

RECLAMATION

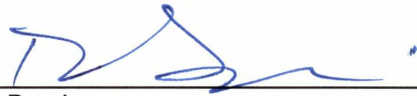
Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Warren Act Contract for Merced Irrigation District Transfer of up to 10,000 acre-feet to Westlands Water District

FONSI-11-073

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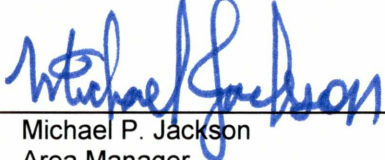
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Date: 10/25/2012



Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the South-Central California Area Office of the Bureau of Reclamation (Reclamation), has determined that an Environmental Impact Statement is not required for the approval of a Warren Act Contract for transfer of up to 10,000 acre-feet (AF) of water from Merced Irrigation District (MID) to Westlands Water District (WWD). The proposed action was evaluated in Environmental Assessment (EA) 11-073, *Merced Irrigation District Transfer of up to 10,000 acre-feet to Westlands Water District*, which is hereby incorporated by reference.

Reclamation provided the public an opportunity to comment on the draft Environmental Assessment and draft FONSI from September 28, 2012 to October 12, 2012. One comment letter was received from McCormick Barstow LLP, on behalf of Gallo Cattle Company. The comment letter and Reclamation's response can be found in Appendix A of EA 11-073.

Background

WWD and MID have agreed to transfer up to 10,000 AF of MID water to WWD in water year 2012-2013, and WWD is requesting that Reclamation approve a Warren Act conveyance Contract (WAC) under contract # 14-06-200-495A-IR3 for the period from October 2012 through September 2013. The transferred water would supplement a deficient Central Valley Project (CVP) water supply and would be used for irrigation on existing lands in WWD that currently receive CVP water. Concurrently with this request, MID has petitioned the State Water Resources Control Board for a change in place of use and point of diversion and has identified a reservoir refill criteria for the water transfer as part of that request. On October 24, 2012, the Board issued an order approving the petition.

Proposed Action

Reclamation proposes to approve a conveyance WAC with an exchange component for delivery, over a period of one year, of up to 10,000 AF of MID's non-CVP water to WWD. The path by which the water would be delivered is described below.

The water would be released from storage in Lake McClure/New Exchequer dam by MID beginning in October 2012, and conveyed in the San Joaquin River to Patterson Irrigation District (PID), or to Banta-Carbona Irrigation District (BCID). Both PID and BCID operate licensed fish screens. The water released would be over and above the flows required to maintain compliance with the water quality and quantity requirements established by the State Water Resources Control Board's Decision 1641 (D-1641) and would not interfere with scheduled fall pulse flows. This action would not impair the California Department of Water Resources (DWR) or Reclamation's ability to meet their other obligations and responsibilities.

Patterson Irrigation District

Transferred non-CVP water would be pumped at PID licensed fish screened intakes, which are designed to limit entrainment and impingement of fish during pumping. PID would pump and convey up to 40 cubic feet per second (cfs), measured by the San Luis and Delta-Mendota Water

Authority (SLDMWA) at the discharge, to the Delta-Mendota Canal (DMC). The water would then be transported in the DMC into the O'Neill Forebay for conveyance to WWD through the San Luis Canal. It is WWD's preference to pump at maximum capacity continually for the first 30 days. After the initial period, water would be delivered at varying amounts until the total volume of 10,000 acre-feet is reached.

Banta-Carbona Irrigation District

Transfer water would also be pumped through a BCID fish-screened facility. BCID's facility would provide additional capacity of up to 60 cfs (as measured by SLDMWA at the discharge) to the DMC. Transfer of water through BCID would be subject to approval by the State Water Resources Control Board, concurrence by DWR, and consistency with all environmental requirements.

If the DMC is being used to convey CVP water and there is no capacity to move this transfer water, the DMC-California Aqueduct Intertie (Intertie) could be used to convey CVP water in the California Aqueduct, as provided for by the Environmental Impact Statement and Record of Decision for the Intertie. This would provide capacity in the DMC for conveyance of transfer water. Reclamation has an existing Wheeling Agreement with DWR for this type of movement. A Letter of Agreement for Project Use Power would also be needed from Reclamation to cover power costs. In addition, if facility connectivity limitations do not allow direct conveyance of the transferred water, an exchange agreement between Reclamation and WWD may be necessary.

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

Findings

Water Resources

While the electrical conductivity of the San Joaquin River water is slightly higher than the water in the DMC, the introduction of San Joaquin River water at the anticipated rates (from 1% to 3% of the 4,200 cfs capacity) is not anticipated to have an adverse effect on downstream users.

The Proposed Action would not affect CVP or SWP operations and would not change existing diversion points from the Delta under Reclamation's or DWR's water rights permits. The Proposed Action would not interfere with Reclamation's obligations to deliver water to other contractors, wetland habitat areas, or for other environmental purposes. This transfer would utilize existing facilities and 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 involved with these actions

Biological Resources

Under the Proposed Action, the water would be conveyed in existing facilities to established agricultural lands. No native lands or lands fallowed and untilled for three or more years would be disturbed as this water would be used on existing farmed lands. The Proposed Action would not affect migratory birds, imperiled species, unique habitats, or species and habitats protected

by Federal or State law. The only impacts to Central Valley steelhead would be those already addressed by NMFS. Essential Fish Habitat for the fall-run and late fall run Chinook salmon is not expected to be affected. Increased flows on the Merced River would be minor in terms of changing the water levels and water temperature, and are unlikely to be measurable outside of typical day-to-day variations.

Environmental Justice

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.

Socioeconomic Resources

Under the Proposed Action, the status quo of agriculture would be maintained. WWD would use the MID water to balance out local deficiencies in water supply and promote efficient irrigation of crops. The most productive farmland would remain in production. Seasonal labor requirements would have very little change, and businesses that support agriculture would not be financially harmed.

Global Climate

The Proposed Action involves movement of water by electrical pumps. The electricity used to power the pumps could come from a variety of sources, including hydropower, landfill gas or burning of traditional fossil fuels. The scenario with the highest emissions of GHGs would be the case where 100% of the power is produced from fossil fuels. Depending on the proportion of water directed to PID and/or BCID, pumping arrangements could range from 1200 horsepower for 126 days to 2350 horsepower for 76 days. This corresponds to approximately 2,707,000 kilowatt-hours (kwh) to 3,198,000 kwh of energy used. Per EPA's Greenhouse Gas (GHG) Equivalencies Calculator, production of this much power would produce estimated emissions for CO₂ equivalences from 1,867 to 2,205 metric tons per year of CO₂e. This is negligible compared to the EPA's 25,000 metric tons per year threshold for annually reporting GHG emissions. Accordingly, operations under the Proposed Action would result in below de minimis impacts to global climate change.

Cumulative Impacts

As in the past, hydrological conditions and other factors are likely to result in fluctuating water supplies which drives requests for water service actions. Water districts aim to provide water to their customers based on available water supplies and timing, all while attempting to minimize costs. Farmers irrigate and grow crops based on these conditions and factors, and a myriad of water service actions are approved and executed each year to facilitate water needs. Each water service transaction involving Reclamation undergoes environmental review prior to approval. Existing or foreseeable projects, in addition to the proposed transfer from MID to WWD, which could affect or could be affected by the Proposed Action or No Action alternative, include the following:

San Joaquin River Restoration

The San Joaquin River Restoration Program (SJRRP) was established in late 2006 to implement the requirements of a settlement of NRDC, et al., v. Kirk Rodgers, et al. The goal of the SJRRP is to establish a self-sustaining population of fish, primarily salmon, in the portion of the San Joaquin River between Friant Dam and the Merced River while minimizing adverse impacts to water users. A Final Program Environmental Impact Statement/Report was issued in July 2012.

Additional Point of Delivery for Byron-Bethany Irrigation District's Non-Project Water to Westlands Water District

Under a previous action (EA 09-156), Reclamation approved a Warren Act transfer of up to 10,000 AF of water by a variety of contractors to and through the Delta-Mendota Canal. In 2012 the previous approval was amended to allow up to 5,000 AF of the covered water to further be transferred by the San Luis Canal to Westlands Water District. Reclamation issued Finding of No Significance (FONSI) 12-052 for this action on June 15, 2012.

Additional Point of Delivery for Patterson Irrigation District's Non-Project Water to Del Puerto Water District

This action is similar to what is described above for Byron-Bethany Irrigation District, except that up to 10,000 AF would be transferred from Patterson Irrigation District to Del Puerto Water District. Reclamation issued FONSI 12-054 for this action on July 17, 2012.

Vista Verde Temporary Annual Transfer of Settlement Contract Water to Vista Verde-Owned Lands within Westlands Water District

This action involved transfer of contract water from a property owned by Vista Verde farms to another property within Westlands Water District owned by the same company. Up to 1,140 AF are to be transferred each year from one property to the other. Reclamation issued FONSI 12-038 for this action on July 31, 2012.

Addition of Westlands Water District to the Arvin-Edison Water District and Westside Mutual Water Company Exchange Program

In 2011, Reclamation approved an exchange of up to 50,000 AF of water between Arvin-Edison Water Storage District and Westside Mutual Water Company Exchange. Reclamation is now considering allowing Westside Mutual Water Company to deliver water to their customers within Westlands Water District as well. The Supplemental Environmental Assessment (SEA 12-030) for that action is not yet complete.

Transfer from Central California Irrigation District and Firebaugh Canal Water District to San Luis, Panoche, Del Puerto and Westlands Water Districts

Under this project, up to 20,500 AF of CVP water could be transferred from Central California Irrigation District and Firebaugh Canal to San Luis, Panoche, Del Puerto and Westlands Water District. In addition, up to 5,000 AF could be transferred from Firebaugh Water District to San Luis and Westlands Water District. The transfers would take place between July 2012 to December 31, 2012 and April 1, 2013 to December 31, 2013. Reclamation issued FONSI 12-006 for this project on July 27, 2012.

Oro Loma Water District Partial Assignment to Westlands Water District

This action involved partial reassignment of Oro Loma Water District's CVP water allocation to Westlands Water District. 4,000 of Oro Loma's 4,600 AF of CVP contract water were assigned to Westlands to meet their in-district needs. Reclamation issued FONSI 11-092 for the project on February 27, 2012.

Westlands Water District Conveyance of Kings River Flood Flows in the San Luis Canal

Westlands Water District had an agreement with the Kings River Water Association to convey seasonal flood flows from the Kings River to lands within WWD's service area by way of their Laterals 6-1 and 7-1. However the land served by those laterals was retired and no longer needed the flood water. With this action, Reclamation allowed WWD to redirect up to 50,000 AF of the excess Kings River flood water to the San Luis Canal for use at other locations. Reclamation issued FONSI 11-002 for the project on January 26, 2012.

Delta-Mendota Canal Pump-In Project (2011-2012)

The DMC pump-in program allows the member agencies of the San Luis & Delta-Mendota Water Authority to pump groundwater into the DMC for delivery to contractors during the period of March 1, 2011 through February 28, 2013. The member agencies are limited to no more than 10,000 AF individually, and 50,000 AF as a group. Reclamation issued FONSI 10-072 for this project on February 28, 2011.

Delta-Mendota Canal Pump-In Project (2012-2013)

This project is similar to the DMC Pump-In Project above, but covers the time period from March 1, 2012 to February 28, 2013. Allowed water volumes are the same. Reclamation issued FONSI 12-005 for this project on May 8, 2012.

Delta-Mendota Canal Pump-In Project (2013-2024)

This project is similar to the DMC Pump-In Project above, but covers the time period from March 1, 2013 to February 29, 2024. Allowed water volumes are the same. Reclamation is considering this action under EA 12-061.

Byron Bethany Irrigation District Long-term Exchange Agreement. Reclamation has received a request from Byron Bethany Irrigation District to enter into a 40-year contract for the introduction of up to 4,725 AF per year of their non-CVP surface water in to the DMC for exchange with Reclamation. Reclamation is currently preparing EA 09-149 for the proposed project.

It is expected that sufficient capacity would be available to accommodate all of these actions at most times of the year. If capacity should be limited, some water would be routed through the California Aqueduct to allow all delivery obligations to be met.

RECLAMATION

Managing Water in the West

Environmental Assessment

Warren Act Contract for Merced Irrigation District Transfer of up to 10,000 acre-feet to Westlands Water District

EA-11-073



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

October 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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Section 1 Introduction

The Bureau of Reclamation (Reclamation) provided the public with an opportunity to comment on the draft Environmental Assessment (EA) and draft Finding of No Significant Impact between September 28, 2012 and October 12, 2012. One comment letter was received on the draft documents. The comment letter and Reclamation's response to the comments may be found in Appendix A. Changes from the draft EA that are not minor editorial changes are indicated by vertical lines in the left margin of this document.

1.1 Background

Westlands Water District (WWD) and Merced Irrigation District (MID) have agreed to transfer up to 10,000 acre-feet (AF) of MID non-Central Valley Project (CVP) water to WWD in water year 2012-2013. WWD is requesting that Reclamation approve a Warren Act Contract (WAC) under contract # 14-06-200-495A-IR3 for the period from October 2012 through September 2013. The transferred water would supplement a deficient CVP water supply and would be used for irrigation on existing lands in WWD that currently receive CVP water. Concurrently with this request, MID has petitioned the State Water Resources Control Board for a change in place of use and point of diversion and has identified a reservoir refill requirement for the water transfer as part of that request.

1.2 Purpose and Need

WWD experienced reduced water supply allocations in 2007, 2008, 2009 and 2010 due to hydrologic conditions and regulatory constraints. Following an above-average water year in 2011, the hydrologic conditions for 2012 are dry, and WWD needs to supplement its supplies to avoid shortages and loss of permanent crops. The purpose of executing the proposed WAC is to allow for the conveyance of MID's water through Federal facilities to WWD.

1.3 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 National Environmental Policy Act analysis and decision-making process of this Environmental Assessment (EA) and include the following as amended, updated, and/or superseded (all of which are incorporated by reference):

Central Valley Project Improvement Act

CVPIA, Section 3408(c), authorizes the Secretary of the Interior to enter into contracts pursuant to Reclamation law and this title with any Federal agency, California water user or water agency, State agency, or private nonprofit organization for the exchange, impoundment, storage, carriage, and delivery of CVP and non-CVP water for domestic, municipal, industrial, fish and wildlife,

and any other beneficial purpose, except that nothing in this subsection shall be deemed to supersede the provisions of section 103 of Public Law 99-546 (100 Stat. 3051).

Reclamation completed the Final Programmatic Environmental Impact Statement for the CVPIA in October 1999 that analyzed alternatives and implementation of the CVPIA. The Record of Decision was signed on January 9, 2001.

Warren Act

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

Water Quality Standards

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

1.4 Scope

This EA is being prepared to examine the possible impacts of approving the WAC, over a period of one year, for the conveyance of up to 10,000 AF of MID's non-CVP water to WWD. The EA also examines the possible impacts of the No Action alternative. The analysis is limited to the delivery systems and conveyances necessary to transfer the water from MID to WWD.

MID is located in Merced County and WWD is located in western Fresno and Kings counties (Figure 1-1).

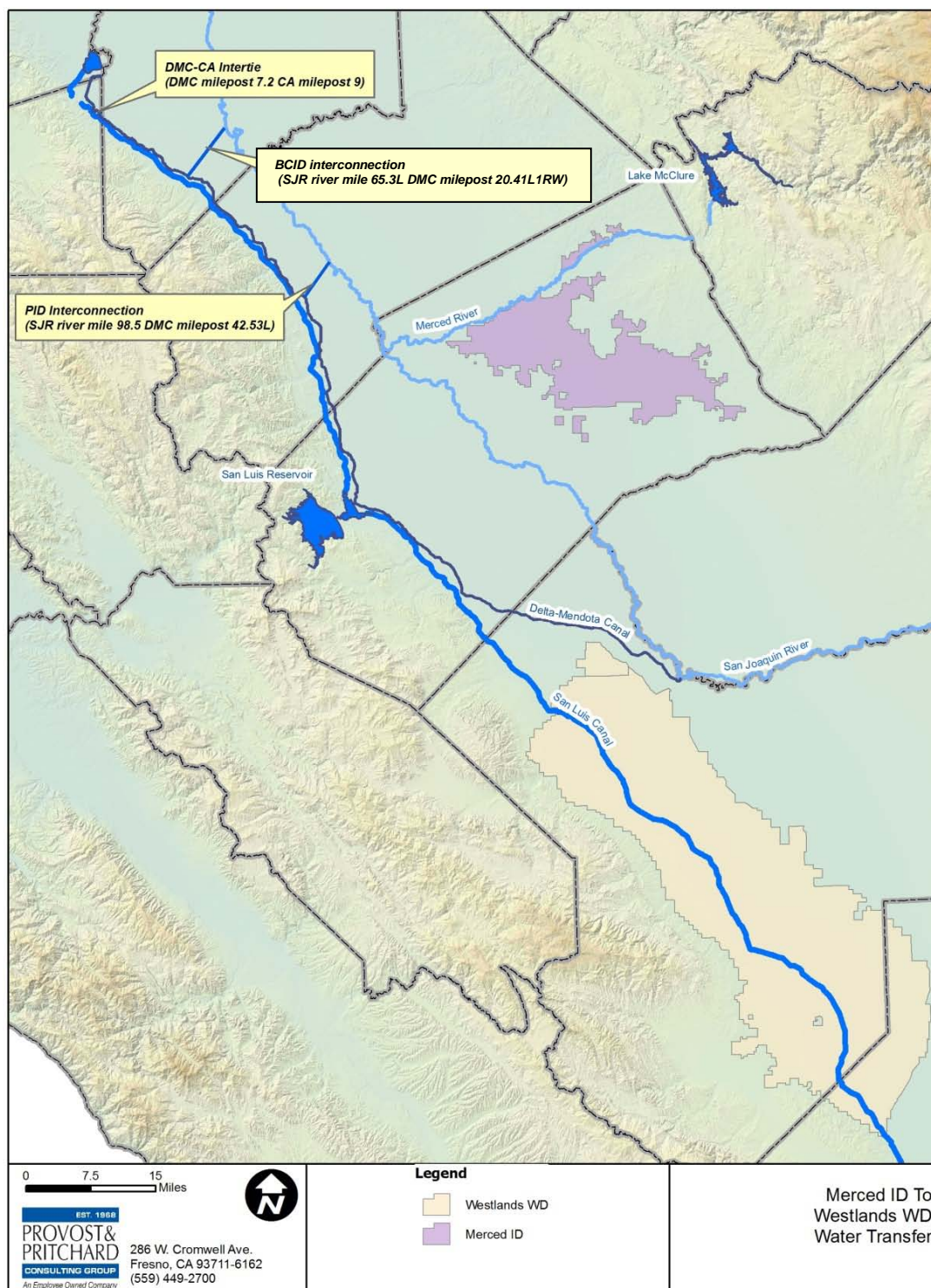


Figure 1-1 Overall Location Map

1.5 Resources Requiring Further Analysis

This EA will analyze the environment affected by the Proposed Action and No Action alternative in order to determine the potential direct, indirect, and cumulative effects to the following resources:

- Water Resources
- Biological Resources
- Environmental Justice
- Socioeconomic Resources
- Air Quality
- Global Climate

Section 2 Alternatives Considered

This EA 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 WAC for the conveyance of up to 10,000 AF of MID's non-CVP water to WWD. WWD would look for other water supplies to supplement its water portfolio. Absent this transfer, water available for acquisition from MID would remain in storage within Lake McClure for and be put to other beneficial uses by MID.

2.2 Proposed Action

Reclamation proposes to approve a conveyance WAC with an exchange component for the delivery, over a period of one year, of up to 10,000 AF of MID's non-CVP water to WWD. The path by which the water would be delivered is shown in Figure 2-1 and described below.

The water would be released from storage in Lake McClure/New Exchequer dam by MID beginning in October 2012, and conveyed in the San Joaquin River to Patterson Irrigation District (PID), or to Banta-Carbona Irrigation District (BCID). Both districts operate licensed fish screens. The water released would be over and above the flows required to maintain compliance with the water quality and quantity requirements established by the State Water Resources Control Board's Decision 1641 (D-1641) and would not interfere with scheduled fall flows. This action would not impair the California Department of Water Resources (DWR) or Reclamation's ability to meet their other obligations and responsibilities.

Patterson Irrigation District

Transferred non-CVP water would be pumped at the Patterson Irrigation District's (PID) licensed fish screened intakes, which are designed to limit entrainment and impingement of fish during pumping. PID would pump and convey up to 40 cubic feet per second (cfs), measured by the San Luis and Delta-Mendota Water Authority (SLDMWA) at the discharge, to the Delta-Mendota Canal (DMC). The water would then be transported in the DMC into the O'Neill Forebay for conveyance to WWD through the San Luis Canal. It is WWD's preference to pump at maximum capacity continually for the first 30 days, totaling approximately 6,000 acre-feet. After the initial period, water would be delivered at varying amounts until the total volume of 10,000 acre-feet is reached.

Banta-Carbona Irrigation District

Transfer water would also be pumped through a Banta-Carbona Irrigation District (BCID) fish-screened facility as shown in Figure 2-1. BCID's facility would provide additional capacity of up to 60 cfs (as measured by SLDMWA at the discharge) to the DMC. Transfer of water

through BCID would be subject to approval by the State Water Resources Control Board, concurrence by DWR, and consistency with all environmental requirements.

If the DMC is being used to convey CVP water and there is no capacity to move this water, the DMC-California Aqueduct Intertie (Intertie) could be used to convey CVP water in the California Aqueduct, as provided for by the Environmental Impact Statement and Record of Decision for the Intertie (Reclamation 2009). This would provide capacity in the DMC for conveyance of transfer water. WWD has an existing Wheeling Agreement with DWR for this type of movement. However a Letter of Agreement for Project Use Power would be needed from Reclamation to cover power costs. In addition, if facility connectivity limitations do not allow direct conveyance of the transferred water, an exchange agreement may be necessary between Reclamation and WWD.

Conveyance losses assessed throughout the system would depend on whether it is necessary to route water through the California Aqueduct. See Table 2-1.

Table 2-1 Conveyance Losses by Conveyance Method

	San Joaquin River	Federal Facilities	State Facilities	Total
Federal Facilities Only	10%	5%	-	15%
Intertie Used	10%	3%	2%	15%

The transfer would utilize existing facilities and no new infrastructure, modifications of facilities, or ground disturbing activities would be needed for movement of this water. No native or untitled land (fallow for three years or more) would be cultivated with water involved with these actions.

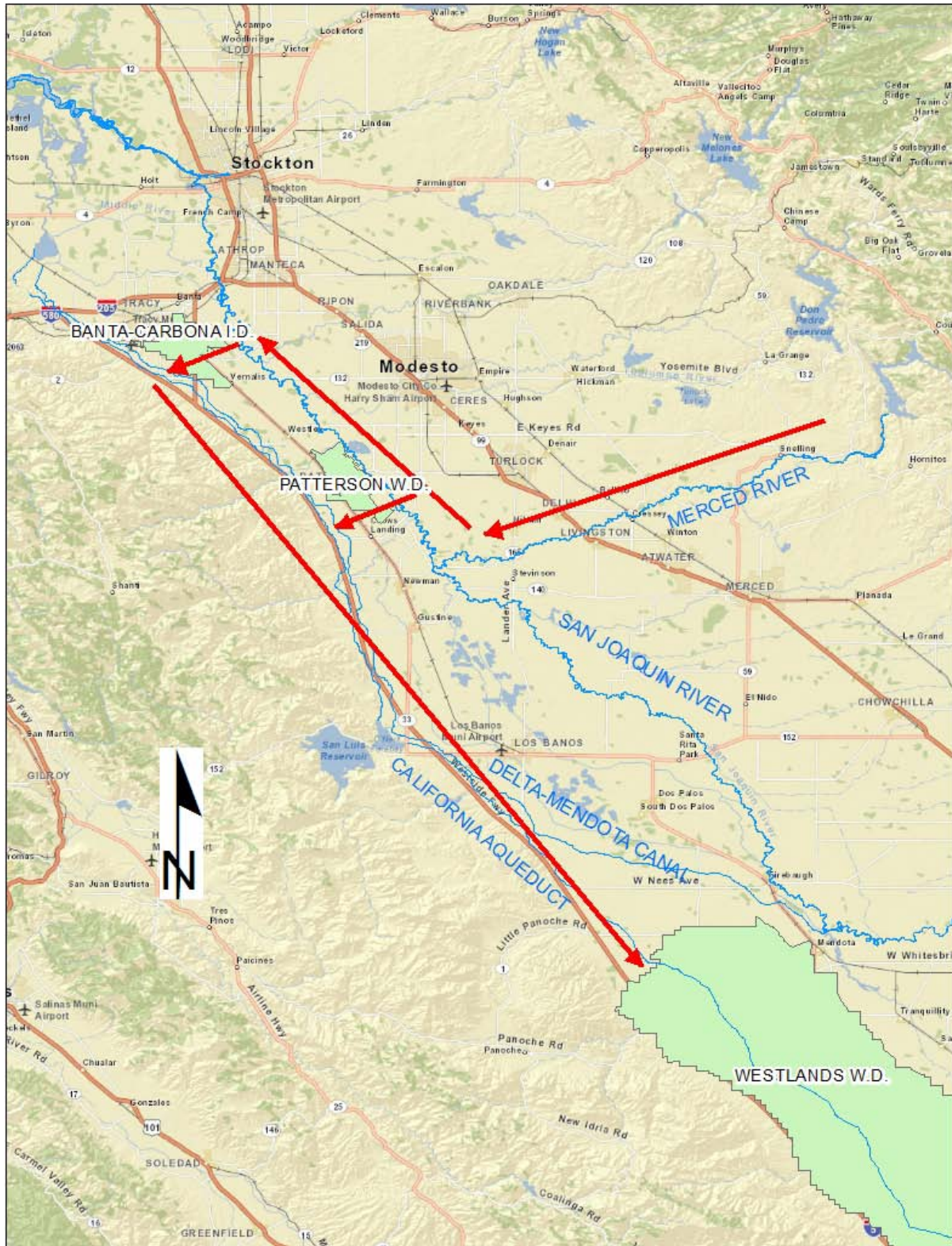


Figure 2-1 Proposed Water Movement (Conceptual)

2.2.1 Environmental Commitments

There are no additional environmental commitments required for Reclamation's action beyond what has been implemented under separate actions and documentation.

Section 3 Affected Environment and Environmental Consequences

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

3.1 Water Resources

3.1.1 Affected Environment

Merced Irrigation District

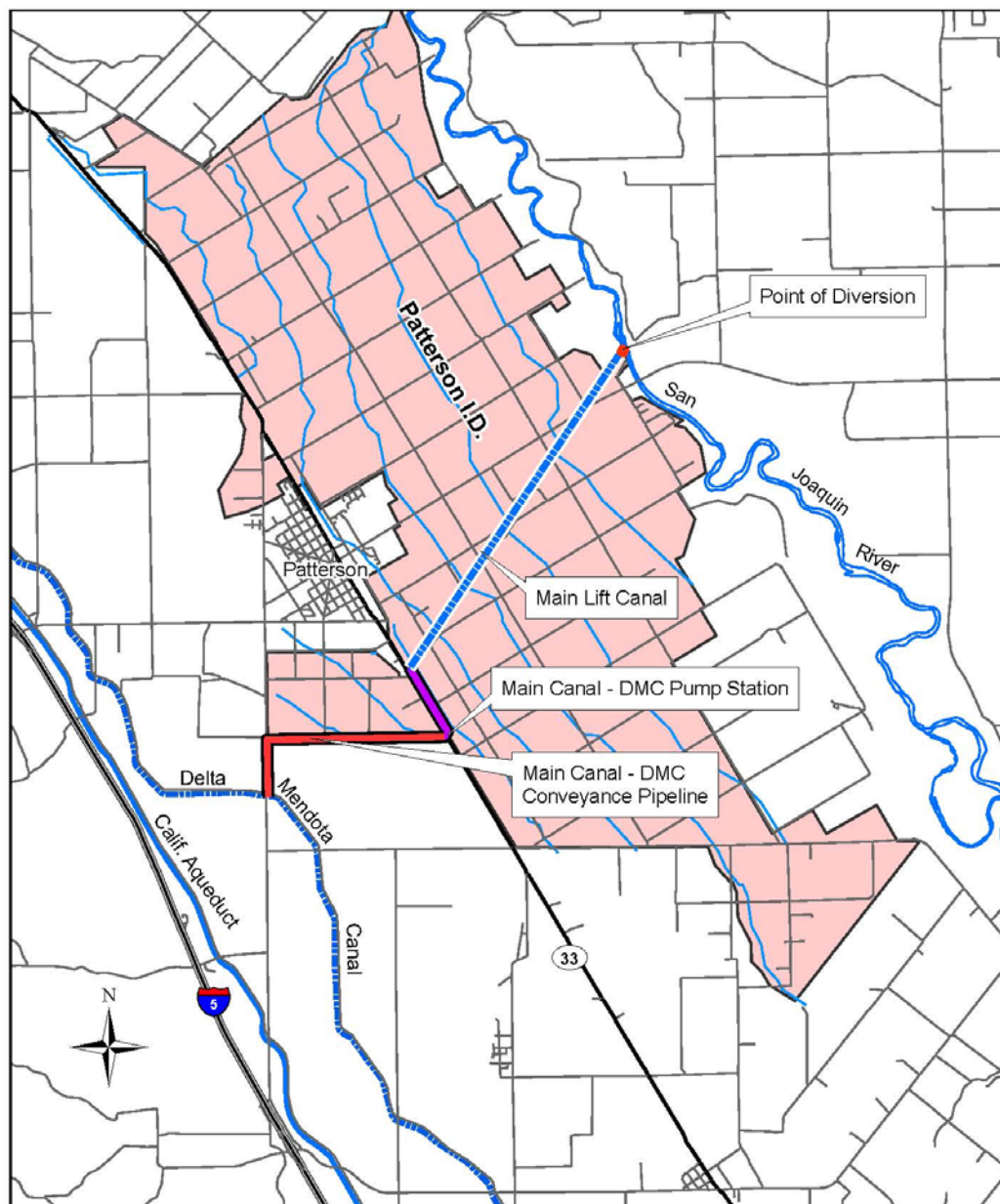
MID owns, operates, and stores its water from two primary sources, the New Exchequer and McSwain dams and reservoirs (Lake McClure and Lake McSwain respectively). Both have Federal Energy Regulatory Commission-licensed hydroelectric facilities and are located on the Merced River. MID's water supply from Merced River diversions is approximately 550,000 AF per year. Lake McClure has a capacity of approximately 1,024,600 AF and Lake McSwain has a capacity of approximately 9,730 AF. MID facilities include 825 miles of canals and laterals, of which 620 miles are dirt-lined, 108 miles are concrete-lined and 97 miles are piped (Reclamation 2011).

Patterson Irrigation District

PID has a point of diversion of pre-1914 appropriative rights on the San Joaquin River at river mile 98.5, located about 3.5 miles east of the City of Patterson (Figure 3-1). PID completed construction of a new 195 cfs, National Marine Fisheries Service (NMFS)-approved fish screen and diversion pump station at its San Joaquin River diversion facility in 2011. The pump station is outfitted with stainless steel, high-profile bar screens rated to prevent entrainment and impingement of steelhead and Chinook salmon in the San Joaquin River. This pump station conveys water into PID's main canal lift system.

The PID main canal lift system includes approximately four miles of concrete-lined open channel, and 5 additional pump stations (excluding the San Joaquin River Fish screen) capable of moving water into 5 separate canal lift segments. The pump stations range in capacity from 195 cfs to 40 cfs, and includes 35 electrically-driven pumps ranging in size up to 350 horsepower. The main canal system is automated, with each pump station relying on downstream level control to maintain water levels in each canal segment, which prevents and limits operational spills.

At the end of the PID main canal, PID maintains existing intertie facilities, capable of conveying approximately 40 cfs to the DMC. PID's existing discharge facility into the DMC from the PID main canal is located at DMC milepost 42.53L.



Patterson Irrigation District
Main Canal to DMC
Conveyance Project

Prepared by:
Summers Engineering, Inc.
Consulting Engineers
Hanford California

Figure 3-1 Patterson Irrigation District to Delta-Mendota Canal Interconnection

Banta-Carbona Irrigation District

BCID also has a pumping facility on the San Joaquin River at river mile 65.3L, located about 6 miles east of the City of Tracy (Figure 3-2). The pumping facility includes a fish screen,

completed in 2002, that is located on the San Joaquin River at the entrance to the BCID Intake Canal. This fish screen facility protects delta smelt, salmon and steelhead from being harmed by the diversion of water from the river.

The BCID main canal lift system includes 6 miles of concrete-lined open channel and pipeline, and 7 pump stations capable of moving water into 7 separate canal lift segments. The pump stations range in capacity from 200 cfs to 66 cfs, and include 29 electrically driven pumps in a variety of horsepower ratings. The main canal system is operated manually 24 hours per day, seven days per week to maintain water levels in each canal segment to prevent operational spills. BCID's existing discharge facility into the DMC from the BCID main canal is located at DMC milepost 20.41L1RW.

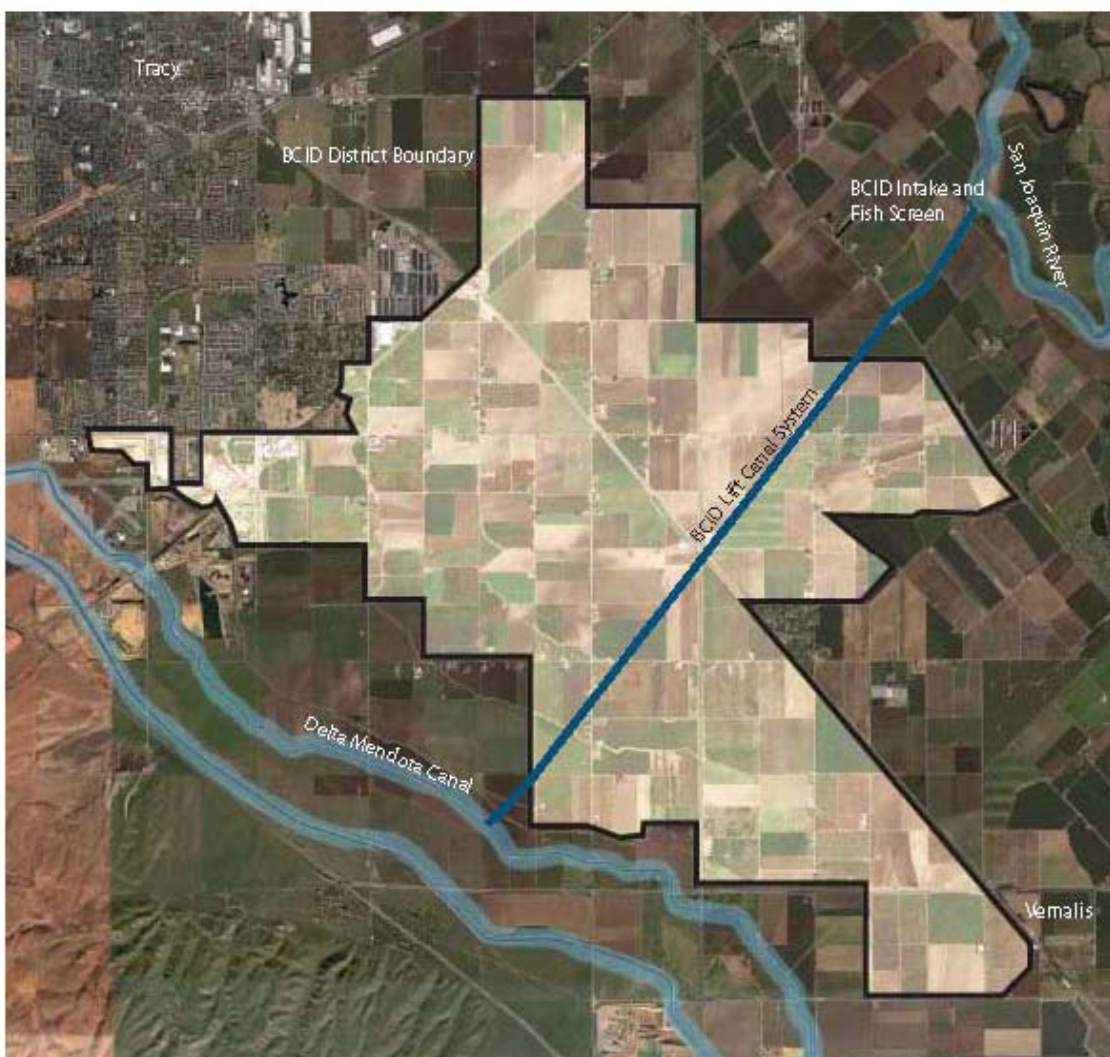


Figure 3-2 Banta-Carbena Irrigation District to Delta Mendota Canal Interconnection

Westlands Water District

WWD encompasses more than 600,000 acres of farmland located in western Fresno and Kings counties and serves approximately 600 family-owned farms that average 900 acres in size. WWD is a long-term CVP contractor with a contract for 1,150,000 AF. WWD is located on the west side of the San Joaquin Valley and is a part of the San Luis Unit of the CVP, which is administered by Reclamation. The San Luis Unit receives water from the CVP through the DMC and the San Luis Canal (SLC). Water is delivered directly to land in the San Luis Unit from the Sacramento-San Joaquin River Delta or is stored temporarily in San Luis Reservoir for later delivery. Once diverted from the CVP facilities, water is delivered to farmers through 1,034 miles of underground pipe and over 3,300 metered delivery outlets.

For purposes of the effect analysis, baseline conditions are described as conditions during the past five years. The five-year average allocation of CVP water supplies delivered to WWD and other South-Of-Delta contractors is described in Table 3-1. Allocations of CVP water are listed on a yearly basis for agriculture purposes from 2008 to 2012. The five-year average is 43 percent of contract amounts for agriculture. The annual contract amount for the WWD is 1,150,000 AF; thus the net baseline supply is 494,523 AF.

Table 3-1 Westlands Water District Water Supply History

Water Year	CVP Allocation¹	Net CVP, AF²	Groundwater, AF	Water User Acquired, AF	Additional District Supply, AF	Total Supply, AF	Fallowed Acres
2008	40%	332,547	460,000	85,421	117,537	995,505	99,663
2009	10%	195,716	480,000	68,070	77,424	821,210	156,239
2010	45%	570,732	140,000	71,296	98,569	880,597	131,339
2011	80%	842,552	45,000	60,380	226,044	1,173,976	59,514
2012 (est.)	40%	531,066	315,000	70,000	100,000	1,016,066	117,000
5-Year Average	43%	494,523	288,000	71,033	123,915	977,471	112,751

¹Final CVP water supply allocation for water year (100% = 1,150,000 AF)
²CVP allocation adjusted for carryover and rescheduled losses
Source: WWD 2012

In addition to the CVP supply, the other sources of water to WWD are shown in Table 3-1. Landowners in WWD rely on groundwater pumping, water transfers, and WWD acquisitions to supplement the CVP supply. If the water portfolio comes up short, land is taken out of production (fallowed).

Water Quality

The water quality of the San Joaquin River is variable, depending on the location, time of year, and the contributing sources of inflows. Water quality is monitored at Vernalis, where the San Joaquin River enters the Delta and other sites within the watershed. At Vernalis the quality and volume of flow depends on several factors, including the contribution of flows from the Stanislaus, Tuolumne, and Merced rivers, and the contribution of agricultural return flows. Typically, the higher the San Joaquin River flow at Vernalis, the better the water quality entering the Delta. At times New Melones Reservoir is operated to maintain compliance with Vernalis water quality objectives.

Electrical Conductivity (EC) is used to estimate the amount of dissolved salts and ions in water and can be used as an indicator of water quality. The average monthly EC at Vernalis and in the DMC is shown in Table 3-2 (Reclamation 2012).

Table 3-2 Ten Year Average Water Quality, San Joaquin River and Delta-Mendota Canal

	SJR at Vernalis	DMC Headworks	DMC Check 20	DMC Check 21
Jan	646	535	655	665
Feb	696	541	597	598
Mar	669	518	592	568
Apr	409	396	575	537
May	296	351	552	513
Jun	406	323	481	428
Jul	497	285	342	327
Aug	530	352	400	398
Sep	534	420	474	464
Oct	459	424	487	473
Nov	665	449	511	501
Dec	709	558	619	602
Average	543	428	523	506
Ten-Year (2002-2011) Average Electrical Conductivity in μ mhos Source: California Data Exchange Center (DWR 2012)				

For comparison purposes, the water quality objective for EC at Vernalis is 700 μ mhos from April through August, and 1,000 μ mhos from September through March. The ten-year averages are in compliance with the water quality objective.

3.1.2 Environmental Consequences

No Action

Under the No Action alternative, the water available for acquisition from MID would remain in storage within Lake McClure and be put to other beneficial uses by MID. WWD would look for other water supplies to augment its water supply portfolio and to reduce groundwater pumping and fallowing.

Proposed Action

The transferred water would be released from storage in Lake McClure/New Exchequer dam by MID beginning in October 2012, and conveyed in the Merced and San Joaquin River. The water released would be over and above the flows required to maintain compliance with the water quality and quantity requirements established by the State Water Resources Control Board's Decision 1641 (D-1641) and would not interfere with scheduled fall flows. This action would not impair the DWR or Reclamation's ability to meet their other obligations and responsibilities.

If the DMC is being used to convey CVP water and there is no capacity to move this water, the DMC-California Aqueduct Intertie (Intertie) could be used to convey CVP water in the California Aqueduct, as provided for in the Environmental Impact Statement and Record of Decision for the Intertie (Reclamation 2009). This would provide capacity in the DMC for conveyance of transfer water.

While the EC of the San Joaquin River water is slightly higher than the water in the DMC, the introduction of San Joaquin River water at the anticipated rates (from 1% to 3% of the 4,200 cfs capacity) is not anticipated to have an adverse effect on downstream users.

The Proposed Action would not affect CVP or SWP operations and would not change existing diversion points from the Delta under Reclamation's or DWR's water rights permits. The Proposed Action would not interfere with Reclamation's obligations to deliver water to other contractors, wetland habitat areas, or for other environmental purposes. This transfer would utilize existing facilities and 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 involved with these actions.

Cumulative Impacts

Cumulative impacts result from incremental impacts of the Proposed Action or No Action alternative when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. To determine whether cumulatively significant impacts are anticipated from the Proposed Action or the No Action alternative, the incremental effect of both alternatives were examined together with impacts from past, present, and reasonably foreseeable future actions in the same geographic area.

As in the past, hydrological conditions and other factors are likely to result in fluctuating water supplies which drives requests for water service actions. Water districts aim to provide water to their customers based on available water supplies and timing, all while attempting to minimize costs. Farmers irrigate and grow crops based on these conditions and factors, and a myriad of water service actions are approved and executed each year to facilitate water needs. Each water service transaction involving Reclamation undergoes environmental review prior to approval. Existing or foreseeable projects, in addition to the proposed transfer from MID to WWD, which could affect or could be affected by the Proposed Action or No Action alternative, include the following:

San Joaquin River Restoration

The San Joaquin River Restoration Program (SJRRP) was established in late 2006 to implement the requirements of a settlement of NRDC, et al., v. Kirk Rodgers, et al. The goal of the SJRRP is to establish a self-sustaining population of fish, primarily salmon, in the portion of the San Joaquin River between Friant Dam and the Merced River while minimizing adverse impacts to water users (DWR 2012). A Final Program Environmental Impact Statement/Report was issued in July 2012.

Additional Point of Delivery for Byron-Bethany Irrigation District's Non-Project Water to Westlands Water District

Under a previous action (EA 09-156), Reclamation approved a Warren Act transfer of up to 10,000 AF of water by a variety of contractors to and through the Delta-Mendota Canal. In 2012 the previous approval was amended to allow up to 5,000 AF of the covered water to further be transferred to Westlands Water District. Reclamation issued Finding of No Significant Impact (FONSI) 12-052 for this action on June 15, 2012.

Additional Point of Delivery for Patterson Irrigation District's Non-Project Water to Del Puerto Water District

This action is similar to what is described above for Byron-Bethany Irrigation District, except that up to 10,000 AF would be transferred from Patterson Irrigation District to Del Puerto Water District. Reclamation issued FONSI 12-054 for this action on July 17, 2012.

Vista Verde Temporary Annual Transfer of Settlement Contract Water to Vista Verde-Owned Lands within Westlands Water District

This action involved transfer of contract water from a property owned by Vista Verde farms to another property within Westlands Water District owned by the same company. Up to 1,140 AF are to be transferred each year from one property to the other. Reclamation issued FONSI 12-038 for this action on July 31, 2012.

Addition of Westlands Water District to the Arvin-Edison Water District and Westside Mutual Water Company Exchange Program

In 2011, Reclamation approved an exchange of up to 50,000 AF of water between Arvin-Edison Water Storage District and Westside Mutual Water Company Exchange. Reclamation is now considering allowing Westside Mutual Water Company to deliver water to their customers within Westlands Water District as well. The Supplemental Environmental Assessment (SEA 12-030) for that action is not yet complete.

Transfer from Central California Irrigation District and Firebaugh Canal Water District to San Luis, Panoche, Del Puerto and Westlands Water Districts

Under this project, up to 20,500 AF of CVP water could be transferred from Central California Irrigation District and Firebaugh Canal to San Luis, Panoche, Del Puerto and Westlands Water District. In addition, up to 5,000 AF could be transferred from Firebaugh Water District to San Luis and Westlands Water District. The transfers would take place between July 2012 to December 31, 2012 and April 1, 2013 to December 31, 2013. Reclamation issued FONSI 12-006 for this project on July 27, 2012.

Oro Loma Water District Partial Assignment to Westlands Water District

This action involved partial reassignment of Oro Loma Water District's CVP water allocation to Westlands Water District. 4,000 of Oro Loma's 4,600 AF of CVP contract water were assigned to Westlands to meet their in-district needs. Reclamation issued FONSI 11-092 for the project on February 27, 2012.

Westlands Water District Conveyance of Kings River Flood Flows in the San Luis Canal

Westlands Water District had an agreement with the Kings River Water Association to convey seasonal flood flows from the Kings River to lands within WWD's service area by way of their Laterals 6-1 and 7-1. However the land served by those laterals was retired and no longer needed the flood water. With this action, Reclamation allowed WWD to redirect up to 50,000 AF of the excess Kings River flood water to the San Luis Canal for use at other locations. Reclamation issued FONSI 11-002 for the project on January 26, 2012.

Delta-Mendota Canal Pump-In Project (2011-2012)

The DMC pump-in program allows the member agencies of the San Luis & Delta-Mendota Water Authority to pump groundwater into the DMC for delivery to contractors during the period of March

1, 2011 through February 28, 2013. The member agencies are limited to no more than 10,000 AF individually, and 50,000 AF as a group. Reclamation issued FONSI 10-072 for this project on February 28, 2011.

Delta-Mendota Canal Pump-In Project (2012-2013)

This project is similar to the DMC Pump-In Project above, but covers the time period from March 1, 2012 to February 28, 2013. Allowed water volumes are the same. Reclamation issued FONSI 12-005 for this project on May 8, 2012.

Delta-Mendota Canal Pump-In Project (2013-2024)

This project is similar to the DMC Pump-In Project above, but covers the time period from March 1, 2013 to February 29, 2024. Allowed water volumes are the same. Reclamation is considering this action under EA 12-061.

Byron Bethany Irrigation District Long-term Exchange Agreement. Reclamation has received a request from Byron Bethany Irrigation District to enter into a 40-year contract for the introduction of up to 4,725 AF per year of their non-CVP surface water in to the DMC for exchange with Reclamation. Reclamation is currently preparing EA 09-149 for the proposed project.

It is expected that sufficient capacity would be available to accommodate all of these actions. If capacity should be limited, some water would be routed through the California Aqueduct to allow all delivery obligations to be met.

Water service actions, like those described above, do not result in increases or decreases of water diverted from rivers or reservoirs. Each water service transaction involving CVP and non-CVP water undergoes environmental review prior to approval. The Proposed Action and No Action alternative and other similar projects would not interfere with the projects listed above, nor would they hinder the normal operations of the CVP and Reclamation's obligation to deliver water to its contractors or to local fish and wildlife habitat. Neither alternative, when added to other water service actions, would result in cumulative effects to surface water resources beyond historical fluctuations and conditions.

3.2 Biological Resources

3.2.1 Affected Environment

Historically, native habitat types in WWD consisted of valley sink scrub and saltbush, grasslands, wetlands and riparian habitat. Over the last few decades, much of the historic native grassland and wetland habitats have been converted to farmland, which requires importation of water for production.

Table 3-3 was prepared using a list obtained on July 5, 2012 by accessing the U.S. Fish and Wildlife Service (USFWS) Database:

http://www.fws.gov/sacramento/y_old_site/es/spp_lists/auto_list_form.cfm. For the list the following 7 ½ minute U.S. Geological Survey quadrangles were queried (Document No. 120705053713): Avenal, Broadview Farms, Burrel, Calflax, Cantua Creek, Chaney Ranch,

Chounet Ranch, Coalinga, Coit Ranch, Domengine Ranch, Dos Palos, Firebaugh, Five Points, Gujarral Hills, Hammonds Ranch, Harris Ranch, Helm, Huron, Kettleman City, La Cima, Lemoore, Levis, Lillis Ranch, Monocline Ridge, San Joaquin, Stratford, Tranquillity, Tres Pecos Farms, Tumey Hills, Vanguard, Westhaven and Westside. Reclamation further queried the California Natural Diversity Database (CNDDDB) for records of protected species within 10 miles of the service areas (CNDDDB 2012). The information collected above, in addition to information within Reclamation's files (including data provided by MID), was combined to determine the likelihood of protected species occurrence within the action area.

The San Joaquin River in the Proposed Action area is Essential Fish Habitat (EFH) for fall-run Chinook salmon (migration, holding, rearing) and the Merced River is designated EFH for this run, either migration, holding, and rearing, or spawning and rearing, depending on the reach (http://swr.nmfs.noaa.gov/hcd/HCD_webContent/EFH/chinsalmon_map_fallrun.htm). These areas of both rivers also are opportunistic/intermittent spawning, holding and rearing EFH for the late fall run of Chinook salmon (http://swr.nmfs.noaa.gov/hcd/HCD_webContent/EFH/chinsalmon_map_latefallrun.htm).

Table 3-3 Federal Status Species for Westlands Water District.

Species	Status ¹	Effects ²	Summary basis for ESA determination
INVERTEBRATES			
vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	T	NE	No change in land use as a result of the Proposed Action.
valley elderberry longhorn beetle (<i>Desmocerus californicus dimorphus</i>)	T	NE	No change in land use as a result of the Proposed Action.
vernal pool tadpole shrimp (<i>Lepidurus packardii</i>)	E	NE	No change in land use as a result of the Proposed Action.
FISH			
delta smelt (<i>Hypomesus transpacificus</i>)	T	NE	BCID's intake is too far south in the Delta to include habitat for the delta smelt.
Central Valley steelhead (<i>Oncorhynchus mykiss</i>)	T	NE	Effects to the species from pumping at the PID intake were addressed by NMFS (2007) and by NMFS (2000) for the BCID intake. Although the San Joaquin River and Merced Rivers in the action area are designated critical habitat, no effects are expected on steelhead due the change in flows, as water level changes would be minor on the Merced River, negligible on the San Joaquin River, no increase in turbidity or any scouring would occur, and the only temperature change would be a temporary (October only) decrease on the section of the Merced River just below New Exchequer Dam.
Central Valley spring-run Chinook salmon (<i>Oncorhynchus tshawytscha</i>)	T	NE	The reintroduction of spring-run Chinook to the San Joaquin River has been delayed and would not occur until after the completion of the Proposed Action.
winter-run Chinook salmon, Sacramento River (<i>Oncorhynchus tshawytscha</i>)	E	NE	BCID's intake is too far south in the Delta to include habitat for this species.

Species	Status ¹	Effects ²	Summary basis for ESA determination
AMPHIBIANS			
California tiger salamander, central population (<i>Ambystoma californiense</i>)	T	NE	No change in land use as a result of the Proposed Action.
California red-legged frog (<i>Rana draytonii</i>)	T	NE	No change in land use as a result of the Proposed Action.
REPTILES			
blunt-nosed leopard lizard (<i>Gambelia sila</i>)	E	NE	No change in land use as a result of the Proposed Action.
giant garter snake (<i>Thamnophis gigas</i>)	T	NE	No change in land use as a result of the Proposed Action.
BIRDS			
western snowy plover (<i>Charadrius alexandrinus nivosus</i>)	T	NE	No change in land use as a result of the Proposed Action.
California condor (<i>Gymnogyps californianus</i>)	E	NE	No change in land use as a result of the Proposed Action.
MAMMALS			
giant kangaroo rat (<i>Dipodomys ingens</i>)	E	NE	No change in land use as a result of the Proposed Action.
Fresno kangaroo rat (<i>Dipodomys nitratoide exilis</i>)	E, X	NE	No change in land use as a result of the Proposed Action.
Tipton kangaroo rat (<i>Dipodomys nitratoide nitratoide</i>)	E	NE	No change in land use as a result of the Proposed Action.
San Joaquin kit fox (<i>Vulpes macrotis mutica</i>)	E	NE	No change in land use as a result of the Proposed Action.
PLANTS			
California jewelflower (<i>Caulanthus californicus</i>)	E	NE	No change in land use as a result of the Proposed Action.
palmate-bracted birds-beak (<i>Cordylanthus palmatus</i>)	E	NE	No change in land use as a result of the Proposed Action.
San Joaquin woolly-threads (<i>Monolopia congdonii</i>)	E	NE	No change in land use as a result of the Proposed Action.
<p>1 Status= Listing of Federally protected species under the Endangered Species Act E: Listed as Endangered T: Listed as Threatened X: Critical Habitat designated for this species P: Protected under the Migratory Bird Treaty Act NMFS: Species under jurisdiction of National Oceanic & Atmospheric Administration Fisheries Service</p> <p>2 Effects = Endangered Species Act Effect determination NE: No Effect</p> <p>3 Definition of Occurrence Indicators Possible: Species and habitat recorded in area Absent: Species not recorded in study area and habitat requirements not met</p> <p>4 CNDDB = California Natural Diversity Database 2012</p>			

3.2.2 Environmental Consequences

No Action

Under the No Action alternative, the water supply available for acquisition from MID would remain in storage within Lake McClure and be put to other beneficial uses by MID. WWD would continue to look for other water supplies to augment its water supply portfolio and to reduce groundwater pumping and fallowing. The No Action alternative would neither hinder nor enhance populations of upland special status species or their habitats. With regard to fish species, the two screened diversions would continue to operate during the subject time period. The screens serve to protect fish, but do nonetheless result in some impacts, due to fish potentially contacting the screen. These impacts would continue under the No Action Alternative.

Proposed Action

Under the Proposed Action, the water would be conveyed in existing facilities to established agricultural lands. No native lands or lands fallowed and untilled for three or more years would be disturbed as this water would be used on existing farmed lands. The Proposed Action would not affect migratory birds, imperiled species, unique habitats, or species and habitats protected by Federal or State law. In 2007 NMFS concurred that the operations of the PID intake were not likely to adversely affect the Central Valley steelhead and in 2000, issued a biological opinion for the operations of the BCID intake and fish bypass facility that exempted take of Central Valley steelhead as long as no more than four percent of the flow of the San Joaquin River is diverted through the intake. Since typical flows in the San Joaquin River at Vernalis are in the range of 2,000 cfs, pumping of 60 cfs would not exceed this threshold. The only impacts to Central Valley steelhead would be those already addressed by NMFS (2007) and NMFS (2000). Essential Fish Habitat for the fall-run and late fall run Chinook salmon is not expected to be affected. Increased flows on the Merced River would be minor in terms of changing the water levels and water temperature, and are unlikely to be measurable outside of typical day-to-day variations.

Cumulative Impacts

The Central Valley steelhead currently is and has been subject to a large number of past impacts resulting from dam construction, pumping the south delta, water quality impacts resulting from agricultural runoff and mining. The only verified population in the eastside tributaries is a small run on the Stanislaus River. The proposed action is within the scope of actions considered under previous evaluations for PID and BCID's facilities. No impacts beyond those previously evaluated are anticipated.

3.3 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.

3.3.1 Affected Environment

Fresno and Kings Counties rely to a large extent, either directly or indirectly, on agriculture for employment. Between 50.3 percent and 50.9 percent of the population within these counties is of

Hispanic or Latino origin, which compares to 37.6 percent for the state as a whole (Table 3-4). 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 3-4 2010 Demographics for Fresno and Kings Counties

	Total Population	White (not Hispanic)	Black or African American	American Indian	Asian	Native Hawaiian/ Pacific Islander	Hispanic
Fresno County	930,450	32.7%	5.3%	1.7%	9.6%	0.2%	50.3%
Kings County	152,982	35.2%	7.2%	1.7%	3.7%	0.2%	50.9%
California	37,253,956	40.1%	6.2%	1.0%	13.0%	0.4%	37.6%

Source: U.S. Census Bureau 2011

3.3.2 Environmental Consequences

No Action

Absent this transfer, water available for acquisition from MID would remain in storage within Lake McClure and be put to other beneficial uses by MID. WWD would seek water transfers from other sources to add to its water supply portfolio and reduce groundwater pumping in order to keep highly productive land under cultivation. This 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 support and maintain jobs that low-income and disadvantaged populations rely upon through increased irrigation water supply reliability.

Cumulative Impacts

The Proposed Action would maintain current conditions and employment opportunities for all demographic groups in the area, which is a benefit. Cumulative adverse impacts to minority or low-income populations are not anticipated.

3.4 Socioeconomic Resources

3.4.1 Affected Environment

Unemployment for Kings and Fresno counties was 10.0 and 12.9 percent in 2009, which has since risen to 15.3 and 16.2 in 2011 (U.S. Census Bureau 2011). For 2009 and 2011, both counties were approximately four to six percentage points higher than the state average (Table 3-5). In addition, both counties had per capita incomes approximately \$8,000-\$11,000 lower than the State per capita income (Table 3-5).

Table 3-5 2011 Labor Force Data

	Labor Force	Employed	Per Capita Income¹	Unemployment Rate
Fresno County	431,400	361,400	\$20,329	16.2%
Kings County	61,200	51,800	\$17,875	15.3%
California	18,172,200	16,185,100	\$29,188	10.9%

Source: EDD 2011 and U.S. Census Bureau 2011

The lands within WWD are primarily rural and in agricultural use. There are several communities and a few cities in the surrounding area that are homes for farm workers. In addition, there are small businesses that support agriculture such as feed and fertilizer sales, machinery sales and service, pesticide applicators, transport, packaging, marketing, etc.

3.4.2 Environmental Consequences

No Action

Under the No Action alternative, WWD would seek annual water transfers from other sources to add to its water supply portfolio to keep highly productive land under cultivation. Depending on the source of water used, this could increase costs for WWD's customers, reducing their profitability. This could result in reduced employment opportunities for seasonal laborers.

Proposed Action

Under the Proposed Action, the status quo of agriculture would be maintained. WWD would use the MID water to balance out local deficiencies in water supply and promote efficient irrigation of crops. The most productive farmland would remain in production. Seasonal labor requirements would have very little change, and businesses that support agriculture would not be financially harmed.

Cumulative Impacts

Over the long term, the Proposed Action would maintain current economic conditions within WWD as the transferred water would allow WWD to continue to deliver the same amount of water as in the past. When added to other similar existing and proposed actions, the Proposed Action would help to maintain current economic opportunities within the area. No cumulative adverse effects are anticipated.

3.5 Air Quality

Section 176 (C) of the Clean Air Act [CAA] (42 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 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 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.

3.5.1 Affected Environment

The Proposed Action area lies within the San Joaquin Valley Air Basin under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The air basin currently exceeds California state standards for ozone and particulate matter as well as the national standard for particulate matter smaller than 2.5 microns (PM_{2.5}). The air basin is in attainment for carbon monoxide, nitrous oxide and sulfur dioxide. See Table 3-6 below for more specific information.

Table 3-6 San Joaquin Valley Air Quality Status

Pollutant	California Attainment Status	National Attainment Status
O ₃	Nonattainment	Nonattainment
CO	Attainment	Attainment
NO ₂	Attainment	Attainment
SO ₂	Attainment	Attainment
PM ₁₀	Nonattainment	Attainment
PM _{2.5}	Nonattainment	Nonattainment

Source: SJVAPCD 2012

3.5.2 Environmental Consequences

No Action

If no action were taken, WWD would seek an alternative source of water, which would be delivered by gravity feed or by pumping. Since no alternative source has been identified at this time, and it is not known how much electricity would be required or where it would be generated, power-related air emissions cannot be estimated with any certainty.

Proposed Action

Under the Proposed Action, delivery of this water would require no modification of existing facilities or construction of new facilities. The water would be moved either via gravity or electric pumps which use power from existing sources. Although generation of electricity would produce air emissions, the amount required for this project cannot be quantified because it would depend on where and how the electricity is generated, which is not known. Emissions would be quantified and appropriately regulated at the point of generation, i.e. the power plant.

Cumulative Impacts

Since air emissions from the power generation necessary to support the proposed action cannot be determined, cumulative impacts also cannot be reliably estimated. However, emissions from power generating plants are regulated, and regional air quality goals are a primary consideration when air permits are issued for those facilities. Any cumulative impacts as a result of power generation for this and other actions would be addressed by emission restrictions and other mitigation measures implemented by the air quality agencies.

3.6 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 (CH₄), nitrous oxide (N₂O), 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 CH₄, 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).

Climate change has only recently been widely recognized as an imminent threat to the global climate, economy, and population. As a result, the national, state, and local climate change regulatory setting is complex and evolving.

In 2006, the State of California issued the California Global Warming Solutions Act of 2006, widely known as Assembly Bill 32, which requires California Air Resources Board (CARB) to develop and enforce regulations for the reporting and verification of statewide GHG emissions. CARB is further directed to set a GHG emission limit, based on 1990 levels, to be achieved by 2020.

In addition, the EPA has issued regulatory actions under the CAA as well as other statutory authorities to address climate change issues (EPA 2011c). In 2009, the EPA issued a rule (40 CFR Part 98) for mandatory reporting of GHG by large source emitters and suppliers that emit 25,000 metric tons or more of GHG [as CO₂ equivalents (CO₂e) per year] (EPA 2009). The rule is intended to collect accurate and timely emissions data to guide future policy decisions on climate change and has undergone and is still undergoing revisions (EPA 2011c).

3.6.1 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 CVP operations.

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

3.6.2 Environmental Consequences

No Action

Under the No Action alternative, WWD would seek alternative sources of water, either from groundwater pumping or from other sources on the open market. Moving this water would require the use of electricity and result in associated emissions of greenhouse gases. However, since no alternative source has been identified at this time, quantities of electricity used and emissions generated cannot be reliably estimated.

Proposed Action

The Proposed Action involves movement of water by electrical pumps. The electricity used to power the pumps could come from a variety of sources, including hydropower, landfill gas or burning of traditional fossil fuels. The scenario with the highest emissions of GHGs would be the case where 100% of the power is produced from fossil fuels. Depending on the proportion of water directed to PID and/or BCID, pumping arrangements could range from 1200 horsepower for 126 days to 2350 horsepower for 76 days. This corresponds to approximately 2,707,000 kilowatt-hours (kwh) to 3,198,000 kwh of energy used. Per EPA's GHG Equivalencies Calculator, production of this much power would produce estimated emissions for CO₂ equivalences from 1,867 to 2,205 metric tons per year of CO₂e (EPA 2010). This is negligible compared to the EPA's 25,000 metric tons per year threshold for annually reporting GHG emissions (EPA 2009). Accordingly, operations under the Proposed Action would result in below *de minimis* impacts to global climate change.

Cumulative Impacts

GHG impacts are considered to be cumulative impacts. Full operation of the proposed project is estimated to produce no more than 2,205 metric tons of CO₂e, which is a *de minimis* amount compared to the threshold value of 25,000 metric tons. The Proposed Action, when added to other existing and proposed actions, would not contribute to significant cumulative impacts to global climate change.

3.7 Resources Eliminated from Further Analysis

Reclamation analyzed the affected environment of the Proposed Action and No Action alternative and has determined that there is no potential for direct, indirect, or cumulative effects to the following resources:

Land Use

There would be no impact to land use under the No Action alternative as conditions would remain the same as existing conditions. Under the Proposed Action, neither WWD nor MID would change historic land and water management practices. MID's non-CVP water would move through existing facilities for delivery to lands within WWD and would be used on existing crops. The water would not be used to place untilled or new lands into production, or to convert undeveloped land to other uses. Therefore, there would be no change to land use.

Executive Order 11988 requires that all Federal agencies take action to reduce the risk of flood loss, to restore and preserve the natural and beneficial values served by floodplains, and to minimize the impact of floods on human safety, health, and welfare. Floodplains are present at various locations throughout the central valley region. However the proposed action is not of a type with a potential to affect floodplains. No further evaluation or consultation is necessary.

Cultural Resources

There would be no impacts to cultural resources under the No Action alternative as conditions would remain the same as existing conditions. There would be no impacts to cultural resources as a result of implementing the Proposed Action as the Proposed Action would facilitate the flow

of water through existing facilities to existing users. No new construction or ground disturbing activities would occur as part of the Proposed Action. The pumping and conveyance of water would be confined to existing wells, pumps, and CVP facilities. On August 10, 2012, Reclamation determined that these activities have no potential to cause effects to historic properties pursuant to 36 Code of Federal Regulations (CFR) Part 800.3(a)(1).

Indian Sacred Sites

No impact to Indian sacred sites would occur under the No Action alternative as conditions would remain the same as existing conditions. Reclamation has determined that there would be no impacts to Indian sacred sites as a result of the Proposed Action since the Proposed Action would not limit access to or ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.

Indian Trust Assets

No impact to Indian Trust Assets (ITA) would occur under the No Action alternative as conditions would remain the same as existing conditions. On August 8, 2012 Reclamation determined that the Proposed Action would not impact ITA as there are none in the Proposed Action area.

As there would be no impact to the resources listed above as a result of the Proposed Action or the No Action alternative, they will not be considered further.

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Section 4 Consultation and Coordination

4.1 Public Review Period

Reclamation provided the public with an opportunity to comment on the draft FONSI and draft EA between September 28, 2012 and October 12, 2012. One comment letter was received on the draft documents. The comment letter and Reclamation's response to the comments may be found in Appendix A.

4.2 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. 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.

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

Section 7 of the Endangered Species Act requires Federal agencies, in consultation with the Secretary of the Interior and/or Commerce, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of the critical habitat of these species. Reclamation has determined that the Proposed Action's potential for effects has already been evaluated under previous consultation. The draft EA and FONSI were sent to the U.S. Fish and Wildlife Service and National Marine Fisheries Service when the document was released for public review. No comments were received from either agency.

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

The Migratory Bird Treaty Act (MBTA) implements various treaties and conventions between the United States and Canada, Japan, Mexico and the former Soviet Union for the protection of migratory birds. Unless permitted by regulations, the Act provides that it is unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter,

purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not. Subject to limitations in the Act, the Secretary of the Interior may adopt regulations determining the extent to which, if at all, hunting, taking, capturing, killing, possessing, selling, purchasing, shipping, transporting or exporting of any migratory bird, part, nest or egg would be allowed, having regard for temperature zones, distribution, abundance, economic value, breeding habits and migratory flight patterns.

Reclamation has determined that the conveyance of up to 10,000 AF of MID's non-CVP water to WWD would not impact migratory birds. The Proposed Action would not change land use patterns, no ground disturbing activities would take place, and the transfer water would have been stored by MID in absence of the transfer; and thus, would not require additional diversions.

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Section 6 **Acronyms and Abbreviations**

BCID	Banta-Carbona Irrigation District
CFR	Code of Federal Regulations
CVP	Central Valley Project
CVPIA	Central Valley Project Improvement Act
CWA	Clean Water Act
DMC	Delta-Mendota Canal
DWR	California Department of Water Resources
EA	Environmental Assessment
EFH	Essential Fish Habitat
EPA	Environmental Protection Agency
FONSI	Finding of No Significant Impact
FWCA	Fish and Wildlife Coordination Act
GHG	Greenhouse gases
ITA	Indian Trust Asset
Intertie	DMC-California Aqueduct Intertie
MBTA	Migratory Bird Treaty Act
MID	Merced Irrigation District
NMFS	National Marine Fisheries Service
PID	Patterson Irrigation District
Reclamation	Bureau of Reclamation
SJRRP	San Joaquin River Restoration Project
SJVAPCD	San Joaquin Valley Air Pollution Control District
SLC	San Luis Canal
SLDMWA	San Luis and Delta-Mendota Water Authority
USFWS	U.S. Fish and Wildlife Service
WAC	Warren Act Contract
WWD	Westlands Water District

Section 7 References

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ENVIRONMENTAL ASSESSMENT (11-073)

Merced Irrigation District Transfer of up to 10,000 acre-feet to Westlands Water District

Appendix A
Comments and Response to Comments



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October 12, 2012

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VIA HAND DELIVERY AND FACSIMILE [(559) 487-5397]
BUREAU OF RECLAMATION
SCCAO, FRESNO, CA

Mr. Ben Lawrence
Bureau of Reclamation
1243 N Street
Fresno, CA 93721

Re: Comments on Draft EA/FONSI for Proposed Warren Act Contract for Transfer
from Merced Irrigation District to Westlands Water District

Dear Mr. Lawrence:

This written comment is submitted on behalf of Gallo Cattle Company (Gallo) on The Bureau of Reclamation's draft Environmental Assessment/Finding of No Significant Impact (EA/FONSI) for its proposed approval of a Warren Act contract for the delivery of up to 10,000 acre-feet of Merced Irrigation District's (MID) non-CVP water to Westlands Water District. For the reasons stated in this letter, use of an EA/FONSI for the proposed project would not comply with the National Environmental Policy Act (NEPA) because the proposed project actually is only one component of a continuing program involving Reclamation and MID. That program consists of Reclamation providing funding for MID projects that enable MID to store water in its reservoirs and then transfer that water to Reclamation itself, for Reclamation's benefit or through Reclamation facilities. Reclamation has not analyzed all of the impacts of this program, which include, among other things, impacts to water-dependent resources in and along drains and canals and to the West Bear Creek Unit of the San Luis National Wildlife Refuge (Refuge).

The draft EA/FONSI also does not comply with NEPA because it does not analyze the cumulative impacts of MID's related water management actions that will affect the same resources as the actions in which Reclamation has participated. Reclamation must prepare a NEPA document that adequately analyzes all aspects of its transfer-related interactions with MID and, until doing so, must not proceed with the currently proposed project.

Background

Gallo owns and operates on substantial acreage south of Highway 140 in Merced County. That acreage includes a ranch located on the Livingston Drain, which drains to Bear Creek, and is located near the Refuge. Bear Creek drains to the San Joaquin River and the Refuge.

In 1918, the predecessors of Gallo and MID signed an agreement known as the "Bloss Agreement" under which Gallo's predecessors agreed to accept drainage from portions

of what is now MID's service area in return for the rights to that drainage. (A copy of this agreement is enclosed.) Over the intervening decades, Gallo and its predecessors have used that water supply, which also has supported plants and wildlife along the Livingston Drain and has drained to the Refuge. In addition, at times, MID has drained storm water into the Livingston Drain without an additional written agreement with Gallo or its predecessors.

Beginning in approximately 2003, MID began to implement various actions with the intent and effect of reducing its discharges to the Livingston Drain and other similar nearby drains. These actions have substantially reduced the amount of water available to Gallo and the environmental resources that previously were supported by those discharges. Gauge measurements on the Livingston Drain indicate that the total annual volume of water flowing through the Livingston Drain toward Gallo's property has been reduced from approximately 5,000 acre-feet a year (AFY) to less than 2,000 AFY. (A graph of the flows in the Livingston Drain along Washington Avenue north of Highway 140 for the period 1999 through 2011 is enclosed.) Moreover, while Gallo Cattle has not yet obtained gauge readings for 2012, the Livingston Drain was entirely dry for the vast majority of 2012. Gallo understands that MID's similar activities have substantially reduced the amount of water draining to similar drains located nearby.

By providing funding, Reclamation has participated in MID's on-going program of reducing drainage to local drains and consequently the water available to support resources associated with those drains. In 2011, Reclamation awarded MID \$1,012,867 in grant funding to support MID's Garibaldi and McCoy Laterals Water Conservation Project. Reclamation's October 2011 EA/FONSI for this grant stated that the project would reduce operational spill and seepage losses and that MID "estimates that a loss of approximately 5,600 AF per year on an annual basis" from the relevant portion of its conveyance system. That EA/FONSI further stated that MID's project would "enable MID to conserve water for downstream users (due to improved efficiency) or to store that water in Lake McClure or other storage areas by not requesting the additional flows." (Emphasis added.)

Reclamation continues to participate in MID's on-going program by providing funding. On May 4, 2012, Reclamation announced that it awarded MID \$1,000,000 to support MID's McCoy Lateral Rehabilitation and Atwater Drain Bypass Project. Reclamation's press release concerning this grant stated that MID's project "will create a bypass system that will help reduce operational discharges of irrigation water generated by the 1900 and Tin Flume laterals from spilling into the Atwater Drain." (Press release available at <http://www.usbr.gov/newsroom/newsrelease/detail.cfm?RecordID=39889>.) That press release states that the project "will conserve 2,561 acre-feet per year."

In addition, for several years, Reclamation has participated on the receiving end of MID's on-going program as the direct purchaser of MID's resulting transfer water supplies or as a beneficiary of MID's transfers. As documented in the enclosed letter

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that Gallo sent to the State Water Resources Control Board concerning MID's current proposed transfer, MID has transferred stored water in several years since 2007 for, among other purposes: (1) use by Reclamation itself; (2) to meet San Joaquin River salinity objectives; and (3) use by the Environmental Water Account. (See State Water Resources Control Board Order WR 2007-0021, Order WR 2007-0036 and order dated April 2, 2012 (copies enclosed).) Reclamation's current proposed Warren Act contract is yet another component of these actions as it would involve Reclamation in the implementation of a water transfer from storage made available by MID's on-going program.

***Reclamation Has Not Analyzed The Impacts of Its
Participation in MID's On-Going Program to Reduce
Drainage and Transfer the Resulting Supplies***

NEPA requires Reclamation to analyze the environmental impacts of all "connected actions," which include actions that "interdependent parts of a larger action and depend on the larger action for their justification." (40 C.F.R. § 1508.25(a)(1).) Reclamation has funded actions by MID that generate water for transfer and previously either has acquired transfers from MID itself or has benefitted from MID's transfers. Currently, after earlier this year announcing that it would provide more funding for MID to implement actions that will make additional water available, Reclamation proposes to use its facilities to assist Westlands, a Central Valley Project (CVP) contractor, in acquiring water from MID.

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To date, however, Reclamation has not analyzed the full suite of environmental impacts associated with MID's actions that make water available for transfer to Reclamation, CVP contractors and others. The pending draft EA/FONSI for the proposed Warren Act contains no analysis to determine whether Reclamation's contributions to the funding of MID's conservation actions that have made water available to transfer have contributed to any impacts on the biological and other resources that rely on drains to which MID's system previously contributed water. Reclamation's draft EA/FONSI therefore does not comply with NEPA because it extends Reclamation's failure to analyze all of the environmental impacts associated with its continuing participation in MID's on-going program to implement management actions that reduce discharges to drains to enable MID to transfer water out of its service area.

***Reclamation Has Not Analyzed The Cumulative Impacts
Associated with MID's On-Going and Planned Water
Management Actions That Support MID's Water
Transfers***

NEPA requires that Reclamation analyze the impacts of cumulative actions associated with Reclamation's actions. (40 C.F.R. § 1508.25(a)(2), (c).) In addition to the MID water management actions and transfers in which Reclamation itself has participated,

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MID has taken, and plans, additional such actions and has implemented additional transfers. The attached letter to the SWRCB documents the many out-of-district water transfers that MID has implemented in recent years. In addition, MID has certified negative declarations under the California Environmental Quality Act (CEQA) for at least two additional actions specifically intended to reduce the amount of water that flows into drains near MID's service area. Specifically, in addition to MID's Garibaldi and McCoy Laterals Water Conservation Project and its McCoy Lateral Rehabilitation and Atwater Drain Bypass Project, MID has certified negative declarations under CEQA for a Middle Dallas Lateral Extension project (State Clearinghouse # 2011051054) and Arena Canal/Howard Lateral and McConnell Lateral Water Conservation project (State Clearinghouse # 2012021047). (Copies of MID's initial studies for these projects are enclosed.) MID's initial study for the Middle Dallas Lateral Extension project specifically states that "[t]he purpose of this project is to reduce operational discharges to the Livingston Drain by extending the Middle Dallas Lateral to the Howard Lateral."

Implementation of these actions by MID are all reasonably foreseeable and affect essentially the same resources affected by the MID management actions and transfers in which Reclamation has participated. NEPA therefore requires Reclamation to analyze the cumulative impacts of these actions when they are considered with the MID actions in which Reclamation is participating, including the proposed Warren Act contract. The draft EA/FONSI does not analyze these cumulative impacts, which include the impacts on biological and other resources that have been – for many decades – supported by drainage from MID's system. Because the draft EA/FONSI does not consider these cumulative impacts, that draft document does not comply with NEPA.

Conclusion

Reclamation's draft EA/FONSI does not comply with NEPA because it does not analyze the environmental impacts of all of the actions connected with the proposed Warren Act contract. These impacts primarily affect biological resources associated with drains and other waterbodies that have been supported by drainage from MID's system for decades, but that now are affected by MID's on-going program of actions to reduce or eliminate drainage to those waterbodies. Reclamation's draft EA/FONSI does not analyze the impacts of its on-going participation in MID's program through Reclamation's grant funding and acceptance of benefits through transfers by MID. Reclamation cannot both fund MID's actions that generate water for transfer and assist MID in transferring that water without reviewing the environmental impacts caused by MID's actions. Reclamation's draft EA/FONSI also does not comply with NEPA because it does not analyze the cumulative impacts associated with MID's planned continued implementation of its program.

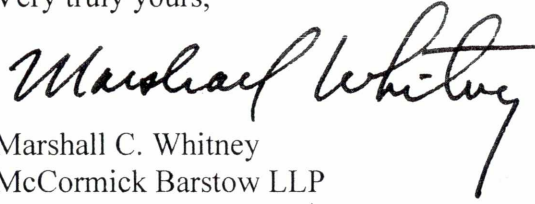
In light of these deficiencies with the draft EA/FONSI, Reclamation should withdraw that document. If Reclamation were to decide to proceed with the proposed Warren Act contract, then NEPA would require Reclamation to prepare an environmental impact

Mr. Ben Lawrence
October 12, 2012
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statement that would appropriately address the full scope of environmental impacts caused by MID's on-going program in which Reclamation is participating. "An EIS must be prepared if substantial questions are raised as to whether a project may cause significant degradation of some human environmental factor." (*Ocean Advocates v. U.S. Army Corps of Engineers*, 402 F.3d 846, 864-865 (9th Cir. 2004) (quotation omitted).)

Thank you for your consideration of this matter. If you have any comments or questions or if Gallo Cattle can provide any further information, please contact me.

Very truly yours,



Marshall C. Whitney
McCormick Barstow LLP

MCW:po

cc: Kate Gaffney, State Water Resources Control Board
Phillip McMurray, MID
Mr. Michael Gallo
John Whiting, Esq.

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Response to Comments from McCormick Barstow LLP on behalf of Gallo Cattle Company

Gallo – 1	<p>The commenter has listed a variety of projects carried out by Merced Irrigation District (MID), with assistance from Reclamation, to reduce drainage flows. These include the Garibaldi and McCoy Laterals Water Conservation Project (Conservation Project), among others. The commenter asserts that the effects of these drainage reduction projects, when considered cumulatively with the proposed Warren Act Contract transfer, represent a potential for significant environmental impacts which must be evaluated in the context of an Environmental Impact Statement (EIS).</p> <p>However, as quoted in the commenter’s letter, the purpose for the Conservation Project was to “enable MID to conserve water for downstream users (due to improved efficiency) or to store that water in Lake McClure or other storage areas by not requesting the additional flows.” The action proposed in this Environmental Assessment (11-073) involves the delivery of water to downstream users, which clearly is the type of action contemplated in the previous Environmental Assessment. Therefore the potential for cumulative impacts has already been considered, and a determination has been made that preparation of an EIS is not warranted. It is Reclamation’s assessment that the previous Finding of No Significant Impact remains valid without further evaluation.</p>
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