

# RECLAMATION

*Managing Water in the West*

Draft FINDING OF NO SIGNIFICANT IMPACT

## **Conveyance of State Water Project Water in Federal Facilities for Santa Clara Valley Water District, 2015-2019**

FONSI-14-036



U.S. Department of the Interior  
Bureau of Reclamation

May 2015

## **Mission Statements**

The mission of the Department of the Interior is to protect and manage the Nation's natural resources and cultural heritage; provide scientific and other information about those resources; and honor its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated 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.

**BUREAU OF RECLAMATION**  
**South-Central California Area Office, Fresno, California**

**FONSI-14-036**

**Conveyance of State Water Project Water  
in Federal Facilities for Santa Clara  
Valley Water District, 2015-2019**

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Date



## Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the South-Central California Area Office of the Bureau of Reclamation (Reclamation), has determined that an environmental impact statement is not required for the execution of a five-year Warren Act Contract with Santa Clara Valley Water District (Santa Clara). This draft Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA)-14-036, *Conveyance of State Water Project Water in Federal Facilities for Santa Clara Valley Water District, 2015-2019*, and is hereby incorporated by reference.

## Background

The State of California is currently experiencing unprecedented water management challenges due to severe drought in recent years. On January 17, 2014, the Governor proclaimed a Drought State of Emergency (State of California 2014). On December 22, 2014, provisions within this proclamation were extended until May 31, 2016. On April 1, 2015, following the lowest snowpack ever recorded in California and the ongoing drought, the Governor proclaimed a second Drought State of Emergency and directed the State Water Resources Control Board to implement mandatory water reductions in cities and towns across California to reduce water usage by 25 percent (State of California 2015). On April 23, 2015 the State Water Resources Control Board issued curtailment notices to junior water rights holders in the San Joaquin River watershed. The curtailment notices require junior water rights holders to stop diverting water from the watershed in order to allow it to flow to more senior water-right holders, as required by state law (State of California 2015).

Due to dry hydrology over the last three years, including the current drought, and vulnerable and aging infrastructure, the State Water Project (SWP) water supply contractors have experienced conditions which have limited the ability to distribute and receive water supply allocations.

Santa Clara, a SWP and Central Valley Project (CVP) contractor, has experienced limitations in water supply deliveries because of these hydrological and infrastructure issues. Over the next five years, Santa Clara is concerned about continued complications that may arise that would limit Santa Clara's ability to convey SWP supplies through state facilities, such as maintenance on the South Bay Aqueduct. SWP supplies include: Santa Clara's SWP Table A contract supplies, Santa Clara's SWP carryover supplies, and Santa Clara's previously-

banked SWP water withdrawn from Semitropic Water Storage District (Semitropic).

## **Proposed Action**

Reclamation proposes to issue a five-year Warren Act contract to Santa Clara that would allow conveyance of up to 300,000 acre-feet (AF) of Santa Clara's available SWP water supplies through federal facilities at times when excess capacity exists (annually no more than 6,000 AF). The contract would cover the period between June 2015 and December 2019. Santa Clara's SWP supplies may be from the following sources:

- SWP carryover supplies
- SWP Table A contract supplies
- Previously-stored SWP water from Semitropic

Santa Clara's available SWP supplies would be pumped at the Harvey O. Banks (Banks) Pumping Plant and conveyed through the California Aqueduct to O'Neill Forebay. The water would then be pumped into San Luis Reservoir and conveyed through the San Felipe Division in the same manner that Santa Clara receives its CVP water supplies.

The proposal would be coordinated with the California Department of Water Resources (DWR) for use of SWP facilities prior to movement of water in a given year.

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

## **Environmental Commitments**

Santa Clara shall implement the environmental protection measures listed in Table 1 of EA-14-036 in order to avoid or reduce environmental consequences associated with the Proposed Action. Environmental consequences for resource areas assume the measures specified would be fully implemented.

## **Findings**

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:

### **Resources Eliminated from Detailed Analysis**

As described in Table 2 of EA-14-036, Reclamation analyzed the affected environment and determined that the Proposed Action does not have the potential to cause direct, indirect, or cumulative adverse effects to the following resources:

air quality, cultural resources, environmental justice, global climate and greenhouse gas emissions, Indian Sacred Sites, Indian Trust Assets, land use, or socioeconomic resources.

### **Water Resources**

The Proposed Action would allow Santa Clara's SWP supplies to be conveyed through federal facilities, dependent on available capacity. The added flexibility in conveying SWP water through federal facilities, when needed, would provide greater water supply reliability for Santa Clara through 2019. The increased water supply reliability would not be in excess of existing contract totals.

No new infrastructure, modifications of existing facilities, or ground disturbing activities would be required in order to move Santa Clara's SWP water through federal facilities. Santa Clara's SWP water would be used for existing agricultural and municipal uses within its SWP service area. No native or untilled land (fallow for three years or more) would be cultivated with this water.

CVP and SWP facilities would not be impacted as Santa Clara's SWP water would be scheduled and approved by Reclamation and DWR in advance. There would be no increase in diversions from the Delta by either DWR or Reclamation as a result of the Proposed Action nor would it interfere with Reclamation's obligations to deliver water to other contractors, wetland habitat areas, or for other environmental purposes.

### **Biological Resources**

Under the Proposed Action, there would be no additional impacts to migratory birds, federally listed species or their critical habitat, or to Essential Fish Habitat, beyond those previously addressed by the Biological Opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP (U.S. Fish and Wildlife Service 2008, National Marine Fisheries Service 2009). No lands fallowed and untilled for three years or more would be brought into production and no new facilities would be constructed. In addition, there would be no net change in deliveries of CVP and SWP water, and the water would move only through existing facilities and be put to existing uses. Therefore, Reclamation has determined that the Proposed Action would have no effect on any federally listed or proposed species or their critical habitat beyond those previously covered and no further consultation is required.

### **Cumulative Impacts**

Cumulative impacts result from incremental impacts of the Proposed Action when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment.

***Water Resources***

Reclamation has reviewed existing or foreseeable projects in the same geographic area that could affect or could be affected by the Proposed Action. 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 customers' demands and available water supplies and timing, while attempting to minimize costs. Farmers irrigate and grow crops based on these conditions and factors, and myriad water service actions are approved and executed each year to facilitate water needs. It is likely that over the course of the Proposed Action, districts will request various water service actions, such as transfers, exchanges, and Warren Act contracts (conveyance of non-CVP water in CVP facilities). Each water service transaction involving Reclamation undergoes environmental review prior to approval.

The Proposed Action and other similar projects would not hinder the normal operations of the CVP or SWP as exchanges would be coordinated by Reclamation and DWR in advance. In addition, there would be no effect on Reclamation's obligation to deliver water to its contractors or to local fish and wildlife habitat as the supplies exchanged would be one-for-one exchanges from existing supplies between DWR and Reclamation. Since the Proposed Action would not involve construction or modification of facilities, nor interfere with CVP or SWP operations, there would be no cumulative impacts to water supplies, existing facilities, or other contractors.

***Biological Resources***

As the Proposed Action would result in no impacts beyond those previously addressed, it would also not contribute cumulatively to any impacts to biological resources.



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Draft Environmental Assessment

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# Section 1 Introduction

## 1.1 Background

The State of California is currently experiencing unprecedented water management challenges due to severe drought in recent years. On January 17, 2014, the Governor proclaimed a Drought State of Emergency (State of California 2014). On December 22, 2014, provisions within this proclamation were extended until May 31, 2016. On April 1, 2015, following the lowest snowpack ever recorded in California and the ongoing drought, the Governor proclaimed a second Drought State of Emergency and directed the State Water Resources Control Board to implement mandatory water reductions in cities and towns across California to reduce water usage by 25 percent (State of California 2015). On April 23, 2015 the State Water Resources Control Board issued curtailment notices to junior water rights holders in the San Joaquin River watershed. The curtailment notices require junior water rights holders to stop diverting water from the watershed in order to allow it to flow to more senior water-right holders, as required by state law (State of California 2015).

Due to dry hydrology over the last three years, including the current drought, and vulnerable and aging infrastructure, the State Water Project (SWP) water supply contractors have experienced conditions which have limited the ability to distribute and receive water supply allocations.

The Santa Clara Valley Water District (Santa Clara), both a SWP and Central Valley Project (CVP) contractor, has experienced limitations in water supply deliveries because of these hydrological and infrastructure issues. Over the next five years, Santa Clara is concerned about continued complications that may arise that would limit Santa Clara's ability to convey SWP supplies through state facilities, such as maintenance on the South Bay Aqueduct. SWP supplies include: Santa Clara's SWP Table A contract supplies, Santa Clara's SWP carryover supplies, and Santa Clara's previously-banked SWP water withdrawn from Semitropic Water Storage District (Semitropic).

## 1.2 Need for the Proposed Action

Santa Clara has need for operational flexibility due to hydrologic conditions, periodic maintenance needed for SWP facilities, and water quality concerns, which may limit Santa Clara's ability to deliver its available SWP supplies through the South Bay Aqueduct. The ability to convey SWP water supplies through federal facilities (i.e., Pacheco Pumping Plant and the San Felipe

Division) would assist Santa Clara in providing water which may otherwise be unavailable for use.

## **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**

Under the No Action Alternative, Reclamation would not issue a Warren Act contract to Santa Clara for conveyance of its SWP supplies through federal facilities and there would be no change in operations. Santa Clara would continue to receive its SWP supplies via SWP facilities; however, there may be times when Santa Clara's SWP supplies may not be able to be delivered on schedule due to hydrologic conditions, periodic maintenance of the South Bay Aqueduct, or water quality degradation impacting water supply availability.

### **2.2 Proposed Action**

Reclamation proposes to issue a five-year Warren Act contract to Santa Clara that would allow conveyance of up to 300,000 acre-feet (AF) of Santa Clara's available SWP water supplies through federal facilities at times when excess capacity exists (annually no more than 60,000 AF). The contract would cover the period between June 2015 and December 2019. Santa Clara's SWP supplies may be from the following sources:

- SWP carryover supplies
- SWP Table A contract supplies
- Previously-stored SWP water from Semitropic

Santa Clara's available SWP supplies would be pumped at the Harvey O. Banks (Banks) Pumping Plant and conveyed through the California Aqueduct to O'Neill Forebay (see Figure 1). The water would then be pumped into San Luis Reservoir and conveyed through the San Felipe Division in the same manner that Santa Clara receives its CVP water supplies.

Additional non-CVP supplies may be conveyed under the proposed Warren Act contract if and when additional environmental review and approval has been completed by Reclamation. All additional supplies would be included within the amounts listed above both annually and cumulatively.

The proposal would be coordinated with the California Department of Water Resources (DWR) for use of SWP facilities prior to movement of water in a given year.

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

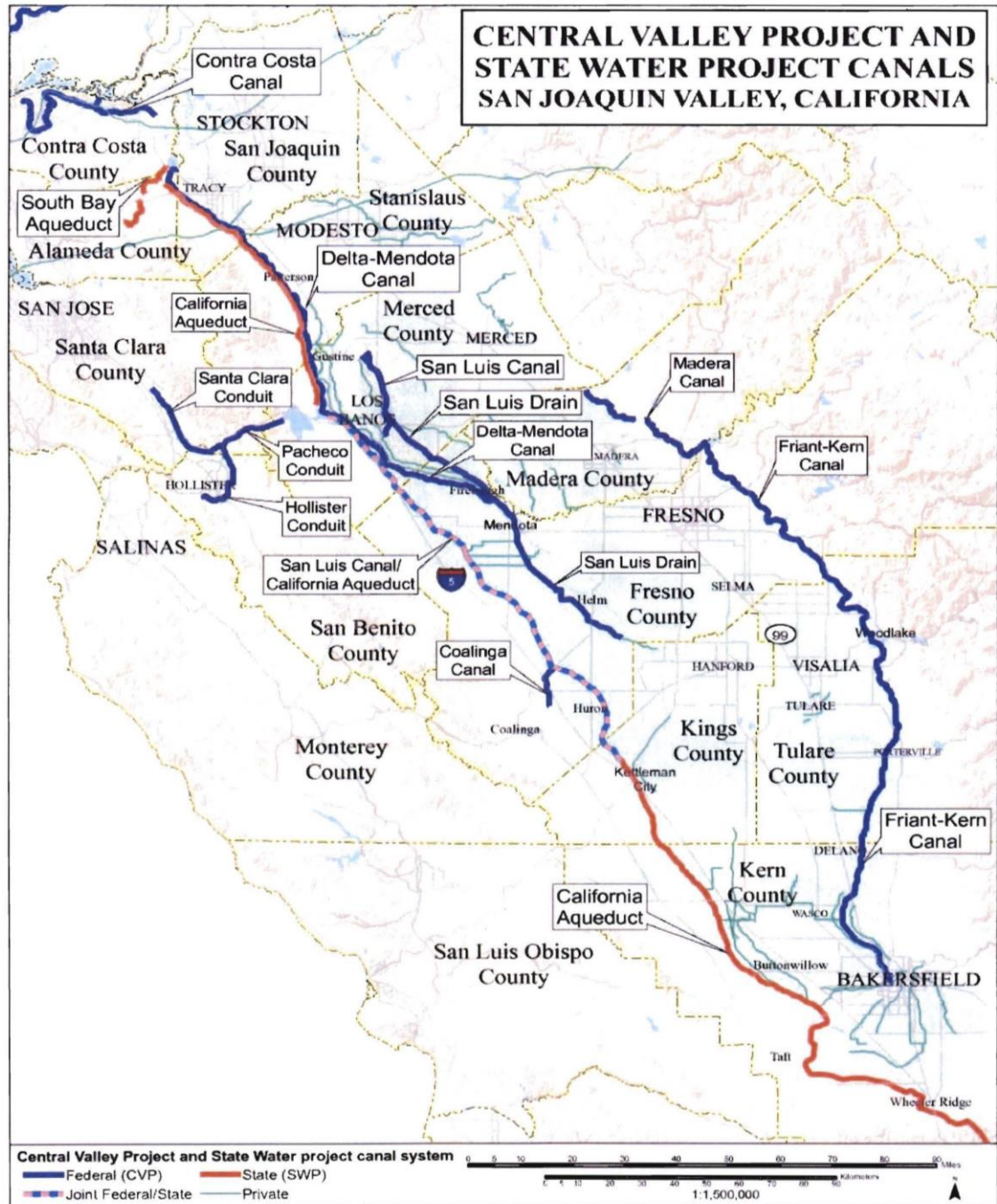


Figure 1 Proposed Action Area



### 2.2.2 Environmental Commitments

Santa Clara shall implement the following environmental protection measures to avoid and/or reduce environmental consequences associated with the Proposed Action (Table 1). Environmental consequences for resource areas assume the measures specified would be fully implemented.

Table 1 Environmental Protection Measures and Commitments

Resource	Protection Measure
Biological Resources	No native or untilled land (fallow for three consecutive years or more) may be cultivated with this water without additional environmental analysis and approval.
	The Proposed Action shall 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).
Various Resources	Use of the water shall comply with all federal, state, local, and tribal law, and requirements imposed for protection of the environment and Indian Trust Assets.
	No land conversions may occur as a result of the Proposed Action.

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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 the Proposed Action would not have the potential to cause direct, indirect, or cumulative adverse effects to the resources listed in Table 2.

Table 2 Resources Eliminated from Further Analysis

Resource	Reason Eliminated
Air Quality	No construction or modification of facilities is proposed. Some pumping would be required to move water under the Proposed Action, but power usage would be within the typical range for the facilities involved. No air emissions are anticipated outside normal operational fluctuations.
Cultural Resources	The Proposed Action would facilitate the flow of water through existing facilities to existing users. As no construction or modification of facilities would be needed in order to complete the Proposed Action, Reclamation has determined that these activities have no potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1). See Appendix A for Reclamation's determination.
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.
Global Climate and Greenhouse Gas Emissions	Under the Proposed Action, some greenhouse gas emissions would result from use of electricity for operation of pumps used to serve Santa Clara. In particular, SWP water would be conveyed to Santa Clara via the Pacheco Pumping Plant in the same manner as their CVP water supplies. Additional conveyance may be required at the Coyote Pumping Plant. Energy required to move the SWP water from the Delta to Santa Clara under the Proposed Action would require 1,123 kilowatt hours per AF, based on use of the Banks Pumping Plant, Gianelli Hydroelectric Plant, Pacheco Pumping Plant, and Coyote Pumping Plant; however, this would be less than the energy used to convey SWP water from the Delta to Santa Clara through the South Bay Aqueduct, which requires 1,165 kilowatt hours per AF.
Indian Sacred Sites	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	The Proposed Action would not impact Indian Trust Assets as there are none in the Proposed Action area. See Appendix B for Reclamation's determination.
Land Use	The storage and conveyance of SWP water through federal facilities would not contribute to changes in land use. No new construction or excavation would occur as a result of the Proposed Action. No native or untilled land (fallow for 3 years or more) would be cultivated with water involved with these actions. The Proposed Action would not increase or decrease water

	supplies that would result in development.
Socioeconomics	The Proposed Action would have beneficial impacts on socioeconomic resources within Santa Clara as their available SWP water supplies would be used for existing purposes.

## 3.2 Water Resources

### 3.2.1 Affected Environment

The Proposed Action area includes Santa Clara's service area, Joint Use Facilities for the CVP and SWP (Banks Pumping Plant, California Aqueduct, O'Neill Forebay, and San Luis Reservoir), and San Felipe Division facilities of the CVP.

#### ***Santa-Clara Valley Water District***

Santa Clara is responsible for water supply, flood protection, and watershed management in Santa Clara County, California. Santa Clara has the same boundaries as Santa Clara County, approximately 1,300 square miles, and wholesales treated water and groundwater to 13 public and private water retailers that serve Santa Clara County. Santa Clara also provides water directly to agricultural water users through groundwater recharge, and through a limited number of surface water turnouts. Santa Clara's water supply consists of two primary sources: local supplies and imported water from the CVP and SWP. Local supplies include captured surface runoff, groundwater, and recycled water. Potable water is also delivered to communities and agencies in northern Santa Clara County from the San Francisco Water Department (Hetch-Hetchy reservoir).

#### ***State Water Project***

The SWP is a complex system of reservoirs, pumping and generating plants, and water conveyance facilities, including the California Aqueduct. The principal purpose of the SWP is to supply water to its 29 long-term urban and agricultural water supply contractors in Northern California, the San Francisco Bay Area, the San Joaquin Valley, the Central Coast, and Southern California (DWR 2015).

**California Aqueduct** The California Aqueduct is a feature of the SWP and is operated by DWR. Water is exported from the Delta at the Clifton Court Forebay through the Banks pumping plant and is pumped into the California Aqueduct. From there, water flows south via gravity into the San Luis Joint-Use Complex, which was designed and constructed by the federal government and is operated and maintained by DWR. The San Luis Canal is the section of the California Aqueduct that serves both the SWP and the CVP. After leaving the Joint-Use Complex, water travels through the central San Joaquin Valley and splits near Kettleman City into the Coastal Branch Aqueduct, completed in 1997, to serve San Luis Obispo and Santa Barbara counties.

#### ***Central Valley Project***

The CVP is one of the nation's major water conservation developments. It extends from the Cascade Range in the north to the semi-arid but fertile plains

along the Kern River in the south. Initial features of the project were built primarily to protect California's Central Valley from crippling water shortages and menacing floods, but the CVP also improves Sacramento River navigation, supplies domestic and industrial water, generates electric power, conserves fish and wildlife, creates opportunities for recreation, and enhances water quality. The CVP serves farms, homes, and industry in California's Central Valley as well as major urban centers in the San Francisco Bay Area; it is also the primary source of water for much of California's wetlands. In addition to delivering water for farms, homes, factories, and the environment, the CVP produces electric power and provides flood protection, navigation, recreation, and water quality benefits (Reclamation 2015).

**San Felipe Division** CVP water from the Delta is provided to the San Felipe Division via the Delta-Mendota Canal, O'Neill Forebay, and the San Luis Reservoir. CVP water from San Luis Reservoir is transported to the Santa Clara-San Benito County service areas for agricultural and municipal uses via the Pacheco Tunnel and other project features which include 48.5 miles of closed conduits, two pumping plants, and one small reservoir.

**Joint Use Facilities** Some CVP facilities (i.e., the San Luis Unit) were developed in coordination with the SWP. Both the CVP and the SWP use the San Luis Reservoir, O'Neill Forebay, and more than 100 miles of the California Aqueduct/San Luis Canal and its related pumping and generating facilities. These operations are closely coordinated at a Joint Operations Center in Sacramento and join with other agencies such as the National Weather Service and the U.S. Army Corps of Engineers for joint action during flood emergencies (Reclamation 2015).

**South-of-Delta CVP Facilities** A general diagram of south-of-Delta CVP facilities, including Joint Use facilities, proposed for use under the Proposed Action is shown in Figure 2.

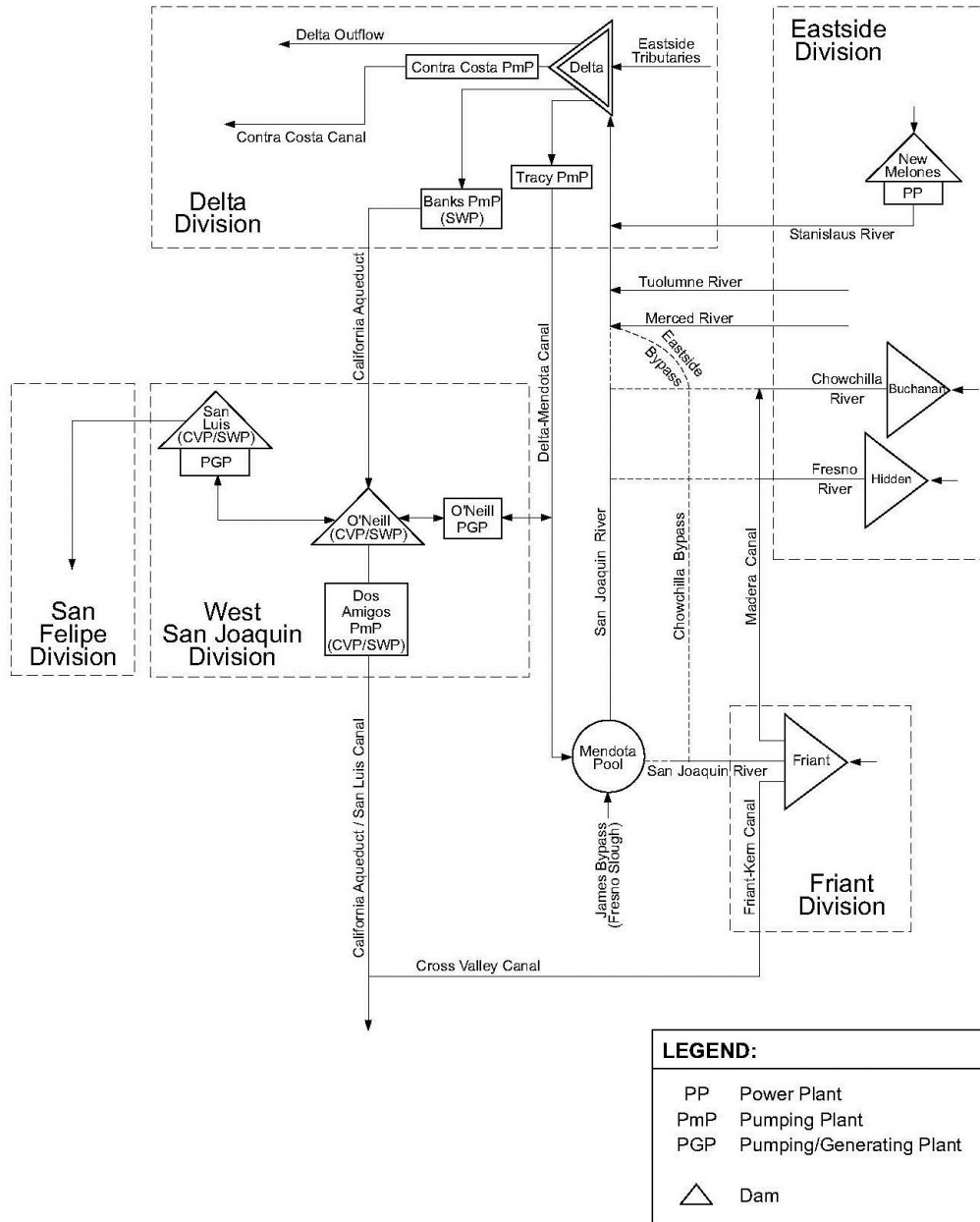


Figure 2 South-of-Delta CVP Facilities by Division  
(Source: Reclamation 1999, page III-19)

### 3.2.2 Environmental Consequences

#### **No Action**

Under the No Action Alternative, Santa Clara's SWP supplies would not be pumped or conveyed in the Pacheco Pumping Plant or the San Felipe Division of the CVP and there would be no change in federal operations. Santa Clara would continue to receive its SWP supplies via SWP facilities; however, there may be times when Santa Clara's SWP supplies may not be able to be delivered on

schedule due to hydrologic conditions, periodic maintenance of the South Bay Aqueduct, or water quality degradation which impacts water supply availability. Under these circumstances, SWP water would be scheduled for later delivery, which could result in greater than anticipated use of local water resources, including pumping from already low groundwater levels, to compensate for schedule modifications.

### ***Proposed Action***

The Proposed Action would allow Santa Clara's SWP supplies to be conveyed through federal facilities dependent on available capacity. The added flexibility in conveying SWP water through federal facilities, when needed, would provide greater water supply reliability for Santa Clara through 2019. The increased water supply reliability would not be in excess of existing contract totals.

No new infrastructure, modifications of existing facilities, or ground disturbing activities would be required in order to move Santa Clara's SWP water through federal facilities. Santa Clara's SWP water would be used for existing agricultural and municipal uses within its SWP service area. No native or untilled land (fallow for three years or more) would be cultivated with this water.

CVP and SWP facilities would not be impacted as Santa Clara's SWP water would be scheduled and approved by Reclamation and DWR in advance. There would be no increase in diversions from the Delta by either DWR or Reclamation as a result of the Proposed Action nor would it interfere with Reclamation's obligations to deliver water to other contractors, wetland habitat areas, or for other environmental purposes.

### ***Cumulative Impacts***

Reclamation has reviewed existing or foreseeable projects in the same geographic area that could affect or could be affected by the Proposed Action. 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 customers' demands and available water supplies and timing, while attempting to minimize costs. Farmers irrigate and grow crops based on these conditions and factors, and myriad water service actions are approved and executed each year to facilitate water needs. It is likely that over the course of the Proposed Action, districts will request various water service actions, such as transfers, exchanges, and Warren Act contracts (conveyance of non-CVP water in CVP facilities). Each water service transaction involving Reclamation undergoes environmental review prior to approval.

The Proposed Action and other similar projects would not hinder the normal operations of the CVP or SWP as exchanges would be coordinated by Reclamation and DWR in advance. In addition, there would be no effect on Reclamation's obligation to deliver water to its contractors or to local fish and wildlife habitat as the supplies exchanged would be one-for-one exchanges from existing supplies between DWR and Reclamation. Since the Proposed Action

would not involve construction or modification of facilities, nor interfere with CVP or SWP operations, there would be no cumulative impacts to water supplies, existing facilities, or other contractors.

### 3.3 Biological Resources

#### 3.3.1 Affected Environment

Reclamation requested an official species list from the U.S. Fish and Wildlife Service (Service) via the Sacramento Field Office's website, [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), on March 31, 2015 (document number: 150331022856) for Santa Clara County (Service 2015). Reclamation further queried the California Department of Fish and Wildlife California Natural Diversity Database (CNDDDB) for records of protected species within 10 miles of the construction area associated with the Proposed Action (CNDDDB 2015). A summary table (Table 3) was created from the Service species list, CNDDDB records, and additional information within Reclamation's files.

Table 3 Federal Listed Threatened and Endangered Species

Species	Status <sup>1</sup>	Effects
<b>AMPHIBIANS</b>		
California red-legged frog ( <i>Rana draytonii</i> )	T, X	No effect; suitable habitat not present.
California tiger salamander, central population ( <i>Ambystoma californiense</i> )	T, X	No effect; suitable habitat not present.
<b>BIRDS</b>		
California clapper rail ( <i>Rallus longirostris obsoletus</i> )	E	No effect; suitable habitat not present.
California Least Tern ( <i>Sternula antillarum browni</i> )	E	No effect; suitable habitat not present.
Least Bell's Vireo ( <i>Vireo bellii pusillus</i> )	E, X	No effect; suitable habitat not present.
Marbled Murrelet ( <i>Brachyramphus marmoratus</i> )	T, X	No effect; suitable habitat not present.
Western Snowy Plover ( <i>Charadrius alexandrinus nivosus</i> )	T, X	No effect; suitable habitat not present.
Western Yellow-billed Cuckoo ( <i>Coccyzus americanus occidentalis</i> )	T, PX	No effect; suitable habitat not present.
<b>FISH</b>		
Central California Coastal steelhead ( <i>Oncorhynchus mykiss</i> )	T, X (NMFS)	No effect; suitable habitat not present.
Central Valley spring-run chinook salmon ( <i>Oncorhynchus tshawytscha</i> )	T, X (NMFS)	No effect; Delta pumping has already been addressed by Biological Opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP.
Central Valley steelhead ( <i>Oncorhynchus mykiss</i> )	T, X (NMFS)	No effect; Delta pumping has already been addressed by Biological Opinions issued to



Species	Status <sup>1</sup>	Effects
		Reclamation for the Coordinated Long-Term Operations of the CVP and SWP.
Coho salmon - central CA coast ( <i>Oncorhynchus kisutch</i> )	E, X (NMFS)	No effect; suitable habitat not present.
Delta smelt ( <i>Hypomesus transpacificus</i> )	T, X	No effect; Delta pumping has already been addressed by Biological Opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP.
North American green sturgeon ( <i>Acipenser medirostris</i> )	T, X (NMFS)	No effect; Delta pumping has already been addressed by Biological Opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP.
Sacramento River winter-run chinook salmon ( <i>Oncorhynchus tshawytscha</i> )	E, X (NMFS)	No effect; Delta pumping has already been addressed by Biological Opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP.
South Central California steelhead ( <i>Oncorhynchus mykiss</i> )	T, X (NMFS)	No effect; suitable habitat not present.
tidewater goby ( <i>Eucyclogobius newberryi</i> )	E, X	No effect; suitable habitat not present.
<b>INVERTEBRATES</b>		
Bay checkerspot butterfly ( <i>Euphydryas editha bayensis</i> )	T, X	No effect; suitable habitat not present.
Conservancy fairy shrimp ( <i>Branchinecta conservatio</i> )	E, X	No effect; suitable habitat not present.
San Bruno elfin butterfly ( <i>Incisalia mossii bayensis</i> )	E, PX	No effect; suitable habitat not present.
Valley elderberry longhorn beetle ( <i>Desmocerus californicus dimorphus</i> )	T, X	No effect; although suitable habitat may be present, no land use change, conversion of habitat, construction or modification of existing facilities would occur as a result of the Proposed Action.
Vernal pool fairy shrimp ( <i>Branchinecta lynchi</i> )	T, X	No effect; suitable habitat not present.
Vernal pool tadpole shrimp ( <i>Lepidurus packardii</i> )	E, X	No effect; suitable habitat not present.
<b>MAMMALS</b>		
Salt marsh harvest mouse ( <i>Reithrodontomys raviventris</i> )	E	No effect; suitable habitat not present.
San Joaquin kit fox ( <i>Vulpes macrotis mutica</i> )	E	No effect; although suitable habitat may be present, no land use change, conversion of habitat, construction or modification of existing facilities would occur as a result of the Proposed Action.
<b>PLANTS</b>		
California sea blite ( <i>Suaeda californica</i> )	E	No effect; suitable habitat not present.
Contra Costa goldfields ( <i>Lasthenia conjugens</i> )	E, X	No effect; suitable habitat not present.
Coyote ceanothus	E	No effect; suitable habitat not present.

Species	Status <sup>1</sup>	Effects
( <i>Ceanothus ferrisiae</i> )		
Fountain thistle ( <i>Cirsium fontinale</i> var. <i>fontinale</i> )	E	No effect; suitable habitat not present.
Marin dwarf-flax ( <i>Hesperolinon congestum</i> )	T	No effect; suitable habitat not present.
Menzies's wallflower ( <i>Erysimum menziesii</i> (includes ssp. <i>yadonii</i> ))	E	No effect; suitable habitat not present.
Metcalf Canyon jewelflower ( <i>Streptanthus albidus</i> ssp. <i>albidus</i> )	E	No effect; suitable habitat not present.
Robust spineflower ( <i>Chorizanthe robusta</i> var. <i>robusta</i> )	E	No effect; suitable habitat not present.
Santa Clara Valley dudleya ( <i>Dudleya setchellii</i> )	E	No effect; suitable habitat not present.
Santa Cruz tarplant ( <i>Holocarpha macradenia</i> )	T, X	No effect; suitable habitat not present.
San Mateo thornmint ( <i>Acanthomintha duttonii</i> )	E	No effect; suitable habitat not present.
San Mateo woolly sunflower ( <i>Eriophyllum latilobum</i> )	E	No effect; suitable habitat not present.
Showy Indian clover ( <i>Trifolium amoenum</i> )	E	No effect; suitable habitat not present.
Tiburon paintbrush ( <i>Castilleja affinis</i> ssp. <i>neglecta</i> )	E	No effect; suitable habitat not present.
<b>REPTILES</b>		
Alameda whipsnake ( <i>Masticophis lateralis euryxanthus</i> )	T, X	No effect; suitable habitat not present.
Blunt-nosed leopard lizard ( <i>Gambelia sila</i> )	E	No effect; suitable habitat not present.
Giant garter snake ( <i>Thamnophis gigas</i> )	T	No effect; suitable habitat not present.
San Francisco garter snake ( <i>Thamnophis sirtalis tetrataenia</i> )	E	No effect; suitable habitat not present.
<sup>1</sup> Status= Listing of Federally special status species E: Listed as Endangered T: Listed as Threatened PE: Proposed for listing as Endangered C: Candidate for listing X: Critical Habitat designated for this species PX: Proposed Critical Habitat NMFS: Species under the jurisdiction of the National Marine Fisheries Service		

### **Special-Status Species and Critical Habitat**

Elderberry shrubs may exist along some of the canals involved in the Proposed Action, and the San Joaquin kit fox can use some agricultural lands for foraging (but not denning) when they are located near enough to suitable arid upland habitat (Warrick et al. 2007). Protected fish species occur in the Sacramento-San Joaquin Delta as described in Table 3. Other protected species listed in Table 3, either cannot use lands developed for municipal and industrial or agricultural use, or otherwise occur outside of the Proposed Action Area.

### 3.3.2 Environmental Consequences

#### **No Action**

Under the No Action Alternative, SWP water would not be conveyed or stored in CVP facilities and there would be no change in the affected environment for biological resources. The effects of CVP and SWP pumping on federally listed fishes and their critical habitat have been addressed by Biological Opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP (National Marine Fisheries Service [NMFS] 2009, Service 2008).

The Biological Opinion issued by the Service to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP found that operations as proposed were likely to jeopardize the continued existence of delta smelt and adversely modify its critical habitat. The Service provided a Reasonable and Prudent Alternative (RPA) with five components. On December 15, 2008, Reclamation submitted a memo provisionally accepting the RPA. The memo also indicated that Reclamation would immediately begin implementing the RPA. The provisional acceptance of the RPA was conditioned upon the further development and evaluation of the two RPA components directed at aquatic habitats. Reclamation stated that the two RPA components, RPA Component 3 – the fall action, and RPA Component 4 – the tidal habitat restoration action, both need additional review and refinement before Reclamation would be able to determine whether implementation of these actions by the CVP and SWP is reasonable and prudent.

The Biological Opinion issued by NMFS determined that long term SWP and CVP operations were likely to jeopardize several species and result in adverse modification of their critical habitat. NMFS also developed an RPA and included it in the Biological Opinion. On June 4, 2009, Reclamation sent a provisional acceptance letter to NMFS, citing the need to further evaluate and develop many of the longer-term actions, but also stating that Reclamation would immediately begin implementing the near-term elements of the RPA.

Reclamation also consulted under the Magnusson-Stevens Fishery Conservation and Management Act with NMFS on the impacts to Essential Fish Habitat for Chinook salmon as a result of the pumping (NMFS 2009).

However, following their provisional acceptance, both Biological Opinions were subsequently challenged in Court, and following lengthy proceedings, the United States District Court for the Eastern District of California remanded the Biological Opinions, and Reclamation was ordered by the Court to comply with the National Environmental Policy Act (NEPA) before accepting the RPAs. In March and December 2014, the Biological Opinions issued by the Service and NMFS, respectively, were upheld by the Ninth Circuit Court of Appeals, although certain requirements (such as an obligation for Reclamation to follow a NEPA process) were left in place. Reclamation is currently preparing environmental documentation to comply with the Court's decisions. In the meantime,

Reclamation continues to comply with the existing Biological Opinions and current Court orders.

***Proposed Action***

Under the Proposed Action, there would be no additional impacts to migratory birds, federally listed species or their critical habitat, or to Essential Fish Habitat, beyond those previously addressed by the Biological Opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP (USFWS 2008, NMFS 2009). No lands fallowed and untilled for three years or more would be brought into production and no new facilities would be constructed. In addition, there would be no net change in deliveries of CVP and SWP water, and the water would move only through existing facilities and be put to existing uses. Therefore, Reclamation has determined that the Proposed Action would have no effect on any federally listed or proposed species or their critical habitat beyond those previously covered and no further consultation is required.

***Cumulative Impacts***

As the Proposed Action would result in no impacts beyond those previously addressed, it would also not contribute cumulatively to any impacts to biological resources.

## **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 Environmental Assessment during a 15-day public review period.

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## **Section 5 Preparers and Reviewers**

Rain L. Emerson, M.S., Supervisory Natural Resources Specialist, SCCAO

Shauna McDonald, Wildlife Biologist, SCCAO

Joanne Goodsell, Archaeologist, MP-153

Scott Taylor, Acting Supervisory Repayment Specialist, SCCAO – reviewer

David E. Hyatt, Resources Management Division Chief – reviewer

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## Section 6 References

Bureau of Reclamation (Reclamation). 1999. Central Valley Project Improvement Act, Final Programmatic Environmental Impact Statement and Record of Decision. Mid-Pacific Region South-Central California Area Office. Fresno, California.

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# **Appendix A**

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## **Reclamation's Cultural Resources Determination**


**CULTURAL RESOURCES COMPLIANCE**  
**Mid-Pacific Region**  
**Division of Environmental Affairs**  
**Cultural Resources Branch (MP-153)**

**MP-153 Tracking Number:** 15-SCAO-129

**Project Name:** Conveyance of State Water Project Water in Federal Facilities for Santa Clara Valley Water District (Santa Clara), 2015-2019

**NEPA Document:** EA-14-036

**NEPA Contact:** Rain Emerson, Supervisory Natural Resources Specialist

**MP-153 Cultural Resources Reviewer:** Joanne Goodsell, Archaeologist 

**Date:** April 28, 2015

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Reclamation proposes to issue a five-year Warren Act contract to Santa Clara that would allow conveyance of up to 650,000 acre-feet (AF) of Santa Clara's available State Water Project (SWP) supplies through federal facilities at times when excess capacity exists. The contract would cover the period between June 2015 and December 2019. Santa Clara's SWP supplies may be from the following: SWP carryover supplies, SWP Table A contract supplies, or previously-stored water from Semitropic Water Storage District. Santa Clara's available SWP supplies would be pumped at the Harvey O. Banks Pumping Plant and conveyed through the California Aqueduct to O'Neill Forebay. The water would then be pumped into San Luis Reservoir and conveyed through the San Felipe Division in the same manner that Santa Clara otherwise receives its CVP supplies. The proposal would be coordinated with the California Department of Water Resources for use of SWP facilities prior to movement of water in a given year. No new infrastructure, new facilities, or ground disturbing activities would be needed for movement of this water.

Reclamation has determined that the proposed action is the type of activity that does not have the potential to cause effects on historic properties pursuant to 36 CFR § 800.3(a)(1). Therefore, Reclamation has no further obligations under Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108). The proposed action would result in no impacts to cultural resources.

This document conveys the completion of the cultural resources review and NHPA Section 106 process for this undertaking. Please retain a copy with the administrative record for this action. Should the proposed action change, additional review under Section 106, possibly including consultation with the State Historic Preservation Officer, may be required.

## **Appendix B**

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### **Reclamation's Indian Trust Assets Determination**



Emerson, Rain &lt;remerson@usbr.gov&gt;

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**Re: ITA Request (EA-14-036)**

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Johnson, Charles <cjohnson@usbr.gov>  
To: "Emerson, Rain" <remerson@usbr.gov>  
Cc: "STEVENSON, RICHARD" <rstevenson@usbr.gov>

Tue, Apr 28, 2015 at 2:24 PM

Rain,

There are no ITAs within the proposed Santa Clara Valley Water District service area and the San Luis Reservoir/Pacheco Tunnel areas (see attached map). Based on the nature of the planned work it does not appear to be in areas that will impact Indian hunting or fishing resources or water rights nor are they on actual Indian lands. It is reasonable to assume that the proposed action will not have any impacts on ITAs.

## Chuck

Chuck Johnson, CPSS  
Chief, Land Resources  
Regional GIS Program Manager  
Regional Realty Officer  
Regional Soil Scientist  
Regional Fire Management Officer

US Bureau of Reclamation      voice 916-978-5266  
2800 Cottage Way (MP-450)      FAX 916-978-5290  
Sacramento, CA 95825-1898      [cjohnson@usbr.gov](mailto:cjohnson@usbr.gov)

"Non sibi sed aliis"

\*\*\*\*\*

On Tue, Apr 28, 2015 at 1:13 PM, Emerson, Rain <remerson@usbr.gov> wrote:

Santa Clara is the recipient of their SWP water. The only difference is that rather than going through SWP facilities, it would go through ours when capacity is available. No one else will be receiving this water.

Rain L. Emerson, M.S.  
*Supervisory Natural Resources Specialist*  
Bureau of Reclamation, South-Central California Area Office  
1243 N Street, Fresno, CA 93721  
Work Ph: 559-487-5196  
Cell Ph: 559-353-4032

On Tue, Apr 28, 2015 at 1:07 PM, STEVENSON, RICHARD <[rstevenson@usbr.gov](mailto:rstevenson@usbr.gov)> wrote:  
Rain,

Where is this water going? Is Santa Clara the ultimate destination or is it moving to other contractors and water users?

On Tue, Apr 28, 2015 at 9:49 AM, Emerson, Rain <[remerson@usbr.gov](mailto:remerson@usbr.gov)> wrote:  
Dick,

Attached is a project description for your review.

Rain L. Emerson, M.S.  
*Supervisory Natural Resources Specialist*  
Bureau of Reclamation, South-Central California Area Office  
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**SCVWD ITA map (04-28-15).docx**  
2433K