



— BUREAU OF —  
RECLAMATION

# **Santa Clara Valley Water District 5- Year Warren Act Contract**

**Finding of No Significant Impact  
CGB-ED-2025-015**

## **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.

**BUREAU OF RECLAMATION**  
**South-Central California Area Office, Fresno, California**

**CGB-ED-2025-015**

**Santa Clara Valley Water District 5-Year Warren  
Act Contract**

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# Introduction

In accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Bureau of Reclamation (Reclamation) prepared this Finding of No Significant Impact (FONSI) which is supported by Reclamation's attached Environmental Assessment (EA) CGB-ED-2025-015, *Santa Clara Valley Water District 5-Year Warren Act Contract*, hereby incorporated by reference.

## 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 Habitat<sup>1</sup>. All other resources, including land use, cultural resources, and air quality, 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 were incorporated by reference into CGB-ED-2025-015.

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

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<sup>1</sup> 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 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.

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 previous agreement expired, January 1, 2025. This new agreement would carry similar terms and conditions as the previous contract. Other than the time frame, this action is the same as the previous action for storing and conveying non-project supplies.

## **Alternatives Considered**

CGB-ED-2025-015 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.

### **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.

### **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). 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.

### **Environmental Commitments**

Valley Water shall implement the environmental protection measures listed in Table 1 of the EA to avoid environmental consequences associated with the Proposed Action. Environmental consequences for resource areas assume the measures specified would be fully implemented.

## **Comments on the EA**

Reclamation provided the public with an opportunity to comment on Draft EA between December 16, 2024 and January 14, 2025. No comments were received.

## **Findings**

Reclamation found that the Proposed Action is the type of undertaking that does not have the potential to cause effects to historic properties, should such properties be present, pursuant to the Title 54 U.S.C. § 306108, commonly known as Section 106 of the National Historic Preservation

Act (NHPA) regulations codified at 36 CFR § 800.3(a)(1). Reclamation has no further obligations under NHPA Section 106, pursuant to 36 CFR § 800.3(a)(1). Should changes be made to this project, additional NHPA Section 106 compliance may be necessary, in accordance with 36 CFR § 800.13(b).

In compliance with the Endangered Species Act (ESA) for the Proposed Action, Reclamation has determined that there would be No Effect to any proposed or listed species or Critical Habitat under the ESA of 1973, as amended (16 U.S.C. §1531 et seq.), and there would be no take of birds protected under the Migratory Bird Treaty Act (16 U.S.C. §703 et seq.).

Based on the attached EA, Reclamation finds that the Proposed Action is not a major Federal action that will significantly affect the quality of the human environment, and preparation of an Environmental Impact Statement is not necessary. The EA describes the existing environmental resources in the Proposed Action area and evaluates the effects from implementing the No Action and Proposed Action alternatives. The EA was prepared in accordance with National Environmental Policy Act, Council on Environmental Quality regulations<sup>2</sup> (40 CFR 1500-1508), and Department of the Interior regulations (43 CFR Part 46) and is hereby incorporated by reference.

In accordance with NEPA, Reclamation considered potential short-term and long-term effects of the Proposed Action, both beneficial and adverse. Following are the reasons why the impacts of the Proposed Action are not significant, with respect to the affected environment and degree of effects of the action (40 CFR 1501.3(b)).

1. The Proposed Action will not significantly affect public health or safety (40 CFR 1501.3(b)(2)(iii)).
2. The Proposed Action will not violate federal, state, tribal, or local law protecting the environment (40 CFR 1501.3(b)(2)(iv)).
3. The Proposed Action will not affect any Indian Trust Assets (512 DM 2, Policy Memorandum – July 2, 1993).
4. The Proposed Action will not limit access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007 – May 24, 1996 and 512 DM 3 – June 5, 1998).

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<sup>2</sup> Executive Order 14154, *Unleashing American Energy* (Jan. 20, 2025), and a Presidential Memorandum, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity* (Jan. 21, 2025), require the Department to strictly adhere to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq. Further, such Order and Memorandum repeal Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Because Executive Orders 12898 and 14096 have been repealed, complying with such Orders is a legal impossibility. The Bureau of Reclamation verifies that it has complied with the requirements of NEPA, including the Department's regulations and procedures implementing NEPA at 43 C.F.R. Part 46 and Part 516 of the Departmental Manual, consistent with the President's January 2025 Order and Memorandum.