operations would continue unchanged as Westlands would continue to annually request the transfer of these water supplies to supplement their reduced surface water supplies through the SOD AWTP. Oro Loma lands would continue to be cultivated with low value crops or fallowed, which has been the case the last several years. The No Action Alternative would neither hinder nor enhance populations of special status species or their habitats.

Proposed Action

Under the Proposed Action, the water would be conveyed in existing facilities to established agricultural lands similar to what has been done for the last five years during annual transfers between Westlands and Oro Loma. No native lands or lands fallowed and untilled for three or more years would be disturbed as this water would be used on existing farmed lands. The Proposed Action would not affect migratory birds, imperiled species, unique habitats, or species and habitats protected by federal or state law. No Essential Fish Habitat exists in the authorized Place of Use within the bounds of the agencies; therefore, the Proposed Action could not affect Essential Fish Habitat. Reclamation has determined that the Proposed Action would have no effect on Federally listed threatened or endangered species, designated critical habitat, or proposed or candidate species and critical habitat. See Appendix A for Reclamation's determination.

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 with or without the Proposed Action. Assignment of 4,000 AF of Oro Loma's SOD CVP allocation is not expected to contribute cumulatively to habitat loss as this water would be used on existing crops in Westlands and would not cause additional fallowing in Oro Loma as lands are already fallowed and/or dry-land farmed. In addition, all conditions under the existing contract that protect biological resources would be transferred to Westlands for the portion allocated under the partial assignment. Therefore, there would be no cumulative adverse impacts to biological resources as a result of the Proposed Action.

3.4 Cultural Resources

Cultural resources is a broad term that includes prehistoric, historic, architectural, and traditional cultural properties. The National Historic Preservation Act (NHPA) of 1966 is the primary Federal legislation that outlines the Federal Government's responsibility to cultural resources. Section 106 of the NHPA requires the Federal Government to take into consideration the effects of an undertaking on cultural resources listed on or eligible for inclusion in the National Register of Historic Places (National Register). Those resources that are on or eligible for inclusion in the National Register are referred to as historic properties.

The Section 106 process is outlined in the Federal regulations at 36 Code of Federal Regulations (CFR) Part 800. These regulations describe the process that the Federal agency (Reclamation) takes to identify cultural resources and the level of effect that the proposed undertaking will have on historic properties. In summary, Reclamation must first determine if the action is the type of action that has the potential to affect historic properties. If the action is the type of action to affect historic properties, Reclamation must identify the area of potential effects (APE), determine if historic properties are present within that APE, determine the effect that the undertaking will have on historic properties, and consult with the State Historic Preservation Office, to seek concurrence on Reclamation's findings. In addition, Reclamation is required through the Section 106 process to consult with Indian Tribes concerning the identification of sites of religious or cultural significance, and consult with individuals or groups who are entitled to be consulting parties or have requested to be consulting parties.

3.4.1 Affected Environment

The San Joaquin Valley is rich in prehistoric and historical cultural resources. Prehistoric cultural resources include the material evidence of Native American populations that occupied the area prior to Euro-American settlement. Land conversion and intensive farming practices over the past century and a half have impacted many prehistoric sites; however, numerous Native American cultural resources likely lie undiscovered throughout the region. Historic-era cultural resources within the San Joaquin Valley include various built environment features related to agriculture, ranching, and transportation. Many water storage and conveyance features have historical significance and can be considered cultural resources.

3.4.2 Environmental Consequences

No Action

There would be no impacts to historic properties or cultural resources as conditions would remain the same as existing conditions and no ground disturbance would occur.

Proposed Action

The Proposed Action consists of Reclamation issuing a partial assignment contract to Westlands and amending Oro Loma's repayment contract. As with the No Action alternative, the Proposed Action would result in no impacts to cultural resources. See Appendix A for Reclamation's determination.

Cumulative Impacts

As there would be no impacts to cultural resources as a result of Reclamation's Proposed Action or the No Action Alternative, no cumulative impacts are expected to occur.

3.5 Indian Sacred Sites

Executive Order 13007 requires Federal land managing agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites. "Sacred Sites" means any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian Tribe, or Indian individual determined to be an appropriate authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion.

Both alternatives involve the conveyance of water through existing facilities to established agricultural lands. Under both the No Action and Proposed Action alternatives, neither restriction of access to nor adverse effects to the physical integrity of any sacred sites would occur. As such, there will be no direct, indirect, or cumulative impacts to Indian sacred sites as a result of either the No Action or Proposed Action alternatives.

3.6 Indian Trust Assets

ITA are legal interests in assets that are held in trust by the United States Government for federally recognized Indian tribes or individuals. The trust relationship usually stems from a treaty, executive order, or act of Congress. The Secretary of the interior is the trustee for the United States on behalf of federally recognized Indian tribes. "Assets" are anything owned that holds monetary value. "Legal interests" means there is a property interest for which there is a legal remedy, such a compensation or injunction, if there is improper interference. Assets can be real property, physical assets, or intangible property rights, such as a lease, or right to use something. ITA cannot be sold, leased or otherwise alienated without United States' approval. Trust assets may include lands, minerals, and natural resources, as well as hunting, fishing, and water rights. Indian reservations, rancherias, and public domain allotments are examples of lands that are often considered trust assets. In some cases, ITA may be located off trust land.

Reclamation shares the Indian trust responsibility with all other agencies of the Executive Branch to protect and maintain ITA reserved by or granted to Indian tribes, or Indian individuals by treaty, statute, or Executive Order.

3.6.1 Affected Environment

The nearest ITA is Santa Rosa Rancheria approximately six miles east of the Proposed Action area.

3.6.2 Environmental Consequences**No Action**

There would be no impacts to ITA as conditions would remain the same as existing conditions.

Proposed Action

There would be no impact to ITA as there are none in the Proposed Action area. See Appendix A for Reclamation's determination.

Cumulative Impacts

There are no ITA in the action area; therefore, the Proposed Action and the No Action Alternative would not contribute to cumulative impacts to ITA.

3.7 Environmental Justice

Executive Order 12898 (February 11, 1994) mandates Federal agencies to identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations.

3.7.1 Affected Environment

Fresno and Kings Counties rely to a large extent, either directly or indirectly, on agriculture for employment. Between 47.9 percent and 58.3 percent of the population within Fresno and Kings Counties is of Hispanic or Latino origin, which compares to 37.6 percent for the state as a whole (Table 3-7). The market for seasonal workers on local farms also draws thousands of migrant workers, commonly of Hispanic origin from Mexico and Central America, increasing populations within these small communities during peak harvest periods.

Table 3-7 2009 Estimated Demographics for Fresno and Kings Counties

	Total Population	White (not Hispanic)	Black or African American	American Indian	Asian	Native Hawaiian/Pacific Islander	Hispanic
Fresno County	930,450	32.7%	5.3%	1.7%	9.6%	0.2%	50.3%
Kings County	152,982	35.2%	7.2%	1.7%	3.7%	0.2%	50.9%
California	37,253,956	40.1%	6.2%	1.0%	13.0%	0.4%	37.6%

Source: U.S. Census Bureau 2011

3.7.2 Environmental Consequences**No Action**

The No Action Alternative would not cause dislocation, changes in employment, or increase flood, drought, or disease nor would it disproportionately impact economically disadvantaged or minority populations. Oro Loma would continue to annually transfer the majority of their CVP water supply to other CVP contractors as they cannot beneficially use their entire supply. Westlands would continue to seek annual water transfers from Oro Loma and other sources to partially offset insufficient water supplies in order to keep highly productive land under cultivation. Should these annual transfers not occur Westlands may be required to purchase additional water sources on the open market which is likely to be much higher than the assigned water supply. This could potentially impact disadvantaged or minority populations due to the economic impacts to the agricultural industry and current water demands.

Proposed Action

The Proposed Action would not cause dislocation, changes in employment, or increase flood, drought, or disease nor would it disproportionately impact economically disadvantaged or

minority populations. The Proposed Action may support and maintain jobs that low-income and disadvantaged populations rely upon through increased irrigation water supply reliability. Therefore, there may be a slight beneficial impact to minority or disadvantaged populations as a result of the Proposed Action.

Cumulative Impacts

The Proposed Action, when added to other existing and proposed actions, would have a slight beneficial contribution to cumulative impacts for minority or disadvantaged populations as it would help support and maintain jobs that low-income and disadvantaged populations rely upon due to increased irrigation water supply reliability.

3.8 Socioeconomic Resources

3.8.1 Affected Environment

Unemployment for Kern and Tulare counties was 10.0 and 12.9 percent in 2009 which has since risen to 16.1 and 16.7 in 2011 (U.S. Census Bureau 2011). For 2009 and 2011 both counties were approximately two to five percentage points higher than the State average (Table 3-8). In addition, both counties had per capita incomes approximately \$9,000-11,000 lower than the State per capita income (Table 3-8).

Table 3-8 2011 Preliminary Monthly Labor Force Data

	Labor Force	Employed	Per Capita Income¹	Unemployment Rate
Fresno County	43,7400	364,400	\$20,375	16.7%
Kings County	60,800	51,000	\$17,416	16.1%
California	18,131,700	115,874,800	\$29,020	12.4%

Source: EDD 2011 and U.S. Census Bureau 2011
¹Amounts are based on 2009 numbers as the most recent data available from the U.S. Census Bureau.

Westlands and Oro Loma are primarily rural agricultural lands. 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.

3.8.2 Environmental Consequences

No Action

Under the No Action Alternative, Oro Loma would continue to annually transfer the majority of their CVP water supply to other CVP contractors as they cannot beneficially use their entire supply. Westlands would continue to seek annual water transfers from Oro Loma and other sources to partially offset insufficient water supplies in order to keep highly productive land under cultivation. Should these annual transfers not occur Westlands may be required to purchase additional water sources on the open market which is likely to be much higher than the assigned water supply. The cost of water on the open market is likely to be much higher than the proposed assigned water supplies which could increase operational costs for Westlands.

Proposed Action

Under the Proposed Action, the status quo of agriculture would be maintained. CVP contractors would re-distribute CVP water to balance out local deficiencies in water supply and promote efficient irrigation of crops. The most productive farmland would remain in production. Seasonal labor requirements would change very little, and businesses that support agriculture would not be financially harmed. The assignment would allow more productive and labor-intensive land to remain in production, thereby potentially improving socioeconomic conditions in the region.

Cumulative Impacts

There may be adverse impacts to socioeconomic resources under the No Action Alternative as Westlands may need to purchase more costly water supplies and/or increase groundwater pumping in order to meet irrigation demand should annual transfers between the districts cease. There would be no impact to Oro Loma as conditions would remain the same within the district.

Over the long term, the Proposed Action would have slight beneficial impacts to socioeconomic resources within Westlands' as the assigned water would increase the amount of Westlands' CVP water supply. This would subsequently help to maintain the economic viability of irrigated agriculture within the district, which presently includes a significant percentage of permanent crops. There is greater economic output associated with permanent crops, which includes a year-round demand for farm labor (as compared to annual crops). When added to other similar existing and proposed actions, the Proposed Action would contribute to beneficial cumulative impacts to socioeconomic resources within Westlands.

3.9 Air Quality

Section 176 (C) of the Clean Air Act [CAA] (42 U.S. Code [U.S.C.] 7506 (C)) requires any entity of the federal government that engages in, supports, or in any way provides financial support for, licenses or permits, or approves any activity to demonstrate that the action conforms to the applicable State Implementation Plan (SIP) required under Section 110 (a) of the Federal CAA (42 U.S.C. 7401 [a]) before the action is otherwise approved. In this context, conformity means that such federal actions must be consistent with SIP's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards and achieving expeditious attainment of those standards. Each federal agency must determine that any action that is proposed by the agency and that is subject to the regulations implementing the conformity requirements would, in fact conform to the applicable SIP before the action is taken.

On November 30, 1993, the Environmental Protection Agency (EPA) promulgated final general conformity regulations at 40 CFR 93 Subpart B for all federal activities except those covered under transportation conformity. The general conformity regulations apply to a proposed federal action in a non-attainment or maintenance area if the total of direct and indirect emissions of the relevant criteria pollutants and precursor pollutant caused by the Proposed Action equal or exceed certain *de minimis* amounts thus requiring the federal agency to make a determination of general conformity.

3.9.1 Affected Environment

The Proposed Action area lies within the San Joaquin Valley Air Basin (SJVAB) under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The pollutants of greatest concern in the San Joaquin Valley are carbon monoxide (CO), ozone (O₃), O₃ precursors such as volatile organic compounds (VOC), inhalable particulate matter between 2.5 and 10 microns in diameter (PM₁₀) and particulate matter less than 2.5 microns in diameter (PM_{2.5}). The SJVAB has reached Federal and State attainment status for CO, nitrogen dioxide (NO₂), and sulfur dioxide (SO₂). Federal attainment status has been reached for PM₁₀ but is in non-attainment for O₃ and PM_{2.5} (Table 3-9). There are no established standards for nitrogen oxides (NO_x); however, NO_x does contribute to NO₂ standards (SJVAPCD 2011).

Table 3-9 San Joaquin Valley Attainment Status

Pollutant	California Attainment Status	National Attainment Status
O ₃	Nonattainment	Nonattainment
CO	Attainment	Attainment
NO ₂	Attainment	Attainment
SO ₂	Attainment	Attainment
PM ₁₀	Nonattainment	Attainment
PM _{2.5}	Nonattainment	Nonattainment

Source: CARB 2011; SJVAPCD 2011; 40 CFR 93.153

3.9.2 Environmental Consequences

No Action

There would be no impacts to air quality as conditions would remain the same as existing conditions under this alternative.

Proposed Action

Under the Proposed Action, CVP water would be delivered off the SLC to Westlands rather than off the DMC to Oro Loma. Delivery of this water would require no modification of existing facilities or construction of new facilities. In addition, 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 and there would be no impact to air quality as a result of the Proposed Action.

Cumulative Impacts

There would be no cumulative impacts to air quality as there would be no emissions that impact air quality or construction activities that would produce emissions that could cumulatively impact air quality

3.10 Global Climate

Climate change refers to significant change in measures of climate (e.g., temperature, precipitation, or wind) lasting for decades or longer. Many environmental changes can contribute to climate change [changes in sun's intensity, changes in ocean circulation, deforestation, urbanization, burning fossil fuels, etc.] (EPA 2011a)

Gases that trap heat in the atmosphere are often called greenhouse gases (GHG). Some GHG, such as carbon dioxide (CO₂), occur naturally and are emitted to the atmosphere through natural processes and human activities. Other GHG (e.g., fluorinated gases) are created and emitted solely through human activities. The principal GHG that enter the atmosphere because of human activities are: CO₂, methane (CH₄), nitrous oxide, and fluorinated gasses (EPA 2011a).

During the past century humans have substantially added to the amount of GHG in the atmosphere by burning fossil fuels such as coal, natural gas, oil and gasoline to power our cars, factories, utilities and appliances. The added gases, primarily CO₂ and CH₄, are enhancing the natural greenhouse effect, and likely contributing to an increase in global average temperature and related climate changes. At present, there are uncertainties associated with the science of climate change (EPA 2011b).

Climate change has only recently been widely recognized as an imminent threat to the global climate, economy, and population. As a result, the national, state, and local climate change regulatory setting is complex and evolving.

In 2006, the State of California issued the California Global Warming Solutions Act of 2006, widely known as Assembly Bill 32, which requires California Air Resources Board (CARB) to develop and enforce regulations for the reporting and verification of statewide GHG emissions. CARB is further directed to set a GHG emission limit, based on 1990 levels, to be achieved by 2020.

In addition, the EPA has issued regulatory actions under the CAA as well as other statutory authorities to address climate change issues (EPA 2011c). In 2009, the EPA issued a rule (40 CFR Part 98) for mandatory reporting of GHG by large source emitters and suppliers that emit 25,000 metric tons or more of GHG [as CO₂ equivalents per year] (EPA 2009). The rule is intended to collect accurate and timely emissions data to guide future policy decisions on climate change and has undergone and is still undergoing revisions (EPA 2011c).

3.10.1 Affected Environment

Global mean surface temperatures have increased nearly 1.8°F from 1890 to 2006 (Intergovernmental Panel on Climate Change 2007). Models indicate that average temperature changes are likely to be greater in the northern hemisphere. Northern latitudes (above 24°North) have exhibited temperature increases of nearly 2.1°F since 1900, with nearly a 1.8°F increase since 1970 alone (Intergovernmental Panel on Climate Change 2007). Without additional meteorological monitoring systems, it is difficult to determine the spatial and temporal variability and change of climatic conditions, but increasing concentrations of GHG are likely to accelerate the rate of climate change.

More than 20 million Californians rely on the State Water Project and CVP. Increases in air temperature may lead to changes in precipitation patterns, runoff timing and volume, sea level rise, and changes in the amount of irrigation water needed due to modified evapotranspiration rates. These changes may lead to impacts to California's water resources and project operations.

While there is general consensus in their trend, the magnitudes and onset-timing of impacts are uncertain and are scenario-dependent (Anderson et al. 2008).

3.10.2 Environmental Consequences

No Action

There would be no impacts to global climate change as conditions would remain the same as existing conditions under this alternative.

Proposed Action

Electric pumps produce CO₂ that could potentially contribute to GHG. However, water under the Proposed Action is water that would be delivered from the existing facilities with or without the Proposed Action and is therefore part of the existing conditions. There would be no additional impacts to GHG as a result of the Proposed Action.

Cumulative Impacts

Impacts from GHG are considered to be cumulative impacts; however, delivery of water with or without the Proposed Action is part of the existing baseline conditions of the Central Valley and is not expected to produce additional GHG that could contribute to global climate change.

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 water resource changes due to climate change would be the same with or without the Proposed Action.

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Section 4 Consultation and Coordination

4.1 Public Review Period

Reclamation intends to provide the public with an opportunity to comment on the Draft FONSI and Draft EA during a 30-day public review period.

4.2 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 partial assignment of existing CVP supplies to an existing CVP contractor. In addition, no construction or modification of water conveyance facilities are required for movement of this water. Consequently, Reclamation has determined that the FWCA does not apply.

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

Section 7 of the Endangered Species Act (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.

The assigned 4,000 AF of SOD CVP contractual supply would be used to meet Westlands’ in-district demands and other uses consistent with the existing water service contract and Reclamation approvals. No new infrastructure, modifications of facilities, or ground disturbing activities would be needed for movement of this water. Under the Proposed Action, the water would be conveyed in existing facilities to established agricultural lands similar to what has been done for the last five years during annual transfers between Westlands and Oro Loma.

No native habitat, untilled lands or lands fallow for three or more years would be brought into production or cultivated with this water as this water would be used to maintain existing crops or croplands within Westlands. At Oro Loma, any remaining CVP water left would continue to be

used by Oro Loma to irrigate annual crops and there would be no changes to existing conditions. Oro Loma does not pump groundwater and CVP water is its sole source of surface water, so agricultural production would remain similar to what has occurred over the last several years.

The assignment of 4,000 AF of Oro Loma's SOD CVP allocation is not expected to contribute cumulatively to changes in habitat for listed species as this water would be used on existing crops in Westlands and would not cause additional fallowing in Oro Loma as lands are already fallowed and/or dryland farmed. In addition, all conditions under the existing contract (for Oro Loma) that protect biological resources would be transferred to Westlands for the portion allocated under the partial assignment. Therefore, there would be no cumulative adverse impacts to biological resources as a result of the Proposed Action.

Consequently, Reclamation has determined that the proposed action would not affect listed species or designated critical habitat protected under the ESA.

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

The NHPA of 1966, 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. 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 APE, conduct cultural resource inventories, determine if historic properties are present within the APE, and assess effects on any identified historic properties.

The proposed activities outlined in this EA under the No Action and Proposed Action alternatives has no potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1).

4.5 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.

Reclamation has determined that the partial assignment of 4,000 AF of Oro Loma's SOD CVP water supply to Westlands would not impact migratory birds. The Proposed Action would not change land use patterns, no ground disturbing activities would take place, and water from this assignment comes from an existing allocation which would not require additional diversions.

4.6 Executive Order 11988 – Floodplain Management and Executive Order 11990 – Protection of Wetlands

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 in the Proposed Action area.

4.7 Clean Water Act (33 U.S.C. § 1251 et seq.)

Section 401 of the Clean Water Act [CWA] (33 U.S.C. § 1311) prohibits the discharge of any pollutants into navigable waters, except as allowed by permit issued under sections 402 and 404 of the CWA (33 U.S.C. § 1342 and 1344). If new structures (e.g., treatment plants) are proposed, that would discharge effluent into navigable waters, relevant permits under the CWA would be required for the project applicant(s). Section 401 requires any applicant for an individual U. S. Army Corps of Engineers dredge and fill discharge permit (Section 404) to first obtain certification from the state that the activity associated with dredging or filling will comply with applicable state effluent and water quality standards. This certification must be approved or waived prior to the issuance of a permit for dredging and filling.

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 CWA are not required.

Section 5 List of Preparers and Reviewers

Bureau of Reclamation

Rain Healer, Natural Resources Specialist, SCCAO
Dave Hyatt, Supervisory Wildlife Biologist, SCCAO
Ned Gruenhagen, PhD., Wildlife Biologist, SCCAO
BranDee Bruce, Architectural Historian, MP-153
Patricia Rivera, ITA, MP-400
Cathy James, Repayment Specialist, SCCAO – reviewer
Valerie Curley, Supervisory Repayment Specialist, SCCAO – reviewer
Chuck Siek, Supervisory Natural Resources Specialist, SCCAO – reviewer
Mike Eng, Natural Resources Specialist, SCCAO – reviewer

Westlands Water District

Russ Freeman, Supervisor of Resources
Tom Glover, Deputy General Manager Resources
Katarina Buelna, Junior Engineer

Provost & Pritchard Consulting Group

Rick Besecker, Water Resources Specialist

Section 6 References

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DRAFT ENVIRONMENTAL ASSESSMENT (11-092)

*ORO LOMA WATER DISTRICT PARTIAL ASSIGNMENT OF 4,000 ACRE-FEET OF
CENTRAL VALLEY PROJECT WATER TO WESTLANDS WATER DISTRICT*

Appendix A
**Reclamation's Environmental Determinations (Cultural
Resources, ESA, and ITA)**

December 2011

Healer, Rain L

From: Bruce, Brandee E
Sent: Friday, December 02, 2011 2:32 PM
To: Healer, Rain L
Cc: Barnes, Amy J; Dunay, Amy L; Fogerty, John A; Goodsell, Joanne E; Nickels, Adam M; Overly, Stephen A; Perry, Laureen (Laurie) M; Soule, William E; Williams, Scott A
Subject: RE: EA-11-092 For Review--CR Resp
Attachments: 11-092 Oro Loma 12022011_CR Comments.doc

Project No.: 12-SCAO-045

Project Name: Draft EA 11-092 – Oro Loma Water District Partial Assignment of 4,000 acre-feet to Westlands Water District

Rain,

The proposed undertaking for Reclamation to issue a partial assignment contract to Westlands Water District (WWD) for 4,000 acre-feet (AF) of Central Valley Project (CVP) water and amend the existing Oro Loma Water District (OLWD) CVP water service contract to decrease their CVP contract quantity to 600 AF has no potential to cause effects to historic properties pursuant to the Section 106 implementing regulations at 36 CFR Part 800.3(a)(1).

The proposed action to issue the partial assignment to WWD and amend the CVP water service contract to OLWD to allow water that was formerly transferred to WWD on an annual basis from OLWD to be delivered directly to WWD via the San Luis Canal (SLC). The assigned 4,000 AF of CVP contractual supply would be used to meet WWD's in-district demands and other uses consistent with the existing water service contract and Reclamation approvals. No new infrastructure, modifications of facilities, or ground disturbing activities would be needed for movement of this water. No native or untilled land would be cultivated with water involved with these actions.

Please find attached the Draft EA with some minor edits to the cultural resources sections. Please include these in the final EA. This email memo is intended to convey the conclusion of the Section 106 process for this undertaking. Please retain a copy of this memo with the EA documentation. Thank you for providing the opportunity to comment.

BranDee

From: Healer, Rain L
Sent: Friday, December 02, 2011 11:19 AM
To: Barnes, Amy J; Bruce, Brandee E; Dunay, Amy L; Fogerty, John A; Goodsell, Joanne E; Nickels, Adam M; Overly, Stephen A; Perry, Laureen (Laurie) M; Soule, William E; Williams, Patrick E; Williams, Scott A
Subject: EA-11-092 For Review

I have attached EA-11-092, Oro Loma Water District Partial Assignment of 4,000 acre-feet to Westlands Water District, for your review.

Cost authority: A1R-1752-9652-220-02-5-7

Rain L. Healer
Natural Resources Specialist
United States Department of the Interior

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United States Department of the Interior

BUREAU OF RECLAMATION
1243 "N" Street
Fresno, CA 93727



IN REPLY REFER TO:

December 16, 2011

MEMORANDUM

To: Rain Healer

From: Ned Gruenhagen, Ph.D.
Wildlife Biologist

Subject: No-Effect Determination for Assignment of CVP Water Supplies from Oro Loma Water District to Westlands Water District

Reclamation has a Proposed Action to permanently assign 4000 Acre-feet of CVP water supply from Oro Loma Water District (Oro Loma) to Westlands Water District (Westlands). The Proposed Action is described in a draft Environmental Assessment (Reclamation 2011), which Reclamation will make available for public comment on Reclamation's Mid-Pacific Region web site (<http://www.usbr.gov/mp/nepa/index.cfm>).

Section 7 of the Endangered Species Act (ESA; 16 U.S.C. § 1531 et seq.) 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.

Species and designated critical habitat that could potentially be affected by the Proposed Action was obtained (Service Document No. 111129120544) by accessing the U.S. Fish and Wildlife Service (USFWS) Database:

http://www.fws.gov/sacramento/y_old_site/es/spp_lists/auto_list_form.cfm, on November 29, 2011. Additionally, anadromous species and their critical habitat also were considered in Reclamation's evaluation of effects from the Proposed Action. The list from Service covers the following 7 ½ minute U.S. Geological Survey quadrangles: Avenal, Broadview Farms, Burrel, Calflax, Cantua Creek, Chaney Ranch, Chounet Ranch, Coalinga, Coit Ranch, Domengine Ranch, Dos Palos, Firebaugh, Five Points, Gujarral Hills, Hammonds Ranch, Harris Ranch, Helm, Huron, Kettleman City, La Cima, Lemoore, Levis, Lillis Ranch, Monocline Ridge, San Joaquin, Stratford, Tranquillity, Tres Pecos Farms, Tumey Hills, Vanguard, Westhaven and Westside.

The assigned 4,000 AF of SOD CVP contractual supply would be used to meet Westlands in-district demands and other uses consistent with the existing water service contract and Reclamation approvals. No new infrastructure, modifications of facilities, or ground disturbing activities would be needed for movement of this water. The water would be conveyed in existing facilities to established agricultural lands similar to what has been done for the last five

years during annual transfers between Oro Loma and Westlands. No native habitat, untilled lands or lands fallow for three or more years would be brought into production or cultivated with this water as this water would be used to maintain existing crops or croplands within Westlands.

At Oro Loma, any remaining CVP water left would continue to be used by Oro Loma to irrigate annual crops and there would be no changes to existing conditions. Oro Loma does not pump groundwater and CVP water is its sole source of surface water, so agricultural production would remain similar to what has occurred over the last several years.

The assignment of 4,000 AF of Oro Loma's SOD CVP allocation is not expected to contribute cumulatively to changes in habitat for listed species as this water would be used on existing crops or croplands in Westlands and would not cause additional fallowing in Oro Loma as lands are already fallowed and/or dry-land farmed. In addition, all conditions under the existing contract (for Oro Loma) that protect biological resources would be transferred to Westlands for the portion allocated under the partial assignment. Therefore, there would be no cumulative adverse impacts to biological resources as a result of the Proposed Action.

Consequently, Reclamation has determined that the proposed action would not affect listed species or designated critical habitat protected under the ESA.

Reference

Reclamation (Bureau of Reclamation *in prep*). Draft Environmental Assessment. 2011. Oro Loma Water District Partial Assignment of 4,000 acre-feet of Central Valley Project Water to Westlands Water District. Bureau of Reclamation, South-Central California Area Office, Fresno, California.

Healer, Rain L

From: Rivera, Patricia L
Sent: Friday, December 02, 2011 4:47 PM
To: Healer, Rain L
Subject: RE: EA-11-092 Oro Loma

Rain,

I reviewed the proposed action to issue a partial assignment contract to Westlands Water District (Westlands) for 4,000 acre-feet (AF) of Central Valley Project (CVP) water. In turn, Reclamation would amend Oro Loma Water District's (Oro Loma) existing CVP water service contract to reflect Oro Loma's CVP contract quantity to be 600 AF.

As a result of the proposed assignment, water that was formerly transferred to Westlands on an annual basis would be delivered to Westlands through the San Luis Canal (SLC) as scheduled for delivery by Westlands instead of Oro Loma. The assigned 4,000 AF of CVP contractual supply would be used to meet Westlands' in-district demands and other uses consistent with the existing water service contract and Reclamation approvals.

No new infrastructure, modifications of facilities, or ground disturbing activities would be needed for movement of this water. No native or untilled land (fallow for three years or more) would be cultivated with water involved with these actions.

The proposed action does not have a potential to affect Indian Trust Assets.

Patricia

Healer, Rain L

From: Rivera, Patricia L
Sent: Thursday, December 08, 2011 9:49 AM
To: Healer, Rain L
Subject: FW: EA-11-092 Oro Loma
Attachments: Indian Trust Assets Request Form Oro Loma.doc

The nearest ITA is Santa Rosa Rancheria approximately 6 miles East of the project location.

Patricia