

Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the South-Central California Area Office of the U.S. Bureau of Reclamation (Reclamation), has determined that the transfer and issuance of Warren Act contracts for up to 13,350 acre-feet (AF) of Patterson Irrigation District's (PID) Central Valley Project (CVP) water, Replacement Water, and pre-1914 San Joaquin River water (henceforth called Transfer Water) to Santa Clara Valley Water District (SCVWD) over a period of four years (March 1, 2010 through February 28, 2014) 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 Final Environmental Assessment (EA) Number EA-09-172, *Four Year Transfer and Warren Act Contracts for up to 13,350 acre-feet of Patterson Irrigation District's Available Surface Water Supply to Santa Clara Valley Water District*, and is hereby incorporated by reference. The draft EA and draft FONSI was posted for a 15 day public comment period between February 24, 2010 and March 10, 2010. Reclamation received one comment letter from the Friant Water Users Authority (FWUA). The majority of the comments were editorial and appropriate changes have been made in their respective sections in the EA, including the analysis of potential impacts to the San Joaquin River Restoration Program Interim and Restoration Flows. Overall, FWUA supports the proposed transfer and agrees with Reclamation's determination of no significant impacts.

Background

The State of California (State) has historically experienced periods of drought and flooding. Water agencies strive to prepare for varying water supply conditions to the extent possible so that agricultural or urban water supply needs can be met regardless of the water type. This is done by having a variety of water supply options that can be implemented as needed. Having the ability to move water supplies from an area of greater supply to an area of lesser supply is one strategy that can be useful.

California has experienced a severe drought in recent years that has reduced water supplies to many water districts. South-of-Delta (SOD) CVP water service contractors have experienced reduced water supply allocations in 2007, 2008, and 2009 due to hydrologic conditions and/or regulatory constraints. The hydrologic conditions for 2010 are not yet known, but it is likely that SOD CVP contractors will need to supplement supplies to meet demands because of past dry years and low reservoir storage levels. Operations of the Federal Jones Pumping Plant will likely continue to be limited due to the various constraints on Delta operations, which would reduce available CVP contract supplies. SOD CVP contractors thus need to identify additional supplies to avoid shortages for their customers.

PID, located near the City of Patterson, in Stanislaus County, California, provides water to about 770 customers on approximately 12,800 irrigated acres. PID's primary water supply is pre-1914 rights diverted from the San Joaquin River; however, PID also receives CVP and Replacement Water from Reclamation via the Delta-Mendota Canal (DMC). Replacement Water is in

addition to PID's contracted CVP water acquired as a result of a settlement between PID and Reclamation for the construction of Friant Dam and the subsequent partial obstruction of the natural flow of the San Joaquin River.

PID desires to remain a predominantly agricultural district, and as result, has historically annexed lands to the City of Patterson due to urban development. As recently as July 2007, PID detached 692 acres concurrently with the annexation of the same lands to the City of Patterson for urban development. This change in land use is an example of the type of actions that have resulted in a reduction in PID's consumptive use, and subsequently created an excess water supply in past years which PID would sell via transfer for the financial benefit of the district and its water rate payers.

The Proposed Action consists of the delivery of up to 13,350 AF of PID's Transfer Water (under Contract #14-06-200-3598A-LTR1 as well as PID's pre-1914 water rights) to SCVWD over a four year period (March 1, 2010 through February 28, 2014). Under the Proposed Action, a minimum of 4,000 AF would be delivered in each of the first three transfer years with the remaining 1,350 AF delivered in the last transfer year. Should PID receive a 100 percent allocation during the first three years of this transfer period, an additional 2,000 AF may be added to the 4,000 AF to be transferred for a maximum transferable amount of 6,000 AF in a given year.

Reclamation would facilitate the delivery of the Transfer Water by conveying the water down the DMC to O'Neill Forebay. From O'Neill Forebay, the Transfer Water would be pumped into San Luis Reservoir and diverted to Reach 1 of the Pacheco Tunnel and then to the Pacheco Pumping Plant where it would be lifted into the Pacheco Conduit. From the Pacheco Conduit, the Transfer Water would be delivered to SCVWD via the Santa Clara Conduit and Tunnel. SCVWD would then convey the Transfer Water through their internal distribution system to their water users affected by the water drought shortages.

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

FINDINGS

Water Resources

Under the Proposed Action, the maximum amount of water to be transferred in any one year will be 6,000 AF for a total transferred amount of up to 13,350 AF over the four year period. PID has prioritized Replacement Water followed by CVP water as the water to be transferred. San Joaquin River water will only be used for transfer in the event that PID does not have enough Replacement Water or CVP water allocated to them. No more than 3,337 AF per year (AFY) of San Joaquin River water will be transferred in any one year. On average, PID pumps approximately 23,000 AFY of San Joaquin River to meet in-district demands. Since the San Joaquin River water that may be used for the transfer will be well under the amount annually pumped by PID and no additional water will need to be pumped from the San Joaquin River in order to meet the transfer needs, there will be no significant impacts to PID's pre-1914 San Joaquin River water rights as a result of the Proposed Action. It is possible that due to

hydrologic conditions, PID may need to pump additional San Joaquin River in order to meet in-district demands as it did in 2008; however, the additional water pumped will be consistent with historical fluctuations and with PID's water right. Consequently, there will be no significant impacts to the San Joaquin River as a result of the Proposed Action.

It is possible that implementation of the Proposed Action may coincide with implementation of the San Joaquin River Restoration Program; however, no diversions of Interim or Restoration Flows will be allowed for the Proposed Action as required by the State Water Resources Control Board. Therefore, there will be no significant impacts to the San Joaquin River Restoration Program as a result of the Proposed Action.

Each year, PID will continue to receive the remaining balance of their Replacement Water and CVP contract supply from the DMC. No changes to the DMC will occur and conditions will remain the same as has historically occurred; therefore, there will be no significant impacts to the DMC.

In the event that PID needs to make up for any shortfalls, individual landowners and/or the district will pump groundwater to make up the amount needed for irrigation. However, PID has had an excess water supply in past years and has only pumped groundwater as a last resort. PID's pre-1914 water has made up the majority of water needed to meet in-district demands. PID does not expect to pump any additional groundwater as the transfer of 13,350 AF over four years to SCVWD will still leave PID with the ability to meet the irrigation needs of its water users. Therefore, there will be no significant impacts to groundwater resources as a result of the Proposed Action.

All waters introduced and conveyed through federal facilities must meet Reclamation water quality standards. If, through monitoring, the pre-1914 San Joaquin River water pumped by PID fails to meet the criteria for discharging non-CVP water into federal facilities, the water will not be introduced into the DMC until subsequent testing has demonstrated that the water quality has been met by the criteria as outlined in Table 6 and Table 7 of Appendix B in the EA. Therefore, there will be no significant impacts to water quality as a result of the Proposed Action.

SCVWD will continue to receive their CVP supply from the Santa Clara Conduit as well as the additional 13,350 AF of Transfer Water delivered from PID via the DMC and San Felipe facilities. There will be no adverse impacts to any of the federal facilities involved in the transfer of PID's Transfer Water nor will the transfer impact the normal functions and operations of any CVP or district facilities. The Transfer Water will be used as a supplemental surface water supply for SCVWD's varied water resources in order to meet irrigation demands. The delivery of 13,350 AF of Transfer Water will reduce the need for SCVWD to pump groundwater in order to meet in-district demands which will have slight beneficial impacts to groundwater levels.

Biological Resources

Most of the habitat types required by species protected by the Endangered Species Act do not occur in the project area. The Proposed Action will not involve the conversion of any land fallowed and untilled for three or more years. The Proposed Action also will not change the land use patterns of the cultivated or fallowed fields that do have some value to listed species or birds

protected by the Migratory Bird Treaty Act (MBTA). Due to capacity limitations and water quality restrictions in the DMC, there will be no effects on listed fish species. No critical habitat occurs within the area affected by the Proposed Action and so none of the primary constituent elements of any critical habitat will be affected.

Any encountered biological resources are likely to be those associated with actively cultivated land. Since no natural stream courses or additional surface water pumping will occur, there will be no effects on listed fish species. The Replacement Water involved with the Proposed Action will not be used on native lands or on lands that have been fallowed for more than three consecutive years. Such actions will require subsequent environmental review.

The short duration of the water availability, the requirement that no native lands be converted without consultation with the U.S. Fish and Wildlife Service, and the stringent requirements for transfers under applicable laws will preclude any impacts to wildlife, whether federally listed or not. In conclusion, the Proposed Action will not affect any federally listed species or any critical habitat, nor will it affect birds protected under the MBTA.

Cultural Resources

The Proposed Action is an administrative action that will allow for the flow of water through existing facilities to existing users. There will be no ground disturbance or modification needed to the existing facilities as a result of this action nor will there be any changes in cropping patterns or urban development. As a result there will be no potential to affect historic properties pursuant to 36 CFR Part 800.3(a)(1). There will be no significant impacts to cultural resources as a result of implementing the Proposed Action.

Indian Trust Assets

Approval of the transfer between PID and SCVWD will not involve any construction and will utilize existing conveyance facilities; therefore, activities associated with the Proposed Action will not affect Indian Trust Assets. The nearest Indian Trust Asset is Lytton Rancheria approximately 37 miles north-northwest of the Proposed Action location.

Land Use

The Proposed Action will not result in any land use changes in PID because the district will still have sufficient water to meet the irrigation needs of its water users over the four year transfer period. Similar to the No Action Alternative, conditions will remain the same as existing conditions. SCVWD will use the additional 13,350 AF of Transfer Water to irrigate and maintain their existing permanent crops. Therefore, there will be no significant impacts to land use in SCVWD as a result of the Proposed Action.

Socioeconomic Resources

The Proposed Action will provide additional supplemental water to SCVWD to sustain their existing crops and at the same time still provide sufficient irrigation water for landowners in PID. Conditions will remain the same as existing conditions and there will be no significant impacts to socioeconomic resources.

Environmental Justice

Under the Proposed Action, the availability of additional Transfer Water will help maintain agricultural production and local employment in SCVWD. The Proposed Action will not affect low-income or disadvantaged populations within the districts by not causing dislocation, changes in employment, or increase flood, drought, or disease. There will be no changes to existing conditions. Employment opportunities for low-income wage earners and minority population groups will be within historical conditions. Disadvantaged populations will not be subject to disproportionate impacts. The Proposed Action does not propose any features that will result in adverse human health or environmental effects, have any physical effects on minority or low-income populations, and/or alter socioeconomic conditions of populations that reside or work in the vicinity of the Proposed Action. Therefore, there will be no significant impacts to Environmental Justice from the Proposed Action.

Air Quality

Water that is moved from the San Joaquin-Sacramento River Delta down the DMC to PID and from PID to SCVWD is done either via gravity or with the use of electrical pumps. The air quality emissions from electrical power have been considered in environmental documentation for the generating power plant. There are no emissions from electrical engines and therefore a conformity analysis is not required under the Clean Air Act and there will be no significant impact on air quality.

Global Climate Change

Climate change is an environmental trend and for the purpose of this EA refers to changes in global or regional climate over time and is expected to have some effect on the snow pack of the Sierra Nevada and the run-off regime. Current data are not yet clear on the hydrologic changes and how they will affect the Delta Division of the CVP as well as other federal, state and local river operations within the action area. Water allocations are made dependent on hydrologic conditions and environmental requirements. Since operations and allocations are flexible, any changes in hydrologic conditions due to climate change will be within the respective operations' flexibility and therefore water resource changes due to climate change will be the same with or without the Proposed Action.

Cumulative Impacts

Cumulative impacts result from incremental impacts of a Proposed Action when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. To determine whether cumulatively significant impacts are anticipated from the Proposed Action, the incremental effect of the Proposed Action was examined together with impacts from past, present, and reasonably foreseeable future actions in the same geographic area.

Reclamation's action would be the approval of a four-year transfer and Warren Act contracts for delivery of PID's Transfer Water to SCVWD. Reclamation has approved transfers and Warren Act contracts in previous years when excess capacity was available. In 2009, Reclamation received 15 requests for Warren Act contracts and 8 requests for transfers. Two of these requests propose to use the DMC as a conveyance facility. Many of these requests are still under analysis

and have not been completed at this time. Reclamation did approve the transfer of 3,700 AF of PID's Replacement Water to Del Puerto Water Storage District via the DMC.

As in the past, hydrological conditions and other factors are likely to result in fluctuating water supplies and this drives requests for water service actions. Water districts aim to provide water to their customers based on available water supplies and timing, all while attempting to minimize costs. Farmers irrigate and grow crops based on these conditions and factors, and a myriad of water service actions are approved and executed each year to facilitate water needs. It is likely that in 2010, more districts will request transfers and Warren Act contracts since it may be a dry year and non-CVP water is needed to supplement the reduced CVP supply. Additionally, in accordance with the Warren Act contract, Reclamation will continue to make these contracts available to requesting districts in future years, given that each district meets present and future requirements for Warren Act contracts. Each water service transaction involving Reclamation undergoes environmental review prior to approval.

This is a four-year action, and the cumulative amount PID is limited to under the Proposed Action is 13,350 AF. However, PID can request a Warren Act contract separate from this Proposed Action for up to 10,000 AF of non-CVP water. Any additional Warren Acts would be analyzed in a separate environmental document and would be subject to available capacity; therefore, the Proposed Action will not result in cumulative effects to resources beyond historical fluctuations and conditions.

RECLAMATION

Managing Water in the West

Final Environmental Assessment

**Four Year Transfer and Warren Act
Contracts for up to 13,350 acre-feet of
Patterson Irrigation District's Available
Surface Water Supply to Santa Clara
Valley Water District**

EA-09-172



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

March 2010

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.

Table of Contents

Section 1	Purpose and Need for Action	1
1.1	Background.....	1
1.2	Purpose and Need	2
1.3	Scope.....	2
1.4	Potential Issues.....	3
Section 2	Alternatives Including the Proposed Action	5
2.1	No Action Alternative.....	5
2.2	Proposed Action.....	5
Section 3	Affected Environment and Environmental Consequences	6
3.1	Water Resources	6
3.1.1	Affected Environment.....	6
3.1.2	Environmental Consequences	10
3.1.2.1	No Action.....	10
3.1.2.2	Proposed Action.....	10
3.2	Land Use	12
3.2.1	Affected Environment.....	12
3.2.2	Environmental Consequences	12
3.2.2.1	No Action.....	12
3.2.2.2	Proposed Action.....	12
3.3	Biological Resources	13
3.3.1	Affected Environment.....	13
3.3.2	Environmental Consequences	15
3.3.2.1	No Action.....	15
3.3.2.2	Proposed Action.....	15
3.4	Cultural Resources.....	15
3.4.1	Affected Environment.....	16
3.4.2	Environmental Consequences	16
3.4.2.1	No Action.....	16
3.4.2.2	Proposed Action.....	16
3.5	Indian Trust Assets	16
3.5.1	Affected Environment.....	17
3.5.2	Environmental Consequences	17
3.5.2.1	No Action.....	17
3.5.2.2	Proposed Action.....	17
3.6	Environmental Justice.....	17
3.6.1	Affected Environment.....	17
3.6.2	Environmental Consequences	17
3.6.2.1	No Action.....	17
3.6.2.2	Proposed Action.....	18
3.7	Socioeconomic Resources	18
3.7.1	Affected Environment.....	18
3.7.2	Environmental Consequences	18
3.7.2.1	No Action.....	18
3.7.2.2	Proposed Action.....	18
3.8	Air Quality	19

3.8.1	Affected Environment	19
3.8.2	Environmental Consequences	20
3.8.2.1	No Action	20
3.8.2.2	Proposed Action	20
3.9	Global Climate Change	20
3.9.1	Affected Environment	20
3.9.2	Environmental Consequences	21
3.9.2.1	No Action	21
3.9.2.2	Proposed Action	21
3.10	Cumulative Impacts	21
Section 4	Consultation and Coordination	23
4.1	Fish and Wildlife Coordination Act (16 USC § 661 et seq.)	23
4.2	Endangered Species Act (16 USC § 1531 et seq.)	23
4.3	National Historic Preservation Act (16 USC § 470 et seq.)	23
4.4	Indian Trust Assets	24
4.5	Migratory Bird Treaty Act (16 USC § 703 et seq.)	24
4.6	Executive Order 11988 – Floodplain Management and Executive Order 11990-Protection of Wetlands	25
4.7	Clean Air Act (42 USC § 7506 (C))	25
4.8	Clean Water Act (16 USC § 703 et seq.)	25
Section 5	Response to Comments	26
Section 6	List of Preparers and Reviewers	26
Section 7	References	26

List of Tables and Figures

Table 1-1	SOD CVP Contractor 5-Year Allocation Percentages	2
Table 3-1	PID’s 2008 Water Balance	7
Table 3-2	San Joaquin River Water Quality at Vernalis from 2001-2009	9
Table 3-3	Sensitive Species Reported in the Proposed Action Area	13
Table 3-4	Proposed Action Area General Conformity de minimis Thresholds... ..	20
Table 3-5	Warren Act Contracts and Transfers Proposed between 2007-2009... ..	22
Figure 1-1	PID and SCVWD Location Map.....	4

Appendices

- Appendix A Environmental Documents
- Appendix B Water Quality Standards
- Appendix C Comment Letter

List of Acronyms and Abbreviations

AF	acre-foot
AFY	acre-foot per year
APE	Area of Potential Effect
BAAQMD	Bay Area Air Quality Management District
CAA	Clean Air Act
CCID	Central California Irrigation District
CFR	Code of Federal Regulations
cfs	cubic feet per second
CH ₃	methane
CO	Carbon monoxide
CO ₂	Carbon dioxide
CVP	Central Valley Project
CVRWQCB	Central Valley Regional Water Quality Control Board
CWA	Clean Water Act
Delta	San Joaquin-Sacramento River Delta
DMC	Delta-Mendota Canal
DWR	California Department of Water Resources
EA	Environmental Assessment
EC	Electrical Conductivity
ESA	Endangered Species Act
FWCA	Fish and Wildlife Coordination Act
FWUA	Friant Water Users Authority
GHG	greenhouse gases
ITA	Indian Trust Asset
MBTA	Migratory Bird Treaty Act
M&I	Municipal and Industrial
mg/L	Milligram per liter
National Register	National Register of Historic Places
NHPA	National Historic Preservation Act
NO _x	Nitrous oxide
PID	Patterson Irrigation District

PM ₁₀	Inhalable particulate matter
Reclamation	Bureau of Reclamation
ROG	Reactive organic gases
ROW	Rights-of-way
SCVWD	Santa Clara Valley Water District
SFBAAB	San Francisco Bay Area Air Basin
SIP	State Implementation Plan
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Air Pollution Control District
SOD	South-of-Delta
State	State of California
SWP	State Water Project
TDS	Total Dissolved Solids
TMDL	Total Maximum Daily Loads
Transfer Water	PID's Replacement Water, CVP Water, and pre-1914 San Joaquin River Water
µg/L	Microgram per liter
µS/cm	MicroSiemens per centimeter
USFWS	U.S. Fish and Wildlife Service
VOC	Volatile organic compounds

Section 1 Purpose and Need for Action

1.1 Background

The State of California (State) has historically experienced periods of drought and flooding. Water agencies strive to prepare for varying water supply conditions to the extent possible so that agricultural or urban water supply needs can be met regardless of the water year type. This is done by having a variety of water supply options that can be implemented as needed. Having the ability to move water supplies from an area of greater supply to an area of lesser supply is one strategy that can be useful.

California has experienced a severe drought in recent years that has reduced water supplies to many water districts. South-of-Delta (SOD) CVP water service contractors have experienced reduced water supply allocations in 2007, 2008, and 2009 due to hydrologic conditions and/or regulatory constraints. The hydrologic conditions for 2010 are not yet known, but it is likely that SOD CVP contractors will need to supplement supplies to meet demands because of past dry years and low reservoir storage levels. Operations of the Federal Jones Pumping Plant will likely continue to be limited due to the various constraints on Delta operations, which would reduce available CVP contract supplies. SOD CVP contractors thus need to identify additional supplies to avoid shortages for their customers.

Patterson Irrigation District (PID) is located near the City of Patterson, in Stanislaus County, California along San Joaquin River, between the Merced and Tuolumne Rivers (Figure 1-1). PID provides water to about 770 customers on approximately 12,800 acres. PID's primary water supply is pre-1914 rights diverted from the San Joaquin River; however, PID also receives CVP and Replacement Water from Reclamation via the Delta-Mendota Canal (DMC) and pumps groundwater from seven existing wells. Replacement Water is in addition to PID's contracted CVP water acquired as a result of a settlement between PID and Reclamation for the construction of Friant Dam and the subsequent partial obstruction of the natural flow of the San Joaquin River.

PID desires to remain a predominantly agricultural district, and as result, has historically detached lands annexed to the City of Patterson due to urban development. As recently as July 2007, PID detached 692 acres concurrently with the annexation of the same lands to the City of Patterson for urban development. PID has also experienced losses of irrigable agricultural acreage due to rural development such as the building of new homes, the installation of yards and the construction of driveways and outbuildings. These changes in land use is an example of the type of actions that have resulted in a reduction in PID's consumptive use, and subsequently created an excess water supply in past years which PID would sell via transfer for the financial benefit of the district and its water rate payers.

In 2009, PID approached Reclamation with a request to transfer up to 13,350 acre-feet (AF) of its Replacement Water, CVP water, and pre-1914 San Joaquin River water rights water (henceforth known as Transfer Water) to Santa Clara Valley Water District (SCVWD) over a period of four years (March 1, 2010 through February 28, 2014).

1.2 Purpose and Need

PID's purpose is to help its drought-stricken neighbor by transferring water to SCVWD while still being able to adequately supply water to its own customers.

SCVWD is in need of additional water supplies in order to sustain agricultural crops due to reduced CVP and State Water Project (SWP) supplies and reliability caused by three consecutive years of drought. For 2009, SCVWD received 10 percent of its SOD CVP water allocation. In addition, regulatory constraints on pumping from the San Joaquin-Sacramento River Delta (Delta) have contributed to the water shortages for SOD CVP contractors and are likely to continue in the foreseeable future. Table 1-1 below shows the allocation percentages for SOD CVP contractors during the last five years, including the five-year average of 57 percent.

Table 1-1 SOD CVP Contractor 5-Year Allocation Percentages

Year	Percentage
2005	85 %
2006	100 %
2007	50 %
2008	40 %
2009	10 %
Average	57 %

1.3 Scope

This Environmental Assessment (EA) is being prepared to examine the impacts of approving a four year transfer and Warren Act contracts for the conveyance and delivery of 13,350 AF of PID's Transfer Water to SCVWD. The transfer and Warren Act contracts would involve Reclamation facilities from the DMC to the Santa Clara Conduit and would be completed by February 28, 2014.

PID is located entirely within Stanislaus County while SCVWD is located entirely within Santa Clara County (Figure 1-1).

PID has begun construction of a new district pipeline which extends from their Main Canal towards the DMC at Ward Avenue. At this time the pipeline ends on PID rights-of-way (ROW) and does not extend into federal ROW nor have federal funds been used in the construction of the pipeline. On March 19, 2008, PID signed an Initial Study and Negative Declaration (SCH#2008012076) for construction of this new pipeline. At present, PID has not applied for a license to cross Reclamation ROW with their pipeline and the pipeline is not needed in order to complete the Proposed Action. As there is no federal nexus and Reclamation has no discretion over the construction of this pipeline within PID ROW, the pipeline is not part of the Proposed Action. Extension of the pipeline to the DMC would require a license from Reclamation and additional environmental analysis.

1.4 Potential Issues

This EA will analyze the affected environment of the Proposed Action in order to determine the potential impacts to the following resources:

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

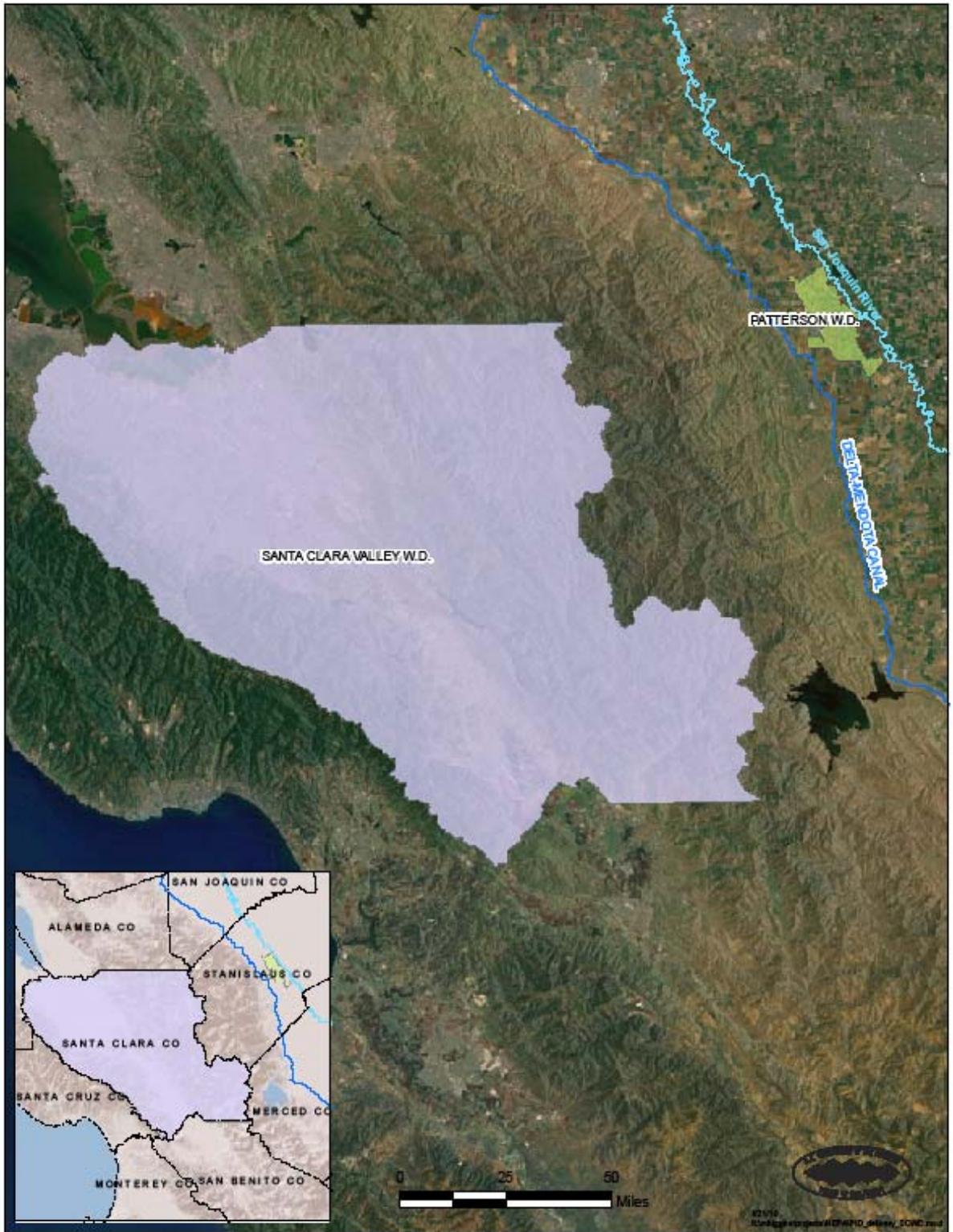


Figure 1-1 PID and SCVWD Location Map

Section 2 Alternatives Including the Proposed Action

This EA considers two possible actions: the No Action Alternative and the Proposed Action. The No Action Alternative reflects future conditions over the next four years without the Proposed Action and serves as a basis of comparison for determining potential effects to the human environment.

2.1 No Action Alternative

The No Action Alternative consists of the continuation of deliveries of CVP water supply in accordance with the terms and conditions of PID's and SCVWD's CVP water service contracts. Under the No Action Alternative, PID could sell their non-CVP water to willing buyers and SCVWD could purchase additional non-CVP water supplies. It is not known at this time who would participate as a buyer or supplier, such actions are outside the scope of the EA and would require additional environmental analysis.

2.2 Proposed Action

Reclamation proposes to approve PID's delivery of up to 13,350 AF of its Transfer Water to SCVWD over a four year period (March 1, 2010 through February 28, 2014). Reclamation would also issue a Warren Act contract for conveyance of any non-CVP water delivered throughout this four-year period.

2.2.1 Transfer Water

In each year, PID would make its Replacement Water available first for use as Transfer Water, followed by its CVP allocation, and if necessary, its pre-1914 San Joaquin River water. A minimum of 4,000 AF would be delivered in each of the first three transfer years with the remaining 1,350 AF delivered in the last transfer year. Should PID receive a 100 percent CVP allocation during the first three years of this transfer period, an additional 2,000 AF may be added to the 4,000 AF to be transferred for a maximum transferable amount of 6,000 AF in a given year. No more than 3,337 AF of San Joaquin River water would be transferred in any given year.

The Proposed Action would be subject to the following conditions:

- Transfer Water would only be used for agricultural purposes;
- Transfer Water would only be used for beneficial purposes;
- Transfer Water would not be used to place untilled or new lands into production, nor to convert undeveloped land to other uses; and
- the Transfer Water would not significantly affect CVP, SCVWD and PID normal water system delivery operations.

2.2.2 Conveyance of Replacement Water or CVP Water

Reclamation would facilitate this transfer by normally conveying the Transfer Water down the DMC from the Delta, but instead of being diverted into PID turnouts, the Transfer Water would be conveyed down the DMC to O'Neill Forebay. From O'Neill, the Transfer Water would be pumped into San Luis Reservoir and diverted to Reach 1 of the Pacheco Tunnel and then to the Pacheco Pumping Plant where it would be lifted into the Pacheco Conduit. From the Pacheco Conduit, the Transfer Water would be delivered to SCVWD via the Santa Clara Conduit and Tunnel. SCVWD would then convey the Transfer Water through their internal distribution system to their water users affected by the water drought shortages.

2.2.3 Conveyance of pre-1914 San Joaquin River Water

Pre-1914 San Joaquin River water rights water would be pumped from PID's existing pumping facility at river mile 98.5, subject to any regulatory requirements and/or conditions governing such diversions. The pumped water would be conveyed through PID's existing distribution system, transferred into PID's Lateral 5-South and delivered to the DMC. The Transfer Water would then be delivered to SCVWD as described in the previous section. The new pipeline could function as an alternative route for delivery of the Transfer Water to the DMC, should construction of the new pipeline be extended to the DMC at Ward Avenue. As previously discussed, the crossing of Reclamation ROW by the new pipeline would require a license from Reclamation and an additional environmental analysis.

Section 3 Affected Environment and Environmental Consequences

This section identifies the potentially affected environment and the environmental consequences involved with the Proposed Action and the No Action Alternative, in addition to environmental trends and conditions that currently exist.

3.1 Water Resources

3.1.1 Affected Environment

3.1.1.1 Patterson Irrigation District

PID's distribution system consists of 309 turnouts, 3.8 miles of unlined canal, 51.8 miles of concrete-lined canal, and 84 miles of pipeline. PID provides agricultural water to approximately 770 customers on about 12,800 acres. The district currently gets between 70 to 80 percent of its water supply from the San Joaquin River, with its remaining supply coming from groundwater, recirculation projects and CVP supplies. In 2008, the in-district demand was approximately 38,344 AF (see Table 3-1).

As a pre-1914 water rights holder PID has the authority and right under California law to divert from the San Joaquin River what water is needed as long as it is put to beneficial use. San Joaquin River water is pumped by PID uphill into its Main Canal through a series of pump stations and reservoir pools. Originally designed as settling basins to settle out silt from the San Joaquin River water source, the reservoirs have negligible storage capacity. The

Main Canal flows from east to west, and supplies 13 main laterals which flow north and south. The current Main Canal peak capacity is 200 cubic-feet per second (cfs). On average, PID pumps approximately 23,000 AF per year (AFY); although in 2008, the gross amount pumped by the district was 43,371 AF (see Table 3-1). In general, PID is 80 percent efficient at delivering San Joaquin River water to its landowners, which includes losses from evaporation and seepage.

Table 3-1 PID's 2008 Water Balance

Source	Gross Quantity Pumped/Available (AF)	Net Quantity Delivered (AF)*	In-District Demand (AF)	Out of District Transfers (AF)
San Joaquin River	43,371	34,697	34,697	0
CVP Water	6,600	6,600	0	6,600
Replacement Water	6,000	4,800	3,975	825
Groundwater	4,047	3,237	3,237	0
Total	60,018	42,734	41,909	7,425

*At 80 percent efficiency

PID also has a water service contract with Reclamation for 16,500 AFY of CVP water delivered from the DMC. As a result of a settlement reached between PID and Reclamation for the construction of Friant Dam and partial obstruction of natural flow from the San Joaquin River, PID receives an additional 6,000 AFY of Replacement Water from Reclamation via the DMC.

PID is located within the Delta-Mendota groundwater subbasin of the San Joaquin Valley Basin, and confined within the San Joaquin River Hydrologic Region. The Delta-Mendota groundwater subbasin covers a surface area of approximately 747,000 acres, spanning across all or parts of Stanislaus, Merced, Madera, and Fresno Counties. Changes in the Delta-Mendota groundwater subbasin level is evaluated by the State Department of Water Resources (DWR) by quarter township and computed through a custom DWR computer program using geostatistics (kriging). On average, the subbasin water level has increased by 2.2 feet total from 1970 through 2000 (DWR 2006). PID currently has seven district owned wells, with a combined flow rate of 33.5 cfs. PID and/or its overlying landowners generally pump groundwater as a last resort when surface supplies are not sufficient for irrigation demands. From 2000 through 2009, PID pumped an average of 2,436 AFY of groundwater for in-district demands. The lowest amount pumped, 634 AF, occurred in 2005 and the highest, 4,047 AF, in 2008 (PID 2009).

3.1.1.2 Santa Clara Valley Water District

SCVWD is a special district created by the State legislature to be responsible for water supply, flood protection, and watershed management in Santa Clara County, California. SCVWD has the same boundaries as Santa Clara County, covering about 1,300 square miles. SCVWD wholesales treated water and groundwater to 13 public and private water retailers that serve Santa Clara County. SCVWD also provides water directly to agricultural water users through groundwater recharge, and through a limited number of surface water turnouts. SCVWD's water supply consists of two primary sources: local supplies and imported water. Local supplies include captured surface runoff, groundwater, and recycled water. Most imported water comes to the County from the Sierra Nevada Mountains via the Delta and is

delivered by the CVP and SWP. Additionally, potable water is delivered to communities and agencies in northern Santa Clara County from the San Francisco Water Department (Hetch-Hetchy).

The SCVWD has two contracts for water delivery from the CVP. The first CVP contract was executed in 1977 for 152,500 AFY (Contract Number 7-07-20-W0023). The second contract is a partial assignment from Mercy Springs Water District executed in 1999 (Contract Number 14-06-3365A-IR3-B). SCVWD's annual contract amounts are subject to shortages caused by drought and environmental and regulatory actions such as the Central Valley Project Improvement Act, the Endangered Species Act (ESA), and Bay/Delta water quality actions. SCVWD's imported CVP deliveries from the San Felipe Division are conveyed through San Luis Reservoir in Merced County to the Coyote Creek Pump Station west of Anderson Reservoir via a series of pipelines and tunnels.

SCVWD has a contract with the 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 delivers the water to a terminal tank at the Penitencia Water Treatment Plant in east San Jose. SWP water is subject to shortages caused by drought conditions and environmental/regulatory actions in the Bay/Delta.

3.1.1.3 Central Valley Project Facilities

Delta Division The Delta Division provides for the transport of water through the central portion of the Central Valley, including the Delta. The main features of the division are the Delta Cross Channel, Contra Costa Canal, Jones Pumping Plant, and the DMC, constructed and operated by Reclamation. This system provides full and supplemental water, as well as temporary water service, for a total of about 380,000 acres of farmland.

The Tracy Pumping Plant consists of an inlet channel, pumping plant, and discharge pipes. Water in the Delta is lifted 197 feet into the DMC. Each of the six pumps at Tracy is powered by a 22,500 horsepower motor and is capable of pumping 767 cfs. Power to run the huge pumps is supplied by CVP power plants. The water is pumped through three 15-foot-diameter discharge pipes and carried about one mile up to the DMC. The intake canal includes the Tracy Fish Screen, which was built to intercept downstream fish so they may be returned to the main channel to resume their journey to the ocean.

The DMC carries water southeasterly from the Tracy Pumping Plant along the west side of the San Joaquin Valley for irrigation supply, for use in the San Luis Unit, and to replace San Joaquin River water stored at Friant Dam and used in the Friant-Kern and Madera systems. The canal is about 117 miles long and terminates at the Mendota Pool, about 30 miles west of Fresno. The initial diversion capacity is 4,600 cfs, which is gradually decreased to 3,211 cfs at the terminus.

San Felipe Unit The San Felipe Unit of the CVP, in the central coastal area of California, services the Santa Clara Valley in Santa Clara County, the northern portion of San Benito County, the southern portion of Santa Cruz County, and the northern edge of Monterey County. Authorized in 1960, the Division provides supplemental water to 63,500 acres of land, in addition to 132,400 AF of water annually for M&I use. Water from San Luis Reservoir is transported to the Santa Clara-San Benito service area through Pacheco Tunnel

and other project features, which include 48.5 miles of closed conduits, two pumping plants, and one small reservoir. Provisions for future construction of about 25 miles of closed conduit to Santa Cruz and Monterey counties are included in the Division features.

3.1.1.4 San Joaquin River Water Quality

Water quality in various segments of the San Joaquin River below Friant Dam is degraded because of low flow, and discharges from agricultural areas, wildlife refuges, and wastewater treatment plants (Reclamation 2009). Below its confluence with the Merced River, San Joaquin River water quality generally improves at successive confluences with rivers draining the Sierra Nevada, particularly at confluences with the Merced, Tuolumne, and Stanislaus rivers (Reclamation 2009). In the relatively long reach between the Merced and Tuolumne rivers, mineral concentrations tend to increase because of inflows of agricultural drainage water, other wastewaters, and effluent groundwater (Dubrovsky et al. 1998; Reclamation 2009). PID is located between the confluences of the Merced and Tuolumne Rivers.

In 2006, the Central Valley Regional Water Quality Control Board (CVRWQCB), in compliance with Section 303(d) of the Clean Water Act [33 USC Section 1313(d)], prepared a list of “impaired” water bodies in the State of California. The list was approved by the Environmental Protection Agency on June 28, 2007 (SWQCB 2010). The list includes a priority schedule for the development of total maximum daily loads (TMDL) for each contaminant or “stressor” impacting a particular water body. CVRWQCB has identified water quality impairments for the portion of the San Joaquin River between the Merced River confluence and the Stanislaus River (downstream of Vernalis) for several different contaminants including: boron, (di)parachlorophenyl trichlorethane (DDT), electrical conductivity (EC), Group A pesticides, mercury, selenium, exotic species, toxaphene, and unknown toxicity. TDML’s have not yet been reached for these contaminants; however, boron, chlorpyrifos, diazinon, EC, and selenium are being addressed by U.S. Environmental Protection Agency approved TMDLs (SWRCB 2010).

Surface water quality monitoring programs are currently being conducted by federal and State agencies along the restoration area of the San Joaquin River (Reclamation 2009). Water quality samples taken from Vernalis between October 2001 and December 2009 include: EC, TDS, boron, and selenium (see Table 3-2).

Table 3-2 San Joaquin River Water Quality at Vernalis from 2001-2009

	CFS	AF	EC (µS/cm)	TDS (mg/L)	Boron (µg/L)	Selenium (µg/L)
Maximum	28,149	1,675,000	965	600	800	2.3
Minimum	599	36,830	95	60	100	0.4
Average	3,204	192,694	572	355	300	0.9

µS/cm = microSiemens per centimeter
µg/L = microgram per liter

3.1.1.5 San Joaquin River Restoration Program

In 2006, the San Joaquin River Restoration Program (SJRRP) was established to implement the Stipulation of Settlement in *NRDC, et al. v. Kirk Rodgers et al.* (Reclamation 2009). The Settlement’s two primary goals include: (1) restoration and maintenance of fish population in the San Joaquin River below Friant Dam to the confluence of the Merced River; and (2)

management of water resources in order to reduce or avoid adverse water supply impacts to Friant Division long-term contractors (SJRRP 2010). The SJRRP is a long-term effort to restore flows to the San Joaquin River from Friant Dam to the confluence of Merced River in order to meet the two goals established in the Settlement (SJRRP 2010). Reclamation has modified releases from Friant Dam for water year 2010 (from October 1, 2009 through November 1, 2009 and from February 1, 2010 through September 30, 2010). As part of the Settlement, these Interim Flows (waters released before the required Restoration Flows) are to be used to evaluate flows, temperature, fish needs, biological effects, and seepage losses, and water recirculation, recapture, and reuse opportunities (Reclamation 2009).

3.1.2 Environmental Consequences

3.1.2.1 No Action

Under the No Action Alternative, Reclamation would not approve the transfer between PID and SCVWD. Reclamation would continue to convey and deliver water via the DMC and San Felipe facilities to both SCVWD and PID pursuant to their respective CVP contracts and as water is available. Transfer Water would remain with PID and continue to be used to meet in-district irrigation demands or water transfers as has been done in the past. Any future transfers are speculative at this time and would require additional environmental analysis. There would be no impacts to federal facilities described under the Proposed Action as conditions would remain the same as existing conditions.

SCVWD would have to rely on their CVP and SWP allocations and/or purchase water from willing sellers; however, no sellers have been identified and the action is outside the scope of this EA. If other sources of supplemental water cannot be provided by SCVWD, additional groundwater pumping may become necessary. Under the No Action Alternative, private landowners in SCVWD may need to pump an additional 13,350 AF of groundwater over the next four years, which is the amount of surface water that they would have received under the Proposed Action. Annual pumped amounts would likely be much less. SCVWD overlies the Tracy and Delta-Mendota subbasin, both of which have had a relatively stable groundwater level; the Tracy subbasin for at least 10 years and the Delta-Mendota subbasin since 1970 as of 2000 (DWR 2006). This is in part due to the subbasin areas underlying SCVWD receiving applied water recharge as a result of irrigation and an Assembly Bill 3030 groundwater management plan adopted by the San Luis & Delta-Mendota Water Authority in 1997 of which both PID and SCVWD are members. Therefore, with the need for additional pumping there may be slight impacts to groundwater resources as a result of the No Action Alternative, but these impacts would likely be stabilized by irrigation recharge and the existing groundwater management plan.

3.1.2.2 Proposed Action

Under the Proposed Action, the maximum amount of water to be transferred in any one year would be 6,000 AF for a total transferred amount of up to 13,350 AF over the four year period. PID has prioritized Replacement Water followed by CVP water as the water to be transferred. San Joaquin River water would only be used for transfer in the event that PID does not have enough Replacement Water or CVP water allocated to them. No more than 3,337 AFY of San Joaquin River water would be transferred in any one year. On average, PID pumps approximately 23,000 AFY of San Joaquin River to meet in-district demands. Since the San Joaquin River water that may be used for the transfer would be well under the

amount annually pumped by PID and no additional water would need to be pumped from the San Joaquin River in order to meet the transfer needs, there would be no adverse impact to PID's pre-1914 San Joaquin River water rights as a result of the Proposed Action. It is possible that due to hydrologic conditions, PID may need to pump additional San Joaquin River in order to meet in-district demands as it did in 2008; however, the additional water pumped would be consistent with historical fluctuations and within PID's water right. Consequently, there would be no adverse impacts to the San Joaquin River as a result of the Proposed Action.

It is possible that implementation of the Proposed Action may coincide with implementation of the SJRRP; however, no diversions of Interim or Restoration Flows would be allowed for the Proposed Action as required by the State Water Resources Control Board. Therefore, there would be no adverse impacts to the SJRRP as a result of the Proposed Action.

Each year, PID would continue to receive the remaining balance of their Replacement Water and CVP contract supply from the DMC. No changes to the DMC would occur and conditions would remain the same as has historically occurred; therefore, there would be no adverse impacts to the DMC.

In the event that PID needs to make up for any shortfalls, individual landowners and/or the district would pump groundwater to make up the amount needed for irrigation. However, PID has had an excess water supply in past years and has only pumped groundwater as a last resort. As shown in Table 3-1, PID's pre-1914 water has made up the majority of water needed to meet in-district demands. PID does not expect to pump any additional groundwater as the transfer of 13,350 AF over four years to SCVWD would still leave PID with the ability to meet the irrigation needs of its water users. Therefore, there would be no adverse impacts to groundwater resources as a result of the Proposed Action.

All waters introduced and conveyed through federal facilities must meet Reclamation water quality standards. If, through monitoring, the pre-1914 San Joaquin River water pumped by PID fails to meet the criteria for discharging non-CVP water into federal facilities, the water would not be introduced into the DMC until subsequent testing has demonstrated that the water quality has been met by the criteria as outlined in Table 6 and Table 7 of Appendix B. Therefore, there would be no adverse impacts to water quality as a result of the Proposed Action.

SCVWD would continue to receive their CVP supply from the Santa Clara Conduit as well as the additional 13,350 AF of Transfer Water delivered from PID via the DMC and San Felipe facilities. There would be no adverse impacts to any of the federal facilities involved in the transfer of PID's Transfer Water nor would the transfer impact the normal functions and operations of any CVP or district facilities. The Transfer Water would be used as a supplemental surface water supply for SCVWD's varied water resources in order to meet irrigation demands. The delivery of 13,350 AF of Transfer Water would reduce the need for SCVWD to pump groundwater in order to meet in-district demands which would have slight beneficial impacts to groundwater levels.

3.2 Land Use

3.2.1 Affected Environment

3.2.1.1 Patterson Irrigation District

PID is approximately 12,800 acres in size and is entirely an agricultural district growing a variety of orchard and row crops. It is anticipated that as the City of Patterson and the Interstate 5 corridor continue to grow, any new proposed development requiring municipal and industrial (M&I) water would be detached from the district. It is currently PID policy to require water users requesting M&I water to detach from the district. Most recently, the district detached 692 acres in July 2007 concurrently with the annexation of the same lands to the City of Patterson for urban development. Therefore, despite neighboring growth pressures, PID is expected to remain entirely an agricultural district.

3.2.1.2 Santa Clara Valley Water District

The Santa Clara Valley runs the entire length of the County from north to south, bounded by the Diablo Range to the east and the Santa Cruz Mountains to the west. The valley is bounded to the northwest by the southern reaches of San Francisco Bay and to the south by the Pajaro River. Most development and water use 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 the County's 1.7 million residents and 13 of the County's 15 cities. With the exception of the cities of Morgan Hill and Gilroy, the southern part of the valley remains predominately rural with some low-density residential development. The 2008 Santa Clara County Agricultural Crop Report lists 229,608 acres used for agricultural purposes, including over 22,000 acres of irrigated crops. SCVWD has historically supported the continuation of agricultural activity by providing an "open space credit" to agricultural water users in its water rate structure.

3.2.2 Environmental Consequences

3.2.2.1 No Action

Under the No Action Alternative, PID would continue to use the Transfer Water as part of their varied water resources to irrigate existing farmlands. PID historically has and intends to continue to detach lands as a result of landowners requesting M&I water so that PID can remain an entirely agricultural district. Reclamation has no authority over land use changes in PID and any such change is not a result of the No Action Alternative. Conditions would remain the same as described in the affected environment; therefore, no changes to land use would occur in PID.

Without additional supplemental water, SCVWD may have to temporarily or permanently put crops out of production. Since the Transfer Water would have been used to irrigate crops, the No Action Alternative could result in negative impacts to land use in SCVWD.

3.2.2.2 Proposed Action

The Proposed Action would not result in any land use changes in PID because the district would still have sufficient water to meet the irrigation needs of its water users over the four year transfer period. Similar to the No Action Alternative, conditions would remain the same as existing conditions.

SCVWD would use the additional 13,350 AF of Transfer Water to irrigate and maintain their existing permanent crops. Therefore, there would be no adverse impacts to land use in SCVWD as a result of the Proposed Action.

3.3 Biological Resources

3.3.1 Affected Environment

This section analyzes the potential impacts to listed (under the federal ESA) species and habitats with the potential to occur in the study area. The following list (See Table 3-3) was obtained on January 26, 2010, by accessing the U.S. Fish and Wildlife Service (USFWS) Database: http://www.fws.gov/sacramento/es/spp_list.htm (Document Number: 100126035543). The list is for the following U.S. Geological Survey 7½ minute quadrangles which are overlapped by SCVWD and PID: Mariposa Peak, Three Sisters, San Felipe, Chittenden, Watsonville East, Crevison Peak, Pacheco Pass, Mustang Peak, Mississippi Creek, Gilroy Hot Springs, Pacheco Peak, Mt. Sizer, Morgan Hill, Mt. Madonna, Gilroy, Santa Teresa Hills, Los Gatos, Laurel, Loma Prieta, Castle Rock Ridge, Crows Landing, Patterson, Mt. Boardman, Mt. Stakes, Eylar Mtn, Mt. Day, Lick Observatory, Isabel Valley, Calaveras Reservoir, Milpitas, San Jose West, San Jose East, Mountain View, Palo Alto, Mindego Hill, Cupertino, Westley, and Brush Lake (USFWS 2010). Reclamation further queried the California Natural Diversity Database for records of protected species within the project location (CNDDDB 2010). The two lists, in addition to other information within Reclamation’s files were combined to create the following list (Table 3-3).

Table 3-3 Sensitive Species Reported in the Proposed Action Area

Species	Status¹	Summary basis for ESA determination^{2,3}
AMPHIBIANS		
California red-legged frog <i>Rana aurora draytonii</i>	T, X	Present. Documented as extant within Santa Clara Co. and Stanislaus Co. and Critical Habitat present. No construction of new facilities; no conversion of lands from existing uses.
California tiger salamander <i>Ambystoma californiense</i>	T, X	Present. Documented as extant within Santa Clara Co. Critical Habitat present. No construction of new facilities; no conversion of lands from existing uses.
BIRD		
burrowing owl <i>Athene cunicularia</i>	MBTA	Present. Documented as extant within project area and suitable habitat present. No construction of new facilities; no conversion of lands from existing uses.
California clapper rail <i>Rallus longirostris obsoletus</i>	E	Present. Documented as extant near San Francisco Bay within Santa Clara Co. Suitable habitat absent. No construction of new facilities; no conversion of lands from existing uses.
California least tern <i>Sternula antillarum browni</i>	E	Present. Documented as extant near San Francisco Bay within Santa Clara Co.
Least Bell's vireo <i>Vireo bellii pusillus</i>	E	Present. Documented as extant south of Gilroy and north of Pajaro River within Santa Clara Co.

Swainson's hawk <i>Buteo swainsoni</i>	MBTA	Possible. Documented as extant just outside of PID District along San Joaquin River. No construction of new facilities; no conversion of lands from existing uses.
western snowy plover <i>Charadrius alexandrinus nivosus</i>	T	Possible. Documented as extant near San Francisco Bay within Santa Clara Co.
FISH		
Central Valley Steelhead and Central California coastal steelhead <i>Oncorhynchus mykiss</i>	T, X, NMFS	Possible. Habitat is present for this species along hydrologic features from the San Francisco Bay. 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	Possible. CNDDDB records indicate this species and Critical Habitat exist along US Route 101 between the cities of San Jose and Gilroy.
MAMMALS		
salt marsh harvest mouse <i>Reithrodontomys raviventris</i>	E	Possible. CNDDDB records indicate this species occurs near cities of Fremont and Palo Alto. No construction of new facilities; no conversion of lands from existing uses.
San Joaquin kit fox <i>Vulpes macrotis mutica</i>	E	Possible. CNDDDB records indicate this species occurs in the project area. No construction of new facilities; no conversion of lands from existing uses.
PLANT		
California sea blite <i>Suaeda californica</i>	E	Possible. CNDDDB records indicate this species occurs along salt flats of Palo Alto. No construction of new facilities; no conversion of lands from existing uses.
Contra Costa goldfields <i>Lasthenia conjugens</i>	E, X	Absent. This species is believed to be extirpated from Santa Clara Co. Critical Habitat is located outside the project area.
Coyote ceanothus <i>Ceanothus ferrisiae</i>	E	Present. Small population documented as extant within Morgan Hill Quad.
Metcalf Canyon jewelflower <i>Streptanthus albidus ssp. albidus</i>	E	Present. CNDDDB records indicate this species along US Route 101 between the cities of San Jose and Gilroy.
Tiburon paintbrush <i>Castilleja affinis ssp. neglecta</i>	E	Present. Small population documented as extant within Morgan Hill Quad.
<p>1 Status= Status of Federal protected species E: Listed as Endangered MBTA: Protected under the Migratory Bird Treaty Act NMFS: Species under the Jurisdiction of the National Oceanic & Atmospheric Administration Fisheries Service T: Listed as Threatened X: Critical Habitat designated for this species</p> <p>2 Definition Of Occurrence Indicators Present: Species observed in area and habitat is present Possible: Species not observed in the last 10 years in area Absent: Species extirpated from area</p> <p>3 CNDDDB = California Natural Diversity Database 2010</p>		

3.3.2 Environmental Consequences

3.3.2.1 No Action

Under the No Action Alternative, 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. Most of the habitat types required by species protected by the ESA do not occur in the project area. The Proposed Action would not involve the conversion of any land fallowed and untilled for three or more years. The Proposed Action also would not change the land use patterns of the cultivated or fallowed fields that do have some value to listed species or birds protected by the Migratory Bird Treaty Act (MBTA). Due to capacity limitations and water quality restrictions in the DMC, there would be no effects on listed fish species. No critical habitat within the area would be impacted by the Proposed Action and so none of the primary constituent elements of any critical habitat would be affected.

Any encountered biological resources are likely to be those associated with actively cultivated land. Since no natural stream courses or additional surface water pumping would occur, there would be no effects on listed fish species. The Replacement Water involved with the Proposed Action would not be used on native lands or on lands that have been fallowed for more than three consecutive years. Such actions would require subsequent environmental review.

The short duration of the water availability, the requirement that no native lands be converted without consultation with the USFWS, and the stringent requirements for transfers under applicable laws would preclude any impacts to wildlife, whether federally listed or not. In conclusion, the Proposed Action would not affect any federally listed species or any critical habitat, nor would it affect birds protected under the MBTA.

3.4 Cultural Resources

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

The Section 106 process is outlined in the Federal regulations at 36 Code of Federal Regulations (CFR) Part 800. These regulations describe the process that the Federal agency (Reclamation) takes to identify cultural resources and the level of effect that the proposed undertaking will have on historic properties. In summary, Reclamation must first determine if the action is the type of action that has the potential to affect historic properties. If the action is the type of action to affect historic properties, Reclamation must identify the area of

potential effects (APE), determine if historic properties are present within that APE, determine the effect that the undertaking would have on historic properties, and consult with the State Historic Preservation Office, to seek concurrence on Reclamation's findings. In addition, Reclamation is required through the Section 106 process to consult with Indian Tribes concerning the identification of sites of religious or cultural significance, and consult with individuals or groups who are entitled to be consulting parties or have requested to be consulting parties.

3.4.1 Affected Environment

The San Joaquin Valley and the Santa Clara Valley are rich in historical and prehistoric cultural resources. Cultural resources in this area are generally prehistoric in nature and include remnants of native human populations that existed before European settlement. Prior to the 18th Century, many Native American tribes inhabited the Central Valley and Santa Clara Valley areas. It is possible that many cultural resources lie undiscovered within these areas. The San Joaquin Valley and Santa Clara Valley supported extensive populations of Native Americans, principally the Northern and Southern Valley Yokuts in the San Joaquin Valley and the Costanoan, Esselen, and Salinan in the Santa Clara Valley, during the prehistoric period. Cultural studies in the San Joaquin and Santa Clara Valley have been limited. The conversion of land and intensive farming practices over the last century may have destroyed many Native American cultural sites.

The DMC is a component of the CVP which is being evaluated for the National Register.

3.4.2 Environmental Consequences

3.4.2.1 No Action

The No Action Alternative would result in the continued use of water under current conditions. There would be no impact to cultural resources under this action. Because Reclamation would not have an action, there would be no undertaking as defined by Section 301(7) of the NHPA resulting in no initiation of the Section 106 process.

3.4.2.2 Proposed Action

The Proposed Action is an administrative action that would allow for the flow of water through existing facilities to existing users. There would be no ground disturbance or modification needed to the existing facilities as a result of this action nor would there be any changes in cropping patterns or urban development. As a result there would be no potential to affect historic properties pursuant to 36 CFR Part 800.3(a)(1). There would be no impacts to cultural resources as a result of implementing the Proposed Action.

3.5 Indian Trust Assets

Indian trust assets (ITA) are legal interests in assets that are held in trust by the United States Government for federally recognized Indian tribes or individuals. The trust relationship usually stems from a treaty, executive order, or act of Congress. The Secretary of the interior is the trustee for the United States on behalf of federally recognized Indian tribes. "Assets" are anything owned that holds monetary value. "Legal interests" means there is a property interest for which there is a legal remedy, such a compensation or injunction, if there is improper interference. Assets can be real property, physical assets, or intangible property

rights, such as a lease, or right to use something. ITA cannot be sold, leased or otherwise alienated without United States' approval. Trust assets may include lands, minerals, and natural resources, as well as hunting, fishing, and water rights. Indian reservations, rancherias, and public domain allotments are examples of lands that are often considered trust assets. In some cases, ITA may be located off trust land.

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

3.5.1 Affected Environment

The nearest ITA is Lytton Rancheria approximately 37 miles north-northwest of the Proposed Action location.

3.5.2 Environmental Consequences

3.5.2.1 No Action

Under the No Action Alternative, Reclamation would not approve of the transfer between PID and SCVWD. Conditions would remain the same as existing conditions; therefore, there would be no impacts to ITA.

3.5.2.2 Proposed Action

Approval of the transfer between PID and SCVWD would not involve any construction and would utilize existing conveyance facilities; therefore, activities associated with the Proposed Action would not affect ITA.

3.6 Environmental Justice

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

3.6.1 Affected Environment

The market for seasonal workers on local farms draws thousands of migrant workers, commonly of Hispanic origin from Mexico and Central America, into the San Joaquin Valley. Agriculture and related businesses are the main industry in SCVWD and PID, which provides employment opportunities for these minority and/or disadvantaged populations. The areas around PID have stable economies based on local tomato, cereal, citrus, olive, and walnut products. The SCVWD's agricultural production is primarily nursery crops, mushrooms, bell peppers, cherries, and other fruit, vegetable and field crops.

3.6.2 Environmental Consequences

3.6.2.1 No Action

The No Action Alternative could result in harm to minority or disadvantaged populations within SCVWD. Lands could be temporarily or permanently taken out of agricultural production with a resulting reduction in the need for farm labor.

3.6.2.2 Proposed Action

Under the Proposed Action, the availability of additional Transfer Water would help maintain agricultural production and local employment in SCVWD. The Proposed Action would not affect low-income or disadvantaged populations within the districts by not causing dislocation, changes in employment, or increase flood, drought, or disease. There would be no changes to existing conditions. Employment opportunities for low-income wage earners and minority population groups would be within historical conditions. Disadvantaged populations would not be subject to disproportionate impacts.

The Proposed Action does not propose any features that would result in adverse human health or environmental effects, have any physical effects on minority or low-income populations, and/or alter socioeconomic conditions of populations that reside or work in the vicinity of the Proposed Action. Therefore, there would be no adverse impacts to Environmental Justice from the Proposed Action.

3.7 Socioeconomic Resources

3.7.1 Affected Environment

The area located within PID is primarily rural agricultural land which provides farm-related jobs. There are small businesses that support agriculture, for example: feed and fertilizer sales, machinery sales and service, pesticide applicators, transport, packaging, marketing, etc. within the surrounding area. SCVWD lies entirely within

The northern part of SCVWD is extensively urbanized in the Santa Clara Valley, and 90 percent of the County's 1.7 million residents and 13 of the County's 15 cities are located within the northern portion of the 350-acre valley floor. The southern part of the County, except for the cities of Morgan Hill and Gilroy, remains primarily rural agricultural land which provides farm-related jobs. Similar to PID, there are small businesses that support agriculture, located primarily in the southern part of the County.

3.7.2 Environmental Consequences

3.7.2.1 No Action

Under the No Action Alternative, conditions would remain the same in PID and there would be no impacts to socioeconomic resources. Without supplemental water, landowners in SCVWD growing permanent crops would have to sustain the potential crop loss. The effects of permanently or temporarily putting crops out of production could result in minor impacts to agriculture-dependent businesses in SCVWD.

3.7.2.2 Proposed Action

The Proposed Action would provide additional supplemental water to SCVWD to sustain their existing crops and at the same time still provide sufficient irrigation water for landowners in PID. Conditions would remain the same as existing conditions and there would be no adverse impacts to socioeconomic resources.

3.8 Air Quality

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

3.8.1 Affected Environment

The Proposed Action lies within the San Joaquin Valley Air Basin (SJVAB) and the San Francisco Bay Area Air Basin (SFBAAB). Air basins share a common "air shed," the boundaries of which are defined by surrounding topography. Although mixing between adjacent air basins inevitably occurs, air quality conditions are relatively uniform within a given air basin. The San Joaquin Valley experiences episodes of poor atmospheric mixing caused by inversion layers formed when temperature increases with elevation above ground, or when a mass of warm, dry air settles over a mass of cooler air near the ground.

Despite years of improvements, neither the SJVAB nor the SFBAAB meets state and federal health-based air quality standards for volatile organic compounds (VOC)/reactive organic gases (ROG); however, both have reached attainment status for carbon monoxide (CO) (BAAQMD 2010; SJVAPCD 2010). Additionally, SFBAAB has reached attainment status for nitrogen oxides (NO_x) but is unclassified for inhalable particulate matter less than 10 microns in diameter (PM₁₀) whereas; SJVAB has reached attainment status for PM₁₀ but not for NO_x (BAAQMD 2010; SJVAPCD 2010). To protect health, the San Joaquin Valley Air Pollution Control District (SJVAPCD) and the Bay Area Air Quality Management District (BAAQMD) is required by federal law to adopt stringent control measures to reduce emissions.

On November 30, 1993, the Environmental Protection Agency promulgated final general conformity regulations at 40 CFR 93 Subpart B for all federal activities except those covered under transportation conformity. The general conformity regulations apply to a proposed federal action in a non-attainment or maintenance area if the total of direct and indirect emissions of the relevant criteria pollutants and precursor pollutant caused by the Proposed Action equal or exceed certain de minimis amounts thus requiring the federal agency to make a determination of general conformity. The following de minimis thresholds covering the Proposed Action are presented in Table 3-4.

Table 3-4 Proposed Action Area General Conformity de minimis Thresholds

San Joaquin Valley General Conformity de minimis Thresholds			
Pollutant	Federal Status	de minimis (Tons/year)	de minimis (Pounds/day)
VOC/ROG (as an ozone precursor)	Nonattainment serious 8-hour ozone	50	274
NO _x (as an ozone precursor)	Nonattainment serious 8-hour standard	50	274
PM ₁₀	Attainment	100	548
CO	Attainment	100	548
San Francisco Bay Area General Conformity de minimis Thresholds			
Pollutant	Federal Status	de minimis (Tons/year)	de minimis (Pounds/day)
VOC/ROG (as an ozone precursor)	Nonattainment serious 8-hour ozone	50	274
NO _x (as an ozone precursor)	Attainment	50	274
PM ₁₀	Unclassified	100	548
CO	Attainment	100	548

Sources: SJVAPCD 2010; BAAQMD 2010; 40 CFR 93.153

3.8.2 Environmental Consequences

3.8.2.1 No Action

Under the No Action Alternative, there would be no impacts to air quality since conditions would remain the same as existing conditions.

3.8.2.2 Proposed Action

Water that is moved from the Delta down the DMC to PID and from PID to SCVWD is done either via gravity or with the use of electrical pumps. The air quality emissions from electrical power have been considered in environmental documentation for the generating power plant. There are no emissions from electrical engines and therefore a conformity analysis is not required under the CAA and there would be no adverse impact on air quality.

3.9 Global Climate Change

3.9.1 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.] (EPA 2008a)

Gases that trap heat in the atmosphere are often called greenhouse gases (GHG). Some GHG, such as carbon dioxide (CO₂), occur naturally and are emitted to the atmosphere through natural processes and human activities. Other GHG (e.g., fluorinated gases) are created and emitted solely through human activities. The principal GHG that enter the atmosphere

because of human activities are: CO₂, methane (CH₃), nitrous oxides, 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 CH₃, are enhancing the natural greenhouse effect, and likely contributing to an increase in global average temperature and related climate changes. At present, there are uncertainties associated with the science of climate change (EPA 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).

3.9.2 Environmental Consequences

3.9.2.1 No Action

Under the No Action Alternative, there would be no additional impacts to global climate change as there would be no change from existing conditions.

3.9.2.2 Proposed Action

Climate change is an environmental trend and for the purpose of this EA refers to changes in global or regional climate over time and is expected to have some effect on the snow pack of the Sierra Nevada and the run-off regime. Current data are not yet clear on the hydrologic changes and how they will affect the Delta Division of the CVP as well as other federal, state and local river operations within the action area. Water allocations are made dependent on hydrologic conditions and environmental requirements. Since operations and allocations are flexible, any changes in hydrologic conditions due to climate change would be within the respective operations' flexibility and therefore water resource changes due to climate change would be the same with or without the Proposed Action.

3.10 Cumulative Impacts

Cumulative impacts result from incremental impacts of a Proposed Action when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. To determine whether cumulatively significant impacts are anticipated from the Proposed Action, the incremental effect of the Proposed Action was examined together with impacts from past, present, and reasonably foreseeable future actions in the same geographic area.

Reclamation’s action would be the approval of a four-year transfer and Warren Act contracts for delivery of PID’s Transfer Water to SCVWD. Reclamation has approved transfers and Warren Act contracts in previous years when excess capacity was available (see Table 3-5).

Table 3-5 Warren Act Contracts and Transfers Proposed between 2007-2009

	2006	2007	2008	2009
Warren Acts	3	9	6	15
Transfers	7	4	4	8
Used DMC	1	5	5	2

In 2009, Reclamation received 15 requests for Warren Act contracts and 8 requests for transfers. Two of these requests propose to use the DMC as a conveyance facility. Many of these requests are still under analysis and have not been completed at this time. Reclamation did approve the transfer of 3,700 AF of PID’s Replacement Water to Del Puerto Water Storage District via the DMC.

Requests still pending for use of the DMC include:

- A 40-year Warren Act contract for conveyance of 4,500 AFY of Byron Bethany Irrigation District’s non-CVP Delta water through the DMC to the City of Tracy’s Water Treatment Plant. This proposed action includes an easement for placement of a new discharge pipeline at the headwall of the DMC.
- A transfer of up to 20,500 AF of Central California Irrigation District’s (CCID) Exchange Contract CVP supplies to Westlands Water District, San Luis Water District, Panoche Water District, and Del Puerto Water District for the period April through December 2010 and April through December 2011. Certain landowners within CCID would pump up to 75 cfs of groundwater to meet in-district demands in lieu of CCID taking surface water deliveries. The groundwater would be discharged into CCID’s conveyance system freeing up its CVP water under the San Joaquin Exchange Contractor’s Contract to be delivered to the districts via the DMC and/or the San Luis Canal.
- PID has requested a temporary five-year Warren Act contract for conveyance and storage of up to 10,000 AFY of their pre-1914 San Joaquin River water between Contract Water Years 2010 through 2015 (March 1, 2010-February 28, 2016). The additional non-CVP water conveyed in the DMC and stored in San Luis Reservoir would allow supplemental non-CVP water supplies to irrigate crops within their district boundaries.

As in the past, hydrological conditions and other factors are likely to result in fluctuating water supplies and this drives requests for water service actions. Water districts aim to provide water to their customers based on available water supplies and timing, all while attempting to minimize costs. Farmers irrigate and grow crops based on these conditions and factors, and a myriad of water service actions are approved and executed each year to facilitate water needs. It is likely that in 2010, more districts will request transfers and Warren Act contracts since it may be a dry year and non-CVP water is needed to supplement the reduced CVP supply. Additionally, in accordance with the Warren Act contract,

Reclamation would continue to make these contracts available to requesting districts in future years, given that each district meets present and future requirements for Warren Act contracts. Each water service transaction involving Reclamation undergoes environmental review prior to approval.

This is a four-year action, and the cumulative amount PID is limited to under the Proposed Action is 13,350 AF. However, PID can request a Warren Act contract separate from this Proposed Action for up to 10,000 AF of non-CVP water. Any additional Warren Acts would be analyzed in a separate environmental document and would be subject to available capacity; therefore, the Proposed Action would not result in cumulative effects to resources beyond historical fluctuations and conditions.

Section 4 Consultation and Coordination

4.1 Fish and Wildlife Coordination Act (16 USC § 661 et seq.)

The Fish and Wildlife Coordination Act (FWCA) requires that Reclamation consult with fish and wildlife agencies (federal and state) on all water development projects that could affect biological resources. The 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 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 not change the land use patterns of the cultivated or fallowed fields that do have some value to listed species. In addition, the short duration of the water availability, the requirement that no native lands be converted without consultation with the USFWS, and the stringent requirements for transfers under applicable laws would prevent any adverse impact to any federally listed species or any critical habitat.

4.3 National Historic Preservation Act (16 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. The 36 CFR Part 800 regulations implement Section 106 of the NHPA.

Section 106 of the NHPA requires federal agencies to consider the effects of federal undertakings on historic properties, properties determined eligible for inclusion in the National Register. Compliance with Section 106 follows a series of steps that are designed to

identify interested parties, determine the APE, conduct cultural resource inventories, determine if historic properties are present within the APE, and assess effects on any identified historic properties.

The Proposed Action involves redistributing water through existing Federal facilities. There would be no modification of water conveyance facilities and no activities that would result in new construction. There would be no impacts to cultural resources.

4.4 Indian Trust Assets

ITA are legal interests in property held in trust by the United States for federally-recognized Indian tribes or individual Indians. An Indian trust has three components: (1) the trustee, (2) the beneficiary, and (3) the trust asset. ITA can include land, minerals, federally-reserved hunting and fishing rights, federally-reserved water rights, and in-stream flows associated with trust land. Beneficiaries of the Indian trust relationship are federally-recognized Indian tribes with trust land; the United States is the trustee. By definition, ITA cannot be sold, leased, or otherwise encumbered without approval of the United States. The characterization and application of the United States trust relationship have been defined by case law that interprets Congressional acts, executive orders, and historic treaty provisions.

The Proposed Action would not affect ITA because there are none located in the Proposed Project area. The nearest ITA is Lytton Rancheria approximately 37 miles north-northwest of the Proposed Action location.

4.5 Migratory Bird Treaty Act (16 USC § 703 et seq.)

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

The Proposed Action would not change the land use patterns of the cultivated or fallowed fields that do have some value to listed species or birds protected by the MBTA; therefore, the Proposed Action would have no effect on birds protected by the MBTA.

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

Executive Order 11988 requires Federal agencies to prepare floodplain assessments for actions located within or affecting flood plains, and similarly, Executive Order 11990 places similar requirements for actions in wetlands. The Proposed Action would deliver water to existing irrigated agricultural lands and would not impact wetlands and/or floodplains.

4.7 Clean Air Act (42 USC § 7506 (C))

Section 176 of the CAA requires that any entity of the Federal government that engages in, supports, or in any way provided financial support for, licenses or permits, or approves any activity to demonstrate that the action conforms to the applicable SIP required under Section 110 (a) of the CAA (42 USC § 7401 (a)) before the action is otherwise approved. In this context, conformity means that such federal actions must be consistent with a SIP's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards and achieving expeditious attainment of those standards. Each federal agency must determine that any action that is proposed by the agency and that is subject to the regulations implementing the conformity requirements will, in fact conform to the applicable SIP before the action is taken. The Proposed Action would not involve any construction or land disturbing activities that could lead to fugitive dust emissions and/or exhaust emissions associated with the operations of heavy machinery. The Transfer Water would either be conveyed by gravity or pumped via electric motors. The air quality emissions from electrical power have been considered in environmental documentation for the generating power plant. There are no emissions from electrical motors and therefore a conformity analysis is not required under the CAA and there would be no impact on air quality.

4.8 Clean Water Act (16 USC § 703 et seq.)

Section 401

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

No pollutants would be discharged into any navigable waters under the Proposed Action so no permits under Section 401 of the CWA are required.

Section 404

Section 404 of the CWA authorizes the U. S. Army Corps of Engineers to issue permits to regulate the discharge of “dredged or fill materials into waters of the United States” (33 USC

§ 1344). No activities such as dredging or filling of wetlands or surface waters would be required for implementation of the Proposed Action, therefore permits obtained in compliance with CWA section 404 are not required.

Section 5 Response to Comments

EA-09-172 *Four Year Transfer and Warren Act Contracts for up to 13,350 acre-feet of Patterson Irrigation District's Available Surface Water Supply to Santa Clara Valley Water District* was posted for a 15 day public comment period between February 24, 2010 and March 10, 2010. Reclamation received one comment letter from the Friant Water Users Authority (FWUA). The majority of the comments were editorial and appropriate changes have been made in their respective sections including the addition of analysis of potential impacts to the SJRRP Interim and Restoration Flows. Overall, FWUA supports the proposed transfer and agrees with Reclamation's determination of no significant impacts.

Section 6 List of Preparers and Reviewers

Rain Healer, Natural Resource Specialist, SCCAO
Cathy James, Repayment Specialist, TO-442
Jennifer Lewis, Wildlife Biologist, SCCAO
Adam Nickels, Archaeologist, MP-153
Patricia Rivera, ITA, MP-400
Mike Kinsey, Supervisory Wildlife Biologist, SCCAO

Section 7 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* 87(Suppl 1):S91-S108 DOI 10.1007/s10584-007-9353-1

BAAQMD. 2010. Air Quality Standards and Attainment Status. Website: http://hank.baaqmd.gov/pln/air_quality/ambient_air_quality.htm Accessed: January 22, 2010.

California Air Resources Board. 2009. California Air Basins. Website: <http://www.arb.ca.gov/knowzone/basin/basin.htm> Accessed: January 22, 2010.

California Natural Diversity Database (CNDDDB). 2010. RareFind 3, Version 3.1.1 (January 2, 2010 update). California Department of Fish and Game, Sacramento, CA

Dubrovsky, Neil M., Charles R. Kratzer, Larry R. Brown, Jo Ann M. Gronberg, Karen R. Burow. 1998. Water Quality in the San Joaquin-Tulare Basins, California, 1992-95. Website: <http://water.usgs.gov/pubs/circ1159>, updated April 20, 1998.

- DWR. 2006. California Groundwater Bulletin 118. Website: http://www.dpla2.water.ca.gov/publications/groundwater/bulletin118/basins/pdfs_desc/5-22.14.pdf. Accessed: January 21, 2010.
- EPA. 2008a. Climate Change, Basic Information. Website: <http://www.epa.gov/climatechange/basicinfo.html>. Accessed: January 25, 2010.
- EPA. 2008b. Climate Change, Science. Website: <http://www.epa.gov/climatechange/science/index.html>. Accessed: January 25, 2010.
- Patterson Irrigation District. 2009. Initial Study and Negative Declaration. *Patterson Irrigation District Water Transfer to Santa Clara Valley Water District* (SCH#2009112091).
- Reclamation. 1997. Draft Programmatic Environmental Impact Statement. September, 1997.
- Reclamation. 2007. United States Bureau of Reclamation. Website: <http://www.usbr.gov/dataweb/html/friant.html>. Accessed: January 21, 2010.
- Reclamation. 2009. Final Environmental Assessment/Initial Study. *San Joaquin River Restoration Project Water Year 2010 Interim Flows Project*. Mid-Pacific Region.
- SCVWD. 2005. *Urban Water Management Plan*. Website: <http://www.valleywater.org>. Accessed: January 25, 2010.
- SJRRP. 2010. The San Joaquin River Restoration Program. Website: <http://www.restoresjr.net/>. Accessed: March 12, 2010.
- SJVAPCD. 2010. Ambient Air Quality Standards and Valley Attainment Status. Website: <http://www.valleyair.org/aqinfo/attainment.htm>. Accessed: January 22, 2010.
- State Water Quality Control Board (SWQCB). 2010. Total Maximum Daily Load Program. Website: http://www.swrcb.ca.gov/water_issues/programs/tmdl/303d_lists2006_epa.shtml. Accessed: February 2010.
- Tetra Tech. 2000. Draft EA for Eastside/Westside Water Transfer/Exchange. Prepared for Reclamation.
- U.S. Fish and Wildlife Service. 2010. Species List. Website: http://www.fws.gov/sacramento/es/spp_list.htm. Accessed: February 2010.

FINAL ENVIRONMENTAL ASSESSMENT

*FOUR YEAR TRANSFER AND WARREN ACT FOR UP TO 13,350 ACRE-FEET OF
PATTERSON IRRIGATION DISTRICT'S AVAILABLE SURFACE WATER SUPPLY TO
SANTA CLARA VALLEY WATER DISTRICT*

Appendix A
Environmental Documents

March 2010

Healer, Rain L

From: Nickels, Adam M
Sent: Monday, January 25, 2010 10:56 AM
To: Healer, Rain L; Lewis, Jennifer; Barnes, Amy J; Bruce, Brandee E; Goodsell, Joanne E; Leigh, Anastasia T; Overly, Stephen A; Ramsey, Dawn
Subject: RE: EA-09-172 PID transfer to SCVWD
Attachments: CR Comments for EA 09-172.doc

Project No 10-SCAO-118

Rain:

I have reviewed the project description and proposed action for the EA-09-172. The no action and proposed alternative will have no impact on cultural resources. The proposed action is an administrative action resulting in the use of existing water supplies through existing facilities. I have attached to this email the cultural resource documentation needed for the draft/final EA. Be advised, any changes to the proposed alternative may require additional consideration pursuant to Section 106 of the NHPA. Please include this documentation with the EA.

This email is intended to convey the completion of the Section 106 process for this undertaking.

Sincerely,

Adam M. Nickels, M.S.
Archeologist
Bureau of Reclamation
Mid-Pacific Regional Office, MP-153
2800 Cottage Way
Sacramento, California 95825

Phone: 916.978.5053
Fax: 916.978.5055

From: Healer, Rain L
Sent: Monday, January 25, 2010 10:13 AM
To: Lewis, Jennifer; Barnes, Amy J; Bruce, Brandee E; Goodsell, Joanne E; Leigh, Anastasia T; Nickels, Adam M; Overly, Stephen A; Ramsey, Dawn
Subject: EA-09-172 PID transfer to SCVWD

I have attached the project description for EA-09-172 Patterson Irrigation District Four Year Transfer of CVP or Replacement Water to Santa Clara Valley Water District for your review.

Cost authority: A1R-1752-9652-220-03-9-5

Rain L. Healer
Natural Resource Specialist
Bureau of Reclamation
1243 N Street, SCC 413
Fresno, CA 93721
(559) 487-5196
rhealer@usbr.gov

Healer, Rain L

From: Rivera, Patricia L
Sent: Monday, February 01, 2010 10:22 AM
To: Healer, Rain L
Subject: RE: Updated project description for previous ITA request

Rain,

I reviewed the proposed action to approve Patterson Irrigation District's (PID) delivery of up to 13,350 acre-feet (AF) of its Central Valley Project (CVP) water, Replacement Water, pre-1914 San Joaquin River water, and groundwater (henceforth known as Transfer Water) to SCVWD over a four year period (March 1, 2010 through February 28, 2014). Reclamation would also issue a Warren Act contract for conveyance of any non-CVP water delivered throughout this four-year period. A minimum of 4,000 AF would be delivered in each of the first three transfer years with the remaining 1,350 AF delivered in the last transfer year. Should PID receive a 100 percent allocation during the first three years of this transfer period, an additional 2,000 AF may be added to the 4,000 AF to be transferred for a maximum transferable amount of 6,000 AF in a given year.

Reclamation would facilitate this transfer by normally conveying the Transfer Water down the Delta-Mendota Canal (DMC) from the San Joaquin-Sacramento River Delta, but instead of being diverted into PID turnouts, additional points-of-delivery would convey up to 13,350 AF of PID's Transfer Water into the existing SCVWD turnout along the DMC at milepost 93.25R over the four-year transfer period. SCVWD would then convey the Transfer Water through their internal distribution system to their water users affected by the water drought shortages.

The Proposed Action would be subject to the following conditions:

- Transfer Water would only be used for agricultural purposes;
- Transfer Water would only be used for beneficial purposes;
- Transfer Water would not be used to place untilled or new lands into production, nor to convert undeveloped land to other uses;
- the transfer would not significantly affect CVP, SCVWD and PID normal water system delivery operations;
- there would be no construction of any new water diversion or conveyance facilities for the transfer; and
- there would be no introduction of non-CVP water into CVP facilities.

The proposed action does not affect Indian Trust Assets. The nearest ITA is Lytton Rancheria approximately 37 miles NNW of the project location.

Patricia

Project: EA-09-172 Four Year Transfer and Warren Act for up to 13,350 acre-feet of Patterson Irrigation District's Available Surface Water Supply to Santa Clara Valley Water District

ESA Effects Analysis

Reclamation proposes to approve Patterson Irrigation District's delivery of up to 13,350 AF of its Transfer Water to Santa Clara Valley Water District over a four year period (March 1, 2010 through February 28, 2014). Reclamation would also issue a Warren Act contract for conveyance of any non- Central Valley Project water delivered throughout this four-year period.

California Department of Fish and Game Natural Diversity Database (CNDDDB 2010) and U. S. Fish and Wildlife Service Database: http://www.fws.gov/sacramento/es/spp_list.htm records were searched on January 26, 2010 for listed species within the vicinity of the Project area.

Habitat modification, species introduction, and overfishing of fishery resources are major factors producing changes in habitat within the project area. These factors and anthropogenic activities within the project area have adversely affected the resources in the area. As a result of this large-scale conversion of native habitats, many species including special-status species have been displaced or extirpated from the region.

The Proposed Action would not involve the conversion of any land fallowed and untilled for three or more years. The Proposed Action also would not change the land use patterns of the cultivated or fallowed fields that do have some value to listed species or birds protected by the Migratory Bird Treaty Act. Due to capacity limitations and water quality restrictions in the Delta-Mendota Canal, there would be no effects on listed fish species. Additionally, no change in diversions of water from the San Joaquin River will occur as a result of the Proposed Action; therefore, there will be no effects on special-status fish species or any of the primary constituents of its designated critical habitat, or any other listed species. No critical habitat within the area would be affected by the Proposed Action and so none of the primary constituent elements of any critical habitat would be affected.

Thank you,

Jennifer L. Lewis

References

CNDDDB (California Department of Fish and Game Natural Diversity Database). 2009. California Department of fish and Game's Natural Diversity Database, Version 3.1.1. RareFind 3. May 2, 2009.

FINAL ENVIRONMENTAL ASSESSMENT

*FOUR YEAR TRANSFER AND WARREN ACT FOR UP TO 13,350 ACRE-FEET OF
PATTERSON IRRIGATION DISTRICT'S AVAILABLE SURFACE WATER SUPPLY TO
SANTA CLARA VALLEY WATER DISTRICT*

Appendix B
Title 22 Water Quality Standards

March 2010

Table 6. Water Quality Standards for Acceptance of Groundwater into the Delta-Mendota Canal Headworks to Check 13 (O'Neill Forebay)

Constituent	Units	Maximum Contaminant Level		Detection Limit for Reporting		CAS Registry Number	Recommended Analytical Method
Primary							
Aluminum	mg/L	1	(1)	0.05	(2)	7429-90-5	EPA 200.7
Antimony	mg/L	0.006	(1)	0.006	(2)	7440-36-0	EPA 200.8
Arsenic	mg/L	0.05	(1)	0.002	(2)	7440-38-2	EPA 200.8
Barium	mg/L	1	(1)	0.1	(2)	7440-39-3	EPA 200.7
Beryllium	mg/L	0.004	(1)	0.001	(2)	7440-41-7	EPA 200.7
Boron	mg/L	0.7	(16)			7440-42-8	EPA 200.7
Cadmium	mg/L	0.005	(1)	0.001	(2)	7440-43-9	EPA 200.7
Chromium (total)	mg/L	0.05	(1)	0.01	(2)	7440-47-3	EPA 200.7
Lead	mg/L	0.015	(9)	0.005	(8)	7439-92-1	EPA 200.8
Mercury (inorganic)	mg/L	0.002	(1)	0.001	(2)	7439-97-6	EPA 245.1
Nickel	mg/L	0.1	(1)	0.01	(2)	7440-02-0	EPA 200.7
Nitrates (as NO ₃)	mg/L	45	(1)	2	(2)	7727-37-9	EPA 300.1
Nitrate + Nitrite (sum as nitrogen)	mg/L	10	(1)				EPA 353.2
Nitrite (as nitrogen)	mg/L	1	(1)	0.4	(2)	14797-65-0	EPA 300.1
Selenium	mg/L	0.002	(13)			7782-49-2	EPA 200.8
Thallium	mg/L	0.002	(1)	0.001	(2)	7440-28-0	EPA 200.8
Secondary							
Chloride	mg/L	250	(7)			16887-00-6	EPA 300.1
Copper	mg/L	1	(10)	0.05	(8)	7440-50-8	EPA 200.7
Iron	mg/L	0.3	(6)			7439-89-6	EPA 200.7
Manganese	mg/L	0.05	(6)			7439-96-5	EPA 200.7
Molybdenum	mg/L	0.01	(11)			7439-98-7	EPA 200.7
Silver	mg/L	0.1	(6)			7440-22-4	EPA 200.7
Sodium	mg/L	69	(15)			7440-23-5	EPA 200.7
Specific Conductance	µS/cm	2,200	(7)				SM 2510 B
Sulfate	mg/L	250	(7)			14808-79-8	EPA 300.1
TDS	mg/L	1,500	(7)				SM 2540 C
Zinc	mg/L	5	(6)			7440-66-6	EPA 200.7
Radioactivity							
Gross Alpha	pCi/L	15	(3)	3	(3)		SM 7110C
Organic Chemicals							
Atrazine	mg/L	0.001	(4)	0.0005	(5)	1912-24-9	EPA 508.1
Bentazon	mg/L	0.018	(4)	0.002	(5)	25057-89-0	EPA 515
Carbofuran	mg/L	0.018	(4)	0.005	(5)	1563-66-2	EPA 531.1-2
Chlordane	mg/L	0.0001	(4)	0.0001	(5)	57-74-9	EPA 505
Chlorpyrifos	µg/L	0.025	(14)			2921-88-2	EPA 8141
2, 4-D	mg/L	0.07	(4)	0.01	(5)	94-75-7	EPA 515.1-4
Diazinon	µg/L	0.16	(14)			333-41-5	EPA 507
Dibromochloropane (DBCP)	mg/L	0.0002	(4)	0.00001	(5)	96-12-8	EPA 504.1
Endrin	mg/L	0.002	(4)	0.0001	(5)	72-20-8	EPA 505
Ethylene Dibromide (EDB)	mg/L	0.00005	(4)	0.00002	(5)	206-93-4	EPA 504.1
Glyphosate	mg/L	0.7	(4)	0.025	(5)	1071-83-6	EPA 547
Heptachlor	mg/L	0.00001	(4)	0.00001	(5)	76-44-8	EPA 505
Heptachlor Epoxide	mg/L	0.00001	(4)	0.00001	(5)	1024-57-3	EPA 505
Lindane	mg/L	0.0002	(4)	0.0002	(5)	58-89-9	EPA 505
Methoxychlor	mg/L	0.03	(4)	0.01	(5)	72-43-5	EPA 505
Molinate	mg/L	0.02	(4)	0.002	(5)	2212-67-1	EPA 525.2
2, 4, 5-TP (Silvex)	mg/L	0.05	(4)	0.001	(5)	93-72-1	EPA 515.1-4
Simazine	mg/L	0.004	(4)	0.001	(5)	122-34-9	EPA 508.1
Thiobencarb	mg/L	0.07	(4)	0.001	(5)	28249-77-6	EPA 525.2
Toxaphene	mg/L	0.003	(4)	0.001	(5)	8001-35-2	EPA 505

Table 6. Water Quality Standards for Acceptance of Groundwater into the Delta-Mendota Canal Headworks to Check 13 (O'Neill Forebay)

Sources:

Title 22. The Domestic Water Quality and Monitoring Regulations specified by the State of California Health and Safety Code (Sections 4010-4037), and Administrative Code (Sections 64401 et seq.), as amended.

- | | |
|--------------------------------------|------------------------------------|
| (1) Title 22. Table 64431-A (mg/L) | (6) Title 22. Table 64449-A (mg/L) |
| (2) Title 22. Table 64432-A (mg/L) | (7) Title 22. Table 64449-B (mg/L) |
| (3) Title 22. Table 64442 (pCi/L) | (8) Title 22. Table 64678-A (mg/L) |
| (4) Title 22. Table 64444-A (mg/L) | (9) Title 22. Section 64678 (d) |
| (5) Title 22. Table 64445.1-A (mg/L) | (10) Title 22. Section 64678 (e) |

California Regional Water Quality Control Board, Central Valley Region, Fourth Edition of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins.

- (13) Basin Plan, Table III-1 (ug/L) (selenium in Grasslands water supply channels)
(14) Basin Plan, Table III-2A (ug/L) (chlorpyrifos & diazinon in San Joaquin River from Mendota to Vernalis)

Ayers, R. S. and D. W. Westcot, *Water Quality for Agriculture*, Food and Agriculture Organization of the United Nations - Irrigation and Drainage Paper No. 29, Rev. 1, Rome (1985).

- (15) Ayers, Table 1 (mg/L) (sodium)
(16) Ayers, Table 21 (mg/L) (boron)

revised 03/03/2009 SCC-107

Table 7. Water Quality Standards for Acceptance of Groundwater into the Delta-Mendota Canal Check 13 (O'Neill Forebay) To Check 21 (Mendota Pool)

Constituent	Units	Maximum Contaminant Level		CAS Registry Number	Recommended Analytical Method
Bicarbonate	mg/L	61	(5)	71-52-3	SM 2320 A
Boron	mg/L	0.7	(3)	7440-42-8	EPA 200.7
Calcium	mg/L	80	(5)	7440-70-2	EPA 200.5
Chloride	mg/L	40	(5)	189689-94-9	EPA 300.1
Chlorpyrifos	µg/L	0.025	(2)	2921-88-2	EPA 8141
Chromium, total	µg/L	50	(1)	7440-47-3	EPA 200.7
Diazinon	µg/L	0.16	(2)	333-41-5	EPA 507
Hardness	mg/L				calculated
Magnesium	mg/L	16	(5)	7439-95-4	EPA 200.5
Mercury	µg/L	2	(1)	7439-97-6	EPA 245.1
Molybdenum	µg/L	10	(3)	7439-98-7	EPA 200.7
Nickel	µg/L	100	(1)	7440-02-0	EPA 200.7
Nitrates (as NO ₃)	mg/L	45	(1)	7727-37-9	EPA 300.1
Nitrite (as nitrogen)	mg/L	1	(1)	14797-65-0	EPA 300.1
pH	units	5.0 - 7.0	(5)		EPA 150.1
Potassium	mg/L	4.5	(5)	7440-09-7	EPA 200.5
SAR		<2	(5)		calculated
Selenium	µg/L	2	(2)	7782-49-2	EPA 200.8
Sodium	mg/L	69	(3)	7440-23-5	EPA 200.7
Specific Conductance	µS/cm	1,230	(4)		SM 2510 B
Sulfate	mg/L	50	(5)	14808-79-8	EPA 300.1
Total Dissolved Solids	mg/L	800	(4)		SM 2540 C

(1) Title 22. The Domestic Water Quality and Monitoring Regulations specified by the State of California Health and Safety Code (Sections 4010-4037), and Administrative Code (Sections 64401 et seq.), as amended.

(2) California Regional Water Quality Control Board, Central Valley Region, Fourth Edition of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins. Table III-2A

(3) Ayers, R. S. and D. W. Westcot, *Water Quality for Agriculture*, Food and Agriculture Organization of the United Nations - Irrigation and Drainage Paper No. 29, Rev. 1, Rome (1985).

(4) Second Amended Contract for Exchange of Waters, No 11r-1144, Article 9. Quality of Substitute Water.

(5) Spectrum Analytic, Inc. Guide to Interpreting Irrigation Water Analysis. Washington C.H., Ohio
http://www.spectrumanalytic.com/support/library/rt/A_Guide_to_Interpreting_Irrigation_Water_Analysis.htm

FINAL ENVIRONMENTAL ASSESSMENT

*FOUR YEAR TRANSFER AND WARREN ACT FOR UP TO 13,350 ACRE-FEET OF
PATTERSON IRRIGATION DISTRICT'S AVAILABLE SURFACE WATER SUPPLY TO
SANTA CLARA VALLEY WATER DISTRICT*

Appendix C
Comment Letters Received

March 2010

FRIANT
WATER USERS AUTHORITY

March 9, 2010

Marvin L. Hughes
Chairman of the Board

Harvey A. Bailey
Vice Chairman

Tom Runyon
Secretary/Treasurer

Ronald D. Jacobsma
Consulting General Manager

Mario Santoyo
*Consulting Assistant
General Manager*

Glenn A. Farrell
*Consulting Government
Affairs Manager
(Sacramento)*

Member Agencies

Arvin-Edison W.S.D.

Chowchilla W.D.

Delano-Earlimart I.D.

Exeter I.D.

Fresno I.D.

Ivanhoe I.D.

Kern-Tulare W.D.

Lindmore I.D.

Lindsay-Strathmore I.D.

Lower Tule River I.D.

Madera I.D.

Orange Cove I.D.

Pixley I.D.

Porterville I.D.

Saucelito I.D.

Shafter-Wasco I.D.

Stone Corral I.D.

Tea Pot Dome W.D.

Terra Bella I.D.

Tulare I.D.

Steven L. Kabot
General Counsel

Robert Sawyer
*Best, Best & Krieger
Special Counsel*

George H. Soares
*Kahn, Soares & Conway, LLP
Sacramento Representative*

Joe Raeder
*The Ferguson Group
Washington D.C. Representative*

Ms. Rain Healer
U. S. Bureau of Reclamation
1243 N Street
Fresno, CA 93721

Re: Draft EA/FONSI on the 4-year Transfer and Warren Act Contract for
Santa Clara Valley Water District

Dear Ms. Healer,

The Friant Water Users Authority (Authority) has reviewed the subject EA and FONSI for the 4-year transfer of water from Patterson Irrigation District (PID) to Santa Clara Valley Water District (SCVWD) and we appreciate the opportunity to provide comments on the documents.

As a context for these comments, the Authority supports the proposed transfer and agrees with the determinations regarding no significant impacts. This support is based on our understanding that the proposed transfer of pre-1914 water will not result in the diversion of any San Joaquin River Restoration Program (SJRRP) Interim Flows (IF) or Restoration Flows (RF) that reach the confluence of the Merced River and pass the PID point of diversion.

In its analysis of potential impacts on the San Joaquin River (SJR), the EA and FONSI conclude that diversions from the SJR under pre-1914 water rights will not impact the SJR because any level of pumping will be consistent with historic fluctuations of pre-1914 diversion. However, notwithstanding the pending releases during the period covered by this transfer of IF and RF from Friant that have not occurred since construction of Friant Dam, the analysis does not address the potential existence of those flows in the lower SJR during periods of diversion by PID for the proposed transfer. We understand that the terms of any SWRCB permits for releases of IF or RF will not allow the diversion of such flows for the purposes of the proposed transfer and believe that the proposed transfer can occur as described without impacting the SJRRP. As such, we believe that the environmental documentation should acknowledge the coincidence of the proposed transfer with the implementation of the SJRRP

Ms. Rain Healer
March 9, 2010
Page 2

and describe it's conclusion that the transfer will not adversely impact the SJRRP, including any IF or RF that may be in the SJR during periods of diversion by PID for purposes of this transfer.

With respect to other specific comments, we note the following:

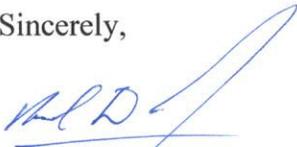
Page 8, Section 3.1.1.3 – the Jones Pumping Plant is the correct name for the CVP pumping facility located at Tracy.

Page 9, Section 3.1.1.4 – the last sentence of the first paragraph incorrectly states that PID is located between the confluence of the Tuolumne River and Vernalis. PID is located between the confluences of the Merced and Tuolumne rivers.

Exhibit B – the tables used to describe the Title 22 water quality standards are labeled for the Friant Division and the Friant Water Authority. The headings should be revised to reflect the appropriate CVP facilities and non-federal operating entity.

Thank you again for the opportunity to provide comments on the proposed transfer. If you have any questions regarding these comments, please feel free to contact Steve Ottemoeller at 559-562-6930 (sottemoeller@friantwater.org) or myself at 559-562-6305.

Sincerely,



Ronald D. Jacobsma
Consulting General Manager

RDJ: tm

cc: S. Ottemoeller
FWUA Member Districts