

CHAPTER 1

PURPOSE AND NEED

1.1 INTRODUCTION

In accordance with Section 3404(c) of the Central Valley Project Improvement Act (CVPIA), the Bureau of Reclamation (Reclamation) proposes to execute up to 59 interim water service contracts for a period of up to two years, from March 1, 2004 through February 28, 2006. Interim renewal contracts (IRCs) are undertaken under the authority of the CVPIA to provide a bridge between the expiration of existing long-term water contracts and the execution of new long-term water contracts. These interim contracts will be renewed for a two-year period from March 1, 2004 through February 28, 2006. However, in the event that a new long-term water contract is executed with an effective date of March 1, 2005, that interim water service contract would then expire on February 28, 2005. Interim renewal of these water service contracts is necessary to continue delivery of Central Valley Project (CVP) water until the long-term contracts are executed. Water service contracts proposed for interim renewal in 2004 are listed in Table 1.

Reclamation has prepared this supplemental Environmental Assessment (EA) to determine if any actions occurring from an extended interim period of up to two years from March 1, 2004 until February 28, 2006 will result in any potential impacts not analyzed in the 1994 EA (Bureau of Reclamation 1994a and 1994b), the 1998 Supplemental EA (Bureau of Reclamation 1998), the 2000 Supplemental EA (Bureau of Reclamation 2000), the 2001 Supplemental EA (Bureau of Reclamation 2001), or the 2002 Supplemental EA (Bureau of Reclamation 2002). These six previous documents are incorporated by reference into this analysis. The 2002, 2001, and 2000 IRC Supplemental EAs are included in Appendix C. The December 1994 EA, and February 1998 Supplemental EA are incorporated by reference and available by request.

This 2004 Supplemental EA provides the sections that have updated information, additional discussions, or table changes from the 2002, 2001 or 2000 Final Supplemental EAs. In addition to the 42 CVP interim renewal contracts analyzed in the previous Supplemental EAs, this 2004 Supplemental EA includes 17 additional CVP contractors that also require IRCs at this time. These 17 contractors have long-term water service contracts that expired or will expire within the next year, and therefore these contractors will also require an interim renewal contract until new long-term contracts can be executed in 2005 or 2006. These 17 interim renewal contracts are identified in Table 1 of this document.

This environmental analysis was developed consistent with regulations and guidance from the Council on Environmental Quality, and in conformance with the analysis provided in *NRDC v. Patterson*, Civ. No. S-88-1658 (Patterson). In *Patterson* the Court

found that "...[on] going projects and activities require NEPA [National Environmental Policy Act] procedures only when they undergo changes amounting in themselves to further 'major action'." In addition, the court went further to state that the NEPA statutory requirement applies only to those changes. The analysis in this supplemental EA and the incorporated EAs finds in large part that the interim renewal of the contracts is in essence a continuation of the "status quo," that is, they continue the existing use and allocation of resources (i.e., the same amount of water is being provided to the same lands for existing/ongoing purposes).

1.2 BACKGROUND OF INTERIM CONTRACTS

Section 3409 of the CVPIA stipulates that Reclamation must prepare a programmatic environmental impact statement (PEIS) before renewing long-term CVP water service contracts. The complexity of the analysis associated with the CVPIA PEIS extended its completion until October 1999 with a Record of Decision approved on January 9, 2001.

The PEIS evaluated CVP-wide impacts of long-term contract renewal. Regional LTCCR environmental-compliance documents tiered from the PEIS are at various stages of completion. NEPA documentation was completed in early 2001 for the Friant Division, and the Cross Valley Canal (CVC) Unit, Hidden Unit, and Buchanan Unit LTCCRs. Twenty-five of the 28 Friant Division long-term contracts were executed in January of 2001. The Hidden Unit long-term contract and the Buchanan Unit long-term contract were approved in February 2001. The CVC Unit's contract negotiations are essentially complete. Final execution of CVC Unit long-term contracts is pending.

Reclamation is completing the contract negotiations and site-specific environmental documentation for long-term contracts with contractors in the American River Division, the Corning and Tehama-Colusa Canal Units (Sacramento River Division), the Sacramento River Water Rights Settlement Contractors (Sacramento Division), the Feather River Division, the Contra Costa Unit (Delta Division), the Mercy Springs Water District (Delta Division), the US. Department of Veteran Affairs (Delta Division), the City of Fresno (Friant Division), the San Felipe Division, the San Luis Unit (West San Joaquin Division), the Delta Mendota Canal Unit (West San Joaquin Division), the Shasta-Trinity River Divisions, and the Cross Valley Canal Unit. Reclamation is aggressively pursuing completion of environmental compliance and execution of remaining long-term water service contracts within this interim period.

1.3 PURPOSE AND NEED FOR ACTION

The purpose of the proposed action is to execute interim contracts for up to two years, beginning March 1, 2004 and ending February 28, 2006. Execution of interim contracts is needed to continue delivery of CVP water to interim contractors until the long-term contracts can be executed.

1.4 ISSUES RELATED TO CVP WATER USE UNDER THE PROPOSED INTERIM CONTRACTS

1.4.1 Interim Water Contract Service Areas

No changes to any water service area are part of the proposed action. Appropriate environmental compliance and documentation will be completed for any request from interim contractors for Reclamation approval of service area boundary changes.

1.4.2 Water Transfers

No water transfers are part of the proposed action. Any water transfers would be separate independent actions. Pursuant to Section 3405 of the CVPIA, appropriate environmental compliance and documentation will be completed for any request from an interim contractor for Reclamation approval of a water transfer.

1.4.3 Water Assignments

Potential future assignments of CVP water are not included in the proposed action. Any changes in CVP water assignments would be separate independent actions and would require their own environmental compliance and documentation.

1.4.4 Other Issues

The following actions are also not included in the Proposed Action:

- Warren Act contracts for conveyance of non-federal water using federal facilities;
- The Mendota Pool Pumpers Exchange Agreement and other non-Central Valley Project Waters that are pumped into the Mendota Pool;
- Inclusions and exclusions to Interim Renewal Contract service area boundaries.
- Future changes in use from agricultural irrigation only to Ag/M&I involving these interim renewal contractors.
- Changes to the existing Operations Criteria and Plan (OCAP).

1.5 PUBLIC INVOLVEMENT

The public was invited to review and comment on the *Draft Supplemental EA for the 2002 Renewal of Interim Water Service Contracts* for a 30-day review period that began on December 23, 2003 and ended January 23, 2003. A press release announcing the Draft EA/FONSI publication was sent to all interested parties, announced and made available for viewing on the Mid-Pacific Region web page, and announced at meetings conducted by Reclamation for proposed renewal of the long-term water service contracts. Three written comments were received during the public review period. Appendix G provides a copy of each letter with Reclamation's responses.

Public participation requirements for water service, repayment, and other water-related contracts are established in Section 9(f) of the Reclamation Project Act of 1939, 43 U.S.C. 485h, and by RRA rules and regulation (43 CFR 426.22). Public participation procedures are composed of two basic elements: 1) publicize proposed contract actions, and 2) provide an opportunity for public comment. Reclamation provides public notices of proposed contract actions at least 60 days prior to execution of any contract with a term greater than 1 year. Negotiations have been completed for the draft form of the 2004 contracts, and a press release announcing their availability was sent to all interested parties on December 12, 2003. The draft forms of the contract are available for a 60-day public review and comment period and can be viewed on-line at www.usbr.gov/mp/cvpia/3404c/2004InterimCts/index.html.

Table 1. Central Valley Project 2004 Interim Renewal Contractors, IRC contract quantities, the existing contract number, and the existing contract expiration date.

CVP Contractor	Contract Quantity (A/F)	Existing Contract No.	Contract Expiration Date
<u>AMERICAN RIVER DIVISION</u>			
<u>Folsom Lake Unit:</u>			
El Dorado Irrigation District*	7,500	14-06-200-1357A	12/31/2004
El Dorado Irrigation District (Lake Hills Estates)	50	14-06-200-7312-IR6	2/29/2004
San Juan Water District	11,200	14-06-200-152A-IR7	2/29/2004
<u>Slv Park Unit:</u>			
El Dorado Irrigation District <i>(Transferring title to EID, but will include in this impact analysis)</i>	23,000	14-06-200-949-IR7	2/29/2004
<u>DELTA DIVISION</u>			
<u>Delta-Mendota Canal:</u>			
Banta-Carbona Irrigation District	20,000	14-06-200-4305A-IR7-A	2/29/2004
Broadview Water District	27,000	14-06-200-8092-IR7	2/29/2004
Centinella Water District	2,500	7-07-20-W0055-IR7	2/29/2004
Coelho Family Trust* <i>(Formerly Traction Ranch)</i>	2,080	14-06-200-7859A-IR1	2/29/2004
Del Puerto Water District	140,210	14-06-200-922-IR9	2/29/2004
Eagle Field Water District	4,550	14-06-200-7754-IR7	2/29/2004
Fresno Slough Water District*	4,000	14-06-200-4019A-IR1	2/29/2004
James Irrigation District*	35,300	14-06-200-700-A-IR1	2/29/2004
Laguna Water District	800	2-07-20-W0266-IR7	2/29/2004
Mercy Springs Water District	2,842	14-06-200-3365A-IR7-A	2/29/2004
Pajaro Valley Water Management Area, Westlands Water District (District # 1), Santa Clara Valley Water District	6,260	14-06-200-3365A-IR7-B	2/29/2004
Westlands Water District (District # 2)* <i>(assignment final)</i>	4,198	14-06-200-3365A-IR7-C <i>(assign from MercySprings WD)</i>	2/29/2004
Oro Loma Water District	4,600	14-06-200-7823-IR7	2/29/2004
Patterson Irrigation District	16,500	14-06-200-3598A-IR7	2/29/2004
Plain View Water District	20,600	14-06-200-785-IR9	2/29/2004
Reclamation District 1606*	228	14-06-200-3802A-IR1	2/29/2004
The West Side Irrigation District	5,000	7-07-20-W0045-IR7-A	2/29/2004
Tracy, City Of* <i>(assignment pending)</i>	5,000	14-06-200-4305A-IR7-B <i>(partial assign. from Banta Carbona ID)</i>	2/29/2004
Tracy, City Of* <i>(assignment pending)</i>	2,500	7-07-20-W0045-IR7-B <i>(partial assign. from The West Side ID)</i>	2/29/2004
Tranquillity Irrigation District*	13,800	14-06-200-701-A-IR1	2/29/2004
Tranquillity Public Utility District* <i>(Formerly Hughes, Melvin)</i>	70	14-06-200-3537A-IR1	2/29/2004
US Department of Veterans Affairs* <i>(San Joaquin National Cemetery)</i>	450	3-07-20-W1124-IR0	2/29/2004
West Stanislaus Irrigation District	50,000	14-06-200-1072-IR9	2/29/2004
Widren Water District	2,990	14-06-200-8018-IR7	2/29/2004
<u>FRIANT DIVISION</u>			
<u>Friant-Kern Canal:</u>			
Lewis Creek Water District* <i>(Did not renew, but will</i>	1,450	14-06-200-1911A-IR1	2/29/2000

CVP Contractor	Contract Quantity (A/F)	Existing Contract No.	Contract Expiration Date
<i>include action in this impact analysis)</i>			
<u>SACRAMENTO RIVER DIVISION</u>			
<u>Corning Canal Unit:</u>			
Corning Water District	23,000	14-06-200-6575-IR7	2/29/2004
Proberta Water District	3,500	14-06-200-7311-IR7	2/29/2004
Thomes Creek Water District	6,400	14-06-200-5271A-IR7	2/29/2004
<u>Tehama-Colusa Canal Unit:</u>			
Colusa County Water District	62,200	14-06-200-304-A-IR7	2/29/2004
Colusa, County Of (Subs: Colusa County WD, Cortina WD, 4-M WD, Glenn Valley WD, Holthouse WD, La Grande WD, Myers-Marsh MWC)	60,000	14-06-200-8310A-IR7	2/29/2004
Davis Water District	4,000	14-06-200-6001A-IR7	2/29/2004
Dunnigan Water District	19,000	14-06-200-399A-IR7	2/29/2004
Glide Water District	10,500	7-07-20-W0040-IR7	2/29/2004
Kanawha Water District	45,000	14-06-200-466-A-IR7	2/29/2004
Kirkwood Water District	2,100	7-07-20-W0056-IR7	2/29/2004
La Grande Water District	5,000	7-07-20-W0022-IR7	2/29/2004
Orland-Artois Water District	53,000	14-06-200-8382A-IR7	2/29/2004
Westside Water District	25,000	14-06-200-8222-IR7	2/29/2004
Westside Water District* (assignment final)	40,000	14-06-200-8310X-IR1 assignment from Co. of Colusa	2/29/2004
<u>Feather River:</u>			
Feather Water District	20,000	14-06-200-171A-IR8	2/29/2004
<u>SHASTA DIVISION</u>			
Shasta Lake, City Of	4,400*	4-07-20-W1134-IR9	2/29/2004
Mountain Gate County Service District*	350	14-06-200-6998-IR1	2/29/2004
Shasta County Water Authority*	5,000	14-06-200-3367A	12/31/2004
<u>TRINITY RIVER DIVISION</u>			
Bella Vista Water District	24,000	14-06-200-851A-IR8	2/29/2004
Clear Creek County Service District	15,300	14-06-200-489-A-IR8	2/29/2004
Shasta County Service District*	1,000	14-06-200-862A-IR1	2/29/2004
<u>Miscellaneous</u>			
<u>Colusa Basin Drain:</u>			
Colusa Drain MWC (New Contract - 1988) *	100,000	8-07-20-W0693	12/31/2004
<u>Cross Valley Canal:</u>			
Fresno, County Of	3,000	14-06-200-8292A-IR7	2/29/2004
Hills Valley Irrigation District-Amendatory	3,346	14-06-200-8466A-IR7	2/29/2004
Kern-Tulare Water District	40,000	14-06-200-8601A-IR7	2/29/2004
Lower Tule River Irrigation District	31,102	14-06-200-8237A-IR7	2/29/2004
Pixley Irrigation District	31,102	14-06-200-8238A-IR7	2/29/2004
Rag Gulch Water District	13,300	14-06-200-8367A-IR7	2/29/2004
Tri-Valley Water District	1,142	14-06-200-8565A-IR7	2/29/2004
Tulare, County Of	5,308	14-06-200-8293A-IR7	2/29/2004
* IRC was not included in the 2002 Supplemental EA			