

RECLAMATION

Managing Water in the West

Draft FINDING OF NO SIGNIFICANT IMPACT

Modifications to the Storage and Conveyance of Yuba Accord Water in Federal Facilities for South of Delta Central Valley Project Contractors

FONSI-16-010



U.S. Department of the Interior
Bureau of Reclamation

May 2016

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-16-010

**Modifications to the Storage and
Conveyance of Yuba Accord Water in
Federal Facilities for South of Delta
Central Valley Project Contractors**

Prepared by: Kelly Baker
Natural Resources Specialist

Date

Concurred by: Shauna McDonald
Wildlife Biologist

Date

Concurred by: Rain L. Emerson
Supervisory Natural Resources Specialist

Date

Approved by: Michael P. Jackson, P.E.
Area Manager

Date

Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the South-Central California Area Office of the Bureau of Reclamation (Reclamation), has determined that executing additional Warren Act Contracts for the storage and conveyance of Yuba Accord Water 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) 16-010, *Modification to the Storage and Conveyance of Yuba Accord Water in Federal Facilities for South of Delta Central Valley Project Contractors*, and is hereby incorporated by reference.

No final decision shall be made on the FONSI until public review has been completed and comments, if any, considered.

Background

The San Luis & Delta-Mendota Water Authority (Authority) entered into an agreement with the Yuba County Water Agency and the California Department of Water Resources (DWR) for up to 80,000 acre-feet per year (AF/Y) of Yuba Accord¹ water for nine of its Member Districts. Under the agreement, the purchased Yuba Accord water, minus a 20-30 percent loss from carriage through the Delta, would be pumped by DWR and delivered to the Authority at O'Neill Forebay. As the delivery of this water to the participating Member Districts requires conveyance through federal facilities, the Authority requested approval from Reclamation. Reclamation analyzed the introduction, conveyance, and storage of up to 80,000 AF/Y of the Yuba Accord water in EA-13-014 (Reclamation 2013). Reclamation determined that the proposed execution of a series of Warren Act Contracts and/or exchange agreements over a 25-year period with the participating Member Districts for specific annual amounts of the 80,000 AF would not significantly affect the quality of the human environment and a FONSI was issued on June 18, 2013. FONSI/EA-13-014 is incorporated by reference.

Additional Member Districts (Byron-Bethany Irrigation District and Mercy Springs Water District) have since been added to the Yuba Accord agreement. As these districts were not previously covered in EA-13-014, Reclamation is preparing this EA to address their addition as well as other changes in the project description not analyzed in EA-13-014.

¹ The Lower Yuba River Accord (Yuba Accord) provides supplemental dry year water supplies to state and Federal water contractors under a Water Purchase Agreement.

Proposed Action

Reclamation proposes to issue a series of Warren Act contracts and/or exchange agreements with Byron-Bethany Irrigation District and Mercy Springs Water District (recent additions to the Yuba Accord agreement) for the introduction, conveyance, and storage of Yuba Accord water in federal facilities when excess capacity is available. The amount to be conveyed to the two districts would be within the 80,000 AF total and timeframe (through December 2023) previously analyzed in EA-13-014. It is possible that other Member Districts not currently participating in the Yuba Accord agreement may choose to participate in the future. As such, Reclamation proposes to issue Warren Act contracts and/or exchange agreements with those Member Districts (see Table 1 of EA 16-010) that choose to participate in the future, if applicable.

The total quantity of Yuba Accord water delivered to those participating under the agreement would not exceed 80,000 AF/Y. The total amount of water would be distributed amongst those participating as agreed to by the signatories of the agreement. In addition, participating Member Districts may transfer and/or exchange their portion of the Yuba Accord water amongst themselves in accordance with Article 10(c) of the Warren Act contract.

Introduction, conveyance, and storage of the Yuba Accord water would be in the same manner as described in EA-13-014. The transfer and exchange of water amongst the participating districts would occur within the federal facilities shown in Figure 3 of EA 16-010.

Environmental Commitments

The participating Member Districts shall implement the environmental protection measures listed in Table 2 of EA-16-010 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 3 of EA-16-010, 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.

Biological Resources

The action area consists of agricultural fields that provide some habitat values for a few species on page 14 of EA 16-010; however, there is routine disturbance due to on-going farming practices. The Proposed Action would not involve the conversion of any land fallowed and untilled for three or more years. The Proposed Action also would not change the land use

patterns of the cultivated or fallowed fields that do have some value to listed species or birds protected by the Migratory Bird Treaty Act.

The movement and pumping of the water is covered in the 2008 U.S. Fish and Wildlife Service (Service) and 2009 National Marine Fisheries Service (NMFS) biological opinions on the Coordinated Long-term Operations of the Central Valley Project (CVP) and State Water Project (SWP). Both biological opinions were previously challenged in Court, and following lengthy proceedings, the United States District Court for the Eastern District of California remanded the biological opinions, and Reclamation was ordered by the Court to comply with NEPA before accepting the Reasonable Proven Alternatives. In March and December 2014, the Biological Opinions issued by the Service and NMFS, respectively, were upheld by the Ninth Circuit Court of Appeals, although certain requirements (such as an obligation for Reclamation to follow a NEPA process) were left in place. Reclamation has completed environmental documentation (Reclamation 2016) to comply with the Court's decisions and continues to comply with the biological opinions associated with coordinated long-term operations of the CVP and SWP.

The now upheld biological opinions cover 48,000 AF/Y (60,000 AF minus 20% conveyance losses) of Component 1 Yuba Accord water, and the remainder is covered under the 600,000 AF/Y of transferred water (the total amount that would be transferred under this Proposed Action plus other transfers is under 600,000 AF). As a result, the effects on the Delta smelt and its critical habitat, and the effects on the Central Valley steelhead, Central Valley spring-run chinook salmon, Sacramento River winter-run chinook salmon, North American green sturgeon and critical habitat for these species, and the Southern Resident killer whales have already been addressed.

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

Water Resources

The total amount (up to 80,000 AF/Y) of Yuba water would move through the Delta and through CVP facilities as previously analyzed in EA-13-014. A portion of the water would be delivered to Byron-Bethany Irrigation District and Mercy Springs Water District as well as those south-of-Delta CVP contractors listed in Table 1 that choose to participate in the Yuba Accord agreement in the future. Transfer and/or exchange of the Yuba water amongst those participating Member Districts would also require use of the same facilities as previously analyzed. All water would be used for existing purposes to offset reduced CVP water supply allocations. This would provide a beneficial impact to water resources within the participating Member District's service areas.

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.

Biological Resources

There would be no new cumulative impacts to species from the Proposed Action beyond those addressed in the existing biological opinions (Service 2008 and NMFS 2009). The cumulative impacts on affected biological resources would continue to be minimized through compliance with the existing minimization measures required by the Service and NMFS.

Water Resources

Because the Proposed Action would involve neither construction, modification, nor interference with operations, there would be no cumulative impacts to existing facilities or other contractors. Because water quality of the non-Project water would be identical to CVP water, there would be no cumulative impacts to water quality involving water delivered through CVP facilities.

RECLAMATION

Managing Water in the West

Draft Environmental Assessment

Modifications to the Storage and Conveyance of Yuba Accord Water in Federal Facilities for South of Delta Central Valley Project Contractors

EA-16-010



U.S. Department of the Interior
Bureau of Reclamation

May 2016

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.

Contents

| | Page |
|--|-----------|
| Section 1 Introduction | 5 |
| 1.1 Background | 5 |
| 1.2 Need for the Proposed Action | 5 |
| Section 2 Alternatives Including the Proposed Action | 7 |
| 2.1 No Action Alternative | 7 |
| 2.2 Proposed Action | 7 |
| 2.2.1 Environmental Commitments | 11 |
| Section 3 Affected Environment and Environmental Consequences | 13 |
| 3.1 Resources Eliminated from Further Analysis | 13 |
| 3.2 Biological Resources | 14 |
| 3.2.1 Affected Environment | 14 |
| Special-Status Avian Species | 16 |
| 3.2.2 Environmental Consequences | 16 |
| 3.3 Water Resources | 17 |
| 3.3.1 Affected Environment | 17 |
| 3.3.2 Environmental Consequences | 18 |
| Section 4 Consultation and Coordination | 19 |
| 4.1 Public Review Period | 19 |
| Section 5 Preparers and Reviewers | 21 |
| Section 6 References | 23 |
| Figure 1 Proposed Action Area | 6 |
| Figure 2 Delta Division and San Luis Unit | 8 |
| Figure 3 South-of-Delta CVP Facilities by Division | 10 |
| Table 1 Participating Member Districts and Potential Participants | 9 |
| Table 2 Environmental Commitments | 11 |
| Table 3 Resources Eliminated from Further Analysis | 11 |
| Table 4 Ten Year Average SOD Agricultural Allocation | 11 |
| Appendix A Cultural Resources Determination | |

THIS PAGE LEFT INTENTIONALLY BLANK

Section 1 Introduction

1.1 Background

The San Luis & Delta-Mendota Water Authority (Authority) entered into an agreement with the Yuba County Water Agency and the California Department of Water Resources (DWR) for up to 80,000 acre-feet per year (AF/Y) of Yuba Accord¹ water for nine of its Member Districts (see Figure 1). Under the agreement, the purchased Yuba Accord water, minus a 20-30 percent loss from carriage through the Delta, would be pumped by DWR and delivered to the Authority at O'Neill Forebay. As the delivery of this water to the participating Member Districts requires conveyance through federal facilities, the Authority requested approval from the Bureau of Reclamation (Reclamation). Reclamation analyzed the introduction, conveyance, and storage of up to 80,000 AF/Y of the Yuba Accord water in Environmental Assessment (EA)-13-014 (Reclamation 2013). Reclamation determined that the proposed execution of a series of Warren Act Contracts and/or exchange agreements over a 25-year period with the participating Member Districts for specific annual amounts of the 80,000 AF would not significantly affect the quality of the human environment and a Finding of No Significant Impact (FONSI) was issued on June 18, 2013. FONSI/EA-13-014 is incorporated by reference.

Additional Member Districts (Byron-Bethany Irrigation District and Mercy Springs Water District) have since been added to the Yuba Accord agreement. As these districts were not previously covered in EA-13-014, Reclamation is preparing this EA to address their addition as well as other changes in the project description not analyzed in EA-13-014.

1.2 Need for the Proposed Action

South of Delta Central Valley Project (CVP) contractors have a need to find alternative sources of water to offset reductions in supply due to hydrologic conditions and/or regulatory restrictions. Alternative water supplies have been found through the Yuba Accord. Participating member districts need Warren Act contracts and/or exchange agreements in order to provide introduction, conveyance, and storage of this non-Project water in federal facilities when excess capacity is available.

¹ The Lower Yuba River Accord (Yuba Accord) provides supplemental dry year water supplies to state and Federal water contractors under a Water Purchase Agreement.

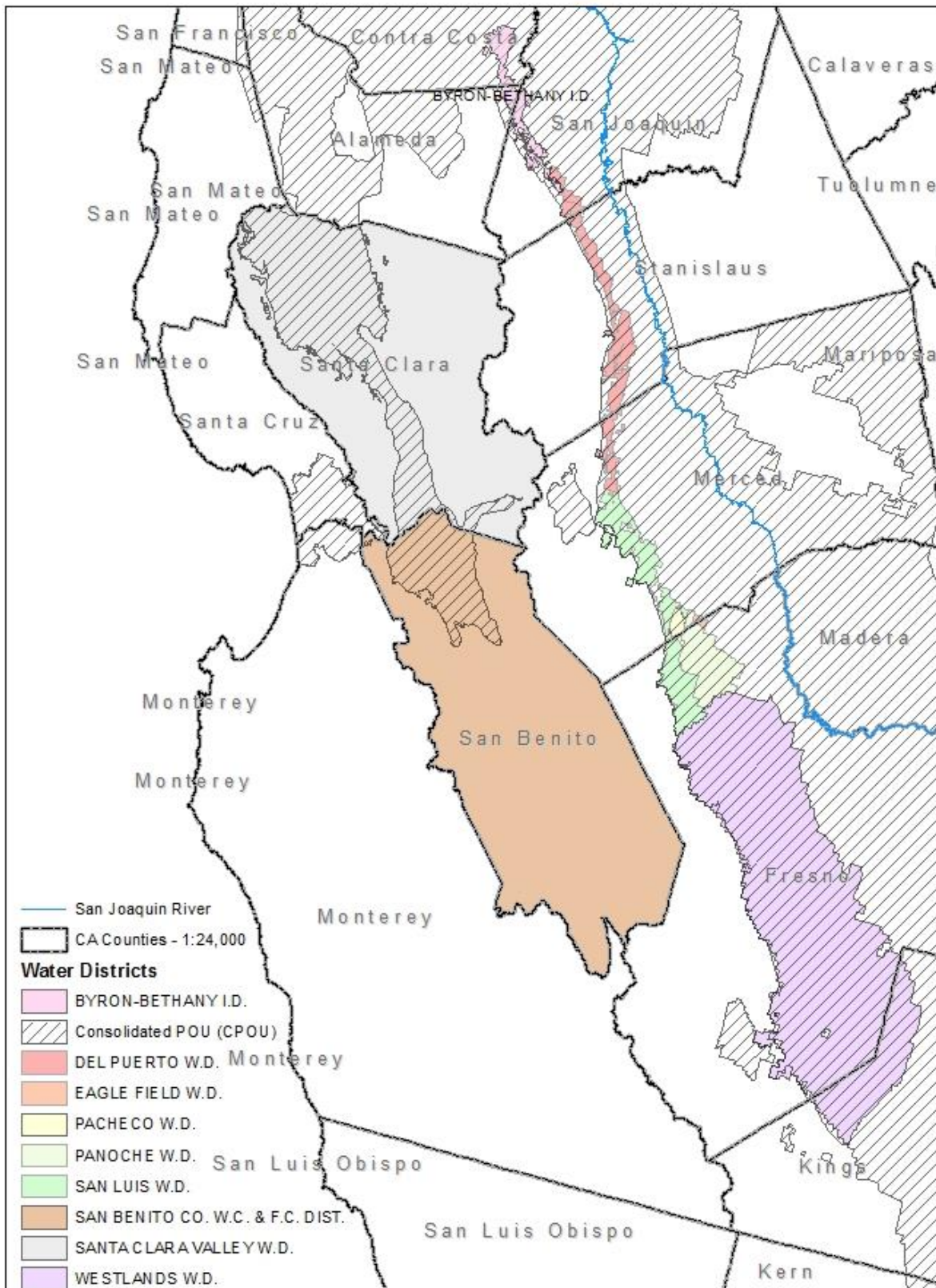


Figure 1 Proposed Action Area

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, Reclamation would not issue a series of Warren Act contracts and/or exchange agreements with Byron-Bethany Irrigation District and Mercy Springs Water District (recent additions to the Yuba Accord agreement) for the introduction, conveyance, and storage of Yuba Accord water through December 2023. The participating Member Districts analyzed in EA-13-014 would continue to receive this water as described in EA-13-014. The specific amounts of Yuba Accord water would continue to be delivered to the respective districts for use within their districts. Transfer of this water amongst the participating districts would not occur as it was not previously covered in EA-13-014.

2.2 Proposed Action

Reclamation proposes to issue a series of Warren Act contracts and/or exchange agreements with Byron-Bethany Irrigation District and Mercy Springs Water District (recent additions to the Yuba Accord agreement) for the introduction, conveyance, and storage of Yuba Accord water in federal facilities when excess capacity is available. The amount to be conveyed to the two districts would be within the 80,000 AF total and timeframe (through December 2023) previously analyzed in EA-13-014. It is possible that other Member Districts not currently participating in the Yuba Accord agreement may choose to participate in the future (see Figure 2). As such, Reclamation proposes to issue Warren Act contracts and/or exchange agreements with those Member Districts (see Table 1) that choose to participate in the future, if applicable.

The total quantity of Yuba Accord water delivered to those participating under the agreement would not exceed 80,000 AF/Y. The total amount of water would be distributed amongst those participating as agreed to by the signatories of the agreement. In addition, participating Member Districts may transfer and/or exchange their portion of the Yuba Accord water amongst themselves in accordance with Article 10(c) of the Warren Act contract.

Introduction, conveyance, and storage of the Yuba Accord water would be in the same manner as described in EA-13-014. The transfer and exchange of water amongst the participating districts would occur within the federal facilities shown in Figure 3.

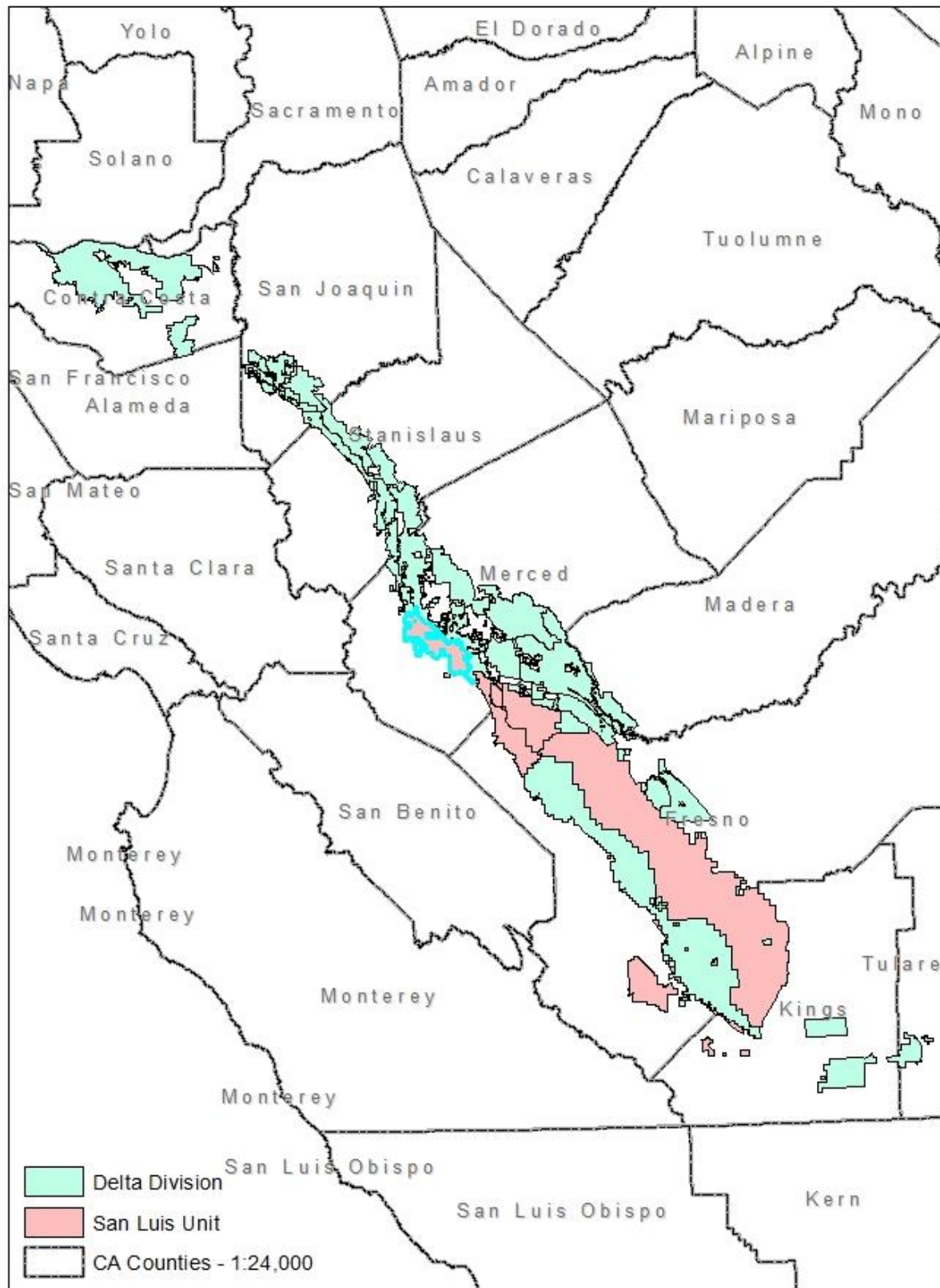


Figure 2 Delta Division and San Luis Unit

Table 1 Participating Member Districts and Potential Participants

| Member Districts | Current Participant of Yuba Accord Agreement |
|--|--|
| <i>DELTA DIVISION</i> | |
| Angola Water District | No |
| Banta-Carbona Irrigation District | No |
| Byron-Bethany Irrigation District Service Area | Yes |
| Centinella Water District | No |
| Central California Irrigation District | No |
| City of Tracy | No |
| Coelho Family Trust | No |
| Columbia Canal Company | No |
| Contra Costa Water District Service Area | No |
| Del Puerto Water District | Yes |
| Dudley & Indart | No |
| Eagle Field Irrigation District | Yes |
| Firebaugh Canal Water District | No |
| Fresno Slough Water District | No |
| Grasslands Water District | No |
| James W.D. Laguna Water District | No |
| Mercy Springs Water District | Yes |
| Meyers, Marvin and Patricia | No |
| Oro Loma Water District | No |
| Patterson Water District. | No |
| Reclamation District No. 1606 | No |
| Reclamation District No. 770-Delta Lands | No |
| Santa Clara Valley Water District | Yes |
| San Luis Canal Co. | No |
| Tranquillity Irrigation District | No |
| Trustee of the Virginia L. Lempeis Separate Property Trust | No |
| U.S.V.A. San Joaquin National Cemetery | No |
| The West Side Irrigation District | No |
| West Stanislaus Irrigation District | No |
| Westlands Distribution District No. 1 | Yes |
| <i>SAN LUIS UNIT</i> | |
| City of Avenal | No |
| City of Coalinga | No |
| City of Huron Water Service Area | No |
| Pacheco Water District | Yes |
| Panoche Water District | Yes |
| San Benito County Water District | Yes |
| San Luis Water District | Yes |
| Westlands Water District | Yes |

Any remaining non-Project water stored in San Luis Reservoir after February 28/29 each year would be subject to available capacity and Reclamation's then current Rescheduled Water Guidelines. The exchange agreements with Reclamation would allow Delta Division contractors located north of O'Neill Forebay to exchange their portion of the Yuba Accord water for a like amount of CVP water.

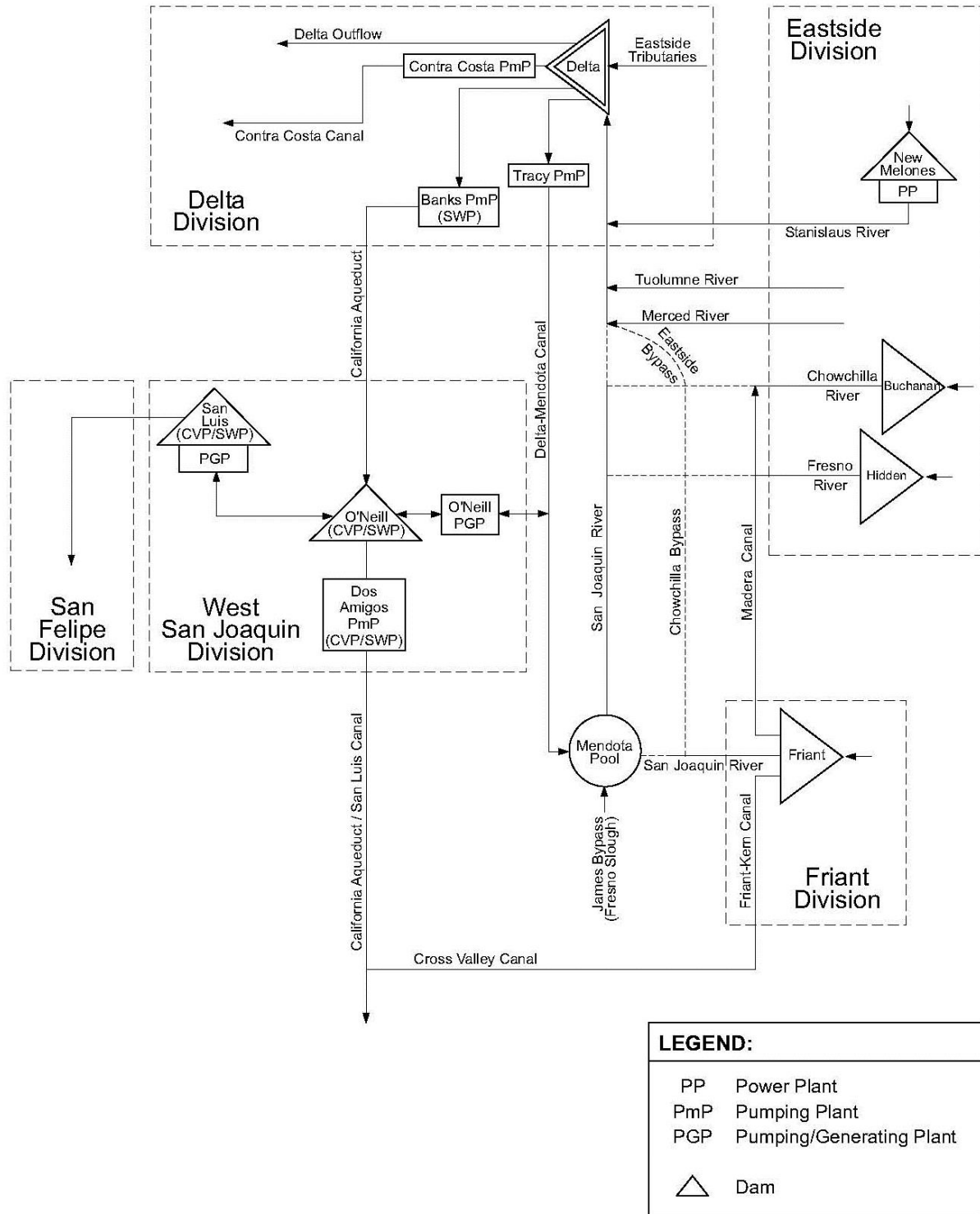


Figure 3 South-of-Delta CVP Facilities by Division
(Source: Reclamation 1999, page III-19)

2.2.1 Environmental Commitments

The participating Member District and the Authority shall implement the following environmental protection measures to avoid and/or reduce environmental consequences associated with the Proposed Action (Table 2). Environmental consequences for resource areas assume the measures specified would be fully implemented.

Table 2 Environmental Commitments

| Resource | Protection Measure |
|----------------------|--|
| Biological Resources | No native or untilled land (fallow for three consecutive years or more) may be cultivated with this water without additional environmental analysis and approval. |
| | The Proposed Action cannot alter the flow regime of natural 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. |
| | The Proposed Action shall not change the land use patterns of the cultivated or fallowed fields that do have some value to federally listed species under the Endangered Species Act or birds protected under the Migratory Bird Treaty Act. |
| Water Resources | The Proposed Action would not affect CVP or State Water Project operations; all supplies would be previously scheduled for delivery points south-of-Delta, and do not require additional Delta exports. |
| | The water would only be used for beneficial purposes and in accordance with Federal Reclamation law and guidelines. |
| Various Resources | Use of the water shall comply with all federal, state, local, and tribal law, and requirements imposed for protection of the environment and Indian Trust Assets. |
| | No land conversions may occur as a result of the Proposed Action. |
| | No new construction or modification of existing facilities may occur in order to complete the Proposed Action. |

THIS PAGE LEFT INTENTIONALLY BLANK

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

The difference between the Proposed Action analyzed in EA-13-014 and this EA includes (1) the issuance of Warren Act contracts and/or exchange agreements with Byron-Bethany Irrigation District and Mercy Springs Water District, (2) the transfer and/or exchange of Yuba Accord water amongst all of the participating Member Districts, and (3) potential issuance of Warren Act contracts and/or exchange agreements with other Member Districts (see Table 2). The environmental impacts analyzed within Section 3 of EA-13-014 are still valid and adequately assesses the environmental effects from this Proposed Action, which are hereby incorporated by reference. Reclamation re-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 resources listed in Table 3.

Table 3 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. The pumps that would be used to convey the water under the Proposed Action are electric. These pumps would not emit pollutants at the pump; the source of the pollutants originates at the power plant. Power plants are permitted based on their maximum operating potential. The additional electricity would not result in the power plant exceeding operating capacity, and, thus, the applicable emissions permit. |
| 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 Change | 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. CVP water allocations are made dependent on hydrologic conditions and environmental requirements. Since Reclamation operations are flexible, any changes in hydrologic conditions due to global climate change would be addressed within Reclamation's operation flexibility. |
| 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 |

| Resource | Reason Eliminated |
|-------------------------|---|
| | 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 Member Districts' non-CVP supplies would be used to offset shortages and support existing land use. No new construction or excavation would occur as a result of the Proposed Action. No native or untilled land (fallow for 3 years or more) would be cultivated with water involved with these actions. The Proposed Action would not increase or decrease water supplies that would result in development. The storage and conveyance of the non-CVP water through CVP facilities would not contribute to changes in land use. |
| Socioeconomic Resources | The Proposed Action would have beneficial impacts on socioeconomic resources for the participating Member Districts as the additional non-Project water would be used to help sustain existing crops and maintain farming within the districts. |

3.2 Biological Resources

3.2.1 Affected Environment

By the mid-1940s, most of the Central Valley's native habitat had been altered by man, and as a result, was degraded or removed. It has been estimated that more than 85 percent of the valley's wetlands had been lost by 1939 (Dahl and Johnson, 1991). When the CVP began operations, over 30 percent of all natural habitats in the Central Valley and surrounding foothills had been converted to urban and agricultural land use (Reclamation, 1999). Prior to widespread agriculture, land within the Proposed Action area provided habitat for a variety of plants and animals. With the advent of irrigated agriculture and urban development over the last 100 years, many species have become threatened and endangered because of habitat loss. Of the approximately 5.6 million acres of valley grasslands and San Joaquin saltbrush scrub, the primary natural habitats across the valley, less than 10 percent remains today. Much of the remaining habitat consists of isolated fragments supporting small, highly vulnerable populations (Reclamation, 1999). The project area is dominated by agricultural habitat that includes field crops, orchards, and pasture. The vegetation is primarily crops and frequently includes weedy non-native annual and biennial plants.

A list of Federally listed candidate, threatened, and endangered species that occur within Mercy Springs Water District and Byron-Bethany Irrigation District was obtained from the United States Fish and Wildlife Service Database: <https://ecos.fws.gov/ipac/>. Of the fish species in Table 4, only the Central Valley steelhead and delta smelt were on the USFWS list. The others were added to the table because they are known to occur in the Sacramento-San Joaquin Delta.

Table 4 T&E Species List – Areas to Receive Non-CVP Water

| Species | Status | Effects | Summary Basis for Endangered Species Act Determination |
|---|---------------------------------|-----------------|--|
| Amphibians | | | |
| California red-legged frog (<i>Rana draytonii</i>) | T ¹ , X ² | NE ³ | Possible. No conversion of native lands or lands fallowed and untilled for three years or less. |
| California tiger salamander (<i>Ambystoma californiense</i>) | T, X | NE | Possible. No conversion of native lands or lands fallowed and untilled for three years or less. |
| Fish | | | |
| Central Valley spring-run chinook salmon | T, NMFS ⁶ | NE | Absent. No natural waterways within the species' range will be affected by the proposed |

| Species | Status | Effects | Summary Basis for Endangered Species Act Determination |
|---|----------------------------|---------|---|
| <i>(Oncorhynchus tshawytscha)</i> | | | action. |
| Central Valley Steelhead <i>(Oncorhynchus mykiss)</i> | T, X, NMFS ⁵ | NE | Absent. No natural waterways within the species' range will be affected by the proposed action. |
| Delta smelt <i>(Hypomesus transpacificus)</i> | T, X | NE | Absent. No natural waterways within the species' range will be affected by the proposed action. |
| Green sturgeon <i>(Acipenser medirostris)</i> | T, NMFS | NE | Absent. No natural waterways within the species' range will be affected by the proposed action. |
| Winter-run chinook salmon, Sacramento River <i>(Oncorhynchus tshawytscha)</i> | E ⁴ , NMFS | NE | Absent. No natural waterways within the species' range will be affected by the proposed action. |
| Invertebrates | | | |
| Conservancy Fairy shrimp <i>(Branchinecta conservatio)</i> | E, X | NE | Possible. No conversion of native lands or lands fallowed and untilled for three years or less. |
| Longhorn fairy shrimp <i>(Branchinecta longiantenna)</i> | E, X | NE | Possible. No conversion of native lands or lands fallowed and untilled for three years or less. |
| San Bruno elfin butterfly <i>(Callophrys mossii bayensis)</i> | E | NE | Possible. No conversion of native lands or lands fallowed and untilled for three years or less. |
| Valley elderberry longhorn beetle <i>(Desmoceris californicus dimorphus)</i> | T | NE | Possible. Could occur in elderberry shrubs in parts of the Proposed Action area; no construction of new facilities. |
| Vernal pool fairy shrimp <i>(Branchinecta lynchi)</i> | T, X | NE | Present. One known record in San Benito County; no conversion of native lands or lands fallowed and untilled for three years or less. |
| Vernal pool tadpole shrimp <i>(Lepidurus packardii)</i> | E, X | NE | Possible. No conversion of native lands or lands fallowed and untilled for three years or less. |
| Mammals | | | |
| Fresno kangaroo rat <i>(Dipodomys nigratoides exilis)</i> | E, X | NE | Absent. Historically may have occurred in Mercy Springs Water District, but habitat has been lost. |
| giant kangaroo rat <i>(Dipodomys ingens)</i> | E | NE | Absent. Historically may have occurred in Mercy Springs Water District, but habitat has been lost. |
| riparian brush rabbit <i>(Sylvilagus bachmani riparius)</i> | E | NE | Absent. Range is outside of Proposed Action area (restricted to south Delta, Caswell Memorial State Park, and the San Joaquin River National Wildlife Refuge). |
| San Joaquin kit fox <i>(Vulpes macrotis mutica)</i> | E | NE | Present. CNDDDB records indicate this species occurs in the project area; no conversion of native lands or lands fallowed and untilled for three years or less |
| Plants | | | |
| Antioch Dunes evening-primrose <i>(Oenothera deltoides ssp. howellii)</i> | T, X | NE | Absent. Occurs only at the Antioch Dunes National Wildlife Refuge and other limited locations in Alameda and Sacramento Counties. |
| Contra Costa goldfields <i>(Lasthenia conjugens)</i> | E, X | NE | Possible. No conversion of native lands or lands fallowed and untilled for three years or less. |
| Large-flowered fiddleneck <i>(Amsinckia grandiflora)</i> | E | NE | Possible. No conversion of native lands or lands fallowed and untilled for three years or less. |
| Reptiles | | | |
| Alameda whipsnake <i>(Masticophis lateralis euryxanthus)</i> | T, X | NE | Possible. Uses chaparral habitat. No conversion of native lands. |
| Blunt-nosed leopard lizard <i>(Gambelia sila)</i> | E | NE | Possible. No conversion of native lands or lands fallowed and untilled for three years or less. |
| Giant garter snake <i>(Thamnophis gigas)</i> | T | NE | Possible. Known to occur north of Mercy Springs Water District. No construction of new facilities; no conversion of lands from existing uses |

DEFINITION OF OCCURRENCE INDICATORS

Present: Species observed in area

Possible: Species not observed in area but suitable habitat within the species' range may be present.

Absent: Species not observed in study area and habitat requirements not met.

LISTING STATUS CODES

1 T: Listed as Threatened.

2 X: Designated Critical Habitat for this species.

3 NE: No Effect to the species or critical habitat determination under Endangered Species Act.

4 E: Listed as Endangered.

5 NMFS: Species under the Jurisdiction of the National Marine Fisheries Service.

Special-Status Avian Species Burrowing owls (*Athene cunicularia*) have the potential to occur within the water districts, particularly in areas with low-stature vegetation and ground squirrel activity. Swainson's hawks (*Buteo swainsoni*) also are common in the proposed project area and will use agriculture lands for foraging habitat. Both these birds are migratory bird species protected under the Migratory Bird Treaty Act.

3.2.2 Environmental Consequences

No Action

Under the No Action Alternative, non-Project water would not be conveyed or stored in CVP facilities. There would be no impacts to biological resources; existing conditions would remain the same.

Proposed Action

The action area consists of agricultural fields that provide some habitat values for a few species listed above; however, there is routine disturbance due to on-going farming practices. The Proposed Action would not involve the conversion of any land fallowed and untilled for three or more years. The Proposed Action also would not change the land use patterns of the cultivated or fallowed fields that do have some value to listed species or birds protected by the Migratory Bird Treaty Act.

The movement and pumping of the water is covered in the 2008 U.S. Fish and Wildlife Service (Service) and 2009 National Marine Fisheries Service (NMFS) biological opinions on the Coordinated Long-term Operations of the Central Valley Project (CVP) and State Water Project (SWP). Both biological opinions were previously challenged in Court, and following lengthy proceedings, the United States District Court for the Eastern District of California remanded the biological opinions, and Reclamation was ordered by the Court to comply with National Environmental Policy Act (NEPA) before accepting the Reasonable Proven Alternatives. In March and December 2014, the Biological Opinions issued by the Service and NMFS, respectively, were upheld by the Ninth Circuit Court of Appeals, although certain requirements (such as an obligation for Reclamation to follow a NEPA process) were left in place. Reclamation has completed environmental documentation (Reclamation 2016) to comply with the Court's decisions and continues to comply with the biological opinions associated with coordinated long-term operations of the CVP and SWP.

The now upheld biological opinions cover 48,000 AF/Y (60,000 AF minus 20% conveyance losses) of Component 1 Yuba Accord water, and the remainder is covered under the 600,000 AF/Y of transferred water (the total amount that would be transferred under this Proposed Action plus other transfers is under 600,000 AF). As a result, the effects on the Delta smelt and its

critical habitat, and the effects on the Central Valley steelhead, Central Valley spring-run chinook salmon, Sacramento River winter-run chinook salmon, North American green sturgeon and critical habitat for these species, and the Southern Resident killer whales have already been addressed.

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

Cumulative Impacts

There would be no new cumulative impacts to species from the Proposed Action beyond those addressed in the existing biological opinions (Service 2008 and NMFS 2009). The cumulative impacts on affected biological resources would continue to be minimized through compliance with the existing minimization measures required by the Service and NMFS.

3.3 Water Resources

3.3.1 Affected Environment

Analysis of water resources in EA-13-014 included the CVP facilities shown in Figure 3 and the nine Member Districts listed in Table 1. Updates and changes to the previously analyzed water resources affected environment are discussed below.

Central Valley Project

SOD CVP agricultural allocations averaged 29 percent from 2007 to 2016 (Table 3). Over the last five years the average allocation was 13 percent with a range of 0 to 40 percent. Due to operational constraints and fluctuating hydrologic conditions, water allocations in the future are likely to be similar to those shown in Table 4.

Table 4 Ten Year Average SOD Agricultural Allocation

| Contract Year | Agricultural Allocations (%)¹ |
|----------------------|---|
| 2016 ² | 5 |
| 2015 | 0 |
| 2014 | 0 |
| 2013 | 20 |
| 2012 | 40 |
| 2011 | 80 |
| 2010 | 45 |
| 2009 | 10 |
| 2008 | 40 |
| 2007 | 50 |
| Average | 29 |

¹As percentage of Water Service Contract total
²Initial 2016 allocation.
Source: http://www.usbr.gov/mp/cvo/vungvari/water_allocations_historical.pdf

Potential Participating Districts

Potential participating south-of-Delta CVP contractors include those Member Districts listed in Table 1 and shown in Figure 2.

South-of-Delta Facilities

A general diagram of South-of-Delta CVP facilities proposed for use under the Proposed Action is shown in Figure 3. Facilities proposed for use under the Proposed Action include: San Luis Reservoir and Gianelli Pumping and Generating Plant, O'Neill Forebay and Pumping and Generating Plant, the San Luis Canal, and the Delta-Mendota Canal in the West San Joaquin Division. Non-Federal facilities include the Mendota Pool.

3.3.2 Environmental Consequences

No Action

Under the No Action Alternative, the proposed Warren Act contracts and exchange agreements would not be issued to Byron-Bethany Irrigation District, Mercy Springs Water District or any other Member District that chooses to participate in the future. Only those 9 Member Districts previously covered in EA-13-014 would continue to receive Yuba Water through federal facilities. Transfer and/or exchange of the Yuba Water amongst the participating districts would not occur without additional environmental analysis. No change to current conditions would occur.

Proposed Action

The total amount (up to 80,000 AF/Y) of Yuba water would move through the Delta and through CVP facilities as previously analyzed in EA-13-014. A portion of the water would be delivered to Byron-Bethany Irrigation District and Mercy Springs Water District as well as those south-of-Delta CVP contractors listed in Table 1 that choose to participate in the Yuba Accord agreement in the future. Transfer and/or exchange of the Yuba water amongst those participating Member Districts would also require use of the same facilities as previously analyzed. All water would be used for existing purposes to offset reduced CVP water supply allocations. This would provide a beneficial impact to water resources within the participating Member District's service areas.

Cumulative Impacts

Because the Proposed Action would involve neither construction, modification, nor interference with operations, there would be no cumulative impacts to existing facilities or other contractors. Because water quality of the non-Project water would be identical to CVP water, there would be no cumulative impacts to water quality involving water delivered through CVP facilities.

Section 4 Consultation and Coordination

4.1 Public Review Period

No comments were received on EA-13-014 during a 30-day public review period. Reclamation will provide the public with an opportunity to comment on this Draft FONSI and Draft EA during a 7-day public review period.

THIS PAGE LEFT INTENTIONALLY BLANK

Section 5 Preparers and Reviewers

Kelly Baker, Natural Resources Specialist, SCCAO

Shauna McDonald, Wildlife Biologist, SCCAO

Joanne Goodsell, Archaeologist, MP-153

Cathy James, Repayment Specialist, SCCAO – reviewer

Rain L. Emerson, M.S., Supervisory Natural Res. Specialist, SCCAO – reviewer

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

THIS PAGE LEFT INTENTIONALLY BLANK

Section 6 References

Bureau of Reclamation (Reclamation) 2013. Water Supply Forecast. Sacramento, CA: Mid-Pacific Regional Office. Website: <http://www.usbr.gov/mp/PA/water/> Accessed: April 2013.

Dahl, T.E. and C.E. Johnson. 1991. Status and Trends of Wetlands in the Conterminous United States, Mid-1970's to Mid-1980's. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C. 28 pages.

National Marine Fisheries Service (NMFS). 2009. Biological opinion and Essential Fish Habitat consultation for the coordinated long-term operations of the Central Valley Project and State Water Project. Protected Resources Division: Sacramento, CA.

U.S. Fish and Wildlife Service (Service). 2008. Biological opinion on the coordinated long-term operations of the Central Valley Project and State Water Project. Bay-Delta Fish and Wildlife Office, Sacramento, CA.

U.S. Fish and Wildlife Service (Service). April 30, 2013. Species List

Westlands Water District (Westlands). (2008). Water Management Plan, 2007.

CULTURAL RESOURCES COMPLIANCE

Division of Environmental Affairs

Cultural Resources Branch (MP-153)

MP-153 Tracking Number: 16-SCAO-125

Project Name: Modifications to the Storage and Conveyance of Yuba Accord Water in Federal Facilities for South of Delta Central Valley Project Contractors

NEPA Document: EA-16-010

NEPA Contact: Kelly Baker, Natural Resources Specialist

MP-153 Cultural Resources Reviewer: Joanne Goodsell, Archaeologist

Date: May 2, 2016

Reclamation proposes to issue a series of Warren Act contracts and/or exchange agreements with Byron-Bethany Irrigation District and Mercy Springs Water District (recent additions to the Yuba Accord agreement) for the introduction, conveyance, and storage of Yuba Accord water in federal facilities when excess capacity is available. The amount to be conveyed would be within the 80,000 AF total previously authorized under existing Warren Act contracts. Additionally, it is possible that other Member Districts not currently participating in the Yuba Accord agreement may choose to participate in such activities in the future. As such, Reclamation proposes to issue Warren Act contracts and/or exchange agreements with additional Member Districts that choose to participate in the future, if applicable. The total quantity of Yuba Accord water delivered to those participating under the agreement would not exceed 80,000 AF per year. The total amount of water would be distributed amongst those participating as agreed to by the signatories of the agreement. In addition, participating Member Districts may transfer and/or exchange their portion of the Yuba Accord water amongst themselves in accordance with Article 10(c) of the Warren Act contract. There would be no new construction, excavation, or cultivation of untilled land resulting from Reclamation's proposed action.

Reclamation has determined that the proposed action is the type of undertaking that does not have the potential to cause effects on historic properties, should such properties be present, pursuant to 36 CFR § 800.3(a)(1). As such, Reclamation has no further obligations under 54 U.S.C. § 306108, commonly known as Section 106 of the National Historic Preservation Act (NHPA). Given this determination, 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 the proposed action. Should the proposed action change, additional review under Section 106, possibly including consultation with the State Historic Preservation Officer, may be required.