



— BUREAU OF —
RECLAMATION

Santa Clara Valley Water District 5- Year Warren Act Contract

CGB-ED-2025-015

Draft Environmental Assessment

Mission Statements

The U.S. Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors 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	1
1.1 Background	1
1.2 Purpose and Need for the Proposed Action	2
1.3 Scope	3
Section 2. Alternatives Including Proposed Action	3
2.1 No Action Alternative	3
2.2 Proposed Action	3
2.2.1 Environmental Commitments	6
Section 3. Affected Environment and Environmental Consequences	6
3.1 Resources Eliminated from Further Analysis	6
3.1.1 Air Quality	6
3.1.2 Cultural Resources	6
3.1.3 Environmental Justice	7
3.1.4 Global Climate Change	7
3.1.5 Indian Sacred Sites	7
3.1.6 Indian Trust Assets	8
3.1.7 Land Use	8
3.2 Biological Resources	8
3.2.1 Affected Environment	8
3.2.2 Environmental Consequences	12
No Action	12
Proposed Action	13
Cumulative Impacts	14
3.3 Water Resources	14
3.3.1 Affected Environment	14
3.3.2 Environmental Consequences	14
No Action	14
Proposed Action	15
Cumulative Impacts	15
Section 4. Consultation and Coordination	16
4.1 Agencies and Persons Consulted	16
4.2 Public Involvement	16
Section 5. References	16
Table 1 Environmental Protection Measures and Commitments	6
Table 2. Federally Listed Threatened and Endangered Species	8
Table 3. Historical annual utilization of Valley Water’s 2015-2019 and 2020-2024 Warren Act agreements.	14
Figure 1 Proposed Action Area (Reclamation 2024)	5

Section 1. Introduction

In conformance with the National Environmental Policy Act (NEPA) (42 United States Code [USC] §4321), Council on Environmental Quality regulations (40 Code of Federal Regulations [CFR] Parts 1500-1508), and Department of the Interior Regulations (43 CFR Part 46), the Bureau of Reclamation (Reclamation) prepared this Environmental Assessment (EA) to evaluate and disclose potential environmental impacts associated with State Water Project and Central Valley Project water supplies made available to Santa Clara Valley Water District.

Reclamation is aware of the November 12, 2024 decision in *Marin Audubon Society v. Federal Aviation Administration*, No. 23-1067 (D.C. Cir. Nov. 12, 2024). To the extent that a court may conclude that the CEQ regulations implementing NEPA are not judicially enforceable or binding on this agency action, Reclamation has nonetheless elected to follow those regulations at 40 C.F.R. Parts 1500-1508, in addition to Department of the Interior procedures/regulations implementing NEPA at 43 C.F.R. Part 46, to meet the agency's obligations under NEPA, 42 U.S.C. §§ 4321 et seq.

1.1 Background

Santa Clara Valley Water District (Valley Water) contracts for water supplies from both the Bureau of Reclamation's (Reclamation) Central Valley Project (CVP) and the California Department of Water Resources' (DWR) State Water Project (SWP). SWP water supplies are delivered through the South Bay Aqueduct and CVP water supplies are delivered from San Luis Reservoir through the CVP San Felipe Division pursuant to their respective water rights. CVP water can only be used within the "CVP authorized place of use," and SWP water can only be used within the "SWP authorized place of use," unless otherwise authorized through water rights amendments by the State Water Resources Control Board (Water Board).

On January 9, 2020, Reclamation executed a Warren Act contract with Valley Water for the introduction, conveyance, and storage of up to 300,000 acre-feet of available SWP water supplies within and through CVP facilities over a 5-year period (annually no more than 60,000 acre-feet). The approval of the contract was reviewed in EA-19-053.

Within EA-19-053, Reclamation assessed potential impacts to water and biological resources caused by the issuance of a 5-year Warren Act contract. Due to the use of existing water delivery infrastructure and SWP water supplies having the same source as CVP water supplies (subject to availability), no significant impacts to water quality, or CVP operations were anticipated. The review of biological resources concluded there would be no additional impacts to migratory birds, federally listed species or their critical habitat, or to Essential Fish Habitat¹. All other

¹ Impacts would be those not previously addressed by the biological opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP (Reclamation 2020). Reclamation issued a Notice of

resources, including land use, cultural resources, air quality, and environmental justice, were ruled out as they were unlikely to be potentially impacted by the project. Subsequently, a Finding of No Significant Impact (FONSI) was signed on November 26, 2019 (Reclamation 2019). Both EA and FONSI 19-053 are hereby incorporated by reference.

In the past, total storage in San Luis Reservoir has dropped to levels that result in operational or water quality problems for Valley Water. Low water levels can result in reduced water quality causing water treatment problems that could result in severe reductions in the quantity of CVP water conveyed through the CVP San Felipe Division, as well as increased water treatment costs. In addition, there have been periods of time when SWP facilities, such as the South Bay Aqueduct, are shut down for maintenance limiting the ability of Valley Water to receive their SWP water supplies. There have also been periods of time where Valley Water facilities have been shut down for maintenance or repairs which affects distribution of water from the SBA within our service area. When these limitations have occurred in the past, Reclamation and DWR have facilitated delivery of CVP or SWP water supplies to Valley Water through exchanges requiring the Water Board to issue temporary changes in Place of Use for the CVP and SWP. As the conveyance of SWP water through federal facilities under a Warren Act contract to Valley Water does not change the place of use for that water, no action by the Water Board is required.

Over the next five years, Valley Water would like to maintain operational flexibility to convey and store SWP water within CVP facilities. Additionally, Valley Water is concerned about continued water delivery complications that may arise that would limit its ability to convey SWP supplies through state facilities. Valley Water's SWP supplies include: SWP Table A contract supplies, SWP carryover supplies, SWP interruptible supplies, and previously banked SWP water withdrawn from Semitropic Water Storage District (Semitropic).

Valley Water has requested a new 5-year Warren Act contract to commence on the date the current agreement is set to expire January 1, 2025. This new agreement would carry similar terms and conditions as the current contract. Other than the time frame, this action is the same as the current action for storing and conveying non-project supplies.

1.2 Purpose and Need for the Proposed Action

Valley Water has a need for operational flexibility due to hydrologic conditions, planned or unplanned outages of SWP facilities or Valley Water facilities, and water quality concerns, which may limit its ability to deliver available SWP water supplies through the South Bay Aqueduct. The ability to store and/or convey SWP water supplies through federal facilities (i.e., Pacheco Pumping Plant and the San Felipe Division) would assist Valley Water in providing water which may otherwise be unavailable for use. Additionally, the agreement will allow Valley Water to efficiently balance the management of its SWP and CVP supplies.

Intent in February 2022 to modify the continued long-term operation of the CVP, for its authorized purposes, in a coordinated manner with the State Water Project (SWP), for its authorized purposes. Consultation is ongoing.

1.3 Scope

This EA analyzes the environmental impacts of Valley Water’s SWP and CVP water supply operations. Reclamation is responsible for assessing potential biological/environmental resources involved and species of special status that may be affected as a result of the proposed actions covered under the 5-year Warren Act contract requested by Valley Water. Valley Water seeks to renew the 5-year Warren Act contract in the interests of ensuring continued water supply and seeks to collaborate with Reclamation to identify and address potential environmental impacts associated with the operations proposed in the desired action area.

Section 2. Alternatives Including Proposed Action

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

2.1 No Action Alternative

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

2.2 Proposed Action

Reclamation proposes to issue a 5-year Warren Act contract to Valley Water that would allow the conveyance and storage of up to 300,000 acre-feet of Valley Water’s available SWP water supplies over a 5-year period through federal facilities at times when excess capacity exists. No more than 60,000 acre-feet would be conveyed and/or stored annually. The contract would cover the period between January 1, 2025, and December 31, 2029. Valley Water’s SWP water supplies may be from the following sources:

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

Valley Water's available SWP water supplies would be pumped at the Harvey O. Banks (Banks) Pumping Plant and conveyed through the California Aqueduct to O'Neill Forebay. The water would then be pumped into San Luis Reservoir and conveyed through the San Felipe Division via the Pacheco Conduit into Valley Water's SWP place of use (Figure 1). This is the same manner that Valley Water receives its CVP water supplies to deliver to its CVP place of use. Valley Water generally utilizes this action to balance SWP and CVP water supply deliveries.

Additional non-CVP and non-SWP water supplies may be conveyed under the proposed Warren Act contract if and when additional environmental review and approval has been completed by Reclamation. All additional supplies would be included within the amounts listed above both annually and cumulatively. The proposal would be coordinated with DWR for use of SWP facilities prior to movement of water in a given year. As the conveyance of SWP water through federal facilities under a Warren Act contract to Valley Water does not change the place of use for that water, no action by the Water Board will be required.

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

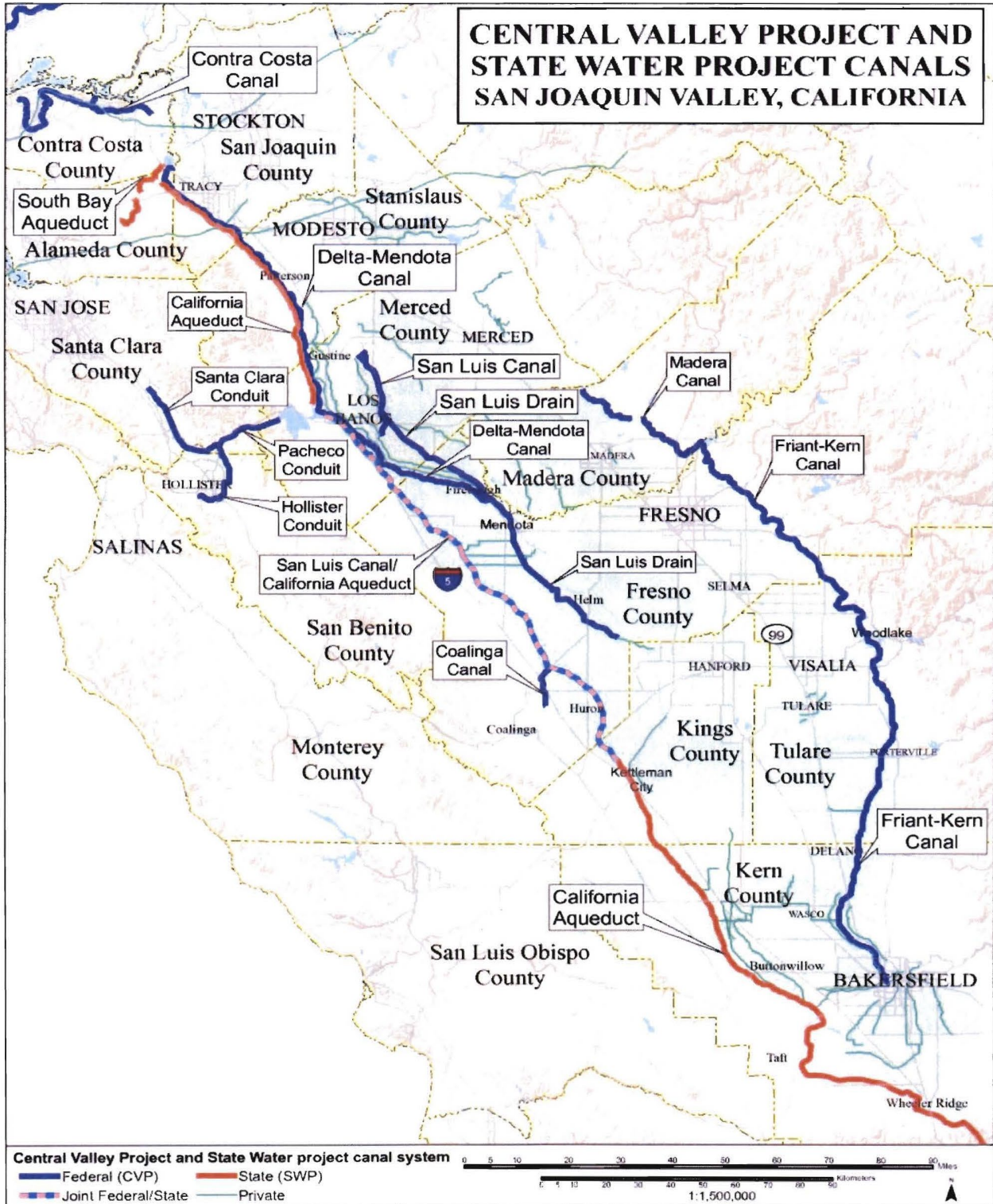


Figure 1 Proposed Action Area (Reclamation 2024)

2.2.1 Environmental Commitments

Valley Water 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 Protection Measures and Commitments

Resource	Protection Measure
Biological Resources	No native or untilled land (fallow for three consecutive years or more) may be cultivated with this water without additional environmental analysis and approval.
Biological Resources	The Proposed Action shall not change the land use patterns of the cultivated or fallowed fields that do have some value to listed species or birds protected by the Migratory Bird Treaty Act (MBTA).
Various Resources	Use of the water shall comply with all federal, state, local, and tribal law, and requirements imposed for protection of the environment and Indian Trust Assets.
Various Resources	No land conversions may occur as a result of the Proposed Action.

Environmental consequences for resource areas assume the measures specified would be fully implemented.

Section 3. Affected Environment and Environmental Consequences

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 adverse effects to the following resources:

3.1.1 Air Quality

No construction or modification of facilities is proposed. Some pumping would be required to move water under the Proposed Action, but power usage would be within the typical range for the facilities involved. No air emissions are anticipated outside normal operational fluctuations.

3.1.2 Cultural Resources

There would be no impacts to cultural resources as a result of implementing the Proposed Action as the Proposed Action would facilitate the flow of water through existing facilities to existing users. No new construction or ground disturbing activities would occur as part of the Proposed Action. Reclamation has determined that these activities have no potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1).

3.1.3 Environmental Justice

Executive Order 12898 requires each federal agency to identify and address disproportionately high and adverse human health or environmental effects, including social and economic effects of its program, policies, and activities on minority populations and low-income populations. 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.

3.1.4 Global Climate Change

Every five years, Reclamation submits a report to Congress in accordance with Section 9503(c) of the SECURE Water Act of 2009 (Public Law 111-11). The *Water Reliability in the West – 2021 SECURE Water Act Report* (Reclamation 2021) assesses expected changes to water supplies, uses, and demands in the Central Valley, including the Sacramento and San Joaquin River Basins, as well as the Tulare Lake Basin, which encompasses the Kings and Kern Rivers. Notably, the report highlights a significant imbalance between water supplies and demands in the Central Valley.

The report evaluates future climate and hydrology projections at specific locations for the 2020s, 2050s, and 2070s. These projections indicate patterns consistent with those observed across the western U.S., including increasing temperatures, declining snowpack, and earlier streamflow—all of which are expected to become more pronounced in later decades.

By mid-century, climate change is anticipated to cause more short-duration, high-rainfall events during the winter and early spring months, along with reduced snowpack runoff in the summer and early fall in the Central Valley compared to recent historical conditions (Reclamation 2021). Additionally, drought conditions are expected to be more severe regarding both length and magnitude. These shifts in runoff timing, extended growing seasons, and greater reliance on limited water storage may increase the likelihood of water supply shortages. However, it is important to note that CVP water allocations depend on hydrologic conditions and environmental requirements. Reclamation's operations are flexible, and any changes in hydrologic conditions due to climate change would be managed within this operational flexibility. Therefore, the Proposed Action is anticipated to remain largely unaffected by climate change.

The amount of greenhouse gas emitted into the atmosphere is a key factor influencing climate change and contributing to future water supply uncertainty. The Proposed Action does not involve the construction of new facilities or modifications to existing ones. While pumping may be necessary to deliver SWP water, there would be no additional electrical production beyond baseline conditions. Furthermore, the power plant generating electricity for the pumps operates under permits regulated for greenhouse gas emissions. Consequently, the Proposed Action is expected to have minimal additional impacts on global climate change.

3.1.5 Indian Sacred Sites

Executive Order 13007 (May 24, 1996) requires that federal agencies accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoids adversely affecting the physical integrity of such sacred sites. The Proposed Action would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or

affect the physical integrity of such sacred sites. There would be no impacts to Indian sacred sites as a result of the Proposed Action.

3.1.6 Indian Trust Assets

Indian Trust Assets are legal interests in assets that are held in trust by the United States for federally recognized Indian tribes or individuals. There are no Indian reservations, rancherias or allotments in the Proposed Action area. There are no Indian Trust Assets in the Proposed Action area. The Proposed Action does not have a potential to affect Indian Trust Assets.

3.1.7 Land Use

The storage and conveyance of SWP water through federal facilities would not contribute to changes in land use. No new construction or excavation would occur as a result of the Proposed Action. No native or untilled land (fallow for 3 years or more) would be cultivated with water involved with these actions. The Proposed Action would not increase or decrease water supplies that would result in development.

3.2 Biological Resources

3.2.1 Affected Environment

Special-Status Species and Critical Habitat

Protected fish species occur in the Sacramento-San Joaquin Delta as described in Table 2. Other protected species, listed in Table 2, either cannot use lands developed for municipal and industrial or agricultural use, and no priority habitat exists in or is adjacent to the Proposed Action Area.

A list of federally listed threatened and endangered species and critical habitat that occur within project area and/or may be affected as a result of the Proposed Action was obtained on November 19, 2024, by accessing the U.S. Fish and Wildlife Service (USFWS) database: <https://ecosaction.fws.gov/ipac/>. The California Department of Fish and Wildlife California Natural Diversity Database (CNDDDB) was checked for records of Federally listed and proposed species in the Proposed Action Area (CNDDDB 2024). The list is summarized Table 2 and was generated for a polygon that encompassed the entire Proposed Action Area.

Table 2. Federally Listed Threatened and Endangered Species

Species	Status ¹	Effects ²
Amphibians		
California Red-legged Frog <i>Rana draytonii</i>	T, X	No effect; suitable habitat not present.
California Tiger Salamander <i>Ambystoma californiense</i>	T, X	No effect; suitable habitat not present.
Foothill Yellow-legged Frog <i>Rana boylei</i>	T, E	No effect; suitable habitat not present.
Western Spadefoot <i>Spea hammondi</i>	PT	No effect; suitable habitat not present.

Species	Status ¹	Effects ²
Birds		
California Condor <i>Gymnogyps californianus</i>	E, X	No effect; suitable habitat not present.
California Least Tern <i>Sternula antillarum browni</i>	E	No effect; suitable habitat not present.
California Ridgway's Rail <i>Rallus obsoletus obsoletus</i>	E	No effect; suitable habitat not present.
Least Bell's Vireo <i>Vireo bellii pusillus</i>	E	No effect; could fly overhead but would not use lands developed for agricultural or municipal and industrial use. This species is known from Santa Clara County (CNDDDB 2024), but only uses riparian habitat, which would not be affected. However, this migratory species may travel to and from that habitat and other areas.
Marbled Murrelet <i>Brachyramphus marmoratus</i>	T, X	No effect; suitable habitat not present.
Western Snowy Plover <i>Charadrius nivosus nivosus</i>	T, X	No effect; suitable habitat not present.
Yellow-billed Cuckoo <i>Coccyzus americanus</i>	T	No effect; could fly overhead but would not use lands developed for agricultural or municipal and industrial use. This species (CNDDDB 2024) breeds along part of the Sacramento River, where it migrates to from the south. Its habitat required for breeding and foraging (extensive cottonwood-willow riparian habitat) doesn't occur in the Proposed Action Area, but it is possible that its migration route could include the Proposed Action Area.
Invertebrates		
Bay Checkerspot Butterfly <i>Euphydryas editha bayensis</i>	T, X	No effect; suitable habitat not present.
Conservancy Fairy Shrimp <i>Branchinecta conservatio</i>	E, X	No effect; suitable habitat not present.
Monarch Butterfly <i>Danaus plexippus</i>	C	No effect; although suitable habitat may be present, no land use change, conversion of habitat, construction or modification of existing facilities would occur as a result of the Proposed Action.
Mount Hermon June Beetle <i>Polyphylla barbata</i>	E	No effect; suitable habitat not present.
Ohlone Tiger Beetle <i>Cicindela ohlone</i>	E	No effect; suitable habitat not present.
Valley Elderberry Longhorn Beetle <i>Desmocerus californicus dimorphus</i>	T, X	No effect; although suitable habitat may be present, no land use change, conversion of

Species	Status ¹	Effects ²
		habitat, construction or modification of existing facilities would occur as a result of the Proposed Action.
Vernal Pool Fairy Shrimp <i>Branchinecta lynchi</i>	T, X	No effect; suitable habitat not present.
Zayante Band-winged Grasshopper <i>Trimerotropis infantilis</i>	E, X	No effect; suitable habitat not present.
Fish		
Central California Coastal Steelhead <i>Oncorhynchus mykiss</i>	T, X NMFS	No effect; suitable habitat not present.
Central Valley Spring-run Chinook Salmon <i>Oncorhynchus tshawytscha</i>	T, X NMFS	No effect; Delta pumping has already been addressed by Biological Opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP and ongoing consultations.
Central Valley Steelhead <i>Oncorhynchus mykiss</i>	T, X NMFS	No effect; Delta pumping has already been addressed by Biological Opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP and ongoing consultations.
Coho Salmon – Central California Coast <i>Oncorhynchus kisutch</i>	E, X NMFS	No effect; suitable habitat not present.
Delta Smelt <i>Hypomesus transpacificus</i>	T, X	No effect; Delta pumping has already been addressed by Biological Opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP and ongoing consultations.
Longfin Smelt <i>Spirinchus thaleichthys</i>	E	No effect; Delta pumping has already been addressed by Biological Opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP and ongoing consultations.
North American Green Sturgeon <i>Acipenser medirostris</i>	T, X NMFS	No effect; Delta pumping has already been addressed by Biological Opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP and ongoing consultations.
Sacramento River Winter-run Chinook Salmon <i>Oncorhynchus tshawytscha</i>	E, X NMFS	No effect; Delta pumping has already been addressed by Biological Opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP and ongoing consultations.
South Central California Steelhead <i>Oncorhynchus mykiss</i>	T, X NMFS	No effect; suitable habitat not present.
Tidewater Goby <i>Eucyclogobius newberryi</i>	E, X	No effect; suitable habitat not present.

Species	Status ¹	Effects ²
Mammals		
Salt Marsh Harvest Mouse <i>Reithrodontomys raviventrus</i>	E	No effect; suitable habitat not present.
San Joaquin Kit Fox <i>Vulpes macrotis mutica</i>	E	No effect; although suitable habitat may be present, no land use change, conversion of habitat, construction or modification of existing facilities would occur as a result of the Proposed Action.
Plants		
Ben Lomond Spineflower <i>Chorizanthe pungens</i> var. <i>hartwegiana</i>	E	No effect; suitable habitat not present.
Ben Lomond Wallflower <i>Erysimum teretifolium</i>	E	No effect; suitable habitat not present.
California Jewelflower <i>Caulanthus californicus</i>	E	No effect; suitable habitat not present.
California Seablite <i>Suaeda californica</i>	E	No effect; suitable habitat not present.
Contra Costa Goldfields <i>Lasthenia conjugens</i>	E, X	No effect; suitable habitat not present.
Contra Costa Wallflower <i>Erysimum capitatum</i> var. <i>angustatum</i>	E, X	No effect; suitable habitat not present.
Coyote Ceanothus <i>Ceanothus ferrisae</i>	E	No effect; suitable habitat not present.
Fountain Thistle <i>Cirsium fontinale</i> var. <i>fontinale</i>	E	No effect; suitable habitat not present.
Large-flowered Fiddleneck <i>Amsinckia grandiflora</i>	E, X	No effect; suitable habitat not present.
Layne's Butterweed <i>Senecio layneae</i>	T	No effect; suitable habitat not present.
Marin Dwarf-flax <i>Hesperolinon congestum</i>	T	No effect; suitable habitat not present.
Metcalf Canyon Jewelflower <i>Streptanthus albidus</i> ssp. <i>albidus</i>	E	No effect; suitable habitat not present.
Monterey Gilia <i>Gilia tenuiflora</i> ssp. <i>arenaria</i>	E	No effect; suitable habitat not present.
Monterey Spineflower <i>Chorizanthe pungens</i> var. <i>pungens</i>	T, X	No effect; suitable habitat not present.
Robust Spineflower <i>Chorizanthe robusta</i> var. <i>robusta</i>	E, X	No effect; suitable habitat not present.
San Mateo Thornmint <i>Acanthomintha obovata</i> ssp. <i>duttonii</i>	E	No effect; suitable habitat not present.
San Mateo Woolly Sunflower <i>Eriophyllum latilobum</i>	E	No effect; suitable habitat not present.
Santa Clara Valley Dudleya <i>Dudleya setchellii</i>	E	No effect; suitable habitat not present.
Santa Cruz Tarplant <i>Holocarpha macradenia</i>	T, X	No effect; suitable habitat not present.
Scotts Valley Polygonum <i>Polygonum hickmanii</i>	E, X	No effect; suitable habitat not present.
Scotts Valley Spineflower <i>Chorizanthe robusta</i> var. <i>hartwegii</i>	E, X	No effect; suitable habitat not present.

Species	Status ¹	Effects ²
Showy Indian Clover <i>Trifolium amoenum</i>	E	No effect; suitable habitat not present.
Tiburon Paintbrush <i>Castilleja affinis</i> ssp. <i>neglecta</i>	E	No effect; suitable habitat not present.
Reptiles		
Alameda Whipsnake <i>Masticophis lateralis</i>	T, X	No effect; suitable habitat not present.
Green Sea Turtle <i>Chelonia mydas</i>	T	No effect; suitable habitat not present.
Northwestern Pond Turtle <i>Actinemys marmorata</i>	T	No effect; suitable habitat not present.
San Francisco Garter Snake <i>Thamnophis sirtalis tetrataenia</i>	E	No effect; suitable habitat not present.

¹ Status = Status of federally protected species protected under the ESA.

E: Listed as Endangered

T: Listed as Threatened

PT: Proposed for listing as Threatened

C: Candidate for listing

X: Critical Habitat designated for this species

² Effects = ESA Effect determination

NE: No Effect anticipated from the Proposed Action to federally listed species or designated critical habitat

NLAA: Proposed Action Not Likely to Adversely Affect federally listed species

MAA: Proposed Action May Adversely Affect federally listed species

³ Definition of Occurrence Indicators

Present: Species recorded in area and suitable habitat present.

Possible: Species recorded in area and habitat suboptimal.

Absent: Species not recorded in study area and suitable habitat absent.

3.2.2 Environmental Consequences

No Action

In December 2008, the USFWS issued a biological opinion analyzing the effects of the coordinated long-term operation of the CVP and SWP in California (USFWS 2008). The USFWS biological opinion concluded that “the coordinated operation of the CVP and SWP, as proposed, was likely to jeopardize the continued existence of the Delta smelt” and “adversely modify Delta smelt critical habitat.” The USFWS biological opinion included Reasonable and Prudent Alternatives (RPAs) for CVP and SWP operations designed to allow the projects to continue operating without causing jeopardy or adverse modification. On December 15, 2008, Reclamation provisionally accepted and then implemented the USFWS RPA.

The National Marine Fisheries Service (NMFS) issued its biological opinion analyzing the effects of the coordinated long-term operation of the CVP and SWP on listed salmonids, Southern DPS North American green sturgeon, and Southern Resident killer whale in June 2009 (NMFS 2009). The NMFS biological opinion concluded that the long-term operation of the CVP and SWP, as proposed, was likely to jeopardize the continued existence of Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley

steelhead, Southern DPS of North American green sturgeon, and Southern Resident killer whales. Also, the NMFS biological opinion concluded that the CVP/SWP Coordinated Operations, as proposed, was likely to destroy or adversely modify critical habitat for Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead and the Southern DPS of North American green sturgeon. The NMFS biological opinion included an RPA designed to allow the projects to continue operating without causing jeopardy or adverse modification. On June 4, 2009, Reclamation provisionally accepted and then implemented the NMFS RPA. Reclamation also consulted under the Magnusson-Stevens Fishery Conservation and Management Act with NMFS on the impacts to Essential Fish Habitat for Chinook salmon as a result of the pumping (NMFS 2009).

However, following their provisional acceptance, both biological opinions were subsequently challenged in Court, and following lengthy proceedings, the United States District Court for the Eastern District of California remanded the biological opinions, and Reclamation was ordered by the Court to comply with NEPA before accepting the RPAs. In March and December 2014, the Biological Opinions issued by the USFWS 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 completed NEPA on the CVP/SWP Coordinated Operations biological opinions and issued a ROD on January 11, 2016. Reclamation subsequently requested reinitiation of consultation and completed an EIS in 2019 and issued a ROD on February 18, 2020 (Reclamation 2020) upon receiving new biological opinions from USFWS and NMFS on October 21, 2019 (USFWS 2019, NMFS 2019). Reclamation is currently in active litigation and working to negotiate an “interim operations plan” that could result in deviations from the 2020 ROD and 2019 Final EIS, but the Proposed Action would be conducted in accordance with CVP operational requirements that are in place now and in the future. On September 30, 2021, Reclamation and DWR again requested reinitiation of consultation with the USFWS and NMFS due to anticipated modifications to the proposed action that may cause effects to ESA-listed species or designated critical habitat that was not analyzed in the 2019 biological opinions. On October 1, 2021, both agencies agreed to reconsultation. On March 11, 2022, the United States District Court of the Eastern District of California issued an order imposing Reclamation and DWR’s interim operations plan as interim injunctive relief through September 30, 2022.

In the meantime, Reclamation continues to comply with the existing biological opinions and current Court orders.

Proposed Action

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

Cumulative Impacts

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

3.3 Water Resources

3.3.1 Affected Environment

The Proposed Action area includes Valley Water’s service area, Joint Use Facilities for the CVP and SWP (Banks Pumping Plant, California Aqueduct, O’Neill Forebay, and San Luis Reservoir), and San Felipe Division facilities of the CVP. As these are the same as those analyzed in EA-19-053 which has been incorporated by reference, they are not repeated here.

Historical implementation of the Proposed Action over the last 10 years is provided in Table 3. As stated in Section 2.2, Valley Water generally utilizes this action to balance SWP and CVP water supply deliveries, and therefore, the values do not necessarily represent an increase in usage of facilities.

Table 3. Historical annual utilization of Valley Water’s 2015-2019 and 2020-2024 Warren Act agreements.

Year	Total Warren Act Utilization (AF)
2024	-
2023	-
2022	10,068
2021	9,957
2020	-
2019	852
2018	2,000
2017	3,497
2016	20,619
2015	3,859

3.3.2 Environmental Consequences

No Action

Under the No Action Alternative, Valley Water’s SWP water supplies would not be pumped or conveyed in the Pacheco Pumping Plant or the San Felipe Division of the CVP and there would be no change in federal operations. Valley Water would continue to receive its SWP water supplies via SWP facilities; however, there may be times when SWP water supplies may not be able to be delivered on schedule due to hydrologic conditions, periodic maintenance of the South Bay Aqueduct, or water quality degradation which impacts water supply availability. Under these circumstances, SWP water would be scheduled for later delivery, which could result in greater than anticipated use of local water resources, including pumping from already low groundwater levels, to compensate for schedule modifications.

Proposed Action

The Proposed Action would allow Valley Water’s SWP water supplies to be conveyed through federal facilities dependent on available capacity. The added flexibility in conveying SWP water through federal facilities, when needed, would provide greater water supply reliability for Valley Water’s customers through 2029. The increased water supply reliability would not be in excess of existing contract totals. The timely delivery of Valley Water’s available SWP water supplies may reduce pressure on local water resources.

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

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

Cumulative Impacts

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

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

Section 4. Consultation and Coordination

4.1 Agencies and Persons Consulted

Reclamation coordinated on the Proposed Action with the California Department of Water Resources and Santa Clara Valley Water District in the preparation of this EA.

4.2 Public Involvement

Reclamation intends to provide the public with an opportunity to comment on the Draft Environmental Assessment during a 30-day public review period.

Section 5. References

CNDDDB (California Natural Diversity Database). 2024. California Department of Fish and Wildlife. Updated September 2024.

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NMFS [National Marine Fisheries Service]. 2009. Final Biological Opinion And Conference Opinion On The Long-Term Operations Of The Central Valley Project And State Water Project. June 4, 2009.

USFWS [U.S. Fish and Wildlife 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.