

Environmental Assessment (EA)
Temporary Warren Act (WA) Contract between the United States
And
Sacramento Suburban Water District (SSWD)

Introduction

The United States Bureau of Reclamation proposes to enter into a temporary 1-year WA contract with the SSWD to facilitate the delivery of up to 14,500 acre-feet (AF) of Non-Project water annually through Folsom Reservoir for Municipal and Industrial (M&I) uses in SSWD's long term WA service area in north-central Sacramento County.

Purpose and Need for the Proposed Action

The purpose of executing the proposed contract is to allow for the conveyance of SSWD's Warren Act water rights water through Folsom Reservoir to help meet the existing water supply needs in SSWD's existing boundaries.

Proposed Action and Alternatives

The proposed action evaluated in the Environmental Assessment (EA) is the execution of a 1-year temporary WA contract between Reclamation and SSWD to facilitate the delivery of up to 14,500 AF of Non-Project (i.e. non-CVP) water annually through Folsom Reservoir for M&I uses in SSWD boundaries in north-central Sacramento County. The purpose and need of the project is to reduce reliance on groundwater resources within the region by facilitating delivery of a substitute surface water supply when available. No changes in land use or construction related activities are included as part of this action; the proposed surface water supply would only be an in-lieu replacement of an already existing water supply (groundwater) and not an additional water supply. From 2000-2010, Reclamation has executed temporary 1-year WA contracts with SSWD to convey PCWA's Middle Fork Project (MFP) water to SSWD through the facilities at Folsom Dam.

There are existing minimum in-stream flow agreements between PWCA and SSWD. As noted in the contract, the Middle Fork American River Project Water, under PCWA Permits 13856 and 13858, are made available to the contractor, SSWD, in accordance with the agreement between the contractor's predecessor in interest, Northridge Water District, and PCWA Water District for a "Water Supply For Groundwater Stabilization," (Agreement) dated June 1, 2000. Provided: That Non-Project Water shall be delivered to the contractor only: a) in years when the projected March-to-November unimpaired inflows to Folsom Reservoir (UIFR) is greater than 1,600,000 AF; or b) Notwithstanding a) above, in a December, January, and February following a March through November period when the UIFR was less than 1,600,000 AF, when and after water is being released from Folsom Reservoir for flood protection.

No Action Alternative

Under the no action alternative, Reclamation would not execute a temporary WA contract with SSWD.

National Environmental Policy Act (NEPA) Compliance

The purpose of this document is to meet Reclamation's obligations pursuant to the NEPA of 1969 (42 United States Code [U.S.C.] 4321 et seq.), Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] Parts 1500-1508), and the Departmental Manual (DM) 516 DM 1-7.

The proposed action does not qualify for categorical exclusion from NEPA review because specific exclusions category for temporary WA contracts is not available. The proposed action does, however, meet all the evaluation criteria to be categorically exempt because the proposed action does not: 1) have a significant effect on the quality of human environment and 2) involve unresolved conflicts concerning alternative uses of available resources.

Environmental Consequences

A draft EA which evaluates the potential effects of executing a long-term (40 year) WA contract for the same water sources identified in the proposed action was prepared by Reclamation in October 2006 (Reclamation 2006). The analysis contained in the October 2006 EA is incorporated by reference into this EA.

This section describes the potential environmental consequences (i.e. potential impacts) for the proposed action and the no action alternative. The resources and issues described in this document include:

- Water Supply and Hydrology
- Facility Operations
- Biological Resources
- Cultural Resources
- Indian Trust Assets

This EA does not analyze resources for which it would be reasonable to assume that impacts do not occur. Specifically, potential effects to water quality, land use, recreation, air quality, soils, visual resources, transportation, noise, hazards, hazardous materials, public services, non-water utilities and service systems, and socio-economics are not analyzed because they were not identified as potential issues during scoping for the long-term WA and it would not be reasonable to assume that the proposed temporary WA contract would result in any potential changes to these resources or services.

Water Supply and Hydrology

Proposed Action

Implementation of the proposed action does not change current hydrology for the water sources included in the proposed action. Potential changes in French Meadows and Hell Hole Reservoir storage and surface water elevation would not adversely affect water supply availability for CVP, State Water Project (SWP) customers, and non-CVP American River water users. In addition, there would be no impacts on water supply availability at Folsom Reservoir or within the Lower American River (LAR) under the proposed action, relative to the no action alternative.

Existing minimum in-stream flow agreements would remain in effect and Non-Project water shall be delivered to the contractor only: a) in years when the projected March-to-November unimpaired inflow to Folsom Reservoir is greater than 1,600,000 AF; or b) Notwithstanding a) above, in a December, January, and February following a March through November period when the unimpaired inflow was less than 1,600,000 AF, when and after water is being released from Folsom Reservoir for flood protection.

No Action

Implementation of the no action alternative does not change the current hydrology of the Middle Fork of the American River.

Cumulative Effects

The proposed action, when added to other past, present, and reasonably foreseeable future actions, does not result in cumulative effects to water supply or hydrology. There are no cumulative effects to water supply or hydrology because the proposed action is a temporary 1-year contract, that is contingent on hydrologic conditions and existing agreements.

Conclusion

Implementation of the proposed action, relative to the no action alternative, would result in no adverse direct, indirect, or cumulative effects for the Middle Fork of the American River because in-stream flows would remain the same and existing minimum in-stream flow agreements would remain in effect. Therefore, implantation of the proposed action, relative to the no action alternative would result in no adverse impacts to water supply and hydrology.

Facility Operations

Proposed Action

The draft EA for the long-term WA contract (Reclamation 2006) included analysis to evaluate potential impacts to Folsom Reservoir operations and Reclamation's management of the cold-

water pool with implementation of the long-term WA contract. This analysis indicates that only minor changes in cold-water pool volume would result in any change to Folsom Reservoir operations and therefore would not have an adverse affect on Reclamation's ability to meet downstream fisheries requirements. Because the implementation of the long-term WA contract

was found to not adversely affect Folsom Reservoir operations, it is reasonable to conclude that implementation of the proposed action, temporary 1-year contract, would also not result in any adverse affects to Reclamation's operation of Folsom Reservoir or management of the cold-water pool.

No Action

Implementation of the no action alternative has no impact to Folsom Reservoir facility operations or to the cold-water pool in Folsom Reservoir. The water sources identified in the proposed action would continue to flow downstream into Folsom Reservoir.

Cumulative Effects

The proposed action, when added to other past, present, and reasonably foreseeable future actions, would have no result in any cumulative effects to Folsom Dam and Reservoir operations or cold-water pool management because the proposed action is a temporary 1-year contract that is contingent on hydrologic conditions.

Conclusion

Implementation of the proposed action would not adversely affect Folsom Reservoir operations because the analysis conducted for implementation of the long-term WA contract found that there were no adverse affects to Folsom Reservoir operations. Therefore, it is reasonable to conclude that implementation of the proposed action, a temporary 1-year contract would also not result in any adverse affects to Reclamation's operation of Folsom Reservoir or management of the cold-water pool. There are no indirect or cumulative effects to Folsom Dam and Reservoir associated with the proposed action.

Biological Resources

Aquatic Resources

Central Valley steelhead and fall- and spring-run Chinook salmon may occur in the American River below Folsom and Nimbus Dams. Spring-run Chinook salmon juveniles could enter and rear in the American River (i.e. non-natal rearing). American River steelhead and Chinook salmon populations consist of a mixture of hatchery and wild fish. Critical habitat for Central Valley steelhead and spring-run Chinook salmon includes the LAR.

Other federally listed aquatic species within the Sacramento-San Joaquin system include the Delta smelt, winter-run Chinook salmon, and green sturgeon. These species are not known to

occur in the American River. Delta smelt occur in the main stem Sacramento River. Winter-run Chinook salmon primarily spawn in the main stem Sacramento River between Keswick Dam and the Red Bluff Diversion Dam. There have been no recent occurrences of green sturgeon (adults or juveniles)) in the American River. Reclamation determined that there was no effect to Delta smelt, winter-run Chinook salmon, or green sturgeon because they do not occur in the action area.

Proposed Action

The proposed action will have no effect to listed or proposed aquatic species, or designated or proposed critical habitat protected under the Endangered Species Act (ESA). This determination is based on the following:

- The analysis for the long-term WA contract found that there was not a significant adverse affect to the Folsom Reservoir operations of cold-water pool management with implementation of a temporary 1-year contract; it is reasonable to conclude that implementation of the proposed action would also not result in any adverse affects to Reclamation's operation of Folsom Reservoir or management of the cold-water pool to meet downstream fisheries requirements for steelhead and fall- and spring-run Chinook salmon.
- The contract is a temporary 1-year action.

No Action

Implementation of the no action alternative would have no effect to listed or proposed species or designated or proposed critical habitat protected under the ESA.

Cumulative Effects

The proposed action, when added to other past, present, and reasonably foreseeable future actions, would not result in adverse cumulative effects to listed species or critical habitat because the contract is a temporary 1-year action and only water that is measured and reported as entering Folsom Reservoir will be available for diversion. No interrelated to interdependent actions have been identified, associated with the proposed action.

Conclusion

Implementation of the proposed action would result in no effects to aquatic species and critical habitat protected under the ESA.

Cultural Resources

The area of potential effect for the proposed action is defined in the October 2006 Long Term WA EA.

Proposed Action

The proposed action will not affect properties listed or eligible for listing in the National Register of Historic Places because no ground disturbing activities are included or will result from the execution of a temporary WA contract.

No Action

Implementation of the no action alternative would have no potential to affect historic properties. The PCWA's MFP is the source of the water and the contract conveyance will not exceed 14,500 AF from March 1, 2011 through February 28, 2012. This water would not be used to place new

or untilled lands into production, nor convert undeveloped land to other used. Additionally, the movement of water would not require the construction of any new water diversion or conveyance facilities.

Cumulative Effects

The proposed action, when added to other past, present, and reasonably foreseeable future actions, would not result in adverse cumulative effects to historic properties because no land use changes or new development would occur in SSWD's existing federal service area.

Conclusion

Implementation of the proposed action, relative to the no action alternative, would result in no potential to effect historic properties pursuant to the regulations of CFR Part 800.3(a)(1).

Indian Trust Assets

There are no tribes possessing legal property interested held in trust by the United States in the water involved with this action, nor is there such a property interest in the lands designated to receive the water proposed in this action. The nearest Indian Trust Asset in the proposed project site is the Auburn Rancheria which is approximately 11 miles NW of the project location.

Proposed action

Indian Trust Assets would not be affected with implementation of the proposed action because there are no assets present in SSWDs existing federal service area.

No Action

Indian Trust Assets would not be affected with implementation of the no action alternative because there are no assets present in SSWD's existing boundaries.

Cumulative Effects

The cumulative effect of the proposed action will have no adverse effects to Indian Trust Assets because a) the project only involves conveyance of Non-Project water through the federal facilities, and b) there are no Indian Trust Asset's located within the area where this water will be delivered.

Conclusion

There are no Indian Trust Assets identified within the action area, therefore no adverse impacts to Indian Trust Assets are anticipated with implementation of the proposed action.

Literature Cited

U.S. Bureau of Reclamation, 2006 Sacramento Suburban Water District Long-Term Warren Act Contract.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

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Long Beach, California 90802-4213

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In response refer to:
2011/00651

Mr. Michael R. Finnegan
U.S. Bureau of Reclamation
Central California Area Office
7794 Folsom Dam Road
Folsom, California 95814-4708

Dear Mr. Finnegan:

This letter is in response to your letter of February 25, 2010, requesting NOAA's National Marine Fisheries Service's (NMFS) concurrence with your determination that the proposed execution of a temporary 1-year Warren Act contract with the Sacramento Suburban Water District (SSWD), may affect, but is not likely to adversely affect, Federally listed anadromous fish species including the Central Valley steelhead (*Oncorhynchus mykiss*) distinct population segment (DPS), the Central Valley spring-run Chinook salmon (*O. tshawytscha*) evolutionarily significant unit (ESU), the Sacramento River winter-run Chinook salmon (*O. tshawytscha*) ESU, and the Southern DPS of North American green sturgeon (*Acipenser medirostris*), or any of the designated critical habitat for these species.

In addition, NMFS has reviewed the proposed action for potential adverse effects to the Essential Fish Habitat (EFH) for Pacific salmon (*Oncorhynchus* spp.) pursuant to section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). This letter also serves as consultation under the authority of and in accordance with the provisions of the Fish and Wildlife Coordination Act of 1934 (FWCA), as amended.

Action Area

The action area is the American River from Folsom reservoir downstream, to the confluence with the Sacramento River, and the Sacramento River downstream from that confluence to San Francisco Bay.

Proposed Action Description

The U.S. Bureau of Reclamation (Reclamation) proposes to facilitate the delivery of up to 14,500 acre-feet (af) of water from Placer County Water Agency (PCWA) through Folsom Reservoir for municipal and industrial (M&I) uses in north-central Sacramento County, hereafter referred to as the proposed action. The purpose and need of this project is to reduce reliance on groundwater resources within the region by facilitating delivery of a substitute surface water supply when available. From 2000 through 2010, Reclamation has executed one-year temporary



Warren Act Contracts with SSWD to convey PCWA's Middle Fork Project water to SSWD through the facilities at Folsom Dam.

The contract makes water available for diversion only in 'wet' water years. There is an existing agreement described in the Water Forum Agreement that conditions the delivery of Central Valley Project non-project water from PCWA to SSWD. Those conditions are as follows. Central Valley Project non-project water shall be delivered to SSWD only: (a) in years when the projected March through November unimpaired¹ inflows to Folsom Reservoir (UIFR) is greater than 1,600,000 af; or (b) in December, January, and February following a March through November period when the UIFR was less than 1,600,000 af, when and after water is being released from Folsom Reservoir for flood protection. The assurance that these conditions will be in place throughout this 1-year Warren Act contract is provided by the fact that the Water Forum Agreement, as codified by an MOU signed by over 40 business, environmental, water, and public stakeholders. This MOU extends through the year 2030.

Endangered Species Act Section 7 Consultation

The only issue of concern regarding the proposed action's potential impacts on listed anadromous fish species within the action area is the potential warming effect on Folsom Reservoir coldwater pool volume and the potential increase in water temperatures in the lower American River. Because Folsom Reservoir's coldwater storage is limited, Reclamation carefully manages reservoir releases throughout each water year, in order to provide cold water for steelhead juvenile rearing during the summer and fall, and for fall-run Chinook salmon immigration and spawning during the fall. In most years, the summer temperature target of 65 °F² or less at Watt Avenue for the protection of juvenile steelhead is exceeded. For example, from 1999 through 2009, the 65 °F water temperature target was exceeded every summer except for the summer of 2005. This is important because exposure to mean daily water temperatures warmer than 65 °F is associated with the prevalence of bacterial infections in juvenile steelhead in the lower American River (Water Forum 2005). Therefore, any proposed projects that would decrease Folsom Reservoir coldwater pool volume, would be expected to make achieving the summer temperature target more difficult, and as such, which would have the potential to adversely affect lower American River steelhead (and their designated critical habitat), which utilize the river year-round.

The potential effects of the proposed action on steelhead rearing during the summer were evaluated by considering the current water conditions, and projected 2011 water conditions. Figure 1 shows current storage condition, average storage condition, dry storage conditions, wet storage conditions, and 2004-2005 water conditions. Because of this year's favorable water conditions, above average reservoir storage, very good snow pack, and the relative magnitude of water quantity in the proposed action, we do not expect the water temperature to exceed 65 °F. Therefore the effects of this proposed action are discountable and are not likely to adversely affect steelhead.

¹ Unimpaired runoff represents the natural water production of a river basin, unaltered by upstream diversions, storage, export of water to or import of water from other basins.

² Measured as the mean daily water temperature.

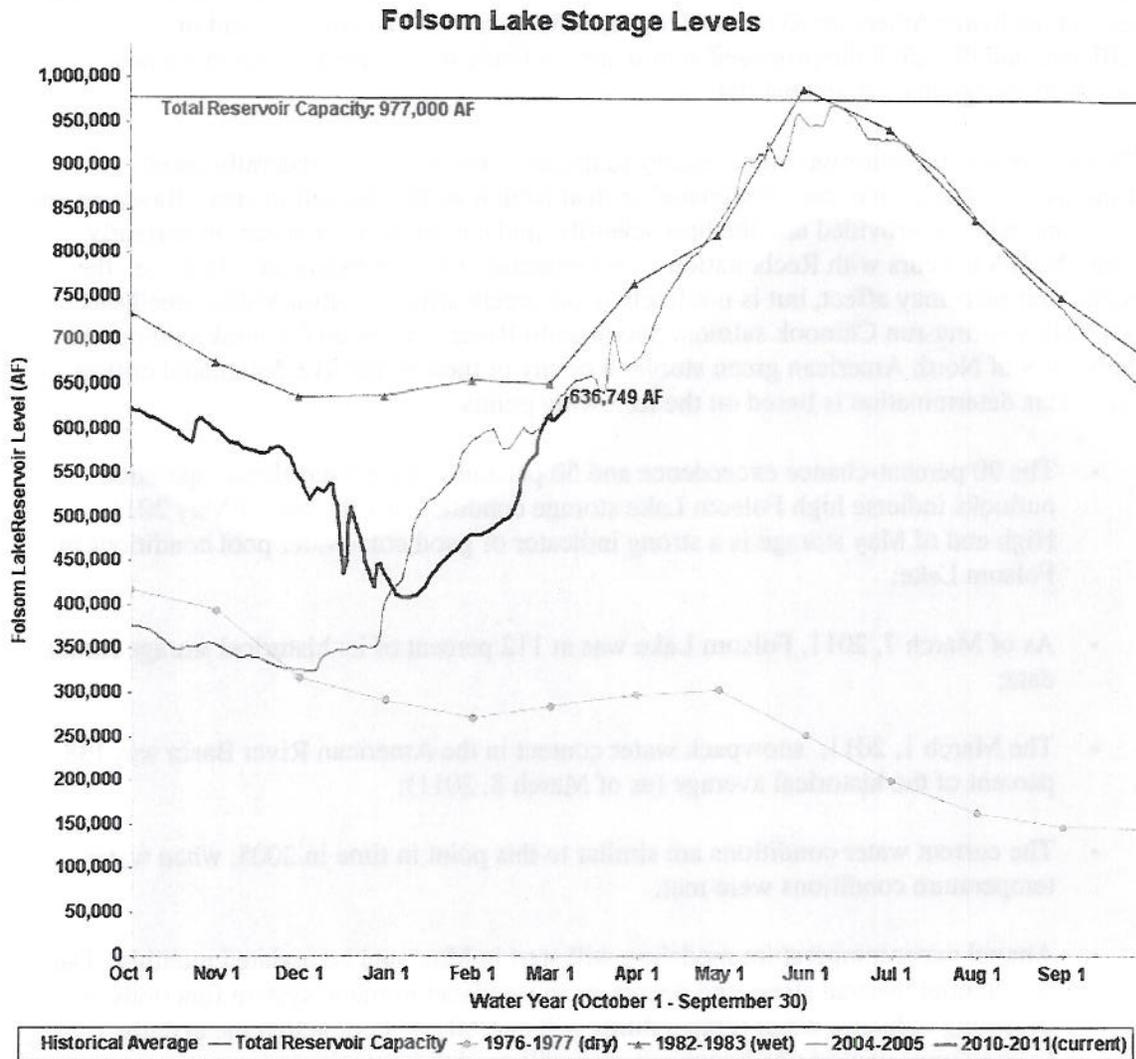


Figure 1. Current Water Conditions (March 8, 2011)
<http://cdec.water.ca.gov/cdecapp/resapp/resDetailOrig.action?resid=FOL>

Because spring- and winter-run Chinook salmon only utilize the lower American River for non-natal rearing and are believed to be present in the river only during the winter and early spring, when water temperatures are not a concern, the effects of the proposed action are discountable for these species.

Because the maximum temperature target is within the optimal temperature range for juvenile green sturgeon, and the proposed action will not alter water quality in the action area, the

potential effects of the proposed action on the threatened Southern DPS of North American green sturgeon in the lower American River and Sacramento River are discountable and or insignificant, and therefore the proposed action are not likely to adversely affect this listed species, or its designated critical habitat.

NMFS has received the information necessary to initiate consultation on federally listed anadromous fish species and their designated critical habitat within the action area. Based on our review of the material provided and the best scientific and commercial information currently available, NMFS concurs with Reclamation's determination that the proposed action (i.e., the temporary contract) may affect, but is not likely to adversely affect, Central Valley steelhead, Central Valley spring-run Chinook salmon, Sacramento River winter-run Chinook salmon, the Southern DPS of North American green sturgeon or any of their respective designated critical habitats. This determination is based on the following points:

- The 90 percent-chance exceedence and 50 percent-chance exceedence operation outlooks indicate high Folsom Lake storage conditions by the end of May 2011. High end of May storage is a strong indicator of good cold-water pool conditions in Folsom Lake;
- As of March 7, 2011, Folsom Lake was at 112 percent of its historical storage for that date;
- The March 1, 2011, snowpack water content in the American River Basin was 138 percent of the historical average (as of March 8, 2011);
- The current water conditions are similar to this point in time in 2005, when water temperature conditions were met;
- Annual water temperature modeling will start in May, and be updated monthly. Due to potential thermal stress and decreases in steelhead immune system functions, if modeling indicates water temperatures will exceed 65° F, or actual mean daily temperatures exceed 65° F, consultation will need to be reinitiated;
- The proposed action is for a temporary one-year contract and there are no growth inducing impacts (ground disturbance) resulting from the temporary contract; and
- Current Delta conditions that affect green sturgeon would not change as a result of Reclamation's action and no physical construction or permanent modification of habitat for green sturgeon would occur with implementation of the proposed action.

This concludes informal consultation for the proposed action. This concurrence does not provide incidental take authorization pursuant to section 7(b)(4) and section 7(o)(2) of the ESA, as amended. Reinitiation of consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law), and if: (1) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered, including but not limited to either modeled or

actual water temperatures at Watt Avenue in excess of 65° F; (2) the action itself is subsequently modified in a manner that causes adverse effects to listed species or critical habitat; or (3) a new species is listed or critical habitat designated that may be affected by this action.

Consultation for EFH and FWCA

The lower American River within the proposed action area has been identified as EFH for Pacific salmon in Amendment 14 of the Pacific Salmon Fishery Management Plan pursuant to the MSA. Federal action agencies are mandated by the MSA (Section 305[b][2]) to consult with NMFS on all actions that may adversely affect EFH, and NMFS must provide EFH conservation recommendations back to those agencies (Section 305[b][4][A]). Because the end-of-September coldwater pool is expected to be adequate for the protection of fall-run Chinook salmon habitat, NMFS concludes that EFH will not be adversely affected, and additional EFH Conservation Recommendations are not being provided at this time; however, if there is a substantial revision to the proposed action, Reclamation will need to re-initiate EFH consultation.

The purpose of the FWCA is to ensure that wildlife conservation receives equal consideration, and is coordinated with other aspects of water resources development [16 U.S.C. 661]. The FWCA establishes a consultation requirement for Federal departments and agencies that undertake any action that proposes to modify any stream or other body of water for any purpose, including navigation and drainage [16 U.S.C 662(a)]. Consistent with this consultation requirement, NMFS provides recommendations and comments to Federal action agencies for the purpose of conserving fish and wildlife resources. The FWCA provides the opportunity to offer recommendations for the conservation of species and habitats beyond those currently managed under the ESA and MSA. NMFS has no additional FWCA comments to provide.

Please contact Gary Sprague at (916) 930-3615, or via e-mail at gary.sprague@noaa.gov if you have any questions concerning this correspondence or require additional information.

Sincerely,


for Rodney R. McInnis
Regional Administrator

cc: Copy to file – ARN 151422SWR2005SA00692
NMFS-PRD, Long Beach, CA

