

# RECLAMATION

*Managing Water in the West*

FINDING OF NO SIGNIFICANT IMPACT

## North of O'Neill Long-term Exchange Agreements

FONSI-15-009



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-15-009**

**North of O'Neill Long-term Exchange  
Agreements**

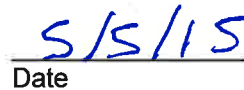


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# Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the South-Central California Area Office of the Bureau of Reclamation (Reclamation), has determined that an environmental impact statement is not required for the execution of long-term exchange agreements with the California Department of Water Resources (DWR) and Byron Bethany Irrigation District (Byron Bethany), the United States Department of Veteran's Affairs San Joaquin Valley National Cemetery (National Cemetery), and Del Puerto Water District (Del Puerto). This Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA)-15-009, *North of O'Neill Long-term Exchange Agreements*, and is hereby incorporated by reference.

Reclamation provided the public with an opportunity to comment on the Draft FONSI and Draft EA between April 2, 2015 and May 1, 2015. No comments were received.

## Background

Byron Bethany provides service to the Musco Family Olive Company (Musco), National Cemetery, and Del Puerto, which are three Central Valley Project (CVP) contractors located south of the Harvey O. Banks Pumping Plant (Banks) and north of O'Neill Forebay (O'Neill), collectively referred to as North of O'Neill Contractors.

Musco, located in San Joaquin County, contracts for up to 800 acre-feet (AF) of CVP water annually for municipal and industrial (M&I) purposes from Byron Bethany; however, Musco is located adjacent to the California Aqueduct and has no physical connection to the CVP or Byron Bethany's conveyance facilities. As a result, DWR has provided State Water Project (SWP) water to Musco under short-term exchange agreements with Reclamation, Byron Bethany and/or Musco since 1984.

The National Cemetery, located in Merced County, contracts with Reclamation for up to 850 AF of CVP water supply annually for M&I purposes. The National Cemetery is also located adjacent to the California Aqueduct and does not have a physical connection to CVP conveyance facilities. DWR has provided SWP water to the National Cemetery under short-term exchange agreements with Reclamation and the National Cemetery since 1990.

Del Puerto, located in San Joaquin, Stanislaus and Merced Counties along the Delta-Mendota Canal and the California Aqueduct, has a CVP water supply contract for agricultural and incidental M&I purposes. Del Puerto's existing infrastructure connected to the Delta-Mendota Canal is old, over prescribed, and costly to replace. Since 2014, DWR has facilitated the delivery of CVP water to Del Puerto via an exchange with Reclamation. Exchanged water is conveyed to some of Del Puerto's lands adjacent to the California Aqueduct through Oak Flat Water District's existing SWP turnouts and facilities.

Currently DWR can convey CVP water to the North of O'Neill Contractors when DWR determines there is excess capacity in the SWP facilities for the conveyance of non-SWP water. However, the periods under which DWR can convey CVP water through the SWP are limited and SWP capacity cannot be guaranteed. As such, the North of O'Neill Contractors need a long-term exchange program in order to improve reliability of conveying their CVP water supplies. The purpose of the Proposed Action is to provide a more reliable, long-term, exchange agreement for these contractors.

## **Proposed Action**

Reclamation proposes to enter into long-term exchange agreements with DWR and the North of O'Neill Contractors in order to facilitate delivery of CVP water to these contractors. Specific details of the exchange agreements are included in Section 2.2 of EA-15-009.

Musco and Del Puerto are currently located outside the SWP authorized Place of Use and, due to the lack of precision in the original maps filed with the California State Water Resources Control Board (State Board), it is difficult to determine whether the National Cemetery is located entirely within the SWP authorized Place of Use. In addition, the Proposed Action would deliver CVP water outside of the CVP authorized Place of Use to SWP contractors located south of O'Neill. As such, Reclamation and DWR will be jointly filing a Petition for Long-Term Change in Place of Use with the State Board. The petition will request that the SWP authorized Place of Use be modified to include the service areas of Musco, National Cemetery, and Del Puerto, and that Reclamation's authorized Place of Use be modified to include the SWP Place of Use downstream of O'Neill for the specific purpose of facilitating the described exchanges. The long-term exchanges will not be implemented until the Long-Term Change in Place of Use has been approved by the State Board.

## **Environmental Commitments**

Reclamation, DWR, and the North of O'Neill Contractors shall implement the environmental protection measures listed in Table 1 of EA-15-009 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-15-009, 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 change, Indian Sacred Sites, Indian Trust Assets, land use, or socioeconomic resources.

### Water Resources

Under the Proposed Action, Reclamation would coordinate with DWR to acquire a Long-Term Change in Place of Use from the State Board in order to execute long-term exchange agreements with DWR and the North of O'Neill Contractors. Musco, National Cemetery, and Del Puerto would receive the long-term water supply reliability needed by these contractors. Impacts to Del Puerto's internal distribution system from overuse would be reduced as a portion of their CVP water supplies would be delivered via exchange with DWR from the California Aqueduct.

The exchange of CVP and SWP water supplies would be one-for-one and would utilize existing facilities. No new infrastructure, modifications of existing facilities, or ground disturbing activities would be required in order to facilitate the exchange. The exchanged water would be used for existing agricultural and municipal uses within the SWP Place of Use downstream of O'Neill and by the North of O'Neill Contractors. No native or untilled land (fallow for three years or more) would be cultivated with water involved with these actions.

CVP and SWP facilities would not be impacted as the exchanged water will be scheduled and approved by Reclamation and DWR in advance. There would be no increase in diversions from the Sacramento-San Joaquin River Delta by either DWR or Reclamation as a result of the exchanges and the Proposed Action would not 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 construction, no changes in Delta pumping, and water would only be used to support existing land uses. There is no critical habitat in the Proposed Action Area. The San Joaquin kit fox and any migrating birds could continue to use the Proposed Action Area as under the No Action alternative.

With the environmental commitments listed in Table 1 of EA-15-009 and based upon the nature of this Action, Reclamation has determined there would be No

Effect to proposed or listed species or critical habitat under the Endangered Species Act of 1973, as amended (16 U.S.C. §1531 et seq.), and there would be no take of birds protected under the Migratory Bird Treaty Act (16 U.S.C. §703 et seq.).

### **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 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. 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). As 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 not impact any federally listed species or migratory birds, it would not contribute cumulatively to any impacts to those resources.



# RECLAMATION

*Managing Water in the West*

**Final Environmental Assessment**

## **North of O'Neill Long-term Exchange Agreements**

**EA-15-009**



**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.

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# Contents

	Page
<b>Section 1 Introduction .....</b>	<b>1</b>
1.1 Background .....	1
1.2 Need for the Proposed Action .....	2
<b>Section 2 Alternatives Including the Proposed Action .....</b>	<b>3</b>
2.1 No Action Alternative .....	3
2.2 Proposed Action .....	3
2.2.1 Musco .....	4
2.2.2 National Cemetery .....	4
2.2.3 Del Puerto .....	4
2.2.4 Environmental Commitments .....	4
<b>Section 3 Affected Environment and Environmental Consequences .....</b>	<b>7</b>
3.1 Resources Eliminated from Further Analysis .....	7
3.2 Water Resources .....	8
3.2.1 Affected Environment .....	8
3.2.2 Environmental Consequences .....	9
3.3 Biological Resources .....	11
3.3.1 Affected Environment .....	11
3.3.2 Environmental Consequences .....	15
<b>Section 4 Consultation and Coordination .....</b>	<b>17</b>
4.1 Public Review Period .....	17
<b>Section 5 Preparers and Reviewers .....</b>	<b>19</b>
<b>Section 6 References .....</b>	<b>21</b>
Figure 1 North of O'Neill Contractors .....	2
Table 1 Environmental Protection Measures and Commitments .....	4
Table 2 Resources Eliminated from Further Analysis .....	7
Table 3 Special Status Species with the Potential to Occur in the Action Area ...	11
Appendix A Reclamation's Cultural Resources Determination	
Appendix B Reclamation's Indian Trust Assets Determination	



# Section 1 Introduction

The Bureau of Reclamation (Reclamation) provided the public with an opportunity to comment on the Draft Finding of No Significant Impact (FONSI) and Draft Environmental Assessment (EA) between April 2, 2015 and May 1, 2015. No comments were received. Changes between this Final EA and the Draft EA, which are not minor editorial changes, are indicated by vertical lines in the left margin of this document.

## 1.1 Background

Byron Bethany Irrigation District (Byron Bethany) provides service to the Musco Family Olive Company (Musco), the United States Department of Veteran's Affairs San Joaquin Valley National Cemetery (National Cemetery), and Del Puerto Water District (Del Puerto), which are three Central Valley Project (CVP) contractors located south of the Harvey O. Banks Pumping Plant (Banks) and north of O'Neill Forebay (O'Neill), collectively referred to as North of O'Neill Contractors (see Figure 1).

Musco, located in San Joaquin County, contracts for up to 800 acre-feet (AF) of CVP water annually for municipal and industrial (M&I) purposes from Byron Bethany; however, Musco is located adjacent to the California Aqueduct and has no physical connection to the CVP or Byron Bethany's conveyance facilities. As a result, the California Department of Water Resources (DWR) has provided State Water Project (SWP) water to Musco under short-term exchange agreements with Reclamation, Byron Bethany and/or Musco since 1984.

The National Cemetery, located in Merced County, contracts with Reclamation for up to 850 AF of CVP water supply annually for M&I purposes. The National Cemetery is also located adjacent to the California Aqueduct and does not have a physical connection to CVP conveyance facilities. DWR has provided SWP water to the National Cemetery under short-term exchange agreements with Reclamation and the National Cemetery since 1990.

Del Puerto, located in San Joaquin, Stanislaus and Merced Counties along the Delta-Mendota Canal and the California Aqueduct, has a CVP water supply contract for agricultural and incidental M&I purposes. Del Puerto's existing infrastructure connected to the Delta-Mendota Canal is old, over prescribed, and costly to replace. Since 2014, DWR has facilitated the delivery of CVP water to Del Puerto via an exchange with Reclamation. Exchanged water is conveyed to some of Del Puerto's lands adjacent to the California Aqueduct through Oak Flat Water District's (Oak Flat) existing SWP turnouts and facilities.

## 1.2 Need for the Proposed Action

Currently DWR can convey CVP water to the North of O'Neill Contractors when DWR determines there is excess capacity in the SWP facilities for the conveyance of non-SWP water. However, the periods under which DWR can convey CVP water through the SWP are limited and SWP capacity cannot be guaranteed. As such, the North of O'Neill Contractors need a long-term exchange program in order to improve reliability of conveying their CVP water supplies. The purpose of the Proposed Action is to provide a more reliable, long-term, exchange agreement for these contractors.

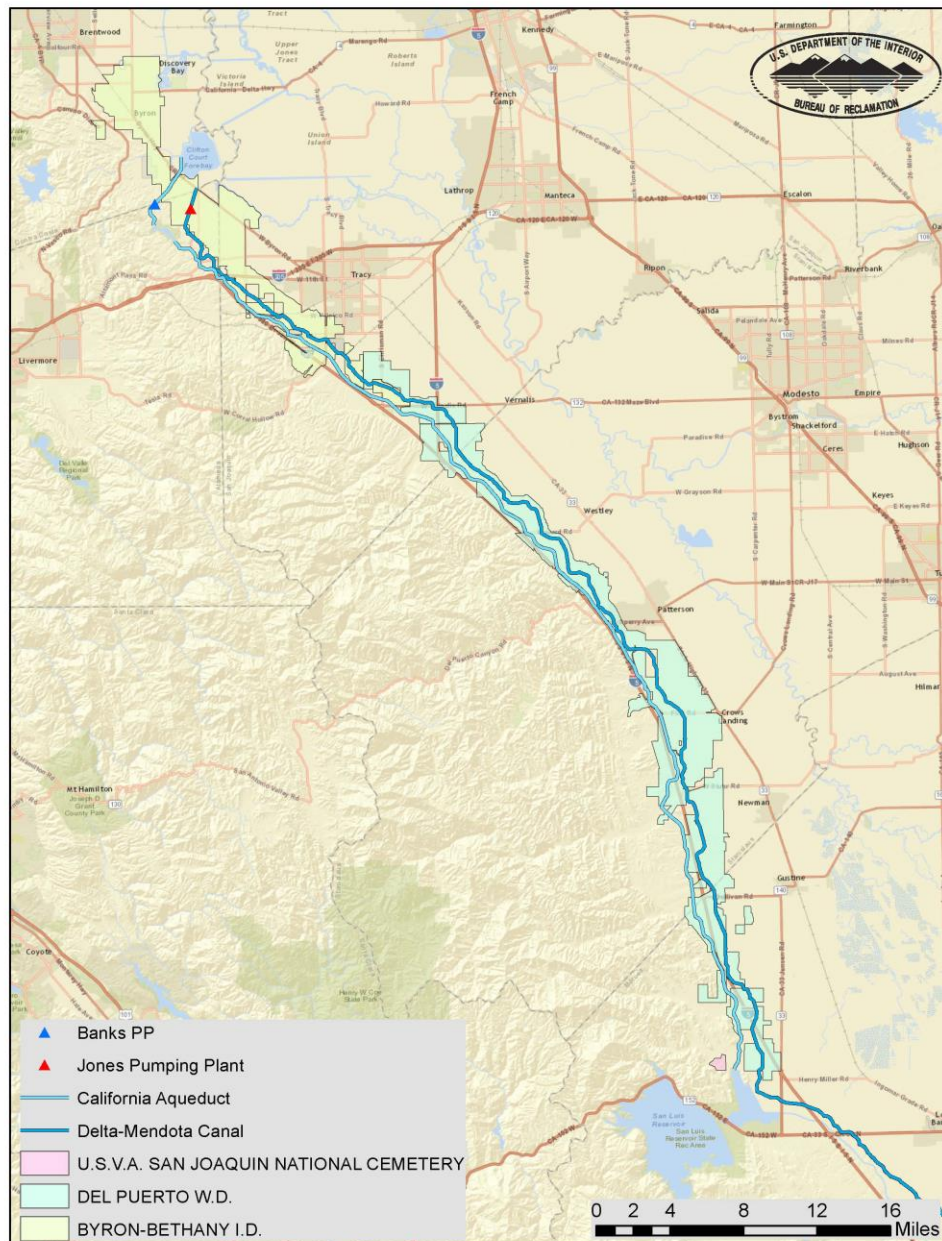


Figure 1 North of O'Neill Contractors

## **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 enter into a long-term exchange agreement with DWR and the North of O'Neill Contractors. Musco and National Cemetery would not be able to receive their CVP water supplies unless some other short-term exchange agreement could be reached. However, the short-term exchange agreements would continue to be dependent on SWP capacity and would not provide the needed reliability. Del Puerto would continue to receive their CVP water supplies from the Delta-Mendota Canal; however, their internal infrastructure would continue to be overtaxed and may not be able to accommodate all of the needs of its customers.

### **2.2 Proposed Action**

Reclamation proposes to enter into long-term exchange agreements with DWR and the North of O'Neill Contractors in order to facilitate delivery of CVP water to these contractors. The Proposed Action would improve reliability by having DWR deliver SWP water diverted at Banks to the North of O'Neill Contractors consistent with approved monthly schedules. In exchange, Reclamation would deliver an equivalent amount of CVP water pumped at the Jones Pumping Plant (Jones) or Banks under Joint Point to DWR at O'Neill. The CVP water provided to DWR at O'Neill would be used within the SWP place of use downstream of O'Neill. The proposed exchanges are one-for-one exchanges and there would be no increase in diversions from the Sacramento-San Joaquin River Delta (Delta) by either DWR or Reclamation as a result of the exchanges. Delivery of CVP water to DWR in exchange for SWP water delivered to the North of O'Neill Contractors would be completed by Reclamation within 60 days of the SWP deliveries by DWR. Specific details of each individual exchange are included below.

Musco and Del Puerto are currently located outside the SWP authorized Place of Use and, due to the lack of precision in the original maps filed with the California State Water Resources Control Board (State Board), it is difficult to determine whether the National Cemetery is located entirely within the SWP authorized Place of Use. In addition, the Proposed Action would deliver CVP water outside of the CVP authorized Place of Use to SWP contractors located south of O'Neill.

As such, Reclamation and DWR will be jointly filing a Petition for Long-Term Change in Place of Use with the State Board. The petition will request that the SWP authorized Place of Use be modified to include the service areas of Musco, National Cemetery, and Del Puerto, and that Reclamation's authorized Place of Use be modified to include the SWP Place of Use downstream of O'Neill for the specific purpose of facilitating the described exchanges. The long-term exchanges will not be implemented until the Long-Term Change in Place of Use has been approved by the State Board.

### **2.2.1 Musco**

Reclamation would enter into an agreement with DWR to deliver up to 800 AF per year of SWP water to Musco using SWP facilities in Reach 2A of the California Aqueduct. In exchange, Reclamation would deliver an equal amount of CVP water to DWR at O'Neill. The term of the agreement would be from May 1, 2015 through February 28, 2030.

### **2.2.2 National Cemetery**

Reclamation would enter into an agreement with DWR to deliver up to 850 AF per year of SWP water to the National Cemetery using SWP facilities in Reach 2B of the California Aqueduct. In exchange, Reclamation would deliver an equal amount of CVP water to DWR at O'Neill. The term of this agreement would be from May 1, 2015 through February 28, 2030.

### **2.2.3 Del Puerto**

Reclamation would enter into an agreement with DWR to deliver up to 3,966 AF per year of SWP water through SWP facilities to Oak Flat in Reach 2A of the California Aqueduct for delivery to Del Puerto. In exchange, Reclamation would deliver an equal amount of CVP water to DWR at O'Neill. The term of this agreement will be from May 1, 2015 through February 28, 2030.

### **2.2.4 Environmental Commitments**

Reclamation, DWR, and the North of O'Neill Contractors shall implement the following environmental protection measures to avoid 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

<b>Resource</b>	<b>Protection Measure</b>
Water Resources	The Proposed Action would not affect CVP or SWP operations; all supplies would be previously scheduled for delivery points south-of-Delta, and do not require additional Delta exports.
Water Resources	The water would only be used for beneficial purposes and in accordance with Federal Reclamation law and guidelines.
Various Resources	The water would not be used to place untilled or new lands into production, or to convert undeveloped land to other uses.
Various Resources	No new construction or modification of existing facilities may occur in order to complete the Proposed Action.
Various Resources	The Proposed Action cannot alter the flow regime of natural



Resource	Protection Measure
	waterways or natural watercourses such as rivers, streams, creeks, ponds, pools, wetlands, etc., so as to have a detrimental effect on fish or wildlife or their habitats.

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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 did 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 not involve physical changes to the environment or construction activities that could impact cultural resources. As the Proposed Action would facilitate the flow of water through existing facilities to existing users and no construction or modification of these 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 Code of Federal Regulations 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	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 greenhouse gas emissions are anticipated outside normal operational fluctuations.
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. Therefore, there would be no impacts to Indian Sacred Sites as a result of the Proposed Action.
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 exchange of water between DWR and Reclamation would provide a long-term mechanism for the North of O'Neill Contractors to receive their CVP water supply. Exchanged water would be used for existing M&I and agricultural purposes by the North of O'Neill Contractors to support current uses. No conversion of undeveloped/native land is

Resource	Reason Eliminated
	proposed.
Socioeconomic Resources	The exchange of water between Reclamation and DWR would support existing uses within the North of O'Neill Contractors' service areas. As such, no change in socioeconomic conditions is expected from the Proposed Action.

## 3.2 Water Resources

### 3.2.1 Affected Environment

The Proposed Action area includes the CVP service areas of the North of O'Neill Contractors (Musco, National Cemetery, and portions of Del Puerto located along the California Aqueduct), CVP and SWP Joint Use Facilities (see description below), and SWP contractors located south of O'Neill.

#### ***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).

**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).

#### ***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.

#### ***North of O'Neill Contractors***

As described in Section 1.1, Musco and the National Cemetery cannot receive their CVP water supplies directly from CVP facilities. Since 1984, Musco has received up to 800 AF per year of SWP water supplies via short-term exchange agreements for M&I uses from Reach 2A of the California Aqueduct. Since 1990, the National Cemetery has also received via short-term exchanges up to 850 AF per year of SWP water supplies for M&I uses from Reach 2B of the California Aqueduct.

Although, Del Puerto is able to receive its CVP supply directly from the CVP (turnouts on the Delta-Mendota Canal), their existing internal infrastructure is old, over prescribed, and costly to replace. Since 2014, DWR has facilitated the delivery of a portion of Del Puerto's CVP water via a short-term exchange with Reclamation. Exchanged water is conveyed to some of Del Puerto's lands located adjacent to the California Aqueduct through Oak Flat's existing SWP turnouts and facilities (Reach 2A of the California Aqueduct).

### **3.2.2 Environmental Consequences**

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

Under the No Action Alternative, Reclamation would not coordinate with DWR to acquire a Long-Term Change in Place of Use from the State Board in order to enter into long-term exchange agreements with DWR and the North of O'Neill Contractors. Musco and National Cemetery would not be able to receive their CVP water supplies unless other short-term exchange arrangements could be made between Reclamation and DWR similar to what has been done in the past. However, short-term arrangements would not provide the more reliable exchange agreement needed by these contractors. Del Puerto could receive all of its CVP supplies from its existing turnouts on the Delta-Mendota Canal; however, their internal distribution would continue to be overtaxed and the additional flexibility needed by Del Puerto would be unmet.

#### ***Proposed Action***

Under the Proposed Action, Reclamation would coordinate with DWR to acquire a Long-Term Change in Place of Use from the State Board in order to execute long-term exchange agreements with DWR and the North of O'Neill Contractors.

Musco, National Cemetery, and Del Puerto would receive the long-term water supply reliability needed by these contractors. Impacts to Del Puerto's internal distribution system from overuse would be reduced as a portion of their CVP water supplies would be delivered via exchange with DWR from the California Aqueduct.

The exchange of CVP and SWP water supplies would be one-for-one and would utilize existing facilities. No new infrastructure, modifications of existing facilities, or ground disturbing activities would be required in order to facilitate the exchange. The exchanged water would be used for existing agricultural and municipal uses within the SWP Place of Use downstream of O'Neill and by the North of O'Neill Contractors. No native or untilled land (fallow for three years or more) would be cultivated with water involved with these actions.

CVP and SWP facilities would not be impacted as the exchanged water will 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 exchanges and the Proposed Action would not 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 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. 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). As 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) on March 12, 2015 via the Sacramento field office's website, [http://www.fws.gov/sacramento/es/spp\\_list.htm](http://www.fws.gov/sacramento/es/spp_list.htm) (Document number: 150312043042, Service 2015). The list covers San Joaquin, Stanislaus, and Merced Counties. The California Department of Fish and Wildlife's California Natural Diversity Database (CNDDDB) was also queried for records of protected species near the Action area (CNDDDB 2015). The information collected above, in addition to information within Reclamation's files, was combined to determine the likelihood of protected species occurrence within the Action area. In addition to the federally listed species in Table 3, other migratory birds, such as the Western burrowing owl and Swainson's hawk could forage and nest in the Proposed Action Area.

Table 3 Special Status Species with the Potential to Occur in the Action Area

Species	Status <sup>1</sup>	Effects <sup>2</sup>	Occurrence in the Study Area <sup>3</sup>
INVERTEBRATES			
Conservancy fairy shrimp <i>Branchinecta conservatio</i>	E, X	NE	<b>Absent.</b> This species is associated with vernal pools, and no vernal pools occur in the Proposed Action Area, which consists of a landscaped cemetery and actively farmed lands.
Longhorn fairy shrimp <i>Branchinecta longiantenna</i>	E, X	NE	<b>Absent.</b> This species is associated with vernal pools, and no vernal pools occur in the Proposed Action Area, which consists of a landscaped cemetery and actively farmed lands.
Vernal pool fairy shrimp <i>Branchinecta lynchi</i>	T, X	NE	<b>Absent.</b> This species is associated with vernal pools, and no vernal pools occur in the Proposed Action Area, which consists of a landscaped cemetery and actively farmed lands.
Valley elderberry longhorn beetle <i>Desmocerus californicus dimorphus</i>	T, X	NE	<b>Possible.</b> This species may be present in elderberry bushes growing along Delta waterways. The Proposed Action would not involve any removal/disturbance of vegetation, construction, or conversion of native or fallowed lands.
delta green ground beetle <i>Elaphrus viridis</i>	T, X	NE	<b>Absent.</b> This species is associated with vernal pools, and no vernal pools occur in the Proposed Action Area, which consists of a landscaped cemetery and actively farmed lands.
San Bruno elfin butterfly <i>Incisalia mossii bayensis</i>	E	NE	<b>Absent.</b> This species uses stonecrop as a larval food plant, and only occurs in mountainous areas near San Francisco Bay.
Vernal pool tadpole shrimp <i>Lepidurus packardii</i>	E, X	NE	<b>Absent.</b> This species is associated with vernal pools, and no vernal pools occur in the Proposed Action Area, which consists of a landscaped cemetery and actively farmed lands.
FISH			

Species	Status <sup>1</sup>	Effects <sup>2</sup>	Occurrence in the Study Area <sup>3</sup>
Green sturgeon <i>Acipenser medirostris</i>	T, X, NMFS	NE	<b>Absent.</b> The Proposed Action would not affect the Delta, as there would be no change at all in Delta pumping.
Delta smelt <i>Hypomesus transpacificus</i>	T, X	NE	<b>Absent.</b> The Proposed Action would not affect the Delta, as there would be no change at all in Delta pumping.
Central Valley steelhead <i>Oncorhynchus mykiss</i>	T, X, NMFS	NE	<b>Absent.</b> The Proposed Action would not affect the Delta, as there would be no change at all in Delta pumping.
South Central California steelhead <i>Oncorhynchus mykiss</i>	T, X, NMFS	NE	<b>Absent.</b> The Proposed Action would not affect the Delta, as there would be no change at all in Delta pumping.
Central Valley spring-run Chinook salmon <i>Oncorhynchus tshawytscha</i>	T, X, NMFS	NE	<b>Absent.</b> The Proposed Action would not affect the Delta, as there would be no change at all in Delta pumping.
Winter-run Chinook salmon, Sacramento River <i>Oncorhynchus tshawytscha</i>	E, X, NMFS	NE	<b>Absent.</b> The Proposed Action would not affect the Delta, as there would be no change at all in Delta pumping.
<b>AMPHIBIANS</b>			
California tiger salamander, Central population <i>Ambystoma californiense</i>	T, X	NE	<b>Absent.</b> This species is associated with vernal pools and other seasonal wetlands. These habitats don't occur in the Proposed Action Area, which consists of a landscaped cemetery and actively farmed lands
Yosemite Toad <i>Anaxyrus canorus</i>	T, PX	NE	<b>Absent.</b> Only occurs in wet meadows and forests in the Sierra Nevada Mountains, outside the Proposed Action Area.
California red-legged frog <i>Rana draytonii</i>	T, X	NE	<b>Absent.</b> Uses ponds and streams in the Coast Mountains, outside the Proposed Action Area.
<b>REPTILES</b>			
Blunt-nosed leopard lizard <i>Gambelia sila</i>	E	NE	<b>Absent.</b> Blunt-nosed leopard lizards need arid grassland or alkali scrub/saltbush scrub habitat, which is absent from the Proposed Action Area.
Alameda whipsnake <i>Masticophis lateralis euryxanthus</i>	T, X	NE	<b>Absent.</b> Only occurs in Bay Area chaparral habitat, outside the Proposed Action Area.
Giant garter snake <i>Thamnophis gigas</i>	T	NE	<b>Absent.</b> Habitat consists of streams and sloughs with emergent wetland vegetation. Current range includes the Delta and a small part of its former range in the San Joaquin Valley. This species' habitat doesn't occur in the Proposed Action Area.
<b>BIRDS</b>			
Western Yellow-billed Cuckoo <i>Coccyzus americanus occidentalis</i>	T, X, MBTA	NE	<b>Possible.</b> This species could fly over the Proposed Action Area while migrating to and from breeding habitat on a section of the Sacramento River, but it would not nest in the Proposed Action Area, because it requires extensive cottonwood-willow forests, which are lacking.



Species	Status <sup>1</sup>	Effects <sup>2</sup>	Occurrence in the Study Area <sup>3</sup>
California Condor <i>Gymnogyps californianus</i>	E, X, MBTA	NE	<b>Absent.</b> Condors use mountain cliffs and forage for carrion, usually deer, but sometimes also cattle. Their habitat is lacking in the Proposed Action Area.
California Clapper Rail <i>Rallus longirostris obsoletus</i>	E, MBTA	NE	<b>Absent.</b> Uses tidal marshes in the San Francisco Bay Area, outside the Proposed Action Area.
California Least Tern <i>Sternula antillarum browni</i>	E, MBTA	NE	<b>Absent.</b> Nests on sandy beaches from San Francisco Bay to Baja California. Occasionally found inland in places with suitable open-water habitat that contains small fish, such as the sewage ponds at Lemoore Naval Air Station. Habitat for this species does not occur in the Proposed Action Area.
Least Bell's Vireo <i>Vireo bellii pusillus</i>	E, X, MBTA	NE	<b>Possible.</b> Needs riparian habitat with a well-developed understory for nesting. This habitat is lacking in the Proposed Action Area. However, birds could pass overhead while migrating (there are recent records from the San Joaquin River National Wildlife Refuge and a record from Santa Clara County).
MAMMALS			
Giant kangaroo rat <i>Dipodomys ingens</i>	E	NE	<b>Absent.</b> Uses arid grasslands and saltbush scrub; the nearest populations are in western Fresno and San Benito Counties, outside the Proposed Action Area.
Fresno kangaroo rat <i>Dipodomys nitratoide exilis</i>	E, X	NE	<b>Absent.</b> This species historically may have had a range that extended north into part of Merced County, but no longer occurs there.
Riparian woodrat <i>Neotoma fuscipes riparia</i>	E	NE	<b>Absent.</b> Currently, there are only two known populations of this species, one in Caswell Memorial State Park and one in the San Joaquin River National Wildlife Refuge, both outside the Proposed Action Area.
Riparian brush rabbit <i>Sylvilagus bachmani riparius</i>	E	NE	<b>Absent.</b> There are only a few extant occurrences of this species, in the Delta, and along the San Joaquin and Stanislaus Rivers. The Proposed Action would not impact the Delta.
San Joaquin kit fox <i>Vulpes macrotis mutica</i>	E	NE	<b>Present.</b> There are several CNDDDB records of this species in and within 10 miles of the Proposed Action Area. This species can forage within, but not den in agricultural lands when they are near enough to occupied native lands (Warrick et al. 2007).
PLANTS			
Large-flowered fiddleneck <i>Amsinckia grandiflora</i>	E, X	NE	<b>Absent.</b> Historically occurred in the northern Diablo Range in grassland habitat, but is now only found in two introduced populations (Lawrence Livermore National Laboratory in southwestern San Joaquin County and Lougher Ridge in Contra Costa County), outside the Proposed Action Area.
lone manzanita	T	NE	<b>Absent.</b> This species is found within a

Species	Status <sup>1</sup>	Effects <sup>2</sup>	Occurrence in the Study Area <sup>3</sup>
<i>Arctostaphylos myrtifolia</i>			limited area in Amador and Calaveras Counties. Only occurs on native lands on poor, coarse soils, outside the Proposed Action Area.
Chinese Camp brodiaea <i>Brodiaea pallida</i>	T	NE	<b>Absent.</b> Occurs only in a limited area within the Sierra Nevada foothills, outside the Proposed Action Area.
Hoover's spurge <i>Chamaesyce hooveri</i>	T, X	NE	<b>Absent.</b> This This is associated with vernal pools, and no vernal pools occur in the Proposed Action Area, which consists of a landscaped cemetery and actively farmed lands.
succulent owl's-clover <i>Castilleja campestris</i> ssp. <i>succulenta</i>	T, X	NE	<b>Absent.</b> This species is associated with vernal pools, and no vernal pools occur in the Proposed Action Area, which consists of a landscaped cemetery and actively farmed lands.
Hoover's spurge <i>Chamaesyce hooveri</i>	T, X	NE	<b>Absent.</b> This species is associated with vernal pools, and no vernal pools occur in the Proposed Action Area, which consists of a landscaped cemetery and actively farmed lands.
palmate-bracted bird's-beak <i>Cordylanthus palmatus</i>	E	NE	<b>Absent.</b> Occurs in alkali sink habitat, outside the Proposed Action Area.
Santa Clara Valley dudleya <i>Dudleya setchellii</i>	E	NE	<b>Absent.</b> Restricted to serpentine soils in Santa Clara Valley (Coyote Valley), outside the Proposed Action Area.
Contra Costa goldfields <i>Lasthenia conjugens</i>	E, X	NE	<b>Absent.</b> This species is associated with vernal pools, and no vernal pools occur in the Proposed Action Area, which consists of a landscaped cemetery and actively farmed lands.
Colusa grass <i>Neostapfia colusana</i>	T, X	NE	<b>Absent.</b> This species is associated with vernal pools, and no vernal pools occur in the Proposed Action Area, which consists of a landscaped cemetery and actively farmed lands.
San Joaquin Valley Orcutt grass <i>Orcuttia inaequalis</i>	T, X	NE	<b>Absent.</b> This species is associated with vernal pools, and no vernal pools occur in the Proposed Action Area, which consists of a landscaped cemetery and actively farmed lands.
hairy Orcutt grass <i>Orcuttia pilosa</i>	E, X	NE	<b>Absent.</b> This species is associated with vernal pools, and no vernal pools occur in the Proposed Action Area, which consists of a landscaped cemetery and actively farmed lands.
Sacramento Orcutt grass <i>Orcuttia viscida</i>	E, X	NE	<b>Absent.</b> This species is associated with vernal pools, and no vernal pools occur in the Proposed Action Area, which consists of a landscaped cemetery and actively farmed lands.
Hartweg's golden sunburst <i>Pseudobahia bahiifolia</i>	E	NE	<b>Absent.</b> Occurs on certain soil types along the eastern edge of part of the San Joaquin Valley, outside the Proposed Action Area.
Keck's checker-mallow <i>Sidalcea keckii</i>	E, X	NE	<b>Absent.</b> Only found in grasslands within part of the Sierra Nevada foothills, outside the Proposed Action Area.

Species	Status <sup>1</sup>	Effects <sup>2</sup>	Occurrence in the Study Area <sup>3</sup>
Greene's tuctoria <i>Tuctoria greenei</i>	E, X	NE	<b>Absent.</b> This species is associated with vernal pools, and no vernal pools occur in the Proposed Action Area, which consists of a landscaped cemetery and actively farmed lands.
Red Hills vervain <i>Verbena californica</i>	T	NE	<b>Absent.</b> Found only in the Red Hills in the Sierra Nevada foothills, outside the Proposed Action Area.
<p>1 Status= Listing of Federally special status species  E: Listed as Endangered  MBTA: Protected under the Migratory Bird Treaty Act  NMFS: Species under the Jurisdiction of the National Oceanic &amp; Atmospheric Administration Fisheries Service  T: Listed as Threatened  X: Critical Habitat designated for this species  PX: Proposed Critical Habitat</p> <p>2 Effects = Effect determination  NE: No Effect from the Proposed Action to Federally listed species</p> <p>3 Definition Of Occurrence Indicators  Absent: Species not recorded in Action Area and/or habitat requirements not met  Possible: Species not recorded in or near Action Area, but suitable habitat is present.  Present: Species recorded in or near Action Area and habitat present</p>			

### 3.3.2 Environmental Consequences

#### **No Action**

Under the No Action, land uses and Delta pumping would be unchanged. The San Joaquin kit fox could use agricultural lands and land at the National Cemetery for foraging, and migratory birds would be unaffected.

#### **Proposed Action**

Under the Proposed Action, there would be no construction, no changes in Delta pumping, and water would only be used to support existing land uses. There is no critical habitat in the Proposed Action Area. The San Joaquin kit fox and any migrating birds could continue to use the Proposed Action Area as under the No Action alternative.

With the environmental commitments listed in Table 1 and based upon the nature of this Action, Reclamation has determined there would be No Effect to proposed or listed species or critical habitat under the Endangered Species Act of 1973, as amended (16 U.S.C. §1531 et seq.), and there would be no take of birds protected under the Migratory Bird Treaty Act (16 U.S.C. §703 et seq.).

#### **Cumulative Impacts**

As the Proposed Action would not impact any federally listed species or migratory birds, it would not contribute cumulatively to any impacts to those resources.

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## **Section 4 Consultation and Coordination**

### **4.1 Public Review Period**

Reclamation provided the public with an opportunity to comment on the Draft FONSI and Draft EA between April 2, 2015 and May 1, 2015. No comments were received.

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## **Section 5 Preparers and Reviewers**

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

Shauna McDonald, Wildlife Biologist, SCCAO

Scott Williams, Archaeologist, MP-153

Cathy James, Repayment Specialist, SCCAO – reviewer

David E. Hyatt, Resources Management Division Chief, SCCAO – reviewer

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## Section 6 References

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# **Appendix A**

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

**CULTURAL RESOURCE COMPLIANCE**  
**Mid-Pacific Region**  
**Division of Environmental Affairs**  
**Cultural Resources Branch**

MP-153 Tracking Number: 15-CCAO-101

Project Name: North of O'Neill Long-term Exchange Agreements

NEPA Document: EA-15-009

MP 153 Cultural Resources Reviewer: Scott Williams



Date: March 11, 2015

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The proposed undertaking by Reclamation is to enter into long-term exchange agreements with DWR and the North of O'Neill Contractors in order to facilitate delivery of CVP water to these contractors. This is the type of undertaking that does not have the potential to cause effects to historic properties, should such properties be present, pursuant to the NHPA Section 106 regulations codified at 36 CFR § 800.3(a)(1). Reclamation has no further obligations under NHPA Section 106, pursuant to 36 CFR § 800.3(a)(1).

Reclamation proposes to enter into long-term exchange agreements with DWR and the North of O'Neill Contractors (Byron Bethany, Musco, National Cemetery, and Del Puerto) in order to facilitate delivery of CVP water to these contractors. The water would not be used to place untitled or new lands into production, or to convert undeveloped land to other uses. The Proposed Action would not affect CVP or SWP operations; all supplies would be previously scheduled for delivery points south-of-Delta, and do not require additional Delta exports. No new construction or modification of existing facilities may occur in order to complete the Proposed Action. After reviewing documentation provided within EA-15-009, Reclamation has concluded this action would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places.

This document 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.

## **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 for Review (EA-15-009)**

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**STEVENSON, RICHARD** <rstevenson@usbr.gov>

Thu, Mar 12, 2015 at 3:52 PM

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

Rain,

I have reviewed the project description and other material for the North of O'Neill Long-Term Exchange Contract and have determined that the closest ITA is over 50 miles away, that being the Lytton Rancheria. There is no potential that this activity will have an adverse impact on any Indian Trust Assets. A map is attached.

Richard Stevenson  
Deputy Regional Resource Manager

On Wed, Mar 11, 2015 at 8:32 AM, Emerson, Rain <[remerson@usbr.gov](mailto:remerson@usbr.gov)> wrote:

Dick,

Attached is a request for your review.

Rain L. Emerson, M.S.  
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