

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Southern San Joaquin Municipal Utility District Partial Assignment of 5,000 acre- feet of Central Valley Project Water to Kern- Tulare Water District

FONSI-11-008

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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 Bureau of Reclamation (Reclamation), has determined that an environmental impact statement is not required for the approval of the partial assignment of 5,000 acre-feet (AF) of Southern San Joaquin Municipal Utility District's (SSJMUD) Class 2 allocation from Millerton Lake to Kern-Tulare Water District (KTWD). This Finding of No Significant Impact is supported by Reclamation's Environmental Assessment (EA) Number EA-11-008, *Southern San Joaquin Municipal Utility District Partial Assignment of 5,000 acre-feet of Central Valley Project Water to Kern-Tulare Water District*, and is hereby incorporated by reference.

Reclamation provided the public with an opportunity to comment on the Draft Finding of No Significant Impact and Draft EA/IS between September 9, 2011 and October 11, 2011. Comment letters were received from Arvin-Edison Water Storage District and the U.S. Fish and Wildlife Service. Comment letters and Reclamation's response to comments are included in Appendix C of the Final EA.

Background

KTWD is a South-of-Delta (SOD) Cross Valley (CV) Central Valley Project (CVP) contractor with two separate water service contracts (Contract No. 14-06-200-8601A-IR13 for 40,000 AF and Contract No. 14-06-200-8367A-IR13 for 13,300 AF) with Reclamation for a total of 53,300 AF from the Sacramento-San Joaquin River Delta (Delta).

SSJMUD is a Friant Division CVP contractor with a 9(d) Repayment Contract (Contract No. I1r-1460-AD) with Reclamation. Under this contract, SSJMUD has a Class 1 allocation of 97,000 AF and a Class 2 allocation of 50,000 AF. Both districts are located adjacent to each other on the eastern side of the San Joaquin Valley. SSJMUD is located entirely within Kern County and KTWD is located in southern Tulare and northern Kern counties.

Proposed Action

Reclamation proposes to approve the partial assignment of 5,000 AF of SSJMUD's Class 2 allocation from Millerton Lake to KTWD and the consequent reduction of SSJMUD's Class 2 allocation.

Delivery of this water will be done through existing turnouts on the Friant-Kern Canal (FKC), between mileposts 111.56 and 151.81. The assigned 5,000 AF of Class 2 contractual supply will be used to meet KTWD's in-district demands and other uses consistent with the existing Repayment Contract and Reclamation approvals.

No new infrastructure, modifications of facilities, or ground disturbing activities will be needed for movement of this water. No native or untilled land (fallow for three consecutive years or more) will be cultivated with water involved with these actions.

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

The Proposed Action is the assignment of an existing CVP Class 2 allocation from a Friant Division CVP contractor to another CVP contractor located within the Friant Division service area. No additional diversions are being generated or needed for the assignment. No modifications of existing facilities are required for the movement of this water from SSJMUD to KTWD. Therefore, there will be no impact to district or federal facilities or water rights as a result of the Proposed Action.

The water under this assignment is only 10 percent of SSJMUD's Class 2 water supply and will not impact SSJMUD's firm Class 1 water supply. As the availability of a Class 2 water supply is dependent on hydrologic conditions and is not a dependable water supply, and the total amount of SSJMUD's CVP water supply will only be reduced by approximately three percent, the Proposed Action is not expected to have significant impacts on SSJMUD's total water supplies.

Class 2 water supplies are allocated only after 100 percent Class 1 supplies have been allocated; however, between 2002 and 2011, only one year (2007) had a zero allocation for Class 2 supplies. Thus, the addition of 5,000 AF to KTWD's existing SOD CVP water supply will increase their overall water supply during times when it is available.

Incidental recharge of the underlying groundwater from use of imported surface water for irrigation will be similar to existing conditions as KTWD and SSJMUD share the same groundwater basin and are located adjacent to each other. In addition, increased surface water supplies may reduce the need for additional groundwater pumping in KTWD to meet irrigation demands. Therefore, the Proposed Action will have slight beneficial impacts to groundwater resources.

Land Use

Water for the Proposed Action will come from SSJMUD's Class 2 allocation and will not change SSJMUD's firm Class 1 supply. In addition, the partial assignment is only 10 percent of SSJMUD's 50,000 AFY Class 2 supply. As delivery of this water is dependent on hydrologic conditions, is not a firm supply, and is only a very small fraction of SSJMUD's CVP water supply, the Proposed Action is not expected to cause fallowing or land uses changes within SSJMUD. KTWD will use the water for existing permanent crops within its service area. No native habitat, untilled lands or lands fallow for three or more consecutive years will be brought into production with this water. Therefore, there will be no impacts to land use within KTWD as there would be no land use changes as a result of the Proposed Action.

The majority of land use in the areas surrounding SSJMUD and KTWD is farmland. It is possible that groundwater levels downslope of KTWD could be indirectly benefited by the addition of the assigned Class 2 water supply; however, as these lands are already in production and used as farmland, the slight increase in groundwater levels will not change land use in these

areas. There are grazing lands within the foothills to the east and southeast of KTWD; however, as these lands are generally upslope and groundwater travels downslope, no increase in groundwater levels are expected to occur. Therefore, no impact to land use is expected within the areas surrounding KTWD or SSJMUD.

Biological Resources

Under the Proposed Action, assigned water will be conveyed in existing facilities to established agricultural lands. No native lands or lands fallowed and untilled for three or more consecutive years will be disturbed. The Proposed Action will not affect migratory birds protected by the Migratory Birds Treaty Act, imperiled species, unique habitats, or species and habitats protected by federal or state law. No Essential Fish Habitat exists in the authorized Place of Use within the bounds of the agencies therefore the Proposed Action will not affect Essential Fish Habitat. Reclamation has determined that the Proposed Action will have no effect to listed species or designated critical habitat under the Endangered Species Act (ESA, 16 U.S.C. §1531 et. seq.) for the proposed federal action of approving this assignment. Per Biological Opinion (1-1-01-1-031 1) on *Implementation of the Central Valley Project Improvement Act and Continued Operation and Maintenance of the Central Valley Project*, Reclamation prepared and provided a letter June 13, 2011 notifying the U.S. Fish and Wildlife Service of its determination.

Cultural Resources

The Proposed Action consists of Reclamation issuing a partial assignment contract to KTWD and reducing SSJMUD's repayment contract through a partial assignment agreement. As with the No Action alternative, the Proposed Action will result in no impacts to cultural resources.

Indian Sacred Sites

The Proposed Action involves the conveyance of water through existing facilities to established agricultural lands. Under the Proposed Action, neither restriction of access to nor adverse effects to the physical integrity of any sacred sites will occur. As such, there will be no impacts to Indian sacred sites as a result of the Proposed Action.

Indian Trust Assets

There will be no impact to Indian Trust Assets (ITA) as there are none in the Proposed Action area. The nearest ITA is Tule River Reservation located approximately 16 miles northeast of the Proposed Action location.

Environmental Justice

The Proposed Action will not cause dislocation, changes in employment, or increase flood, drought, or disease nor will it disproportionately impact economically disadvantaged or minority populations. The Proposed Action may support and maintain jobs that low-income and disadvantaged populations rely upon through increased irrigation water supply reliability. Therefore, there may be a slight beneficial impact to minority or disadvantaged populations as a result of the Proposed Action.

Socioeconomic Resources

The assignment of 5,000 AF of SSJMUD's Class 2 allocation to KTWD will reduce the potential need for KTWD to purchase additional water supplies at a much higher rate on the open market.

The availability of this additional supplemental water supply will have slight beneficial impacts on socioeconomic resources within KTWD as this water will be used to help sustain existing crops. In addition, as this is only 10 percent of SSJMUD's Class 2 allocation, SSJMUD will still have sufficient irrigation water (97,000 AF Class 1 and the remaining 45,000 AFY of Class 2 water) and will not be impacted by the assignment. Therefore, there will be no significant impacts to socioeconomics within either district.

Air Quality

Under the Proposed Action, Friant Division Class 2 water will be delivered off the FKC to KTWD rather than SSJMUD. Delivery of this water will require no modification of existing facilities or construction of new facilities. In addition, water will be moved either via gravity or electric pumps which will not produce emissions that impact air quality. Therefore, a conformity analysis is not required and there will be no impact to air quality as a result of the Proposed Action.

Global Climate Change

Electric pumps produce carbon dioxide that could potentially contribute to greenhouse gases (GHG). However, water under the Proposed Action is water that will be delivered from the FKC with or without the Proposed Action and is therefore part of the existing conditions. There will be no additional impacts to GHG as a result of the Proposed Action.

Cumulative Impacts

The addition of 5,000 AF of SSJMUD's Class 2 water supply to KTWD's water supply will have a slight beneficial impact cumulatively to KTWD's overall water supply reliability. However, the Class 2 water supply is an undependable water supply and it is likely that KTWD will continue to pursue other water service related options as it has in the past in order to provide a more reliable water supply. As the reduction of 5,000 AF of SSJMUD's Class 2 water supply will not change their Class 1 supply, the Proposed Action is not expected to cumulatively significantly impact water supplies within SSJMUD. In addition, no cumulative impact to groundwater resources is expected as the Proposed Action will likely have similar results as the No Action Alternative as surface water will be delivered to the same general area for irrigation.

In recent years, land use changes within the San Joaquin Valley have involved the urbanization of agricultural lands. These types of changes are typically driven by economic pressures and are as likely to occur with or without the Proposed Action; therefore, no cumulative impacts to land use are expected as a result of the Proposed Action.

Existing conditions, such as loss of habitat due to urbanization and expanding agricultural lands that cumulatively impact listed species and their habitats, are expected to occur with or without the Proposed Action. Assignment of 5,000 AF of SSJMUD's Class 2 allocation is not expected to contribute cumulatively to habitat loss as this water will be used on existing crops. In addition, all conditions under the existing contract that protect biological resources will be transferred to KTWD for the portion allocated under the partial assignment. Therefore, there will be no cumulative impacts to biological resources as a result of the Proposed Action.

The Proposed Action, when added to other existing and proposed actions, will have a slight beneficial contribution to cumulative impacts for minority or disadvantaged populations as it will help support and maintain jobs that low-income and disadvantaged populations rely upon due to increased irrigation water supply reliability.

There may be adverse impacts to socioeconomic resources under the No Action Alternative as KTWD may need to purchase more costly water supplies and/or increase groundwater pumping in order to meet irrigation demand. There will be no impact to SSJMUD as conditions will remain the same within the district. Over the long term, the Proposed Action will facilitate an increase in the reliability of KTWD's surface water supply. This will subsequently help to maintain the economic viability of irrigated agriculture within the district, which presently includes a significant percentage of permanent crops. There is greater economic output associated with permanent crops, which includes a year-round demand for farm labor (as compared to annual crops). When added to other similar existing and proposed actions, the Proposed Action will contribute to slight beneficial cumulative impacts to socioeconomic resources within KTWD. No cumulative impacts are expected to occur for SSJMUD as the assignment is only 10 percent of SSJMUD's undependable water supply and will not impact their firm Class 1 water supply.

Impacts from GHG are considered to be cumulative impacts; however, delivery of water with or without the Proposed Action is part of the existing baseline conditions of the Central Valley and is not expected to produce additional GHG that could contribute to global climate change. Likewise, there will be no cumulative impacts to air quality as there will be no emissions that impact air quality or construction activities that will produce emissions that could cumulatively impact air quality.

Overall there will be no significant cumulative impacts caused by the Proposed Action.

RECLAMATION

Managing Water in the West

Final Environmental Assessment/Initial Study

Southern San Joaquin Municipal Utility District Partial Assignment of 5,000 acre-feet of Central Valley Project Water to Kern-Tulare Water District

EA-11-008



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

**Kern-Tulare Water District
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Bakersfield, California**

January 2012

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.

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List of Acronyms and Abbreviations

AEWSD	Arvin-Edison Water Storage District
AF	Acre-feet
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CO	Carbon monoxide
CO ₂	Carbon dioxide
CNDDDB	California Native Diversity Database
CNPS	California Native Plant Society
CV	Cross Valley
CVP	Central Valley Project
CWA	Clean Water Act
Delta	Sacramento-San Joaquin River Delta
DWR	California Department of Water Resources
EA	Environmental Assessment
EPA	Environmental Protection Agency
FKC	Friant-Kern Canal
FWCA	Fish and Wildlife Coordination Act
GHG	greenhouse gases
IS	Initial Study
ITA	Indian Trust Asset
KTWD	Kern-Tulare Water District
mg/m ³	Milligram per cubic meter
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
National Register	National Register of Historic Places
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NKWSD	North Kern Water Storage District
NO ₂	Nitrogen dioxide
NO _x	Nitrogen oxides
O ₃	Ozone
PM _{2.5}	Particulate matter less than 2.5 microns in diameter

PM ₁₀	Particulate matter between 2.5 and 10 microns in diameter
ppm	Parts per million
Reclamation	Bureau of Reclamation
RRBWSD	Rosedale-Rio Bravo Water Storage District
SIP	State Implementation Plan
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Air Pollution Control District
SO ₂	Sulfur dioxide
SOD	South-of-Delta
SSJMUD	Southern San Joaquin Municipal Utility District
SWP	State Water Project
µg/m ³	Microgram per cubic meter
U.S.C.	U.S. Code
USFWS	U.S. Fish and Wildlife Service

Introduction

Revisions resulting from comments received by Arvin-Edison Water Storage District (AEWSD) and the U.S. Fish and Wildlife Service (USFWS) have been incorporated into the Final Environmental Assessment (EA) / Initial Study (IS). Changes to the draft EA/IS that are not minor editorial revisions are indicated by vertical lines on the left side of document.

Section 1 Purpose and Need for Action

This EA/IS was jointly prepared by the Bureau of Reclamation (Reclamation) as the lead federal agency and Kern-Tulare Water District (KTWD) as the lead state agency to satisfy the requirements of both the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA).

1.1 Background

KTWD is a South-of-Delta (SOD) Cross Valley (CV) Central Valley Project (CVP) contractor with two separate water service contracts (Contract No. 14-06-200-8601A-IR13 for 40,000 acre-feet [AF] and Contract No. 14-06-200-8367A-IR13 for 13,300 AF) with Reclamation for a total of 53,300 AF from the Sacramento-San Joaquin River Delta (Delta).

Southern San Joaquin Municipal Utility District (SSJMUD) is a Friant Division CVP contractor with a 9(d) Repayment Contract (Contract No. I1r-1460-AD) with Reclamation. Under this contract, SSJMUD has a Class 1 allocation of 97,000 AF and a Class 2 allocation of 50,000 AF. Class 1 water is considered as the first 800,000 AF supply of CVP water stored in Millerton Lake, which would be available for delivery from the Friant-Kern Canal (FKC) and/or Madera Canals as a dependable water supply during each Contract Year¹. Class 2 water is considered as the next approximate 1,400,000 AF supply of non-storable CVP water which becomes available in addition to the Class 1 supply and, due to the uncertainty of its availability, is considered to be undependable in character and is furnished only if and when it can be made available as determined by Reclamation per Contract Year.

Class 1 and 2 waters are not inclusive of waters released by Reclamation from Friant Dam for environmental and/or other obligations.

SSJMUD and KTWD have requested Reclamation approval for the partial assignment of 5,000 AF of SSJMUD's Class 2 supply to KTWD.

1.2 NEPA Purpose and Need/Project Objectives

California has experienced a severe drought in recent years that has reduced water supplies to many CVP contractors. SOD CVP water service contractors, including CV contractors,

¹ A Contract Year is from March 1 of a given year through February 28/29 of the following year.

experienced reduced water supply allocations in 2007, 2008, 2009, 2010, and 2011 due to hydrologic conditions and regulatory requirements. It is likely that SOD CVP contractors will need to supplement supplies in the future to meet demands in many years because of dry years and overall CVP operational constraints. KTWD, as a SOD CVP contractor, thus needs to identify additional supplies to avoid shortages for their customers. In addition, KTWD has a contract with the City of Bakersfield for Kern River water, the initial term for which terminates at the end of 2011, and the quantity available and terms thereafter are less certain.

The purpose of this partial assignment is to provide KTWD with an additional source of water to meet existing demands.

1.3 Scope/ Project Location and Setting

This EA/IS is being prepared to examine the potential impacts of approving the permanent partial assignment of 5,000 AF of SSJMUD's Class 2 allocation to KTWD. This EA has also been prepared to examine the potential impacts of the No Action Alternative.

Both districts are located adjacent to each other on the eastern side of the San Joaquin Valley. SSJMUD is located entirely within Kern County and KTWD is located in southern Tulare and northern Kern counties (Figure 1-1).

1.4 Reclamation's Legal and Statutory Authorities and Jurisdiction Relevant to the Proposed Federal Action

Several Federal laws, permits, licenses and policy requirements have directed, limited or guided the NEPA analysis and decision-making process of this EA/IS and include the following as amended, updated, and/or superseded (all of which are incorporated by reference):

- *The Reclamation Reform Act of 1982* applies to all irrigation land within an irrigation/water district, which has a water service or repayment contract with Reclamation and is subject to the acreage limitation and full-cost provisions of Reclamation law.
- *Article 32 of the 9(d) Repayment Contracts for Friant Division Contractors* authorizes the Secretary of the Interior to enter into assignment contracts pursuant to Reclamation law.

1.5 Potential Issues

This EA/IS will analyze the affected environment of the Proposed Action in order to determine the potential direct, indirect, and cumulative impacts to the following resources: Water Resources, Land Use, Biological Resources, Cultural Resources, Indian Trust Assets (ITA), Socioeconomic Resources, Environmental Justice, Air Quality, Global Climate, Aesthetics, Agricultural Resources, Geology and Soils, Hazards and Hazardous Materials, Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Utilities and Service Systems.

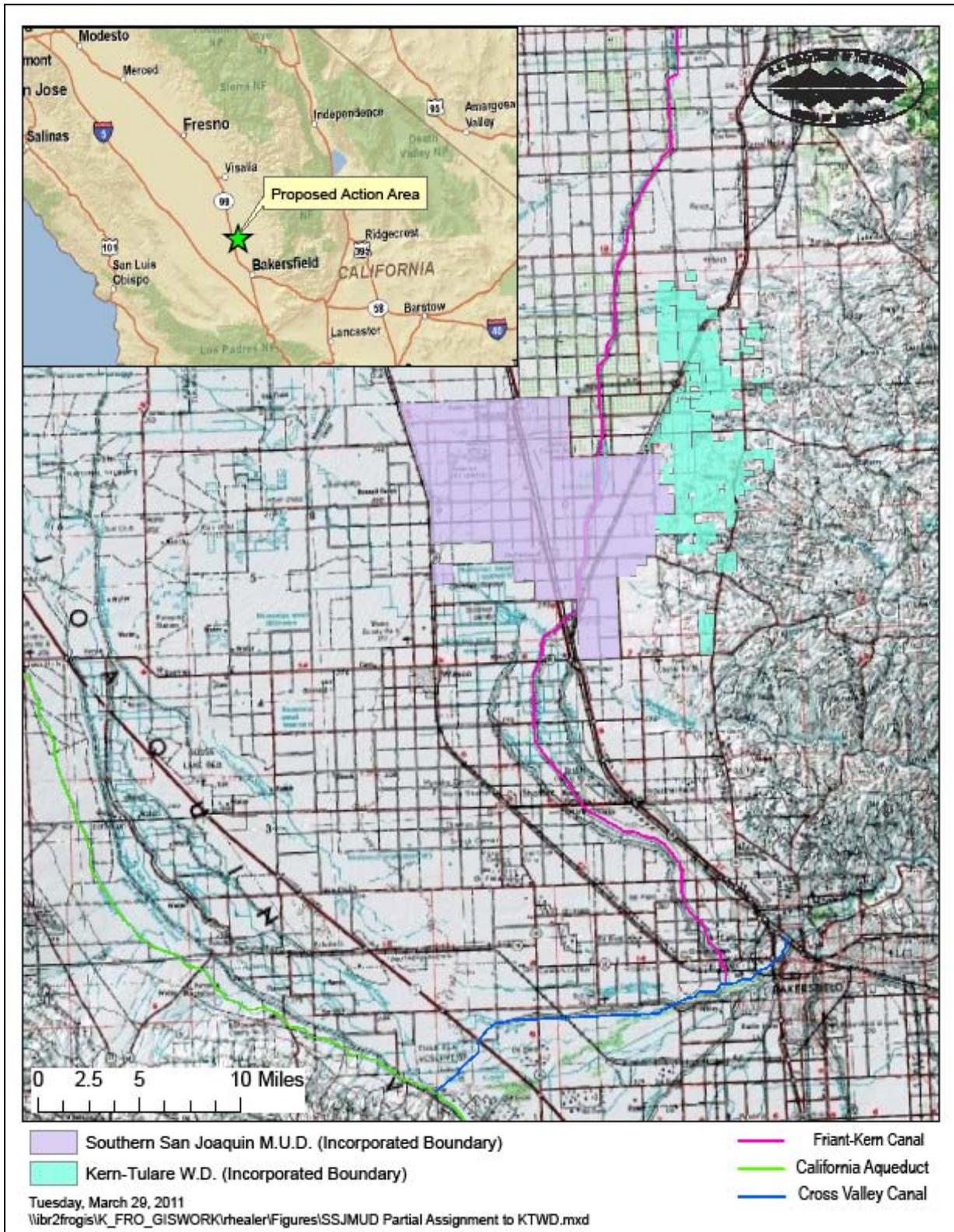


Figure 1-1 Proposed Action Location

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Section 2 Alternatives Including the Proposed Action

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

2.1 No Action Alternative

Under the No Action Alternative, Reclamation would not approve the partial assignment of 5,000 AF of SSJMUD's Class 2 allocation to KTWD. KTWD would not receive additional water supplies that would supplement their reduced surface water supplies. SSJMUD's Class 2 allocation would continue to be used as it has in the past.

2.2 Proposed Action

Reclamation proposes to approve the partial assignment of 5,000 AF of SSJMUD's Class 2 allocation from Millerton Lake to KTWD and the consequent reduction of SSJMUD's Class 2 allocation.

KTWD and Rag Gulch Water District consolidated in 2009 and lands previously under the respective districts are operated as a whole by KTWD as KTWD. Presently, water deliveries under KTWD's two separate CVP contracts are delivered to the lands specified under the respective contracts, i.e. water that would have gone to lands that previously were Rag Gulch Water District still go specifically to those lands. Under the Proposed Action, water from the SSJMUD partial assignment would go to KTWD as a whole.

Delivery of this water would be done through existing turnouts on the FKC, between mileposts 111.56 and 151.81. The assigned 5,000 AF of Class 2 contractual supply would be used to meet KTWD's in-district demands and other uses consistent with the existing Repayment Contract and Reclamation approvals.

No new infrastructure, modifications of facilities, or ground disturbing activities would be needed for movement of this water. No native or untilled land (fallow for three consecutive years or more) would be cultivated with water involved with these actions.

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Section 3 NEPA Affected Environment and Environmental Consequences

This section of the EA/IS includes the NEPA analysis portion of the potentially affected environment and the environmental consequences involved with the Proposed Action and the No Action Alternative.

3.1 Water Resources

3.1.1 Affected Environment

Major facilities of the Friant Division include Friant Dam and Millerton Lake, the Madera Canal and the FKC. The FKC serves over 800,000 acres of farmland and communities in four counties (Reclamation 2011a).

Kern-Tulare Water District

KTWD provides irrigation water to over 19,000 acres of high-value permanent crops in Kern and Tulare counties. The current annual irrigation demand within Kern and Tulare Counties is approximately 53,000 AF, of which approximately 36,000 AF is provided from KTWD. The remaining approximately 17,000 AF demand is met by groundwater pumped by water users. At the present time, approximately 99 percent of irrigated lands are permanent plantings. The distribution system consists of four pumping plants located along the FKC, three regulating reservoirs, six re-lift pumping plants, and approximately 60 miles of buried pipelines. In addition, KTWD operates one pumping plant located in a Delano-Earlimart Irrigation District reservoir.

KTWD has two separate contracts with Reclamation for a total of 53,300 AF from CVP Delta Supplies, an interim renewal contract for KTWD and an assignment agreement from Rag Gulch Water District to KTWD. SOD, including CV, CVP agricultural allocations averaged 62.5 percent over a 10 year period and ranged from 10 percent to 100 percent (Table 3-1). Due to SOD CVP operational constraints and fluctuating hydrologic conditions, water allocations in the future are likely to be similar to those shown in Table 3-1.

Table 3-1 SOD CVP Allocations 2002-2011

Contract Year ¹	Agricultural Allocations (%)	Municipal Allocations (%)
2011	80	100
2010	45	75
2009	10	60
2008	40	75
2007	50	75
2006	100	100
2005	85	100
2004	70	95
2003	75	100
2002	70	95
Average	62.5	87.5

Source: Reclamation 2011b

¹A Contract Year is from March 1 of a given year through February 28/29 of the following year.

Because CV water most often is conveyed in the California Aqueduct and conveyance is subject to capacity being available at Banks Pumping Plant (and Jones Pumping Plant when CVP facilities are used), there are many years that the allocated supply cannot be conveyed to KTWD in a timely manner, and therefore, KTWD has not been able to receive the full 62.5 percent average SOD allocation. As a result of the uncertainty of the availability of pumping capacity, KTWD has entered into exchange agreements and banking programs in order to provide a reliable supply to its lands, the majority of which are planted to permanent crops.

Between 2006 and 2010, KTWD's total annual water supplies averaged 37,064 AF (Table 3-2). Their SOD CVP supply averaged 9,841 AF for the same time period with ranges between zero and 26,650 AF.

Table 3-2 Kern-Tulare Water District's 2006 to 2010 In-District Water Supplies

Year	CVP Water Supplies			Kern River	Floodwater	Banking Programs ³		Total
	Delta ¹	Section 215	Transfers ²			North-Kern	Rosedale	
2010	0	359	19,829	12,616	0	0	0	32,804
2009	5,330	0	7,465	18,864	0	850	4,435	36,944
2008	17,223	0	5,286	17,614	0	19	0	40,142
2007	26,650	0	108	5,152	282	4,124	2,302	38,618
2006	0	4,234	13,196	16,095	3,285	0	0	36,810
Average	9,841	919	9,177	14,068	713	999	1,347	37,064

¹Supplies from KTWD's CV Contract delivered by exchange or transferred in exchange for Friant supply
²Transfers from Friant Division contractors
³Banked water supplies returned from NKWSD and RRBWSD

Southern San Joaquin Municipal Utility District

SSJMUD is comprised of approximately 61,000 acres in Kern County, of which 47,000 are irrigated. SSJMUD has a 9(d) Repayment Contract with Reclamation for 97,000 AFY of Class 1 and 50,000 AFY of Class 2 water and does not have other long-term surface water supplies. The 10 year average for Friant Division Class 1 and Class 2 allocations are shown in Table 3-5. Class 1 allocations averaged 96.5 percent and Class 2 allocations averaged 8.4 percent between Contract Years 2002 and 2011. For SSJMUD, these allocations equate to an average Class 1 supply of 93,605 AF and an average Class 2 supply of 4,950 AF between Contract Year 2002 and 2011 (Table 3-3).

Table 3-3 Friant Division Allocations 2002-2011

Contract Year ¹	Class 1 Allocation (%)	Class 2 Allocation (%)
2011	100	5 ²
2010	100	10
2009	100	10
2008	100	5
2007	65	0
2006	100	10
2005	100	10
2004	100	18
2003	100	8
2002	100	8
Average	96.5	8.4

Source: Reclamation 2011b
¹A Contract Year is from March 1 of a given year through February 28/29 of the following year.
²Initial allocation was 20%. Final allocation as of August 2011 is 5%.

SSJMUD obtains its CVP water supplies from 10 diversion points on the FKC between mileposts 119.6 and 130.4 and has a distribution system of 175 miles of pipeline. SSJMUD operates 16 regulating reservoirs that provide groundwater recharge. Poso Creek and other smaller foothill drainages also provide groundwater recharge. SSJMUD does not own and operate groundwater extraction facilities, although 13 landowners' wells are capable of delivering groundwater into SSJMUD's distribution system to help facilitate water management programs within the District. Landowners must provide wells to irrigate during times when SSJMUD does not have surface water supplies available to meet irrigation demands.

Groundwater Resources

Groundwater overdraft and the potential resulting land subsidence are prevalent in the southern two-thirds of the Central Valley. Currently all basins in this region are in overdraft conditions (California Department of Water Resources [DWR] 2003). During drought, as surface supplies dwindle and carryover storage in reservoirs is not replaced, groundwater pumping increases. Between 1970 and 1993, the total mean annual groundwater extraction within this area was 4.6 million AF (DWR 2003). An annual total average of 0.44 million AF (9.5 percent) was used to meet urban needs and 4.2 million AF (90.5 percent) was used for agriculture. The total mean annual overdraft during this period was nearly 0.8 million AF (DWR 2003).

3.1.2 Environmental Consequences

No Action

Under the No Action Alternative, Reclamation would not approve the partial assignment of 5,000 AF of SSJMUD's Class 2 water supply. Water would continue to be used in SSJMUD as it has in the past. KTWD would continue to receive their existing surface water supplies dependent upon hydrologic conditions and operational constraints as it has in the past. Any additional water supply needs within KTWD would need to be met from other sources, such as purchasing additional water supplies or from additional groundwater pumping. Additional groundwater pumping could lead to further groundwater overdraft.

Proposed Action

The Proposed Action is the assignment of an existing CVP Class 2 allocation from a Friant Division CVP contractor to another CVP contractor located within the Friant Division service area. No additional diversions are being generated or needed for the assignment. No modifications of existing facilities are required for the movement of this water from SSJMUD to KTWD. Therefore, there would be no impact to district or federal facilities or water rights as a result of the Proposed Action.

The water under this assignment is only 10 percent of SSJMUD's Class 2 water supply and would not impact SSJMUD's firm Class 1 water supply. As the availability of a Class 2 water supply is dependent on hydrologic conditions and is not a dependable water supply, and the total amount of SSJMUD's CVP water supply would only be reduced by approximately three percent, the Proposed Action is not expected to have adverse impacts on SSJMUD's total water supplies.

Class 2 water supplies are allocated only after 100 percent Class 1 supplies have been allocated; however, between 2002 and 2011, only one year had a zero allocation for Class 2 supplies (Table

3-5). Thus, the addition of 5,000 AF to KTWD's existing SOD CVP water supply would increase their overall water supply during times when it is available.

Incidental recharge of the underlying groundwater from use of imported surface water for irrigation would be similar to existing conditions as KTWD and SSJMUD share the same groundwater basin and are located adjacent to each other. In addition, increased surface water supplies may reduce the need for additional groundwater pumping in KTWD to meet irrigation demands. Therefore, the Proposed Action would have slight beneficial impacts to groundwater resources.

Cumulative Impacts

Reclamation's South-Central California Area Office has completed environmental analysis on a total of 154 water service related actions out of 182 proposed between 2007 and 2011 (Table 3-4). These actions include: water assignments, water banking activities, water contracts including renewals, amendments and extensions, water exchanges, land exclusions, land inclusions, execution of contracts for surplus water, water transfers, and Warren Act contracts for conveyance and/or storage of non-CVP water in federal facilities.

Table 3-4 Reclamation's Completed Water Service Related Actions 2006-2011

Proposed Water Service Related Projects	2007	2008	2009	2010	2011	Pending
Assignments	0	1	0	0	5	5
Banking	2	5	10	1	4	3
Contracts	2	0	2	3	4	2
Exchanges	5	7	9	4	3	5
Exclusion	2	0	3	3	0	0
Inclusion	4	2	1	3	0	2
Surplus Water	4	3	2	3	2	0
Transfers	5	10	10	7	1	3
Warren Act Contracts	11	8	21	5	5	8
Proposed Water Service Projects relating to KTWD, SSJMUD, or both	5	5	6	5	1	1
Proposed Water Service Projects within the Friant Division Service Area	21	18	13	14	15	19
Pending Water Service Projects	1	2	7	2	15	27
Total Proposed Projects¹	141	109	181	113	57	100

¹Includes all projects proposed for a particular year, not just water service related projects.

Between 2006 and 2011, 81 out of the 182 water service actions were specific to the Friant Division service area. Twenty-two of the 81 water service related actions were actions related either to KTWD, SSJMUD, or both. Proposed KTWD or SSJMUD water service related projects that were previously approved by Reclamation include the following:

- EA-05-120 *Kern-Tulare and Rag Gulch Water Districts 25 Year Conjunctive Use Groundwater Storage and Extraction Project.*
- EA-07-018 *Contract for Conveyance of Non-Project Water for Kern-Tulare Water District and Rag Gulch Water District.*
- EA-07-105 *Contract for Conveyance of Non-Project Water for Kern-Tulare Water District and Rag Gulch Water District.*

- Categorical Exclusion Checklist (CEC)-07-123 *Southern San Joaquin Municipal Utility District (SSJMUD) Inclusion of Lands to SSJMUD.*
- EA-08-038 *Return of Westlands Water Districts' Previously Banked CVP Water in NKWSD via Exchange with Kern-Tulare Water District.*
- EA-08-067 *Approval for One-Year Exchange and Transfer from Kern-Tulare and Rag Gulch Water Districts to Kern County Water Agency.*
- CEC-08-084 *Kern Tulare and Rag Gulch Water Districts Contract Assignment.*
- Supplemental EA-09-083 *Long-term Exchange between Tulare Irrigation District, Cawelo Water District and Southern San Joaquin Municipal Utility District for Paramount Citrus Association.* The original long-term exchange was analyzed under EA-02-061.
- EA-09-11-MP *Kern Tulare Water District Return of Banked Water*
- CEC-09-111 *Kern-Tulare Water District Detachment and Concurrent Southern San Joaquin Municipal Utility District Inclusion.*
- CEC-09-146 *Detachments "T" and "U" Kern-Tulare Water District.*
- CEC-10-053 *Southern San Joaquin Municipal Utility District Sphere of Influence Revision Annexation #4.*
- CEC-10-040 *Detachment of lands from Kern-Tulare Water District and Annexation of the Same Land and Other Lands to Southern San Joaquin Municipal Utility District Inclusion.*
- CEC-10-108 *Kern-Tulare Water District Exclusion of Lands.*
- CEC-10-100 *Exclusion of Land from Kern-Tulare Water District.*

A total of 27 proposed water service projects are still pending from the past five years including the 15 water service projects proposed for 2011 (Table 3-6). The one project still pending for KTWD and SSJMUD includes the Proposed Action analyzed within this EA. All of the pending actions are currently undergoing environmental analysis. Any future proposed activities would require environmental review prior to implementation. It is likely more districts will request additional water service actions in 2011, similar to previous years. The Proposed Action is not likely to cumulatively impact this trend.

The addition of 5,000 AF of SSJMUD's Class 2 water supply to KTWD's water supply would have a slight beneficial impact cumulatively to KTWD's overall water supply reliability. However, the Class 2 water supply is an undependable water supply and it is likely that KTWD would continue to pursue other water service related options as it has in the past in order to provide a more reliable water supply.

As the reduction of 5,000 AF of SSJMUD's Class 2 water supply would not change their Class 1 supply, the Proposed Action is not expected to cumulatively adversely impact water supplies within SSJMUD.

No cumulative impact to groundwater resources is expected as the Proposed Action would likely have similar results as the No Action Alternative as surface water would be delivered to the same general area for irrigation.

3.2 Land Use

3.2.1 Affected Environment

SSJMUD was formed in 1935 and is located in Kern County, approximately 75 miles southeast of Fresno and 30 miles northwest of Bakersfield (Figure 1-1). Although the towns of Delano and McFarland are within SSJMUD’s boundaries they are not directly served by SSJMUD. Currently, SSJMUD is comprised of approximately 61,000 acres, of which 47,000 are irrigated. The main crops in SSJMUD are alfalfa, citrus, grapes, cotton, nuts and barley.

KTWD was formed on March 5, 1974 and serves approximately 17,000 acres of irrigated agriculture. KTWD is located on the eastern side of the San Joaquin Valley in Kern and Tulare counties, approximately 8 miles east of Delano and 27 miles north of Bakersfield, California. Land use within KTWD is 99 percent permanent crops (primarily citrus, subtropical orchards, grapes and nuts).

Land use data for KTWD and SSJMUD as well as general groundwater flow are included in Figure 3-1.

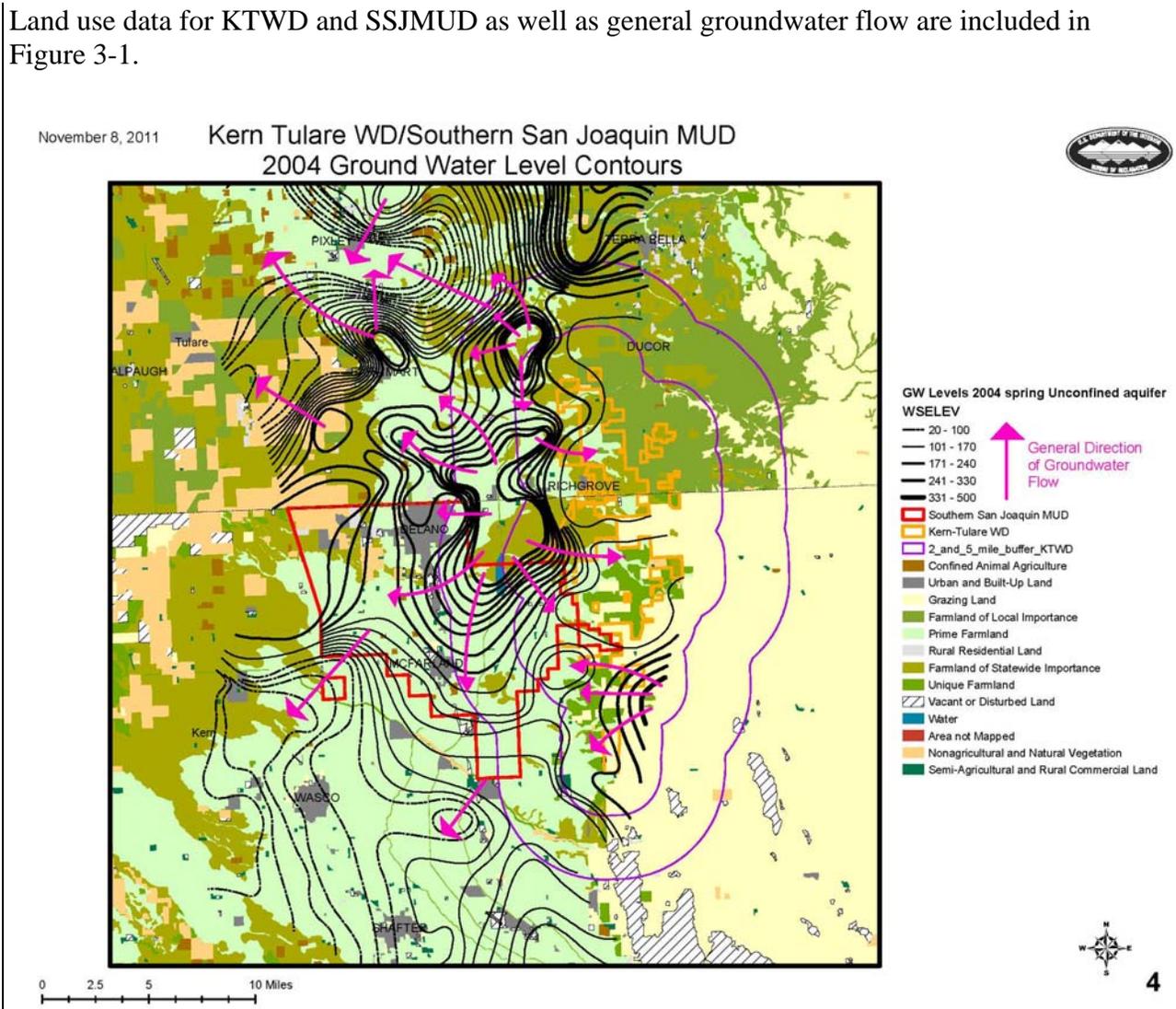


Figure 3-1 KTWD and SSJMUD 2008 Land Use Data

3.2.2 Environmental Consequences

No Action

There would be no impacts to land use within the Proposed Action area as conditions would remain the same as existing conditions.

Proposed Action

Water for the Proposed Action would come from SSJMUD's Class 2 allocation and would not change SSJMUD's firm Class 1 supply. In addition, the partial assignment is only 10 percent of SSJMUD's 50,000 AFY Class 2 supply. As delivery of this water is dependent on hydrologic conditions, is not a firm supply, and is only a very small fraction of SSJMUD's CVP water supply, the Proposed Action is not expected to cause fallowing or land uses changes within SSJMUD. KTWD would use the water for existing permanent crops within its service area. No native habitat, untilled lands or lands fallow for three or more consecutive years would be brought into production with this water. Therefore, there would be no impacts to land use within KTWD as there would be no land use changes as a result of the Proposed Action.

As shown in Figure 3-1, the majority of land use in the areas surrounding SSJMUD and KTWD is farmland. It is possible that groundwater levels downslope of KTWD could be indirectly benefited by the addition of the assigned Class 2 water supply; however, as these lands are already in production and used as farmland, the slight increase in groundwater levels would not change land use in these areas. There are grazing lands within the foothills to the east and southeast of KTWD (Figure 3-1); however, as these lands are generally upslope and groundwater travels downslope, no increase in groundwater levels are expected to occur. Therefore, no impact to land use is expected within the areas surrounding KTWD or SSJMUD.

Cumulative Impacts

In recent years, land use changes within the San Joaquin Valley have involved the urbanization of agricultural lands. These types of changes are typically driven by economic pressures and are as likely to occur with or without the Proposed Action; therefore, no cumulative effects to land use are expected as a result of the Proposed Action.

3.3 Biological Resources

3.3.1 Affected Environment

In the Proposed Action area native habitat types previously included valley sink scrub and saltbush, grasslands, wetlands, riparian habitat, and oak woodlands. Due to the development over the last few decades much of the historic native grassland, woodland, and wetland habitats have been converted to farmland.

Table 3-5 was prepared using a list obtained on June 15, 2011 by accessing the USFWS Database: http://www.fws.gov/sacramento/es/spp_list.htm (document number 110615103927). The following 7 ½ minute U.S. Geological Survey quadrangles were queried: Deepwell Ranch, Delano East, Delano West, Ducor, Famoso, McFarland, North of Oildale, Pond, and Richgrove.

Table 3-5 Federal Status Species on Quad Lists

<u>Species</u>	<u>Status¹</u>	<u>Effects²</u>	<u>Summary basis for ESA determination</u>
Amphibians			
California red-legged frog (<i>Rana aurora draytonii</i>)	T	NE	No ground disturbing activities; no other land use changes would occur.
Fish			
Delta smelt (<i>Hypomesus transpacificus</i>)	T	NE	Proposed Action area does not include the Sacramento-San Joaquin delta.
Invertebrates			
Conservancy fairy shrimp (<i>Branchinecta conservatio</i>)	E	NE	No ground disturbing activities; no other land use changes would occur.
Vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	T	NE	No ground disturbing activities; no other land use changes would occur.
Vernal pool fairy shrimp critical habitat	X	NE	No ground disturbing activities; no other land use changes would occur.
Valley elderberry longhorn beetle (<i>Desmocerus californicus dimorphus</i>)	T	NE	No ground disturbing activities; no other land use changes would occur
Mammals			
Giant kangaroo rat (<i>Dipodomys ingens</i>)	E	NE	No ground disturbing activities; no other land use changes would occur.
San Joaquin kit fox (<i>Vulpes macrotis mutica</i>)	E	NE	No ground disturbing activities; no other land use changes would occur.
Tipton kangaroo rat (<i>Dipodomys nitratooides nitratooides</i>)	E	NE	No ground disturbing activities; no other land use changes would occur.
Plants			
California jewelflower (<i>Caulanthus californicus</i>)	E	NE	No ground disturbing activities; no other land use changes would occur.
San Joaquin woolly-threads (<i>Monolopia congdonii</i>)	E	NE	No ground disturbing activities; no other land use changes would occur.
Kern mallow (<i>Ermalche kernensis</i>)	E	NE	No ground disturbing activities; no other land use changes would occur.
Bakersfield cactus (<i>Opuntia treleasei</i>)	E	NE	No ground disturbing activities; no other land use changes would occur.
San Joaquin adobe sunburst (<i>Pseudobia piersonii</i>)	T	NE	No ground disturbing activities; no other land use changes would occur.
Reptiles			
Blunt-nosed leopard lizard (<i>Gambelia sila</i>)	E	NE	No ground disturbing activities; no other land use changes would occur.
Giant garter snake (<i>Thamnophis gigas</i>)	T	NE	No ground disturbing activities; no other land use changes would occur; species believed to have been extirpated from Tulare Basin except Burrel/Lanare.
Source: USFWS 2011			
1 Status= Listing of Federally special status species E: Listed as Endangered T: Listed as Threatened X: Critical Habitat designated for this species			
2 Effects = Endangered Species Act Effect determination NE: No Effect NLAA: May affect, not likely to adversely affect LAA: May affect, likely to adversely affect			

3.3.2 Environmental Consequences

No Action

Under the No Action Alternative, Reclamation would not approve the partial assignment of 5,000 AF of SSJMUD's Class 2 allocation to KTWD. Contractor operations would continue unchanged; KTWD would not receive additional water supplies that would supplement their reduced surface water supplies. SSJMUD would continue operation and maintenance activities within their service area as they have in the past. The No Action Alternative would neither hinder nor enhance populations of special status species or their habitats.

Proposed Action

Under the Proposed Action, assigned water would be conveyed in existing facilities to established agricultural lands. Water from this assignment would be used within KTWD to maintain existing crops. No native lands or lands fallowed and untilled for three or more consecutive years would be disturbed. The Proposed Action would not affect migratory birds protected by the Migratory Birds Treaty Act, imperiled species, unique habitats, or species and habitats protected by federal or state law. No Essential Fish Habitat exists in the authorized Place of Use within the bounds of the agencies therefore the Proposed Action would not affect Essential Fish Habitat. Reclamation has determined that the Proposed Action would have no effect to listed species or designated critical habitat under the Endangered Species Act (ESA, 16 U.S.C. §1531 et. seq.) for the proposed federal action of approving this assignment. See Appendix A for Reclamation's ESA determination memorandum.

Cumulative Impacts

Existing conditions, such as loss of habitat due to urbanization and expanding agricultural lands that cumulatively impact listed species and their habitats, are expected to occur with or without the Proposed Action. Assignment of 5,000 AF of SSJMUD's Class 2 allocation is not expected to contribute cumulatively to habitat loss as this water would be used on existing crops. In addition, all conditions under the existing contract that protect biological resources would be transferred to KTWD for the portion allocated under the partial assignment. Therefore, there would be no cumulative adverse impacts to biological resources as a result of the Proposed Action.

3.4 Cultural Resources

“Cultural resources” is a broad term that includes prehistoric and historic-era archaeological objects, sites, and districts; components of the built environment such as buildings and other engineered structures; and traditional cultural properties that include built or natural locations, areas, or features considered sacred or culturally significant by a group or people. 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, as outlined in its implementing regulations at 36 Code of Federal Regulations (CFR) 800, requires Federal agencies to take into consideration the effects of their undertakings on cultural resources listed in or eligible for inclusion in the National Register of Historic Places (National Register). Those resources that are listed in or eligible for inclusion in the National Register are referred to as historic properties.

3.4.1 Affected Environment

The San Joaquin Valley is rich in prehistoric and historical cultural resources. Prehistoric cultural resources include the material evidence of Native American groups who occupied the area prior to Euro-American settlement. Land conversion and intensive farming practices over the past century and a half have impacted many prehistoric sites; however, numerous Native American cultural resources likely lie undiscovered throughout the region. Historic-era cultural resources within the San Joaquin Valley include various built environment features related to agriculture, ranching, and transportation. Many water storage and conveyance features have historical significance and are considered cultural resources.

3.4.2 Environmental Consequences

No Action

There would be no impacts to historic properties or other cultural resources under the No Action alternative as conditions would remain the same as existing conditions and no ground disturbance would occur.

Proposed Action

The Proposed Action consists of Reclamation issuing a partial assignment contract to KTWD and reducing SSJMUD's repayment contract through a partial assignment agreement. As with the No Action alternative, the Proposed Action would result in no impacts to cultural resources.

Cumulative Impacts

As there would be no impacts to cultural resources as a result of Reclamation's Proposed Action, no cumulative impacts are expected to occur.

3.5 Indian Sacred Sites

Executive Order 13007 requires Federal land managing agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites. "Sacred Sites" means any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian Tribe, or Indian individual determined to be an appropriate authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion.

Both alternatives involve the conveyance of water through existing facilities to established agricultural lands. Under both the No Action and Proposed Action alternatives, neither restriction of access to nor adverse effects to the physical integrity of any sacred sites would occur. As such, there will be no direct, indirect, or cumulative impacts to Indian sacred sites as a result of either the No Action or Proposed Action alternatives.

3.6 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.

3.6.1 Affected Environment

The nearest ITA is Tule River Reservation located approximately 16 miles northeast of the Proposed Action location.

3.6.2 Environmental Consequences

No Action

There would be no impacts to ITA as conditions would remain the same as existing conditions.

Proposed Action

There would be no impact to ITA as there are none in the Proposed Action area.

Cumulative Impacts

There are no ITA in the action area; therefore, the Proposed Action when added to previous and reasonably foreseeable banking activities do not contribute to cumulative impacts to ITA.

3.7 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.

3.7.1 Affected Environment

Kern and Tulare counties rely to a large extent, either directly or indirectly, on agriculture for employment. Between 47.9 and 58.3 percent of the population within Kern and Tulare counties is of Hispanic or Latino origin, which compares to about one-third for the state as a whole (Table 3-6). The market for seasonal workers on local farms also draws thousands of migrant workers, commonly of Hispanic origin from Mexico and Central America, increasing populations within these small communities during peak harvest periods.

Table 3-6 Tulare Basin County 2009 Estimated Demographics

	Total Population	White (not Hispanic)	Black or African American	American Indian	Asian	Native Hawaiian/Pacific Islander	Hispanic
Kern County	807,407	40.3%	6.5%	1.8%	4.1%	0.2%	47.9%
Tulare County	429,668	35.0%	2.1%	1.9%	3.6%	0.2%	58.3%
California	36,961,664	41.7%	6.6%	1.2%	12.7%	0.4%	37%
Source: U.S. Census Bureau 2011							

3.7.2 Environmental Consequences

No Action

Under the No Action Alternative, KTWD may be required to purchase additional water sources. The cost of water on the open market is likely to be much higher than the assigned Class 2 water supplies which could potentially impact disadvantaged or minority populations due to the economic impacts to the agricultural industry and current water demands.

Proposed Action

The Proposed Action would not cause dislocation, changes in employment, or increase flood, drought, or disease nor would it disproportionately impact economically disadvantaged or minority populations. The Proposed Action may support and maintain jobs that low-income and disadvantaged populations rely upon through increased irrigation water supply reliability. Therefore, there may be a slight beneficial impact to minority or disadvantaged populations as a result of the Proposed Action.

Cumulative Impacts

The Proposed Action, when added to other existing and proposed actions, would have a slight beneficial contribution to cumulative impacts for minority or disadvantaged populations as it would help support and maintain jobs that low-income and disadvantaged populations rely upon due to increased irrigation water supply reliability.

3.8 Socioeconomic Resources

3.8.1 Affected Environment

Unemployment for Kern and Tulare counties was 10.2 and 10.4 percent in 2009 which has since risen to 15.5 and 16.6 in 2011. For 2009 and 2011 both counties were approximately three to four percentage points higher than the State average (Table 3-7). In addition, both counties had per capita incomes approximately \$10,000 lower than the State per capita income (Table 3-7).

Table 3-7 2011 Preliminary Monthly Labor Force Data

	Labor Force	Employed	Per Capita Income¹	Unemployment Rate
Kern County	373,600	315,700	\$19,939	15.5%
Tulare County	209,600	174,700	\$17,865	16.6%
California	18,131,700	15,874,800	\$29,020	12.4%
Source: EDD 2011 and U.S. Census Bureau 2011				
¹ Amounts are based on 2009 numbers as the most recent data available from the U.S. Census Bureau.				

3.8.2 Environmental Consequences

No Action

Under the No Action Alternative, KTWD may be required to purchase additional water sources. The cost of water on the open market is likely to be much higher than the assigned Class 2 water supplies which could increase operational costs for KTWD.

Proposed Action

The assignment of 5,000 AF of SSJMUD's Class 2 allocation to KTWD would reduce the potential need for KTWD to purchase additional water supplies at a much higher rate on the open market. The availability of this additional supplemental water supply would have slight beneficial impacts on socioeconomic resources within KTWD as this water would be used to help sustain existing crops. In addition, as this is only 10 percent of SSJMUD's Class 2 allocation, SSJMUD would still have sufficient irrigation water (97,000 AF Class 1 and the remaining 45,000 AFY of Class 2 water) and would not be impacted by the assignment. Therefore, there would be no adverse impacts to socioeconomics within either district.

Cumulative Impacts

There may be adverse impacts to socioeconomic resources under the No Action Alternative as KTWD may need to purchase more costly water supplies and/or increase groundwater pumping in order to meet irrigation demand. There would be no impact to SSJMUD as conditions would remain the same within the district.

Over the long term, the Proposed Action would facilitate an increase in the reliability of KTWD's surface water supply. This would subsequently help to maintain the economic viability of irrigated agriculture within the district, which presently includes a significant percentage of permanent crops. There is greater economic output associated with permanent crops, which includes a year-round demand for farm labor (as compared to annual crops). When added to other similar existing and proposed actions, the Proposed Action would contribute to beneficial cumulative impacts to socioeconomic resources within KTWD.

No cumulative impacts are expected to occur for SSJMUD as the assignment is only 10 percent of SSJMUD's undependable water supply and would not impact their firm Class 1 water supply.

3.9 Air Quality

Section 176 (C) of the Clean Air Act [CAA] (42 U.S. Code [U.S.C.] 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 CAA (42 U.S.C. 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 (NAAQS) 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.

On November 30, 1993, the Environmental Protection Agency (EPA) 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.

3.9.1 Affected Environment

The Proposed Action area lies within the San Joaquin Valley Air Basin (SJVAB) under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). NAAQS and California Ambient Air Quality Standards (CAAQS) have been established for the following criteria pollutants: carbon monoxide (CO), ozone (O₃), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), inhalable particulate matter between 2.5 and 10 microns in diameter (PM₁₀) and particulate matter less than 2.5 microns in diameter (PM_{2.5}), and lead. The CAAQS also set standards for sulfates, hydrogen sulfide, and visibility.

The pollutants of greatest concern in the San Joaquin Valley are CO, O₃, O₃ precursors such as reactive organic gases and nitrogen oxides (NO_x), as well as PM₁₀, and PM_{2.5}. The SJVAB has reached Federal and State attainment status for CO, NO₂, and SO₂. Federal attainment status has been reached for PM₁₀ but is in non-attainment for O₃ and PM_{2.5} (Table 3-8). State attainment status has also been reached for lead but is in non-attainment for O₃, PM₁₀, and PM_{2.5}. There are no established standards for NO_x; however, NO_x does contribute to NO₂ standards and is an O₃ precursor (SJVAPCD 2011).

Table 3-8 San Joaquin Valley Attainment Status

Pollutant	Averaging Time	California Standards		National Standards	
		Concentration	Attainment Status	Concentration	Attainment Status
O ₃	8 Hour	0.070 ppm (137 µg/m ³)	Nonattainment	0.075 ppm	Nonattainment
	1 Hour	0.09 ppm (180 µg/m ³)	Nonattainment	--	--
CO	8 Hour	9.0 ppm (10 mg/m ³)	Attainment	9.0 ppm (10 mg/m ³)	Attainment
	1 Hour	20.0 ppm (23 mg/m ³)	Unclassified	35.0 ppm (40 mg/m ³)	Unclassified
NO ₂	Annual arithmetic mean	0.030 ppm (56 µg/m ³)	Attainment	0.053 ppm (100 µg/m ³)	Attainment
	1 Hour	0.18 ppm (338 µg/m ³)	Attainment	--	--
SO ₂	Annual average	--	--	0.03 ppm (80 µg/m ³)	Attainment
	24 Hour	0.04 ppm (105 µg/m ³)	Attainment	0.14 ppm (365 µg/m ³)	Attainment
	1 Hour	0.25 ppm (655 µg/m ³)	Attainment	--	--
PM ₁₀	Annual arithmetic mean	20 µg/m ³	Nonattainment	--	--

Pollutant	Averaging Time	California Standards		National Standards	
		Concentration	Attainment Status	Concentration	Attainment Status
PM _{2.5}	24 Hour	50 µg/m ³	Nonattainment	150 µg/m ³	Attainment
	Annual Arithmetic mean	12 µg/m ³	Nonattainment	15 µg/m ³	Nonattainment
	24 Hour	--	--	35 µg/m ³	Attainment
Lead	30 day average	1.5 µg/m ³	Attainment	--	--
	Rolling-3 month average	--	--	0.15 µg/m ³	Unclassified

Source: California Air Resources Board 2011; SJVAPCD 2011; 40 CFR 93.153
 ppm = parts per million
 mg/m³ = milligram per cubic meter
 µg/m³ = microgram per cubic meter
 -- = No standard established

3.9.2 Environmental Consequences

No Action

There would be no impacts to air quality as conditions would remain the same as existing conditions under this alternative.

Proposed Action

Under the Proposed Action, Friant Division Class 2 water would be delivered off the FKC to KTWD rather than SSJMUD. Delivery of this water would require no modification of existing facilities or construction of new facilities. In addition, water would be moved either via gravity or electric pumps which would not produce emissions that impact air quality. Therefore, a conformity analysis is not required and there would be no impact to air quality as a result of the Proposed Action.

Cumulative Impacts

There would be no cumulative impacts to air quality as there would be no emissions that impact air quality or construction activities that would produce emissions that could cumulatively impact air quality.

3.10 Global Climate

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 2011a)

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, nitrous oxide, and fluorinated gasses (EPA 2011a).

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 methane, 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 2011b).

3.10.1 Affected Environment

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).

California Assembly Bill 32, the Global Warming Solutions Act of 2006, mandates the reduction of GHG emissions in California to 1990 levels by the year 2020. Currently there are no established significance thresholds for GHG in the SJVAB or in California.

3.10.2 Environmental Consequences

No Action

There would be no impacts to global climate change as conditions would remain the same as existing conditions under this alternative.

Proposed Action

Electric pumps produce CO₂ that could potentially contribute to GHG. However, water under the Proposed Action is water that would be delivered from the FKC with or without the Proposed Action and is therefore part of the existing conditions. There would be no additional impacts to GHG as a result of the Proposed Action.

Cumulative Impacts

Impacts from GHG are considered to be cumulative impacts; however, delivery of water with or without the Proposed Action is part of the existing baseline conditions of the Central Valley and is not expected to produce additional GHG that could contribute to global climate change.

Section 4 CEQA Environmental Factors Potentially Affected

This section of the EA/IS includes the CEQA analysis portion of potentially affected issues that may result from implementation of the proposed project. Reference to the “project” in this section is synonymous with the term, “Proposed Action”, used in other sections.

4.1 Discussion of Potentially Affected Environmental Factors

The Project is the partial assignment from SSJMUD to KTWD of 5,000 AF of its Class 2 water supply contract. When Class 2 water is made available, KTWD would deliver this water through existing shared turnouts on the FKC, as it currently does. This water would be used for direct in-district deliveries to its growers and other uses consistent with the existing repayment contract and other Reclamation approvals. The Project involves no construction or alterations to the environment; rather, it only involves a change in the delivery point of the water.

The following is a discussion of each of the environmental factors potentially affected. Refer to the Environmental Checklist in Appendix B for additional information and impacts analysis.

4.1.1 Aesthetics

The Project area is developed to production agriculture, which dominates the aesthetics of the surrounding area. No new lands would be planted in KTWD, as Class 2 water is not a dependable supply that can be relied on to support new plantings. Conversely, no lands would be taken out of production in SSJMUD, as this water represents 10 percent of its supplemental (undependable) supply, and SSJMUD is retaining all of its Class 1 (dependable) supply. There would be no impact to this resource category as a result of this Project.

4.1.2 Agricultural Resources

As described in Section 4.1.1, no farmland would be converted to non-agricultural use as a result of the Project. Additionally, existing zoning would not be changed, and Williamson Act contracts would not be affected. As such, there would be no impact to agricultural resources as a result of this Project.

4.1.3 Air Quality

Impacts have been discussed in Section 3.9.

4.1.4 Biological Resources

Analysis of federally listed species and birds protected under the MBTA can be found in Section 3.3 above. A list of State-listed and special status species of concern relevant to CEQA was generated by Provost and Pritchard Consulting Group on March 11, 2011 using the California Department of Fish and Game Natural Diversity Database (CNDDDB) RareFind2 data (2011, February) for Tulare and Kern Counties. There are ten plant species with federal, state, or California Native Plant Society (CNPS) listed status, and ten species of wildlife that are federally

or state-listed or have other special status that are reported from historical information as shown in Table 4-1.

Table 4-1 Federal and State-Listed Status

Scientific Name	Common Name	Special Status	CNPS
<i>Athene cunicularia</i>	burrowing owl	CSC	
<i>Atriplex erecticaulis</i>	Earlimart orache		1B.2
<i>Atriplex subtilis</i>	subtle orache		1B.2
<i>Branchinecta lynchi</i>	vernal pool fairy shrimp	FT	
<i>Calochortus striatus</i>	alkali mariposa-lily		1B.2
<i>Caulanthus californicus</i>	California jewel-flower	FE; SE	1B.1
<i>Chaetodipus californicus femoralis</i>	Dulzura pocket mouse	CSC	
<i>Delphinium recurvatum</i>	recurved larkspur		1B.2
<i>Dipodomys nitratoides nitratoides</i>	Tipton kangaroo rat	FE; SE	
<i>Entosphenus hubbsi</i>	Kern brook lamprey	CSC	
<i>Eremalche kernensis</i>	Kern mallow	FE	1B.1
<i>Gambelia sila</i>	blunt-nosed leopard lizard	FE; SE	
<i>Layia munzii</i>	Munz's tidy-tips		1B.2
<i>Masticophis flagellum ruddocki</i>	San Joaquin whipsnake	CSC	
<i>Monolopia congdonii</i>	San Joaquin woollythreads	FE	1B.2
<i>Phrynosoma blainvillii</i>	coast horned lizard	CSC	
<i>Pseudobahia peirsonii</i>	San Joaquin adobe sunburst	FT; SE	1B.1
<i>Spea hammondii</i>	western spadefoot	CSC	
<i>Taxidea taxus</i>	American badger	CSC	
<i>Vulpes macrotis mutica</i>	San Joaquin kit fox	FE; ST	
Source: CNDDB (2/27/2011)			
FE: Federally listed as Endangered FT: Federally listed as Threatened SE: State listed as Endangered ST: State listed as Threatened CSC: California Special Concern species by California Department of Fish and Game List 1B: Plants considered by the CNPS to be rare, threatened, or endangered in California and elsewhere List 2: Plants considered by the CNPS to be rare, threatened, or endangered in California but more common elsewhere			

As no construction or conversion of farmland would occur as a result of the Project, there would be no impacts to listed species that may occur in the Project area.

4.1.5 Cultural Resources

The Project does not involve construction activities that would alter a historical, archaeological or paleontological resource, or disturb any human remains. There would be no impact to Cultural Resources as a result of this Project.

4.1.6 Geology and Soils

No substantial faults are known to exist in Tulare County portion of the Project and one fault (in the Pond Quadrangle) occurs within SSJMUD in Kern County according to the Alquist-Priolo Earthquake Fault Zoning Map (CDC 2010). As this Project does not involve the construction of new facilities, the risk to people or structures by earthquake, ground shaking, liquefaction or landslides is negligible. As discussed in Section 4.1.2, no land conversion that could result in soil erosion or loss of topsoil would occur. There would be no impact to this resource category as a result of this Project.

4.1.7 Greenhouse Gas Emissions

Impacts have been discussed in Section 3.10.

4.1.8 Hazards and Hazardous Materials

The Project does not involve the generation of any hazardous emissions or involve the transport, use, storage, or disposal of any hazardous materials, and would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

The Project does not involve land that is listed as a hazardous materials site pursuant to Government Code Section 65962.5 and is not included on a list compiled by the Department of Toxic Substances Control (California Department of Toxic Substances Control 2011). There would be no impact to this resource category as a result of this Project.

4.1.9 Hydrology and Water Quality

The water made available to KTWD as a result of the Project would be delivered through existing facilities and not alter the existing drainage pattern in the area, create runoff, or otherwise degrade water quality. Delivery of this water in-lieu of groundwater pumping or delivery to groundwater recharge basins would improve local groundwater conditions. There would be no impact to this resource category as a result of this Project.

4.1.10 Land Use and Planning

Impacts have been discussed in Section 3.2.

4.1.11 Mineral Resources

The Project does not involve construction or land alteration that would have the potential to impact the availability of any mineral resources or mineral resource recovery sites. There would be no impact to mineral resources as a result of this Project.

4.1.12 Noise

The facilities used to make the water deliveries as a result of this Project are already in place and in use – no additional noise or vibration would be generated as a result of this Project. There would be no impact to this resource category as a result of this Project.

4.1.13 Population and Housing

The Project does not include any features that would require the destruction or relocation of existing housing or the construction of replacement housing, and would not increase or decrease the number of available dwelling units in the area. The Project would not displace any people. The Project would have no effect on population growth. There would be no impact to this resource category as a result of this Project.

4.1.14 Public Services

The Project does not include any features or facilities that would require additional or unusual fire protection resources, enhanced levels of police protection, nor does it have the potential to increase or decrease the area's population, and would therefore not result in a greater or lesser demand for schools or parks. There would be no impact to this resource category as a result of this Project.

4.1.15 Recreation

The Project does not have the potential to increase or decrease the area's population, and would therefore not result in increased or decreased use of parks or other recreational facilities. Additionally, the Project does not include recreational facilities and would not require the construction or expansion of any recreational facilities. There would be no impact to this resource category as a result of this Project.

4.1.16 Transportation/Traffic

The Project does not involve construction or land alteration that would have the potential to impact transportation, create additional traffic, or affect emergency access. There would be no impact to this resource category as a result of this Project.

4.1.17 Utilities and Service Systems

The Project would not result in a change to facilities or operations at existing wastewater basins, nor would it require additional water supplies or generate wastewater. The amount of runoff at the Project area would not change as a result of this Project nor would implementation of the Project generate any solid waste. There would be no impact to this resource category as a result of this Project.

4.2 Mandatory Findings of Significance

The analysis conducted in this EA/IS results in a determination that the project would have no significant effect on the local environment. The project would involve no potential for significant impacts through the degradation of the quality of the environments, the reduction in the habitat or population of fish or wildlife, including endangered plants or animals, the elimination of a plant or animal community or example of a major period of California history or prehistory. The project would not result in substantial adverse impacts on human beings, either directly or indirectly.

Refer to Appendix B for the CEQA Checklist, signature page and proposed adoption of a Negative Declaration.

Section 5 Consultation and Coordination

5.1 Public Review Period

Reclamation provided the public with an opportunity to comment on the Draft Finding of No Significant Impact and Draft EA/IS between September 9, 2011 and October 11, 2011. Comment letters were received from AEWSD and the USFWS. Comment letters and Reclamation's response to comments can be found in Appendix C.

KTWD has provided the public with an opportunity to comment on the Draft EA/IS and proposed Negative Declaration as required by CEQA. The public comment period closed October 14, 2011. No comments were received by KTWD. KTWD's Board of Directors approved the adoption of the Negative Declaration on October 18, 2011 (Appendix D). On October 21, 2011, KTWD filed a Notice of Determination with Kern County and Tulare County (Appendix E).

5.2 Fish and Wildlife Coordination Act (16 U.S.C. § 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 amendments enacted in 1946 require consultation with the Service and State fish and wildlife agencies "whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license". Consultation is to be undertaken for the purpose of "preventing the loss of and damage to wildlife resources".

The Proposed Action does not involve any new impoundment or diversion of waters, channel deepening, or other control or modification of a stream or body of water as described in the statute, but the partial assignment of existing CVP supplies to an existing CVP contractor. In addition, no construction or modification of water conveyance facilities are required for movement of this water. Consequently, Reclamation has determined that the FWCA does not apply.

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

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

Reclamation has determined that there would be No Effect to listed species or designated critical habitat under the ESA (16 U.S.C. §1531 et. seq.) for the proposed federal action of approving this Assignment.

Per Biological Opinion (1-1-01-1-031 1) on *Implementation of the Central Valley Project Improvement Act and Continued Operation and Maintenance of the Central Valley Project*, Reclamation prepared and provided a letter June 13, 2011 notifying the U.S. Fish and Wildlife Service of its determination.

5.4 National Historic Preservation Act (16 U.S.C. § 470 et seq.)

The NHPA of 1966, as amended, is the primary legislation that outlines the Federal government's responsibility to cultural resources. Section 106 of the NHPA requires that Federal agencies take into consideration the effects of their undertakings on historic properties. Historic properties are cultural resources that are included in, or eligible for inclusion in, the National Register. Such properties consist of prehistoric and historic-era archaeological objects, sites, and districts; components of the built environment such as buildings and other engineered structures; and traditional cultural properties consisting of built or natural locations, areas, or features considered sacred or culturally significant by a group or people. The 36 CFR Part 800 regulations implement Section 106 of the NHPA and outline the procedures necessary for compliance with the NHPA. Section 106 compliance follows a series of steps that are designed to identify whether or not historic properties will be affected by proposed Federal undertakings, to assess the level of effects, and to seek ways to avoid, minimize or mitigate any adverse effects on historic properties. Reclamation has determined that the current Proposed Action has no potential to affect historic properties pursuant to 36 CFR 800.3(a)(1).

5.5 Migratory Bird Treaty Act (16 U.S.C. § 703 et seq.)

The Migratory Bird Treaty Act 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.

Reclamation has determined the partial assignment of 5,000 AF of SSJMUD's Class 2 water supply to KTWD would not impact migratory birds. The Proposed Action would not change land use patterns, no ground disturbing activities would take place, and water from this assignment comes from an existing allocation which would not require additional diversions.

5.6 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 not affect either concern as there are none in the Proposed Action location.

Section 6 List of Preparers and Reviewers

Bureau of Reclamation

Rain Healer, Natural Resources Specialist, SCCAO
 Dave Hyatt, Supervisory Wildlife Biologist, SCCAO
 Joanne Goodsell, Archaeologist, MP-153
 Patricia Rivera, ITA, MP-400
 George Bushard, Repayment Specialist, SCCAO – reviewer
 Rena Ballew, Repayment Specialist, SCCAO – reviewer
 Chuck Siek, Supervisory Natural Resources Specialist, SCCAO – reviewer

Kern-Tulare Water District

Steven C. Dalke, General Manager-reviewer
 Ernest A. Conant, General Counsel-reviewer

Southern San Joaquin Municipal Utility District

Bill Carlisle, General Manager - Reviewer
 Ernest Conant, General Counsel - Reviewer

Provost & Pritchard Consulting Group

Rick Besecker, Water Resources Specialist
 Richard Moss, P.E – reviewer

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

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FINAL ENVIRONMENTAL ASSESSMENT/INITIAL STUDY (EA/IS-11-008)

*SOUTHERN SAN JOAQUIN MUNICIPAL UTILITY DISTRICT PARTIAL ASSIGNMENT
OF 5,000 ACRE-FEET OF CENTRAL VALLEY PROJECT WATER TO KERN-TULARE
WATER DISTRICT*

Appendix A
Environmental Determinations (Cultural Resources, ESA, ITA)

January 2012

Healer, Rain L

From: Goodsell, Joanne E
Sent: Tuesday, August 30, 2011 1:02 PM
To: Healer, Rain L
Cc: Barnes, Amy J; Bruce, Brandee E; Dunay, Amy L; Fogerty, John A; Nickels, Adam M; Overly, Stephen A; Perry, Laureen (Laurie) M; Soule, William E; Williams, Scott A
Subject: SSJMUD Partial Assignment to KTWD: EA-11-008 / 11-SCAO-122

Project Name: Southern San Joaquin Municipal Utility District (SSJMUD) Partial Assignment of 5,000 acre-feet of Central Valley Project Water to Kern-Tulare Water District (KTWD)

Project Tracking #: 11-SCAO-122 / EA-11-008

Rain,

Reclamation proposes to approve the partial assignment of 5,000 AF of SSJMUD's Class 2 allocation from Millerton Lake to KTWD. Delivery of this water would be done through existing turnouts on the Friant Kern Canal, between mileposts 111.56 and 151.81. The assigned 5,000 AF of Class 2 contractual supply would be used to meet KTWD's in-district demands and other uses consistent with the existing repayment contract and Reclamation approvals. No new infrastructure, modifications of facilities, or ground disturbing activities would be needed for movement of this water. No native or untilled land (fallow for three consecutive years or more) would be cultivated with water involved with these actions.

Reclamation has determined that the proposed action alternatives, as described in draft EA-11-008, has no potential to cause effects on historic properties, assuming such properties are present, pursuant to 36 CFR Part 800.3(a)(1) and, therefore, will result in no direct, indirect, or cumulative impacts to cultural resources. Reclamation has no further obligations under Section 106 of the National Historic Preservation Act. Please retain a copy of this email with the administrative record for this project. Also note that if the proposed action changes, additional Section 106 review may be required. I will be sending my suggested edits to draft EA-11-008 via separate email.

Thank you,

Joanne Goodsell, M.A., Archaeologist
Bureau of Reclamation, Mid-Pacific Regional Office
2800 Cottage Way, MP-153
Sacramento, CA 95825
(916) 978-5499 jgoodsell@usbr.gov



United States Department of the Interior



BUREAU OF RECLAMATION
South-Central California Area Office
1243 N Street
Fresno, California 93721-1813

IN REPLY REFER TO:

SCC-420
ENV-7.00
Friant Division

JUN 13 2011

MEMORANDUM

To: Field Supervisor, U.S. Fish and Wildlife Service, Sacramento, CA
Attn: Dan Russell

From: David E. Hyatt 
Supervisory Biologist

Subject: Southern San Joaquin Municipal Utility District Partial Assignment of
5,000 acre-feet (AF) to Kern-Tulare Water District (11-008)

Pursuant to the Bureau of Reclamation's (Reclamation) commitment on Assignments presented on pages 2-39, 2-69, and 2-70 of the Biological Opinion (1-1-01-1-0311) on Implementation of the Central Valley Project Improvement Act and Continued Operation and Maintenance of the Central Valley Project (CVP), Reclamation is hereby notifying the U.S. Fish and Wildlife Service of a (CVP) Assignment.

Southern San Joaquin Municipal Utility District proposes to assign 5,000 AF to Kern-Tulare Water District (Figure 1). Reclamation's action is the approval of the Assignment of CVP water from the Southern San Joaquin Municipal Utility District to the Kern-Tulare Water District.

Delivery of the CVP water to Kern-Tulare Water District would be through currently used existing turnouts on the Friant-Kern Canal, between mileposts 111.56 and 151.81. This water may only be used for direct in-district deliveries to its growers or banked during 'wet' years and extracted during 'dry' years under existing banking agreements with North-Kern Water Storage District and Rosedale-Rio Bravo Water Storage District.

No new infrastructure, modifications of facilities, or ground disturbing activities would be needed for movement of this water. No native or untilled land (fallow for three years or more) would be cultivated with water associated with these actions.

Reclamation has determined there would be No Effect to listed species or designated critical habitat under the Endangered Species Act (16 U.S.C. §1531 et. seq.) for the proposed federal action of approving this Assignment. Reclamation is not seeking concurrence with this determination. If the Service has any comments on this action, please notify Reclamation in writing within 30 days of receipt of this memorandum

If you have any questions, please contact me at 559-487-5139, or for the hearing impaired at 800-735-2929. My e-mail address is dhyatt@usbr.gov.

Attachment

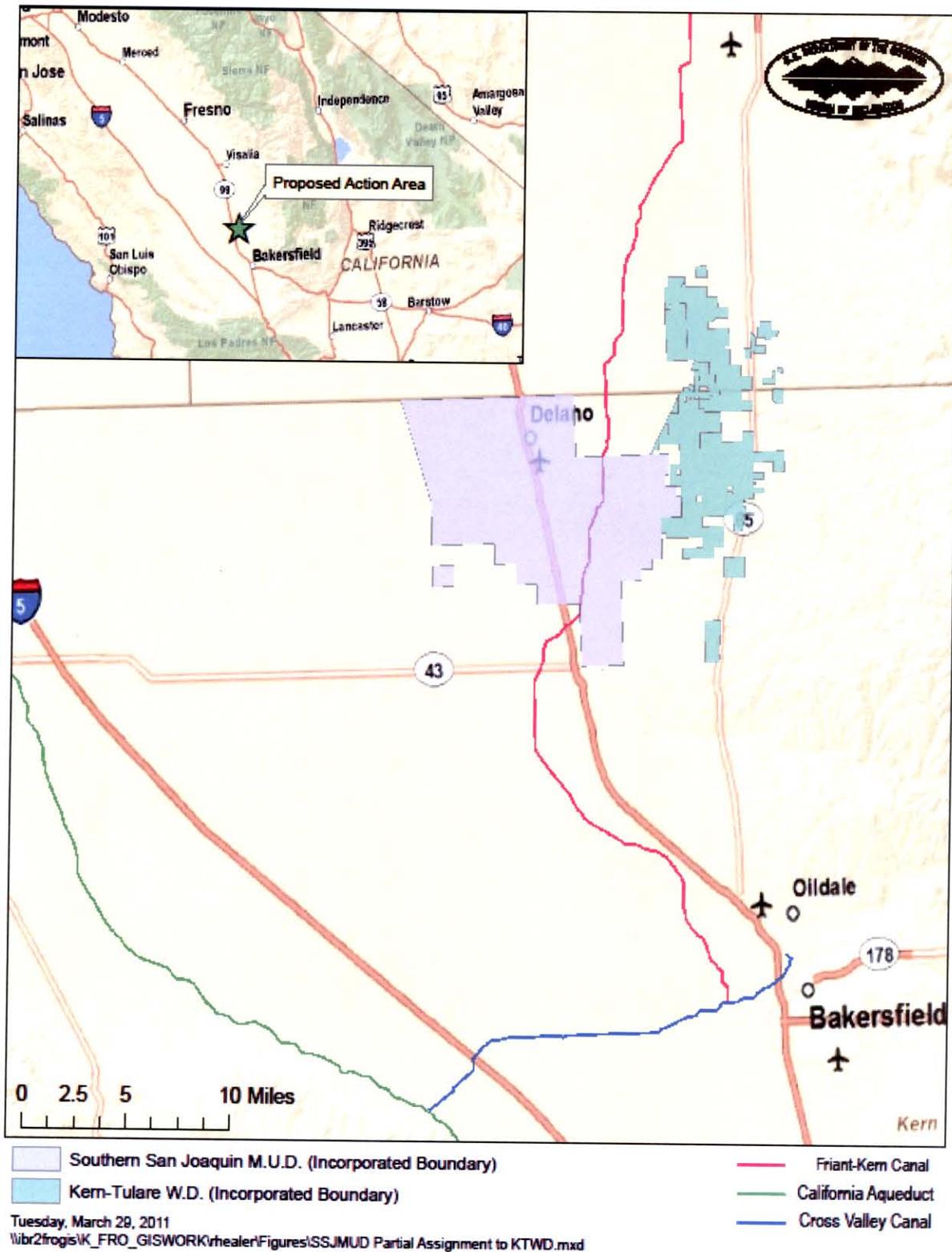


Figure 1

Healer, Rain L

From: Rivera, Patricia L
Sent: Monday, April 11, 2011 7:40 AM
To: Rivera, Patricia L; Healer, Rain L
Subject: RE: EA-11-008 Partial Assignment

updated

From: Rivera, Patricia L
Sent: Friday, April 08, 2011 6:04 PM
To: Healer, Rain L
Subject: RE: EA-11-008 Partial Assignment

Rain,

I reviewed the proposed action to issue a partial assignment contract to Kern-Tulare Water District (KTWD) for 5,000 acre-feet (AF) of Class 2 water from Millerton Lake. In turn, Reclamation would amend Southern San Joaquin Municipal Utility District's (SSJMUD) existing repayment contract to reflect a reduction of SSJMUD's Class 2 contract supply by 5,000 AF.

Delivery of this water to KTWD would be done through shared turnouts on the Friant-Kern Canal, between mileposts 111.56 and 151.81, as it currently does for transfer and exchange water. This water may be used for direct in-district deliveries to its growers or banked during 'wet' years and extracted during 'dry' years under existing banking agreements with North-Kern Water Storage District and Rosedale-Rio Bravo Water Storage District.

No new infrastructure, modifications of facilities, or ground disturbing activities would be needed for movement of this water.

The proposed action does not have a potential to affect Indian Trust Assets. The nearest ITA is Tule River Reservation approximately 16 miles NE of the project location.

Patricia

Rain I am on leave today but working to ensure all is responded to to avoid any delays with your actions.

Patricia

FINAL ENVIRONMENTAL ASSESSMENT/INITIAL STUDY (EA/IS-11-008)

*SOUTHERN SAN JOAQUIN MUNICIPAL UTILITY DISTRICT PARTIAL ASSIGNMENT
OF 5,000 ACRE-FEET OF CENTRAL VALLEY PROJECT WATER TO KERN-TULARE
WATER DISTRICT*

**Appendix B
CEQA Checklist, signature page, and proposed Negative
Declaration**

January 2012

ENVIRONMENTAL CHECKLIST

1. **Project title:** Southern San Joaquin Municipal Utility District Partial Assignment of 5,000 acre-feet of Central Valley Project Water to Kern-Tulare Water District
2. **Lead agency:** Kern-Tulare Water District
1820 21st St
Bakersfield, CA 93301
3. **Contact person:** Steven Dalke, General Manager
(661) 327-3132
4. **Project location:** Southern San Joaquin Municipal Utility District (SSJMUD) is located in Kern County and Kern-Tulare Water District (KTWD) is located in both Kern and Tulare Counties.
5. **Description of project:** The Project is the partial assignment from SSJMUD to KTWD of 5,000 AF of its Class 2 water supply contract. When Class 2 water is made available, KTWD would deliver this water through turnouts on the FKC. This water will be used consistent with the contract and other Reclamation approvals. The Project involves no construction or alterations to the environment; rather, it only involves a change in the delivery point of the water.
6. **Surrounding land uses and setting:** Agricultural.
7. **Other public agencies whose approval is required:** United States Bureau of Reclamation

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and subsequent discussion on the following pages (note that now items are checked).

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Steven Dalke, General Manager
Printed name

Date

Kern-Tulare Water District
For

Issues:

I. AESTHETICS

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Responses:

a), c), d) No Impact. The Project area is developed to production agriculture, which dominates the aesthetics of the surrounding area. No new lands will be planted in KTWD, as Class 2 water is not a dependable supply that can be relied on to support new plantings. Conversely, no lands will be taken out of production in SSJMUD, as this water represents ten percent of its supplemental (undependable) supply, and SSJMUD is retaining all of its Class 1 (dependable) supply.

b) No Impact. The Scenic Highway Program protects and enhances California's natural scenic beauty by allowing county and city governments to apply to the California Department of Transportation (Caltrans) to establish a scenic corridor protection program. Five state routes are located near the Project boundaries: from west to east, State Route (SR) 43, SR 99 and SR 65, and from north to south, SR 155 and SR 46. According to Caltrans, none of these are Eligible State Scenic Highways.

II. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Responses:

a), e) No Impact. Although the Rural Land Mapping Division, Tulare and Kern County Important Farmland 2008 Map, California Department of Conservation, Farmland Mapping and Monitoring Program designates much of the lands within both Districts as located in areas of Prime Farmland and

Farmland of Statewide Importance, no lands will be converted to non-agricultural use as a result of the Project. No new lands will be planted in KTWD, as Class 2 water is not a dependable supply that can be relied on to support new plantings. Conversely, no lands will be taken out of production in SSJMUD, as this water represents ten percent of its supplemental (undependable) supply, and SSJMUD is retaining all of its Class 1 (dependable) supply.

b) No Impact. No lands will be converted to non-agricultural use as a result of the Project. The Project will not change existing zoning or conflict with existing Williamson Act Contracts.

c)-e) No Impact. The Project does not involve forest land.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response:

a) No Impact. The Project lies within the San Joaquin Valley Air Basin, which is managed by the San Joaquin Valley Air Pollution Control District (SJVAPCD). National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) have been established for the following criteria pollutants: carbon monoxide (CO), ozone (O₃), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), particulate matter (PM₁₀ and PM_{2.5}), and lead (Pb). The CAAQS also set standards for sulfates, hydrogen sulfide, and visibility.

Areas are classified under the Federal Clean Air Act as either “attainment” or “non-attainment” areas for each criteria pollutant based on whether the NAAQS have been achieved or not. Attainment relative to the State standards is determined by the California Air Resources Board (CARB). The San Joaquin Valley (SJV) is designated as a State and Federal non-attainment area for O₃, and PM_{2.5}, and a State and Federal attainment area for CO, SO₂, PM₁₀, NO₂, and Pb (SJVAPCD, 2008).

The Project would not conflict with or obstruct the implementation of the air quality management standards. Standards set by the SJVAPCD, CARB, and Federal agencies relating to the Project would continue to apply.

b) No Impact. The San Joaquin Valley is designated as a Federal and State non-attainment area for O₃ and PM_{2.5}. The SJVAPCD is the regional agency that regulates air permitting and maintains an extensive air quality monitoring network to measure criteria pollution concentrations throughout the San Joaquin Valley air basin.

The Project involves the assignment of 5,000 AF of SSJMUD’s Class 2 CVP contract supply water. The Project would not contribute to criteria pollutant emissions, as the water would otherwise be delivered to SSJMUD, and there will be no emissions result from construction activities.

c) No Impact. The Project would not result in the generation of criteria pollutants.

d) No Impact. Section 3 of the Guide for Assessing and Mitigating Air Quality Impacts defines a sensitive receptor as a location where human populations, especially children, seniors, and sick persons are present and where there is a reasonable expectation of human exposure to pollutants. Sensitive receptors normally refer to people with heightened sensitivity to localized, rather than regional pollutants. Concentrations of pollutants would not pose a hazardous threat to any sensitive receptors as there would be no additional emissions resulting from the Project.

e) No Impact. The Project would not be a source of odors.

IV. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Response:

a) No Impact. The Project includes the boundaries of SSJMUD and KTWD. Based on a review of information from the California Department of Fish and Game Natural Diversity Database (CNDDB) RareFind2 data (2011, February) for Tulare and Kern Counties. There are ten plant species with federal and state-listed status, and/or California Native Plant Society (CNPS) listed status and ten species of wildlife that are federally or state-listed or have other special status that are reported from historical information as shown in the following table.

Federal and State-Listed Status			
Scientific Name	Common Name	Special Status	CNPS
<i>Athene cunicularia</i>	burrowing owl	CSC	
<i>Atriplex erecticaulis</i>	Earlimart orache		1B.2
<i>Atriplex subtilis</i>	subtle orache		1B.2
<i>Branchinecta lynchi</i>	vernal pool fairy shrimp	FT	
<i>Calochortus striatus</i>	alkali mariposa-lily		1B.2
<i>Caulanthus californicus</i>	California jewel-flower	FE; SE	1B.1
<i>Chaetodipus californicus femoralis</i>	Dulzura pocket mouse	CSC	
<i>Delphinium recurvatum</i>	recurved larkspur		1B.2
<i>Dipodomys nitratoides nitratoides</i>	Tipton kangaroo rat	FE; SE	
<i>Entosphenus hubbsi</i>	Kern brook lamprey	CSC	
<i>Eremalche kernensis</i>	Kern mallow	FE	1B.1
<i>Gambelia sila</i>	blunt-nosed leopard lizard	FE; SE	
<i>Layia munzii</i>	Munz's tidy-tips		1B.2
<i>Masticophis flagellum ruddocki</i>	San Joaquin whipsnake	CSC	
<i>Monolopia congdonii</i>	San Joaquin woollythreads	FE	1B.2
<i>Phrynosoma blainvillii</i>	coast horned lizard	CSC	
<i>Pseudobahia peirsonii</i>	San Joaquin adobe sunburst	FT; SE	1B.1
<i>Spea hammondii</i>	western spadefoot	CSC	
<i>Taxidea taxus</i>	American badger	CSC	
<i>Vulpes macrotis mutica</i>	San Joaquin kit fox	FE; ST	

Sources: CNDDB (2/27/2011)
 FE: Federally listed as Endangered

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- FT: Federally listed as Threatened
- SE: State listed as Endangered
- ST: State listed as Threatened
- CSC: California Special Concern species by CDFG
- List 1B: Plants considered by the CNPS to be rare, threatened, or endangered in California and elsewhere
- List 2: Plants considered by the CNPS to be rare, threatened, or endangered in California but more common elsewhere

No habitat modifications will occur as a result of the Project.

b)-d) No Impact. No riparian communities or other sensitive natural communities, federally protected wetlands, or wildlife corridors will be affected by the Project. The water made available as a result of the Project will be delivered to existing crops for irrigation use or for groundwater recharge in existing recharge basins.

e) No Impact. The water made available as a result of the Project will incrementally add to existing water deliveries, which are not in conflict with local policies protecting biological resources.

f) No Impact. No habitat conservation plan, natural community conservation plan, or other approved local, regional or state habitat conservation plan, is in effect for the area of the Project.

V. CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response:

a)-d) No Impact. The Project involves the assignment of 5,000 AF of SSJMUD’s Class 2 CVP contract supply water. There will be no construction that would alter a historical, archaeological or paleontological resource, or disturb any human remains.

VI. GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the most recently adopted Uniform Building Code creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response:

a) No Impact. No substantial faults are known to occupy Tulare County and one fault (in the Pond Quadrangle) occurs within SSJMUD in Kern County according to the Alquist-Priolo Earthquake Fault Zoning Maps and the State of California Department of Conservation. As no new facilities will be constructed as a result of the Project, the risk to people or structures by earthquake, ground shaking, liquefaction or landslides is negligible.

b)-d) No Impact. The Project does not include a construction component that would result in increased soil erosion or loss of topsoil, result in soil instability, or be located on expansive soil.

e) No Impact. The Project does not include the use of septic tanks or other alternative waste water disposal system.

VII GREENHOUSE GAS EMISSIONS				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Responses:

a), b) No Impact. While climate change has been a concern since at least 1988, as evidenced by the establishment of the United Nations and World Meteorological Organization’s Intergovernmental Panel on Climate Change (IPCC), the efforts devoted to greenhouse gas (GHG) emissions reduction and climate change research and policy have increased dramatically in recent years. In 2002, with the passage of Assembly Bill 1493 (AB 1493), California launched an innovative and pro-active approach to dealing with GHG emissions and climate change at the state level. AB 1493 requires the Air Resources Board (ARB) to develop and implement regulations to reduce automobile and light truck GHG emissions; these regulations applied to automobiles and light trucks beginning with the 2009 model year.

On June 1, 2005, Governor Arnold Schwarzenegger signed Executive Order S-3-05. The goal of this Executive Order is to reduce California’s GHG emissions to: 1) 2000 levels by 2010, 2) 1990 levels by the year 2020, and 3) 80% below the 1990 levels by the year 2050. In 2006, this goal was further reinforced with the passage of Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006. AB 32 sets the same overall GHG emissions reduction goals while further mandating that ARB create a plan, which includes market mechanisms, and implement rules to achieve “real, quantifiable, cost-effective reductions of greenhouse gases.” Executive Order S-20-06 further directs state agencies to begin implementing AB 32, including the recommendations made by the state’s Climate Action Team.

Climate change and GHG reduction is also a concern at the federal level; however, at this time, no legislation or regulations have been enacted specifically addressing GHG emissions reductions and climate change.

The delivery of water to KTWD instead of to SSJMUD would not increase or decrease the emission of GHGs.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response:

a) No Impact. There would be no transport, use or disposal of hazardous materials.

b) No Impact. The Project would not create a significant hazard to the public or the environment as the Project would not discharge hazardous materials into the environment.

c) No Impact. The Project would not emit hazardous emissions, involve hazardous materials, or create a hazard to schools in any way.

d) No Impact. The Project does not involve land that is listed as a hazardous materials site pursuant to Government Code Section 65962.5 and is not included on a list compiled by the Department of Toxic Substances Control.

e), f) No Impact. The Project does not involve construction that would create a safety hazard at airports or private airstrips.

g) No Impact. The Project does not involve construction that would cross any publicly accessed routes, and would not interfere with implementation of an emergency response plan or evacuation.

h) No Impact. The Project does not involve construction that would increase exposure to wildland fires.

IX. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. HYDROLOGY AND WATER QUALITY

Would the project:
 quality?

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response:

a) No Impact. The water made available as a result of the Project is CVP Class 2 water from the FK. The Project would not violate any water quality standards and would not impact waste discharge requirements.

b) No Impact. The water made available to KTWD as a result of the Project will be used for either direct in-district deliveries to its growers, which would reduce groundwater pumping, or for groundwater recharge in existing banking programs.

c), d), e), f) No Impact. The Project does not involve construction that would alter existing drainage patterns in the area, or alter the course of a stream or a river, which would result in erosion, siltation or flooding, or otherwise degrade water quality.

g), h), i), j) No Impact. The construction of housing or structures is not a part of the Project. There would be no impact with regard to flood related events.

X. LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response:

a) No Impact. The Project is located in an agricultural setting. The Project would not physically divide any established community.

b) No Impact. The Project would not result in a change from the existing uses within the Project area, and would not conflict with any applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating environmental effects.

c) No Impact. The Project would not conflict with any adopted habitat conservation plans or natural community conservation plans.

XI. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response:

a), b) No Impact. The Project does not involve construction or land alteration that would result in the loss of availability of mineral resources.

XII. NOISE

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response:

a)-f) No Impact. The water made available to KTWD as a result of the Project will be used for either direct in-district deliveries to its growers or for groundwater recharge in existing banking programs. The facilities used to make these deliveries are already in use, no additional noise or vibration will be generated as a result of this Project.

XIII. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response:

a)-c) No Impact. The Project does not include any features that will require the destruction or relocation of existing housing or the construction of replacement housing, and will not increase or decrease the number of available dwelling units in the area. The Project will not displace any people. The Project will have no effect on population growth.

XIV. PUBLIC SERVICES

Would the project:

Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response:

a) No Impact. The Project does not include any features or facilities that will require additional or unusual fire protection resources, enhanced levels of police protection, nor does it have the potential to increase or decrease the area's population, and will therefore not result in a greater or lesser demand for schools or parks.

XV. RECREATION

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response:

a), b) No Impact. The Project does not have the potential to increase or decrease the area's population, and will therefore not result in increased or decreased use of parks or other recreational facilities. Additionally, the Project does not include recreational facilities and will not require the construction or expansion of any recreational facilities.

XVI. TRANSPORTATION/TRAFFIC

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response:

a)-f) No Impact. The Project does not involve construction or land alteration that would have the potential to impact transportation, create additional traffic, or affect emergency access. The Project would not result in any impacts to transportation or traffic.

XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response:

a)-g) No Impact. The Project would not result in a change to facilities or operations at existing wastewater basins, nor would it require additional water supplies or generate wastewater. The amount of runoff at the Project area would not change as a result of this Project nor would implementation of the Project generate any solid waste.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response:

a) No Impact. The analysis conducted in this Environmental Checklist results in a determination that the project will have no significant effect on the local environment. The project would involve no potential for significant impacts through the degradation of the quality of the environments, the reduction in the habitat or population of fish or wildlife, including endangered plants or animals, the elimination of a plant or animal community or example of a major period of California history or prehistory. The project would not result in substantial adverse effects on human beings, either directly or indirectly.

b) No Impact. As discussed above, the Project would have no significant impacts to the local environment. Water that would have been delivered to SSJMUD will now be delivered to KTWD, and will be used to supplement existing supplies, or to bolster groundwater recharge operations.

c) No Impact. The Project would not result in any adverse effects on human beings, either directly or indirectly. No mitigation measures would be required.

Proposed Negative Declaration
Kern-Tulare Water District
Southern San Joaquin Municipal Utility District Assignment

Description: The Project is the partial assignment from SSJMUD to KTWD of 5,000 AF of its Class 2 water supply contract. When Class 2 water is made available, KTWD would deliver this water through turnouts on the FKC. This water will be used consistent with the contract and other Reclamation approvals. The Project involves no construction or alterations to the environment; rather, it only involves a change in the delivery point of the water.

Location: Southern San Joaquin Municipal Utility District (SSJMUD) is located in Kern County and Kern-Tulare Water District (KTWD) is located in both Kern and Tulare Counties.

Environmental Finding: Based on the environmental analysis performed and summarized in the Environmental Assessment/Initial Study and attached Environmental Checklist, KTWD finds that the proposed project will not have a significant adverse effect on the environment. The proposed project will not result in any potentially significant adverse effects related to the "Mandatory Findings of Significance" contained in Section 15065 of the California Environmental Quality Act (CEQA) Guidelines.

Mitigation Measures: The results of this environmental assessment indicate that no potentially significant impacts will result from the project. Consequently, no mitigation, compensation, or set-asides are proposed.

This Negative Declaration was prepared pursuant to the California Environmental Quality Act.

Submitted by:

Steven Dalke, General Manager

Date

FINAL ENVIRONMENTAL ASSESSMENT/INITIAL STUDY (EA/IS-11-008)

*SOUTHERN SAN JOAQUIN MUNICIPAL UTILITY DISTRICT PARTIAL ASSIGNMENT
OF 5,000 ACRE-FEET OF CENTRAL VALLEY PROJECT WATER TO KERN-TULARE
WATER DISTRICT*

Appendix C
Comment Letters and Response to Comments

January 2012

ARVIN-EDISON WATER STORAGE DISTRICT

20401 BEAR MOUNTAIN BOULEVARD
MAILING ADDRESS: P.O. Box 175
ARVIN, CALIFORNIA 93203-0175

TELEPHONE (661) 854-5573
FAX (661) 854-5213

EMAIL arvined@aewsd.org

October 11, 2011

Sent via E-mail (rhealer@usbr.gov), Facsimile (559.487.5397)
& U.S. Postal Service

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STAFF ENGINEER
JEEVAN S. MUHAR

Rain Healer
United States Bureau of Reclamation
South-Central California Area Office
1243 N. Street
Fresno, CA 93727

**RE: Draft Environmental Documents for the Partial Assignment of CVP
Contract Water Supply from Southern San Joaquin Municipal Utility
District (SSJMUD) to Kern-Tulare Water District (KTWD)**

Dear Rain:

Thank you for the opportunity to provide comments on the subject environmental document.

Arvin-Edison Water Storage District (AEWSD) has some concern that by providing a Friant Division contract to a new contractor, namely KTWD, the historic availability and delivery of AEWSD's water supplies could be negatively impacted.

AEWSD-1 | AEWSD sees the possibility to be negatively impacted in two areas. First, KTWD's priority to take water under Uncontrolled Season or Section 215 Contract conditions would be greatly enhanced as a new Friant-Kern contractor whereas historically KTWD's priority to such supplies was only after all water needs were met for long-term Friant-Kern Contractors. Has the Bureau of Reclamation (Bureau) evaluated, or provided safeguards against, such negative impacts? This is of particular importance considering the San Joaquin River Restoration Program, to which AEWSD suffers losses, and looks to these supplies to mitigate those losses.

AEWSD-2 | Secondly, SSJMUD's original contract had specific Points-of-Delivery in the Friant-Kern Canal, and in fact, the size and hydraulics of the canal were built with that in mind. As you are aware, the Friant-Kern Canal is undersized, and prorate constraints are frequently in place when high-flow short-duration supplies are available. Subsequently, almost any change in point of diversion has the potential to further restrict deliveries to current Friant-Kern Contractors under those conditions. Subsequently, any deliveries to KTWD, beyond SSJMUD's contract Point-of-Delivery, have the potential to impact other contractors such as AEWSD. Has the Bureau evaluated, or provided safeguards against, such impacts?

Rain Healer
October 11, 2011
Page 2

AEWSD-3 | Additionally, under the cumulative impacts section, it appears that recent environmental documents that has been completed and approved for KTWD may have been overlooked in the document, namely the KTWD banking in Rosedale Rio-Bravo Water Storage District, KTWD banking in North Kern Water Storage District (05-120), and KTWD Return of Banked Water (2009).

AEWSD-4 | AEWSD is generally in favor of creative water management programs such as this; however, an assignment of CVP Contract Water Supply **should not** restrict AEWSD's, nor other long-term contractors', access to supplies or conveyance capacity beyond that which would exist absent such assignment.

Thank you for your consideration on these matters.

Sincerely,

A handwritten signature in blue ink that reads "Steve Collup" followed by "FOR" in a smaller, less legible script.

Steve Collup
Engineer-Manager

cc: Jeevan Muhar, Staff Engineer

Response to Arvin-Edison Water Storage District Comment Letter, October 11, 2011

- AEWSD-1 Kern-Tulare Water District (KTWD) has a long history of contracting with Reclamation for Friant Division Central Valley Project (CVP) water supplies. KTWD has taken delivery of this water only when Reclamation has determined that Section 215 contract supplies were available. Additionally, Reclamation considered the contract position of Southern San Joaquin Municipal Utility District (SSJMUD), their history of delivery of CVP contract supplies and the capabilities which they have had and continue to have under their existing contract to take delivery of supplies classified as Section 215. Similar to the contract position of all long-term Friant Division CVP contractors, SSJMUD has had and continues to have the capability to enter into arrangements to take delivery of water in excess of their historical deliveries. Reclamation has not identified any impacts on existing long-term Friant Division CVP contractors brought about by this proposed assignment that would be adverse to these contractors.
- AEWSD-2 Reclamation has evaluated and determined that the capability of KTWD to take delivery of the assigned water supply would not create adverse impacts on other long-term Friant Division CVP contractors beyond that which currently exists. KTWD would be taking assignment of a portion of the SSJMUD water supply and would be subject to identical terms and conditions that SSJMUD is subject to. KTWD would not be gaining any rights beyond those which are currently available to SSJMUD, including capacity availability to specific points of diversion.
- AEWSD-3 The cumulative impact section within Section 3.1.2 includes information on actions completed by Reclamation for KTWD and SSJMUD between 2006 and 2011. EA-11-008 has been updated to include actions mentioned by AEWSD that fall within this time period. These include EA-05-120 *Kern-Tulare and Rag Gulch Water Districts 25 Year Conjunctive Use Groundwater Storage and Extraction Project* and EA-09-11-MP *Kern Tulare Water District Return of Banked Water* as they were completed in 2006 and 2009, respectively; however, EA-05-01 *Kern-Tulare Water District and Rag Gulch Water District Groundwater Banking Project in Rosedale-Rio Bravo Water Storage District* was completed in 2005 and is therefore not included. EA-11-008 did include banking information from these actions (see Table 3-2 on page 8 of EA-11-008).
- AEWSD-4 See Response to AEWSD-2.

Healer, Rain L

From: Thomas_Leeman@fws.gov
Sent: Tuesday, October 11, 2011 4:28 PM
To: Leeman, Thomas
Cc: Russell, Daniel; Hyatt, David E; Knight, Jan; Winckel, Joy; English, Randy J; Healer, Rain L
Subject: Comments on DEA/FONSI on SSJMUD partial assignment to Kern Tulare WD
Attachments: 01-F-0027_Table 4.1 of Friant Biop_Land Use by District.pdf; Relevant excerpts from Friant Biop_01-F-0027.doc

Rain,

The subject line of my previous email should have read "Comments on DEA/FONSI on SSJMUD partial assignment to Kern Tulare WD" rather than indicating that they were draft comments. I apologize for any confusion resulting from this error.

Best regards,
Thomas

Thomas Leeman/R8/FWS/DOI
10/11/2011 04:15 PM

To
Rain L Healer
cc
dhyatt@usbr.gov, reenglish@usbr.gov, Jan Knight/SAC/R1/FWS/DOI@FWS, Daniel Russell/SAC/R1/FWS/DOI@FWS, Joy Winckel/SAC/R1/FWS/DOI@FWS Subject Draft e-mail comments on DEA/FONSI on SSJMUD partial assignment to Kern Tulare WD

To: Rain Healer

Re: draft EA and FONSI on the partial assignment of South San Joaquin Municipal Utility District allocation to Kern Tulare Water District We have reviewed the draft EA and FONSI for the partial assignment of a portion (5,000 acre-feet) of Southern San Joaquin Municipal Utility District's (SSJMUD) allocation of Central Valley Project water to Kern-Tulare Water District, and the consequent reduction of SSJMUD's supplementary water supply. The EA/FONSI notes the following, "Reclamation proposes to approve the partial assignment of 5,000 AF of SSJMUD's Class 2 allocation from Millerton Lake to KTWD and the consequent reduction of SSJMUD's Class 2 allocation. Delivery of this water will be done through existing turnouts on the Friant-Kern Canal (FKC), between mileposts 111.56 and 151.81. The assigned 5,000 AF of Class 2 contractual supply will be used to meet KTWD's in-district demands and other uses consistent with the existing Repayment Contract and Reclamation approvals. No new infrastructure, modifications of facilities, or ground disturbing activities will be needed for movement of this water. No native or untilled land (fallow for three consecutive years or more) will be cultivated with water involved with these actions."

The EA/FONSI makes the following findings regarding Land Use and Biological Resources, "...KTWD will use the water for existing permanent crops within its service area. No native habitat, untilled lands or lands fallow for three or more consecutive years will be brought into production with this water.

Therefore, there will be no impacts to land use within KTWD as there would be no land use changes as a result of the Proposed Action... "Under the Proposed Action, assigned water will be conveyed in existing facilities to established agricultural lands. No native lands or lands fallowed and untilled for three or more consecutive years will be disturbed..."

With respect to impacts to federally listed species, the EA/FONSI concludes, "Reclamation has determined that the Proposed Action will have no effect to listed species or designated critical habitat under the Endangered Species Act (ESA, 16 U.S.C. §1531 et seq.) for the proposed federal action of approving this assignment. Per Biological Opinion

↑(1-1-01-1-0311) on Implementation of the Central Valley Project Improvement Act and Continued Operation and Maintenance of the Central Valley Project, Reclamation prepared and provided a letter June 13, 2011 notifying the U.S. Fish and Wildlife Service of its determination.”

With respect to cumulative effects to Biological Resources, the EA/FONSI concludes, “Existing conditions, such as loss of habitat due to urbanization and expanding agricultural lands that cumulatively impact listed species and their habitats, are expected to occur with or without the Proposed Action. Assignment of 5,000 AF of SSJMUD’s Class 2 allocation is not expected to contribute cumulatively to habitat loss as this water will be used on existing crops. In addition, all conditions under the existing contract that protect biological resources will be transferred to KTWD for the portion allocated under the partial assignment. Therefore, there will be no cumulative impacts to biological resources as a result of the Proposed Action.”

The Service provided an e-mail response to Reclamation’s June 13, 2011 notification of determination of no effect on June 28, 2011.

In that e-mail we found that:

“...after reviewing the memo and the attached map, there is not sufficient information provided in your memo to support your "No Effect"

determination to federally listed species. Further, the paucity of information provided in the memo could put Reclamation in a vulnerable position if unauthorized take of a listed species were to occur associated with this water assignment.

Consistent with other consultations the Service and Reclamation have been involved with on water contract renewals, we ask that you provide us with a more detailed map of the project area that depicts the following:

- Habitat types/Land use
- Listed species sitings
- Listed species critical habitat
- 5 mile buffer around project area

Such maps were provided by Reclamation on contract renewals for the San Luis Unit. An example of such a map was attached to our June 18, 2011 email.

The Friant Biological Opinion (Table 4.1) identified over 3,000 acres of land within the Kern-Tulare Water District with moderate to high habitat value (e.g., fallow land and rangeland). It would be helpful to know what the current disposition of those land use types are in the district, and whether this water would be used on any of these lands that weren't in cultivation at the time the Friant consultation was completed.”

On September 9, 2011, Reclamation released the draft EA/FONSI for this project for 30 day public review. The EA/FONSI does not include any land use mapping analysis for the recipient district, Kern-Tulare WD.

The Service completed a biological opinion on Friant and Cross Valley Division long term contracts in 2001 (Service File Number 01-F-0027; Friant Biop). In the Friant Biop acreage of land uses by district was presented in Table 4.1 and is attached to this e-mail. For Kern-Tulare Water District, 3,054 acres of rangeland were identified as moderate to high habitat value for listed species within the district.

In the Friant Biop, Reclamation committed to completing comprehensive mapping of potential habitat for listed species in CVP service areas by May 2002. In addition, Reclamation and the Service committed to revisit and update the land cover database for year 2000 every 5 years for monitoring and trends analysis purposes (See attached file, Relevant excerpts from Friant Biop). Yet, the EA/FONSI fails to include any land use mapping or data for Kern Tulare Water District or any mention of previous land use mapping efforts by Reclamation.

Further, the EA/FONSI assumes that the assigned water from the proposed action would be used by KTWD for “... existing permanent crops within its service area. No native habitat, untilled lands or lands fallow for three or more consecutive years would be brought into production with this water. Therefore, there would be no impacts to land use within KTWD as there would be no land use changes as a result of the Proposed Action.”

However, the Friant Biop includes a discussion of the interrelated effects of surface water delivery from the CVP on groundwater use and tailwater reuse and land conversions (see attached file, Relevant excerpts from Friant Biop, pages 4-3 to 4-4). Yet, the EA/FONSI does not analyze this potential interrelated impact of the proposed action to remaining rangeland within the Kern Tulare Water District.

Conclusion

The Service recommends that the EA/FONSI be revised to address the information deficiencies identified in this e-mail and be recirculated for public comment. In addition, due to likely interrelated effects of the proposed action on land conversions, we recommend that Reclamation initiate consultation with the Service pursuant to section 7(a) of the Endangered Species Act for this project. Feel free to contact Joy Winckel or me if you have any questions.

Thomas Leeman
Chief, San Joaquin Valley Division
U.S. Fish and Wildlife Service
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
(916) 414-6544 direct / (916) 414-6600 front desk

U.S. Fish and Wildlife Service Comment Letter, October 14, 2011

USFWS-1 Section 7 of the Endangered Species Act (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. As described in Environmental Assessment (EA)-11-008, Reclamation determined that there would be No Effect to listed species or designated critical habitat under the ESA (16 U.S.C. §1531 et. seq.) for the proposed federal action of approving the partial assignment of 5,000 acre-feet (AF) of Southern San Joaquin Municipal Utility District's (SSJMUD) Friant Division Class 2 water supply to Kern-Tulare Water District (KTWD). Per Biological Opinion (1-1-01-1-031 1) on *Implementation of the Central Valley Project Improvement Act and Continued Operation and Maintenance of the Central Valley Project*, Reclamation prepared and provided a letter June 13, 2011 notifying the Fish and Wildlife Service (Service) of its determination.

On June 28 2011, the Service responded to Reclamation's June 13, 2011 notification of determination letter requesting the additional information and mapping included in the comment letter provided by the Service for the draft EA. On July 14th 2011, Reclamation provided a response to the Service regarding the nature of the June 13, 2011 letter which included the following:

"The letter provided on June 13, 2011 was prepared for the Service according to the Biological Opinion on Implementation of the CVPIA and Continued Operation and Maintenance of the CVP (Service File No. 1-1-01-I-0311, pages 2-39 and 2-70 Section VI. I. No. 8) and is consistent with the style and content of inclusion/exclusion/assignment memos previously provided."

Although the scope of the Proposed Action, a partial assignment, is different than a contract renewal, Reclamation provided the requested mapping on October 18, 2011 supporting the no effect determination. In addition, a figure has been included in Section 3.2 of the Final EA that depicts land use surrounding KTWD and SSJMUD and general movement of groundwater within the surrounding area.

As shown in Figure 3-1 in Section 3.2.1 of the Final EA, the majority of land use in the areas surrounding SSJMUD and KTWD is farmland. It is possible that groundwater levels downslope of KTWD could be indirectly benefited by the addition of the assigned Class 2 water supply; however, as these lands are already in production and used as farmland, the slight increase in groundwater levels would not change land use in these areas. There are grazing lands within the foothills to the east and southeast of KTWD (Figure 3-1); however, as these lands are generally upslope and groundwater travels downslope, no increase in groundwater levels are expected to occur. Therefore, Reclamation maintains its no effect determination.

USFWS-2 Land use data has been included in the Final EA, see USFWS-1.

USFWS-3 As required by the Biological Opinion (1-1-01-1-031 1) on *Implementation of the Central Valley Project Improvement Act and Continued Operation and Maintenance of the Central Valley Project* and stated within the Proposed Action of the EA and FONSI, no new infrastructure, modifications of facilities, or ground disturbing activities will be needed for movement of this water. No native or untilled land (fallow for three consecutive years or more) will be cultivated with water involved with these actions. These are environmental commitments required for implementation of the Proposed Action and will be included in the assignment agreement between Reclamation, SSJMUD and KTWD. Use of this water for cultivation of native land or untilled land that was fallow for three consecutive years or more will require separate Reclamation approval and additional environmental analysis.

In addition, Reclamation has implemented an environmental commitment monitoring program per the guidance issued by the President's Council on Environmental Quality on January 14, 2011. Reclamation's Environmental Commitment Program (ECP) is designed to implement, track and evaluate environmental commitments as required by the National Environmental Policy Act. An ECP has been prepared for the Proposed Action and will be monitored annually for the life of the project.

See USFWS-1 regarding potential inter-related or indirect effects.

USFWS-4 Land use data has been included in the Final EA (see USFWS-1) which supports Reclamation's no effect determination pursuant to the Endangered Species Act (16 U.S.C. §1531 et. seq.).

Reclamation has already released the draft EA for public comment. In addition, Reclamation has reviewed the changes between the draft EA and Final EA and has determined that none of the changes, individually or collectively, require re-circulation of the draft EA as none involve a substantial change in circumstances, conditions or determination of significant impacts from what was already addressed.

FINAL ENVIRONMENTAL ASSESSMENT/INITIAL STUDY (EA/IS-11-008)

*SOUTHERN SAN JOAQUIN MUNICIPAL UTILITY DISTRICT PARTIAL ASSIGNMENT
OF 5,000 ACRE-FEET OF CENTRAL VALLEY PROJECT WATER TO KERN-TULARE
WATER DISTRICT*

Appendix D
KTWD Resolution No. 2011-08

January 2012

KERN-TULARE WATER DISTRICT

RESOLUTION NO. 2011-08

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
KERN-TULARE WATER DISTRICT
APPROVING NEGATIVE DECLARATION FOR THE SOUTHERN SAN
JOAQUIN MUNICIPAL UTILITY DISTRICT PARTIAL ASSIGNMENT OF 5,000
ACRE-
FEET OF CENTRAL VALLEY PROJECT WATER TO KERN-TULARE
WATER DISTRICT**

WHEREAS, the Kern-Tulare Water District (District) at its regularly scheduled board meeting on October 18, 2011, conducted a public meeting to consider the potential environmental impact of the proposed Southern San Joaquin Municipal Utility District Partial Assignment of 5,000 acre-feet of Central Valley Project Water to Kern-Tulare Water District ("Project"); and

WHEREAS, an Environmental Assessment/Initial Study was prepared for the Project in accordance with the California Environmental Quality Act; and

WHEREAS, the District Manager made a preliminary determination that a Negative Declaration would be appropriate for the proposed Project on September 15, 2011; and

WHEREAS, the Environmental Assessment/Initial Study has been transmitted to interested agencies, groups, and individuals for a review period from September 15, 2011 to October 14, 2011; and

WHEREAS, this Board independently reviewed the Environmental Assessment/Initial Study and the Negative Declaration and it exercised overall control and direction of the review process; and

WHEREAS, the District is the custodian of the documents and/or other materials which constitute the record of proceedings upon which the Board's decision is based, and the District office is the location of this record; and

WHEREAS, this Board finds and determines that no comments were received regarding the proposed Negative Declaration; and

WHEREAS, this Board finds that the Negative Declaration reflects the Board's independent judgment and analysis; and

WHEREAS, this Board finds that there is no substantial evidence in the record before it that the proposed Project will have a significant effect on the environment; and

WHEREAS, this Board finds that it cannot be fairly argued that the proposed Project will have a significant effect on the environment, either directly or indirectly; and

WHEREAS, this Board finds that based on the Environmental Assessment/Initial Study and record, the Project will not individually or cumulatively have an adverse effect on environmental resources.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of **KERN-TULARE WATER DISTRICT** as follows:

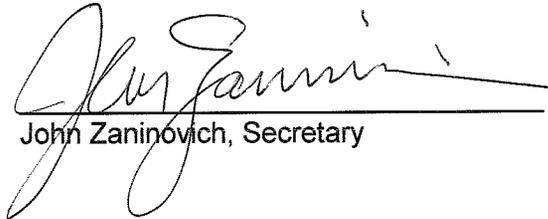
1. Each of the matters set forth above is true and correct and the Board so finds and determines.
2. The Negative Declaration in the form attached hereto (excluding the Environmental Assessment/Initial Study which is on file with the District's records) is adopted and the proposed Project is approved.
3. The General Manager of the District is directed to file a Notice of Determination in the manner prescribed by the California Environmental Quality Act.

PASSED, APPROVED AND ADOPTED by the Board of Directors of **KERN-TULARE WATER DISTRICT** this 18th day of October, 2011.

ATTEST:



Kent H. Stephens, President



John Zaninovich, Secretary

FINAL ENVIRONMENTAL ASSESSMENT/INITIAL STUDY (EA/IS-11-008)

*SOUTHERN SAN JOAQUIN MUNICIPAL UTILITY DISTRICT PARTIAL ASSIGNMENT
OF 5,000 ACRE-FEET OF CENTRAL VALLEY PROJECT WATER TO KERN-TULARE
WATER DISTRICT*

Appendix E
KTWD Notice of Determinations

January 2012

RECEIVED WITH FEE
RECEIPT # 15110302

FILED
KERN COUNTY

OCT 21 2011

ANN K. BARNETT
AUDITOR-CONTROLLER
KERN COUNTY CLERK
DEPUTY

CEQA

Transmittal Memorandum/Filing Receipt

Please complete the information and paperclip a transmittal sheet with each set of documents presented for filing. Please provide an original set, one (1) set of copies for filing, one (1) set for Dept of Fish & Game if applicable, and one (1) copy if you would like one returned to you. Thank you.

Project Title: Southern San Joaquin Municipal Utility District Partial Assignment of 5,000 acre-feet of Central Valley Project water to Kern-Tulare Water District

Name of Agency Filing Document: Kern-Tulare Water District

The above named agency is filing as: Lead Agency Responsible Agency

Address of Filing Agency: 5001 California Avenue, ste 202, Bakerfield, CA 93309

Document Type (check one):
 Notice of Determination Environmental Impact Report Other

Project Applicant: _____

Project Applicant Address: _____

Project Applicant Phone Number: _____

COPY

Check Applicable Fees (check all that apply):

- County Administrative Fee for all postings (\$50.00)
- Notice of Determination with a Negative Declaration (\$2,010.25)
- Notice of Determination with an Environmental Impact Report (\$2,792.25)
- Notice of Determination – No Fee Effect (**Must Attach Dept of Fish & Game's Certificate of Fee Exemption**)
- JV Sequence # _____ for the amount of \$ _____

Prepared by: Amanda Rodriguez Administrative Assistant
Name Title

Signature: [Signature] 10/21/11 661-327-3132
Signature Date Phone #

DO NOT WRITE BELOW THIS LINE – The following portion will be completed by the County Clerk's Office

Total \$ Received: _____

Signature of person receiving payment: _____, Deputy County Clerk

Posted: _____ and for 30 days thereafter, Pursuant to §21152(C), Public Resource Code

#1851

Notice of Environmental Document
 Posted by County Clerk on 10.21.2011 Posting #: _____
 and for 30 days thereafter, Pursuant to
 Section 21152(C), Public Resources Code

Notice of Determination

To:

Office of Planning and Research
For U.S. Mail: P.O. Box 3044 Sacramento, CA 95812-3044
Street Address: 1400 Tenth St. Sacramento, CA 95814

County Clerk
County of: Kern
Address: 1115 Truxtun Ave, Bakersfield, CA 93301

From:

Public Agency: Kern-Tulare Water District
Address: 5001 California Ave, ste 202, Bakersfield, CA 93309
Contact: Steven C. Dalke, General Manager
Phone: 661-327-3132

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): N/A

Project Title: Southern San Joaquin Municipal Utility District Partial Assignment of 5,000 acre-feet of Central Valley Project Water to Kern-Tulare Water District

Project Location (include county): Kern and Tulare Counties

Project Description:

The Project is the partial assignment from Southern San Joaquin Municipal Utility District to Kern-Tulare Water District of 5,000 AF of its Class 2 water supply contract. When Class 2 water is made available, Kern-Tulare Water District would deliver this water through turnouts on the Friant-Kern Canal. This water will be used consistent with the contract and other Reclamation approvals. The Project involves no construction or alterations to the environment; rather, it only involves a change in the delivery point of the water.

This is to advise that the Kern-Tulare Water District has approved the above described project on October 18, 2011 and has made the following determinations regarding the above described project:
(Lead Agency or Responsible Agency)
(Date)

- 1. The project [] will [X] will not have a significant effect on the environment.
2. [] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. [X] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [] were [X] were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [] was [X] was not adopted for this project.
5. A statement of Overriding Considerations [] was [X] was not adopted for this project.
6. Findings [X] were [] were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: Kern-Tulare Water District, 5001 California Av, ste 202, Bakersfield, CA 93309

Signature (Public Agency) [Signature] Title General Manager

Date October 18, 2011 Date Received for filing at OPR

Notice of Determination

Appendix D

To:

Office of Planning and Research
For U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St.
Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
County of: Tulare
Address: 2800 West Burrel Ave, Visalia, CA 93291-4582

From: Applicant and

Public Agency: Kern-Tulare Water District
Address: 5001 California Ave, ste 202, Bakersfield, CA 93309

Contact: Steven C. Dalke, General Manager
Phone: 661-327-3132

Lead Agency (if different from above) FILED TULARE COUNTY

Address: OCT 21 2011

Contact: ROLAND P. HILL
Phone: ASSESSOR/CLERK RECORDER BY:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): N/A

Project Title: Southern San Joaquin Municipal Utility District Partial Assignment of 5,000 acre-feet of Central Valley Project Water to Kern-Tulare Water District

Project Location (include county): Tulare and Kern Counties

Project Description:

The Project is the partial assignment from Southern San Joaquin Municipal Utility District to Kern-Tulare Water District of 5,000 AF of its Class 2 water supply contract. When Class 2 water is made available, Kern-Tulare Water District would deliver this water through turnouts on the Friant-Kern Canal. This water will be used consistent with the contract and other Reclamation approvals. The Project involves no construction or alterations to the environment; rather, it only involves a change in the delivery point of the water.

This is to advise that the Kern-Tulare Water District has approved the above described project on

October 18, 2011 and has made the following determinations regarding the above described project:
(Date)

- 1. The project [] will [X] will not have a significant effect on the environment.
2. [] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
[X] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [] were [X] were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [] was [X] was not adopted for this project.
5. A statement of Overriding Considerations [] was [X] was not adopted for this project.
6. Findings [X] were [] were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: Kern-Tulare Water District, 5001 California Av, ste 202, Bakersfield, CA 93309

Signature (Public Agency) A C Dalke Title General Manager

Date October 18, 2011 Date Received for filing at OPR