

# RECLAMATION

*Managing Water in the West*

Draft Environmental Assessment

## **Warren Act Contract for Conveyance from Turlock to Del Puerto Water District**

EA-13-050



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

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## **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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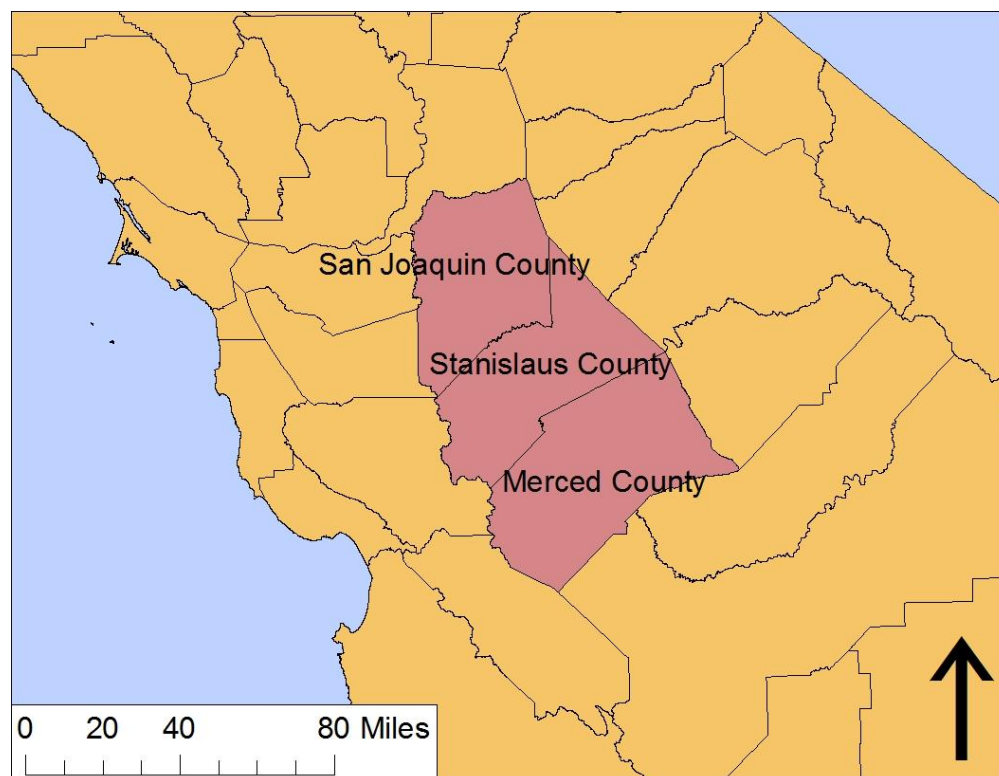
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# Section 1 Introduction

## 1.1 Background

Del Puerto Water District (DPWD) is a Central Valley Project (CVP) Contractor located on the west side of the San Joaquin Valley, south of the Sacramento-San Joaquin Delta (Delta). DPWD's water supplies have been reduced in recent years because of regulatory limitations and adverse hydrologic conditions. As a result, DPWD is pursuing additional supplies for their agricultural customers.

The City of Turlock (Turlock) is located in southern Stanislaus County, on California 99 between Merced and Modesto. Turlock's Regional Water Quality Control Facility currently discharges treated, recycled water to the San Joaquin River by way of the Harding Drain. This water meets California standards for unrestricted use, and is available for a variety of purposes, including agricultural irrigation, as acquired under Section 1485 of the California State Water Code. Turlock has agreed to transfer up to 13,400 acre-feet (AF) per year of this non-CVP water to DPWD on a recurring basis. The general location of the parties to the proposed transfer is shown in Figure 1-1, below.



**Figure 1-1 Project Location**

Since the transferred water would need to be conveyed in the Delta-Mendota Canal (DMC), which is federally owned, Turlock and DPWD have requested that the Bureau of Reclamation

(Reclamation) issue a Warren Act Contract (WAC) for conveyance of non-project water in federal facilities. The transferred water would supplement a deficient CVP water supply and would be used for irrigation on existing lands in DPWD that currently receives CVP water.

The City of Turlock has prepared a Draft Initial Study-Negative Declaration to evaluate this action's impacts on the environment under the California Environmental Quality Act (Turlock 2013). Portions of this Environmental Assessment (EA) are adapted from that document.

## **1.2 Need for the Proposed Action**

In recent years, water supplies to CVP contractors have been greatly reduced as a result of hydrologic conditions and regulatory restrictions. Like many contractors, DPWD seeks to expand and supplement its portfolio of water sources to provide stability to its customers. The purpose of the Proposed Action is to make up shortfalls in DPWD's water supply with surplus water that the City of Turlock has available.

## **1.3 Scope**

This EA evaluates the conveyance of up to 13,400 AF per year of treated, recycled water from the Turlock to DPWD by way of the San Joaquin River, Patterson Irrigation District and DMC. The conveyance would be authorized by a series of Warren Act Contracts which would be no longer than five years in length individually and no longer than twenty-five years in total.

## **1.4 Resources of Potential Concern**

This EA will analyze the affected environment of the Proposed Action and No Action Alternative in order to determine the potential direct and indirect impacts and cumulative effects to the following resources:

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

## **Section 2 Alternatives Including the Proposed Action**

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

### **2.1 No Action Alternative**

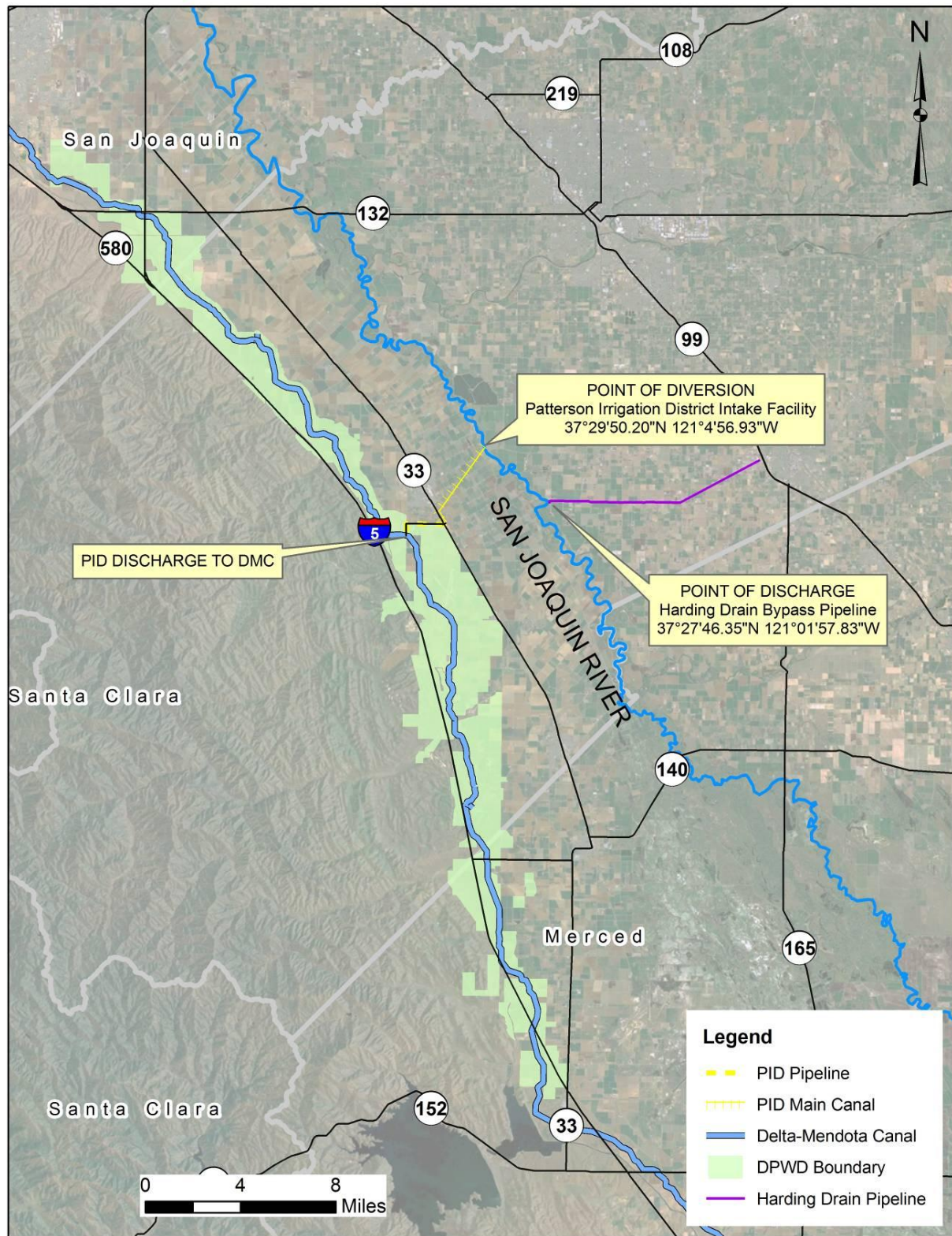
If no action were taken, Turlock's recycled water would not be delivered to DPWD. It would be delivered to another water user or allowed to flow to the Sacramento-San Joaquin River Delta. DPWD would need to find other sources of water to meet the needs of their customers.

### **2.2 Proposed Action**

Reclamation proposes to execute a series of WAC for conveyance of up to 13,400 AF per year of recycled, treated water from the City of Turlock to DPWD. The contracts would be no longer than five years in length individually and no longer than twenty-five years in total. The path by which the water would be conveyed is shown in Figure 2-1 and described below.

Water would enter the San Joaquin River at Turlock's existing discharge point, and would travel down the river to Patterson Irrigation District (PID). PID would pump the water at their intakes, which are protected by a permitted fish screen, and convey it through their existing water delivery facilities to the DMC. DPWD would then divert the water at their various intake points along the canal. Conveyance losses of 5% would be assessed in Federal facilities.

The Proposed Action 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 untilld land (fallow for three years or more) would be cultivated with water involved with these actions.



**Figure 2-1 Proposed Water Movement**  
Source: Turlock 2013



### 2.2.1 Environmental Commitments

Reclamation, the City of Turlock and DPWD must implement the following environmental protection measures to reduce environmental consequences associated with the Proposed Action (Table 2-1). Environmental consequences for resource areas assume the measures specified would be fully implemented. Copies of all reports would be submitted to Reclamation.

**Table 2-1 Environmental Protection Measures and Commitments**

<b>Resource</b>	<b>Protection Measure</b>
Multiple	Reclamation shall evaluate the environmental impacts of the Warren Act Contract and update NEPA documentation as necessary prior to each renewal. This shall include a determination as to whether additional Endangered Species Act analysis is necessary.
Water Resources/Biological Resources	Dischargers to the DMC shall adhere to Delta-Mendota Canal water quality standards in effect at the time the WAC is issued.
Biological Resources	The Proposed Action does not include, nor does this EA evaluate, the conversion of any land fallowed and untilled for three or more years. The Proposed Action must not change the land use patterns of cultivated or fallowed fields that may have value to listed species or birds protected by the Migratory Bird Treaty Act.

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## Section 3 Affected Environment and Environmental Consequences

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

### 3.1 Resources Eliminated from Further Analysis

Reclamation analyzed the affected environment and determined that neither Proposed Action nor the No Action Alternative have the potential to cause direct, indirect, or cumulative effects to the resources listed in Table 3-1.

**Table 3-1 Resources Eliminated from Further Analysis**

Resource	Reason Eliminated
Cultural Resources	Reclamation determined on October 30, 2013 that the Proposed Action has no potential to affect cultural resources.
Indian Trust Assets	Reclamation determined on October 29, 2013 that the Proposed Action has no potential to affect Indian Trust Assets.
Indian Sacred Sites	The Proposed Action would not limit access to ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites, since no new construction or ground disturbing activities would occur as part of the Proposed Action. Therefore, there would be no impacts to Indian Sacred Sites on federal lands as a result of the Proposed Action.
Land Use	Under the Proposed Action, neither the City of Turlock or DPWD would change historic land and water management practices. Turlock's non-CVP water would move through existing facilities for delivery to lands within DPWD and would be used on existing crops. DPWD would not be allowed to use the water to place untilled or new lands into production, or to convert undeveloped land to other uses.

### 3.2 Water Resources

#### 3.2.1 Affected Environment

##### ***City of Turlock***

Turlock's Regional Water Quality Control Facility has a design capacity of 20 millions of gallons per day (MGD); currently the plant treats an annual average flow of approximately 10 MGD. All recycled water produced by Turlock meets the State of California Title 22 Code of Regulations standards for disinfected tertiary recycled water. As of 2013, the majority of recycled water produced at Turlock is discharged year-round to the San Joaquin River via the Harding Drain (a shared facility with Turlock Irrigation District), although up to 2.0 MGD is delivered to the Turlock Irrigation District for use as cooling water in an existing cogeneration facility and a small amount is used for landscape irrigation at a City park. Turlock is currently constructing a pipeline (Harding Drain Bypass Pipeline) that will convey recycled water directly to the San Joaquin River for permitted discharge (CVRWQCB 2010). The Harding Drain Bypass Pipeline is designed to convey recycled water directly from Turlock's system to the San

Joaquin River and also to enable recycled water deliveries to customers along the pipeline alignment; it is expected to be completed in 2014.

***Patterson Irrigation District River Diversion***

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. 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. This pump station conveys water into PID's main canal lift system.

PID's main canal has five lift stations and a peak capacity of 200 cfs. It begins at the San Joaquin River, just north of the Las Palmas Bridge, and heads southwest towards the City of Patterson for approximately 3.3 miles before heading south along California 33. The main canal supplies thirteen lateral canals which distribute water north and south from the main canal. At the end of the main canal, PID maintains intertie facilities capable of conveying approximately 40 cfs to the DMC. PID's discharge facility is located at DMC milepost 42.53L, and PID is in the process of expanding its facilities to increase its capacity to convey up to 250 cfs into the DMC.

***Delta-Mendota Canal***

The DMC is a 117-mile long canal that serves as the main conveyance facility for south of Delta deliveries for the United States Bureau of Reclamation's CVP. The canal begins in the southern Sacramento-San Joaquin Delta at the C.W. Bill Jones Pumping Plant near the City of Tracy with a peak discharge of 4,600 cfs. Completed in 1951, the DMC runs through the DPWD service area and is parallel to the State Water Project's (SWP) California Aqueduct. The DMC travels south from Tracy, CA to Mendota, CA, gradually reducing capacity to 3,200 cfs.

***Del Puerto Water District***

DPWD is located along the west side of the San Joaquin Valley and extends from Vernalis to Santa Nella. The District includes approximately 45,000 acres of productive farmland with an estimated production value of over \$139 million gross farm dollars annually in Stanislaus, San Joaquin and Merced Counties (Turlock 2013).

DPWD receives its CVP supply directly through turnouts on the DMC. The district does not have any distribution facilities and does not own any pumps, pipelines, or canals to transport the CVP water. Instead, all turnouts, pumps, pipelines, and canals in the district are maintained and operated by private owners while DPWD owns and operates the water meters. The district does not own or operate any groundwater wells. Individual landowners pump groundwater from their wells when DPWD cannot provide sufficient surface water supplies.

### **3.2.2 Environmental Consequences**

***No Action***

If no action were taken, Turlock's discharged water would not be conveyed in the DMC to DPWD. It could be delivered by Turlock to another water user by any of a variety of arrangements, or it could be allowed to flow out to the Delta. DPWD would pursue other

sources of water to meet the needs of their customers. This could involve a combination of surface and groundwater sources.

### ***Proposed Action***

The Proposed Action would make use of existing approved capacity and would not increase diversions at the PID intake above the previously approved amount. The diversion would represent a short-term net loss of water to the San Joaquin River, since the water to be conveyed to DPWD would have otherwise flowed to the Delta, or would be sold to another water user. A portion of the water directed to DPWD would infiltrate to local groundwater, a portion would evaporate, and a portion would drain following existing surface drainage routes. Due to the relatively small volume of water being considered, this change in hydrologic patterns within the basin is considered minor in the context of overall trends.

### ***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 drive requests for water service actions. Water districts provide water to their customers based on available water supplies and timing, 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 past, present and foreseeable projects, in addition to the proposed transfer, which could affect or could be affected by the Proposed Action or No Action alternative, include the following:

**Accelerated Water Transfer Program** Under the Accelerated Water Transfer Program (AWTP), South of Delta contractors are permitted to transfer up to 150,000 AF of CVP water in aggregate without further environmental analysis, subject to certain requirements and restrictions. Reclamation issued Finding of No Significant Impact (FONSI) 10-051 for this action on February 14, 2011. Reclamation supplemented the South of Delta AWTP EA with Supplemental EA-13-007 to include water acquisitions for refuges by Reclamation pursuant to Section 3406(d)(2) of the Central Valley Project Improvement Act (CVPIA) and analyzed the transfer of this water to the refuges.

**Additional Point of Delivery for Patterson Irrigation District's Non-Project Water to Del Puerto Water District** Under a previous action (EA 09-156), Reclamation analyzed the transfer of up to 10,000 AF of PID's non-CVP water to a variety of contractors to and through the DMC. In 2012, the previous analysis was amended to allow up to 10,000 AF to be

transferred from PID to Del Puerto Water District. Reclamation issued FONSI 12-054 for this action on July 17, 2012.

**Delta-Mendota Canal Pump-In Project (2013-2024)** 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. This action covers the period from March 1, 2013 to February 29, 2024, and was analyzed under EA 12-061. Similar actions were analyzed for the time period of March 1, 2011 to February 28, 2012 and March 1, 2012 to February 28, 2013 under EA 10-072 and 12-005, respectively.

**Five Year Annual Transfers of up to 20,500 acre-feet of Central Valley Project Water from Central California Irrigation District to San Luis, Panoche, Del Puerto and Westlands Water Districts** Under this action, Central California Irrigation District would pump groundwater for in-district use, making surface water supplies available for transfer. Up to 20,500 AF of water would then be transferred to San Luis, Panoche, Del Puerto and Westlands Water Districts on an annual basis. Reclamation is preparing an EA for this action.

**License to Del Puerto Water District for New Discharge Point at Milepost 52.40L on the Delta-Mendota Canal** Under this action, Reclamation would allow DPWD to construct a new discharge facility to pump water into the DMC. Reclamation considered this action under Categorical Exclusion Checklist 12-080.

**Patterson Irrigation District Transfer and/or Warren Act Contract for up to 36,000 acre-feet of Water to Santa Clara Valley Water District** Under this project, Reclamation would approve PID's delivery of up to 36,000 AF of PID's Transfer Water to Santa Clara Valley Water District over a 10-year period (March 1, 2014 through February 29, 2024). If needed, Reclamation would issue a Warren Act contract for conveyance of any non-CVP water to SCVWD within the 10-year period. Reclamation is preparing an EA for this action.

**Transfer of up to 1,500 Acre-Feet of Replacement Water from Patterson Irrigation District to Westlands Water District**

Under this action, Reclamation would approve the transfer of 1,500 AF of PID's Replacement water to Westlands Water District. Instead of being diverted into PID turnouts, the water would continue down the DMC to the O'Neill Forebay and then the San Luis Canal. Westlands would then deliver the water by way of their distribution system. Reclamation prepared an EA (13-073) for this action.

Capacity in federal canals is limited, and if many water actions were scheduled to take place concurrently they could cumulatively compete for space in the conveyance system. However, non-project water such as would be moved under the Proposed Action would only be allowed to enter the canal system if excess capacity is available, so it would not limit the ability of other users to make use of the facility.

### 3.3 Biological Resources

#### 3.3.1 Affected Environment

The Project area includes the San Joaquin River from the Harding Drain Bypass Pipeline downstream to the PID's intake canal (~ 5 river miles), and the DMC from PID's discharge to existing DPWD connections to the canal. With a current discharge of 10,000 AFY into the San Joaquin River, removing this volume of water would have a small effect (< 2.5%) on flows at the release site, per Turlock's Initial Study-Negative Declaration and Environmental Assessment (Turlock 2013). Under the Proposed Action, Turlock would increase the total amount discharged and diverted to DPWD to 13,400 AFY. PID's intake canal is screened to prevent entrapment for at-risk fish species, and meets and/or exceeds NMFS design criteria for a maximum capacity of 195 cfs (NMFS 2007). Under the Proposed Action, PID would continue to operate the intake canal at existing approved capacity and would not increase diversions above the previously approved amount.

In DPWD, biological resources are similar to those found in other agricultural areas of the San Joaquin Valley (CDC 2011). The project area is dominated by agricultural lands that include field crops, orchards, and pasture (DPWD 2008).

#### ***Special-Status Species***

The following species list (See Table 3-2) was obtained on January 15, 2014 (Document # 140115021030), by accessing the U.S. Fish and Wildlife Service (USFWS) Database: [http://www.fws.gov/sacramento/ES\\_Species/Lists/es\\_species\\_lists-form.cfm](http://www.fws.gov/sacramento/ES_Species/Lists/es_species_lists-form.cfm). The list is for the following 7 ½ minute USGS quadrangles, which overlapped the districts in PID, DPWD, and portions of the San Joaquin River, and DMC: Howard Ranch, San Luis Dam, Crows Landing, Patterson, Orestimba Peak, Newman, Ceres, Vernalis, Tracy, and Solyo. Reclamation also queried the California Department of Fish and Wildlife's California Natural Diversity Database (CNDDDB) for records of special-status species within 10 miles of the action area (CNDDDB 2014). The information collected above, in addition to information from previous environmental documentation prepared by Reclamation for the San Joaquin River, including the San Joaquin River Restoration Program (SJRRP 2011), was combined to determine the likelihood of protected species occurrence within the action area (Table 3-2).

**Table 3-2 Special Status Species That Could Potentially Occur Within Affected Area**

<u><i>Species</i></u>	<u><i>Status</i><sup>1</sup></u>	<u><i>Effects</i><sup>2</sup></u>	<u><b>Summary basis for Endangered Species Act determination</b></u>
<b>Amphibians</b>			
California red-legged frog ( <i>Rana draytonii</i> )	T, X	NE	Documented as extant within San Joaquin Co. and Stanislaus Co. and suitable habitat present. Critical Habitat outside Action Area. No construction of new facilities; no conversion of lands from existing uses is proposed.
California tiger salamander, central population ( <i>Ambystoma californiense</i> )	T	NE	No individuals or suitable habitat in area of effect.
<b>Birds</b>			
western burrowing owl ( <i>Athene cunicularia hypugaea</i> )	MBTA	NT	Documented as extant within project area and suitable habitat is present. No construction of new facilities; no conversion of lands from existing uses is proposed.

Swainson's hawk ( <i>Buteo swainsoni</i> )	MBTA	NT	Documented as extant within project area and suitable nesting trees and foraging habitat is present. No construction of new facilities; no conversion of lands from existing uses is proposed.
<b>Fish</b>			
Central Valley spring-run Chinook salmon evolutionarily significant unit (ESU) ( <i>Oncorhynchus tshawytscha</i> )	T, NMFS	NLAA	No increase in water turbidity or any riverbed scouring would occur, however reduced San Joaquin River flows may affect the species (Hansen Environmental, Inc. 2013).
Central Valley Steelhead distinct population segment (DPS) ( <i>Oncorhynchus mykiss</i> )	T, X, NMFS	NLAA	Effects to the species from PID's diversion were addressed by NMFS (2007). San Joaquin River is designated critical habitat and decrease in flow may have a minor impact to habitat. No increase in turbidity or any scouring would occur (Hansen Environmental, Inc. 2013).
Delta smelt ( <i>Hypomesus transpacificus</i> )	T, X	NE	No individuals and no natural waterways within the species' range, including critical habitat, will be affected by the proposed project.
North American Green sturgeon, Southern DPS ( <i>Acipenser medirostris</i> )	T, NMFS	NLAA	No increase in water turbidity or any riverbed scouring would occur, however reduced San Joaquin River flows may affect the species (Hansen Environmental, Inc. 2013).
Winter-run Chinook salmon, Sacramento River ESU ( <i>Oncorhynchus tshawytscha</i> )	E, NMFS	NE	No individuals and no natural waterways within the species' range will be affected by the proposed project.
<b>Invertebrates</b>			
Valley elderberry longhorn beetle ( <i>Desmocerus californicus dimorphus</i> )	T	NE	One individual recorded 6 miles northwest of DPWD. Riparian habitat present along San Joaquin River banks. No construction of new facilities; no conversion of lands from existing uses is proposed.
Vernal pool fairy shrimp ( <i>Branchinecta lynchi</i> )	T	NE	No individuals or suitable habitat in area of effect. Vernal pools absent.
Vernal pool tadpole shrimp ( <i>Lepidurus packardii</i> )	E	NE	No individuals or suitable habitat in area of effect. Vernal pools absent.
<b>Mammals</b>			
Fresno kangaroo rat ( <i>Dipodomys nitratooides exilis</i> )	E	NE	No individuals or suitable habitat in area of effect.
riparian brush rabbit ( <i>Sylvilagus bachmani riparius</i> )	E	NE	No individuals or suitable habitat in area of effect.
riparian (San Joaquin Valley) woodrat ( <i>Neotoma fuscipes riparia</i> )	E	NE	No individuals or suitable habitat in area of effect.
San Joaquin kit fox ( <i>Vulpes macrotis mutica</i> )	E	NE	CNDDDB records indicate this species occurs in the project area. No construction of new facilities; no conversion of lands from existing uses is proposed.
<b>Plant</b>			
large-flowered fiddleneck ( <i>Amsinckia grandiflora</i> )	E	NE	No individuals documented in this area. No construction of new facilities; no conversion of lands from existing uses is proposed.
<b>Reptiles</b>			
Blunt-nosed leopard lizard ( <i>Gambelia sila</i> )	E	NE	No individuals documented in this area and suitable habitat absent. No construction of new facilities; no conversion of lands from existing uses is proposed.



Giant garter snake ( <i>Thamnophis gigas</i> )	T	NE	No individuals documented in this area and suitable habitat absent. No construction of new facilities; no conversion of lands from existing uses is proposed.
1 Status = Listing of Federally protected species E: Listed as Endangered MBTA: Those species protected under the Migratory Bird Treaty Act T: Listed as Threatened X: Critical Habitat designated for this species 2 Effects Determination NE = No Effect NLAA = Not Likely to Adversely Affect NT = No Take			

The San Joaquin River has a diverse fish assemblage, including the federally protected Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*) evolutionarily significant unit (ESU), Central Valley steelhead distinct population segment (DPS) (*O. mykiss*), and North American green sturgeon, Southern DPS (*Acipenser medirostris*). The decline of these populations in the San Joaquin River system is influenced by factors such as inadequate flows, unscreened diversions, inadequate passage at diversion dams, agricultural return drains, poor water quality, reduced spawning gravel, and poaching (SJRRP 2011). Unscreened diversions have been particularly detrimental to migrating fish. Water diversions have historically created numerous obstacles for migrating salmon and steelhead.

Currently, the San Joaquin River near PID's intake canal provides transitory habitat for migrating Chinook salmon and steelhead, both as adults and juveniles, as they move upstream to tributaries, or downstream towards the Delta. The river banks are leveed, and the river can be characterized by slow-velocity run habitat with a sandy-silty bottom and no riffles (SJRRP 2011). Effects to federally-protected species, designated critical habitat, and essential fish habitat, from PID's operations were addressed by NMFS (2007). NMFS concurred with Reclamation's *Not Likely to Adversely Affect* determination under section 7 of the Endangered Species Act and section 305(b) of the Magnuson-Stevens Fisheries Conservation and Management Act.

### 3.3.2 Environmental Consequences

#### **No Action**

Under the No Action Alternative, there would be no impacts to wildlife and special status species, as no new facilities would be constructed and existing San Joaquin River flows would continue as has historically occurred. The current discharge of 10,000 AF per year from Turlock to the San Joaquin River may or may not continue. More than likely, Turlock would sell their water to another user. The conditions of special status wildlife species and habitats under the No Action Alternative would be the same as they would be under existing conditions described in the Affected Environment; therefore, no additional effects to special status species or critical habitats are associated with this alternative.

#### **Proposed Action**

The effects to biological resources by conveying up to 13,400 AF per year of recycled, treated water to DPWD for agricultural practices would be similar to the No Action Alternative. Most of the habitat types required by species protected under Endangered Species Act do not occur in

DPWD's service boundary. Any encountered biological resources are likely to be those associated with actively cultivated land.

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. Changes to native or fallowed lands would require separate environmental review. No critical habitat occurs within DPWD's service boundary, so no critical habitat primary constituent elements would be affected. The Proposed Project also would not change the land use patterns of the cultivated or fallowed fields that do have some value to listed species or birds protected by the Migratory Bird Treaty Act (MBTA).

Potential impacts to listed anadromous fish species and fish habitat resulting from the operation of PID's intake canal on the San Joaquin River were addressed in a concurrence letter issued by NMFS to Reclamation (NMFS 2007). Central Valley spring-run Chinook salmon and North American Green sturgeon were considered in the NMFS' concurrence letter but were assumed extirpated from the San Joaquin River, and instead their analysis focused on Central Valley steelhead and critical habitat. NMFS concurred PID's intake canal was not likely to affect the Central Valley steelhead and their designated habitat, as long as no more than four percent of the flow of the San Joaquin River is diverted through the intake at a capacity of 195 cfs. Under the Proposed Action, no greater than two percent of the total river flow, including this action, would be diverted and PID's operations would not exceed existing coverage (CVRWQCB 2010). This reduction in river flow could potentially affect habitat conditions in the river for fish and their survival during their migration either to or from the river and coastal marine waters. For the reasons listed above, Reclamation has determined that the Proposed Action may impact Central Valley spring-run Chinook salmon ESU, Central Valley steelhead (DPS), and Southern DPS North American green sturgeon, but those effects would be discountable.

Essential Fish Habitat for Pacific salmon may be adversely affected. However, a decrease in flows on the San Joaquin River below the Merced River confluence would be minor in terms of changes in water levels and water temperature, and are unlikely to be measurable outside of typical day-to-day variations.

### ***Cumulative Impacts***

With incorporation of the environmental protection measures listed above, in Section 2.2.1, the Proposed Action would not contribute cumulatively to any impacts to terrestrial special-status species because no land use change would result from the action. The diversion of discharged water from Turlock to DPWD via PID's intake canal, when added to other past, present, and reasonably foreseeable future actions, may affect but is unlikely to result in additional cumulative impacts on the biological resources of the study area and downstream impacts than those already analyzed (NMFS 2007). This determination relies on PID complying with existing approved pumping capacity (195 cfs) and the decrease in flow to the San Joaquin River from the Proposed Project is less than four %, as per NMFS' guidelines. As the Proposed Action itself is unlikely to impact special-status plant, fish or wildlife resources, it is also unlikely to contribute to cumulative impacts on those resources.

## 3.4 Socioeconomic Resources

### 3.4.1 Affected Environment

December 2012 unemployment rates in the three project area counties were much higher than the statewide rate of 9.7% (BLS 2013). Per capita income is also much lower than for California as a whole (Census Bureau 2013). See Table 3-3.

**Table 3-3 Unemployment Rates and Per Capita Income**

	Unemployment Rate	Per Capita Income
Stanislaus County	15.0%	\$21,820
San Joaquin County	14.5%	\$22,857
Merced County	17.2%	\$18,304
California	9.7%	\$29,634
Source: BLS 2012, Census Bureau 2013		

### 3.4.2 Environmental Consequences

#### **No Action**

If no action were taken, Turlock's recycled water would not be delivered to DPWD. Instead, DPWD's customers would need to identify and purchase other water supplies on the spot market. Unpredictable water supplies generally result in increased costs for farms which use the water. This has a negative ripple effect on agriculture-dependent businesses and on the area's labor market.

#### **Proposed Action**

The Proposed Action would support existing socioeconomic patterns in the area by providing a stable and predictable water supply for DPWD's customers.

#### **Cumulative Impacts**

Due to the importance of farming in the economy of the San Joaquin Valley, benefits or impacts to agricultural businesses have ripple effects. A predictable water supply provides a secondary economic benefit by stabilizing the labor market and giving farmers the certainty they need to purchase new equipment, fertilizer, etc. On the other hand, if water supplies are unreliable, farms may delay or cancel purchases, and laborers may be forced to cut back purchases from area businesses.

## 3.5 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.

### 3.5.1 Affected Environment

The portion of the population within these counties that is of Hispanic or Latino origin ranges from 39.% in San Joaquin County to 56.1% in Merced County, with Stanislaus between the two at 43.0% (Census Bureau 2013). This compares to 38.2% of the population of California 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 Demographics for Stanislaus, San Joaquin and Merced Counties**

	<b>Total Population</b>	<b>White (not Hispanic)</b>	<b>Black or African American</b>	<b>American Indian</b>	<b>Asian</b>	<b>Native Hawaiian/ Pacific Islander</b>	<b>Hispanic</b>
Stanislaus County	521,726	45.6%	3.2%	1.9%	5.7%	0.9%	43.0%
San Joaquin County	702,612	68.4%	8.2%	2.0%	15.7%	0.7%	39.7%
Merced County	262,305	81.9%	4.3%	2.5%	8.1%	0.4%	56.1%
California	38,041,430	73.7%	6.6%	1.7%	13.9%	0.5%	38.2%

Source: Census Bureau 2013

### 3.5.2 Environmental Consequences

#### **No Action**

If no action were taken, Turlock's recycled water would not be delivered to DPWD. Instead, DPWD's customers would need to identify and purchase other water supplies on the spot market. Unpredictable water supplies generally result in increased costs for farms which use the water. This has a negative ripple effect on agriculture-dependent businesses and on the area's labor market. Since farm laborers often come from minority or low-income populations, these impacts would disproportionately affect environmental justice populations.

#### **Proposed Action**

A reliable source of water improves conditions for agricultural businesses, which translates into a better labor market for farm laborers. Since the laborers often come from minority and low-income populations, this provides a benefit to environmental justice groups.

#### **Cumulative Impacts**

Due to the importance of farming in the economy of the San Joaquin Valley, benefits or impacts to agricultural businesses have ripple effects on the area's labor market. Since farm laborers often come from disadvantaged populations, these effects have a disproportionate positive or negative effect on environmental justice groups.

## 3.6 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 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.

### 3.6.1 Affected Environment

The Proposed Action is within the San Joaquin Valley air basin, which is under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The air basin is out of compliance with the federal eight-hour standard for ozone and the standard for particulate matter smaller than 2.5 microns (PM<sub>2.5</sub>), as well as the State standards for ozone (eight-hour and one-hour), PM<sub>2.5</sub> and particulate matter smaller than 10 microns (PM<sub>10</sub>) (SJVAPCD 2012). Attainment status is summarized below in Table 3-5.

**Table 3-5 Air Quality Status**

	<b>Federal Standard</b>	<b>State Standard</b>
Ozone- One Hour	No Standard	Nonattainment/Severe
Ozone- Eight Hour	Nonattainment/Extreme	Nonattainment
PM <sub>10</sub>	Attainment	Nonattainment
PM <sub>2.5</sub>	Nonattainment	Nonattainment
Carbon Monoxide	Attainment	Attainment
Nitrogen Dioxide	Attainment	Attainment
Source: SJVAPCD 2012		

### 3.6.2 Environmental Consequences

#### **No Action**

If no action were taken, DPWD 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 for pumping 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.

### **3.7 Energy Use and 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 (CO<sub>2</sub>), 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: CO<sub>2</sub>, methane (CH<sub>4</sub>), 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 CO<sub>2</sub> and CH<sub>4</sub>, 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 CO<sub>2</sub> equivalents (CO<sub>2e</sub>) 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).

#### **3.7.1 Affected Environment**

Global mean surface temperatures have increased nearly 1.8°F from 1890 to 2006 (Intergovernmental Panel on Climate Change 2007). Models indicate that average temperature changes are likely to be greater in the northern hemisphere. Northern latitudes (above 24°North) have exhibited temperature increases of nearly 2.1°F since 1900, with nearly a 1.8°F increase since 1970 alone (Intergovernmental Panel on Climate Change 2007). Without additional

meteorological monitoring systems, it is difficult to determine the spatial and temporal variability and change of climatic conditions, but increasing concentrations of GHG are likely to accelerate the rate of climate change.

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

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

### **3.7.2 Environmental Consequences**

#### ***No Action***

Under the No Action alternative, DPWD 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 the 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. In a previous EA conducted for a similar action (EA 13-035), Reclamation calculated that pumping of 15,000 AF by PID could produce a maximum of 2,800 metric tons of GHG (Reclamation 2013). That amount is below the reporting threshold of 25,000 metric tons established by EPA, and pumping the smaller volume of water involved with this action would similarly be expected to be below the threshold. Accordingly, operations under the Proposed Action would result in below *de minimis* impacts to global climate change.

#### ***Cumulative Impacts***

GHG impacts by their nature are considered to be cumulative and global in nature. However, even under the worst-case emissions scenario, combined with other similar water actions which produce GHG, the total emissions produced would be below the 25,000 metric ton threshold that is used for reporting. Therefore it was determined that the Proposed Action, when added to other existing and Proposed Actions, would not contribute to significant cumulative impacts to global climate change.

## **Section 4 Consultation and Coordination**

### **4.1 Public Review Period**

Reclamation intends to provide the public with an opportunity to comment on the Draft Finding of No Significant Impact and Draft EA for thirty days.

### **4.2 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 the Proposed Action would have no effect to threatened or endangered species or designated critical habitats under the jurisdiction of USFWS. This decision is based on no native or untilled land (fallow for three years or more) would be cultivated with water involved with these actions and the implementation of stringent water quality standards.

There may be effects to anadromous fish species and designated critical habitats, such as salmonids and green sturgeon, resulting from Turlock's WAC with DPWD. Turlock's treated recycled water would be diverted via PID's intake canal to DPWD. Reclamation will initiate consultation with NMFS for the Proposed Action and would comply with any terms and conditions. Also, NMFS will be consulted for affects to Essential Fish Habitat (EFH) of the Pacific salmon in the action area and adopts any conservation recommendations. Execution of the contracts would not occur until after consultation is completed with NMFS.

### **4.3 Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. § 1801 et seq.)**

The Magnuson-Stevens Fishery Conservation and Management is the primary law governing marine fisheries management in United States federal waters. The Act was first enacted in 1976 and amended in 1996.

NMFS will be consulted for potential affects in the action area to EFH for Pacific salmon and any conservation recommendations would be adopted. Execution of the contracts would not occur until after consultation is completed with NMFS.



## **Section 5 Preparers and Reviewers**

Ben Lawrence, Natural Resources Specialist, SCCAO-412

Jennifer L. Lewis, Wildlife Biologist, SCCAO-422

Bill Soule, Archaeologist, MP-153

Patricia Rivera, Native American Affairs Specialist, MP-400

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## **Appendix A    Cultural Resources Determination**



IN REPLY  
REFER TO:

## United States Department of the Interior

BUREAU OF RECLAMATION  
Mid-Pacific Regional Office  
2800 Cottage Way  
Sacramento, California 95825-1898

MP-153  
ENV-3.00

VIA ELECTRONIC MAIL ONLY

October 30, 2013  
MEMORANDUM

To: Ben Lawrence  
Natural Resource Specialist, South Central California Area Office

From: William E. Soule  
Archaeologist, Division of Environmental Affairs

Subject: Section 106 Compliance for: 14-SCAO-018: Warren Act Contract for Conveyance of Treated Recycled Water from the City of Turlock to the Del Puerto Water District.

This proposed undertaking by Reclamation is the execution of a Warren Act contract for the conveyance of from 10,000 AF to a maximum of 13,400 AF of recycled water from the City of Turlock. This is the type of undertaking that does not have the potential to cause effects to historic properties, should such historic properties be present, pursuant to the National Historic Preservation Act (NHPA) Section 106 regulations codified at 36 CFR Part 800.3(a)(1).

The City of Turlock currently discharges 10,000 AF of treated recycled water to the San Joaquin River per year. They have requested a Warren Act Contract for conveyance in federal facilities of this water to Del Puerto Water District by way of Patterson Irrigation District and the Delta-Mendota Canal. As development and treatment capacity increases in the future, the volume conveyed could increase up to a maximum of 13,400 AF. All water would be conveyed by existing facilities. The duration of the WAC is still under discussion, but it would be at least five years and no longer than twenty years.

After reviewing the submitted materials, I concur with a statement in the EA for this action that it does not have the potential to cause effects to historic properties, should such historic properties be present, pursuant to the National Historic Preservation Act (NHPA) Section 106 regulations codified at 36 CFR Part 800.3(a)(1). With this determination, Reclamation has no further NHPA Section 106 obligations. This memorandum is intended to convey the completion of the NHPA Section 106 process for this undertaking. Please retain a copy in the administrative record for this action. Should changes be made to this project, additional NHPA Section 106 review, possibly including consultation with the State Historic Preservation Officer, may be necessary. Thank you for providing the opportunity to comment.

CC: Cultural Resources Branch (MP-153), Anastasia Leigh – Regional Environmental Officer (MP-150)

## **Appendix B    Indian Trust Assets Determination**



Lawrence, Benjamin <blawrence@usbr.gov>

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## Request for Determinations, SCCAO EA 13-050, Warren Act Contract for Conveyance from Turlock to Del Puerto Water District

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**RIVERA, PATRICIA** <privera@usbr.gov>

Tue, Oct 29, 2013 at 3:09 PM

To: "Lawrence, Benjamin" <blawrence@usbr.gov>, Kristi Seabrook <kseabrook@usbr.gov>

Ben,

I reviewed the proposed action to approve the City of Turlock's request for a Warren Act Contract of the current conveyance discharges 10,000 AF of treated recycled water to the San Joaquin River per year to be conveyed to Del Puerto Water District by way of Patterson Irrigation District and the Delta-Mendota Cana. This conveyance will be in federal facilities. As development and treatment capacity increases in the future, the volume conveyed could increase up to a maximum of 13,400 AF. All water would be conveyed by existing facilities. The duration of the WAC is still under discussion, but it would be at least five years and no longer than twenty years.

The proposed action does not have a potential to affect Indian Trust Assets.

Patricia Rivera  
Native American Affairs Program Manager  
US Bureau of Reclamation  
Mid-Pacific Region  
2800 Sacramento, California 95825  
(916) 978-5194

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Kristi this is admin