RECLAMATION
Managing Water in the West

DRAFT FINDING OF NO SIGNIFICANT IMPACT

Central Valley Project Interim Renewal Contract for Westlands Water District, Santa Clara Valley Water District, and Pajaro Valley Water Management Agency 2016-2018

FONSI-15-023

U.S. Department of the Interior
Bureau of Reclamation

September 2015

Mission Statements

The mission of the Department of the Interior is to protect and manage the Nation's natural resources and cultural heritage; provide scientific and other information about those resources; and honor its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

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BUREAU OF RECLAMATION
South-Central California Area Office, Fresno, California

FONSI-15-023

Central Valley Project Interim Renewal Contract for Westlands Water District, Santa Clara Valley Water District, and Pajaro Valley Water Management Agency 2016-2018

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Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the South-Central California Area Office of the Bureau of Reclamation (Reclamation), has determined that the renewal of six Central Valley Project (CVP) interim renewal contracts for Westlands Water District (Westlands), Santa Clara Valley Water District (Santa Clara), and Pajaro Water Management Agency (Pajaro Valley) for the contract period March 1, 2016 through February 28, 2018 is not a major federal action that will significantly affect the quality of the human environment and an environmental impact statement is not required. This Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA) Number EA-15-023, *Central Valley Project Interim Renewal Contract for Westlands Water District, Santa Clara Valley Water District, and Pajaro Valley Water Management Agency 2016-2018*, and is hereby incorporated by reference.

Background

Section 3404(c)(1) of the Central Valley Project Improvement Act (CVPIA) authorizes and directs Reclamation to prepare appropriate environmental review before renewing an existing water service contract for a period of twenty-five years. Section 3404(c) of the CVPIA further provides for the execution of interim renewal contracts for contracts which expired prior to completion of the CVPIA Programmatic Environmental Impact Statement (PEIS). Interim renewal contracts have been and continue to be undertaken under the authority of the CVPIA to provide a bridge between the expiration of the original long-term water service contracts and the execution of new long-term water service contracts as required by the CVPIA. The interim renewal contracts reflect current Reclamation law, including modifications resulting from the Reclamation Reform Act and applicable CVPIA requirements. The initial interim renewal contracts were negotiated beginning in 1994 for contractors whose long-term renewal contracts were expiring then with subsequent renewals for periods of two years or less to provide continued water service. Many of the provisions from the interim renewal contracts were assumed to be part of the contract renewal provisions in the description of the PEIS Preferred Alternative.

The PEIS did not analyze site specific impacts of contract renewal but rather CVP-wide impacts of execution of long-term renewal contracts. Consequently, as long-term renewal contract negotiations were completed, Reclamation prepared environmental documents that tiered from the PEIS to analyze the local effects of execution of long-term renewal contracts at the division, unit, or facility level. Tiering is defined as the coverage of general matters in broader environmental impact statements with site-specific environmental analyses for individual actions. Environmental analysis for the interim renewal contracts has also tiered from the PEIS to analyze site-specific impacts. Consequently, the analysis in the PEIS as it relates to the implementation of the CVPIA through contract renewal and the environmental impacts of implementation of the PEIS Preferred Alternative are foundational and laid the groundwork for

EA-15-023. The PEIS analyzed the differences in the environmental conditions between existing contract requirements (signed prior to CVPIA) and the No Action Alternative described in EA-15-023 which is reflective of minimum implementation of the CVPIA.

Proposed Action

In accordance with and as required by Section 3404(c) of the CVPIA, Reclamation proposes to execute interim renewal contracts with Westlands, Santa Clara, and Pajaro Valley for contract period March 1, 2016 through February 28, 2018 as described in Section 2.2 of EA-15-023.

Environmental Commitments

Reclamation, Westlands, Santa Clara, and Pajaro Valley will implement the environmental protection measures included in Table 3 of EA-15-023. Environmental consequences for resource areas assume the measures specified would be fully implemented.

Findings

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

Resources Eliminated from Detailed Analysis

As described in Section 3.1 of EA-15-021, Reclamation analyzed the affected environment and determined that the Proposed Action does not have the potential to cause direct, indirect, or cumulative adverse effects to the following resources: air quality, cultural resources, environmental justice, global climate change, Indian Sacred Sites, Indian Trust Assets, land use, or socioeconomic resources.

Water Resources

Impacts to water resources associated with the Proposed Action would be comparable to those described under the No Action alternative although tiered pricing provisions are not included in these contracts. Execution of interim renewal contracts, with only minor administrative changes to the contract provisions, would not result in a change in contract water quantities or a change in water use. Water delivery during the interim renewal contract period would not exceed historic quantities. The execution of interim renewal contracts delivering the same quantities of water that have historically been put to beneficial use would not result in any growth-inducing impacts. In addition, no substantial changes in growth due to the execution of these interim renewal contracts are expected to occur during the short timeframe of this renewal. Therefore, the Proposed Action would have no adverse impacts on water resources.

Biological Resources

CVP-wide impacts to biological resources were evaluated in the PEIS, and a USFWS biological opinion addressing potential CVP-wide impacts of the CVPIA was completed on November 21, 2000. In addition, the programmatic biological opinion and Essential Fish Habitat Conservation Recommendations prepared by NMFS for the CVPIA were completed on November 14, 2000. As with the No Action alternative, the Proposed Action would meet environmental commitments

in existence as a result of existing biological opinions, including those for the CVPIA. As described previously, interim renewal contracts contain provisions that allow for adjustments resulting from court decisions, new laws, and from changes in regulatory requirements imposed through re-consultations. Accordingly, to the extent that additional restrictions are imposed on CVP operations to protect threatened or endangered species, those restrictions would be implemented in the administration of the six interim water service contracts considered in this EA. As a result, the interim renewal contracts analyzed would conform to any applicable requirements imposed under the federal ESA or other applicable environmental laws.

The Proposed Action would not result in any change in existing water diversions from the Delta nor would it require construction of new facilities or modification of existing facilities for water deliveries. The CVP water supply for Westlands and Santa Clara pursuant to the six interim renewal contracts listed in Table 2 would continue to be used for agricultural and M&I purposes within their respective CVP service areas (see Appendix A) as it has in the past. In addition, as described in Table 3, no native or untilled land (fallow for three consecutive years or more) may be cultivated with CVP water without additional environmental analysis and approval.

Migratory Birds

Changes in crop patterns toward more permanent crops and increased fallowing of land could result in less habitat for the Swainson's hawk and western burrowing owl; however, these effects have occurred previously and are likely to continue to occur in the future under either alternative. The Proposed Action would deliver water through existing facilities to existing irrigated agricultural lands which already receive delivered water. As delivery of CVP water under this alternative would support existing land use patterns, take would not occur as defined by the Migratory Bird Treaty Act.

Federally-listed Species

Under the Proposed Action direct effects on federally listed species are related to farm practices such as pesticide use and choice of crops grown, which are not within the control or authority of Reclamation. Although orchards have been shown to allow greater kit fox foraging and movement (Warrick et al. 2007) than row crops, management of orchards to reduce rodent damage (e.g., use of anticoagulant baits) could make orchard operations harmful to kit fox. In addition, the resumption of agricultural activities on lands fallowed for more than one year has the potential to remove dens, reduce prey and force kit foxes into unfamiliar areas (Cypher 2006). Discing of lands near native lands could also impact the blunt-nosed leopard lizard and San Joaquin woolly-threads if present as they may overlap slightly with the adjoining lands. These effects have occurred previously and are likely to continue to occur in the future under either alternative as they are the effect of farming practices and not an effect of the Proposed Action.

There would be no effects to salmonid species' designated critical habitat or green sturgeon since none inhabit or exist in Westlands or Santa Clara. Additionally, impacts to salmonid species and green sturgeon in the Delta are solely the result of CVP operations, and are addressed in the CVP/SWP Coordinating Operations consultation.

Cumulative Impacts

Cumulative impacts relating to diversion of water and CVP operations were considered in the CVPIA PEIS. Reclamation's action is the execution of six interim renewal water service contracts between the United States and Westlands, Santa Clara, and Pajaro Valley under either the No Action Alternative or the Proposed Action. These contractors have existing interim renewal contracts as described in EA-15-023. It is likely that subsequent interim renewals would be needed in the future pending the execution of long-term renewal contracts. As both the Proposed Action and the No Action alternative would, in essence, maintain the environmental status quo, i.e., the same amount of water would go to the same areas for the same uses (albeit under different legal arrangements), they do not contribute to cumulative impacts in any demonstrable manner.

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Draft Environmental Assessment

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Section 1 Introduction

1.1 Background

On October 30, 1992, the President signed into law the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575) which included Title 34, the Central Valley Project Improvement Act (CVPIA). The CVPIA amended previous authorizations of the CVP to include fish and wildlife protection, restoration, and mitigation as project purposes having equal priority with irrigation and domestic water supply uses, and fish and wildlife enhancement as having an equal priority with power generation. Through the CVPIA, Reclamation is developing policies and programs to improve the environmental conditions that were affected by the operation and maintenance (O&M) and physical facilities of the CVP. The CVPIA also includes tools to facilitate larger efforts in California to improve environmental conditions in the Central Valley and the San Francisco Bay-Delta system.

Section 3404(c) of the CVPIA directs the Secretary of the Interior to renew existing CVP water service and repayment contracts following completion of a Programmatic Environmental Impact Statement (PEIS) and other needed environmental documentation by stating that:

> *… the Secretary shall, upon request, renew any existing long-term repayment or water service contract for the delivery of water … for a period of 25 years and may renew such contracts for successive periods of up to 25 years each* ... [after] *appropriate environmental review, including preparation of the environmental impact statement required in section 3409* [i.e., the CVPIA PEIS] … *has been completed.*

Reclamation released a Draft PEIS on November 7, 1997. An extended comment period closed on April 17, 1998. The U.S. Fish and Wildlife Service (USFWS) became a co-lead agency in August 1999. Reclamation and the USFWS released the Final PEIS in October 1999 (Reclamation 1999a) and the Record of Decision (ROD) in January 2001. The CVPIA PEIS analyzed a No Action Alternative, 5 Main alternatives, including a Preferred Alternative, and 15 Supplemental Analyses. The alternatives included implementation of the following programs: Anadromous Fish Restoration Program with flow and non-flow restoration methods and fish passage improvements; Reliable Water Supply Program for refuges and wetlands identified in the 1989 Refuge Water Supply Study and the San Joaquin Basin Action Plan; Protection and restoration program for native species and associated habitats; Land Retirement Program for willing sellers of land characterized by poor drainage; and CVP Water Contract Provisions for contract renewals, water pricing, water metering/monitoring, water conservation methods, and water transfers.

The CVPIA PEIS provided a programmatic evaluation of the impacts of implementing the CVPIA including impacts to CVP operations north and south of the Sacramento-San Joaquin

River Delta (Delta). The PEIS addressed the CVPIA's region-wide impacts on communities, industries, economies, and natural resources and provided a basis for selecting a decision among the alternatives.

Section 3404(c) of the CVPIA further provides for the execution of interim renewal contracts for contracts which expired prior to completion of the CVPIA PEIS by stating that:

> *No such renewals shall be authorized until appropriate environmental review, including the preparation of the environmental impact statement required in section 3409 of this title, has been completed. Contracts which expire prior to the completion of the environmental impact statement required by section 3409* [i.e., the CVPIA PEIS] *may be renewed for an interim period not to exceed three years in length, and for successive interim periods of not more than two years in length, until the environmental impact statement required by section 3409 has been finally completed, at which time such interim renewal contracts shall be eligible for long-term renewal as provided above.*

Interim renewal contracts have been and continue to be undertaken under the authority of the CVPIA to provide a bridge between the expiration of the original long-term water service contracts and the execution of new long-term water service contracts as required by the CVPIA. The interim renewal contracts reflect current Reclamation law, including modifications resulting from the Reclamation Reform Act and applicable CVPIA requirements. The initial interim renewal contracts were negotiated in 1994 with subsequent renewals for periods of two years or less to provide continued water service. Many of the provisions from the interim renewal contracts were assumed to be part of the contract renewal provisions in the description of the PEIS Preferred Alternative.

The PEIS did not analyze site specific impacts of contract renewal but rather CVP-wide impacts of execution of long-term renewal contracts. Consequently, as long-term renewal contract negotiations were completed, Reclamation prepared environmental documents that tiered from the PEIS to analyze the local effects of execution of long-term renewal contracts at the division, unit, or facility level (see Section 1.1.1). Tiering is defined as the coverage of general matters in broader environmental impact statements with site-specific environmental analyses for individual actions. Environmental analysis for the interim renewal contracts has also tiered from the PEIS to analyze site specific impacts. Consequently, the analysis in the PEIS as it relates to the implementation of the CVPIA through contract renewal and the environmental impacts of implementation of the PEIS Preferred Alternative are foundational and laid the groundwork for this document. The PEIS analyzed the differences in the environmental conditions between existing contract requirements (signed prior to CVPIA) and the No Action Alternative described in this EA which is reflective of minimum implementation of the CVPIA.

In accordance with and as required by Section 3404(c) of the CVPIA, Reclamation proposes to execute six interim renewal contracts beginning March 1, 2016 (Table 1). These six interim renewal contracts would be renewed for a two-year period from March 1, 2016 through February

28, 2018. In the event a new long-term renewal contract for water service is executed, the interim renewal contract then-in-effect would be superseded by the long-term renewal contract.

Table 1 Contractors, Existing Contract Amounts, and Expiration Dates

Contractor	Contract Number	Contract Quantity (acre-feet per year)	Expiration of Existing Interim Renewal Contract
Pajaro Valley Water Management Agency, Santa Clara Valley Water District, and Westlands Water District Distribution District # 1 (3-way assignment from Mercy Springs Water District)	14-06-200-3365A-IR14-B	6,260	2/29/2016
Westlands Water District	14-06-200-495A-IR4	1,150,000	2/29/2016
Westlands Water District Distribution District #1 (full assignment from Broadview Water District)	14-06-200-8092-IR14	27,000	2/29/2016
Westlands Water District Distribution District #1 (full assignment from Centinella Water District)	14-06-200-W0055-IR14-B	2,500	2/29/2016
Westlands Water District Distribution District #2 (partial assignment from Mercy Springs Water District)	14-06-200-3365A-IR14-C	4,198	2/29/2016
Westlands Water District Distribution District #1 (full assignment from Widren Water District)	14-06-200-8018-IR14-B	2,990	2/29/2016

Reclamation has prepared this EA, which tiers from the PEIS, to determine the site specific environmental effects of any actions resulting from the execution of these six interim renewal contracts. The following previous interim renewal EAs, which tiered from the PEIS, were prepared and approved for these contracts and approved as follows:

- A 2014 EA (Reclamation 2014) which covered March 1, 2014 through February 2016
- A 2012 EA (Reclamation 2012a) which covered March 1, 2012 through February 2014
- Two 2010 EAs (Reclamation 2010a and 2010b) which covered March 1, 2010 through February 2012
- A 2008 EA (Reclamation 2008a) which covered March 1, 2008 through February 28, 2010
- A 2007 EA (Reclamation 2007a) which covered January 1, 2008 through February 2010
- A 2006 Supplemental EA (Reclamation 2006a) which covered March 1, 2006 through February 2008
- A 2004 Supplemental EA (Reclamation 2004a) which covered March 1, 2004 through February 2006
- A 2002 Supplemental EA (Reclamation 2002a) which covered March 1, 2002 through February 2004
- A 2001 Supplemental EA (Reclamation 2001a) which covered March 1, 2001 through February 2002
- A 2000 Supplemental EA (Reclamation 2000a) which covered March 1, 2000 through February 2001

- A 1998 Supplemental EA (Reclamation 1998) which covered March 1, 1998 through February 2000
- A 1994 Interim Renewal Contracts EA (Reclamation 1994) which covered March 1, 1994 through February 1998

This EA was developed consistent with regulations and guidance from the Council on Environmental Quality, and in conformance with the analysis provided in Natural Resources Defense Council 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 EA and the incorporated EAs finds in large part that the execution of the interim renewal contracts is in essence a continuation of the "status quo", and that although there are financial and administrative changes to the contracts, the contracts continue the existing use and allocation of resources (i.e., the contracts are for the same amount of water and for use on the same lands for existing/ongoing purposes). Further, on March 8, 2013, the Federal Court in the Eastern District of California found that Reclamation "appropriately defined the status quo as the 'continued delivery of CVP water under the interim renewal of existing contracts'" and that "[t]he indisputable historical pattern of use of the resource (water) further supports the Bureau's definition of the no-action alternative" (Document 52 for Case 1:12-cv-01303-LJO-MJS). On February 6, 2014, the Eastern District Court of California further stated that "agency actions that do not alter the status quo *ipso facto* do not have a significant impact on the environment" and that "[a]n action that does not change the status quo cannot cause any change in the environment and therefore cannot cause effects that require analysis in the EA" (Document 88 for Case 1:12-cv-01303-LJO-MJS). This EA is therefore focused on the potential environmental effects resulting to proposed changes to the contract as compared to the No Action Alternative.

1.1.1 Long-Term Renewal Contracts

CVP water service contracts are between the United States and individual water users or districts and provide for an allocated supply of CVP water to be applied for beneficial use. Water service contracts are required for the receipt of CVP water under federal Reclamation law and among other things stipulates provisions under which a water supply is provided, to produce revenues sufficient to recover an appropriate share of capital investment, and to pay the annual O&M costs of the CVP.

Reclamation completed long-term renewal contract environmental documentation in early 2001 for CVP contracts in the Friant Division, Hidden Unit, and Buchanan Unit of the CVP (Reclamation 2001b). Twenty-five of the 28 Friant Division long-term renewal contracts were executed between January and February 2001, and the Hidden Unit and Buchanan Unit long-term renewal contracts were executed in February 2001. The Friant Division long-term renewal contracts with the City of Lindsay, Lewis Creek Water District, and City of Fresno were executed in 2005. In accordance with Section 10010 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11), Reclamation entered into 24 Friant Division 9(d) Repayment Contracts by December 2010.

A Final Environmental Impact Statement (EIS) analyzing effects of the long-term renewal contracts for the Sacramento River Settlement Contracts and the Colusa Drain Mutual Water Company was completed in December 2004 (Reclamation 2004b). The 147 Sacramento River Settlement Contracts were executed in 2005, and the Colusa Drain Mutual Water Company contract was executed on May 27, 2005. A revised EA for the long-term renewal contract for the Feather Water District water-service replacement contract was completed August 15, 2005 and the long-term renewal contract was executed on September 27, 2005 (Reclamation 2005b).

Environmental documents were completed by Reclamation in February 2005 for the long-term renewal of CVP contracts in the Shasta Division and Trinity River Divisions (Reclamation 2005b), the Black Butte Unit, Corning Canal Unit, and the Tehama-Colusa Canal Unit of the Sacramento River Division (Reclamation 2005c). All long-term renewal contracts for the Shasta, Trinity and Sacramento River Divisions covered in these environmental documents were executed between February and May 2005. As Elk Creek Community Services District's long-term contract didn't expire until 2007 they chose not to be included at that time. Reclamation continues to work on long-term renewal contract environmental documentation for Elk Creek Community Services District.

Reclamation completed long-term renewal contract environmental documents for the Delta Division (Reclamation 2005d) and the U.S. Department of Veteran Affairs (Reclamation 2005e). In 2005, Reclamation executed 17 Delta Division long-term renewal contracts.

Reclamation completed long-term renewal contract environmental documents for Contra Costa Water District (Reclamation 2005f) and executed a long-term renewal contract in 2005.

Regarding certain long term contract renewals related to the Sacramento River Settlement contracts and certain Delta Division contracts, the United States Court of Appeals for the Ninth Circuit recently held that the original Sacrament River Settlement contracts did not strip Reclamation of all discretion at contract renewal, such that Reclamation was not obligated to consult under Section 7 of the ESA. The court also held that environmental plaintiffs have standing to challenge the renewal of the Delta Division contracts under Section 7 of the ESA, even though the contracts include shortage provisions that allow Reclamation to completely withhold project water for legal obligations. The court additionally found that Reclamation, even though full contract deliveries were analyzed in the 2008 delta smelt biological opinion, has yet to consult on specific contract terms to benefit delta smelt. The matter has been remanded to District Court, which has stayed the litigation for six months to allow Reclamation reinitiate consultation with USFWS on the contract renewals' potential effect on delta smelt. The contracts remain effective.

Reclamation completed long-term renewal contract environmental documents for the majority of the American River Division (Reclamation 2005g). The American River Division has seven contracts that are subject to renewal. The ROD for the American River long-term renewal contract EIS was executed for five of the seven contractors. Reclamation continues to work on long-term renewal contract environmental documentation for the other two remaining contractors.

On March 28, 2007, the San Felipe Division existing contracts were amended to incorporate some of the CVPIA requirements; however, the long-term renewal contracts for this division were not executed. The San Felipe Division contracts expire December 31, 2027. Reclamation continues to work on long-term renewal contract environmental documentation for the San Felipe Division.

Long-term renewal contracts have not been completed for the City of Tracy, Cross Valley contractors, the San Luis Unit and the 3-way partial assignment from Mercy Springs Water District (Mercy Springs) to Pajaro Valley Water Management Agency (Pajaro Valley), Santa Clara Valley Water District (Santa Clara), and Westlands Water District (Westlands) Distribution District # 1 (DD#1) as ESA consultation by the USFWS and National Marine Fisheries Service (NMFS) for the CVP/State Water Project (SWP) Coordinated Operations was remanded in 2010 (Document 757, Case 1:09-cv-00407-OWW-DLB) and 2011 (Document 633, Case 1:09-cv-01053-OWW-DLB), respectively, by the U.S. District Court without *vacatur* prior to completion of the long-term environmental analysis. In 2014, the U.S. Court of Appeals for the Ninth Circuit reversed the components of the district court's ruling that invalidated the biological opinions (Case: 11-15871, D.C. No. 1:09-cv-00407-OWW-DLB and Case: 12-15144, D.C. No. 1:09-cv-01053-LJO-DLB) . As the CVP/SWP Coordinated Operations ESA consultation has been upheld, Reclamation is pursuing completion of environmental compliance for the remaining long-term contracts under separate environmental documentation.

1.2 Need for the Proposed Action

Interim renewal contracts are needed to provide the mechanism for the continued beneficial use of the water developed and managed by the CVP and for the continued reimbursement to the federal government for costs related to the construction and operation of the CVP by the contractors. Additionally, CVP water is essential to continue municipal viability for these contractors.

As described in Section 1.1.1, execution of long-term renewal contracts for the contracts listed in Table 1 is still pending. The purpose of the Proposed Action is to execute six interim renewal contracts in order to extend the term of the contractors' existing interim renewal contracts for two years, beginning March 1, 2016 and ending February 28, 2018. Execution of these six interim renewal contracts is needed to continue delivery of CVP water to these contractors, and to further implement CVPIA Section 3404(c), until their new long-term renewal contract can be executed.

1.3 Scope

This EA has been prepared to examine the impacts on environmental resources as a result of delivering water to the contractors listed in Table 1-1 under the proposed interim renewal contracts. The water would be delivered for agricultural and municipal and industrial (M&I) purposes within Reclamation's existing water right place of use. The water would be delivered within the contractor service area boundaries using existing facilities for a period of up to two years. See Appendix A for contractor-specific service area maps.

In 1999, Mercy Springs assigned 6,260 acre-feet (AF) per year (AFY) of its Delta Division CVP Water Service Contract (Contract No. 14-06-200-3365A-IR2) jointly to Pajaro Valley, Santa Clara, and Westlands DD#1. At the time of the assignment, Pajaro Valley did not have infrastructure in place to receive their portion of the CVP water. Consequently, an agreement was prepared among Pajaro Valley, Westlands, and Santa Clara which allows Santa Clara and Westlands DD#1 to take delivery of the water on an interim basis until Pajaro Valley is ready to take delivery of the CVP water for beneficial use in its service area. To date, conveyance facilities to transport the CVP water to Pajaro Valley have not been constructed and Pajaro Valley will not be able to take delivery of their portion of CVP water under Contract No. 14-06-200-3365A-IR13-B unless or until a conveyance mechanism is in place for Pajaro Valley to physically receive this water. Since it is highly unlikely that Pajaro Valley will have the ability to take CVP water during the two-year interim renewal contract period, water deliveries under this contract will be analyzed for Santa Clara and Westlands DD#1 but not within Pajaro Valley consistent with previous interim renewals for this contract.

Delta exports of CVP water for delivery under interim renewal contracts is an on-going action and the diversion of CVP waters for export to south-of-Delta contractors was described in the PEIS (see Chapter III of the PEIS). As the diversion of water for delivery under the interim renewal contract is an on-going action, this EA covers the environmental analysis of fulfilling Reclamation's obligation to renew interim renewal contracts pending execution of their long-term renewal contract. Renewal of the contracts is required by Reclamation Law, including the CVPIA, and continues the current use and allocation of resources by CVP contractors, within the framework of implementing the overall CVPIA programs.

Environmental reviews of CVP operations and other contract actions have been or are being conducted within the framework of the CVPIA PEIS. As discussed above, the long-term contract renewals for many CVP contractors both north and south of the Delta have already been executed following site-specific environmental review with a few, such as the contractors included in this EA, remaining to be completed. Water resources north of the Delta including the Trinity, Sacramento and American rivers are not analyzed in this EA. Several environmental documents and associated programs address north of Delta water resources including, but not limited to:

- The Bay Delta Conservation Plan that is being developed to provide the basis for the issuance of endangered species permits for the operation of the CVP and SWP. The Bay Delta Conservation Plan is a long-term conservation strategy that addresses species, habitat and water resources that drain to the Delta.
- The Trinity River Restoration Program was developed to restore the Trinity River as a viable fishery. The 2001 Trinity River ROD issued for the program specifies four modes of restoration including: flow management through releases from Lewiston Dam, construction of channel rehabilitation sites, augmentation of spawning gravels, control of fine sediments and infrastructure improvements to accommodate high flow releases.
- The CVP Conservation Program was formally established to address Reclamation's requirements under the ESA. Over 80 projects have been funded by the CVP

Conservation Program since its beginning and more recent budgets are allowing for funding of seven to fourteen projects annually.

- The Habitat Restoration Program was established under Title 34 of the CVPIA to protect, restore, and mitigate for past fish and wildlife impacts of the CVP not already addressed by the CVPIA.
- The CVPIA PEIS (described above).

In addition, Reclamation is currently preparing environmental documentation pursuant to NEPA for the coordinated operation of the CVP and SWP as required by Court Order. The execution of interim renewal contracts does not affect the operation of the CVP or SWP as it maintains existing uses and does not affect the status quo.

1.4 Issues Related to CVP Water Use Not Analyzed

1.4.1 Contract Service Areas

No changes to any contractor's service area are included as a part of the alternatives or analyzed within this EA. Reclamation's approval of a request by a contractor to change its existing service area would be a separate discretionary action. Separate appropriate environmental compliance and documentation would be completed before Reclamation approves a land inclusion or exclusion to any contractor's service area.

1.4.2 Water Transfers and Exchanges

No sales, transfers, or exchanges of CVP water are included as part of the alternatives or analyzed within this EA. Reclamation's approvals of water sales, transfers, and exchanges are separate discretionary actions requiring separate additional and/or supplementary environmental compliance. Approval of these actions is independent of the execution of interim renewal contracts. Pursuant to Section 3405 of the CVPIA, transfers of CVP water require appropriate site-specific environmental compliance. Appropriate site-specific environmental compliance is also required for all CVP water exchanges.

1.4.3 Contract Assignments

Assignments of CVP contracts are not included as part of the alternatives or analyzed within this EA. Reclamation's approvals of any assignments of CVP contracts are separate, discretionary actions that require their own environmental compliance and documentation.

1.4.4 Warren Act Contracts

Warren Act contracts between Reclamation and water contractors for the conveyance of non-federal water through federal facilities or the storage of non-federal water in federal facilities are not included as a part of the alternatives or analyzed within this EA. Reclamation decisions to enter into Warren Act contracts are separate actions and independent of the execution of interim renewal contracts. Separate environmental compliance would be completed prior to Reclamation executing Warren Act contracts.

1.4.5 Purpose of Water Use

Use of contract water for M&I use under the proposed interim renewal contracts would not change from the purpose of use specified in the existing contracts. Any change in use for these

contracts would be separate, discretionary actions that require their own environmental compliance and documentation.

1.4.6 Drainage

This EA acknowledges ongoing trends associated with the continued application of irrigation water and production of drainage related to that water. It does not analyze the effects of Reclamation's providing agricultural drainage service to the San Luis Unit. The provision of drainage service is a separate federal action that has been considered in a separate environmental document, the *San Luis Drainage Feature Re-Evaluation Final Environmental Impact Statement* [SLDFR FEIS] (Reclamation 2005h). The SLDFR FEIS evaluated seven Action alternatives in addition to the No Action Alternative for implementing drainage service within the San Luis Unit. The ROD for the SLDFR-FEIS was signed March 9, 2007. The actions considered in this EA would not alter or affect the analysis or conclusions in the SLDFR FEIS or its ROD. In 2008, Reclamation prepared the *San Luis Drainage Feature Re-Evaluation Feasibility Report* (Feasibility Report) to evaluate the feasibility of implementing the SLDFR FEIS Preferred Alternative (Reclamation 2008b).

The SLDFR FEIS identified drainage areas within PWD and SLWD and incorporated the Westside Regional Drainage Plan. The Westside Regional Drainage Plan components are currently being implemented through the ongoing Grassland Bypass Project (GBP). Reclamation and the San Luis & Delta-Mendota Water Authority prepared the *Grassland Bypass Project 2010-2019 Environmental Impact Statement and Environmental Impact Report* (Reclamation 2009) and Reclamation completed associated consultations under the ESA. The Project is permitted to Reclamation and the San Luis & Delta-Mendota Water Authority by the California Water Quality Control Board, Central Valley Region and is further controlled by environmental commitments and mitigation requirements pursuant to the Use Agreement considered in the 2009 GBP EIS. Further, as part of the SLDFR Feasibility Report, Reclamation has completed construction of a Demonstration Treatment Plant near Firebaugh, California within Panoche Drainage District's San Joaquin River Improvement Project reuse area located within the Grasslands Drainage Area. Initial equipment testing and operations is underway. The primary purpose of the treatment plant is to demonstrate and operate the reverse osmosis and selenium biotreatment technologies described in the Feasibility Report in order to collect cost and performance data required for final design of the corresponding full-scale drainage service treatment components to be constructed in Westlands in accordance with Public Law 86-488 and the Revised Control Schedule filed November 4, 2011 by the United States in *Firebaugh Canal Water District, et al. v United States of America, et. al.*, (CV-F-88-634 and CV-F-91-048 Partially Consolidated). Reclamation completed an EA entitled *San Luis Drainage Feature Reevaluation Demonstration Treatment Facility at Panoche Drainage District* on June 7, 2012 (Reclamation 2012b) which analyzed the construction and 18-month operation of the Demonstration Treatment Facility.

On October 8, 2013 Westlands filed several court documents related to the above noted litigation including a "Notice of Motion and Motion for Order Temporarily Suspending Federal Defendants' Drainage Activities Within Westlands Water District" (Motion). Westlands' Motion provided for an order that in essence would suspend Reclamation's drainage activities within Westlands for six months. Westlands also noted that "Temporarily suspending drainage activities within Westlands would facilitate settlement negotiations between Federal Defendants

and Westlands relating to the provision of drainage service within Westlands". And further that a temporary suspension would avoid Federal expenditures for a drainage solution that ultimately may not be adopted after settlement, for which Reclamation will seek reimbursement from Westlands. However, Westlands also specifically noted that activities related to the construction and testing of the Demonstration Treatment Plant in the Panoche Drainage District would continue (Documents 968, 968-1, 968-2, and 968-3, Case 1:88-cv-00634-LJO-DLB).

On October 28, 2013 the Department of Justice filed a "Response" to Westlands' Motion. The Response noted that an orderly suspension of work in the central sub-unit of Westlands while the Federal Defendants and Westlands negotiate may avoid the expenditure of federal appropriations, which Westlands will have to repay, on a drainage solution that may be different than one ultimately agreed to under a settlement. The Response also noted that those funds *in excess* of amounts required to support an adjusted schedule of activities following a period of suspension should the parties fail to reach a settlement – should be available for expenditure by Reclamation on other high priority activities. The Response further noted that in the event the Court grants Westlands' Motion and orders the suspension of drainage activities as requested by Westlands, that Reclamation intends nevertheless to continue the construction and testing of the Demonstration Treatment Plant currently under construction within the Panoche Drainage District as noted in Westlands Motion (Document 969, Case 1:88-cv-00634-LJO-DLB).

On November 13, 2013, District Court Judge Lawrence J. O'Neill signed an order that stated: "Therefore, IT IS HEREBY ORDERED that Westlands' motion is GRANTED. Federal Defendants may suspend all activities described in the Revised Control Schedule, except the activities related to the Demonstration Plant…for a period of six months from the date of this Order. Reclamation may, consistent with applicable law, redirect appropriations designated for drainage activities within Westlands to other, high-priority activities." (Document 973, Case 1:88-cv-00634-LJO-DLB).

On April 14, 2014, Westlands submitted a motion (Document 975-1, Case 1:88-cv-00634-LJO-DLB) requesting an additional 6 month suspension of drainage activities within Westlands. On April 30, 2014, District Court Judge Lawrence J. O'Neill granted the motion (Document 979, Case 1:88-cv-00634-LJO-DLB).

On December 6, 2014, Westlands submitted a third motion requesting to further suspend drainage activities for another six months (Document 983, Case 1:88-cv-00634-LJO-DLB). Following a request from the Court for supplemental briefing by Westlands on the absence of harm to the public resulting from further delay (Document 992, Case 1:88-cv-00634-LJO-DLB), Reclamation filed a motion concurring that a further six-month partial suspension of drainage activities within Westlands will not be adverse to the public interest. On January 7, 2015, the Court issued an order granting Westlands request for a temporary suspension through April of 2015. While a general framework for a proposed settlement has been agreed to by the United States and Westlands, the exact terms of a proposed settlement are currently being reviewed by the Department of Justice.

Section 2 Alternatives Including the Proposed Action

The No Action alternative and the Proposed Action include the execution of six interim renewal contracts. The six interim contracts, their contract entitlements, and purpose of use under both alternatives can be found in Table 2 below.

Table 2 Contracts, Contract Entitlements, and Purpose of Use

Contractor	Contract number	Contract Quantity (AFY)	Purpose of Use
Pajaro Valley Water Management Agency, Santa Clara Valley Water District, and Westlands Water District Distribution District # 1 (3-way partial assignment from Mercy Springs Water District)	14-06-200-3365A-IR14-B	6,260	Agriculture &/or M&I
Westlands Water District	14-06-200-495A-IR4	1,150,000	Agriculture &/or M&I
Westlands Water District Distribution District #1 (full assignment from Broadview Water District)	14-06-200-8092-IR14	27,000	Agriculture &/or M&I
Westlands Water District Distribution District #1 (full assignment from Centinella Water District)	7-07-20-W0055-IR14-B	2,500	Agriculture &/or M&I
Westlands Water District Distribution District #2 (partial assignment from Mercy Springs Water District)	14-06-200-3365A-IR14-C	4,198	Agriculture &/or M&I
Westlands Water District Distribution District #1 (full assignment from Widren Water District)	14-06-200-8018-IR14-B	2,990	Agriculture &/or M&I

For purposes of this EA, the following assumptions are made under each alternative:

A. Execution of each interim renewal contract is considered to be a separate action;
B. A two year interim renewal period is considered in the analysis, though contracts may be renewed for a shorter period.
C. The contracts would be renewed with existing contract quantities as reflected in Table 2;
D. Reclamation would continue to comply with commitments made or requirements imposed by applicable environmental documents, such as existing Biological Opinions including any obligations imposed on Reclamation resulting from re-consultations; and
E. Reclamation would implement its obligations resulting from Court Orders issued in actions challenging applicable biological opinions that take effect during the interim renewal period.

2.1 No Action Alternative

The No Action Alternative is the continued delivery of CVP water under the interim renewal of existing contracts which includes terms and conditions required by non-discretionary CVPIA provisions. The No Action Alternative, therefore, consists of the interim renewal of current water service contracts that were considered as part of the Preferred Alternative of the CVPIA PEIS (Reclamation 1999a) adapted to apply for an interim period.

The CVPIA PEIS Preferred Alternative assumed that most contract provisions would be similar to many of the provisions in the 1997 CVP interim renewal contracts, which included contract terms and conditions consistent with applicable CVPIA requirements. In addition, provisions in the existing long-term contracts that are specific to the San Luis Unit contracts regarding O&M of certain facilities and drainage service under the 1960 San Luis Act would be incorporated into the No Action alternative without substantial change.

2.1.1 Other Contract Provisions of Interest

Several applicable CVPIA provisions which were incorporated into the Preferred Alternative of the Final PEIS and which are included in the No Action Alternative include tiered water pricing, defining M&I water users, requiring water measurement, and requiring water conservation. These provisions were summarized in EA-07-56 (Reclamation 2007) and are incorporated by reference into this EA.

In addition, the No Action Alternative includes environmental commitments as described in the biological opinion for the CVPIA PEIS (USFWS 2000).

2.2 Proposed Action

The Proposed Action evaluated in this document is the execution of six interim renewal water service contracts between the United States and the contractors listed in Table 2. These are the same six contracts included under the No Action alternative. Westlands' main contract (14-06-200-495A-IR4) is currently on its fourth interim renewal contract. The Proposed Action would be its fifth. The remaining five interim renewal contracts listed in Table 2 are currently on their fourteenth interim renewal contract. The Proposed Action would be their fifteenth. Drafts of the six interim renewal contracts will be released for public review in the fall of 2015 at the following website: http://www.usbr.gov/mp/cvpia/3404c/lt_contracts/2015_int_cts/.
In the event long-term renewal contracts for water service are executed, the interim renewal contract then-in-effect would be superseded by the long-term renewal contract.

The Proposed Action would continue these existing interim renewal contracts, with only minor, administrative changes to the contract provisions to update the previous interim renewal contracts for the new contract period. In the event a new long-term water service contract is executed, the interim renewal contract then-in-effect would be superseded by the long-term water service contract. No changes to the contractors' service areas or water deliveries are part of the Proposed Action. CVP water deliveries under the six proposed interim renewal contracts can only be used within each designated contract service area (see Appendix A for service area maps). The contract service area for the proposed interim renewal contracts have not changed

from the existing interim renewal contracts. If the contractor proposes to change the designated contract service area separate environmental documentation and approval will be required. The proposed interim renewal contract quantities (Table 2) remain the same as in the existing interim renewal contracts. Water can be delivered under the interim renewal contracts in quantities up to the contract total, although it is likely that deliveries will be less than the contract total.

The six interim renewal contracts contain provisions that allow for adjustments resulting from court decisions, new laws, and from changes in regulatory requirements imposed through re-consultations. Accordingly, to the extent that additional restrictions are imposed on CVP operations to protect threatened or endangered species, those restrictions would be implemented in the administration of the six interim renewal contracts considered in this EA. As a result, by their express terms the interim renewal contracts analyzed herein would conform to any applicable requirements lawfully imposed under the federal ESA or other applicable environmental laws.

2.2.1 Environmental Commitments

Reclamation and the proponents shall implement the environmental protection measures included in Table 3. Environmental consequences for resource areas assume the measures specified would be fully implemented.

Table 3 Environmental Protection Measures and Commitments

Resource	Protection Measure
Water Resources	CVP water may only be served within areas that are within the CVP Place of Use.
Biological Resources	No CVP water would be applied to native lands or lands untilled for three consecutive years or more without additional environmental analysis and approval.
Various	No new construction or modification of existing facilities would take place as part of the Proposed Action.

2.2.2 Comparison of Alternative Differences

The primary difference between the Proposed Action and the No Action Alternative is that the Proposed Action does not include tiered pricing. Section 3405(d) of the CVPIA does not require tiered pricing to be included in contracts of three years or less in duration and negotiations between Reclamation and Delta Division, San Luis Unit, and San Felipe Division contractors concluded with a form of contract which does not include tiered pricing. Consequently, if at least 80 percent of the contract total is delivered in any year during the term of the interim renewal contracts, in such year no incremental charges for water in excess of 80 percent of the contract total would be collected and paid to the Restoration Fund. The terms and conditions under the Proposed Action is a continuation of the terms and conditions under the first executed interim renewal contract excepting minor administrative changes.

2.3 Alternatives Considered but Eliminated from Further Analysis

2.3.1 Non-Renewal of Contracts

Section 1(4) of the "Administration of Contracts under Section 9 of the Reclamation Project Act of 1939" dated July 2, 1956 provided for the rights of irrigation contractors to a stated quantity of the project yield for the duration of their contracts and any renewals thereof provided they complied with the terms and conditions of those contracts and Reclamation law. Section 2 of the

"Renewal of Water Supply Contracts Act of June 21, 1963" provided the same for M&I contractors. Therefore, Reclamation does not have the discretionary authority to not renew CVP water service contracts. Reclamation law mandates renewals at existing contract amounts when the water is being beneficially used. The non-renewal alternative was considered, but eliminated from analysis in this EA because Reclamation has no discretion not to renew existing water service contracts as long as the contractors are in compliance with the provisions of their existing contracts.

2.3.2 Reduction in Interim Renewal Contract Water Quantities

Reduction of contract water quantities due to the current delivery constraints on the CVP system was considered in certain cases, but eliminated from the analysis of the interim renewal contracts for several reasons:

First, the Reclamation Project Act of 1956 and the Reclamation Project Act of 1963 mandate renewal of existing contract quantities when beneficially used. Irrigation and M&I uses are beneficial uses recognized under federal Reclamation and California law. Reclamation has determined that the contractors have complied with contract terms and the requirements of applicable law. It also has performed water needs assessments for all the CVP contractors to identify the amount of water that could be beneficially used by each water service contractor. In the case of each interim renewal contractor, the contractor's water needs equaled or exceeded the current total contract quantity.

Second, the analysis of the PEIS resulted in selection of a Preferred Alternative that required contract renewal for the full contract quantities and took into account the balancing requirements of CVPIA (p. 25, PEIS ROD). The PEIS ROD acknowledged that contract quantities would remain the same while deliveries are expected to be reduced in order to implement the fish, wildlife, and habitat restoration goals of the Act, until actions under CVPIA 3408(j) to restore CVP yield are implemented (PEIS ROD, pages 26-27). Therefore, an alternative reducing contract quantities would not be consistent with the PEIS ROD and the balancing requirements of CVPIA.

Third, the shortage provision of the water service contract provides Reclamation with a mechanism for annual adjustments in contract supplies. The provision protects Reclamation from liability from the shortages in water allocations that exist due to drought, other physical constraints, and actions taken to meet legal or regulatory requirements. Reclamation has relied on the shortage provisions to reduce contract allocations to water service contractors in most years in order to comply with regulation requirements. Further, CVP operations and contract implementation, including determination of water available for delivery, is subject to the requirements of Biological Opinions issued under the federal ESA for those purposes. If contractual shortages result because of such requirements, the Contracting Officer has imposed them without liability under the contracts.

Fourth, retaining the full historic water quantities under contract provides the contractors with assurance the water would be made available in wet years and is necessary to support investments for local storage, water conservation improvements and capital repairs.

Therefore, an alternative reducing contract quantities would not be consistent with Reclamation law or the PEIS ROD, would be unnecessary to achieve the balancing requirements of CVPIA or to implement actions or measure that benefit fish and wildlife, and could impede efficient water use planning in those years when full contract quantities can be delivered.

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Section 3 Affected Environment and Environmental Consequences

This section describes the service area for the contractors listed in Table 2 which receive CVP water from the Delta via Delta Division, San Felipe Division, and San Luis Unit CVP facilities. The study area, shown in Figure 1, includes portions of Fresno, Kings, and Santa Clara Counties. Maps of individual contractor CVP service areas can be found in Appendix A. As described in Section 1.3, Pajaro Valley does not have the ability to receive CVP water at this time and is not included in this analysis.

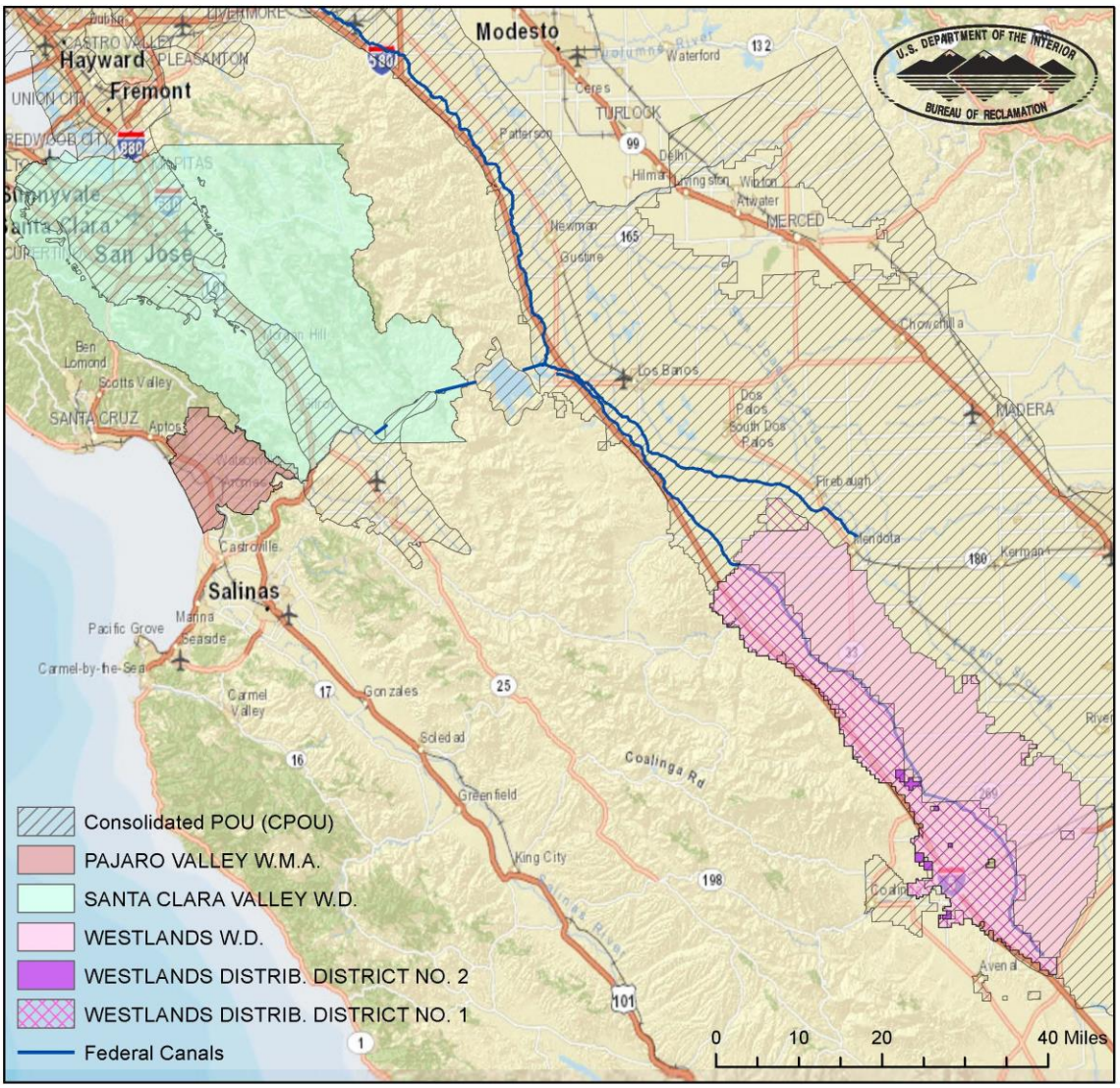


Figure 1 Proposed Action Area

3.1 Resources Eliminated from Further Analysis

Reclamation analyzed the affected environment and determined that the Proposed Action would not have the potential to cause direct, indirect, or cumulative adverse effects to the resources listed in Table 3.

Table 4 Resources Eliminated from Further Analysis

Resource	Reason Eliminated
Air Quality	Neither the No Action nor Proposed Action alternative would require construction or modification of facilities. Water would be moved either via gravity or electric pumps which would not produce emissions that impact air quality. The generating power plant that produces the electricity to operate the electric pumps does produce emissions that impact air quality; however, water under the either alternative is water that would be delivered from existing facilities and is therefore part of the existing conditions. In addition, the generating power plant is required to operate under permits issued by the air quality control district. As neither alternative would change the emissions generated at the generating power plant, no additional impacts to air quality would occur and a conformity analysis is not required pursuant to the Clean Air Act.
Cultural Resources	There would be no impacts to cultural resources under either alternative as conditions would remain. Both alternatives would facilitate the flow of water through existing facilities to existing users. No new construction or ground disturbing activities would occur as part of the Proposed Action. The pumping, conveyance, and storage of water would be confined to existing CVP facilities. Reclamation has determined that these activities have no potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1). See Appendix B for Reclamation's determination.
Environmental Justice	The proposed execution of interim renewal contracts with only minor administrative changes to the contract provisions would not result in a change in contract water quantities or a change in water use. The Proposed Action would not cause dislocation, changes in employment, or increase flood, drought, or disease. The Proposed Action would not disproportionately impact economically disadvantaged or minority populations as there would be no changes to existing conditions.
Global Climate	Neither alternative includes construction of new facilities or modification to existing facilities. While pumping would be necessary to deliver CVP, neither alternative would require additional electrical production beyond baseline conditions and would therefore not contribute to additional greenhouse gas emissions. In addition, the generating power plant that produces electricity for the electric pumps operates under permits that are regulated for greenhouse gas emissions. As such, there would be no additional impacts to global climate change. Global climate change is expected to have some effect on the snow pack of the Sierra Nevada and the runoff regime. Current data are not yet clear on the hydrologic changes and how they will affect the San Joaquin Valley. CVP water allocations are made dependent on hydrologic conditions and environmental requirements. Since Reclamation operations and allocations are flexible, any changes in hydrologic conditions due to global climate change would be addressed within Reclamation's operation flexibility under either alternative.
Indian Sacred Sites	No impact to Indian sacred sites would occur under the No Action alternative as conditions would remain the same as existing conditions. The Proposed Action would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or affect the physical integrity of such sacred sites. There would be no impacts to Indian sacred sites as a result of the Proposed Action.
Indian Trust Assets	No impact to Indian Trust Assets would occur under either alternative as conditions would remain the same. No physical changes to existing facilities are proposed and no new facilities are proposed. Continued delivery of CVP water to Westlands and Santa Clara under an interim renewal contract would not affect any Indian Trust Assets because existing rights would not be affected; therefore, Reclamation has determined that the Proposed Action would not impact Indian Trust Assets.
Land Use	The interim renewal contracts for the contractors listed in Table 2 under either alternative would not provide for additional water supplies that could act as an incentive for conversion of native habitat. Use of contract water for agriculture and/or M&I under the proposed interim renewal contracts would not change from the purpose of use specified in their existing contracts. Likewise, the interim renewal contracts would not change contract terms or

Resource	Reason Eliminated
	conditions governing the allocation of CVP water during times of limited supply (i.e., drought), so would not provide additional water reliability conducive to conversion of land use from agricultural to M&I uses. Consequently, there would be no impacts to land use as a result of the Proposed Action or No Action alternative.
Socioeconomic Resources	The proposed execution of interim renewal contracts with only minor administrative changes to the contract provisions would not result in a change in contract water quantities or a change in water use and would not adversely impact socioeconomic resources within the contractor's service area.

3.2 Water Resources

3.2.1 Affected Environment

Reclamation makes CVP water available to contractors for reasonable and beneficial uses, but this water is generally insufficient to meet all of the contractors' needs due to hydrologic conditions and/or regulatory constraints. In contractors' service areas, contractors without a sufficient CVP water supply may extract groundwater if pumping is feasible or negotiate water transfers with other contractors. Alternative supplies from groundwater pumping and/or transfers are accessed as supply sources when CVP surface water deliveries become more expensive than pumping or transfer costs.

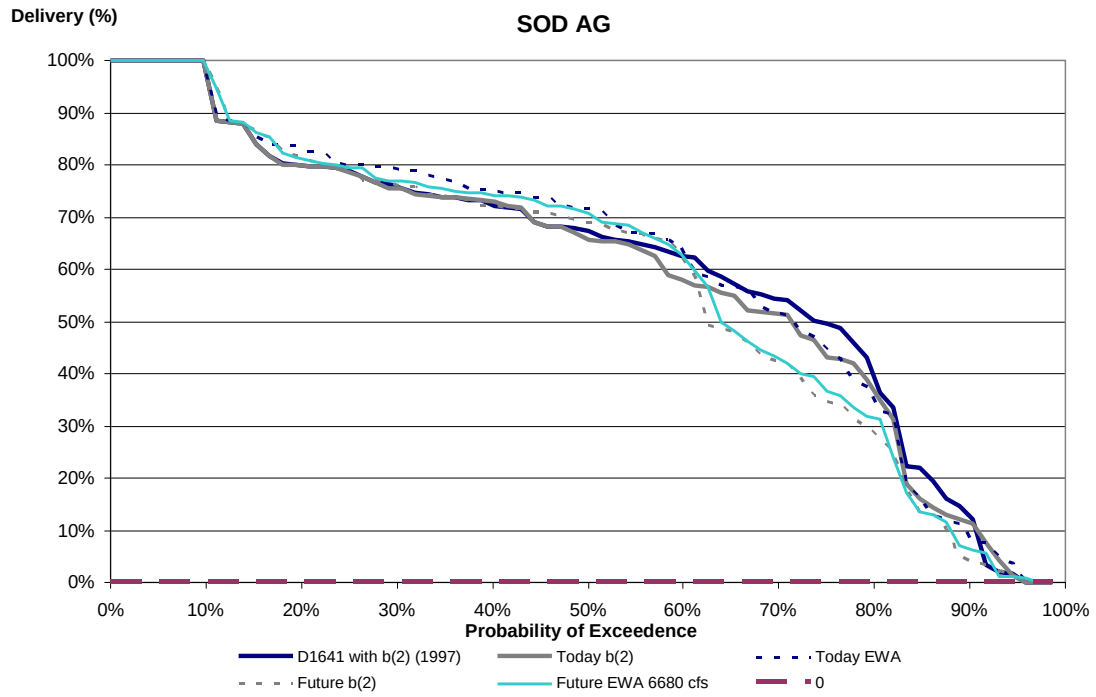
Water Delivery Criteria

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. The CVPIA PEIS considered the effects of those obligations on CVP contractual water deliveries. Experience since completion of the CVPIA PEIS has indicated even more severe contractual shortages applicable to south-of-Delta water deliveries (Reclamation 1999a), and this information has been incorporated into the modeling for the current CVP/SWP Coordinated Operations of the Delta (Reclamation 2004c).

Water Delivery Conditions under CVPIA Implementation Modeling done for the CVPIA PEIS predicted that, with the implementation of the CVPIA PEIS Preferred Alternative and under conditions in the late 1990s, south-of-Delta CVP agricultural water service contractors would receive an average of 59 percent of their current total contract amounts (Reclamation 1999a). These conditions would result in the delivery of total contract amounts to agricultural water service contractors located south-of-Delta approximately 15 percent of the time. Minimum deliveries of zero would occur only in critically dry years.

Additionally, tables from the CVP/SWP Coordinated Operations Plan (Reclamation 2004c) also show that deliveries of over 80 percent of the contract total for agricultural purposes would occur between 22 and 24 percent of the time (Figure 2). Under these conditions, modeling predicts that tiered pricing (if it were required) would apply once every fourth or fifth year.

Figure 2 CVP South-of-Delta Agricultural Allocation Exceedance Chart



Source: Reclamation 2004c.

Contractor Water Needs Assessment

In conjunction with CVP-wide contract renewals after issuance of the PEIS, a Water Needs Assessment was developed in order to identify the beneficial and efficient future water needs and demands for each interim renewal contractor projected, in most cases (including the contracts considered here), through 2025. Water demands were compared to available non-CVP water supplies to determine the need for CVP water. If the negative amount (unmet demand) was within 10 percent of the total supply for contracts greater than 15,000 AFY, or within 25 percent for contracts less than or equal to 15,000 AFY, the test of full future need of the water supplies under the contract was deemed to be met. Because the CVP was initially established as a supplemental water supply for areas with inadequate supplies, the needs for most contractors were at least equal to the CVP water service contract and frequently exceeded the previous contract amount. Increased total contract amounts were not included in the needs assessment because the CVPIA stated that Reclamation cannot increase contract supply quantities.

The Water Need Assessments did not consider the effects of additional constraints on the CVP's ability to deliver CVP water that were not evident at the time of the analysis. Many factors, including hydrologic conditions and implementation of federal and state laws have further constrained the CVP's ability to deliver water to its south-of-Delta water service contractors. Since the last Water Needs Assessment, CVP allocations have continued to decline as a consequence of regulatory actions (including but not limited to the CVP/SWP Coordinated Operations biological opinions) and hydrologic conditions.

Santa Clara Valley Water District

Santa Clara, a San Felipe Division contractor, is a water supply wholesaler who conserves, imports, treats, distributes, and is responsible for the quality of water within Santa Clara County

for M&I and agricultural purposes. CVP water is conveyed from the Delta through the Delta-Mendota Canal to O'Neill Forebay. The water is then pumped into San Luis Reservoir and diverted through the 1.8 miles of Pacheco Tunnel Reach 1 to the Pacheco Pumping Plant. At the pumping plant, the water is lifted to the 5.3-mile-long high-level section of Pacheco Tunnel Reach 2. The water flows through the tunnel and, without additional pumping, through the Pacheco Conduit to the bifurcation of the Santa Clara and Hollister Conduits to serve the CVP service areas of Santa Clara and San Benito County Water District. As shown in Figure 1, CVP water may only be served within the areas of Santa Clara that are within the CVP Consolidated Place of Use (CPOU). Santa Clara has requested an expansion of the CPOU to include its entire service area as well as additional points of delivery for its CVP water, including the South Bay Aqueduct. Reclamation and Santa Clara are currently preparing separate environmental documents to address this request.

Total annual water use in Santa Clara County is currently estimated to be 400,000 AF of which only a portion is CVP water as described below. Approximately 10 percent of this use is for agricultural purposes. Most of the remaining use is for M&I purposes, which includes residential, commercial, industrial, and institutional water use. Water is also used to meet environmental needs, such as maintenance of minimum stream flows to meet fishery needs.

Santa Clara owns and operates 17.3 miles of canals, 8.4 miles of tunnels, 142 miles of pipelines, 3 pumping stations and 3 treatment plants as part of the overall water treatment, distribution and recharge systems.

CVP Contracts In 1977, Santa Clara entered into a long-term contract with Reclamation for 152,000 AFY (Contract No. 7-07-20-W0023) of CVP water (Reclamation 1977). This contract was amended to incorporate Repayment options and to address CVPIA provisions (Reclamation 2007b). Renewal of this contract is not part of the Proposed Action since the long-term water service contract with Reclamation does not expire until December 31, 2027. In 2013, Santa Clara and Reclamation began negotiations on a second amendment to Santa Clara's long-term contract to add additional points of delivery for its CVP water. Negotiations are ongoing.

Assignments In 1999, Reclamation approved the three-way partial assignment (Contract No. 14-06-200-3365A-IR3) of 6,260 AFY to Santa Clara, Westlands DD#1, and Pajaro Valley from Mercy Springs as described previously (Reclamation 1999b). The fourteenth interim renewal contract was issued for this assignment in 2014 and remains in effect until February 29, 2016. This assignment is one of the interim renewal contracts analyzed in this EA as shown in Table 2. CVP water, including the portion from this interim renewal contract, may only be served in the areas in Santa Clara that are within the CPOU as shown in Figure 1.

Water Needs Analysis Santa Clara's water needs analysis (Appendix C) completed by Reclamation in May 2006 estimated that there would be an unmet M&I demand of 156,874 AF for 2025.

Groundwater Resources in Santa Clara The three major groundwater basins in the Santa Clara service area, which are interconnected and occupy nearly 30 percent of the total county area, are Santa Clara Valley, Coyote and Llagas Basins. Groundwater supplies nearly half of the

total water used in Santa Clara County and nearly all of that use is in the Coyote and Llagas basins (Santa Clara 2007).

Historically, Santa Clara County has experienced as much as 13 feet of subsidence caused by excessive groundwater withdrawal. The rate of subsidence slowed in 1967 when imported water was obtained to replenish groundwater supplies. Santa Clara was created partially to protect groundwater resources and minimize land subsidence. Santa Clara operates a comprehensive groundwater management program, including onstream and offstream recharge facilities and extensive monitoring. Recharge to the groundwater basins consists of both natural groundwater recharge and artificial recharge through local surface and imported water. Santa Clara owns and operates more than 30 recharge facilities and six major recharge systems with nearly 400 acres in recharge ponds. These facilities percolate both local and imported water into the groundwater aquifer. Santa Clara does not have its own groundwater extraction facilities, but does levy a charge for all groundwater extractions by local retailers and individual users overlying the Santa Clara Valley Groundwater Basin. Today, Santa Clara reduces the demand on groundwater and minimizes subsidence through conjunctive use of surface water and groundwater. Santa Clara monitors land subsidence through benchmark surveying, groundwater elevation monitoring, and data from compaction wells.

Other Available Water Supplies Santa Clara owns and operates 10 storage reservoirs with a combined storage capacity of approximately 170,000 AF (Santa Clara 2013). These reservoirs are located on most of the major streams in the Santa Clara service area. Local surface water supplies include the stream flows that feed into and out of Santa Clara's reservoirs, stream flows that are not captured by reservoirs, and water that flows overland into reservoirs. Santa Clara also has a contract with the California Department of Water Resources (DWR) for 100,000 AFY from the SWP. Water is delivered via the Banks pumping plant in the southern Delta and the South Bay Aqueduct to a terminal tank at the Penitencia Water Treatment Plant in east San Jose. In addition, Santa Clara has established rights to 35 percent of the existing Semitropic Groundwater Banking Program in Kern County which is used to offset shortfalls in annual water supplies. The agreement reserves for Santa Clara up to 350,000 AF of storage, and improves Santa Clara's supply reliability by enabling storage of wet-year water for use during future dry years.

On April 18, 2006, Reclamation approved the long-term (through contract year 2027) groundwater banking of up to 100,000 AFY of Santa Clara's available CVP surface water supplies within Semitropic Water Storage District. The approval of this banking program was analyzed under EA-05-126 (Reclamation 2005i).

Westlands Water District

Westlands, a San Luis Unit contractor, receives CVP water both from the Delta-Mendota Canal and the San Luis Canal with the majority diverted from the San Luis Canal. The Delta-Mendota Canal delivers Delta water to the west side of the San Joaquin Valley, ending at the Mendota Pool, 30 miles west of the City of Fresno. The San Luis Canal, which originates at O'Neill Forebay, is a joint use facility with the SWP. Facilities utilized to convey water to Westlands include the O'Neill Pumping-Generating Plant and Intake Canal, San Luis Dam and Reservoir

(for storage as needed), Dos Amigos Pumping Plant, Coalinga Canal, the Pleasant Valley Pumping Plant, and the San Luis Canal from O'Neill Forebay to Kettleman City.

All water is metered at the point of delivery through more than 3,200 agricultural and 250 M&I meter locations. Westlands' permanent distribution system consists of 1,034 miles of closed, buried pipeline. 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 San Luis Canal, 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. This long-term contract expired December 31, 2007 and has since been issued as an interim renewal contract. The fourth interim renewal contract for this contract was issued in 2014 and remains in effect until February 29, 2016. This contract is one of the interim renewal contracts analyzed in this EA as shown in Table 2.

Assignments In 1999, Reclamation approved the three-way partial assignment (Contract No. 14-06-200-3365A-IR2) of 6,260 AFY to Santa Clara, Westlands DD#1, and Pajaro Valley from Mercy Springs as described previously (Reclamation 1999b). Between 2004 and 2006, Reclamation approved three other contract assignments from Delta Division contractors to DD#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 2006b, 2005j, 2004d). In 2003, Reclamation approved the partial assignment of 4,198 AFY from Mercy Springs (Contract Number 14-06-200-3365A) to Westlands Distribution District #2 (Reclamation 2002b). The fourteenth interim renewal contracts for these assignments were issued in 2014 and remain in effect until February 29, 2016. These assignments are included as interim renewal contracts analyzed in this EA as shown in Table 2. In 2012, Reclamation executed the partial assignment (Contract No. 14-06-200-7823J) of 4,000 AFY to Westlands from Oro Loma Water District (Reclamation 2012d). As this was an assignment from a long-term contract that doesn't expire until February 28, 2030, it is not included in the Proposed Action.

Water Needs Analysis Westlands' water needs analysis (Appendix C) completed by Reclamation in May 2006 estimated that there would be an unmet demand of 1,224,287 AF by 2025.

Groundwater Resources in Westlands The groundwater basin underlying Westlands 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 the district.

Groundwater pumping started in this portion of the San Joaquin Valley in the early 1900s. 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 began, groundwater pumping declined to about 200,000 AFY, or less, in the 1970s (DWR 2003). The reduction in groundwater pumping stabilized groundwater depths and in most portions of Westlands, groundwater levels significantly recovered. During the early 1990s, groundwater pumping greatly increased because of the reduced CVP water supplies caused by an extended drought, and regulatory actions related to the CVPIA. 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 groundwater elevations. However, since 2000, Westlands' water supply has been significantly reduced once again resulting in groundwater pumping to over 200,000 AFY.

Westlands has an approved groundwater management plan and 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.

Other Available Water Supplies Other water supply sources in the district include flood flows from the Kings River, which are available periodically and diverted from the Mendota Pool as well as transfers of supplemental water from other sources.

3.2.2 Environmental Consequences

No Action

Contract provisions under the No Action alternative stipulate that a tiered pricing structure (80/10/10 tiered pricing) would be applied. Tiered pricing is mandated under the water conservation section of the CVPIA for contracts of more than three years. Due to chronic shortages in CVP contract deliveries for SOD contractors, modeling predicts that the number of years when tiered pricing is applicable would be limited to approximately 22 or 24 percent of the time [or one year out of four or five] (Figure 2) for interim contracts greater than three years. Water supplies do not typically meet demands for most contractors and many contractors are very active on the water market purchasing water supplies. Since much of the interim renewal

contractors' service areas are planted in permanent crops and these contractors have paid more than tiered pricing rates in dry years on the water market to preserve their permanent crop planting investment, increasing water prices due to tiered pricing would not change water use trends.

For those areas where groundwater is of suitable quality and therefore available for irrigation, CVP water is considered to be a supplemental supply. Most agricultural contractors already rely on groundwater supplies and in some cases water transfers to meet on-farm needs. Alternate surface water supplies frequently are expensive. Thus, tiered pricing is unlikely to cause a grower to switch to alternate supplies. Most interim renewal contractors have the option of switching to groundwater for a limited amount of time. This option would only be utilized (as stated above) if the cost/benefit ratio and the water quality were sufficient to warrant it. Due to continuing overdraft conditions, districts realize that when pumping groundwater above safe yield levels they are mining dry year supplies and that this supply cannot be relied on continually as it is not sustainable. Water users within the service area of these contractors have been installing high efficiency irrigation systems without the incentive of CVPIA tiered pricing in order to manage drainage and to maximize available supplies during times of shortage. The systems are frequently utilized to sustain permanent crops, and it is unlikely that the systems would be abandoned on such crops even in years of full supplies. Much of the Westlands is drainage impacted, so high efficiency irrigation is implemented as a mechanism for reducing deep percolation and subsurface drainage production.

The contract provisions under the No Action alternative also stipulate that a definition of M&I water would be applied. Having water use on a less than five acre parcel defined as M&I would not result in a change in water use but would have an impact on the rates Reclamation collects. It is unlikely with the small number of parcels involved, the small size of the parcels, and the small quantities of water involved that changing this definition would have any effects on water resources.

Each of the contractors for which interim renewal contracts are proposed would continue to operate and maintain facilities related to their individual water delivery activities on terms substantially the same as the existing long-term contracts. These activities relate to already constructed facilities on federal rights-of-way with no anticipated changes in activity level or use.

Proposed Action

Impacts to water resources associated with the Proposed Action would be comparable to those described under the No Action alternative although tiered pricing provisions are not included in these contracts. Execution of interim renewal contracts, with only minor administrative changes to the contract provisions, would not result in a change in contract water quantities or a change in water use. Water delivery during the interim renewal contract period would not exceed historic quantities. The execution of interim renewal contracts delivering the same quantities of water that have historically been put to beneficial use would not result in any growth-inducing impacts. In addition, no substantial changes in growth due to the execution of these interim renewal contracts are expected to occur during the short timeframe of this renewal. Therefore, the Proposed Action would have no adverse impacts on water resources.

Cumulative Impacts

Cumulative impacts relating to diversion of water and CVP operations were considered in the CVPIA PEIS. Reclamation's action is the execution of interim renewal water service contracts between the United States and the contractors listed in Table 2 under either the No Action alternative or the Proposed Action. These contractors have existing interim renewal contracts as described above. It is likely that subsequent interim renewals would be needed in the future pending the execution of long-term renewal contracts. As both the Proposed Action and the No Action alternative would, in essence, maintain the environmental status quo, i.e., the same amount of water would go to the same areas for the same uses (albeit under different legal arrangements), they do not contribute to cumulative impacts in any demonstrable manner.

3.3 Biological Resources

3.3.1 Affected Environment

Table 5 was prepared using a list obtained on July 7, 2015 by accessing the USFWS Database: http://ecos.fws.gov/ipac/. The list was obtained for Fresno, Kings, and Santa Clara Counties (USFWS 2015). California least tern was added to Table 5 based upon observation of its nesting near evaporation basins at Kettleman City (at the southern boundary of Westlands) and a few individuals foraging in 1997 and 1998 near sewage ponds associated with the Lemoore Naval Air Station (within the district boundaries of Westlands). In addition to the federally listed species shown in Table 5, western burrowing owl and Swainson's hawk, both protected by the federal Migratory Bird Treaty Act, may be present. The California Natural Diversity Database (CNDDB 2015) was also queried for the Proposed Action Area.

Table 5 Federally Listed Threatened and Endangered Species

Species	Status[1]	District[2]	Effects
AMPHIBIANS			
California red-legged frog (*Rana draytonii*)	T, X	Westlands, Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
California tiger salamander, central population (*Ambystoma californiense*)	T, X	Westlands, Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Mountain yellow legged frog (*Rana muscosa*)	FE, PX	Westlands	No effect determination; Proposed Action Area is outside species' range.
Sierra Nevada yellow legged frog (*Rana sierrae*)	FE, PX	Westlands	No effect determination; Proposed Action Area is outside species' range.
Yosemite toad (*Anaxyrus canorus*)	FT, PX	Westlands	No effect determination; Proposed Action Area is outside species' range.
BIRDS			
California Clapper Rail (*Rallus longirostris obsoletus*)	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
California Condor (*Gymnogyps californianus*)	E, X	Westlands	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as

Species	Status[1]	District[2]	Effects
			part of the Proposed Action.
California Least Tern (*Sternula antillarum browni*)	E	Westlands, Santa Clara	May adversely affect due to contaminated drainage within foraging habitat in Westlands. Potentially present within the action area (some past records near Lemoore Naval Air Station). Would not be affected within Santa Clara because no land use change would occur and no drainage is generated.
Least Bell's Vireo (*Vireo bellii pusillus*)	E, X	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Marbled Murrelet (*Brachyramphus marmoratus*)	T, X	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Western Snowy Plover (*Charadrius alexandrinus nivosus*)	T, X	Westlands, Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Western Yellow-Billed Cuckoo (*Coccyzus americanus occidentalis*)	FT, PX	Westlands	This species could fly over during migration but nesting habitat is absent.
FISH			
Central California Coastal steelhead (*Oncorhynchus mykiss*)	T, X (NMFS)	Santa Clara	No effect determination; no impact to spawning habitat.
Central Valley spring-run chinook salmon (*Oncorhynchus tshawytscha*)	T (NMFS)	Westlands, Santa Clara	Effects of pumping in the San Joaquin-Sacramento Delta have been/are being addressed separately.
Central Valley steelhead (*Oncorhynchus mykiss*)	T, X (NMFS)	Westlands, Santa Clara	Effects of pumping in the San Joaquin-Sacramento Delta have been/are being addressed separately.
coho salmon - central CA coast (*Oncorhynchus kisutch*)	E, X (NMFS)	Santa Clara	No effect determination; no impact to spawning habitat.
delta smelt (*Hypomesus transpacificus*)	T, X	Westlands, Santa Clara	Effects of pumping in the San Joaquin-Sacramento Delta have been/are being addressed separately.
Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*)	T, X	Westlands	No effect determination; Proposed Action Area is outside species' range.
North American green sturgeon (*Acipenser medirostris*)	T (NMFS)	Westlands, Santa Clara	Effects of pumping in the San Joaquin-Sacramento Delta have been/are being addressed separately.
Owens pupfish (*Cyprinodon radiosus*)	E	Westlands	No effect determination; Proposed Action Area is outside species' range.
Owens tui chub (*Gila bicolor snyderi*)	E	Westlands	No effect determination; Proposed Action Area is outside species' range.
Paiute cutthroat trout (*Oncorhynchus clarki seleniris*)	T	Westlands	No effect determination; Proposed Action Area is outside species' range.
Sacramento River winter-run chinook salmon (*Oncorhynchus tshawytscha*)	E, X (NMFS)	Westlands, Santa Clara	Effects of pumping in the San Joaquin-Sacramento Delta have been/are being addressed separately.
South Central California steelhead (*Oncorhynchus mykiss*)	T, X (NMFS)	Santa Clara	No effect determination; no impact to spawning habitat.
tidewater goby (*Eucyclogobius newberryi*)	E, X	Santa Clara	No effect determination; suitable habitat not present.

Species	Status[1]	District[2]	Effects
INVERTEBRATES			
bay checkerspot butterfly (*Euphydryas editha bayensis*)	T, X	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Conservancy fairy shrimp (*Branchinecta conservatio*)	E, X	Westlands, Santa Clara	No effect determination; suitable habitat not present.
Kern primrose sphinx moth (*Euproserpinus euterpe*)	T	Westlands	No effect determination; Proposed Action Area is outside species' range.
longhorn fairy shrimp (*Branchinecta longiantenna*)	E, X	Westlands	No effect determination; suitable habitat not present.
San Bruno elfin butterfly (*Callophrys mossii bayensis*)	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*)	T, X	Westlands, Santa Clara	No effect determination; although suitable habitat may be present, no land use change, conversion of habitat, construction or modification of existing facilities would occur as a result of the Proposed Action.
vernal pool fairy shrimp (*Branchinecta lynchi*)	T, X	Westlands, Santa Clara	No effect determination; suitable habitat not present.
vernal pool tadpole shrimp (*Lepidurus packardi*)	E, X	Westlands, Santa Clara	No effect determination; suitable habitat not present.
MAMMALS			
Buena Vista Lake shrew (*Sorex ornatus relictus*)	E, X	Westlands	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
fisher (*Martes pennanti*)	PT	Westlands	No effect determination; Proposed Action Area is outside species' range.
Fresno kangaroo rat (*Dipodomys nitratoides exilis*)	E, X	Westlands	No effect determination; Proposed Action Area is outside species' range.
giant kangaroo rat (*Dipodomys ingens*)	E	Westlands	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
salt marsh harvest mouse (*Reithrodontomys raviventris*)	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
San Joaquin kit fox (*Vulpes macrotis mutica*)	E	Westlands, Santa Clara	May affect, not likely to adversely affect. Potentially present within the action area. Could be affected by organic farming practices.
Sierra Nevada bighorn sheep (*Ovis canadensis californiana*)	E	Westlands	No effect determination; Proposed Action Area is outside species' range.
Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*)	E	Westlands	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
PLANTS			

Species	Status[1]	District[2]	Effects
beach layia (*Layia carnosa*)	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
California jewelflower (*Caulanthus californicus*)	E	Westlands	No effect determination; suitable habitat not present.
California sea blite (*Suaeda californica*)	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Contra Costa goldfields (*Lasthenia conjugens*)	E, X	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Coyote ceanothus (*Ceanothus ferrisae*)	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
fountain thistle (*Cirsium fontinale* var. *fontinale*)	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Greene's tuctoria (*Tuctoria greenei*)	E, X	Westlands	No effect determination; suitable habitat not present.
hairy Orcutt grass (*Orcuttia pilosa*)	E, X	Westlands	No effect determination; suitable habitat not present.
Hartweg's golden sunburst (*Pseudobahia bahiifolia*)	E	Westlands	No effect determination; suitable habitat not present.
Hoover's spurge (*Chamaesyce hooveri*)	T, X	Westlands	No effect determination; suitable habitat not present.
Keck's checker-mallow (*Sidalcea keckii*)	E	Westlands	No effect determination; suitable habitat not present.
Marin dwarf-flax (*Hesperolinon congestum*)	T	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Mariposa pussy-paws (*Calyptridium pulchellum*)	T	Westlands	No effect determination; Proposed Action Area is outside species' range.
Marsh sandwort (*Arenaria paludicola*)	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Menzies's wallflower (*Erysimum menziesii* (includes ssp. *yadonii*))	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Metcalf Canyon jewelflower (*Streptanthus albidus* ssp. *albidus*)	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
palmate-bracted bird's-beak (*Cordylanthus palmatus*)	E	Westlands	No effect determination; suitable habitat not present.
San Benito evening-primrose (*Camissonia benitensis*)	T	Westlands	No effect determination; suitable habitat not present.

Species	Status[1]	District[2]	Effects
Santa Clara Valley dudleya (*Dudleya setchellii*)	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Santa Cruz tarplant (*Holocarpha macradenia*)	T, X	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
San Joaquin adobe sunburst (*Pseudobahia peirsonii*)	T	Westlands	No effect determination; suitable habitat not present.
San Joaquin Valley Orcutt grass (*Orcuttia inaequalis*)	T, X	Westlands	No effect determination; suitable habitat not present.
San Joaquin woolly-threads (*Monolopia congdonii*)	E	Westlands	May affect, not likely to adversely affect. Potentially present within the action area. Could be affected by organic farming practices.
San Mateo thornmint (*Acanthomintha duttonii*)	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
San Mateo woolly sunflower (*Eriophyllum latilobum*)	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
showy Indian clover (*Trifolium amoenum*)	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
succulent owl's-clover (*Castilleja campestris* ssp. *succulenta*)	T, X	Westlands	No effect determination; suitable habitat not present.
Tiburon paintbrush (*Castilleja affinis* ssp. *neglecta*)	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
REPTILES			
Alameda whipsnake (*Masticophis lateralis euryxanthus*)	T, X	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
blunt-nosed leopard lizard (*Gambelia sila*)	E	Westlands, Santa Clara	May affect, not likely to adversely affect. Potentially present within the action area. Could be affected by lands being fallowed and then brought back into production.
giant garter snake (*Thamnophis gigas*)	T	Westlands, Santa Clara	May adversely affect due to contaminated drainage water potentially entering the San Luis Drain. Potentially present within the action area.
San Francisco garter snake (*Thamnophis sirtalis tetrataenia*)	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.

[1] Status= Listing of Federally special status species
[2] Note that lists were for the entire county or counties that encompass the districts.
E: Listed as Endangered

Species	Status[1]	District[2]	Effects
T: Listed as Threatened PT: Proposed for listing as Threatened X: Critical Habitat designated for this species PX: Proposed Critical Habitat NMFS: Species under the jurisdiction of the National Marine Fisheries Service			

Westlands Water District

A variety of permanent, row, and field crops are grown within Westlands with the majority consisting of row and field crops (Westlands 2015). Between 1993 and 2014 the number of acres reported as being farmed ranged from 364,906 (2014) and 549,704 (1996) with an average of 497,062. As shown in Figure 3, there is a trend towards farming more permanent crops (orchards and vineyards) over non-permanent crops (Figure 3). This change in farming is predominant on the western, non-drainage impaired portion of the district (Phillips 2006). Based on data provided by Westlands, total acres of non-permanent crops farmed in Westlands steadily declined between 1996 and 2009 mirrored by a concurrent increase in permanent crops (Figure 3).

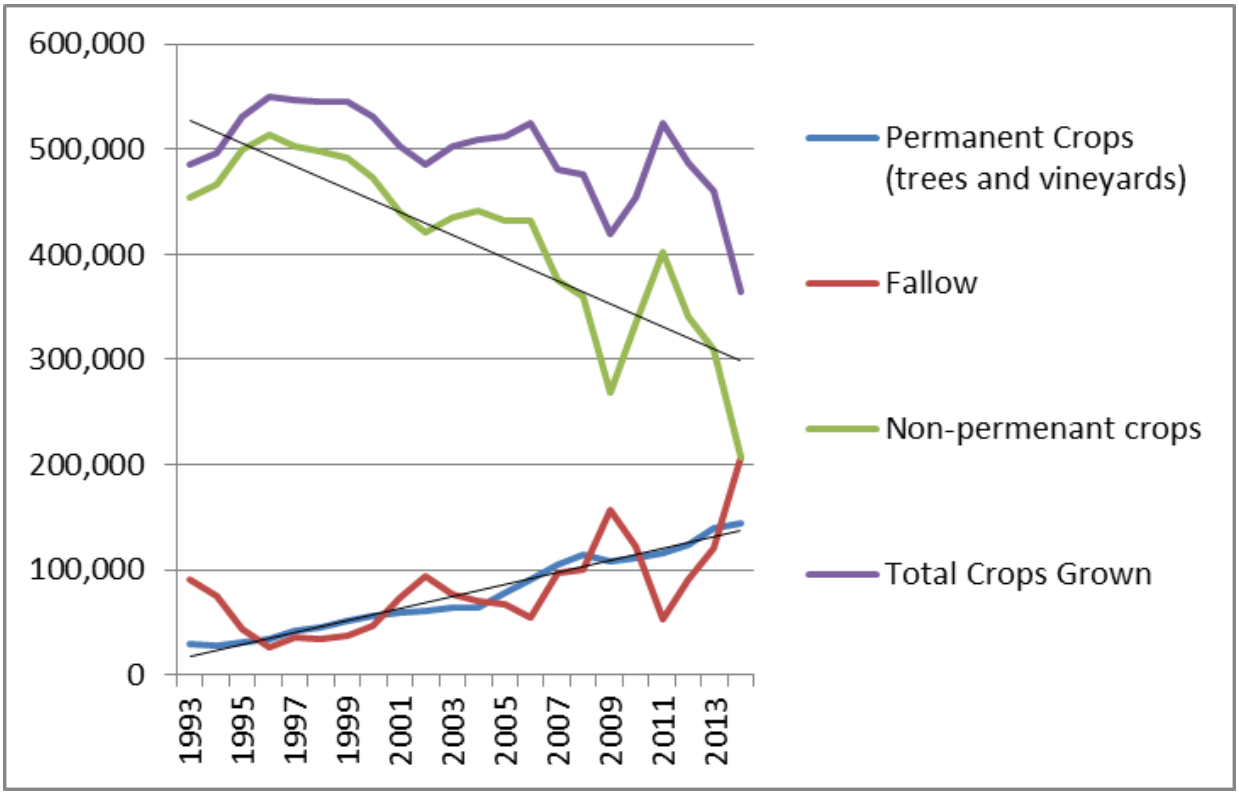


Figure 3 Crop Acreages in Westlands Water District

Between 2006 and 2014, permanent crops in Westlands ranged from approximately 13 percent to 40 percent of total crops with an average of 16 percent (Westlands 2015). The vast majority of crops during this same period (greater than 60 percent, annually) were non-permanent field and row crops (Westlands 2015). The acreage of fallowed lands has also generally increased in the last few years within Westlands (see Figure 3).

Special-Status Species and Critical Habitat No critical habitat exists in Westlands. Species that potentially occur in Westlands include: the western burrowing owl, Swainson's hawk, San Joaquin kit fox, blunt-nosed leopard lizard, California least tern, San Joaquin woolly-threads, and giant garter snake (Table 5). Since most of the lands in the action area are either croplands or in urban development, none of the special-status species potentially present can regularly use these lands except for the western burrowing owl, Swainson's hawk, and San Joaquin kit fox. As such, this section focuses on those species.

Western Burrowing Owls Habitat requirements for burrowing owls include low-stature vegetation, usually grasslands or arid shrubland, in an area generally open without too much tree or shrub cover (California Department of Fish and Game 1995, 2005). They require burrows dug by mammals such as ground squirrels or badgers, or they may use man-made cavities that provide similar refuge (California Department of Fish and Game 1995, 2005). Western burrowing owls sometimes use canal rights-of-way, which may have ground squirrel burrows and are often bare of vegetation.

Swainson's Hawk More than 85 percent of Swainson's hawk territories in the Central Valley are in riparian systems adjacent to suitable foraging habitats (California Department of Fish and Game 1995). Suitable nest sites may be found in mature riparian forest, lone trees or groves of oaks, other trees in agricultural fields, and mature roadside trees. Swainson's hawks require large, open grasslands with abundant prey in association with suitable nest trees. Suitable foraging areas include native grasslands or lightly grazed pastures, alfalfa and other hay crops, and certain grain and row croplands (California Department of Fish and Game 2005).

San Joaquin Kit Fox San Joaquin kit foxes primarily inhabit grassland and scrubland communities. They also inhabit oak woodland, alkali sink scrubland, and vernal pool and alkali meadow communities. Foraging habitat includes grassland, woodland, and open scrub. Denning habitat includes open, flat areas with loose, generally sandy or loamy soils (Egoscue 1956, 1962). Kit foxes excavate their own dens, or use other animals, and human-made structures (culverts, abandoned pipelines, and banks in sumps or roadbeds). Although lands adjacent to natural habitats may be used for occasional foraging (Warrick et al. 2007) agricultural lands are generally not suitable for long-term occupation by kit foxes. There is some suitable and some sub-optimal San Joaquin kit fox habitat (Cypher et al. 2007) present within Westlands; however, these areas remain between the western boundary of Westlands and Interstate 5, a fairly narrow band of land. Fallowed lands may also provide habitat for the San Joaquin kit fox, particularly if left fallow for more than one year and located near natural lands. As shown in Figure 3, fallowed lands in Westlands have increased and decreased overtime, with a steady increase since 2011.

Other special-status species Blunt-nosed leopard lizards and San Joaquin woollythreads may occur in small areas of native lands along the western edge of Westlands. The giant garter snake may potentially occur within drainages, including the San Luis Drain in Westlands. In addition, California least tern may occur in Westlands as it was observed foraging at the sewage ponds at Lemoore Naval Air Station in 1997 and 1998; however, no nesting has been documented at this location to date. At Westlake Farms in the San Joaquin Valley, California least terns have not been seen since June 7, 2011 (one pair) and haven't nested there since 2010 (J. Seay pers. comm.).

Pursuant to the incidental take statement issued by the USFWS for the previous interim contract renewals, in mid-April 2014 Reclamation surveyed the entire stretch of the San Luis Drain where it runs through or next to Westlands. All wetted areas were documented and mapped, and the information provided to the USFWS. Least Tern experts from Reclamation's Denver Technical Service Center subsequently visited the mapped wetted areas and determined that no nesting habitat was present, and that foraging habitat was at most very limited in the San Luis Drain at that time. During the 2014 season, these areas only became drier and no new wetted areas were found.

A trained Reclamation biologist surveyed all the wetted areas of the San Luis Drain every other week, alternating between a visit near sunset one week, and a visit near sunrise the next between May 28, 2014 and August 6, 2014. No least terns were observed. Other avian species observed included the western burrowing owl, killdeer, mourning dove, red-winged blackbird, mallard, American coot, great egret, and great blue heron. The red-winged blackbirds were associated with the stretch from milepost 143.28 to 144.28, which had a thick growth of cattails, and the coots, ducks, egrets, and herons were associated with a ditch full of open water that runs parallel to the stretch from milepost 143.28 to 144.28. The ditch conveys irrigation water and lies within the James Irrigation District, near the boundary with Westlands. If least terns are present in the survey area, this ditch would likely provided the best foraging habitat area, due to the open water.

The surveys were terminated in coordination with the USFWS after August 6, 2014 rather than continuing through the fledging period, as no least terns were ever sighted prior to that time. In June of 2015, Reclamation, with the USFWS's approval and after re-inspecting the San Luis Drain and finding no wetted areas larger than a small puddle, canceled the monitoring for the 2015 season.

Santa Clara Valley Water District

There is critical habitat for several species present in Santa Clara as shown in Table 5. In addition, species that potentially occur in Santa Clara include: San Joaquin kit fox, blunt-nosed leopard lizard, and giant garter snake (Table 5). Santa Clara is also a participant in the Santa Clara Valley Habitat Conservation Plan (HCP) which addresses affects to federally listed species in portions of Santa Clara County (ICF International 2012). Between 2000 and 2012, and prior to the completion of the HCP, potential effects to listed species in Santa Clara were addressed in biological opinions that also included other contractors. In 2012, the USFWS concurred with Reclamation's determination that the execution of Santa Clara's interim renewal contract was not likely to adversely affect federally listed or proposed species or critical habitat.

Documents Addressing Potential Impacts of Actions of the CVP (Other than the Proposed Action) to Listed Species

Coordinated Operations of the CVP and SWP The effects of CVP and SWP pumping on federally listed fishes and their critical habitat have been addressed by Biological Opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP (NMFS 2009, USFWS 2008). The biological opinion issued by the USFWS to Reclamation for the

Coordinated Long-Term Operations of the CVP and SWP found that operations as proposed were likely to jeopardize the continued existence of delta smelt and adversely modify its critical habitat. The USFWS provided a Reasonable and Prudent Alternative (RPA) with five components. On December 15, 2008, Reclamation submitted a memo provisionally accepting the RPA. The memo also indicated that Reclamation would immediately begin implementing the RPA. The provisional acceptance of the RPA was conditioned upon the further development and evaluation of the two RPA components directed at aquatic habitats. Reclamation stated that the two RPA components, RPA Component 3 – the fall action, and RPA Component 4 – the tidal habitat restoration action, both need additional review and refinement before Reclamation would be able to determine whether implementation of these actions by the CVP and SWP is reasonable and prudent.

The biological opinion issued by NMFS determined that long term SWP and CVP operations were likely to jeopardize several species and result in adverse modification of their critical habitat. NMFS also developed an RPA and included it in the Biological Opinion. On June 4, 2009, Reclamation sent a provisional acceptance letter to NMFS, citing the need to further evaluate and develop many of the longer-term actions, but also stating that Reclamation would immediately begin implementing the near-term elements of the RPA.

Reclamation also consulted under the Magnusson-Stevens Fishery Conservation and Management Act with NMFS on the impacts to Essential Fish Habitat for Chinook salmon as a result of the pumping (NMFS 2009).

However, following their provisional acceptance, both biological opinions were subsequently challenged in Court, and following lengthy proceedings, the United States District Court for the Eastern District of California remanded the biological opinions, and Reclamation was ordered by the Court to comply with NEPA before accepting the RPAs. In March and December 2014, the Biological Opinions issued by the USFWS and NMFS, respectively, were upheld by the Ninth Circuit Court of Appeals, although certain requirements (such as an obligation for Reclamation to follow a NEPA process) were left in place. Reclamation is currently preparing environmental documentation to comply with the Court's decisions. In the meantime, Reclamation continues to comply with the existing biological opinions and current Court orders.

O&M Program for the South-Central California Area Office Reclamation consulted with the USFWS under the ESA for O&M activities occurring on Reclamation lands under the jurisdiction of the South-Central California Area Office. The USFWS issued a biological opinion on February 17, 2005 (USFWS 2005). The opinion considers the effects of routine O&M of Reclamation's facilities used to deliver water to the study area, as well as certain other facilities within the jurisdiction of the South-Central California Area Office, on California tiger salamander, vernal pool fairy shrimp, valley elderberry longhorn beetle, blunt-nosed leopard lizard, vernal pool tadpole shrimp, San Joaquin wooly-threads, California red-legged frog, giant garter snake, San Joaquin kit fox, and on proposed critical habitat for the California red-legged frog and California tiger salamander.

3.3.2 Environmental Consequences

No Action

The No Action alternative is the renewal of existing contracts as required by non-discretionary CVPIA provisions addressed in the CVPIA PEIS. The No Action Alternative would only continue, for an interim period, water deliveries that accommodate current land uses. No construction of new facilities or modification of existing facilities would occur as water deliveries would be from existing infrastructure. No change in water diversions from the Delta would occur. In addition, as described in Table 2, no native or untilled land (fallow for three consecutive years or more) may be cultivated with CVP water without additional environmental analysis and approval. Environmental commitments in existence as a result of existing and future biological opinions, including the CVPIA Biological Opinion (USFWS 2000) would be met under the No Action Alternative, including continuation of ongoing species conservation programs.

Reclamation anticipates that drainage production from the study area during the interim renewal period would continue to decrease based on existing trends, caused by the implementation of regional projects, separate from the interim renewal contracts, which increase irrigation efficiency and utilization of reuse areas for the application of drainwater in accordance with existing permits.

Reclamation also anticipates that ongoing trends toward use of higher efficiency irrigation systems and related changes in cropping (generally away from row crops and toward permanent crops) would continue under the No Action alternative. This is due in part because those trends are spurred by water shortages from the implementation of laws and regulations that reduce the quantity of CVP water available for delivery to south-of-Delta contractors. Consequently, species that utilize orchards and other permanent crops would benefit and those preferring row crops would be adversely affected. However, over the short interim period, these changes are not likely to be substantial.

Renewal of the existing contracts would not provide the long-term water supply reliability required for conversion from agriculture to M&I uses.

For these reasons, the No Action alternative would not result in substantial changes in natural and semi-natural communities and other land uses that have the potential to occur within the interim renewal contractor's service area. The area of use and types of use are expected to fall within historic ranges. As a result, the No Action alternative would not result in adverse effects on fish, vegetation, or wildlife resources located in the Action area.

Proposed Action

CVP-wide impacts to biological resources were evaluated in the PEIS, and a USFWS biological opinion addressing potential CVP-wide impacts of the CVPIA was completed on November 21, 2000. In addition, the programmatic biological opinion and Essential Fish Habitat Conservation Recommendations prepared by NMFS for the CVPIA were completed on November 14, 2000. As with the No Action alternative, the Proposed Action would meet environmental commitments in existence as a result of existing biological opinions, including those for the CVPIA. As described previously, interim renewal contracts contain provisions that allow for adjustments

resulting from court decisions, new laws, and from changes in regulatory requirements imposed through re-consultations. Accordingly, to the extent that additional restrictions are imposed on CVP operations to protect threatened or endangered species, those restrictions would be implemented in the administration of the six interim water service contracts considered in this EA. As a result, the interim renewal contracts analyzed would conform to any applicable requirements imposed under the federal ESA or other applicable environmental laws.

The Proposed Action would not result in any change in existing water diversions from the Delta nor would it require construction of new facilities or modification of existing facilities for water deliveries. The CVP water supply for Westlands and Santa Clara pursuant to the six interim renewal contracts listed in Table 2 would continue to be used for agricultural and M&I purposes within their respective CVP service areas (see Appendix A) as it has in the past. In addition, as described in Table 3, no native or untilled land (fallow for three consecutive years or more) may be cultivated with CVP water without additional environmental analysis and approval.

Migratory Birds Changes in crop patterns toward more permanent crops and increased fallowing of land could result in less habitat for the Swainson's hawk and western burrowing owl; however, these effects have occurred previously and are likely to continue to occur in the future under either alternative. The Proposed Action would deliver water through existing facilities to existing irrigated agricultural lands which already receive delivered water. As delivery of CVP water under this alternative would support existing land use patterns, take would not occur as defined by the Migratory Bird Treaty Act.

Federally-listed Species Under the Proposed Action direct effects on federally listed species are related to ongoing farm practices such as pesticide use and choice of crops grown, which are not within the control or authority of Reclamation. Although orchards have been shown to allow greater kit fox foraging and movement (Warrick et al. 2007) than row crops, management of orchards to reduce rodent damage (e.g., use of anticoagulant baits) could make orchard operations harmful to kit fox. In addition, the resumption of agricultural activities on lands fallowed for more than one year has the potential to remove dens, reduce prey and force kit foxes into unfamiliar areas (Cypher 2006). Discing of lands near native lands could also impact the blunt-nosed leopard lizard and San Joaquin woolly-threads if present as they may overlap slightly with the adjoining lands. These effects have occurred previously and are likely to continue to occur in the future under either alternative as they are the effect of farming practices and not an effect of the Proposed Action.

There would be no effects to salmonid species' designated critical habitat or green sturgeon since none inhabit or exist in Westlands or Santa Clara. Additionally, impacts to salmonid species and green sturgeon in the Delta are solely the result of CVP operations, and are addressed in the CVP/SWP Coordinating Operations consultation.

Cumulative Impacts

The Proposed Action, when added to other past, present, and reasonably foreseeable future actions, represent a continuation of existing conditions which are unlikely to result in cumulative impacts on the biological resources of the study area. The Proposed Action obligates the delivery of the same contractual amount of water to the same lands without the need for additional facility modifications or construction.

The Proposed Action occurs within the context of implementation of the CVPIA by the United States Department of the Interior, including Reclamation and USFWS. Reclamation and the USFWS explained the CVPIA in a report entitled *CVPIA, 10 Years of Progress* (Reclamation 2002c), as follows:

> The CVPIA has redefined the purposes of the CVP to include the protection, restoration, and enhancement of fish, wildlife, and associated habitats; and to contribute to the State of California's interim and long-term efforts to protect the San Francisco Bay/Sacramento-San Joaquin River Delta Estuary. Overall, the CVPIA seeks to "achieve a reasonable balance among competing demands for use of [CVP] water, including the requirements of fish and wildlife, and agricultural, municipal and industrial, and power contractors."

Finally, as explained above, the Proposed Action would be subject to regulatory constraints imposed pursuant to the ESA, regardless of whether those constraints exist today. Consequently, there would be no cumulative adverse impacts as a result of the Proposed Action.

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Section 4 Consultation and Coordination

4.1 Public Review Period

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

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

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

The Proposed Action would support existing uses and conditions. No native lands would be converted or cultivated with CVP water. The water would be delivered to existing homes or farmlands, through existing facilities, as has been done under existing contracts, and would not be used for land conversion.

Effects to Delta species and critical habitats, such as the Delta smelt, salmonids, and green sturgeon which are the result of CVP operations, are addressed in the CVP/SWP Coordinated Operations consultation. As such, Reclamation has determined that there would be no effects to species and critical habitats for the Proposed Action under the jurisdiction of NMFS.

Reclamation has initiated section 7 consultation with the USFWS for the Proposed Action. This EA will not be finalized until consultation is complete.

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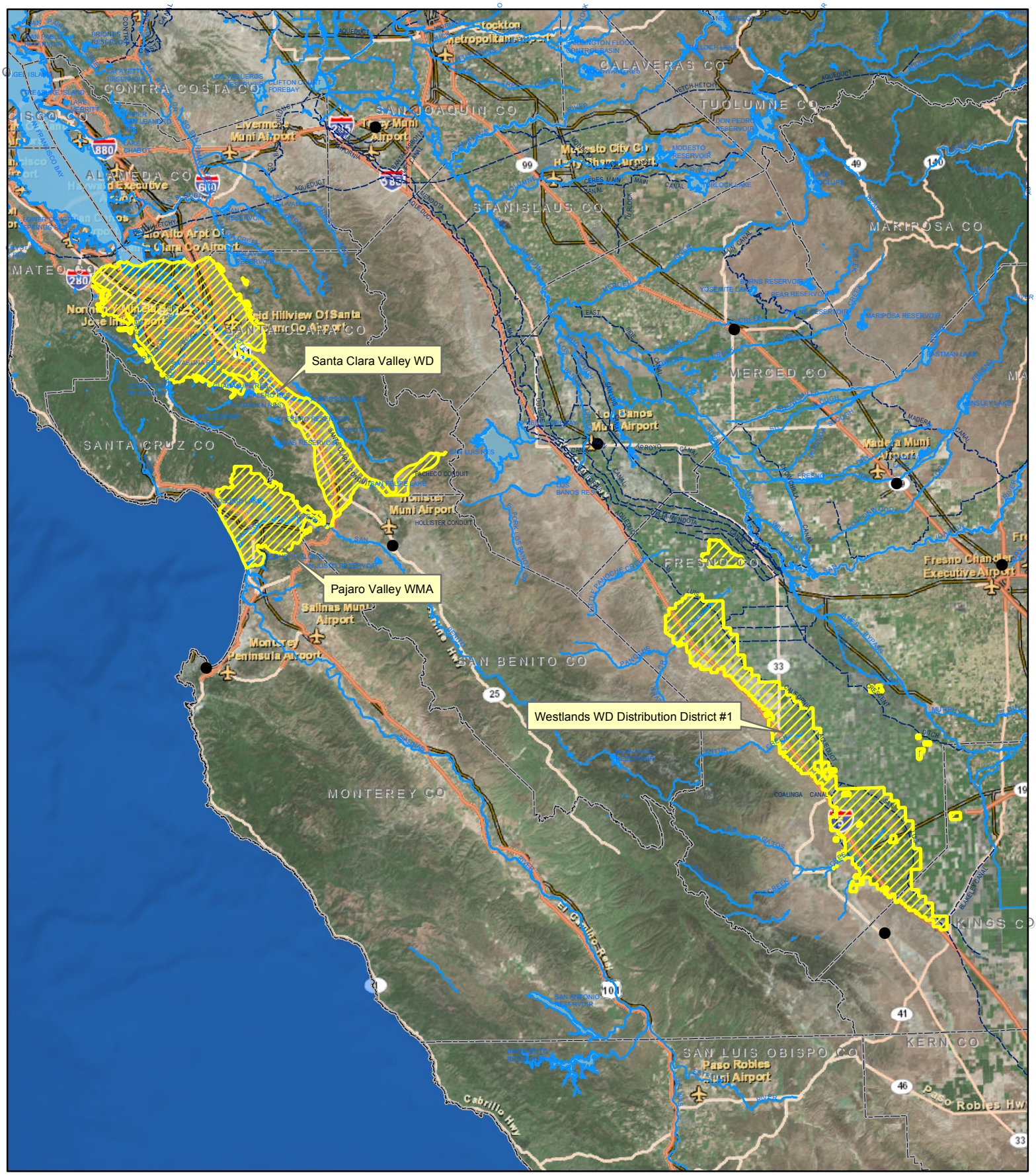
Appendix A

Contractor Service Area Maps



Contractor's Service Area

Pajaro Valley W.M.A. - Santa Clara Valley W.D.
Westlands W.D. Distribution District #1
(3-Way Assignment From Mercy Springs W.D.)

14-06-200-3365A-IR15-B

RECLAMATION
Managing Water in the West

Date: September 16, 2015
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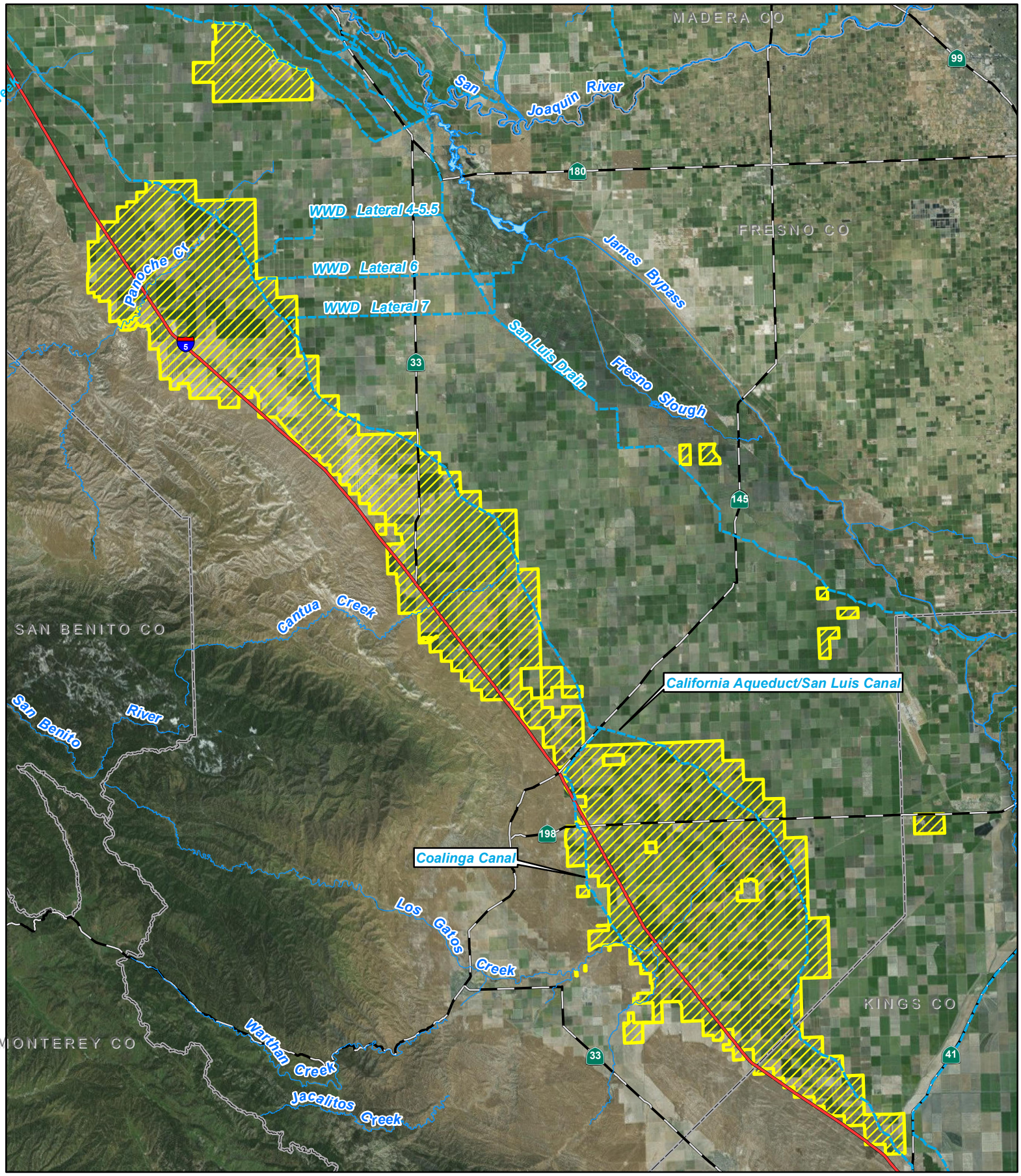
805-202-104



Full Assignment from:
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Centinella W.D. 7-07-20-W0055-IR15-B
Widren W.D. 14-06-200-8018-IR15

Contractor's Service Area

Westlands W.D. Distribution District #1

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RECLAMATION
Managing Water in the West

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