

RECLAMATION

Managing Water in the West

Draft FINDING OF NO SIGNIFICANT IMPACT

Nine-Year Annual Transfer of up to 560 acre-feet of Settlement Contract Water to Carvalho-Owned Lands within Westlands Water District, Tranquillity Irrigation District, Fresno Slough Water District, and James Irrigation District

FONSI-13-075



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-13-075

**Nine-Year Annual Transfer of up to 560
acre-feet of Settlement Contract Water to
Carvalho-Owned Lands within Westlands
Water District, Tranquillity Irrigation
District, and James Irrigation District**

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Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the South-Central California Area Office of the Bureau of Reclamation (Reclamation), has determined that the annual transfer of up to 560 acre-feet (AF) of Settlement Contract water to Westlands Water District (Westlands WD), Tranquillity Irrigation District (Tranquillity ID), Fresno Slough Water District (Fresno Slough WD), and James Irrigation District (James ID) is not a major federal action that will significantly affect the quality of the human environment and an environmental impact statement is not required. This draft Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA) Number EA-13-075, *Nine-Year Annual Transfer of up to 560 acre-feet of Settlement Contract Water to Carvalho-Owned Lands within Westlands Water District, Tranquillity Irrigation District, Fresno Slough Water District, and James Irrigation District*, and is hereby incorporated by reference.

Background

Ken Carvalho Ranch (Carvalho) owns lands within Westlands WD, Tranquillity ID, Fresno Slough WD, and James ID. Carvalho currently diverts 600 AF of CVP water pursuant to Settlement Contract Number 11-WC-20-0026 from the Fresno Slough for use on annual and permanent crops farmed on their property near the Mendota Pool. Because Carvalho's lands in Westlands WD, Tranquillity ID, Fresno Slough WD, and James ID are more productive and suitable for cultivation of higher value crops, Carvalho has requested approval from Reclamation to transfer a portion of their Contract water, made available through fallowing of all or a portion of their annual crops, from their lower productivity lands to higher productivity lands.

Proposed Action

Under the Proposed Action, Reclamation would allow the annual transfer of up to 560 AF of Carvalho's CVP Settlement Contract water to their lands in Westlands WD, Tranquillity ID, Fresno Slough WD, and James ID. The transfer of up to 560 AF per year over the nine-year transfer period would offset a small portion of the surface water supply deficits annually faced by Carvalho and would help ensure crop productivity for their lands in Westlands WD, Tranquillity ID, Fresno Slough WD, and James ID.

CVP facilities would not be impacted as the transferred water would be scheduled and approved by Reclamation in advance. There would be no increase in diversions from the Delta by Reclamation as a result of the transfer 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. No native or untilled land (fallow for three years or more) would be cultivated with water involved with these actions.

The amount of water made available for transfer each year would be determined based on the

estimated evapotranspiration rate of the crops that would have been grown on the lands located near the Mendota Pool. No additional groundwater would be pumped to make the transfer water available; thus, no groundwater substitution would occur.

Environmental Commitments

Carvalho shall implement the environmental protection measures listed in Table 1 of EA-13-075 to 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 1 of EA-13-075, 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, Indian Sacred Sites, Indian Trust Assets, Land Use, or Global Climate Change.

Water Resources

Under the Proposed Action, Reclamation would allow the annual transfer of up to 560 AF of Carvalho's CVP Settlement Contract water to their lands in Westlands WD, Tranquillity ID, Fresno Slough WD, and James ID. The transfer of up to 560 AF per year over the nine-year transfer period would offset a small portion of the surface water supply deficits annually faced by Carvalho and would help ensure crop productivity for their lands in Westlands WD, Tranquillity ID, Fresno Slough WD, and James ID.

CVP facilities would not be impacted as the transferred water would be scheduled and approved by Reclamation in advance. There would be no increase in diversions from the Delta by Reclamation as a result of the transfer 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. No native or untilled land (fallow for three years or more) would be cultivated with water involved with these actions.

The amount of water made available for transfer each year would be determined based on the estimated evapotranspiration rate of the crops that would have been grown on the lands located near the Mendota Pool. No additional groundwater would be pumped to make the transfer water available; thus, no groundwater substitution would occur.

Biological Resources

The lands that would be fallowed are isolated from populations of kit foxes and would likely be disced regularly for weed control, which would make any use of these lands by special-status species unlikely. The lands that would receive the transferred water would stay in production and therefore there would be no additional impact to special-status species. There would be no native

or untilled land (fallow for three years or more) brought into production, no construction as a part of the Proposed Action, and no increase in drainage. No critical habitats would be impacted as none occur in the Proposed Action Area.

With the implementation of environmental commitments listed in Table 1 of EA-13-075 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.), beyond those previously listed in NMFS 2009/FWS 2008, 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 reviewed existing or foreseeable projects in the same geographic area that could affect or could be affected by the Proposed Action. Reclamation and CVP contractors have been working on various drought-related projects, including this one, in order to manage limited water supplies due to current hydrologic conditions and regulatory requirements. This and similar projects would have a cumulative beneficial effect on water supply during this critically dry year.

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). 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 and Reclamation's obligation to deliver water to its contractors or to local fish and wildlife habitat. Since the Proposed Action would not involve construction or modification of facilities, there would be no cumulative impacts to existing facilities or other contractors.

Biological Resources:

As the Proposed Action is not expected to result in any direct or indirect impacts to biological resources, there would be no cumulative impacts.

RECLAMATION

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Draft Environmental Assessment

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EA-13-075



U.S. Department of the Interior
Bureau of Reclamation

December 2015

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Section 1 Introduction

1.1 Background

When the Bureau of Reclamation (Reclamation) initiated construction of the Central Valley Project (CVP) to manage and control water through the central portion of California, certain San Joaquin River water rights holders were offered “Settlement Contracts”. These Contracts supplied CVP water from CVP facilities to replace water lost from other sources as a result of development of the CVP. Through these Settlement Contracts, the San Joaquin River water was exchanged for water that can be pumped from the Sacramento-San Joaquin Delta (Delta) and delivered through CVP facilities.

Ken Carvalho Ranch (Carvalho) owns lands within Westlands Water District (Westlands WD), Tranquillity Irrigation District (Tranquillity ID), Fresno Slough Water District (Fresno Slough WD), and James Irrigation District (James ID). Carvalho has also acquired the property associated with Settlement Contract Number 11-WC-20-0026 (originally executed by Virginia L. Lempesis as Trustee of the Virginia L. Lempesis Separate Property Trust) located near the Mendota Pool (see Figure 1).

Carvalho currently diverts 600 acre-feet (AF) of CVP water pursuant to Settlement Contract Number 11-WC-20-0026 from the Fresno Slough for use on annual and permanent crops farmed on their property near the Mendota Pool. Because Carvalho’s lands in Westlands WD, Tranquillity ID, Fresno Slough WD, and James ID are more productive and suitable for cultivation of higher value crops, they have requested approval from Reclamation to transfer a portion of their Contract water from their lower productivity lands to higher productivity lands. The water would be made available through fallowing of all or a portion of their annual crops.

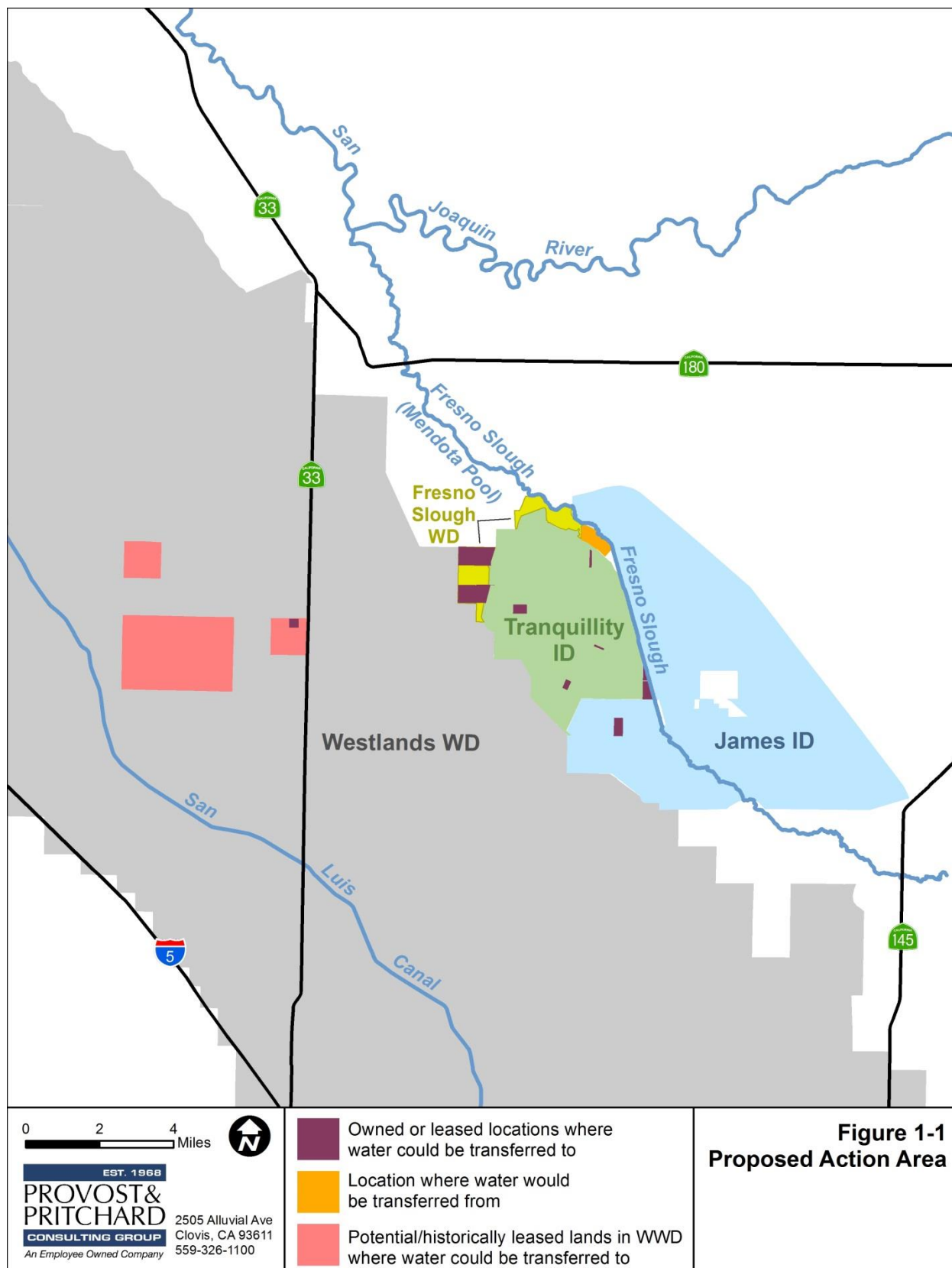
1.2 Need for the Proposed Action

The State of California is currently experiencing unprecedented water management challenges because of severe drought in recent years. Both the State and Federal water projects are forecasting very low storage conditions in all major reservoirs. In addition, on January 17, 2014, the Governor proclaimed a Drought State of Emergency (State of California 2014). On December 22, 2014, provisions within this proclamation were extended until May 31, 2016. On April 1, 2015, following the lowest snowpack ever recorded in California and the ongoing drought, the Governor proclaimed a second Drought State of Emergency and directed the State Water Resources Control Board to implement mandatory water reductions in cities and towns across California to reduce water usage by 25 percent (State of California 2015a). On April 23, 2015 and May 1, 2015 the State Water Resources Control Board issued curtailment notices to junior water rights holders in the San Joaquin River watershed and the Delta, respectively. The curtailment notices require junior water rights holders to stop diverting water from the watershed

in order to allow it to flow to more senior water-right holders, as required by state law (State of California 2015a). On June 12, 2015, the State Water Resources Control Board issued curtailment notices to senior water rights holders with a priority date of 1903 or later in the San Joaquin and Sacramento watersheds and the Delta (State of California 2015b).

Based on the hydrologic conditions described above, Reclamation declared a 0 percent allocation for South of Delta CVP contractors, including Westlands WD, Tranquillity ID, Fresno Slough WD, and James ID for the 2014 and 2015 Contract Years (March 1 through February 28/29 of the following year). Settlement Contractors were allocated 75 percent in 2014 and 2015 (Reclamation 2015).

As a result of these reductions, Carvalho needs to find alternative water supplies in order to continue irrigating their more productive, higher value crops located within Westlands WD, Tranquillity ID, Fresno Slough WD, and James ID.



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Figure 1 Proposed Action Area

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Section 2 Alternatives Including the Proposed Action

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

2.1 No Action Alternative

Under the No Action Alternative, Reclamation would not approve the annual transfer of up to 560 AF of Carvalho's Contract water over a nine-year period. Carvalho would continue to divert up to 600 AF of their Contract water from the Fresno Slough for use on annual and permanent crops farmed on their property. They would rely on available water supplies to continue irrigation on their high-productivity crops.

2.2 Proposed Action

Reclamation proposes to approve the annual transfer of up to 560 AF of Carvalho's Contract water over a nine-year period. The transfer water would be made available by fallowing all or a portion of Carvalho's low productive lands located near the Mendota Pool. Reclamation would be informed of the fallowed crops and determine the amount of water made available by fallowing prior to approving the transfer each year. Once approved, the amount of CVP water that would have been delivered to the fallowed lands from the Fresno Slough would be transferred for use on Carvalho's existing agricultural lands located within the CVP Service Areas of Westlands WD, Tranquillity ID, Fresno Slough WD, and James ID.

The water involved in this proposed transfer is pumped from the Delta, conveyed via the Delta-Mendota Canal, and delivered to the Contract lands via the Mendota Pool/Fresno Slough. Under the Proposed Action, this water would continue to be delivered to the Mendota Pool via the Delta-Mendota Canal where it would be taken directly by James ID, Tranquillity ID, and Fresno Slough WD for delivery to Carvalho's lands within the respective districts. The water will also be delivered via Lateral 7 off the Mendota Pool and introduced into the San Luis Canal for delivery to Carvalho's lands in Westlands WD. No additional water would be pumped from the Delta for this Action and the transferred water would continue to be delivered on an agricultural delivery schedule to ensure no impact on pumping. All water delivered in this transfer would use existing facilities and be used to irrigate existing agricultural lands. No construction or modification of facilities is needed to complete the Proposed Action.

2.2.1 Environmental Commitments

Reclamation and the proponents shall implement the environmental protection measures included in Table 1. Environmental consequences for resource areas assume the measures specified would be fully implemented.

Table 1 Environmental Commitments

Resource	Protection Measure
Biological Resources	No native or untilled land (fallow for three years or more) brought into production as part of the Proposed Action.
Biological Resources	No construction would occur as a part of the Proposed Action.
Biological Resources	Water under the Proposed Action would not go to drainage-impaired lands.

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	The Proposed Action would not require construction or modification of facilities to move the transferred water. No impacts to air quality would occur and a determination of general conformity under the Clean Air Act is not required.
Cultural Resources	The Proposed Action does not have the potential to cause effects on historic properties pursuant to 36 CF § 800.3(a)(1). All water delivered in this transfer would use existing facilities and be used to irrigate existing agricultural lands. No new ground disturbance, modification of facilities, or other construction would be required.
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 Change	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. Global climate change is expected to have some effect on the snow pack of the Sierra Nevada and the runoff regime. Current data are not yet clear on the hydrologic changes and how they will affect the San Joaquin Valley. Since Reclamation operations and allocations are flexible, any changes in hydrologic conditions due to global climate change would be addressed within Reclamation's operation flexibility under either alternative.
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.
Land Use	The Proposed Action would not change historic land and water management practices. Water would move through existing facilities for delivery to the districts for existing agricultural purposes. The water would not be used to place untilled or new lands into production, or to convert undeveloped land to other uses.

3.2 Water Resources

3.2.1 Affected Environment

As shown in Table 3, South of Delta CVP agricultural allocations averaged 38.5 percent from 2006 to 2015. A 100 percent allocation was only received once in the last 10 years. Settlement Contractors received an average agricultural allocation of 91.5 percent over the last 10 years, ranging between 40 to 100 percent.

Table 3 Ten-Year Average South of Delta CVP Allocations

Contract Year ¹	Agricultural Allocations (%)	Settlement Contractors Allocations (%)
2015	0	75
2014	0	40
2013	20	100
2012	40	100
2011	80	100
2010	45	100
2009	10	100
2008	40	100
2007	50	100
2006	100	100
Average	38.5	91.5

¹ A Contract Year is from March 1 of a given year through February 28/29 of the following year.
Source: http://www.usbr.gov/mp/cvo/vungvari/water_allocations_historical.pdf and <http://www.usbr.gov/newsroom/newsrelease/index.cfm>

Carvalho's Settlement Contract CVP water supplies are delivered on a monthly basis as shown in Table 4.

Table 4 Settlement Contract (CVPIA 3405(a)) Water Supply

Month	Regular Delivery Year (AF)	Critical Delivery Year (AF)
January	0	0
February	100	75
March	25	25
April	25	25
May	50	62
June	150	100
July	150	100
August	100	75
September	0	0
October	0	0
November	0	0
December	0	0
Total	600	462

3.2.2 Environmental Consequences

No Action

Under the No Action Alternative, Reclamation would not approve the transfer of CVP water supplies for use on Carvalho's lands in Westlands WD, Tranquillity ID, Fresno Slough WD, and James ID. The CVP water would continue to be delivered to Carvalho's less productive lands for

existing agricultural purposes from the Fresno Slough. Carvalho would not receive alternative water supplies for use on their more productive crops in Westlands WD, Tranquillity ID, Fresno Slough WD, and James ID, which could negatively impact crop productivity. Carvalho would need to find other sources of water to meet demands should CVP allocations continue to be reduced.

Proposed Action

Under the Proposed Action, Reclamation would allow the annual transfer of up to 560 AF of Carvalho's CVP Settlement Contract water to their lands in Westlands WD, Tranquillity ID, Fresno Slough WD, and James ID. The transfer of up to 560 AF per year over the nine-year transfer period would offset a small portion of the surface water supply deficits annually faced by Carvalho and would help ensure crop productivity for their lands in Westlands WD, Tranquillity ID, Fresno Slough WD, and James ID.

CVP facilities would not be impacted as the transferred water would be scheduled and approved by Reclamation in advance. There would be no increase in diversions from the Delta by Reclamation as a result of the transfer 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. No native or untilled land (fallow for three years or more) would be cultivated with water involved with these actions.

The amount of water made available for transfer each year would be determined based on the estimated evapotranspiration rate of the crops that would have been grown on the lands located near the Mendota Pool. No additional groundwater would be pumped to make the transfer water available; thus, no groundwater substitution would occur.

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.

Reclamation has reviewed existing or foreseeable projects in the same geographic area that could affect or could be affected by the Proposed Action. Reclamation and CVP contractors have been working on various drought-related projects, including this one, in order to manage limited water supplies due to current hydrologic conditions and regulatory requirements. This and similar projects would have a cumulative beneficial effect on water supply during this critically dry year.

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). 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 and Reclamation's obligation to deliver water to its contractors or to local fish and wildlife habitat. Since the Proposed Action would not involve construction or modification of facilities, there would be no cumulative impacts to existing facilities or other contractors.

3.3 Biological Resources

3.3.1 Affected Environment

Table 5 was prepared using a list obtained on September 8, 2015 by accessing the United States Fish and Wildlife Service (USFWS) Database: <http://ecos.fws.gov/ipac/>. The list was obtained for Madera, Fresno, and Kings Counties (USFWS 2015). The California Natural Diversity Database (CNDDB 2015) was also queried for the Proposed Action Area. The California Least Tern was added to Table 5 based upon observation of its nesting near evaporation basins at Kettleman City (at the southern boundary of Westlands) and a few individuals foraging in 1997 and 1998 near sewage ponds associated with the Lemoore Naval Air Station (within the district boundaries of Westlands). Also added to the list were Federally listed anadromous fishes. In addition to the federally listed species shown in Table 5, western burrowing owl and Swainson's hawk, both protected by the federal Migratory Bird Treaty Act, may be present. There is no critical habitat in the Proposed Action Area.

Table 5 Federally Listed Threatened and Endangered Species

Species	Status ¹	Effects
Amphibians		
California red-legged frog (<i>Rana draytonii</i>)	T, X	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
California tiger salamander, central population (<i>Ambystoma californiense</i>)	T, X	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Birds		
California Condor (<i>Gymnogyps californianus</i>)	E, X	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
California Least Tern (<i>Sternula antillarum browni</i>)	E	No effect determination; no land use change would occur and no drainage would be generated.
Western Snowy Plover (<i>Charadrius alexandrinus nivosus</i>)	T	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Western Yellow-Billed Cuckoo (<i>Coccyzus americanus occidentalis</i>)	FT, PX	This species could fly over during migration but nesting habitat is absent.

Species	Status ¹	Effects
Fish		
Central Valley spring-run chinook salmon (<i>Oncorhynchus tshawytscha</i>)	T, X (NMFS)	Effects of pumping in the Delta have been/are being addressed separately (NMFS 2009, USFWS 2008).
Central Valley steelhead (<i>Oncorhynchus mykiss</i>)	T, X (NMFS)	Effects of pumping in the Delta have been/are being addressed separately (NMFS 2009, USFWS 2008).
delta smelt (<i>Hypomesus transpacificus</i>)	T, X	Effects of pumping in the Delta have been/are being addressed separately (NMFS 2009, USFWS 2008).
North American green sturgeon (<i>Acipenser medirostris</i>)	T, X (NMFS)	Effects of pumping in the Delta have been/are being addressed separately (NMFS 2009, USFWS 2008).
Sacramento River winter-run chinook salmon (<i>Oncorhynchus tshawytscha</i>)	E, X (NMFS)	Effects of pumping in the San Joaquin-Sacramento Delta have been/are being addressed separately (NMFS 2009, USFWS 2008).
Invertebrates		
valley elderberry longhorn beetle (<i>Desmocerus californicus dimorphus</i>)	T, X	No effect determination; although suitable habitat may be present, no land use change, conversion of habitat, construction or modification of existing facilities would occur as a result of the Proposed Action.
vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	T, X	No effect determination; suitable habitat not present.
vernal pool tadpole shrimp (<i>Lepidurus packardii</i>)	E, X	No effect determination; suitable habitat not present.
Mammals		
Fresno kangaroo rat (<i>Dipodomys nitratoideis exilis</i>)	E, X	No effect determination; Proposed Action Area is outside species' range.
giant kangaroo rat (<i>Dipodomys ingens</i>)	E	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
San Joaquin kit fox (<i>Vulpes macrotis mutica</i>)	E	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Tipton kangaroo rat (<i>Dipodomys nitratoideis nitratoideis</i>)	E	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Plants		
California jewelflower (<i>Caulanthus californicus</i>)	E	No effect determination; suitable habitat not present.
palmate-bracted bird's-beak (<i>Cordylanthus palmatus</i>)	E	No effect determination; suitable habitat not present.
San Mateo thornmint (<i>Acanthomintha obovata</i> ssp. <i>duttonii</i>)	E	No effect determination; Proposed Action Area is outside species' range.
San Joaquin woolly-threads	E	No effect determination; native lands and

Species	Status ¹	Effects
(<i>Monolopia congdonii</i>)		lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Reptiles		
blunt-nosed leopard lizard (<i>Gambelia sila</i>)	E	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
giant garter snake (<i>Thamnophis gigas</i>)	T	No effect determination; no land use change.
¹ Status= Listing of Federally special status species E: Listed as Endangered T: Listed as Threatened X: Critical Habitat designated for this species PX: Proposed Critical Habitat NMFS: Species under the Jurisdiction of the National Oceanic & Atmospheric Administration Fisheries Service		

Species that potentially occur in the Proposed Action Area include: the western burrowing owl, Swainson's hawk, San Joaquin kit fox, blunt-nosed leopard lizard, San Joaquin woolly-threads, and giant garter snake. Since the lands in the area are croplands, none of the special-status species potentially present can regularly use these lands except for the western burrowing owl, Swainson's hawk, and San Joaquin kit fox.

Habitat requirements for burrowing owls include low-stature vegetation, usually grasslands or arid shrubland, in an area generally open without too much tree or shrub cover (California Department of Fish and Game 1995). They require burrows dug by mammals such as ground squirrels or badgers, or they may use man-made cavities that provide similar refuge (California Department of Fish and Game 1995). Western burrowing owls sometimes use canal rights-of-way, which may have ground squirrel burrows and are often bare of vegetation.

More than 85 percent of Swainson's hawk territories in the Central Valley are in riparian systems adjacent to suitable foraging habitats (California Department of Fish and Game 2005). Suitable nest sites may be found in mature riparian forest, lone trees or groves of oaks, other trees in agricultural fields, and mature roadside trees. Swainson's hawks require large, open grasslands with abundant prey in association with suitable nest trees. Suitable foraging areas include native grasslands or lightly grazed pastures, alfalfa and other hay crops, and certain grain and row croplands (California Department of Fish and Game 2005).

San Joaquin kit foxes primarily inhabit grassland and scrubland communities. They also inhabit oak woodland, alkali sink scrubland, and vernal pool and alkali meadow communities. Foraging habitat includes grassland, woodland, and open scrub. Denning habitat includes open, flat areas with loose, generally sandy or loamy soils (Egoscue 1956, 1962). Kit foxes excavate their own dens, or use other animals, and human-made structures (culverts, abandoned pipelines, and banks in sumps or roadbeds). Although lands adjacent to natural habitats may be used for occasional foraging (Warrick et al. 2007) agricultural lands are generally not suitable for long-term occupation by kit foxes.

3.3.2 Environmental Consequences

No Action

The No Action Alternative would result in the continued use of CVP water on Carvalho's lands located near the Mendota Pool. The land fallowing that would occur under the Proposed Action would not occur under the No Action.

Proposed Action

The lands that would be fallowed are isolated from populations of kit foxes and would likely be disced regularly for weed control, which would make any use of these lands by special-status species unlikely. The lands that would receive the transferred water would stay in production and therefore there would be no impact to special-status species. There would be no native lands or lands fallowed and untilled for three or more years brought into production, no construction as a part of the Proposed Action, and no increase in drainage. No critical habitats would be impacted as none occur in the Proposed Action Area.

With the implementation of 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.), beyond those previously listed in NMFS 2009/FWS 2008, 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 is not expected to result in any direct or indirect impacts to biological resources, there would be no cumulative impacts.

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Section 4 Consultation and Coordination

4.1 Public Review Period

Reclamation intends to provide the public with an opportunity to comment on the Draft Finding of No Significant Impact and Draft Environmental Assessment during a 30-day public review period.

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Section 5 Preparers and Reviewers

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Joanne Goodsell, Archaeologist, MP-153

Joy Kelley, Project Manager, SCCAO – reviewer

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

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Appendix A

Cultural Resources Determination

CULTURAL RESOURCES COMPLIANCE

Division of Environmental Affairs

Cultural Resources Branch (MP-153)

MP-153 Tracking Number: 15-SCAO-254.001

Project Name: Nine Year Annual Transfer of up to 560 acre-feet of Settlement Contract Water to Carvalho-Owned Lands within Westlands Water District (WD), Tranquility Irrigation District (ID), Fresno Slough Water District (WD), and James Irrigation District (ID)

NEPA Document: EA-13-075

NEPA Contact: Kelly Baker, Natural Resource Specialist

MP 153 Cultural Resources Reviewer: Joanne Goodsell, Archaeologist

Date: September 29, 2015

Reclamation proposes to approve a request by landowner Ken Carvalho Ranch (Carvalho) to temporarily transfer up to 560 acre-feet of Settlement Contract water per year, for nine years, from use within low-productive Carvalho-owned lands located near the Mendota Pool for use on more-productive Carvalho-owned lands located within Westlands WD, Tranquillity ID, Fresno Slough WD, and James ID. All water delivered through this transfer would use existing facilities and be used to irrigate existing agricultural lands. No new ground disturbance, modification of facilities, or other construction would be required under the proposed action.

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

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