

APPENDIX C of 2004 TRC EA

**FINAL SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT FOR THE
2002 RENEWAL OF INTERIM WATER SERVICE CONTRACTS
THROUGH FEBRUARY 20, 2004,
CENTRAL VALLEY PROJECT, CALIFORNIA.**

(Appendices to the 2002 EA include copies of the
2001 and the 2000 TRC Environmental Assessments)

FINDING OF NO SIGNIFICANT IMPACT

FOR THE

2002 RENEWAL OF INTERIM WATER SERVICE CONTRACTS
THROUGH FEBRUARY 29, 2004

CENTRAL VALLEY PROJECT
CALIFORNIA

Recommended: Robert B. Eckhart 2/28/02
Environmental Specialist Date
Mid-Pacific Regional Office

Concur: Mark Michlmayr 2/28/02
Regional Environmental Officer Date
Mid-Pacific Regional Office

Approved: [Signature] 2/28/02
Regional Resources Manager Date
Mid-Pacific Regional Office

FONSI No 02-03-MP

Bureau of Reclamation
Mid-Pacific Region
2800 Cottage Way
Sacramento, California 95825-1898



**FINDING OF NO SIGNIFICANT IMPACT
FOR THE
2002 RENEWAL OF INTERIM WATER SERVICE CONTRACTS
THROUGH FEBRUARY 29, 2004
CENTRAL VALLEY PROJECT
CALIFORNIA**

The Mid-Pacific Regional Office of the U.S. Bureau of Reclamation (Reclamation) has found that an environmental impact statement is not required for the proposed execution of Interim Renewal Water Service Contracts for up to two-year period from March 1, 2002 through February 29, 2004. The 2002 Supplemental Environmental Assessment (EA) that is incorporated by reference supports this Finding of No Significant Impact (FONSI).

Section 3409 of the Central Valley Project Improvement Act (CVPIA) stipulates that Reclamation must prepare appropriate environmental review for renewal of long-term water service contracts. In accordance with Section 3404(e) of the CVPIA, water contracts may be renewed for an interim period not to exceed three years and for successive interim periods not to exceed two years.

The purpose of the proposed action is to execute interim contracts for a maximum of up to two years. Because the existing interim contracts will expire in February 2002, before long-term contracts can be executed, this action is needed to provide continued water delivery to existing Central Valley Project (CVP) interim contractors.

Reclamation initially prepared an EA in December 1994 to evaluate potential impacts of interim renewal of 67 water service contracts from December 1994 through February 1998. The 67 contracts considered in the 1994 EA were reduced to 54 through consolidation, termination, or assignment. A FONSI for that action was issued in December 1994.

Reclamation completed supplemental EAs in February 1998, February 2000, and February 2001 to evaluate potential impacts from interim renewal contracts for an additional two years from March 1998 through February 2000 and an additional one-year from March 2000 to February 2001. FONSI's for the 1998, 2000, and 2001 interim contracts renewals, were approved.

The proposed action is the execution of interim contracts between the United States and the interim contractors for up to two years. The terms and conditions of the Existing Interim Renewal Contract are incorporated by reference into this proposed contract with the exception of the revision to Article 2. A list of the proposed interim contracts addressed in this environmental documentation is included in this FONSI.

As stated previously, Reclamation has found that implementation of the proposed action will result in no significant impact to the quality of the human environment. This finding is supported by the following factors:

1. **Water resources** - Renewal of the interim contracts will not change contract water quantities from the quantities in existing contracts and will therefore not cause any increased use. Therefore, there will be no effect on surface water supplies or quality. For the same reason, renewal of interim contracts will not result in any growth-inducing impacts that will increase water demand during the up to two-year time frame of this renewal.

2. **Land use** - The renewal of contracts will not provide for additional water supplies that could act as an incentive for conversion of native habitat for increased acreage of agricultural production, municipal and industrial development, or other activities. The amount and types of crops will vary according to the annual water allocation and farming practices, and a small quantity of irrigation use may be changed to M&I purposes where the existing contract and governing laws and regulations allow. Given the two-year time frame of this renewal, there will be no net effect on land use.

3. **Biological resources** - The amount and timing of storage at CVP reservoirs and flows in rivers and streams that convey CVP water during the two-year contract renewal period are expected to be similar to the amount and timing of storage and flows under historic CVP operations and will be in conformance with all existing biological opinions and with regulatory requirements. Renewal of the interim contracts will not cause changes in existing programs to protect biological resources, and programs will continue to be implemented to ensure that no significant impacts to biological resources will occur.

4. **Threatened and endangered species** - Reclamation has completed consultation with the National Marine Fisheries Service and the Fish and Wildlife Service on the proposed action. The results of those consultations, along with implementation of all applicable requirements, ensure that there will be no significant effect to threatened or endangered species.

5. **Cultural resources** - The proposed action will not cause activities that could affect cultural resources, such as permanent changes in reservoir elevations, development of native habitat for agricultural or M&I use, or the construction of any new facilities. No impacts to cultural resources are expected.

6. **Recreation resources** - The proposed action will not cause changes in historic CVP operations that determine reservoir storage or the amount or timing of water deliveries. Therefore, no impacts to recreational resources are anticipated.

7. **Demographics and environmental justice** - The proposed action will not cause changes in historical water supplies or CVP operations and, as a result, no changes in population and the various indicators of social well being will result from the contract renewal. The

proposed action will support continued agricultural production and therefore will not cause changes to employment of minority and low-income populations. No disproportionate impacts to minority or low-income populations are expected to occur as a result of renewing these contracts.

8. Indian Trust Assets - Continued delivery of project water to the existing contracts will not affect any Indian Trust Assets because existing rights will not be affected, no physical changes to existing facilities are proposed, and no new facilities are proposed.

9. Economic resources - The renewal of interim CVP contracts will not cause changes from existing contracts in deliveries or pricing of CVP water, CVP facilities operations, CVP power generation and use, or recreation use, and will therefore not cause economic impacts.

Information about the supplemental EA prepared for the proposed action or this FONSI may be obtained from Frank Michny, Bureau of Reclamation, (916) 978-5025.

2002 Interim Renewal Contracts - Central Valley Project

Division/Contractor	Contract Number	Contract Quantity (acre-feet)
<u>American River Division</u>		
San Juan Water District	14-06-200-152A-IR6	11,200
E. Berado Irrigation District	14-06-200-949-IR6	23,000
E. Berado Irrigation District	14-06-200-7412-IR6	50
<u>Cross Valley Canal</u>		
Fresno, County of	14-06-200-8252A-IR6	5,000
Hills Valley Irrigation District	14-06-200-8466A-IR6	2,245
Kern-Tulare Irrigation District	14-06-200-8674A-IR6	40,000
Lower Tule River Irrigation District	14-06-200-8237A-IR6	51,100
Pitney Irrigation District	14-06-200-8738A-IR6	21,192
Rag Gulch Water District	14-06-200-8367A-IR6	13,000
Tin-Valley Water District	14-06-200-8562A-IR6	1,142
Tulare, County of	14-06-200-8293A-IR6	5,308
<u>Delta Division</u>		
Hansa-Carsona Irrigation District	14-06-200-4305A-IR6	25,000
Broadview Water District	14-06-200-8092-IR6	27,000
Centinella Water District	7-07-20-W0025-IR6	2,500
Del Puerto Water District	14-06-200-822-IR6	140,210
Eagle Field Water District	14-06-200-7154-IR6	4,550
Jaguna Water District	7-07-20-W0266-IR6	600
Mercy Springs Water District	14-06-200-7765A-IR6-A	7,040
Oro Loma Water District	14-06-200-7574-IR6	4,600
Pajaro Valley WMA, Westlands W.D., Santa Clara WWD	7-06-200-1255A-IR6-B	6,260
Panasonic Water District	14-06-200-3598A-IR6	16,500
Plain View Water District	14-06-200-781-IR6	20,600
West Side Irrigation District, The	7-07-20-W0024-IR6	7,500
West Stanislaus Irrigation District	14-06-200-1072-IR6	50,000
Wilden Water District	14-06-200-5018-IR6	2,500
<u>Sacramento River Division</u>		
Colusa, County of	14-06-200-8310A-IR6	60,000
Colusa County Water District	14-06-200-304A-IR6	62,200
Coring Water District	14-06-200-6575-IR6	21,000
Davis Water District	14-06-200-6001A-IR6	4,000
Dunsmuir Water District	14-06-200-399A-IR6	19,000
Feather Water District	14-06-200-171A-IR7	20,000
Glide Water District	7-07-20-W0040-IR6	10,500
Karawba Water District	14-06-200-466A-IR6	15,000
Kirkwood Water District	7-07-20-W0036-IR6	2,500
La Granda Water District	7-07-20-W0022-IR6	5,000
Orland-Artos Water District	14-06-200-8382A-IR6	53,000
Prubert Water District	14-06-200-7311-IR6	3,500
Thomas Creek Water District	14-06-200-5727A-IR6	6,400
Westside Water District	14-06-200-8222-IR6	25,000
<u>Shasta Division</u>		
Shasta Lake, City of	4-07-20-W1134-IR6	2,750
<u>Trinity Division</u>		
Bella Vista Water District	14-06-200-551A-IR7	24,000
Clear Creek CSD	14-06-200-489A-IR7	15,000

**Supplemental Environmental Assessment for the
2002 Renewal of Interim Water Service Contracts
through February 29, 2004**

Central Valley Project, California

February 2002

Bureau of Reclamation
Mid-Pacific Region
2800 Cottage Way
Sacramento, California 95825-1898



CHAPTER 1

PURPOSE AND NEED

1.1 INTRODUCTION

In accordance with Section 3404(c) of the Central Valley Project Improvement Act (CVPIA), the Bureau of Reclamation (Reclamation) proposes to execute interim water service contracts for up to a two year period from March 1, 2002 through February 29, 2004. Initial interim contracts will be for a one year period from March 1, 2002 through February 28, 2003. If negotiations and the required environmental review necessary to execute long-term renewals to replace interim contracts is not completed by March 1, 2003, some or all of these interim water service contracts will be renewed for a second year through February 29, 2004. Reclamation has prepared this supplemental Environmental Assessment (EA) to determine if any actions occurring from an extended interim period of up to two years from March 1, 2002 until February 29, 2004 will result in any potential impacts not analyzed in the 1994 EA, the 1998 Supplemental EA, the 2000 Supplemental EA, and the 2001 Supplemental EA. These four previous documents are incorporated by reference into this analysis. Interim renewal of these contracts is necessary to continue delivery of Central Valley Project (CVP) water until the long-term contracts are executed. Contracts proposed for interim renewal are listed in Table 1.

The environmental analysis was developed consistent with regulations and guidance from the Council on Environmental Quality, and in conformance with the analysis provided in *NRDC v. Patterson*, Civ. No. S-88-1658

Table 1 - 2002 Interim Renewal Contracts - Central Valley Project

<u>Division/Contractor</u>	<u>Contract Number</u>	<u>Contract Quantity (acre-feet)</u>
American River Division		
Sacramento Water District	14-06-200-312A-IR6	11,226
El Dorado Irrigation District	14-06-200-324-IR6	22,000
El Dorado Irrigation District	14-06-200-317-IR6	50
Cross Valley Canal		
Fresno, County of	14-06-200-870A-IR6	1,000
Sierra Valley Irrigation District	14-06-200-846A-IR6	1,146
Kern-Tulare Irrigation District	14-06-200-850A-IR6	40,000
Lower Tuolumne River Irrigation District	14-06-200-823A-IR6	31,132
Trinity Irrigation District	14-06-200-825A-IR6	31,132
Hag Gulch Water District	14-06-200-836A-IR6	14,190
Trinity Valley Water District	14-06-200-856A-IR6	1,142
Tulare, County of	14-06-200-822A-IR6	5,305
Delta Division		
Delta-Carbena Irrigation District	14-06-200-4705A-IR6	25,000
Broadview Water District	14-06-200-809C-IR6	27,000
Centinella Water District	7-07-20-W0052-IR6	2,500
Del Puerto Water District	14-06-200-977-IR6	140,213
Eagle Field Water District	14-06-200-771A-IR6	4,320
Laguna Water District	2-07-20-W0266-IR6	800
Mercy Springs Water District	14-06-200-3365A-IR6 A	7,640
Oro Loma Water District	14-06-200-7823-IR6	4,600
Pajaro Valley WMA, Westlands WD, Santa Clara WWD	14-06-200-3365A-IR6 B	6,260
Patterson Water District	14-06-200-3595A-IR6	16,500
Plain View Water District	14-06-200-785-IR6	20,000
West Side Irrigation District, Df	7-07-20-W0045-IR6	7,500
West Stanislaus Irrigation District	14-06-200-1072-IR6	50,000
Wideman Water District	14-06-200-8018-IR6	2,900
Sacramento River Division		
Colusa, County of	14-06-200-8310A-IR6	60,000
Colusa County Water District	14-06-200-106A-IR6	64,720
Corning Water District	14-06-200-6575-IR6	14,000
Davis Water District	14-06-200-6301A-IR6	4,000
Dunsmuir Water District	14-06-200-199A-IR6	19,000
Feather Water District	14-06-200-171A-IR7	20,000
Glade Water District	7-07-20-W0040-IR6	12,500
Kanawha Water District	14-06-200-466A-IR6	45,000
Kirkwood Water District	7-07-20-W0036-IR6	2,100
La Granda Water District	7-07-20-W0037-IR6	5,000
Orland Artois Water District	14-06-200-8382A-IR6	57,000
Proberta Water District	14-06-200-7211-IR6	3,500
Thomes Creek Water District	14-06-200-5121A-IR6	6,400
Westside Water District	14-06-200-8222-IR6	25,000
Shasta Division		
Shasta Lake, City of	4-07-20-W1114-IR6	1,150
Trinity Division		
Deja Vista Water District	14-06-200-851A-IR7	24,000
Clear Creek CSD	14-06-200-489A-IR7	15,300

(Patterson). In Patterson the Court found that "...[on]going projects and activities require NEPA [National Environmental Policy Act] procedures only when they undergo changes amounting in themselves to further 'major action'." In addition the court went further to state that the NEPA statutory requirement applies only to those changes. The analysis in this draft

supplemental and incorporated EA finds in large part that the interim renewal of the contracts is in essence a continuation of the "status quo," that is, they continue the existing use and allocation of resources (i.e., the same amount of water is being provided to the same lands for existing/ongoing purposes).

The 2001 Supplemental EA is included in Appendix B and the 1995 EA and the 1998 Supplemental EA are incorporated by reference and available by request. This 2002 Supplemental EA provides the sections that have updated information, additional discussions, or table changes from the 2001 and 2000 Final Supplemental EAs.

1.3 BACKGROUND OF INTERIM CONTRACTS

Section 3409 of the CVPIA stipulates that Reclamation must prepare a programmatic environmental impact statement (PEIS) before renewing long-term CVP water service contracts. The PEIS was completed in October of 1999 and a Record of Decision approved on January 9, 2001. Reclamation is preparing tiered site-specific environmental documentation for long-term contract renewals (J.TCR). J.TCR NEPA documentation was completed in early 2001 for the Friant Division, and the Cross Valley Canal (CVC), Hidden, and Buchanan Units. Twenty-five of the 28 Friant Division long-term contracts were executed in January of 2001. The Hidden Unit long-term contract and the Buchanan Unit long-term contract were approved in March of 2001. The CVC Unit's Federal long-term environmental compliance and contract negotiations are essentially complete. Final execution of CVC Unit long-term contracts is pending. CVC Unit Contractors will need interim contracts if long-term contracts are not executed before March 1, 2002 and are therefore included in this proposed action.

Reclamation is completing the contract negotiations and site-specific environmental documentation for long-term contracts with interim contractors in the American River, Delta, Sacramento River, San Felipe, Siasta, and Trinity Divisions.

1.4 PURPOSE AND NEED FOR ACTION

The purpose of the proposed action is to execute interim contracts for up to two years between March 1, 2002 through February 29, 2004. Execution of interim contracts is needed to continue delivery of CVP water to interim contractors until the long-term contracts can be executed.

1.5 ISSUES RELATED TO CVP WATER USE UNDER THE PROPOSED INTERIM CONTRACTS

1.5.2 Interim Water Contract Service Areas

No changes to district boundaries are part of the proposed action. Appropriate environmental compliance and documentation will be completed for any request from interim contractors for Reclamation approval of boundary changes.

1.5.3 Water Transfers

No water transfers are part of the proposed action. Appropriate environmental compliance and documentation will be completed for any request from interim contractors for Reclamation approval of water transfers.

1.5.4 Water Assignments

Potential impacts arising from future assignments of water are not included in the proposed action. They are separate independent actions and would require their own environmental compliance.

1.6 PUBLIC INVOLVEMENT

The public was invited to review and comment on the draft 2002 Supplemental EA for a 30-day review period. The deadline for comments on the draft Supplemental EA ended on January 7, 2002. During the public review period, five written comment letters were received. Appendix D provides a copy of each letter with Reclamation's responses.

CHAPTER 2

ALTERNATIVES

2.1 PROPOSED ACTION ALTERNATIVE

The proposed action alternative evaluated in this document is the execution of interim renewal water service contracts between the United States and the contractors in Table 1. The terms and conditions of the Existing Interim Renewal Contract (sample 2001 draft contract provided in Appendix B, 2001 EA) are incorporated by reference into this proposed contract except for the revision of Article 2. Article 2 is revised as follows:

(a) The first sentence in Subdivision (a) of Article 2 of the Existing Interim Renewal Contract is deleted, and the following is inserted in lieu thereof: "This interim renewal contract shall be effective from March 1, 2002, and shall remain in effect through February 28, 2003, and thereafter will be renewed as described in this Article if a long-term renewal contract has not been executed with an effective commencement date of March 1, 2003."

(b) Subdivision (b)(1) of Article 2 of the Existing Interim Renewal Contract is amended by deleting the date "November 30, 2001," and replacing same with the date "February 15, 2003."

(c) Subdivision (b)(2) of Article 2 of the Existing Interim Renewal Contract is amended by deleting the dates "February 1, 2002," "February 15, 2002," and "February 28, 2002," and replacing same with the dates "February 1, 2003," "February 15, 2003," and "February 28, 2003," respectively.

These revisions would take effect on the date of the execution of the 2002 interim contract. Except for date changes, the interim contracts will remain the same as those executed in 2001. A sample 2002 draft interim contracts is provided in Appendix A.

The proposed action alternative is comparable to alternative 1, continuation of existing interim contracts, analyzed in the 2000 Supplemental EA. The period of renewal for each contract would be for one year, as permitted under subsection 3404(c)(1) of CVPIA. The current contract provisions are those that are included in the existing interim renewal contracts and specified in the 2001 Supplemental EA. They contain only minor variations from the provisions described in the 1994 EA, the 1998 Supplemental EA, and the 2000 Supplemental EA. If long-term contracts are not executed by March 1, 2003, a one year extension of these interim contracts (March 1, 2003 through February 29, 2004) may be executed. Prior to a second year extension action, that action will be evaluated to determine if additional NEPA analysis is necessary. Depending on that evaluation, either additional NEPA documentation will be prepared, or a finding made that no significant changes in actions or circumstances has occurred, or substantial new information has been obtained since this 2002 Supplemental EA.

2.2 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM FURTHER ANALYSIS

2.2.1 Nonrenewal of Interim Contracts

Nonrenewal of existing contracts is considered infeasible based on Section 3404(c) of the CVPIA. This alternative was considered but eliminated from analysis in this EA because Reclamation has no discretion not to renew the contracts.

2.2.2 REDUCTION IN INTERIM CONTRACT AMOUNTS

Reduction in contract amounts due to current delivery constraints on the CVP system identified in the PEIS was considered in certain cases, but rejected from analysis for several reasons. First, water needs analyses have been completed for all contracts, and in almost all cases, the needs exceed or equal the current total contract amount. Second, the shortage provision of the contract protects the Contracting Officer from liability from the shortages in water allocations that exist due to drought, other physical constraints, and actions taken to meet legal or regulatory requirements. Such actions include, for example, actions to implement the CVPIA, which has dedicated significant amounts of CVP water to environmental uses and which provides funding from the contractors to improve habitat and to acquire water for environmental purposes. Third, retaining the full historic water quantities under contract provides the contractors with assurance the water will be made available in wetter years and helps to support investments for local storage, water conservation improvements and capital repairs.

CHAPTER 3

AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

3.3 BIOLOGICAL RESOURCES

3.3.1 ALTERNATIVE

The fifth paragraph from the 2004 Supplement EA is revised as follows:

CVP-wide impacts to biological resources have been evaluated in the PEIS, and a FWS Biological Opinion to address potential CVP-wide impacts was completed on November 21, 2000. CVC Unit Contractors' potential impacts to biological resources have been evaluated in the CVC Unit Contractors Long-Term Contract Renewal Environmental Assessment (January 2001), the CVC Unit Contractors Long-Term Contract Renewal Regional Biological Assessment (January 17, 2001), the Biological Opinion on U.S. Bureau of Reclamation Long Term Contract Renewal of Friant Division and CVC Unit Contracts (FWS-January 19, 2001), and the Biological Opinion for the Long-Term Renewal of CVP Water Service Contracts for the Friant Division and CVC Unit Contractors (NMFS-January 20, 2001). The programmatic biological opinion and Essential Fish Habitat Conservation Recommendations prepared by NMFS for the CVPIA was completed on November 14, 2000.

The following paragraph is included at the end of this section:

The FWS Biological Opinion for 2002 interim contracts is included in this Final 2002 Supplemental EA and presents the commitments that Reclamation will undertake during the proposed interim renewal period to address any identified potential impacts.

CHAPTER 4

CONSULTATION AND COORDINATION

The public was invited to review and comment on the draft 2002 Supplemental EA for a 30-day review period. The deadline for comments on the draft Supplemental EA ended on January 7, 2002. During the public review period, five written comment letters were received. Appendix D provides a copy of each letter with Reclamation's responses.

Reclamation consulted and coordinated with the US Fish and Wildlife Service, the National Marine Fisheries Service, and the interim water service contractors, in the preparation of the environmental documents for the proposed action.

4.1 ENDANGERED SPECIES ACT

Reclamation has completed section 7 consultations with National Marine Fisheries Service (NMFS) and Fish and Wildlife Service (FWS) pursuant to the Endangered Species Act (ESA). These consultations cover the interim contract renewals (IRC) from March 1, 2002 through February 29, 2004.

Reclamation has completed formal consultation with the FWS for the two year period of interim contract renewals or until long-term CVP water service contracts are executed with the interim contractors. In 2000, Reclamation completed formal consultation on IRC's, and the FWS issued a biological opinion dated February 29, 2000. On February 28, 2001, the FWS issued a memorandum extending the 2000 biological opinion through February of 2002. In February 2002, the FWS issued a biological opinion amending the

February 2000 biological opinion which extended the 2000 biological opinion through February of 2004.

Reclamation consulted formally on the CVC Unit long-term water service contracts and received a biological opinion on January 19, 2001. For the CVC Unit Contractors in the interim contract period, Reclamation and the CVC Unit Contractors have committed to comply with the requirements of the long-term contract biological opinion.

Reclamation completed consultation on interim contracts with NMFS for a period of up to two years. NMFS, by letter dated February 22, 2002, concurred with Reclamation's determination that the renewal of 2-year interim water service contracts will not likely adversely effect Sacramento River winter-run chinook salmon, Central Valley spring-run chinook salmon, Southern Oregon/Northern California Coast coho salmon, Central Valley steelhead, or their designated critical habitat. Formal consultation on the CVC Unit's long-term water service contracts was completed in January 2001. Reclamation and the CVC Unit Contractors have committed to comply with the NMFS long-term contract BO as part of the approval of these interim contracts. Thus, Reclamation believes that this consultation process to be mainly administrative in nature.

APPENDIX A of 2002 T.R.C. EA

2002 INTERIM CONTRACT SAMPLE

DRAFT 12-MONTH IRC

Irrigation and M&I
R.O. 10/31-2001
Rev. R.O. 11/01-2001
Rev. R.O. 11-05-2001
Rev. R.O. 11/13-2001

Contract No. _____

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Central Valley Project, California

INTERIM RENEWAL CONTRACT BETWEEN THE UNITED STATES
AND
PROVIDING FOR PROJECT WATER SERVICE

THIS CONTRACT, made this _____ day of _____, 20____, in
pursuance generally of the Act of June 17, 1902 (32 Stat. 388), and acts amendatory or
supplementary thereto, including, but not limited to, the acts of August 26, 1937 (50 Stat. 844), as
amended and supplemented, August 4, 1939 (53 Stat. 1187), as amended and supplemented, July 2,
1956 (70 Stat. 483), June 21, 1963 (77 Stat. 68), October 12, 1982 (96 Stat. 1263), as amended and
Title XXXIV of the Act of October 30, 1992 (106 Stat. 4706), all collectively hereinafter referred to
as Federal Reclamation law, between THE UNITED STATES OF AMERICA, hereinafter referred
to as the United States, and _____ (district/entity), hereinafter referred to as the
Contractor, a public agency of the State of California, duly organized, existing, and acting pursuant
to the laws thereof, with its principal place of business in _____ (city), California;

WITNESSETH, That:

27 EXPLANATORY RECITALS

28 WHEREAS, the United States and the Contractor entered into interim renewal
29 contract identified as Contract No. _____, hereinafter referred to as the
30 Existing Interim Renewal Contract, which provided for the continued water service to the
31 Contractor from March 1, 2001, through February 28, 2002; and

32 WHEREAS, the United States and the Contractor believe that further negotiations on
33 the long-term renewal contract would be beneficial and mutually commit to continue to negotiate to
34 seek to reach agreement, or the required environmental review necessary to execute a long-term
35 renewal contract has not been completed, and the Contractor has requested a subsequent interim
36 renewal contract pursuant to Article 2 (b) (1) of the Existing Interim Renewal Contract; and

37 WHEREAS, the United States has determined that the Contractor has to date
38 fulfilled all of its obligations under the Existing Interim Renewal Contract; and

39 WHEREAS, the United States is willing to renew the Existing Interim Renewal
40 Contract pursuant to the terms and conditions set forth below:

41 NOW, THEREFORE, in consideration of the mutual and dependent covenants herein
42 contained, it is hereby mutually agreed by the parties hereto as follows:

43 INCORPORATION AND REVISION OF EXISTING INTERIM RENEWAL CONTRACT

44 1. The terms and conditions of the Existing Interim Renewal Contract are hereby
45 incorporated by reference into this Contract with the same force and effect as if they were included
46 in full text with the exception of Article 2 thereof, which is revised as follows:

47 (a) The first sentence in Subdivision (a) of Article 2 of the Existing Interim
48 Renewal Contract is deleted, and the following is inserted in lieu thereof: "This interim renewal

49 contract shall be effective from March 1, 2002, and shall remain in effect through February 28,
50 2003, and thereafter will be renewed as described in this Article if a long-term renewal contract has
51 not been executed with an effective commencement date of March 1, 2003."

52 (b) Subdivision (b)(1) of Article 2 of the Existing Interim Renewal Contract is
53 amended by deleting the date "November 30, 2001," and replacing same with the date "February 15,
54 2003."

55 (c) Subdivision (b)(2) of Article 2 of the Existing Interim Renewal Contract is
56 amended by deleting the dates "February 1, 2002," "February 15, 2002," and "February 28, 2002,"
57 and replacing same with the dates "February 1, 2003," "February 15, 2003," and "February 28,
58 2003," respectively.

59 IN WITNESS WHEREOF, the parties hereto have executed this interim renewal
60 contract as of the day and year first above written.

61 THE UNITED STATES OF AMERICA

62 By: _____
63 Regional Director, Mid-Pacific Region
64 Bureau of Reclamation
65

66 (SEAL)

(District/Entity)

67 By: _____
68 President

69 Attest:

70 _____
71 Secretary

72 /H:\public\12moirc2002.rev1.wpd

APPENDIX B of 2002 IRC EA.

FINAL 2001 SUPPLEMENTAL EA for 2001 IRCs

**Supplemental Environmental Assessment for the
2001 Renewal of Interim Water Service Contracts
Through February 28, 2002**

Central Valley Project, California

February 2001

Bureau of Reclamation
Mid-Pacific Region
2800 Cottage Way
Sacramento, California 95825-1098



CHAPTER 1

PURPOSE AND NEED

1.1 INTRODUCTION

In accordance with Section 3404(c) of the Central Valley Project Improvement Act (CVPIA), the Bureau of Reclamation (Reclamation) proposes to execute interim water service contracts for a maximum period of one year, from March 1, 2001 through February 28, 2002. Reclamation has prepared this supplemental EA to determine if any actions occurring from an extended interim period result in any unanticipated impacts relative to the analysis in the 1994 EA, the 1998 Supplemental EA, and the 2000 Supplemental EA. Interim renewal of these contracts is necessary to continue delivery of Central Valley Project (CVP) water until the long-term contracts can be executed. Contracts proposed for interim renewal are listed in Table 1.1.

The environmental analysis was developed consistent with regulations and guidance from the Council on Environmental Quality, and in conformance with the analysis provided in *NRDC v. Patterson*, Civ. No. S-88-1658 (Patterson). In *Patterson*, the Court found that "[...]going projects and activities require NEPA procedures only when they undergo changes amounting in themselves to further 'major action'." In addition, the court went further to state that the NEPA statutory requirement applies only to those changes. The analysis in this supplemental and incorporated EAs finds in large part that the interim renewal of the contracts is in essence a continuation of the "status quo" (that is, they perpetuate the existing use and allocation of resources (i.e., the same amount of water is being provided to the same lands for existing/outgoing purposes).

The 2000 Supplemental EA is included in Appendix A and the 1994 EA and the 1998 Supplemental EA are incorporated by reference and available by

request. This 2001 Supplemental EA provides only the sections that have updated information, additional discussions, or changes to tables from the 2000 Final Supplemental EA.

1.3 BACKGROUND OF INTERIM CONTRACTS

**Table 1.1
2001 Interim Renewal Contracts
Central Valley Project
February 1, 2001**

Division/Unit/Contractor	Existing Contract Number	Contract Quantity (acre-feet)	Authorized Water Use	
			Agricultural	Municipal & Industrial
American River Division				
San Juan Water District	14-06-200-152A-IR4	1,200		X
El Dorado Irrigation District	14-06-200-949-IR4	23,000	X	X
Central Valley Canal				
Fresno, County of	14-06-200-8092A-IR4	3,600	X	X
Hills Valley Irrigation District	14-06-200-8466A-IR4	3,346	X	X
Kern-Palme Irrigation District	14-06-200-8601A-IR4	40,000	X	X
Lower Tuolumne River Irrigation District	14-06-200-8217A-IR4	31,102	X	X
Paxley Irrigation District	14-06-200-8218A-IR4	31,102	X	X
Rag Ranch Water District	14-06-200-8267A-IR4	12,500	X	X
Tri-Valley Water District	14-06-200-8565A-IR4	1,142	X	X
Tulare, County of	14-06-200-8295A-IR4	2,308	X	X
Delta Division/Delta-Mendocino Canal				
Banta-Marysby Irrigation District	14-06-200-4305A-IR4	75,000	X	X
Broadview Water District	14-06-200-8090-IR4	77,000	X	X
Certineilla Water District	2-07-20-W0055-IR4	2,500	X	X
Del Puerto Water District	14-06-200-922-IR6	140,210	X	X
Eagle Field Water District	14-06-200-7754-IR4	4,550	X	X
Laguna Water District	2-07-20-W0266-IR4	800	X	X
Mercy Springs Water District	14-06-200-3765A-IR4A	7,240	X	X
Oro Loma Water District	14-06-200-7823-IR4	4,600	X	X
Patternson Water District	14-06-200-3598A-IR4	15,500	X	X
Plain View Water District	14-06-200-781-IR6	20,600	X	X
West Side Irrigation District, The	2-07-20-W0045-IR4	7,500	X	X
West Stanislaus Irrigation District	14-06-200-1072-IR6	51,000	X	X
Wilren Water District	14-06-200-8018-IR4	2,000	X	X
Foothill Division				
Lewis Creek Water District	14-06-200-1911A-IR2	1,450	X	
Madeta, County of	14-06-200-2405A-IR4	200		X

**Table 1.1 (Continued)
2001 Interim Renewal Contracts
Central Valley Project
February 1, 2001**

Division/Unit/Contractor	Existing Contract Number	Contract Quantity (acre-feet)	Authorized Water Use	
			Agricultural	Municipal & Industrial
Sacramento River Division-Cunning Canal				
Colony Water District	14-06-200-6575-A-IR4	20,000	X	X
Proctoria Water District	14-06-200-7371-IR4	1,000	X	X
Tanner Creek Water District	14-06-200-5771-A-IR4	6,400	X	X
Sacramento River Division				
Feather Water District	14-06-200-171A-IR5	70,000	X	
Sacramento River Division Tehama-Colusa Canal				
Colusa County Water District	14-06-200-301A-IR4	60,000	X	X
Colusa County of	14-06-200-8310A-IR4	See Subcontractors below		
Four-M Water District		5,700	X	X
Glenn Valley Water District		1,700	X	X
Holmanee Water District		2,400	X	X
Myers Marks Mutual Water Company		200	X	X
LaGrange Water District		7,200	X	X
Corona Water District		1,700	X	X
Westside Water District		40,000	X	X
Colusa County Water District		1,000	X	X
Davis Water District	14-06-200-4001A-IR4	4,000	X	X
Dunsmuir Water District	14-06-200-399A-IR4	10,000	X	X
Slide Water District	7-07-20-W0040-IR4	2,500	X	X
Kangsha Water District	14-06-200-466 A-IR4	45,000	X	X
Kinewood Water District	7-07-21-W0056-IR4	2,100	X	X
La Granda Water District	7-07-20-W0022-IR4	5,000	X	X
Oz and Arnot Water District	14-06-200-6382A-IR4	53,000	X	X
Westside Water District	14-06-200-6722-IR4	15,000	X	X
Shasta Division				
Shasta Lake, City of	4-07-26-W1114-IR6	1,750		X
Trinity Division				
Bella Vista Water District	14-06-200-851-A-IR3	24,000	X	X
Cedar Creek CSD	14-06-200-489-A-IR4	15,700	X	X

1.4 PURPOSE AND NEED FOR ACTION

The purpose of the proposed action is to execute interim contracts for a maximum of one year, from March 1, 2001 through February 28, 2002. Execution of interim contracts is needed to continue delivery of Central Valley Project (CVP) water to interim contractors until the long-term contracts can be executed.

1.5 ISSUES RELATED TO CVP WATER USE UNDER THE PROPOSED INTERIM CONTRACTS

1.5.2 Interim Water Contract Service Areas

No changes to district boundaries are part of the proposed action. Appropriate environmental compliance and documentation will be completed for any request from interim contractors for Reclamation approval of boundary changes.

1.5.3 Water Transfers

Widren Water District Assignment: Assignment of water from the Widren Water District to the City of Tracy has been considered in the past and a proposal was developed. In April 2000, however, the Widren Water District withdrew its request for the assignment, and all work regarding this assignment ceased. Should Widren Water District seek another assignment of its contract, another proposal for assignment would be presented to Reclamation and Reclamation would conduct a separate environmental review.

1.6 PUBLIC INVOLVEMENT

The public was invited to review and comment on the draft 2001 Supplemental EA for an 18-day review period. During the public review process, 3 written comment letters were received. Appendix D provides a copy of each letter with Reclamation's response.

CHAPTER 2

ALTERNATIVE

2.1 PROPOSED ACTION ALTERNATIVE

The proposed action evaluated in this document is execution of interim water service contracts identified in Table 1.1. Except for minor changes, terms and conditions of interim contracts will remain the same as those executed for 2000 to 2001. The execution of the interim contracts entails only minor administrative changes to the existing interim contract provisions as shown in Table 2.1. This alternative is comparable to alternative 1, continuation of existing interim contracts, in the 2000 Supplemental EA. The period of renewal for each contract would be for a maximum of one year, as permitted under subsection 34(4)(c)(1) of CVPIA.

Table 2.1
Proposed Contract Provisions Changes for the Proposed Action

	Contract Provision Description	Alternative
A.	Contract term	Contract renewal period would be extended through February 2002
B.	Contract supply	No change
C.	Payment	No change
D.	Water transfer	No change
F.	Water quality	No change
F.	Water measurement	No change
G.	Water conservation	No change
H.	Water shortage	No change
I.	Discretionary provisions of the Reclamation Reform Act	No change
J.	Endangered Species Act compliance	No change
K.	Standard articles	No change

The current contract provisions are those that are included in the existing interim renewal contracts and specified in the 1994 EA, the 1998 Supplemental EA, and the 2000 Supplemental EA. Revised contract provisions for the 2001 interim contracts include the following:

1. TERM OF CONTRACT - RIGHT TO USE WATER, Article 2 (a)

The interim renewal period under the Alternative would be for the period from March 1, 2001 through February 28, 2002.

2. TERM OF CONTRACT - RIGHT TO USE WATER, Article 2 (g)

Deletion of the statement on the completion of the programmatic environmental impact statement (PEIS) required by section 3409 of the CVPIA.

3. TERM OF CONTRACT - RIGHT TO USE WATER, Article 2 (b) (1)

Editorial changes and updates to reflect new dates and contract period related to long-term contract negotiations and execution.

4. TERM OF CONTRACT - RIGHT TO USE WATER, Article 2 (b) (2)

Editorial changes and updates to reflect new dates and contract period if no reasonable likelihood of reaching agreement on the terms of a long-term contract renewal prior to November 1, 2001.

2.1.2 Alternative 2, Interim Renewal of Contracts under Revised Terms

Alternative 2 from the 2000 supplemental EA was not evaluated in the 2001 supplemental EA.

2.2 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM FURTHER ANALYSIS

2.2.1 Nonrenewal of Interim Contracts

Nonrenewal of existing contracts is considered infeasible based on Section 14046 of the CVPIA. This alternative was considered but eliminated from analysis in this EA because Reclamation has no discretion not to renew the contracts.

2.2.2 Reduction in Interim Contract Amounts

Reduction in contract amounts was considered in certain cases, but rejected from analysis. The reason for this is twofold. First, water needs analyses have been completed for all contracts, and in almost all cases, the needs exceed or equal the current total contract amount. Second, in order to implement good water management, the contractors need to be able to store or immediately use water available in water years when more water is available. By quantifying contract amounts in terms of the needs analyses and the CVP delivery capability, the contractors can make their own economic decisions. Allowing the contractors to retain the full water quantity gives them assurance that the water will be available to them for storage investments. In addition the CVPIA, in and of itself, achieves a balance, in part through its dedicating of significant amounts of CVP water and actions to acquire water for environmental purposes.

CHAPTER 3

AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

The second paragraph in Chapter 3 is changed to read as follows:

Potential impacts arising from future assignments of water are not included in the proposed action alternative and must comply with the National Environmental Policy Act, and therefore, are not addressed in the document.

3.3 BIOLOGICAL RESOURCES

3.3.1 ALTERNATIVE

The second paragraph from the 2000 Supplement EA is revised as follows:

Current measures to address biological concerns would continue under interim renewal. Several programs provided for in the CVPFA would continue, including land retirement, refuge water supplies, the anadromous fish restoration program, annual dedication of CVP yield under Section 3406(b)(1), and the Section 3406(b)(1) "other" program, which would protect, restore, and enhance the biological resources within the CVP service area. Reclamation and USFWS also would continue to implement the long-term CVP-wildlife Conservation Program (CVPWCP) which, in concert with other programs, would address the needs of special status species in the affected area, including habitat. The CVPWCP establishes implementing plans and priority needs before identifying ecological

needs, options, and actions for implementation. However, the CVPCP does not provide site specific ESA coverage, is not mitigation for any site specific impacts, and does not address or authorize take of listed species.

The fifth paragraph from the 2000 Supplemental EA is revised as follows:

CVP-wide impacts to biological resources have been evaluated in the PEIS, and a FWS Biological Opinion to address potential CVP-wide impacts was completed on November 21, 2000. The programmatic biological opinion and Essential Fish Habitat Conservation Recommendations prepared by NMFS for the CVPIA was completed on November 14, 2000.

The following paragraph is included at the end of this section:

Appendix C of the 2001 final Supplemental EA contains the 3rd Quarterly Report for the 2000 interim contracts Biological Opinion on the various environmental commitments made and Reclamation's progress in implementing them. The current FWS Biological Opinion for 2001 interim contracts will be included in the Final 2001 Supplemental EA and presents the commitments that Reclamation will undertake during the proposed interim renewal period to address potential impacts.

CHAPTER 4

CONSULTATION AND COORDINATION

4.1 ENDANGERED SPECIES ACT

Reclamation has completed consultation with NMFS and FWS pursuant to the ESA.

The Biological Opinion was extended to cover the interim renewals from February 1999 through February 2002. The 3rd quarter report for Year 2000 is included in Appendix C of this supplemental EA. Since the renewal of the interim 2000 contracts, additional species in the action area have been listed. These species include the riparian brush rabbit and riparian wood rat. Reclamation will continue to comply with commitments in the biological opinions for this action.