

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

MID-PACIFIC REGION

SOUTH-CENTRAL CALIFORNIA AREA OFFICE
FRESNO, CALIFORNIA

DRAFT FINDING OF NO SIGNIFICANT IMPACT

STORAGE AND CONVEYANCE OF NON-CENTRAL VALLEY PROJECT WATER IN
FEDERAL FACILITIES FOR THE SOUTH OF DELTA CENTRAL VALLEY PROJECT
CONTRACTORS

FONSI-09-109

Recommended by:

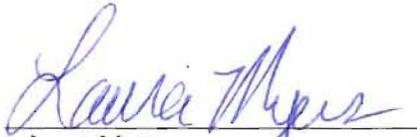


Patti Clinton
Natural Resource Specialist
South Central California Area Office

Date:

7/30/09

Concurred by:

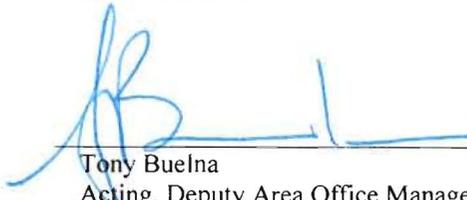


Laura Myers
Chief, Resource Management Division
South Central California Area Office

Date:

8/3/09

Approved by:



Tony Buelna
Acting, Deputy Area Office Manager
South Central California Area Office

Date:

8/3/09

FINDING OF NO SIGNIFICANT IMPACT
2008 APPROVAL OF ONE-YEAR TEMPORARY WARREN ACT CONTRACTS FOR THE
CONVEYANCE OF NON-CVP WATER IN THE DELTA-MENDOTA CANAL

In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the South-Central California Area Office of the U.S. Bureau of Reclamation (Reclamation), has determined that the approval of one-year Warren Act contracts is not a major federal action that would significantly affect the quality of the human environment and an environmental impact statement is not required. This Finding of No Significant Impact is supported by Reclamation's Draft Environmental Assessment (EA) Number EA-09-109, *Storage and Conveyance of Non-Central Valley Project Water in Federal Facilities for the South of Delta Central Valley Project Contractors*, and is hereby incorporated by reference.

BACKGROUND

The State of California is currently experiencing unprecedented water management challenges during a third consecutive year of drought. Both the State and Federal water projects have forecasted very low storage conditions in all major reservoirs. Specifically for the Central Valley Project (CVP), additional factors have contributed to the reduction in total water supplies.

The San Luis and Delta-Mendota Water Authority (SLDMWA) has purchased thus far from the Department of Water Resources (DWR) 37,000 acre-feet (af) of water made available by the drought water bank (DWB) and 60,000 af of water made available by the Yuba Accord. The water purchased is presently being pumped and stored by DWR for SLDMWA in the O'Neil Forebay. SLDMWA has requested Reclamation execute Warren Act contracts to its participating member districts south of the delta in order to store this non-CVP water in federal facilities and convey it using federal facilities to the member districts, with the completion deadline of June 30, 2010. Reclamation proposes to execute Warren Act contracts to SLDMWA member districts receiving DWB water and Yuba Accord Water.

FINDINGS

Water Resources: The Proposed Action will allow non-CVP water to be stored and conveyed in CVP facilities. This will allow water to be delivered to areas to supplement diminished CVP water supplies in 2009 and give the contractors a reliable supply going into 2010. No new facilities will be needed as a result of the Proposed Action. There will be no construction or modification to any federal facilities. The capacity of the facility will remain the same. Depending on timing, the Proposed Action could help reduce the effects of low-point in San Luis Reservoir by increasing the water volume in the reservoir during the summer months.

The Proposed Action will likely result in increased water supplies for 2009 and going into 2010 to participating contractors. Under the existing condition, water users will be subject to reductions in their water supply due to dry hydrologic conditions. Under the Proposed Action, additional water supply will benefit those participating water users. This increased water supply will be a beneficial effect, and will not be in excess of contract totals. Therefore, there will be no significant impacts to water resources.

Land Use: Land use will remain the same. The storage and conveyance of the non-CVP water through CVP facilities will not contribute to changes in land use. There will be no new construction

or excavation occurring as part of the Proposed Action. No native or untilled land (fallow for 3 years or more) will be cultivated with water involved with these actions. Therefore, there will be no significant changes of land use.

Biological Resources: Affects are similar to the No Action Alternative. The action area consists of agricultural fields that provide some habitat values for a few species listed above; however, there is routine disturbance due to on-going farming practices. The Proposed Action will not involve the conversion of any land fallowed and unfilled for three or more years. Since no natural stream courses or additional surface water pumping will occur, there will be no effects on listed fish species.

Cultural Resources: The Proposed Action is the type of activity that has no potential to affect historic properties. There will be no new ground disturbance and the transfers will be accomplished using existing facilities. No new land will be put into agricultural production because of the implementation of the Warren Act contract. Because the action will result in no potential to affect historic properties, there will be no significant impacts to cultural resources as a result of the implementation of the Proposed Action.

Indian Trust Assets: There are no tribes possessing legal property interests held in trust by the United States in the water involved with this action, nor is there such a property interest in the lands designated to receive the water proposed in this action. This action will have no significant impacts to Indian Trust Assets.

Environmental Justice: No adverse or beneficial effects of the Proposed Action or disproportionately high and adverse human health or environmental effects unique to minority or low-income populations in the affected area have been identified by the assessment. Therefore, there will be no significant impacts on minority and low-income populations as a result of the Proposed Action.

Socioeconomic Resources: Under the Proposed Action, participating districts will convey and store non-CVP water in CVP facilities to supplement their CVP water supply and help sustain permanent crops. This alternative source of water will counteract the reduction of farm operations and labor force due to reduced water supplies. As a result, there will be no significant impacts to socioeconomic resources.

Global Climate Change: The Proposed Action will not include any change on the composition of the atmosphere and therefore will have no direct effects to changes in climate. As a result, there will be no significant impacts on climate.

Cumulative Impacts: Reclamation's action is the storage of the water in San Luis Reservoir and the conveyance of the water to the water districts via federal canals and existing district turnouts. The use of this stored water will be to maintain and grow crops on existing agricultural lands. No native or previously untilled lands will be put into production. The Proposed Action will maintain existing land uses and will not contribute to cumulative changes or impacts to land uses or planning. Therefore, there will be no cumulative effects as a result of the Proposed Action.

RECLAMATION

Managing Water in the West

Final Environmental Assessment

Storage and Conveyance of Non-Central Valley Project Water in Federal Facilities for the South of Delta Central Valley Project Contractors

EA-09-109



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

July 2009

Mission Statements

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

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

Contents

	Page
Section 1 Purpose and Need for Action.....	1
1.1 Background.....	1
1.2 Purpose and Need	2
1.3 Scope.....	2
1.4 Applicable Regulatory Requirements and Required Coordination	2
1.4.1 Warren Act.....	2
1.4.2 Reclamation States Emergency Drought Relief Act.....	2
1.4.3 Contracts for Additional Storage and Delivery of Water	2
1.4.4 Water Quality Standards	3
1.5 Potential Issues.....	3
Section 2 Alternatives Including the Proposed Action.....	4
2.1 Alternative A: No Action.....	4
2.2 Alternative B: Proposed Action	4
2.2.1 Drought Water Bank Water	4
2.2.2 Yuba Water	4
Section 3 Affected Environment and Environmental Consequences	7
3.1 Water Resources	7
3.1.1 Affected Environment.....	7
3.1.1.1 Delta Division.....	7
3.1.1.2 San Luis Unit	8
3.1.1.3 San Felipe Division	10
3.1.1.4 CVP Facilities.....	10
3.1.2 Environmental Consequences.....	12
3.1.2.1 No Action	12
3.1.2.2 Proposed Action	12
3.2 Land Use	12
3.2.1 Affected Environment.....	12
3.2.1.1 Delta Division.....	12
3.2.1.2 San Luis Unit	13
3.2.1.3 San Felipe Division	14
3.2.2 Environmental Consequences.....	15
3.2.2.1 No Action	15
3.2.2.2 Proposed Action	15
3.3 Biological Resources	15
3.3.1 Affected Environment.....	15
3.3.1.1 Districts Receiving DWB Water	15
3.3.1.2 Districts Receiving Yuba Water	17
3.3.1.3 Special-status Avian species.....	20
3.3.2 Environmental Consequences.....	20
3.3.2.1 No Action	20
3.3.2.2 Proposed Action	21
3.4 Cultural Resources	21
3.4.1 Affected Environment.....	21
3.4.2 Environmental Consequences.....	22

3.4.2.1	No Action	22
3.4.2.2	Proposed Action	22
3.5	Indian Trust Assets	22
3.5.1	Affected Environment.....	22
3.5.2	Environmental Consequences.....	22
3.5.2.1	No Action	22
3.5.2.2	Proposed Action	22
3.6	Environmental Justice.....	23
3.6.1	Affected Environment.....	23
3.6.2	Environmental Consequences.....	24
3.6.2.1	No Action	24
3.6.2.2	Proposed Action	24
3.7	Socioeconomic Resources	24
3.7.1	Affected Environment.....	24
3.7.2	Environmental Consequences.....	24
3.7.2.1	No Action	24
3.7.2.2	Proposed Action	25
3.8	Global Climate Change.....	25
3.8.1	Affected Environment.....	25
3.8.2	Environmental Consequences.....	25
3.8.2.1	No Action	25
3.8.2.2	Proposed Action	25
3.9	Cumulative Effects.....	26
Section 4	Consultation and Coordination	27
4.1	Fish and Wildlife Coordination Act (16 USC 651 et seq.).....	27
4.2	Endangered Species Act (16 USC 1531 et seq.).....	27
4.3	National Historic Preservation Act (15 USC 470 et seq.)	27
4.4	Migratory Bird Treaty Act (16 USC Sec. 703 et seq.).....	27
4.5	Executive Order 11988 – Floodplain Management and Executive Order 11990-Protection of Wetlands	28
Section 5	List of Preparers and Reviewers	29
Section 6	References.....	29

List of Tables and Figures

	Page
Table 2-1: Districts receiving DWB Water in amounts requested thus far.	4
Table 2-2: Districts receiving Yuba Water in amounts requested thus far.	4
Table 3-1: T&E Species List - Areas to Receive DWB Water.....	15
Table 3-2: T&E Species List - Areas to Receive Yuba Water	17
Table 3-3: Demographics of Fresno, Madera, and Merced counties; change is for the period from 1990 to 2000 (Source: US Census Bureau data, 1999-2000).	23
Figure 2-1 General location of water districts and federal facilities.....	6

List of Acronyms and Abbreviations

BCID	Banta-Carbona Irrigation District
BWD	Broadview Water District
CEQA	California Environmental Quality Act
CO ₂	carbon dioxide
CVP	Central Valley Project
CVPIA	Central Valley Project Improvement Act
CY	Contract Year
DMC	Delta-Mendota Canal
DWB	Drought Water Bank
DWR	California Department of Water Resources
EA	Environmental Assessment
EFWD	Eagle Field Water District
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FONSI	Finding of No Significant Impact
FWCA	Fish and Wildlife Coordination Act
FWS	U. S. Fish and Wildlife Service
GHG	greenhouse gases
ITA	Indian Trust Asset
LWD	Laguna Water District
M&I	municipal and industrial
MBTA	Migratory Bird Treaty Act
MH ₃	methane
MSWD	Mercy Springs Water District
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
Panoche	Panoche Water District
PWD	Pacheco Water District
Reclamation	Bureau of Reclamation
SHPO	State Historic Preservation Office
SLC	San Luis Canal

SBCWD	San Benito County Water District
SCVWD	Santa Clara Valley Water District
SLDMWA	San Luis Delta Mendota Water Authority
SLWD	San Luis Water District
SWP	State Water Project
YCWA	Yuba County Water Agency
Yuba Accord	Proposed Yuba River Accord
WWD	Westlands Water District

Section 1 Purpose and Need for Action

1.1 Background

The State of California is currently experiencing unprecedented water management challenges during a third consecutive year of drought. Both the State and Federal water projects have forecasted very low storage conditions in all major reservoirs. Specifically for the Central Valley Project (CVP), additional factors have contributed to the reduction in total water supplies. These include: 1) low reservoir water supply conditions coming into 2009 from a dry 2007 and 2008, and 2) limits placed on pumping at Jones Pumping Plant for purposes of meeting court-ordered delta smelt protections. Based on all these factors, the Bureau of Reclamation (Reclamation) declared a shortage in the amount of water available to South of Delta contractors for the 2009 Contract Year (CY) (March 1 through February 28/29).

In April 2009, the Department of Water Resources (DWR) developed the Drought Water Bank (DWB) in which DWR purchased water from willing sellers upstream of the delta. This water was made available through a combination of crop idling, crop substitution, groundwater substitution and reservoir reoperation. The purpose of the DWB is to help facilitate the transfer of water throughout the State to buyers that are at risk of experiencing water shortages in 2009. National Environmental Policy Act (NEPA) compliance for the water transfers from CVP contractors to DWR for the DWB was completed and documented in the April 2009 Drought Water Bank Environmental Assessment (EA) and subsequent Finding of No Significant Impact (FONSI). California Environmental Quality Act (CEQA) compliance for the water transfers from SWP contractors to DWR for the DWB was completed with the Notice of Exemption filed by DWR in April 2009.

The Yuba County Water Agency (YCWA) completed an Environmental Impact Report and Subsequent Notice of Determination in March 2008 on the Proposed Yuba River Accord (Yuba Accord). Among other agreements, the Yuba Accord provided supplemental dry year water supplies to state and federal water contractors under a Water Purchase Agreement with DWR.

The San Luis and Delta-Mendota Water Authority (SLDMWA) has purchased thus far from DWR 37,000 acre-feet (af) of water made available by the DWB and 60,000 af of water made available by the Yuba Accord. The water purchased is presently being pumped and stored by DWR for SLDMWA in the O'Neil Forebay. SLDMWA has requested Reclamation execute Warren Act contracts to its participating member districts south of the delta in order to store this non-CVP water in federal facilities and convey it using federal facilities to the member districts, with the completion deadline of June 30, 2010.

1.2 Purpose and Need

CY2009 began with a South of Delta allocation of 0% and then was increased to a 10% allocation in April 2009. As a result, South of Delta water contractors have a need to find alternative sources of water to not only fulfill 2009 demands, but to prepare for demands going into 2010. Through the DWB and Yuba Accord, alternative water supplies have been found. SLDMWA participating member districts need Warren Act contracts in order to provide storage of the non-CVP water to ensure sufficient supplies going into next year and to provide the conveyance to get the non-CVP water to the member districts.

1.3 Scope

This EA has been prepared to examine the impacts on environmental resources as a result of storing and conveying non-CVP water in federal facilities. Development of the non-CVP water was analyzed in prior documents as described above and is not discussed further in this document.

1.4 Applicable Regulatory Requirements and Required Coordination

Several Federal laws, permits, licenses and policy requirements have directed, limited or guided the NEPA analysis and decision-making process of this EA and include the following:

1.4.1 Warren Act

The Warren Act (Act as of February 21, 1911; CH. 141, (36 STAT.925)) authorizes Reclamation to negotiate agreements to store or convey non-CVP water when excess capacity is available in federal facilities.

1.4.2 Reclamation States Emergency Drought Relief Act

Section 102 of the Reclamation States Emergency Drought Relief Act of 1991 provides for use of Federal facilities and contracts for temporary water supplies, storage and conveyance of non-CVP water inside and outside project service areas for M&I, fish and wildlife, and agricultural uses. Section 305, enacted March 5, 1992 (106 Stat. 59), also authorizes Reclamation to utilize excess capacity to convey non-CVP water.

1.4.3 Contracts for Additional Storage and Delivery of Water

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

1.4.4 Water Quality Standards

Reclamation requires that the operation and maintenance of CVP Project facilities shall be performed in such a manner as is practical to maintain the quality of raw water at the highest level that is reasonably attainable. Water quality and monitoring requirements are established annually by Reclamation and are instituted to protect water quality in federal facilities by ensuring that imported non-CVP water does not impair existing uses or negatively impact existing water quality conditions. These standards are updated periodically. The water quality standards are the maximum concentration of certain contaminants that may occur in each source of non-CVP water. The water quality standards for non-CVP water to be stored and conveyed in federal facilities are currently those set out in Title 22 of the California Code of Regulations.

1.5 Potential Issues

The potentially affected resources in the project vicinity include:

- Water Resources
- Land Use
- Biological Resources
- Cultural Resources
- Indian Trusts Assets
- Environmental Justice
- Socioeconomic Resources
- Global Climate Change

Section 2 Alternatives Including the Proposed Action

2.1 Alternative A: No Action

Reclamation would not execute the Warren Act contracts, and therefore, non-CVP water could not be stored or conveyed in federal facilities.

2.2 Alternative B: Proposed Action

2.2.1 Drought Water Bank Water

Reclamation proposes to execute Warren Act contracts to the SLDMWA member districts receiving DWB water (Figure 2-1):

Table 2-1: Districts receiving DWB Water in amounts requested thus far.

District	Water Quantity (af)
San Benito County Water District	745
San Luis Water District	3,434
Westlands Water District	32,821
Total	37,000

Under the Warren Act contracts, Reclamation would store and convey up to 75,000 af of the DWB water for the SLDMWA participating member districts. From O’Neil Forebay the water would be pumped into the San Luis Reservoir for storage and/or delivered to Westlands Water District (WWD) and SLWD via the San Luis Canal (SLC) and Delta-Mendota Canal (DMC), and to San Benito County Water District (SBCWD) via the Pacheco Tunnel, with a completion date of June 30, 2010. The DWB water would only be used for irrigation purposes on established lands. There would be no new construction or excavation occurring as part of the Proposed Action. No native or untilled land (fallow for 3 years or more) would be cultivated with water involved with these actions.

2.2.2 Yuba Water

Reclamation proposes to execute Warren Act contracts to the SLDMWA member districts receiving Yuba water (Figure 2-1):

Table 2-2: Districts receiving Yuba Water in amounts requested thus far.

District	Water Quantity (af)
Banta Carbona Irrigation District	198
Broadview Water District	1,077

Eagle Field Water District	163
Laguna Water District	30
Mercy Springs Water District	103
Pacheco Water District	362
Panoche Water District	3,751
San Benito County Water District	1,420
San Luis Water District	4,952
Santa Clara Valley Water District	1,320
Westlands Water District	46,624
Total	60,000

Under the Warren Act contracts, Reclamation would store and convey up to 75,000 af of the Yuba water for the SLDMWA participating member districts. From O'Neil Forebay the water would be pumped into the San Luis Reservoir for storage and/or delivered to the San Luis Unit contractors via the SLC, the Delta Division contractors via DMC, and to the San Felipe Division contractors via the Pacheco Tunnel, with a completion date of June 30, 2010. The Yuba water would only be used for irrigation purposes on established lands. There would be no new construction or excavation occurring as part of the Proposed Action. No native or untilled land (fallow for 3 years or more) would be cultivated with water involved with these actions.

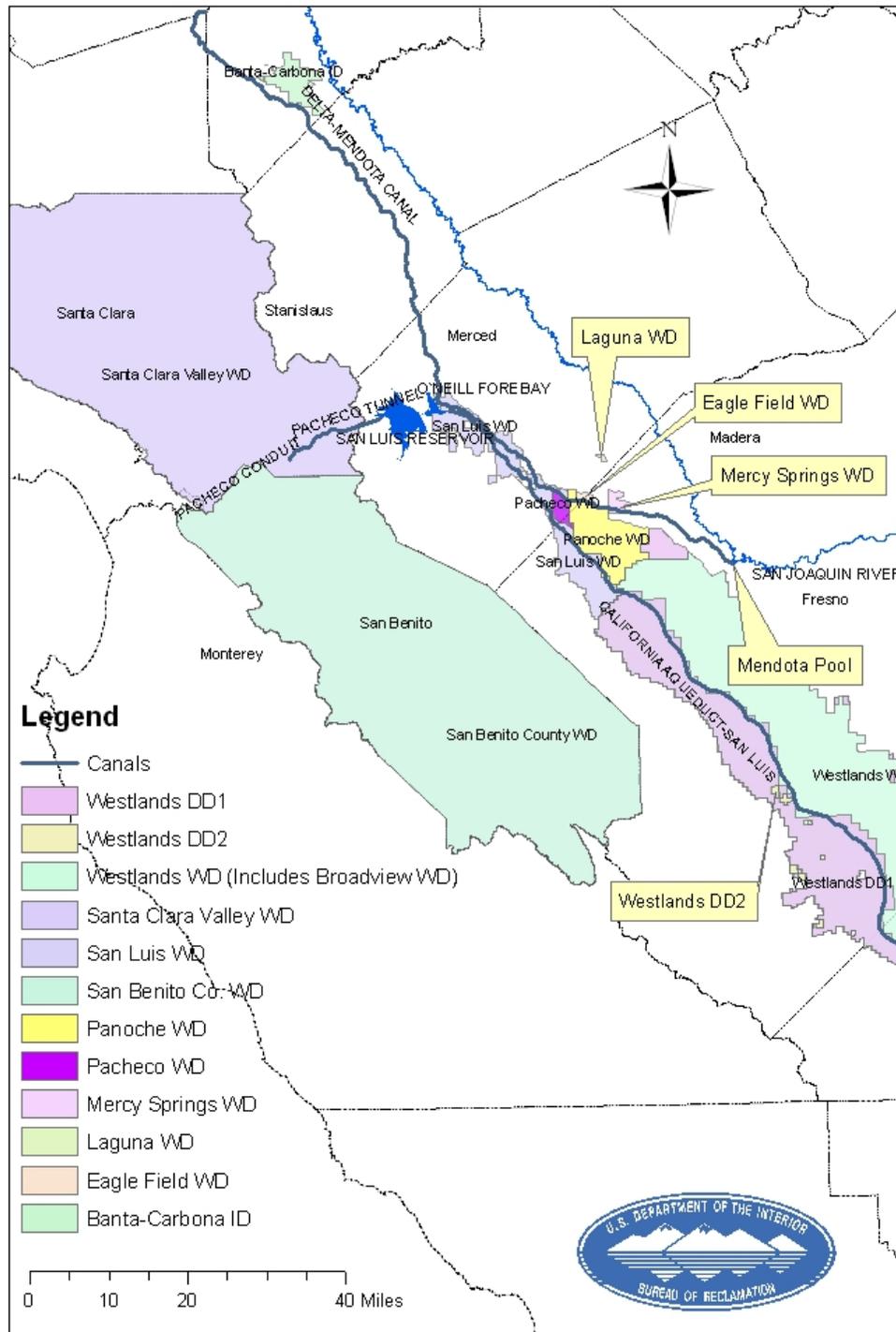


Figure 2-1 General location of water districts and federal facilities.

Section 3 Affected Environment and Environmental Consequences

3.1 Water Resources

3.1.1 Affected Environment

3.1.1.1 Delta Division

Banta-Carbona Irrigation District The Banta-Carbona Irrigation District (BCID) is located in San Joaquin County just south of the city of Tracy and is adjacent to the Del Puerto Water District to the southwest and the West Stanislaus Water District to the southeast. The district's primary supply of water is its pre-1914 water rights on the San Joaquin River. Historically, the district uses all of its pre-1914 water rights in order to irrigate lands within the district. The district has a contract with Reclamation for 25,000 af of CVP water. CVP water is used as a supplemental supply to the district's pre-1914 water supply.

The distribution system in BCID consists of 2.5 miles of unlined canal, 33.2 miles of concrete-lined canal, and 46 miles of underground pipeline. CVP water from the DMC is gravity-fed through two turnouts and is then distributed through a pipeline connected to the BCID Main Lift Canal. All of the district's facilities are either pump or gravity delivery canals. Currently, all gates within the district are manually operated and all the turnouts are measured daily (Reclamation, 2005).

Broadview Water District Broadview Water District (BWD) is located on the west side of the San Joaquin Valley and is approximately five miles west of the city of Firebaugh, in Fresno County. The district has a contract with Reclamation for 27,000 af of CVP water. The district's distribution system consists of 30 miles of open unlined canals and laterals, two miles of pipeline, and six pumping stations with a total of 36 pumps. All the water is lifted from the Delta-Mendota Canal into the district's main canal delivery system. The only storage facility in the BWD is the main canal, which consists of six pumping stations and five ponds. All the laterals from the main canal are gravity-fed. The main canal is automated and all of the laterals have manual gates. All turnouts on the system are metered. CVP water is the only water supply source for the Broadview Water District. There is one groundwater well located in the district, but it is inoperable. The groundwater is unusable because of its relatively high levels of salt and boron (Reclamation, 2005).

Eagle Field Water District Eagle Field Water District (EFWD) is located in both Merced and Fresno Counties. The district has a contract with Reclamation for 4,550 af of CVP water. The district is located between the Outside Canal and the DMC. EFWD is part of the Panoche Drainage District.

The district receives its CVP water supply directly from two turnouts on the DMC. The district has no additional conveyance facilities. The Panoche Water District (Panoche) provides all administrative functions for the Eagle Field Water District. In addition to CVP

supply, EFWD has groundwater wells that provide a supplemental supply in dry years (Reclamation, 2005).

Laguna Water District Laguna Water District (LWD) is located in Fresno County and has a contract with Reclamation for 880 af of CVP water. The district has no distribution facilities of its own. Instead, the district has a contract with the Central California Irrigation District for transportation of its CVP water. The DMC releases water into the Mendota Pool and water is then transported from the pool to the LWD through the distribution facilities of the Central California Irrigation District (Reclamation, 2005).

Mercy Springs Water District Mercy Springs Water District (MSWD) is located in Fresno County and spans the Main Canal, Outside Canal, and the DMC. The district has a contract with Reclamation for 2,842 af of CVP water. The district receives its CVP water directly from a turnout on the DMC and has no additional conveyance facilities. In addition to its CVP supply, MSWD has groundwater wells that provide a supplemental supply in dry years (Reclamation, 2005).

3.1.1.2 San Luis Unit

Pacheco Water District Pacheco Water District (PWD) is located on the western edge of the San Joaquin Valley near the city of Los Banos in both Merced and Fresno Counties and is approximately 4,730 acres in size. The district entered into a long-term contract with Reclamation for 10,080 acre-feet of CVP water supply from the DMC and SLC. The district's CVP water supply is their primary water supply though the district also has a surface water supply from the Central California Irrigation District. The district also owns one groundwater well, but does not pump groundwater due to the poor quality of the underlying groundwater (Reclamation, 2007).

Panoche Water District Panoche Water District (Panoche) has a contract with Reclamation for 93,988 af of CVP water per year. The district can receive their contractual water deliveries from either the DMC (2 turnouts), or the SLC (6 turnouts). The turnouts range in size from 42 to 250 cubic feet per second. The district's conveyance system is composed of approximately 45 miles of canals and pipelines to serve its landowners. This includes approximately 15 miles of unlined canals, 22 miles of lined canals, and almost 8 miles of pipeline. Approximately 66 percent of the district's conveyance system is either lined canal or pipeline. The district intends to continue lining sections of canal when economically attractive.

With the exception of drought conditions, almost no groundwater is utilized in the district. The district supplies about 50 acre-feet of water per year for municipal and industrial (M&I) purposes. The district does not have any industrial use customers. There is some domestic use which is incidental to agriculture (Reclamation, 2007).

San Luis Water District The SLWD is located on the western side of the San Joaquin Valley near the City of Los Banos, in both Merced and Fresno Counties and has a contract with Reclamation for 125,080 af of CVP water. The district's current distribution system consists of 52 miles of pipelines, 10 miles of lined canals, and 7.5 miles of unlined canals. About 20,000 acres within the district, referred to as the Direct Service Area, receive water

from 39 turnouts on the DMC and 23 turnouts on the SLC. The Direct Service Area is located almost primarily in Merced County. In addition to the Direct Service Area, three improvement districts are also served through distribution systems branching off the San Luis Canal. Both Improvement Districts 1 and 2 are primarily located within Fresno County; Improvement District 3 is located primarily in Merced County (Reclamation, 2007).

Westlands Water District WWD covers almost 950 square miles of prime farmland between the California Coast Range and the trough of the San Joaquin Valley in western Fresno and Kings Counties. It averages 15 miles in width and stretches 70 miles in length from the City of Mendota on the north to Kettleman City on the south. Interstate 5 is located near the district's western boundary.

The original WWD is now referred to as Priority Area I, and the former Westplains Water Storage District is now referred to as Priority Area II, each under separate water service contracts with Reclamation. Most of Priority Area I is located east of the SLC and has gravity water service. Small recirculating pumps are used to pressurize supply laterals serving land adjacent to the SLC that is too high to be served through gravity laterals. Much of Priority Area II is west and upslope of the SLC and is served by pumping from the SLC and gravity supply from the Coalinga Canal. Approximately one-third of the land between the SLC and the Coalinga Canal is served by pumping from the SLC.

The district's permanent distribution system consists of 1,034 miles of closed, buried pipeline that conveys CVP water from the SLC and Coalinga Canal and 7.4 miles of unlined canal that conveys CVP water from the Mendota Pool. The closed, buried pipeline virtually eliminates seepage and evaporation losses in the distribution system. The area served by the system encompasses approximately 88 percent of the irrigable land in the district, including all land lying east of the SLC. All water is metered at the point of delivery through more than 3,300 metered field turnouts.

Most of the remaining district lands are served by farmer-constructed temporary diversions that are maintained by individual farmers. These diversions include a number of permanent and temporary turnouts and metered piped laterals from the SLC and Coalinga Canal. 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 Coalinga and Huron.

WWD's current contract is for 1,150,000 acre-feet of CVP supply from the SLC. The district also receives an additional source of CVP water via assignments for approximately 36,490 AF. In addition to these CVP supplies, approximately 200,000 AF of water is pumped from the underground aquifers during wet years. The district supplies groundwater to some district farmers and owns some groundwater wells, with the remaining wells privately owned by water users in the district. Other water supply sources in the district include flood flows from the Kings River, which are available periodically and diverted from the Mendota Pool (Reclamation, 2007).

3.1.1.3 San Felipe Division

San Benito County Water District Zone 6 is the portion of the SBCWD that is served directly with CVP water. San Benito County Water District operates local facilities that use water rights, including diversions from the San Benito River at Hernandez Dam, from the San Benito River into Paicines Reservoir, and from Dos Picahos Creek. Hernandez Reservoir has an 18,700 acre-foot storage capacity. Water from the Hernandez Reservoir is percolated into the groundwater in the San Benito River channel. Water from Hernandez Reservoir can also be released to the 3,500 acre-foot Paicines Reservoir. SBCWD's contract for CVP water is 43,800 AF and includes 35,550 AF for Agricultural needs. CVP water supplies and groundwater pumping together provide a total of 100,000 AF for Zone 6.

Santa Clara Valley Water District Santa Clara Valley Water District (SCVWD) is a CVP contractor with the San Felipe Division. Imported water comes to the district from Northern California watersheds via the Sacramento-San Joaquin Delta. This water is delivered to the northern portion of the county by DWR through the SWP and to the southern portion of the county by the CVP. The district has a contract for 100,000 af per year from the SWP and 152,500 af per year from the CVP through a contract with Reclamation, of which 130,000 af is for M&I needs and 22,500 af is for agricultural needs.

Water is delivered to the southern portion of the county from the Delta through the DMC to O'Neill Forebay. At O'Neill Forebay it is pumped into the San Luis Reservoir and then delivered to the district via the Pacheco and Santa Clara Conduits. The district also receives SWP water from DWR. SWP water is delivered to the northern portion of the county from the Delta through the South Bay Pumping Plant into the South Bay Aqueduct and then to the district (SCVWD, 2005).

3.1.1.4 CVP Facilities

Delta-Mendota Canal The DMC, the second largest of the CVP waterways, was completed in 1951. It includes a combination of both concrete-lined and earth-lined sections and is about 117 miles in length. It carries water southeasterly from the Tracy Pumping Plant into the DMC along the west side of the San Joaquin Valley for distribution to refuges, irrigation supply, M&I and to replace San Joaquin River water stored by Friant Dam and used in the Friant-Kern and Madera Canals. The canal transports water from the Tracy Pumping Plant to the Mendota Pool, which is controlled by a concrete storage dam that was constructed in 1917. The DMC is divided into the upper and lower portions. The dividing point is Check 13 near Santa Nella, California. Check 13 is the intake to the O'Neill Forebay and San Luis Reservoir. The Mendota Pool is the terminus for the DMC and is located at the confluence of the San Joaquin River and the North Fork of the Kings River, approximately 30 miles west of the city of Fresno. Capacity in the DMC is restricted by the physical limitations of the canal and the pumping limits of the Tracy Pumping Plant (Reclamation, 2009).

San Luis Canal The SLC is a joint Federal/State facility. It is a concrete-lined canal with a capacity ranging from 8,350 to 13,100 cfs. The SLC is the biggest earth-moving project in Reclamation history. It is the federally-built and operated section of the California Aqueduct and extends 102.5 miles from the O'Neill Forebay, near Los Banos, in a southeasterly direction to a point west of Kettleman City. The first release of water from the O'Neill

Forebay to the initial reach of the canal was on April 13, 1967. The 138-foot-wide channel is 36 feet deep, 40 feet wide at the bottom, and lined with concrete. Capacity in the SLC is restricted by the physical limitations of the canal, pumping limits of the Banks Pumping Plant, and releases from San Luis Reservoir (Reclamation, 2009).

Mendota Pool Mendota Pool is a re-regulating reservoir for more than 1 million AF of CVP water pumped from the Delta and delivered by the DMC. The Mendota Pool is impounded by Mendota Dam, which is owned and operated by Central California Irrigation District (CCID). Currently, Mendota Pool is sustained by the inflow from the DMC, which typically conveys 2,500 to 3,000 cfs to the Mendota Pool during the irrigation season. San Joaquin River water is only conveyed to the Mendota Pool during periods of flood flow. Mendota Pool extends over 5 miles up the river channel and over 10 miles into Fresno Slough and varies from less than one hundred to several hundred feet wide. Water depth varies but averages about 4 feet. Mendota Pool contains approximately 8,000 AF of water and has a surface area of approximately 2,000 acres when full. It is the largest body of ponded water in the San Joaquin Valley basin floor.

Water quality conditions in the Mendota Pool depend on inflows from the DMC, groundwater pumped into Mendota Pool by the Mendota Pool Group and, to a limited extent, river inflows. Water quality in the river varies considerably along its length. Above Millerton Lake and downstream towards Mendota Pool, flows are infrequent, but the quality of water released from Friant Dam is generally excellent. The reach from Gravelly Ford to Mendota Pool (about 17 miles) is perennially dry except during flood control releases from Friant Dam. During the irrigation season, most of the water released from the Mendota Pool to the river and to irrigators is imported from the Delta via the DMC. This water has higher concentrations of TDS than water in the upper reaches of the SJR, and might be affected by runoff and seepage into the canal (Reclamation, 2009).

San Luis Reservoir San Luis Reservoir is a 2 million acre-feet water impound behind the B.F. Sisk Dam. The facility was built between 1963 and 1967 to provide supplemental irrigation water storage for the Federal CVP and municipal and industrial water for the California's SWP. Water is lifted into the reservoir for storage by the Gianelli Pumping – Generating Plant from the California Aqueduct and from the DMC via O'Neill Forebay. B.F. Sisk Dam is owned by the Bureau of Reclamation and operated by DWR. Reservoir storage space is allotted 55 percent State and 45 percent Federal.

In San Luis Reservoir, the low-point problem and associated algal growth is the primary concern. Low-point refers to a range of minimum reservoir levels that occur in late summer and fall. The low-point problem is produced by a combination of warm-season algae growth and decreasing summer water levels. San Luis reservoir typically is at its high point in late winter and early spring, following the rainy season. During the spring and early summer, water is released from San Luis Reservoir into O'Neill Forebay.

The low-point problem begins when the reservoir water surface elevation approaches 369 feet, corresponding to a storage capacity of 300,000 acre-feet. At this capacity, the water surface elevation in the reservoir is approximately 35 feet above the lower intake to the Pacheco Pumping Plant. Because the near-surface algae layer can be more than 30 feet thick in late summer, algae may be drawn into the lower intake. High algae content reduces the effectiveness of water

treatment and can affect the quality and taste of treated water. As the reservoir is progressively drawn down below 300,000 acre-feet, increasing amounts of algae may enter the intake, and water quality problems can worsen. When the water surface elevation reaches approximately 354 feet (209,000 acre-feet), algae concentrations may be so high that the water delivered to the Pacheco Pumping Plant is untreatable (Reclamation, 2009).

3.1.2 Environmental Consequences

3.1.2.1 No Action

If Reclamation were not to execute the requested Warren Act contracts, it would preclude the South of Delta contractors from getting their already purchased alternative supply needed in this third consecutive drought year. Some contractors may be able to get some of their supply from the State side; however, this would not facilitate many contractors. Additionally, if the water could not be stored, it would prohibit the contractors from adequately preparing for the next water year making cropping decisions tenuous.

Low-point in San Luis Reservoir would continue to be a problem during the summer months when the reservoir is drawn down.

3.1.2.2 Proposed Action

The Proposed Action would allow non-CVP water to be stored and conveyed in CVP facilities. This would allow water to be delivered to areas to supplement diminished CVP water supplies in 2009 and give the contractors a reliable supply going into 2010. No new facilities would be needed as a result of the Proposed Action. There would be no construction or modification to any federal facilities. The capacity of the facility would remain the same. The Proposed Action would not interfere with the normal operations of federal facilities nor would it impede any SWP or CVP obligations to deliver water to other contractors or to local fish and wildlife habitat. Furthermore, the Proposed Action would not interfere in the quantity or timing of diversions from the Sacramento-San Joaquin Bay Delta. CVP operations and facilities would not vary considerably under either alternative.

The Proposed Action would likely result in increased water supplies for 2009 and going into 2010 to participating contractors. Under the existing condition, water users would be subject to reductions in their water supply due to dry hydrologic conditions. Under the Proposed Action, additional water supply would benefit those participating water users. This increased water supply would be a beneficial effect, and would not be in excess of contract totals.

Depending on timing, the Proposed Action could help reduce the effects of low-point in San Luis Reservoir by increasing the water volume in the reservoir during the summer months.

3.2 Land Use

3.2.1 Affected Environment

3.2.1.1 Delta Division

Banta-Carbona Irrigation District BCID is entirely an agricultural district and currently does not supply any water for M&I use. There are about 600 to 700 landowners in the district

with 60 to 70 water customers. Major crops being produced within the district include both row crops (cannery tomatoes, dry beans, alfalfa, and a small quantity of melons) and permanent crops (primarily almonds, with smaller amounts of walnuts, apricots, peaches, and apples). Also, some areas have been planted with grapes over the last few years. Irrigation methods include furrow, open ditch or border flooding, and siphon pipe on row crops and sprinklers on permanent crops (Reclamation, 2005).

Broadview Water District The district is approximately 9,515 acres in size with 9,067 irrigated acres. All of the land in the district is high quality production land. There is no marginal agricultural land in the district. Most of the farmers in the Broadview Water District lease the land from absentee landowners. The district is almost entirely an agricultural district. The only CVP water used for M&I use is 23 acre-feet, which is used as the drinking water source in the district. The drinking water serves both BWD buildings and a small number of residents.

The entire district is planted in row crops with approximately one-half of the district producing cotton. Other crops include seed alfalfa, tomatoes, and melons. There are no permanent crops in the district because of shallow groundwater levels. Irrigation methods include primarily furrow and gated pipe, with a smaller number of acres on sprinklers. Historically, areas of the district have remained fallow during the growing season (Reclamation, 2005).

Eagle Field Water District EFWD is approximately 1,372 acres in size. Because of its small size, the district is exempt from Section 3405(e) of the CVPIA, which requires the preparation of a water conservation plan. The crops produced in the district include cotton, cannery tomatoes, and rice. In the past, some of the land has also been farmed with sugar beets and dry onions (Reclamation, 2005).

Laguna Water District LWD is approximately 460 acres in size, all of which are irrigable. Because of its small size, the district is exempt from Section 3405(e) of the CVPIA, which requires the preparation of a water conservation plan. Primary crops produced in the district include alfalfa hay, cotton, oats, sugar beets, and wheat (Reclamation, 2005).

Mercy Springs Water District MSWD is approximately 3,390 acres in size, of which 3,336 acres are irrigable. MSWD is entirely an agricultural district. The crops typically produced in the district include cotton and alfalfa. All administrative functions for the district are currently being provided by Panoche. Also, most of the district has been acquired by the Panoche Drainage District for use as a regional drainage management facility on which subsurface drain water is applied to salt-tolerant crops (Reclamation, 2005).

3.2.1.2 San Luis Unit

Pacheco Water District PWD's current size is approximately 4,730 acres in size, of that 4,242 acres are irrigable with an agricultural demand of 11,000 af of water. Crops grown in the district consist of cotton, melons, tomatoes and asparagus (Reclamation, 2007).

Panoche Water District Panoche is approximately 38,000 acres in size, of which approximately 37,000 acres are irrigated. Current cropping patterns in the district include

cotton, tomatoes, melons grapes, and almonds with cotton and tomatoes representing two thirds of the crops (Reclamation, 2007).

San Luis Water District SLWD is approximately 66,000 acres in size. The southern section of the district located in Fresno County is primarily agricultural. The land is planted with either row crops, including cotton and melons, or permanent crops of primarily almonds. Although water deliveries by the district historically have been for agricultural use, substantial development in and around the cities of Los Banos and Santa Nella have resulted in a shift of some water supplies to M&I use. The district currently supplies approximately 800 af per year of water to 1,300 homes and businesses. M&I demands are expected to increase.

M&I use primarily occurs in the northern section of the district, which is located in Merced County. It is anticipated that the conversion from agricultural use to M&I use will occur mostly in this section of the district. Approximately 10,000 acres identified as potential development locations are currently in the planning stages within Merced County and the district. Much of the land targeted for M&I development is currently unused for irrigated agriculture (Reclamation, 2007).

Westlands Water District WWD covers almost 950 square miles of prime farmland and includes approximately 567,800 irrigable acres. More than 60 different crops are grown commercially in the district. The cropping patterns have changed over the years depending upon water availability, water quality and the agricultural economy and market factors. The acreage trend is toward the planting of vegetable and permanent crops while cotton and grain crops have decreased.

The current population within the district is approximately 50,000. The major community entirely within the district is Huron. CVP water in the district is used for both agricultural and M&I uses with the majority of the supply used for agriculture (Reclamation, 2007).

3.2.1.3 San Felipe Division

San Benito County Water District Zone 6 is the portion of the SBCWD that is served directly with CVP water. San Benito County Water District operates local facilities that use water rights, including diversions from the San Benito River at Hernandez Dam, from the San Benito River into Paicines Reservoir, and from Dos Picahos Creek. Hernandez Reservoir has an 18,700 acre-foot storage capacity. Water from the Hernandez Reservoir is percolated into the groundwater in the San Benito River channel. Water from Hernandez Reservoir can also be released to the 3,500 acre-foot Paicines Reservoir. SBCWD's contract for CVP water is 43,800 AF and includes 35,550 AF for Agricultural needs. CVP water supplies and groundwater pumping together provide a total of 100,000 AF for Zone 6.

Santa Clara Valley Water District Most development and water use in the district occurs on the 350-square-mile valley floor. The northern part of the valley, north of the Coyote Narrows, is extensively urbanized and houses over 90 percent of Santa Clara County's 1.7 million residents and 13 of its 15 cities. The southern part of the valley remains predominately rural with some low-density residential development, with the exception of the cities of Morgan Hill and Gilroy (SCVWD, 2005).

3.2.2 Environmental Consequences

3.2.2.1 No Action

No changes to land use would occur under this alternative. There could be some adverse impacts to crops if supplemental supplies of water cannot be delivered or stored. Districts could attempt to purchase other sources of water; however, storage and conveyance would still present an issue without Warren Act contracts. The districts could construct new facilities; however, construction would likely not be feasible or completed in time to meet district needs.

3.2.2.2 Proposed Action

Land use would remain the same as described in the affected environment. The storage and conveyance of the non-CVP water through CVP facilities would not contribute to changes in land use. There would be no new construction or excavation occurring as part of the Proposed Action. No native or untilled land (fallow for 3 years or more) would be cultivated with water involved with these actions.

3.3 Biological Resources

3.3.1 Affected Environment

By the mid-1940s, most of the valley’s native habitat had been altered by man, and as a result, was severely degraded or destroyed. It has been estimated that more than 85 percent of the valley’s wetlands had been lost by 1939 (Dahl and Johnson 1991). When the CVP began operations, over 30 percent of all natural habitats in the Central Valley and surrounding foothills had been converted to urban and agricultural land use (Reclamation 1999). Prior to widespread agriculture, land within the Proposed Action area provided habitat for a variety of plants and animals. With the advent of irrigated agriculture and urban development over the last 100 years, many species have become threatened and endangered because of habitat loss. Of the approximately 5.6 million acres of valley grasslands and San Joaquin saltbrush scrub, the primary natural habitats across the valley, less than 10 percent remains today. Much of the remaining habitat consists of isolated fragments supporting small, highly vulnerable populations (Reclamation 1999). The project area is dominated by agricultural habitat that includes field crops, orchards, and pasture. The vegetation is primarily crops and frequently includes weedy non-native annual and biennial plants.

3.3.1.1 Districts Receiving DWB Water

A list of Federally listed candidate, threatened, and endangered species that occur within or near SBCWD, SLWD, WWD and/or may be affected as a result of the Proposed or Alternative Action was obtained on July 15, 2009, by accessing the USFWS Database: http://www.fws.gov/sacramento/es/spp_list.htm (Table 3-1).

Table 3-1: T&E Species List - Areas to Receive DWB Water

<u>Species</u>	<u>Status</u>	<u>Effects</u>	<u>*Occurrence in the Study Area</u>
Amphibians			
California red-legged frog (<i>Rana aurora draytonii</i>)	T ¹ , X ²	NE	Present. Documented as extant within San Benito Co. and suitable habitat present. No

			construction of new facilities; no conversion of lands from existing uses
California tiger salamander (<i>Ambystoma californiense</i>)	T, X	NE	Present. Documented as extant within San Benito Co. and suitable habitat present. No construction of new facilities; no conversion of lands from existing uses
Birds			
California condor (<i>Gymnogyps californianus</i>)	E ³	NE	Possible. Will forage up to 100m from roost/nest. There are records for this species approx. 50m east of Westlands W.D. No construction of new facilities; no conversion of lands from existing uses
Least Bell's Vireo (<i>Vireo bellii pusillus</i>)	E	NE	Absent. No individuals or habitat in area of effect
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C ⁴	NE	Absent. Presumed extirpated. Records occur prior to 1900s from San Benito Co. W.D.
Fish			
Central Valley Steelhead (<i>Oncorhynchus mykiss</i>)	T, NMFS ⁵	NE	Absent. No natural waterways within the species' range will be affected by the proposed action.
Delta smelt (<i>Hypomesus transpacificus</i>)	T	NE	Absent. No natural waterways within the species' range will be affected by the proposed action.
Southern California Steelhead (<i>Oncorhynchus mykiss</i>)	E	NE	Absent. No natural waterways within the species' range will be affected by the proposed action.
Invertebrates			
Conservancy Fairy Shrimp (<i>Branchinecta conservatio</i>)	E	NE	Absent. No individuals documented in this area
Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>)	E, X	NE	Absent. No individuals or habitat in area of effect
Valley elderberry longhorn beetle (<i>Desmocerus californicus dimorphus</i>)	T	NE	Absent. No individuals documented in this area
Vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	T, X	NE	Present. Documented as extant in San Benito W.D. Vernal pool habitats within the study may support populations of this species. No construction of new facilities; no conversion of lands from existing uses
Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>)	E, X	NE	Absent. No individuals or habitat in area of effect
Mammals			
Fresno kangaroo rat (<i>Dipodomys nitratooides exilis</i>)	E, X	NE	Absent. No individuals or habitat in area of effect
giant kangaroo rat (<i>Dipodomys ingens</i>)	E	NE	Possible. Records over 10 years ago from along the northwest perimeter of action area. No construction of new facilities; no conversion of lands from existing uses
San Joaquin kit fox (<i>Vulpes mactotis mutica</i>)	E	NE	Present. CNDDDB records indicate this species occurs in the project area. No construction of new facilities; no conversion of lands from existing uses
Tipton kangaroo rat (<i>Dipodomys nitratooides nitratooides</i>)	E	NE	Possible. Presumed extant with latest records according to CNDDDB in 1951. No construction of new facilities; no conversion of lands from existing uses

Plant			
Palmate-bracted bird's-beak (<i>Cordylanthus palmatus</i>)	E	NE	Absent. No individuals or habitat in area of effect
San Benito evening-primrose (<i>Camissonia benitensis</i>)	T	NE	Present. Documented as extant in southeastern South Benito W.D. No construction of new facilities; no conversion of lands from existing uses
San Joaquin woolly-Threads (<i>Lembertia congdonii</i>)	E	NE	Absent. No records within 10 years; species not expected to occur close enough to croplands to colonize bare soil
Reptiles			
Blunt-nosed leopard lizard (<i>Gambelia sila</i>)	E	NE	Present. Documented as extant along western border of San Luis and Westlands W.Ds. No construction of new facilities; no conversion of lands from existing uses
Giant garter snake (<i>Thamnophis gigas</i>)	T	NE	Possible. Presumed extant from area. Latest records from 1976. No construction of new facilities; no conversion of lands from existing uses

DEFINITION OF OCCURRENCE INDICATORS

Present: Species observed in area

Possible: Species no observed at least in the last 10 years

Absent: Species not observed in study area and habitat requirements not met.

LISTING STATUS CODES

1 T: Listed as Threatened.

2 X: Critical Habitat designated for this species.

3 E: Listed as Endangered.

4 C: Candidate to become a proposed species.

5 NMFS: Species under the Jurisdiction of the National Oceanic & Atmospheric Administration Fisheries Service.

3.3.1.2 Districts Receiving Yuba Water

A list of Federally listed candidate, threatened, and endangered species that occur within project area and/or may be affected as a result of the Proposed or Alternative Action was obtained on July 16, 2009, by accessing the USFWS Database:

http://www.fws.gov/sacramento/es/spp_list.htm (Table 3-2).

Table 3-2: T&E Species List - Areas to Receive Yuba Water

<u>Species</u>	<u>Status</u>	<u>Effects</u>	<u>Summary basis for ESA determination</u>
Amphibians			
California red-legged frog (<i>Rana aurora draytonii</i>)	T ¹ , X ²	NE ³	Present. Documented as extant within Santa Clara W.D. and suitable habitat present; no conversion of native lands or lands fallowed for three years or less
California tiger salamander (<i>Ambystoma californiense</i>)	T, X	NE	Present. Documented as extant within Santa Clara W.D. and suitable habitat present; no conversion of native lands or lands fallowed for three years or less
Birds			
California clapper rail (<i>Rallus longirostris obsoletus</i>)	E ⁴	NE	Present. Documented as extant within northern most section of Santa Clara W.D.; no

			conversion of native lands or lands fallowed for three years or less
California condor (<i>Gymnogyps californianus</i>)	E	NE	Possible. Will forage up to 100m from roost/nest. There are records for this species approx. occur 50m east of Broadview W.D.; no conversion of native lands or lands fallowed for three years or less
California least tern (<i>Sternula antillarum browni</i>)	E	NE	Possible. Documented as extant in Santa Clara Co.; no conversion of native lands or lands fallowed for three years or less
Least Bell's Vireo (<i>Vireo bellii pusillus</i>)	E	NE	Absent. No individuals or habitat in area of effect; no conversion of native lands or lands fallowed for three years or less
Marbled murrelet (<i>Brachyramphus marmoratus</i>)	T, X	NE	Possible. Last record was 1974 and believed possibly extirpated from area; no conversion of native lands or lands fallowed for three years or less
western snowy plover (<i>Charadrius alexandrinus nivosus</i>)	T	NE	Present. Documented as extant in Santa Clara Co.; no conversion of native lands or lands fallowed for three years or less
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C ⁵	NE	Absent. Presumed extirpated from area.
Fish			
Central California Coastal Steelhead (<i>Oncorhynchus mykiss</i>)	T, X, NMFS ⁶	NE	Absent. No natural waterways within the species' range will be affected by the proposed action.
Central Valley spring-run chinook salmon (<i>Oncorhynchus tshawytscha</i>)	T, NMFS	NE	Absent. No natural waterways within the species' range will be affected by the proposed action.
Central Valley Steelhead (<i>Oncorhynchus mykiss</i>)	T, X, NMFS	NE	Possible. Habitat present in Banta Carbona I.D. No natural stream courses or additional surface water pumping would occur
Central Valley spring-run chinook salmon (<i>Oncorhynchus tshawytscha</i>)	T, NMFS	NE	Absent. No natural waterways within the species' range will be affected by the proposed action.
Coho salmon – central CA coast (<i>Oncorhynchus kisutch</i>)	E, X, NMFS	NE	Absent. No natural waterways within the species' range will be affected by the proposed action.
Delta smelt (<i>Hypomesus transpacificus</i>)	T, X	NE	Possible. Habitat present in Banta Carbona I.D. No natural waterways within the species' range will be affected by the proposed action.
Green sturgeon (<i>Acipenser medirostris</i>)	T, NMFS	NE	Absent. No natural waterways within the species' range will be affected by the proposed action.
South Central California Steelhead (<i>Oncorhynchus mykiss</i>)	T	NE	Absent. No natural waterways within the species' range will be affected by the proposed action.
Tidewater goby (<i>Eucyclogobius newberryi</i>)	E	NE	Absent. No natural waterways within the species' range will be affected by the proposed action.
Winter-run Chinook salmon, Sacramento River (<i>Oncorhynchus tshawytscha</i>)	E, NMFS	NE	Absent. No natural waterways within the species' range will be affected by the proposed action.
Invertebrates			
Bay checkerspot butterfly (<i>Euphydryas editha bayensis</i>)	T, X	NE	Present. Documented as extant in area with suitable habitat present.; no conversion of native

			lands or lands fallowed for three years or less
Conservancy Fairy Shrimp (<i>Branchinecta conservatio</i>)	E	NE	Absent. No individuals or habitat in area of effect
Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>)	E, X	NE	Absent. No individuals or habitat in area of effect
San Bruno elfin butterfly (<i>Incisalia mossii bayensis</i>)	E	NE	Absent. No individuals documented in this area
Valley elderberry longhorn beetle (<i>Desmocerus californicus dimorphus</i>)	T	NE	Absent. No individuals documented in this area
Vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	T	NE	Absent. No individuals documented in this area
Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>)	E, X	NE	Absent. No individuals documented in this area
Mammals			
Fresno kangaroo rat (<i>Dipodomys nitratooides exilis</i>)	E, X	NE	Absent. No individuals or habitat in area of effect
giant kangaroo rat (<i>Dipodomys ingens</i>)	E	NE	Absent. No individuals documented in this area
Salt-marsh harvest mouse (<i>Reithrodontomys raviventris</i>)	E	NE	Present. CNDDDB records indicate this species occurs in northern Santa Clara W.D.; no conversion of native lands or lands fallowed for three years or less
San Joaquin kit fox (<i>Vulpes mactotis mutica</i>)	E	NE	Present. CNDDDB records indicate this species occurs in the project area; no conversion of native lands or lands fallowed for three years or less
Tipton kangaroo rat (<i>Dipodomys nitratooides nitratooides</i>)	E	NE	Possible. Presumed extant with latest records according to CNDDDB in 1951. No construction of new facilities; no conversion of lands from existing uses
Plant			
California seablite (<i>Suaeda californica</i>)	E	NE	Possible. Documented as extant in Santa Clara Co. CNDDDB records indicate last recorded 1996 in area; no conversion of lands from existing uses
Contra Costa goldfields (<i>Lasthenia conjugens</i>)	E, X	NE	Absent. Believed to be extirpated and habitat is not present in area.
Coyote ceanothus (<i>Ceanothus ferrisae</i>)	E	NE	Present. CNDDDB records indicate this species occurs in the project area; no conversion of lands from existing uses
Large-flowered fiddleneck (<i>Amsinckia grandiflora</i>)	E	NE	Absent. No individuals documented in this area
Metcalf Canyon jewelflower (<i>Streptanthus albidus ssp. albidus</i>)	E	NE	Present. Documented as extant in area; no conversion of lands from existing uses
Palmate-bracted bird's-beak (<i>Cordylanthus palmatus</i>)	E	NE	Absent. No individuals documented in this area
San Benito Evening-Primrose (<i>Camissonia benitensis</i>)	T	NE	Absent. No individuals documented in this area
San Joaquin woolly-Threads (<i>Lembertia congdonii</i>)	E	NE	Absent. No records within 10 years; species not expected to occur close enough to croplands to colonize bare soil
San Mateo woolly sunflower (<i>Eriophyllum latilobum</i>)	E	NE	Absent. No individuals documented in this area

Santa Clara Valley dudleya (<i>Dudleya setchellii</i>)	E	NE	Present. Documented as extant in area; no conversion of lands from existing uses
Santa Cruz tarplant (<i>Holocarpha macradenia</i>)	T, X	NE	Absent. No individuals or habitat in this area
Tiburon paintbrush (<i>Castilleja affinis ssp. neglecta</i>)	E	NE	Absent. No individuals documented in this area
Reptiles			
Alameda whipsnake (<i>Masticophis lateralis euryxanthus</i>)	T, X	NE	Absent. No individuals or habitat in this area
Blunt-nosed leopard lizard (<i>Gambelia sila</i>)	E	NE	Present. Documented as extant along western border of San Luis and Broadview W.Ds.; no conversion of lands from existing uses
Giant garter snake (<i>Thamnophis gigas</i>)	T	NE	Possible. Presumed extant from area. Latest records are from 1979. No construction of new facilities; no conversion of lands from existing uses
San Francisco garter snake (<i>Thamnophis sirtalis tetrataenia</i>)	E	NE	Absent. No individuals documented in this area

DEFINITION OF OCCURRENCE INDICATORS

Present: Species observed in area

Possible: Species not observed at least in the last 10 years

Absent: Species not observed in study area and habitat requirements not met.

LISTING STATUS CODES

1 T: Listed as Threatened.

2 X: Designated Critical Habitat for this species.

3 NE: No Effect to the species or critical habitat determination under ESA.

4 E: Listed as Endangered.

5 C: Candidate to become a proposed species.

6 NMFS: Species under the Jurisdiction of the National Oceanic & Atmospheric Administration Fisheries Service.

3.3.1.3 Special-status Avian species

Burrowing owls (*Athene cunicularia*) have the potential to occur within the water districts, particularly in areas with low-stature vegetation and ground squirrel activity. Swainson's hawks (*Buteo swainsoni*) also are common in the proposed project area and will use agriculture lands for foraging habitat. Both these birds are migratory bird species protected under the Migratory Bird Treaty Act (MBTA). Swainson's hawks are also listed as threatened by the California Fish and Game Commission pursuant to the California Endangered Species Act (CESA).

3.3.2 Environmental Consequences

3.3.2.1 No Action

Under the No Action Alternative, non non-CVP water would be conveyed or stored in CVP facilities. There would be no impacts to biological resources since conditions would remain the same as existing conditions.

3.3.2.2 Proposed Action

Affects are similar to the No Action Alternative. The action area consists of agricultural fields that provide some habitat values for a few species listed above; however, there is routine disturbance due to on-going farming practices. The Proposed Action would not involve the conversion of any land fallowed and unfilled for three or more years. Since no natural stream courses or additional surface water pumping would occur, there would be no effects on listed fish species.

3.4 Cultural Resources

3.4.1 Affected Environment

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

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

Reclamation is proposing to approve a Warren Act contract to a number of irrigation and water districts in the South of Delta region. The implementation of this contract would expedite measures to relieve drought conditions within California. This EA covers water that would be transferred through SWP and CVP facilities and would originate from two sources: DWB water and water from the Yuba Accord. Water would be pumped into the Banks Pumping Plant, a SWP facility, and then conveyed to O'Neill Forebay. Water would exit the O'Neill Forebay and would be delivered using existing CVP facilities. Water could also be stored in San Luis Reservoir until June 30, 2010. No new or untilled lands would be put into agricultural production, and existing facilities would be used for conveyance. No modifications to existing facilities would be required for completion of this project.

3.4.2 Environmental Consequences

3.4.2.1 No Action

Under the No Action Alternative, there would be no impacts to cultural resources since there would be no change in operations and no ground disturbance. Conditions related to cultural resources would remain the same as existing conditions.

3.4.2.2 Proposed Action

The approval of the conveyance and storage of water as described in the Proposed Action is the type of activity that has no potential to affect historic properties. There would be no new ground disturbance and the transfers will be accomplished using existing facilities. No new land would be put into agricultural production because of the implementation of the Warren Act contract. Because the action would result in no potential to affect historic properties, there would be no impacts to cultural resources as a result of the implementation of the Proposed Action.

3.5 Indian Trust Assets

3.5.1 Affected Environment

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

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

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

3.5.2 Environmental Consequences

3.5.2.1 No Action

Under this alternative, no construction would take place. Therefore, there would be no impacts to any Indian Trust Assets.

3.5.2.2 Proposed Action

No ITA are involved in the Proposed Action, therefore the Proposed Action would not affect ITA.

3.6 Environmental Justice

3.6.1 Affected Environment

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

The population of the Central Valley is presently over 5 million people, and is projected to triple by 2040 (USGS, 1999). The City of Fresno is now the largest city in the Central Valley, and also has the fastest growing population (Table 3). This urban growth has changed the social and cultural framework of the San Joaquin Valley; agricultural lands in the gravel-bedded reach near Fresno are giving way to aggregate mining in the river corridor and to urban expansion in the upland areas, which reduces the agricultural base and increases the urban base. In 1999, the United States Geologic Survey reported that the American Farmland Trust, a national organization that focuses on farmland preservation, has projected a loss of more than one million acres of Central Valley farmland by the year 2040 if current land use conversions continue (USGS, 1999).

As shown on Table 3-1, urban growth of cities along the Highway 99 corridor is rapidly expanding. For example, the population of Fresno County increased from 529,000 to 799,000 from 1981 to 2000 (US Census Bureau 2000). The demographics of valley communities continue to change as well; both Hispanic and non-Hispanic populations are increasing, with the exception of Merced County where the non-Hispanic population is decreasing slightly.

Table 3-3: Demographics of Fresno, Madera, and Merced counties; change is for the period from 1990 to 2000 (Source: US Census Bureau data, 1999-2000).

County	Total population	Non-Hispanic population	Hispanic population	Percent Hispanic
Fresno – 1990	667,490	431,436	236,034	35.4 %
Fresno – 2000	799,407	447,771	351,636	44.0 %
Numerical Change	+131,917	+16,315	+115,602	
Percent Change	+19.7 %	+3.8 %	+49.0 %	

Madera – 1990	88,090	57,690	30,400	34.5 %
Madera – 2000	123,109	68,534	54,575	44.3 %
Numerical Change	+35,019	+10,844	+24,175	
Percent Change	+39.8 %	+18.8 %	+79.5 %	

Merced – 1990	178,403	120,296	58,107	32.6 %
Merced - 2000	210,500	115,034	95,466	45.4 %
Numerical Change	+32,097	-5,262	+37,359	
Percent Change	+18.0 %	-4.4 %	+64.3 %	

The most notable trend is the very sharp increase in the Hispanic population, as high as 79% for Madera County. The population increase in the State of California follows these trends of the three counties, but is not as steep. The corresponding annual population in California increased from 29,760,021 in 1990 to 3,871,648 in 2000, a 13.8 percent increase.

3.6.2 Environmental Consequences

3.6.2.1 No Action

The No Action alternative would not result in any adverse effects unique to minority or low-income populations in the affected area.

3.6.2.2 Proposed Action

This assessment has not identified any adverse or beneficial effects of the Proposed Action unique to minority or low-income populations in the affected area.

3.7 Socioeconomic Resources

3.7.1 Affected Environment

The San Joaquin Valley economic region had 1,227,200 jobs in 2002, an increase of 227,300 from 1990. Government, federal, state and local, the largest employer in the economic region, totaled 254,600 jobs. Agriculture, forestry and fishing ranked second with 177,000 jobs. Retail trade came in third with 131,000 jobs and manufacturing was fourth with 109,900 jobs. Health care and social assistance ranked fifth with 107,300 jobs and accommodations and food services followed with 78,900 jobs. Construction and administrative and waste services contributed another 114,400 to the total, and transportation and warehousing and other services provided 75,600.

During the 12-year period (1990-2002) the San Joaquin Valley regional economic base grew by 227,320 net new jobs. All-government led the San Joaquin Valley economic region in job growth by adding 56,700 jobs to the economic region's job base. Health care and social assistance was second adding 34,900 jobs followed by retail trade which added 22,400, and accommodations and food services which added 21,600 jobs. Administrative and waste services contributed 20,900 jobs, and transportation and warehousing added 15,000 jobs. Construction contributed another 13,300 jobs. Two of the San Joaquin Valley's traditional industries, manufacturing and agriculture added only 11,300 and 700 to the total, respectively, and other services added 9,100 (California Regional Economies Project 2004).

The California Department of Finance develops population and ethnicity estimates and projections at the county level. The Hispanic community makes up a large portion of the regional population. It is estimated that over 40 percent of the regional population was identified as Hispanic in 2002.

3.7.2 Environmental Consequences

3.7.2.1 No Action

Reclamation would not approve Warren Act contracts to convey and store non-CVP water in CVP facilities. Non-CVP water could not be distributed to other areas to supplement the diminished CVP water supply. The economic viability of the area is based on agricultural productivity. Socioeconomic resources would be adversely affected by the reduction of farm operations due to reduced water supplies. Farmers may not be able to get production loans. Some fields would not be planted and permanent crops would be stressed. Demand for local labor and farm supplies would be reduced.

3.7.2.2 Proposed Action

Under the Proposed Action, participating districts would convey and store non-CVP water in CVP facilities to supplement their CVP water supply and help sustain permanent crops. This alternative source of water would counteract the reduction of farm operations and labor force due to reduced water supplies.

3.8 Global Climate Change

3.8.1 Affected Environment

Climate change refers to significant change in measures of climate (e.g., temperature, precipitation, or wind) lasting for decades or longer. Many environmental changes can contribute to climate change (changes in sun's intensity, changes in ocean circulation, deforestation, urbanization, burning fossil fuels, etc.). (Environmental Protection Agency [EPA] 2008a)

Gases that trap heat in the atmosphere are often called greenhouse gases (GHG). Some greenhouse gases such as carbon dioxide occur naturally and are emitted to the atmosphere through natural processes and human activities. Other GHG (e.g., fluorinated gases) are created and emitted solely through human activities. The principal greenhouse gases that enter the atmosphere because of human activities are: carbon dioxide (CO₂), methane (MH₃), nitrous oxide, and fluorinated gasses (EPA 2008a).

During the past century humans have substantially added to the amount of GHG in the atmosphere by burning fossil fuels such as coal, natural gas, oil and gasoline to power our cars, factories, utilities and appliances. The added gases, primarily CO₂ and MH₃, are enhancing the natural greenhouse effect, and likely contributing to an increase in global average temperature and related climate changes. There are uncertainties associated with the science of climate change (EPA 2008b).

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

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

3.8.2 Environmental Consequences

3.8.2.1 No Action

Implementation of the No Action Alternative would have no change on the composition of the atmosphere and therefore would have no direct or indirect effects to climate.

3.8.2.2 Proposed Action

The Proposed Action is the execution of WA contracts for storage and conveyance of non-CVP water through federal facilities. The Proposed Action would not include any change on the composition of the atmosphere and therefore would have no direct effects on changes in climate.

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

3.9 Cumulative Effects

Reclamation's action is the storage of the water in San Luis Reservoir and the conveyance of the water to the water districts via federal canals and existing district turnouts. The use of this stored water would be to maintain and grow crops on existing agricultural lands. No native or previously untilled lands would be put into production. The Proposed Action would maintain existing land uses and would not contribute to cumulative changes or impacts to land uses or planning. Therefore, there would be no cumulative effects as a result of the Proposed Action.

Section 4 Consultation and Coordination

4.1 Fish and Wildlife Coordination Act (16 USC 651 et seq.)

The Fish and Wildlife Coordination Act (FWCA) requires that Reclamation consult with fish and wildlife agencies (federal and state) on all water development projects that could affect biological resources. The Proposed Action does not involve federal water development projects. Therefore the FWCA does not apply.

4.2 Endangered Species Act (16 USC 1531 et seq.)

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

Reclamation has determined that the Proposed Action would not affect any federally proposed or listed species or any proposed or designated critical habitat. Therefore, no consultation is required with either the U.S. Fish and Wildlife Service or the National Marine Fisheries Service.

4.3 National Historic Preservation Act (15 USC 470 et seq.)

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

Section 106 of the NHPA requires federal agencies to consider the effects of federal undertakings on historic properties, properties determined eligible for inclusion in the National Register. Compliance with Section 106 follows a series of steps that are designed to identify interested parties, determine the APE, conduct cultural resource inventories, determine if historic properties are present within the APE, and assess effects on any identified historic properties. The activities associated with implementing the Warren Act contract as described in the Proposed Action would include no new ground disturbance, no change in land use, and the use of existing conveyance features to move and store water. Reclamation has determined that there would be no potential to affect historic properties by the Proposed Action pursuant to 36 CFR 800.3(a)(1).

4.4 Migratory Bird Treaty Act (16 USC Sec. 703 et seq.)

The MBTA implements various treaties and conventions between the U.S. and Canada, Japan, Mexico and the former Soviet Union for the protection of migratory birds. Unless

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

The Proposed Action would be in compliance with the MBTA.

4.5 Executive Order 11988 – Floodplain Management and Executive Order 11990-Protection of Wetlands

Executive Order 11988 requires Federal agencies to prepare floodplain assessments for actions located within or affecting flood plains, and similarly, Executive Order 11990 places similar requirements for actions in wetlands. The Proposed Action would not affect either concern.

Section 5 List of Preparers and Reviewers

Patti Clinton, Natural Resource Specialist, SCCAO
Laura Myers, Supervisory Natural Resource Specialist, SCCAO
Jennifer Lewis, Wildlife Biologist, SCCAO
BranDee Bruce, Architectural Historian
Patricia Rivera, ITA, MP

Section 6 References

- Anderson, J, F Chung, M Anderson, L Brekke, D Easton, M Ejetal, R Peterson, and R Snyder. 2008. *Progress on Incorporating Climate Change into Management of California's Water Resources*. Climatic Change (2008) 87 (Suppl 1):S91–S108 DOI 10.1007/s10584-007-9353-1
- California Regional Economies Project. 2004. *San Joaquin Valley Economic Base Report*. Prepared by J.K. Inc. <http://www.labor.ca.gov/panel/pdf/espreprodsjvebr.pdf>
- Dahl, T.E., and Johnson, C.E., 1991, Wetlands--Status and trends in the conterminous United States, mid-1970's to mid-1980's: Washington, D.C., U.S. Fish and Wildlife Service, 22 p.
- EPA. 2008a: Website – Climate Change, Basic Information. <http://www.epa.gov/climatechange/basicinfo.html>
- EPA. 2008b: Website – Climate Change, Science. <http://www.epa.gov/climatechange/science/index.html>
- Reclamation, 2005. *Delta-Mendota Canal Unit Environmental Assessment for Long Term Contract Renewal*, dated February 2005.
- Reclamation, 2007. *EA-07-59 San Luis Unit Water Service Interim Renewal Contracts 2008-2011*, dated December 2007.
- Reclamation, 2009. Bureau of Reclamation Projects & Facilities. Available: <http://www.usbr.gov/projects/> Accessed: 2009.
- SCVWD, 2005. Santa Clara Valley Water District. *Urban Water Management Plan 2005 – December*, 2005. Website: <http://www.valleywater.org/Water/>
- U.S. Census Bureau, 2000. Census 2000 Data, Washington D.C., <http://www.census2000.gov>. Accessed: 2007.

Clinton, Patricia L

From: Bruce, Brandee E
Sent: Thursday, July 16, 2009 4:18 PM
To: Clinton, Patricia L
Subject: RE: CR-Resp 09-SCAO-264

Patti,

The concurrence I provided for 09-SCAO-264 is still applicable for this project. The comments for the EA are also still applicable, although you may want change the wording to exclude the San Joaquin tributaries. Thanks for letting us know about the change in the project description.

BranDee

From: Clinton, Patricia L
Sent: Thursday, July 16, 2009 3:41 PM
To: Bruce, Brandee E
Cc: Barnes, Amy J; Connolly, Jonathan D; Leigh, Anastasia T; Nickels, Adam M; Overly, Stephen A
Subject: RE: CR-Resp 09-SCAO-264

Hi BranDee,

Thank you for getting to this so quickly. And, of course, later I received a change in the project description (because two different people provided me a project description...sigh). The only change is that we have taken out the San Joaquin tributaries as a water source. Sorry about the duplication in effort. I have not gotten to the edits you made to the first draft but I intend to add them in unless you need to add something else to your comments.

Sincerely,
Patti

From: Bruce, Brandee E
Sent: Wednesday, July 15, 2009 10:00 AM
To: Clinton, Patricia L
Cc: Barnes, Amy J; Connolly, Jonathan D; Leigh, Anastasia T; Nickels, Adam M; Overly, Stephen A
Subject: CR-Resp 09-SCAO-264

Tracking No. 09-SCAO-264

Patti,

I have reviewed EA 09-109 for the Contract for Conveyance and Storage of Non-Central Valley Project Water for the South of Delta Contractors of three Potential Water Sources. Reclamation has determined that the proposed action has no potential to affect historic properties pursuant to the regulations at 36 CFR Part 800.3(a)(1).

Reclamation proposes to approve Warren Act contract to allow multiple irrigation and water districts to convey and store non-Central Valley Project (CVP) water through the Reclamation's CVP system. Water used for the Warren Act contract will originate from three sources: the Drought Water Bank (DWB), the Yuba Accord, or San Joaquin River tributaries. Water will be moved and stored through State of California and Federal facilities and delivered to contractors in the South of Delta region. The Warren Act contract for this EA will start in July 2009 and will end June 30, 2010. The approval of the proposed contract will result in no new or untilled lands put into agricultural production, and existing facilities will be used for the transfers. Reclamation has determined that there will be no potential to affect to historic properties.

This concludes the section 106 process for this undertaking. Please place a copy of this email with the project file.

I have attached the edits to the cultural resource sections to be included into the EA. Thank for providing the opportunity to comment.

BranDee



Clinton, Patricia L

From: Rivera, Patricia L.
Sent: Thursday, July 16, 2009 3:55 PM
To: Clinton, Patricia L
Subject: RE: EA-09-109 - Administrative Change ITA Form

Patti,

I reviewed the proposed action to execute Warren Act contracts to the SLDMWA member districts receiving DWB water.

Table 1: Districts receiving DWB Water.

SLDMWA member districts receiving DWB water:

Table 1: Districts receiving DWB Water.

District	Water Quantity (af)
San Benito County Water District	754
San Luis Water District	3,434
Westlands Water District	32,821
Total	37,000

Under the Warren Act contracts, Reclamation would store and convey up to 37,000 af of the DWB water for the SLDMWA participating member districts. From O'Neil Forebay the water would be pumped into the San Luis Reservoir for storage and then/or delivered to WWD and SLWD via the San Luis Canal (SLC) and Delta-Mendota Canal (DMC), and to SBCWD via the Pacheco Tunnel, with a completion date of June 30, 2010. The DWB water would only be used for irrigation purposes on established lands. There would be no new construction or excavation occurring as part of the Proposed Action. No native or untilled land (fallow for 3 years or more) would be cultivated with water involved with these actions.

Yuba Water

Reclamation proposes to execute Warren Act contracts to the SLDMWA member districts receiving Yuba water in the amounts listed below:

Table 2: Districts receiving Yuba Water

District	Water Quantity (af)
Banta Carbona Irrigation District	198
Broadview Water District	1,077
Eagle Field Water District	163
Laguna Water District	30
Mercy Springs Water District	103
Pacheco Water District	362
Panoche Water District	3,751
San Benito County Water District	1,420



San Luis Water District	4,952
Santa Clara Valley Water District	1,320
Westlands Water District	46,624
Total	60,000

Under the Warren Act contracts, Reclamation would store and convey up to 60,000 af of the Yuba water for the SLDMWA participating member districts. From O'Neil Forebay the water would be pumped into the San Luis Reservoir for storage and then/or delivered to the San Luis Unit contractors via the SLC, the Delta Division contractors via DMC, and to the San Felipe Division contractors via the Pacheco Tunnel, with a completion date of June 30, 2010. The DWB water would only be used for irrigation purposes on established lands. There would be no new construction or excavation occurring as part of the Proposed Action. No native or untilled land (fallow for 3 years or more) would be cultivated with water involved with these actions.

The proposed action does not impact Indian Trust Assets. The nearest ITA is Santa Rosa Rancheria approximately 6 miles East of the project location.

Patricia

