



2016-2018 American River Division Interim Water Service Contract Renewal for the Placer County Water Agency

Central California Area Office Folsom, CA

Environmental Assessment (EA)



U.S. Department of the Interior
Bureau of Reclamation
Mid Pacific Region
Central California Area Office
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Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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List of Acronyms and Abbreviations

AFY	Acre-feet per year
BiOp	Biological Opinion
CDFW	California Department of Fish and Wildlife
CVP	Central Valley Project
CVPIA	Central Valley Project Improvement Act
EA	Environmental Assessment
EIS	Environmental Impact Statement
IRC	Interim Renewal Contract
ITA	Indian Trust Assets
M&I	Municipal and Industrial
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
PCWA	Placer County Water Agency
PEIS	Programmatic Environmental Impact Statement
PG&E	Pacific Gas and Electric Company
Reclamation	Bureau of Reclamation
RPAs	Reasonable and Prudent Alternatives
SWP	State Water Project
USFWS	U.S. Fish and Wildlife Service

Section 1 Introduction

In conformance with the National Environmental Policy Act of 1969 (NEPA), as amended, the Bureau of Reclamation (Reclamation) has prepared this Draft Environmental Assessment (EA) to evaluate and disclose any potential environmental impacts associated with the implementation of a 24-month interim renewal (March 1, 2016 to February 28, 2018) Central Valley Project (CVP) water service contract with the Placer County Water Agency (PCWA).

1.1 Background

On October 30, 1992, the President signed into law the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575) that included Title 34, the Central Valley Project Improvement Act (CVPIA). In accordance with Section 3404(c) of the CVPIA, the Bureau of Reclamation (Reclamation) proposes to execute an interim renewal CVP water service contract with PCWA. Interim renewal contracts (IRC) are undertaken under the authority of the CVPIA to provide a bridge between the expiration of the original long-term water service contract and the execution of a new long-term water service contract. The proposed IRC is with PCWA. PCWA has two IRCs previously executed following the expiration of their long-term water service contract. PCWA is one of seven water service contractors within the American River Division of the CVP.

Section 3409 of the CVPIA required that Reclamation prepare a Programmatic Environmental Impact Statement (PEIS) before renewing long-term water service contracts. The PEIS, completed in October 1999 and hereby incorporated by reference, analyzed the implementation of all aspects of CVPIA, contract renewals being one of many programs addressed by this Act. CVPIA Section 3403(c) mandated that upon request, all CVP existing contracts be renewed. Implementation of other sections of CVPIA mandated actions and programs that require modification of previous contract articles or new contract articles to be inserted into renewed contracts. These programs include water measurement requirements (Section 2405(b)), water pricing actions (Section 3405(d)), and water conservation (Section 3405(e)). The PEIS evaluated CVP-wide impacts of long-term contract renewals at a programmatic level. Upon completion of contract renewal negotiations, the local effects of long-term contract renewals at the division level were evaluated in environmental documents that tiered from the PEIS.

Environmental documentation covering long-term renewal of American River Division water service contractors was completed in June 2005 (Reclamation 2005). This documentation evaluated the effects of renewing long-term contracts for the City of Roseville, PCWA, Sacramento County Water Agency, San Juan

Water District, Sacramento Municipal Utility District, El Dorado Irrigation District, and the East Bay Municipal Utility District. The Record of Decision for the American River Division long-term renewals was signed on February 28, 2006 (one day prior to the beginning of a new contract year). Three of the seven American River Division contractors, San Juan Water District, El Dorado Irrigation District and the East Bay Municipal Utility District were able to execute the long-term contracts prior to the beginning of the new contract year. The remaining American River Division contractors all had existing contracts in place that allowed for the continued delivery of water in the 2006 water year and have entered into interim agreements every two years.

1.1.1 Placer County Water Agency

PCWA holds 120,000 AFY of water rights on the Middle Fork American River, the Rubicon River and some tributaries for irrigation, domestic and commercial purposes, and for the generation of electrical energy. In 2002, PCWA amended its CVP water service contract with Reclamation reducing the up to contract quantity from 117,000 AFY to 35,000 AFY.

Since 2002, PCWA has maintained a CVP water service contract with Reclamation for up to 35,000 AFY. The analysis of the Proposed Action assumes that the 35,000 AFY of water will be delivered at Folsom Reservoir along with the remainder of PCWA's water rights water. PCWA plans to use their CVP water after PCWA's demand for all of their water rights water is developed, and additional delivery infrastructure is constructed. Any action to provide the additional supporting infrastructure would be subject to independent analysis and review and is not part of the action considered in this document.

Water conservation in PCWA includes consideration of water meters, water conservation designs, landscape conservation measures, and use of recycled wastewater.

1.2 Project Description

The Proposed Action is to enter into a 24-month IRC with the American River Division contractor, PCWA, to facilitate the annual delivery of up to 35,000 AFY of CVP water for municipal and industrial (M&I) uses in Placer County (figure 1). PCWA had two IRCs previously executed following the expiration of their previous long-term water service contract. This Proposed Action is the third IRC for PCWA.

The term of the PCWA contract would be from March 1, 2016 through February 28, 2018. In the event a new long-term water service contract is executed, the IRC then-in-effect would be superseded by the long-term water service contract and analyzed under a separate process.

There will be no changes to PCWA's CVP service area, and no construction is required as part of the Proposed Action. Any request by an interim contractor to change its existing service area would be a separate federal action. Separate appropriate environmental compliance documentation would be completed before Reclamation approves a land inclusion or exclusion to any CVP contractor's service area.

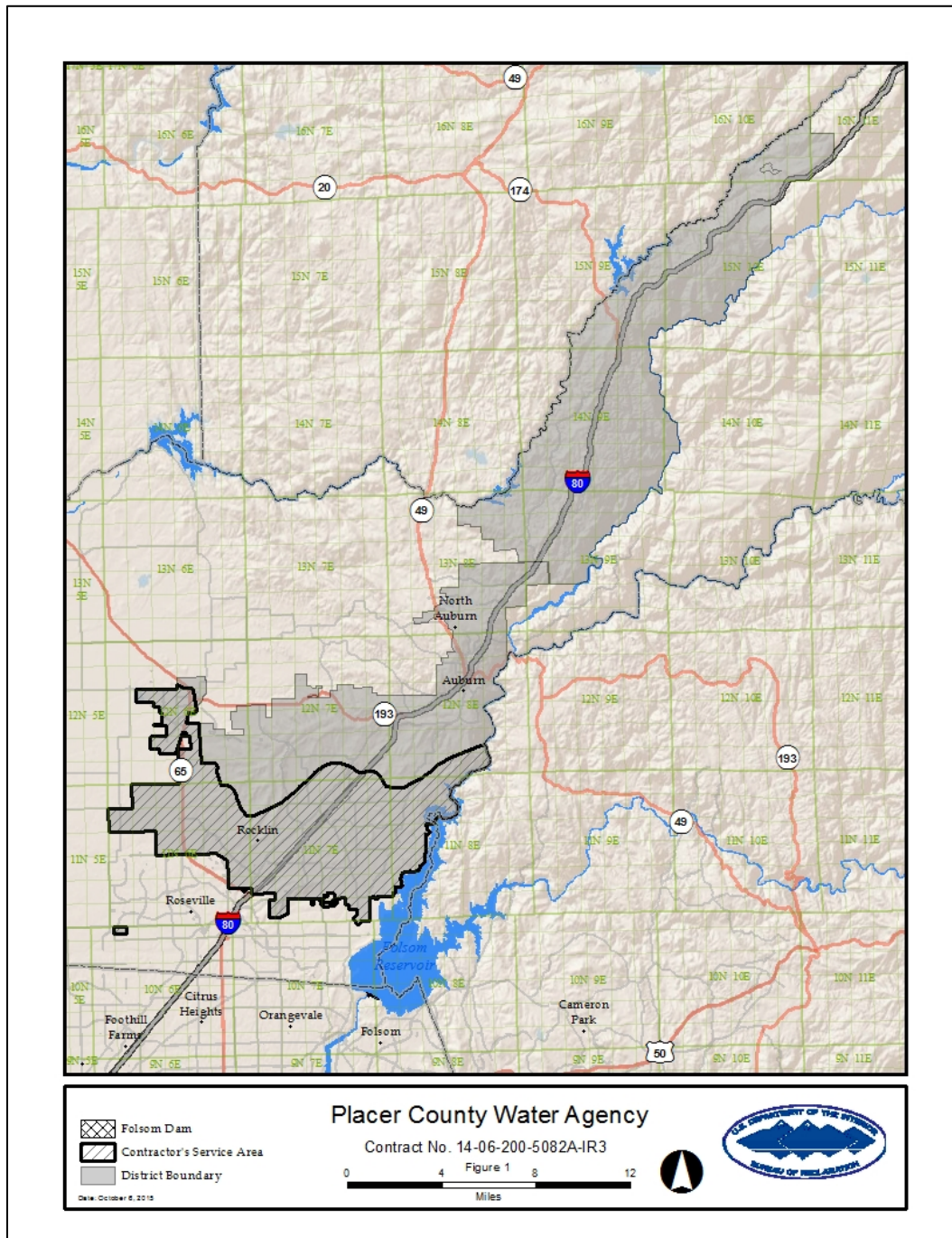


Figure 1 – Map of PCWA's CVP Service Area

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, the 2013 IRC between PCWA and Reclamation would expire on February 28, 2016. There would be no contractual mechanism for Reclamation to deliver CVP water to PCWA and the needs of PCWA customers would not be met.

2.2 Proposed Action

The Proposed Action is to enter into an IRC with PCWA to facilitate the delivery of up to 35,000 AFY of water as follows:

Reclamation would enter into a CVP IRC with PCWA for 35,000 AFY.

Water associated with this action would be delivered at the point of diversion for PCWA's CVP water (35,000 AFY) at Folsom Reservoir (figure 2). The point of diversion is an approved CVP point of diversion. Any new points of diversion would require additional environmental analysis.

The contract service area for the proposed IRC has not changed from current use or from that considered in the evaluation of long-term contract renewals conducted in 2005 (Reclamation 2005). The proposed contract quantity will remain the same as the respective contractor's existing water service contract.

Water can be delivered under the IRCs in quantities up to the contract total, although reduced quantities may be made available consistent with contract water shortage provisions in years when water supplies are limited. The terms and conditions of the PCWA IRC are incorporated by reference into the Proposed Action.

In the event a new long-term water service contract is executed under the IRC, the IRC then-in-effect would be superseded by the long-term water service contract and analyzed under a separate process.

For purposes of this EA, the following requirements are assumed under the Proposed Action:

- A 24-month interim renewal period, March 1, 2016 to February 28, 2018, is considered in the analysis;
- The contract will be renewed with existing contract quantities;
- Reclamation would continue to comply with commitments made or requirements imposed by applicable environmental documents, such as existing biological opinions (BiOp's) including any obligations imposed on Reclamation resulting from re-consultations; and
- Reclamation would implement its obligations resulting from Court Orders issued in actions challenging applicable BiOp's that take effect during the interim renewal period.

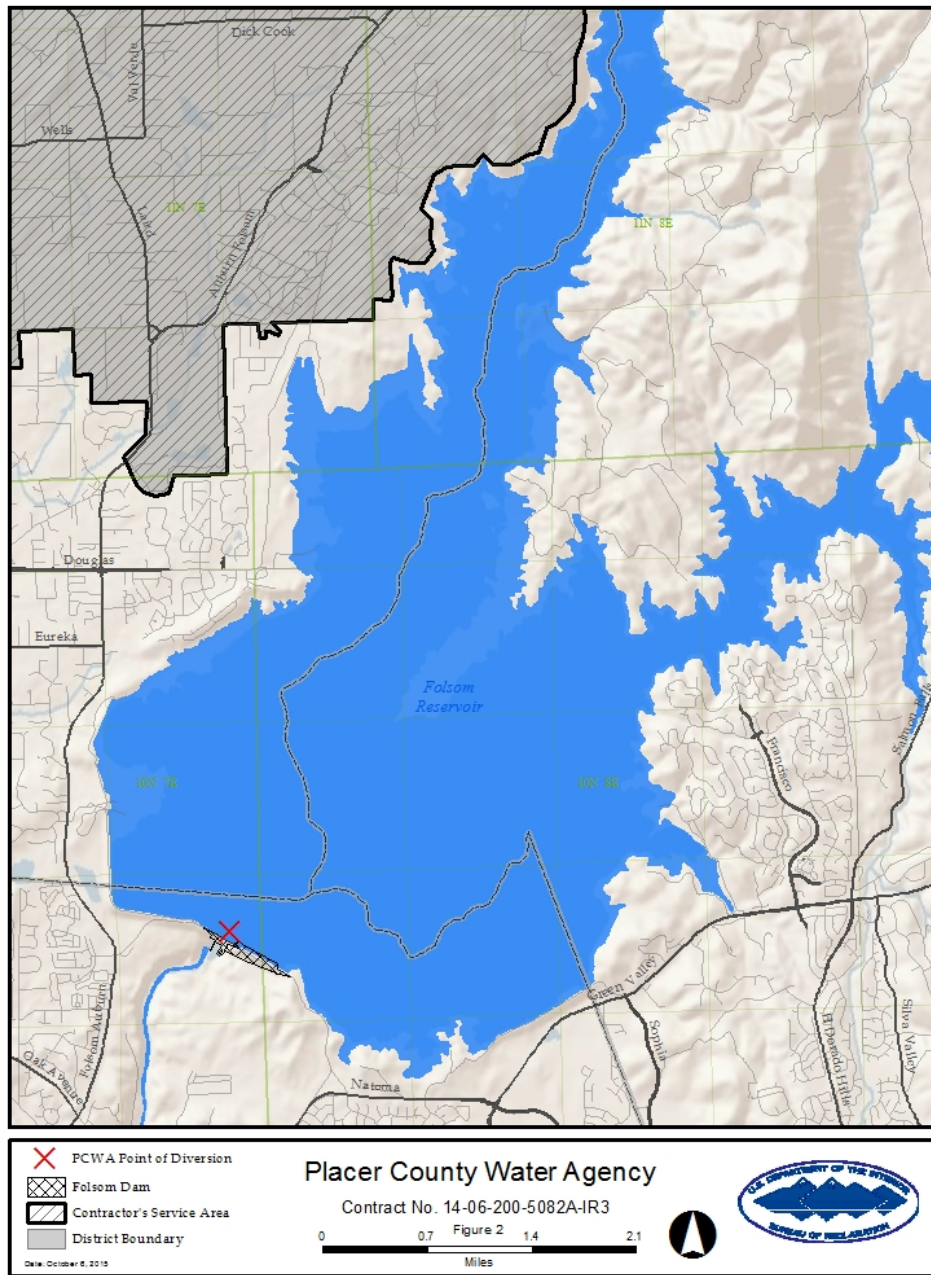


Figure 2 – Map of PCWA's CVP Point of Diversion

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.

PCWA is contained within the American River Division of the CVP along with six other CVP contractors. The service area boundary within Placer County is identified in Figure 1.

Consistent with the environmental analysis for the long-term contract renewals in the American River Division (Reclamation 2005), this EA considers the potential effects of the IRC on the resources listed below. The analysis contained in the EIS (Reclamation 2005), is incorporated by reference into this document as well as the December 15, 2008 and June 4, 2009 BiOp's from the United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) respectively on the Continued Long-term Operations of the CVP and State Water Project (SWP).

This EA does not analyze resources for which it would be reasonable to assume that no impacts would occur from the implementation of the Proposed Action. Specifically, potential impacts to air quality, soils, land use, visual resources, recreation, transportation, noise, hazards and hazardous materials, public services, utilities and service systems are not analyzed because they were not identified as significant issues during scoping and it would not be reasonable to assume that the 24-month IRCs would result in impacts to these resources or services. In addition to the resources stated above, Reclamation considered and determined that the Proposed Action would not impact the following resources:

- Indian Trust Assets (ITA): There are no known ITAs or treaty rights exercised by tribes, nor are there any reservations or trust lands located within or adjacent to the Proposed Action area that would be affected.
- Indian Sacred Sites: No Indian sacred sites have been identified within the footprint of the Proposed Action
- Water Quality and Groundwater: Reclamation is currently operating the overall CVP system to meet all regulatory requirements, downstream water needs, and environmental requirements. Therefore, there will be no impacts to water quality and groundwater resources.
- Global Climate Change: The Proposed Action is a continuation of existing conditions, and does not require the construction of any new facilities, the

installation of any new structures, or the modification of existing facilities. The construction of new facilities would require additional environmental review and analyzed under a separate document. Therefore, there would be no impact to global climate change under the Proposed Action.

- **Environmental Justice:** Environmental Justice issues in the American River Division counties under the Proposed Action would be identical to conditions under the No Action Alternative.
- **Cultural Resources:** By implementing the Proposed Action Alternative, all water will be delivered within existing water service area boundaries utilizing existing water conveyances. The Proposed Action has no potential to cause effects to cultural resources eligible for inclusion in the National Register of Historic Properties pursuant to 36 CFR §800.3(a)(1).

3.1 Biological Resources

3.1.1 Affected Environment

The affected environment includes terrestrial and aquatic resources contained within PCWA's CVP service area in Placer County, Folsom Reservoir and the Lower American River.

Terrestrial and Riparian Resources

PCWA's CVP Service Area

Created in 1957, PCWA is the primary water resource agency for Placer County, serving retail and wholesale water supply for irrigation, M&I and hydroelectric purposes throughout Placer County's 1,500 mile (960,090 acre) area.

A portion of southwestern Placer County is currently served by PCWA's water rights water from the American River by PCWA, and additional unincorporated areas west of Roseville and Rocklin and near Sheridan could be served American River water by PCWA. This area is primarily agricultural with lot sizes of at least 40 acre parcels (Reclamation 2005).

PCWA's service area encompasses a wide diversity of habitats. Conifer forest and montane hardwood habitat predominate in the higher elevation areas in the eastern portion of the service area. Lower elevation areas in the western portion of the service area support annual grassland, blue oak woodland, and agricultural fields. Valley foothill riparian habitats exist along larger rivers and streams such as the North Fork American River. Based on the United States Geological Survey Gap Analysis Program data, the PCWA service area contained 9,760 acres of annual grasslands, 25,630 acres of blue oak woodland, 30,600 acres of cropland, 20,570 acres of conifer forest, four acres of chaparral, and 20,875 acres on montane hardwood.

Folsom Reservoir

The shorelines of Folsom Reservoir support primarily upland vegetation communities. The reservoir rims (i.e., draw-down zones) are devoid of vegetation, with the exception of willow shrubs that have established in areas that are not subject to fluctuations in water elevations. The only contiguous band of riparian vegetation occurring at Folsom Reservoir is along Sweetwater Creek, on the southern end of the reservoir (City-County Office of Metropolitan Water Planning 1999).

Upland habitats associated with Folsom Reservoir includes non-native grasslands, blue oak-pine and mixed oak woodlands (EDWPA 2010).

Special-status plant species potentially occurring in the vicinity of the Folsom Reservoir include Jepson's onion (*Allium jepsonii*), big-scale balsamroot (*Balsamorhiza macrolepis* var. *macrolepis*), Parry's horkelia (*Horkelia parryi*), and Hartweg's golden sunburst (*Pseudobahia bahifolia*).

Special-status terrestrial wildlife species potentially occurring in the vicinity of the Folsom Reservoir include valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), California red-legged frog (*Rana draytonii*), western pond turtle (*Actinemys marmorata*), Swainson's hawk (*Buteo swainsoni*), and bald eagle (*Haliaeetus leucocephalus*).

Lower American River

The channel morphology and riparian communities along the Lower American River have been highly impacted by human activities over the past century. Currently, a large portion of the lower American River is characterized by riparian forests dominated by Fremont cottonwood and willows. In addition, backwater ponds and lagoons are present, resulting from both natural gravel deposits and artificial dredging (Sands, et. al., 1985).

Special-status terrestrial wildlife species potentially occurring in the vicinity of the lower American River include valley elderberry longhorn beetle, western pond turtle, bald eagle, Swainson's hawk, bank swallow (*Riparia riparia*), yellow-billed cuckoo (*Coccyzus americanus*), and western burrowing owl (*Athene cunicularia*).

Fisheries and Aquatic Resources

Aquatic resources potentially affected by the Proposed Action are associated with streams and lakes in Folsom Reservoir, Lake Natoma, and the lower American River.

Folsom Reservoir

Folsom Reservoir has a maximum storage capacity of approximately 977,000 acre-feet (AF), and has a maximum depth of approximately 266 feet (streambed elevation at the main dam is about 200 feet). Strong thermal stratification occurs within Folsom Reservoir annually between April and November. Thermal stratification establishes a warm surface water layer (epilimnion), a middle water layer characterized by decreasing water temperature with increasing depth

(metalimnion or thermocline), and a bottom, coldwater layer (hypolimnion) within the reservoir. In terms of aquatic habitat, the warm epilimnion of Folsom Reservoir provides habitat for warmwater fishes, whereas the reservoir's lower metalimnion and hypolimnion form a "coldwater pool" that provides habitat for coldwater fish species throughout the summer and fall portions of the year.

Although Folsom Reservoir does not host listed species within the reservoir, Folsom's coldwater is a key component to the livelihood of fall-run Chinook salmon and Central Valley steelhead in the lower American River. Seasonal releases from the reservoir's coldwater pool provide thermal conditions in the lower American River that support annual in-river production of these salmonid species. However, Folsom Reservoir's coldwater volume generally is not large enough to facilitate coldwater releases during the warmest months (July through September) to provide optimal thermal conditions for over-summering juvenile steelhead rearing or fall-run Chinook salmon immigration, spawning, and embryo incubation in the fall. Consequently, management of the reservoir's coldwater volume on an annual basis is essential to providing suitable thermal regimes for fall-run Chinook salmon and steelhead, within the constraints of coldwater availability. Lower American River

The lower American River currently provides spawning and rearing habitat for fall-run Chinook salmon and steelhead (*Oncorhynchus mykiss*) below Nimbus Dam. The majority of the fall-run Chinook and the steelhead runs are believed to be of hatchery origin (CHSRG 2012).

Special-status fish species within the lower American River include Central Valley steelhead, spring-run Chinook salmon, and fall-run/late-fall-run Chinook salmon. Central Valley steelhead are listed as a threatened species under the Federal ESA and the lower American River is designated as critical habitat. The lower 10 miles of the American River has been designated as critical habitat for spring-run Chinook salmon because of the potential for non-natal rearing. Fall-run/late fall-run Chinook salmon is a Federal species of special concern, and late fall-run Chinook salmon is considered a State species of special concern. Chinook salmon also is a federally managed fish species under the Magnuson-Stevens Fishery Conservation and Management Act.

Lake Natoma

Lake Natoma serves as a regulating afterbay for Folsom Reservoir, and has the ability to stable flows in the lower American River. Lake Natoma supports many of the same species of fish found in Folsom Reservoir (i.e., rainbow trout, bass, sunfish, and catfish). Some recruitment of warmwater and coldwater fishes likely comes from Folsom Reservoir. In addition, CDFW stocks catchable-size rainbow trout into Lake Natoma annually. Lake Natoma's limited primary and secondary production and daily elevation fluctuations are believed to reduce the size and annual production of many of its fish populations, relative to Folsom Reservoir.

3.1.2 Environmental Consequences

No Action

Although PCWA currently does not divert CVP per their CVP contract, the EA assumes full delivery of PCWA's CVP water as the basis for the environmental analysis. Under the No Action Alternative, it is assumed that PCWA will not have a contractual mechanism for delivery of their CVP water. Implementation of the No Action Alternative would mean that the IRC with PCWA would expire on February 28, 2016. PCWA would not be able to divert their 35,000 AFY of CVP water from their existing point of diversion at Folsom Reservoir.

The No Action Alternative includes the operations of the CVP consistent with all requirements as described in the 2008/2009 BiOp's from the USFWS and NMFS, respectively on the Continued Long-term Operations of the CVP and SWP. This includes the Reasonable and Prudent Alternatives (RPAs) contained in the 2008/2009 BiOp's from the USFWS and NMFS, respectively on the effects of the Coordinated Operations of the CVP and SWP to federally listed species. Actions taken to protect sensitive species in the American River include an annual water temperature management plan for steelhead, use of CVPIA Section 3406(b)(2) water supplies to supplement flows in the lower American River, flow and temperature requirements, and examinations of potential improvements to fish passage and structural temperature control options. The current contract provides CVP water to PCWA for M&I purposes. There would be no impact to biological resources, terrestrial and aquatic, under the No Action Alternative.

Proposed Action

The Proposed Action assumes full delivery of PCWA's 35,000 AFY of CVP water. Although PCWA currently does not divert CVP water per their CVP contract, the EA assumes full delivery of PCWA's CVP water for use in their CVP service area, and the analyses for potential impacts to biological resources are assumed by the diversion of 35,000 AFY of CVP water at Folsom Reservoir.

Biological Resources under the Proposed Action Alternative would be identical to conditions under the No Action Alternative. The IRC would provide for the continued delivery of the same quantities of CVP water to the same lands for the same M&I uses that are provided for under the existing contract. Water deliveries would be made through existing CVP facilities. The action does not require the construction of any new facilities, the installation of any new structures, or the modification of existing facilities. The water would be placed to beneficial use within the authorized place of use for CVP water from the American River.

Implementation of the Proposed Action would not change conditions for terrestrial and aquatic resources within the action area and, therefore; the biological resources analysis contained in the Long-term Contract Renewals in the American River Division EIS (Reclamation 2005), is incorporated by reference into this document as well as the 2008/2009 BiOp's from the USFWS and NMFS, respectively, on the Continued Long-term Operations of the CVP and SWP. This

action is also in accordance with Section 3404(c) of the CVPIA, in which the Final PEIS and Programmatic CVPIA BiOp were released in October 1999 and November 2000, respectively. The PEIS addressed the implementation of the CVPIA and the continued operation and maintenance of the CVP (incremental and cumulative effects).

In addition, as part of the essential fish habitat conservation consultation, NMFS analyzed the effects of the Proposed Action of fall-run Chinook salmon in the lower American River. In general, NMFS identified the primary factors potentially limiting fall-run production within the lower American River as high water temperatures, reduced flow magnitude, and flow fluctuations. NMFS identified RPAs to alleviate the effects of Folsom Reservoir operations on fall-run Chinook salmon in the lower American River. Those RPAs have been accepted in federal court and Reclamation is in the process of analyzing the impacts of operating the CVP under the RPAs pursuant to NEPA. The RPAs do not affect PCWAs ability to divert their project water from Folsom Reservoir. The Proposed Action was addressed in the consultation and is subject to the NMFS BiOp.

Reclamation is currently operating the entire CVP system to meet all regulatory requirements, downstream water needs, and environmental requirements. Under the Proposed Action, Reclamation would continue to implement all current regulatory actions. The Proposed Action is a continuation of existing conditions, and would not alter CVP operations, water storage or release patterns from CVP facilities, or the maximum volume of water to be delivered to the American River Division. There would be no impacts to terrestrial and aquatic resources from the implementation of the Proposed Action.

3.2 Water Supply & Hydrology

3.2.1 Affected Environment

Folsom Reservoir

Folsom Reservoir is the principal reservoir on the American River, with a maximum storage capacity of approximately 977,000 AF. Reclamation operates Folsom Dam and Reservoir for the purposes of flood control, meeting water contract water right obligations and CVP water service contract obligations, providing downstream releases for the Lower American River and helping to meet Delta water quality standards. The El Dorado Irrigation District, City of Roseville, San Juan Water District, Sacramento Suburban Water District, California State Prison, and the City of Folsom are the main entities that divert water from Folsom Reservoir.

Lower American River

The Lower American River consists of the 23-mile stretch of river from Nimbus Dam to the confluence of the American and Sacramento rivers in the City of

Sacramento. Average Lower American River annual flows downstream of Folsom Dam at Fair Oaks are approximately 2,650,000 AF (Reclamation 2004).

PCWA's CVP Service Area

In 2002, PCWA amended its CVP water service contract with Reclamation reducing the contract quantity from 117,000 AFY down to 35,000 AFY. PCWA will divert the CVP water after PCWA's water rights water is used. PCWA's CVP water will be diverted at Folsom Reservoir.

PCWA will deliver water only to the areas within the CVP authorized place of use (figure 1). PCWA's American River Pumping Plant upstream of Folsom Reservoir is not currently an authorized point of diversion of CVP under the water right used by Reclamation for CVP operations; therefore, PCWA will divert their CVP water at Folsom Dam.

3.2.2 Environmental Consequences

No Action

Implementation of the No Action Alternative would mean the IRC with PCWA would expire on February 28, 2016 and 35,000 AFY of CVP water would not be delivered from their existing point of diversion at Folsom Reservoir. PCWA would not have a contractual mechanism for the delivery of their CVP water to their M&I customers.

Proposed Action

Folsom Reservoir & Lower American River

The Final EIS for the June 2005 Central Valley Project Long Term Water Service Contract Renewals, American River Division included analysis to evaluate potential impacts to Folsom Reservoir operations and Reclamation's management of Folsom Reservoir's cold water pool with the implementation of PCWA's CVP water service contract.

This analysis indicates that there are no changes in cold water pool volume or changes in Folsom Reservoir operations; therefore, the PCWA IRC would not have any additional effect on Reclamation's ability to meet downstream fisheries requirements (Reclamation 2005). Because the implementation of these water service contracts was found not to affect Folsom Reservoir operations, it is reasonable to conclude that implementation of the Proposed Action would also not result in any new affects to the Lower American River or Reclamation's operation of Folsom Reservoir or management of the cold water pool, as this is a renewal of ongoing operations within the CVP.

PCWA's CVP Service Area

There will be no changes in PCWA's CVP service area and no construction of new facilities as a result of the Proposed Action, although it is recognized that

these types of actions are likely to occur in the future. Each of these future actions would be subject to independent environmental review.

CVP water service contract amounts and water supply reliability will be identical to existing conditions under the Proposed Action. Implementation of the Proposed Action would not alter CVP operations, water storage or release patterns from CVP facilities, or the maximum volume of water to be delivered to PCWA.

3.3 Cumulative Impacts

According to the Council on Environmental Quality regulations for implementing the procedural provisions of NEPA, a cumulative impact is defined as *“the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.* Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

The analysis in the 2001 Final CVPIA PEIS addressed cumulative impacts by relying on models that attempted to predict impacts to the CVP as well as other projects placing demands on the CVP and SWP systems through the year 2020. The CVPIA PEIS analyzed the cumulative effects of operating the CVP with the assumption that all CVP contract allocations were fully used, which includes this Proposed Action. It was further concluded that implementation of the CVPIA PEIS preferred alternative would improve fish and wildlife habitats, but would reduce water supply reliability to CVP water service contractors. The reduction in surface-water supplies to CVP customers could lead to potentially significant cumulative groundwater, power, water quality and land use-related impacts.

Section 4 Consultation and Coordination

This section presents the agencies and parties that were coordinated or consulted with during the development of the document, the applicable Federal, State and local requirements the project will comply with, and the distribution list.

PCWA, NMFS and the USFWS were contacted during the development of this document.

4.1 Public Review Period

Reclamation intends to provide the public with an opportunity to comment on the Draft Finding of No Significant Impact and Draft EA between December 1, 2015 and December 30, 2015.

4.2 Fish and Wildlife Coordination Act (16 U.S.C. § 661 et seq.)

The Fish and Wildlife Coordination Act (FWCA) requires that Reclamation consult with fish and wildlife agencies (federal and state) on all water development projects that could affect biological resources.

Reclamation intends to coordinate with the USFWS and NMFS prior to signing a FONSI on the Final EA.

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

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

It is reasonable to assume that the 2008 and 2009 BiOp's on the Continued Long-term Operations of the CVP and SWP, and preceding BiOp's have properly identified and analyzed the impacts associated with the diversion of this water on the North Fork American River. Furthermore, the 2008/2009 BiOp's provided additional analyses for the movement of this water, and the RPAs developed by NMFS and the USFWS allowed for the continued and ongoing operation of the CVP and SWP. PCWA has two IRCs previously executed since 2010 following the expiration of their previous long-term CVP water service contract. This Proposed Action is the third IRC for PCWA; therefore, the renewal of this

contract is seen as an administrative action and not a new action that will hinder current operations in managing Folsom Reservoir or the lower American River.

The 2008 USFWS BiOp and the 2009 NMFS BiOp for the Continued Long-term Operations of the CVP and SWO indicates RPAs to ensure that project-related effects on protected species and their critical habitats are ameliorated to the extent possible.

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

The NHPA of 1966, as amended (16 U.S.C. 470 et seq.), requires that federal agencies give the Advisory Council on Historic Preservation an opportunity to comment on the effects of an undertaking on historic properties, properties that are eligible for inclusion in the National Register. The 36 CFR Part 800 regulations implement Section 106 of the NHPA.

Section 106 of the NHPA requires federal agencies to consider the effects of federal undertakings on historic properties, properties determined eligible for inclusion in the National Register. Compliance with Section 106 follows a series of steps that are designed to identify interested parties, determine the APE, conduct cultural resource inventories, determine if historic properties are present within the APE, and assess effects on any identified historic properties.

Reclamation has consulted with Reclamation's Regional cultural resources office to ensure this action is in compliance with Section 106 of the National Historic Preservation Act.

4.5 Indian Trust Assets

ITA are legal interests in property held in trust by the United States for federally-recognized Indian tribes or individual Indians. An Indian trust has three components: (1) the trustee, (2) the beneficiary, and (3) the trust asset. ITA can include land, minerals, federally-reserved hunting and fishing rights, federally-reserved water rights, and in-stream flows associated with trust land. Beneficiaries of the Indian trust relationship are federally-recognized Indian tribes with trust land; the United States is the trustee. By definition, ITA cannot be sold, leased, or otherwise encumbered without approval of the United States. The characterization and application of the United States trust relationship have been defined by case law that interprets Congressional acts, executive orders, and historic treaty provisions.

The Proposed Action would not affect ITA because there are none located in the Proposed Project area.

4.6 Executive Order 13007 – Indian Sacred Sites

Executive Order 13007 requires Federal land managing agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites. It also requires agencies to develop procedures for reasonable notification of proposed actions or land management policies that may restrict access to or ceremonial use of, or adversely affect, sacred sites. At this time, no Indian sacred sites have been identified. In addition, the Proposed Action would not impede access to or ceremonial use of Indian sacred sites. If sites are identified in the future, Reclamation would comply with Executive Order 13007.

Section 5 References

- California Hatchery Scientific Review Group (CHSRG). 2012. California Hatchery Review Report. Prepared for the US Fish and Wildlife Service and Pacific States Marine Fisheries Commission. June 2012. 100 pgs.
- City and County Office of Metropolitan Water Planning (CCOMWP) 1999. Draft. EIR – Water Forum Proposal. January 1999.
- EDWPA 2010. Draft EIR for the Supplemental Water Rights Project. July 2010.
- National Marine Fisheries Service, Biological Opinion on the Continued Long-term Operations of the Central Valley Project and the State Water Project. June 4, 2009.
- Reclamation. 2004. Long-Term Central Valley Project and State Water Project Operations Criteria and Plan Biological Assessment.
- Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575), Title 34, the Central Valley Project Improvement Act. October 30, 1992.
- Sands, A. S.D. Sanders, E.C. Beedy, R.F. Holland, and V. Dains. 1985. Vegetation and Wildlife Resources Along the Lower American River and Their Relationships to Instream Flows. Report prepared for: McDonough, Holland, and Allen, Sacramento. 54pp.
- U.S. Bureau of Reclamation. Long-term Renewal of the American River Division Water Service Contracts. June 2005.
- U.S. Department of the Interior. Bureau of Reclamation. U.S. Fish and Wildlife Service, Sacramento California. Central Valley Project Improvement Act Programmatic Environmental Impact Statement. October 2009.
- U.S. Fish and Wildlife Service. Biological Opinion on the Continued Long-term Operations of the Central Valley Project and State Water Project. December 1, 2008.

Appendix A: Cultural Resources Compliance Memo

CULTURAL RESOURCES COMPLIANCE
Division of Environmental Affairs
Cultural Resources Branch (MP-153)

MP-153 Tracking Number: 16-CCAO-010

Project Name: 2015 American River Division Interim Water Service Contract Renewal for the Placer County Water Agency (PCWA)

NEPA Document: EA

NEPA Contact: John Hutchings, Natural Resource Specialist

MP 153 Cultural Resources Reviewer: Scott Williams, Archaeologist 

Date: October 19, 2015

Reclamation proposes to enter into a 24-month interim Renewal Contract with the American River Division contractor, PCWA, to facilitate the annual delivery of up to 35,000 AFY of CVP water for municipal and industrial (M&I) uses in Placer County. 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).

PCWA holds 120,000 AFY of water rights on the Middle Fork American River, the Rubicon River and some tributaries for irrigation, domestic and commercial purposes, and for the generation of electrical energy. PCWA had two IRCs previously executed following the expiration of their previous long-term water service contract. Since 2004, PCWA has maintained a CVP water service contract with Reclamation for up to 35,000 acre feet per year. Since 2004, PCWA has maintained a CVP water service contract with Reclamation for up to 35,000 AFY. There will be no changes to PCWA's CVP service area, and no construction is required as part of the Proposed Action. Any request by an interim contractor to change its existing service area would be a separate federal action. Separate appropriate environmental compliance. Separate appropriate environmental compliance and documentation would be completed before Reclamation approves a land inclusion or exclusion to any CVP contractor's service area.

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: Indian Trust Assets Compliance Memo

10/19/2015 4:13 PM

ITA Determination: CCAO-EA-15-12

The closest ITA to the proposed 2015 American River Division Interim Water Service Contract Renewal for the Placer County Water Agency activity is the Auburn, United Auburn Indian Community of the Auburn Rancheria, which overlaps with the northwestern portion of the Proposed Action Area (see attached image).

Based on the nature of the planned work it does / does not appear to be in an area that will impact Indian hunting or fishing resources or water rights nor is the proposed activity on actual Indian lands. It is reasonable to assume that the proposed action will / will not have any impacts on ITAs.


Signature

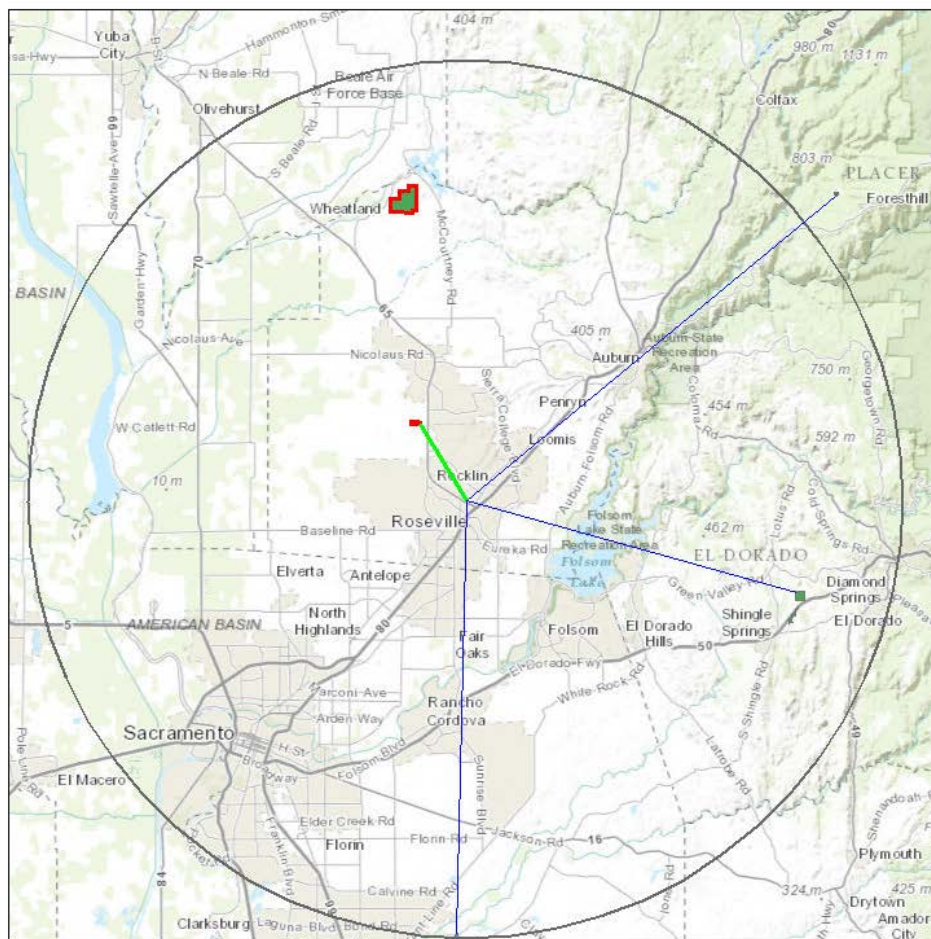
Sarah Perrin

Printed name of approver

19 OCT 2015

Date

ITA Map CCAO-EA-15-12



Native American Lands FL

PDA

Rancheria

1:577,791

RECLAMATION
Managing Water in the West