

APPENDIX D of 2004 IWC EA

**MAPS SHOWING THE
EXISTING HABITAT AND SERVICE AREA LOCATION
FOR THE 17 NEW INTERIM RENEWAL CONTRACTORS***

*CONTRACTORS SHOWN ON TABLE 2.

Appendix D

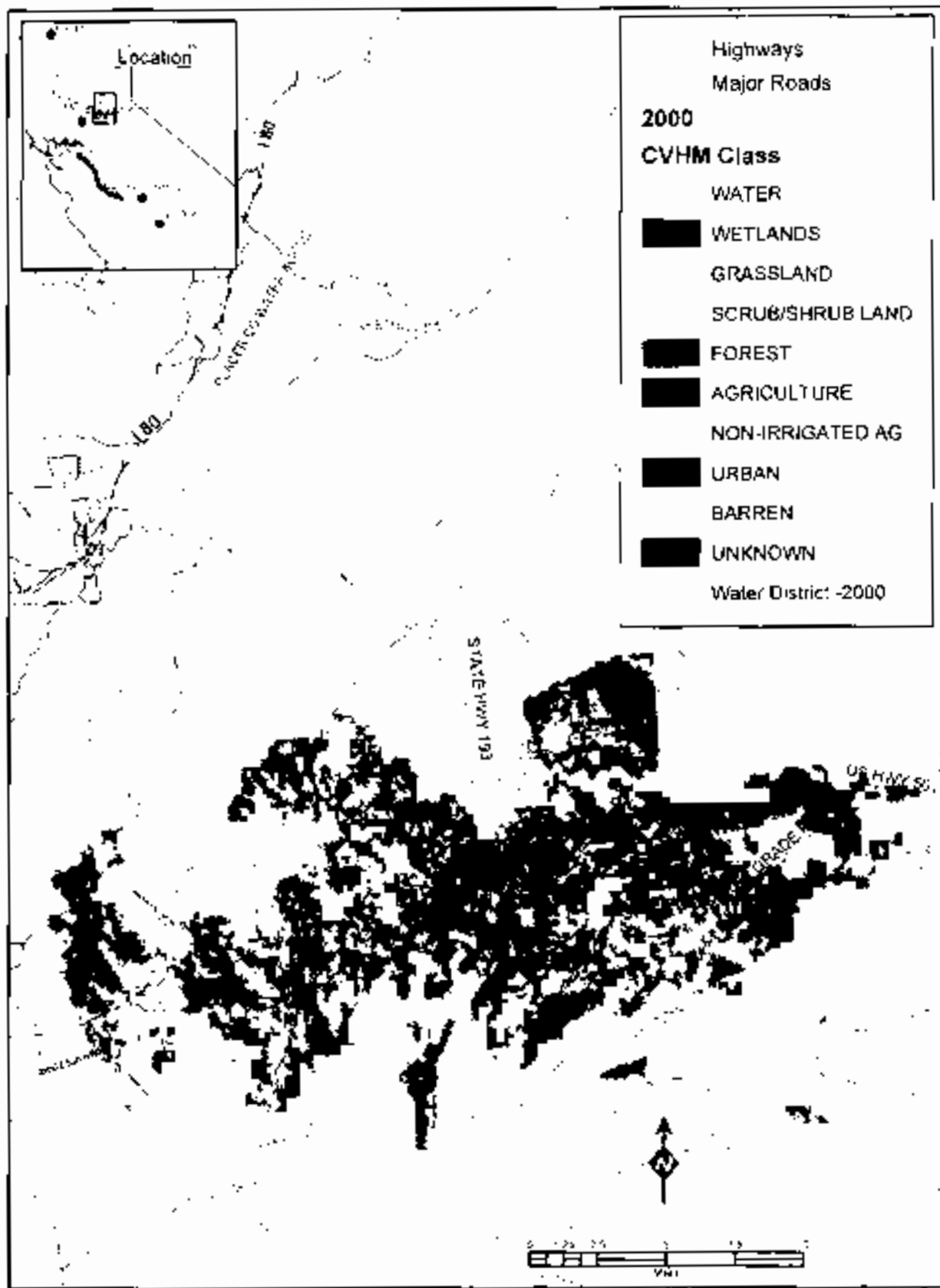
Table 2. Map number (IDCON) for the Central Valley Project 2004 Interim Renewal Contracts, the proposed 2004 contract number, the existing contract expiration date, and the water contract quantity. The 17 new Interim Renewal Contracts are indicated*

| IDCON | CVP CONTRACTOR | Proposed 2004 Contract No. | Existing Contract Expiration Date | Water Quantity (A/F) |
|--------------------------------|--|---|-----------------------------------|----------------------|
| AMERICAN RIVER DIVISION | | | | |
| FOLSOM LAKE: | | | | |
| 201780 | El Dorado ID* | 14-06-200-1357A | 12/31/2004 | 7,500 |
| | El Dorado ID-Lake Hills Estates | 14-06-200-7312-IR7 | 2/29/2004 | 50 |
| 201780 | San Juan WD | 14-06-200-152A-IR8 | 2/29/2004 | 11,300 |
| SLY PARK UNIT: | | | | |
| | El Dorado ID | 14-06-200-949-IR8 | 2/29/2004 | 23,000 |
| DELTA DIVISION | | | | |
| DELTA-MENDOTA CANAL: | | | | |
| 201840 | Banta-Carbona ID | 14-06-200-4305A-IR8-A | 2/29/2004 | 20,000 |
| 201850 | Broadview WD | 14-06-200-8092-IR8 | 2/29/2004 | 27,000 |
| 201860 | Centinella WD | 2-07-20-W0055-IR8 | 2/29/2004 | 2,500 |
| 202120 | Coelho Family Trust | 14-06-200-7859A-IR2 | 12/31/2003 | 2,080 |
| 201890 | Del Puerto WD, (Davis WD, Foothill WD, Hospital WD, Kern Canon WD, Mustang WD, Orestimba WD, Quito WD, Romero WD, Salado WD, & Sunflower WD combined with Del Puerto WD) | 14-06-200-922-IR10 | 2/29/2004 | 140,210 |
| 201900 | Eagle Field WD | 14-06-200-7754-IR8 | 2/29/2004 | 4,560 |
| 201920 | Escoto Slough WD | 14-06-200-4019A-IR2 | 12/23/2003 | 4,000 |
| 201850 | James ID* | 14-06-200-700-A-IR2 | 12/23/2003 | 38,300 |
| 201970 | Lagoon WD | 2-07-20-W0266-IR8 | 2/29/2004 | 800 |
| 201980 | Merced Springs WD | 14-06-200-3365A-IR8-A | 2/29/2004 | 2,842 |
| | Pajaro Valley, WMA, Santa Clara Valley WD, & Westlands WD Distr. District # 1 | 14-06-200-3365A-IR8-B | 2/29/2004 | 6,260 |
| 203270 | Westlands WD Distr. District # 2 | 14-06-200-3365A-IR8-C (assignment from Merced Springs WD) | 2/29/2004 | 4,198 |
| 202010 | Oro Loma WD | 14-06-200-7823-IR8 | 2/29/2004 | 4,600 |
| 202040 | Patterson ID | 14-06-200-3598A-IR8 | 2/29/2004 | 16,500 |
| 202050 | Platt View WD | 14-06-200-785-IR10 | 2/29/2004 | 20,600 |
| 202070 | Reclamation District 1606 | 14-06-200-3802A-IR2 | 12/23/2003 | 228 |
| 202120 | The West Side ID | 2-07-20-W0045-IR8-A | 2/29/2004 | 5,000 |
| 202135 | Tracy, City of | 14-06-200-4305A-IR8-B (partial assignment from Banta-Carbona ID) | 2/29/2004 | 5,000 |
| | Tracy, City of | 2-07-20-W0045-IR8-B (partial assignment from The West Side ID) | 2/29/2004 | 2,500 |
| 202140 | Tranquillity ID* | 14-06-200-701-A-IR2 | 12/23/2003 | 13,800 |
| | Tranquillity Pl. Developments Hughes, Melvin | 14-06-200-3537A-IR2 | 12/23/2003 | 70 |
| 202055 | US Department of Veterans Affairs (San Joaquin National Cemetery) | 2-07-20-W1124-IR1 | 2/29/2004 | 450 |
| 202180 | West Stanislaus ID | 14-06-200-1072-IR10 | 2/29/2004 | 50,000 |
| 202192 | Widren WD | 14-06-200-8018-IR8 | 2/29/2004 | 2,990 |
| FRIANT DIVISION | | | | |
| FRIANT-KERN CANAL: | | | | |
| 202420 | Lewis Creek WD | 14-06-200-1911A-IR2 | 2/29/2000 | 1,450 |

Appendix D

| HCAN | CYP CONTRACTOR | Proposed 2004 Contract No. | Existing Contract Expiration Date | Water Quantity (A/F) |
|----------------------------------|--|---|-----------------------------------|----------------------|
| SACRAMENTO RIVER DIVISION | | | | |
| CORNING CANAL: | | | | |
| 202593 | Corning WD | 14-06-200-6575-IRR | 2/29/2004 | 23,000 |
| 202720 | Proberta WD | 14-06-200-7311-IRR | 2/29/2004 | 3,500 |
| 202740 | Thomas Creek WD | 14-06-200-5271A-IRR | 2/29/2004 | 6,400 |
| TEHAMA-COLUSA CANAL: | | | | |
| 202770 | Colusa County WD | 14-06-200-304-A-IRR | 2/29/2004 | 62,200 |
| | Colusa County of | 14-06-200-8310A-IRR | 2/29/2004 | 60,000 |
| | Subs: Colusa County WD, Corlina WD, 4-M WD, Glenn Valley WD, Holthaus WD, La Grande WD, Myers-Marsh MWC) | | | |
| 202776 | Davis WD | 14-06-200-6001A-IRR | 2/29/2004 | 4,000 |
| 202778 | Dunnigan WD | 14-06-200-399A-IRR | 2/29/2004 | 19,000 |
| 202780 | Glide WD | 7-07-20-W0040-IRR | 2/29/2004 | 10,500 |
| 202790 | Kanawha WD | 14-06-200-466-A-IRR | 2/29/2004 | 45,000 |
| 202800 | Kirkwood WD | 7-07-20-W0056-IRR | 2/29/2004 | 2,100 |
| 202810 | La Grande WD | 7-07-20-W0022-IRR | 2/29/2004 | 5,000 |
| 202820 | Orland-Artale WD | 14-06-200-8382A-IRR | 2/29/2004 | 53,000 |
| 202834 | Westside WD | 14-06-200-8222-IRR | 2/29/2004 | 25,000 |
| 202834 | Westside WD (New Contract - 1999) | 14-06-200-8310X-IRR (program from 2007-2010) | 2/29/2004 | 40,000 |
| FEATHER RIVER: | | | | |
| 202890 | Feather WD | 14-06-200-171A-IRR | 2/29/2004 | 20,000 |
| SHASTA DIVISION | | | | |
| 203126 | Shasta Lake, City of | 4-07-20-W1134-IRR10 | 2/29/2004 | 4,400 |
| 203126 | Mountain Gate CSD | 14-06-200-6998-IRR2 | 2/29/2004 | 350 |
| 203127 | Shasta County WA | 14-06-200-3367A | 12/31/2004 | 5,000 |
| TRINITY RIVER DIVISION | | | | |
| 203110 | Bella Vista WD | 14-06-200-851A-IRR9 | 2/29/2004 | 24,000 |
| 203090 | Clear Creek CSD | 14-06-200-489A-IRR9 | 2/29/2004 | 15,300 |
| 203078 | Shasta CSD | 14-06-200-862A-IRR2 | 12/31/2003 | 1,000 |
| MISCELLANEOUS | | | | |
| COLUSA BASIN DRAIN: | | | | |
| 202875 | Colusa Drain MWA (New Contract - 1999) | 6-07-20-W0693 | 12/31/2004 | 100,000 |
| CROSS VALLEY CANAL: | | | | |
| 202325 | Fresno, County of | 14-06-200-8292A-IRR | 2/29/2004 | 3,000 |
| 202360 | Hills Valley ID-Amendatory | 14-06-200-8466A-IRR | 2/29/2004 | 3,346 |
| 202386 | Kern-Tulare WD | 14-06-200-8601A-IRR | 2/29/2004 | 40,000 |
| 202460 | Lower Tule River ID | 14-06-200-8237A-IRR | 2/29/2004 | 31,102 |
| 202500 | Pixley ID | 14-06-200-8238A-IRR | 2/29/2004 | 31,102 |
| 202525 | Rag Gulch WD | 14-06-200-8367A-IRR | 2/29/2004 | 13,300 |
| 202603 | Tri-Valley WD | 14-06-200-8565A-IRR | 2/29/2004 | 1,142 |
| 204800 | Tulare County of | 14-06-200-8293A-IRR | 2/29/2004 | 5,308 |

El Dorado I.D. Land Cover - 2000



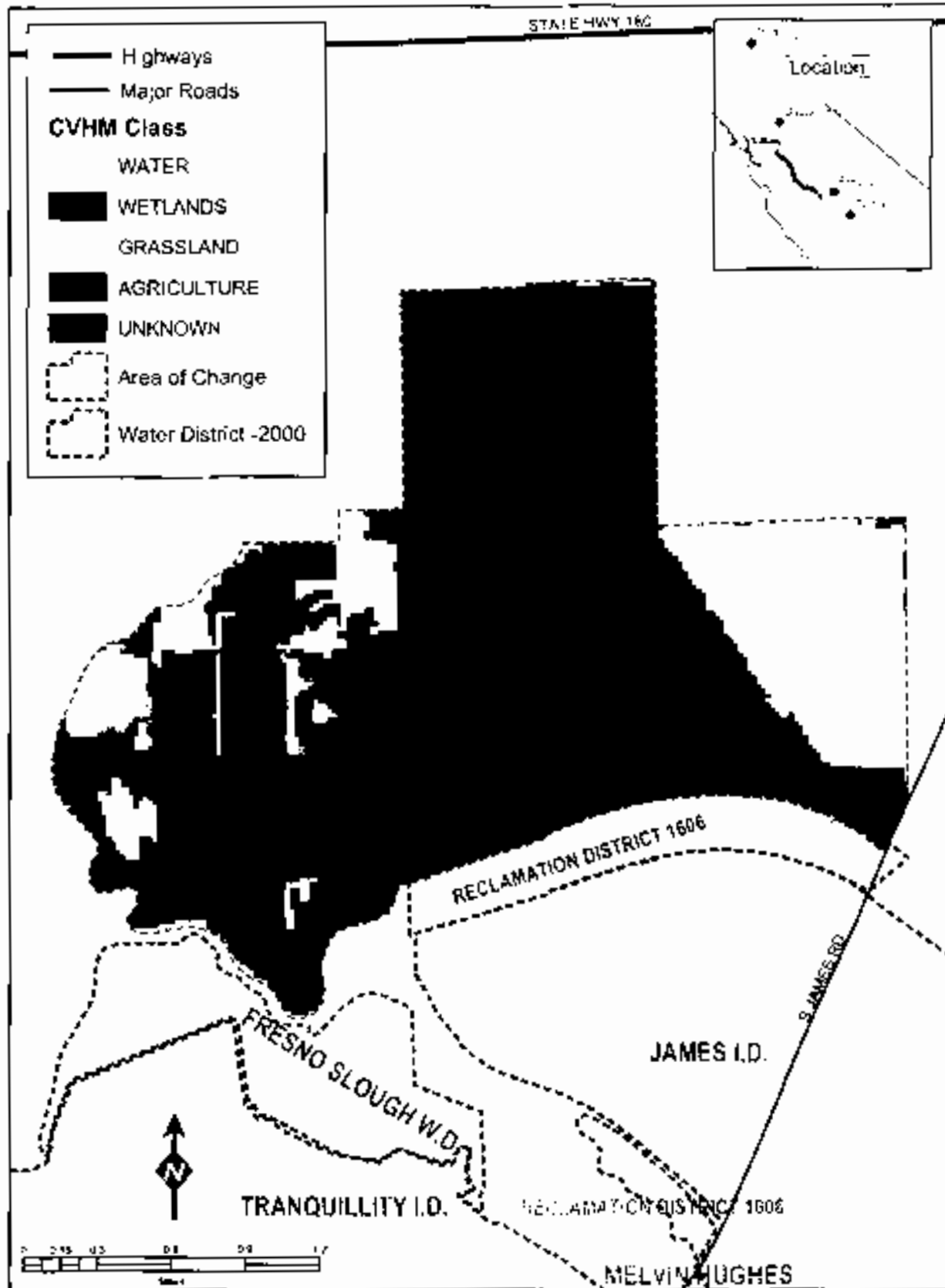
USBR District of Environmental Affairs
P. Collins/urap

201780

9/30/2003

Note: This data is subject to change as refinements are made to the system

Coelho Family Trust Land Cover - 2000



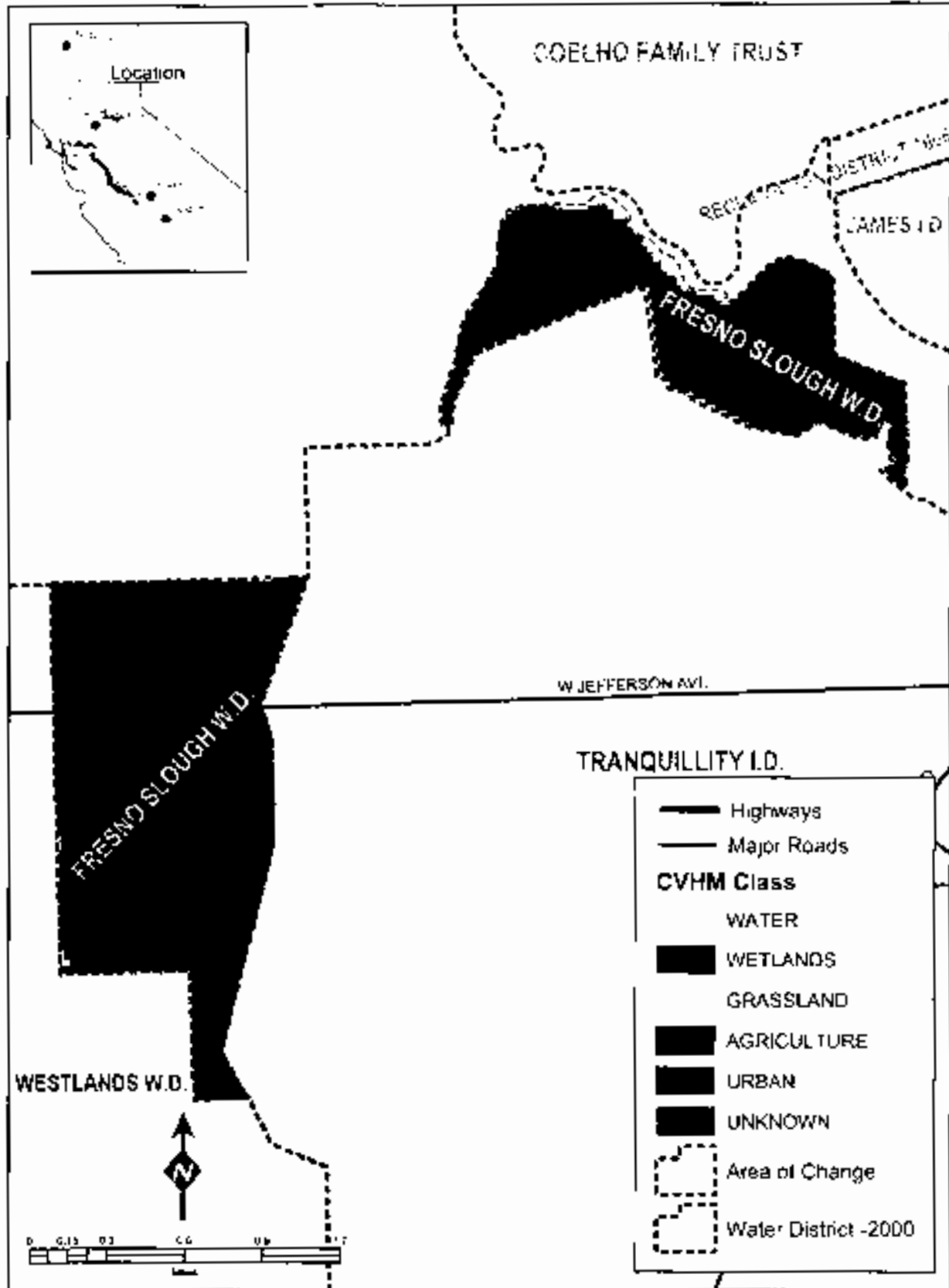
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P:\ref\refmap

202130

3/11/03

Note: This data is subject to change as refinements are made to processor.

Fresno Slough Water District Land Cover - 2000



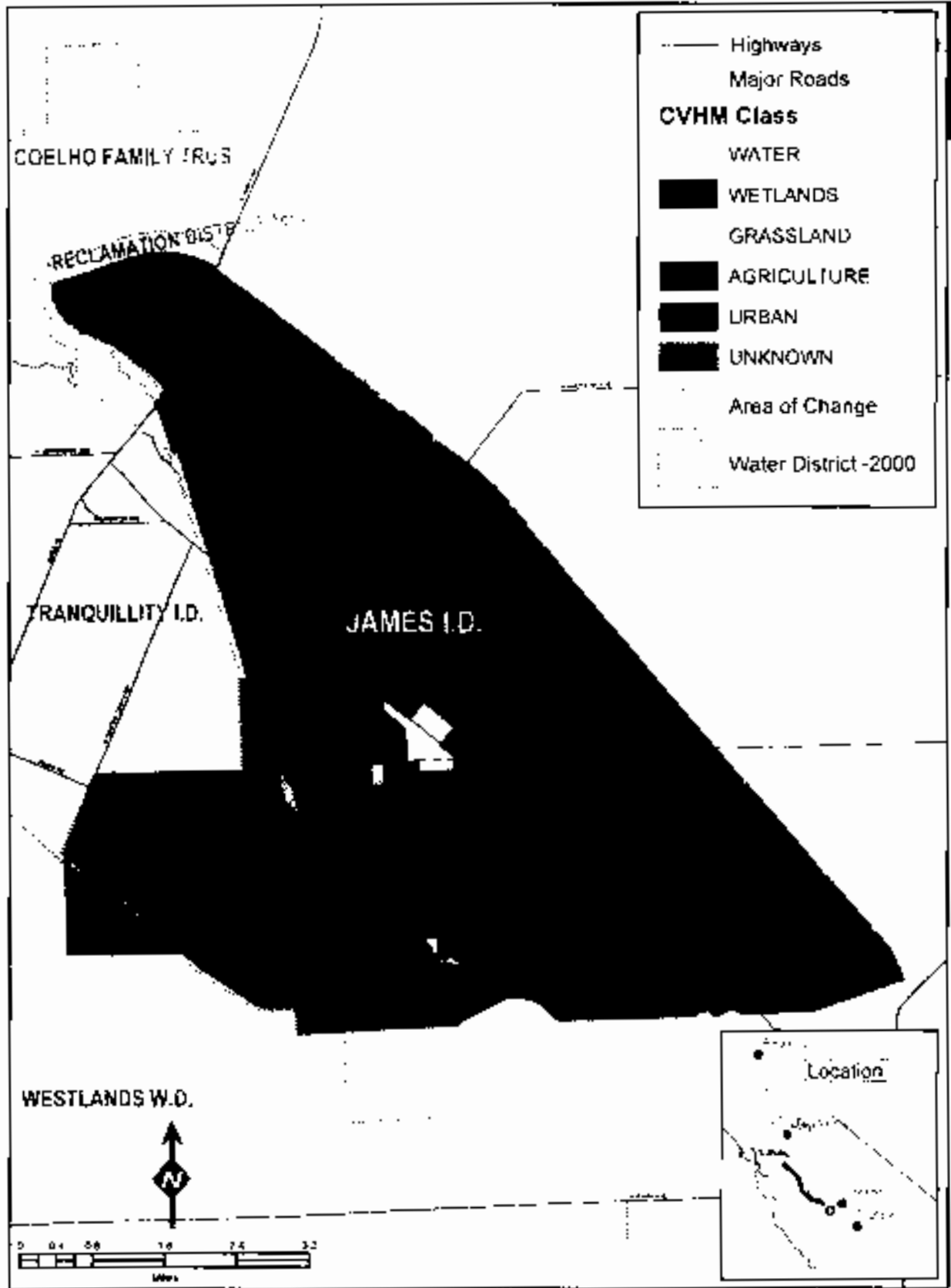
USBR, Division of Environmental Affairs
Phonemore, CA

Note: This data is subject to
change as information
and methods progresses

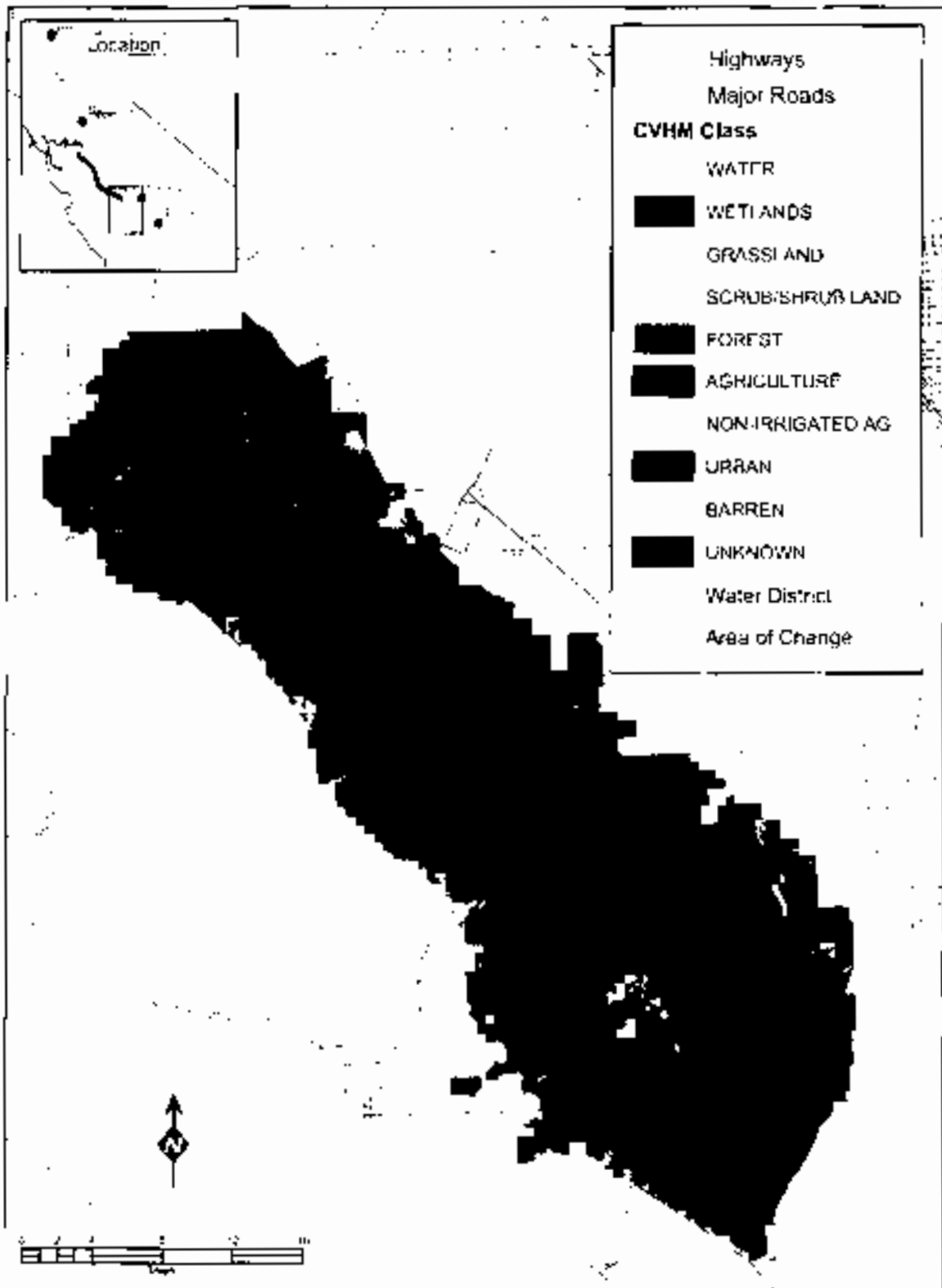
IDCON 201920

3/12/03

James I.D. Land Cover 2000



Westlands Water Service Contract 2000

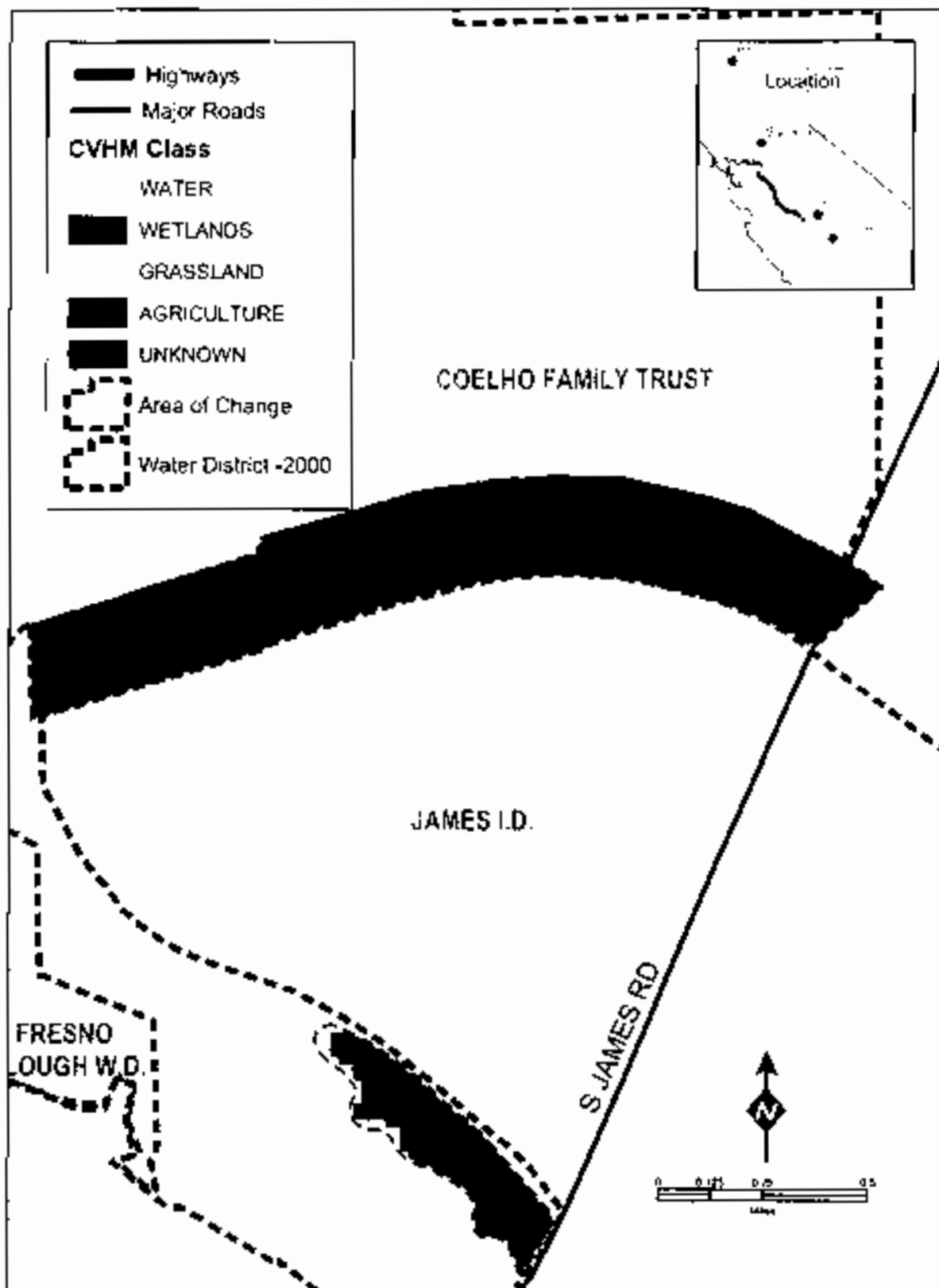


LDMP District/Exclusionary Areas
 8/10/2000
 Note: This map is subject to
 change without notice.
 All rights reserved.

IDCON 203720

10/27/2003

Reclamation District 1606 Land Cover 2000



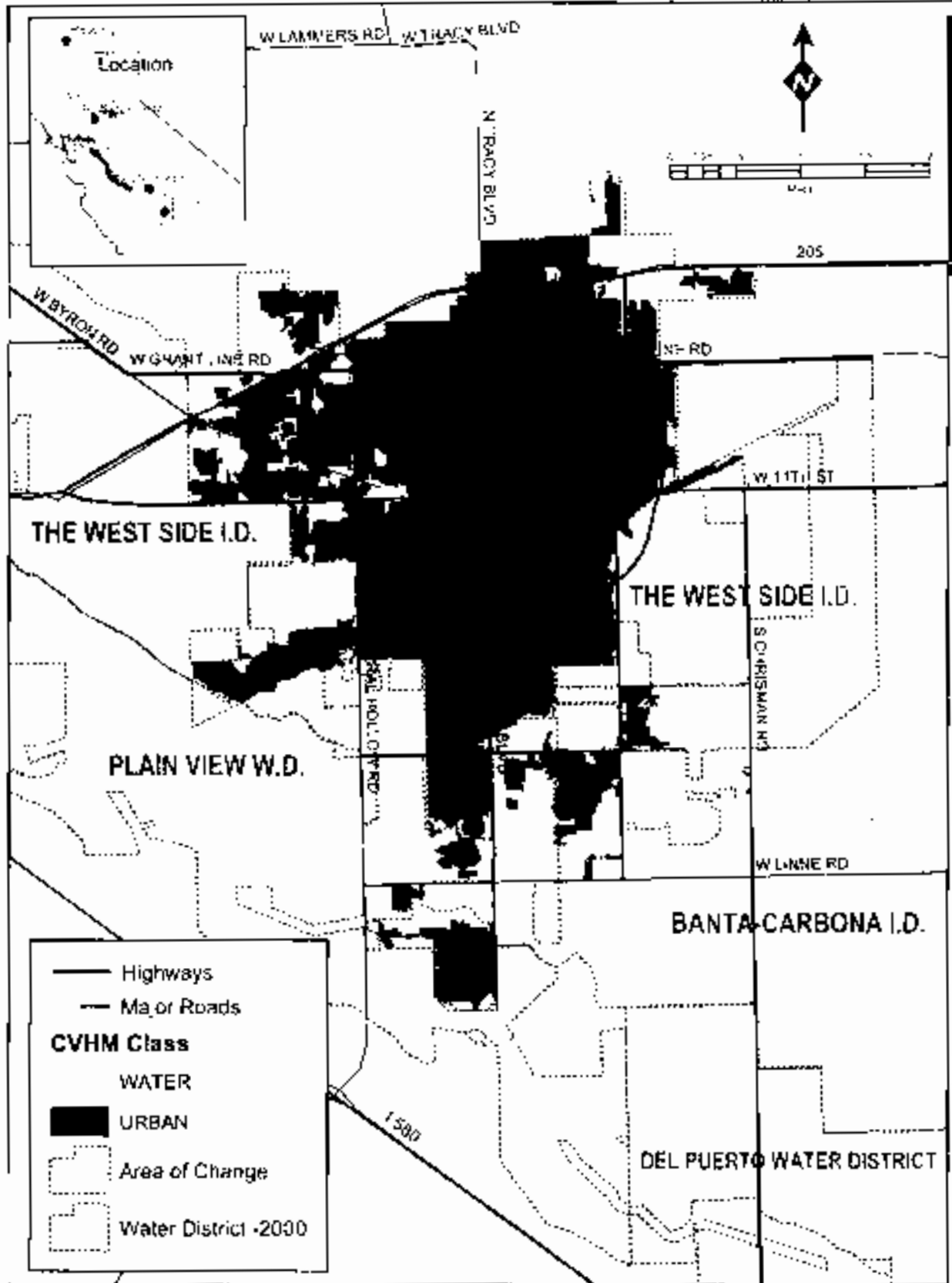
USER: Division of Environmental Affairs
Project: 1606-01

02/21/2003

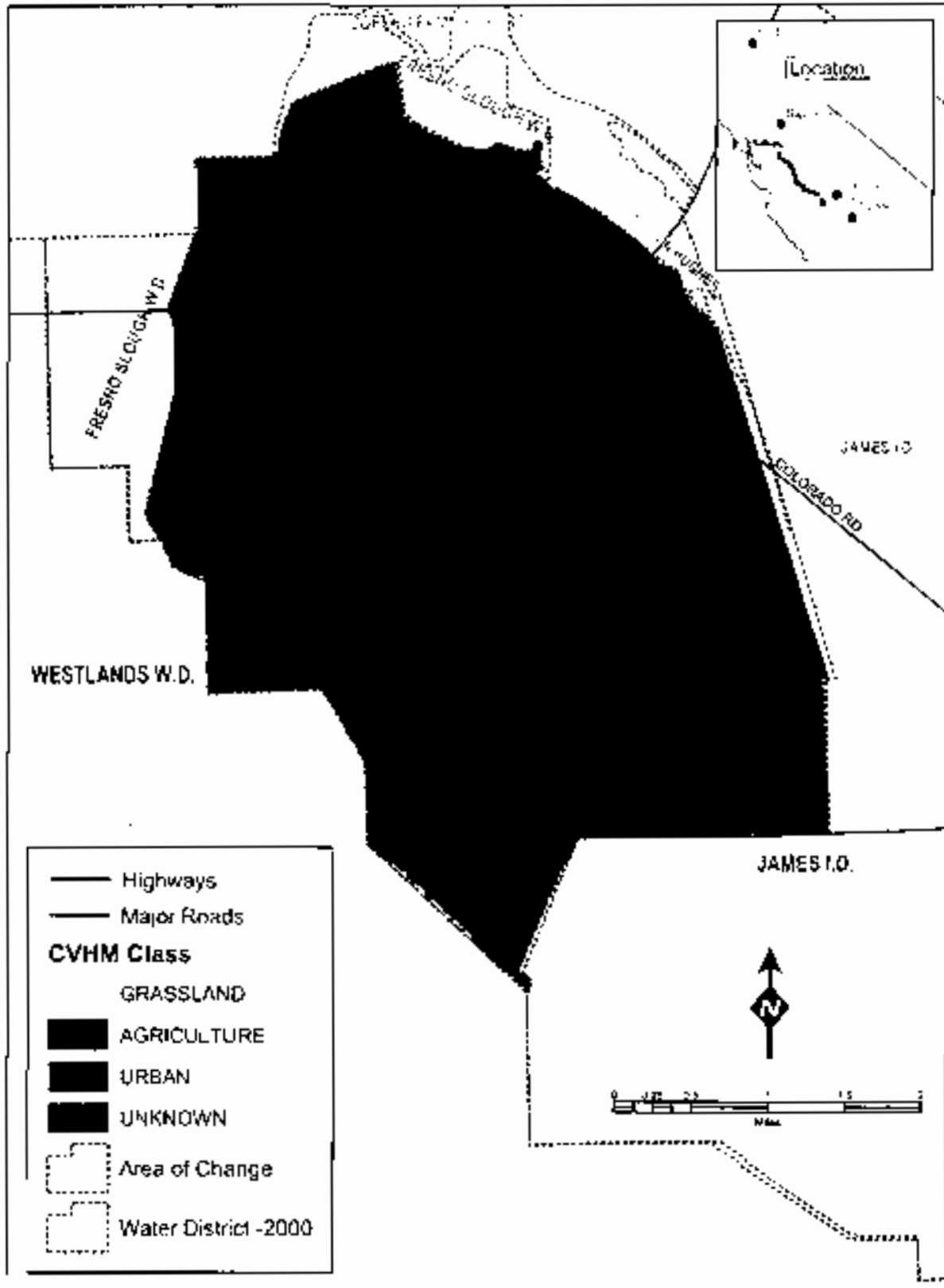
IDCON 202070

Note: This data is subject to
change as field reports
are made to processors

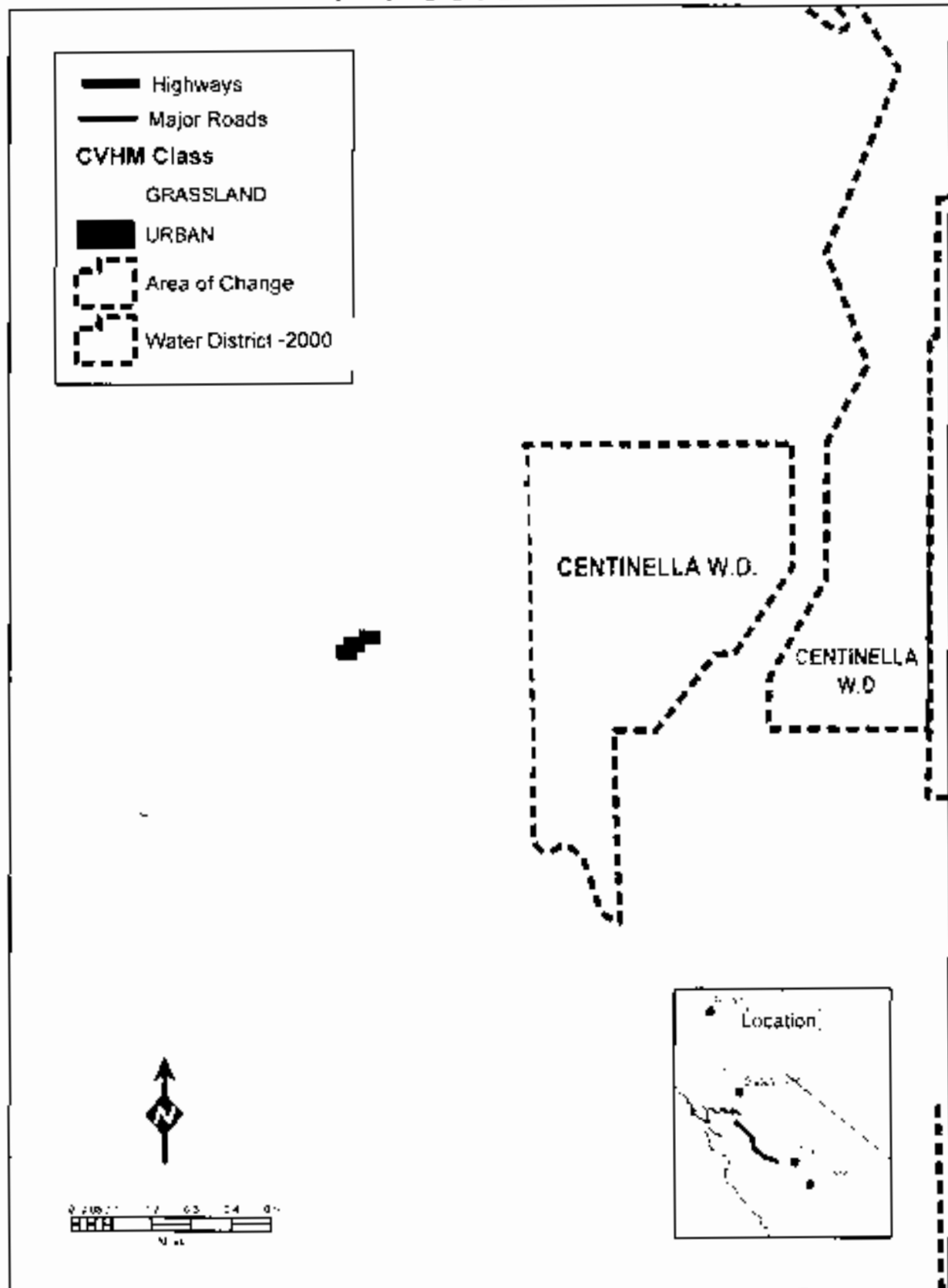
City of Tracy Land Cover 2000



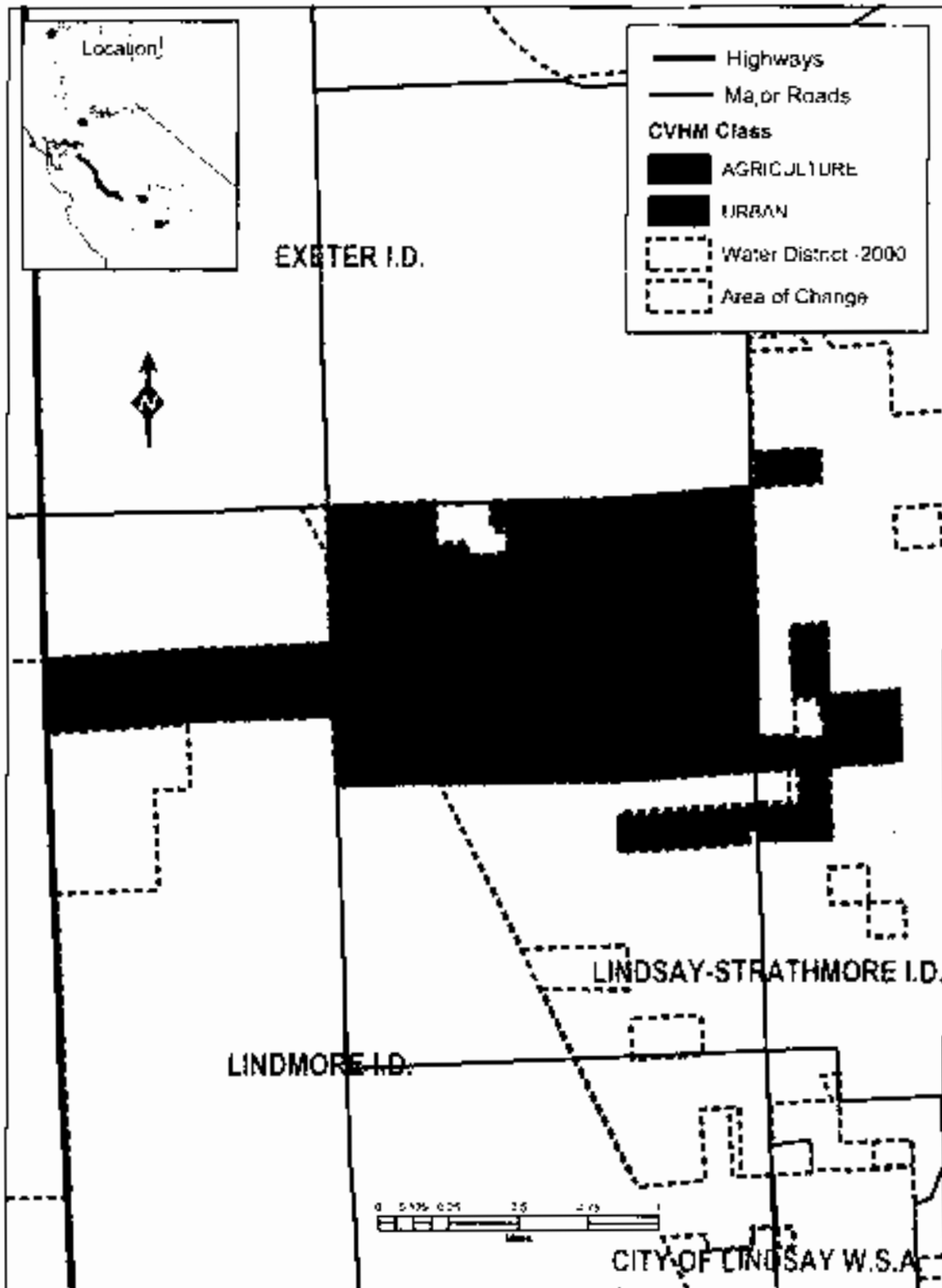
Tranquillity I.D. Land Cover 2000



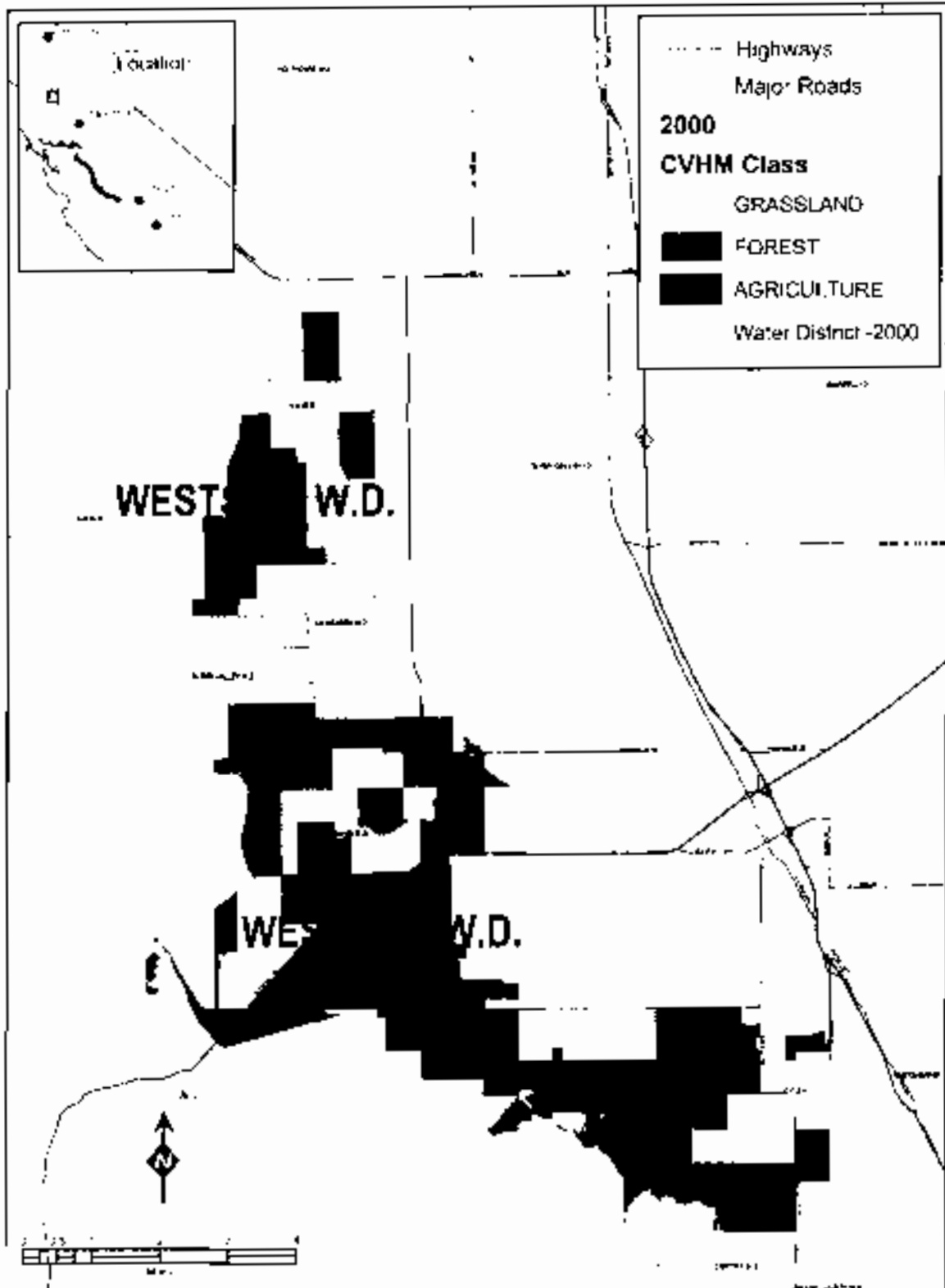
San Joaquin Valley National Cemetery Land Cover 2000



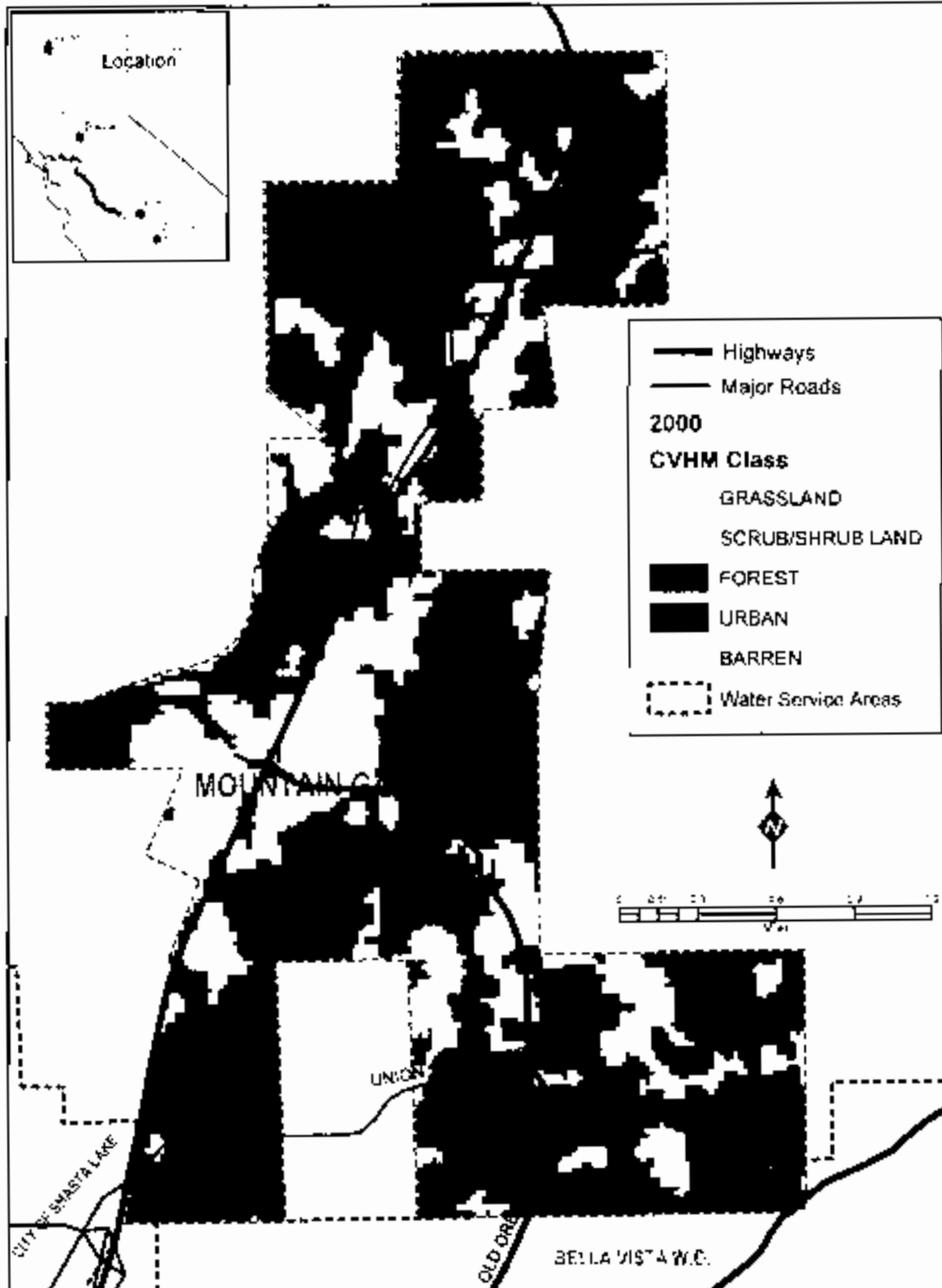
Lewis Creek Water Service Area 2000



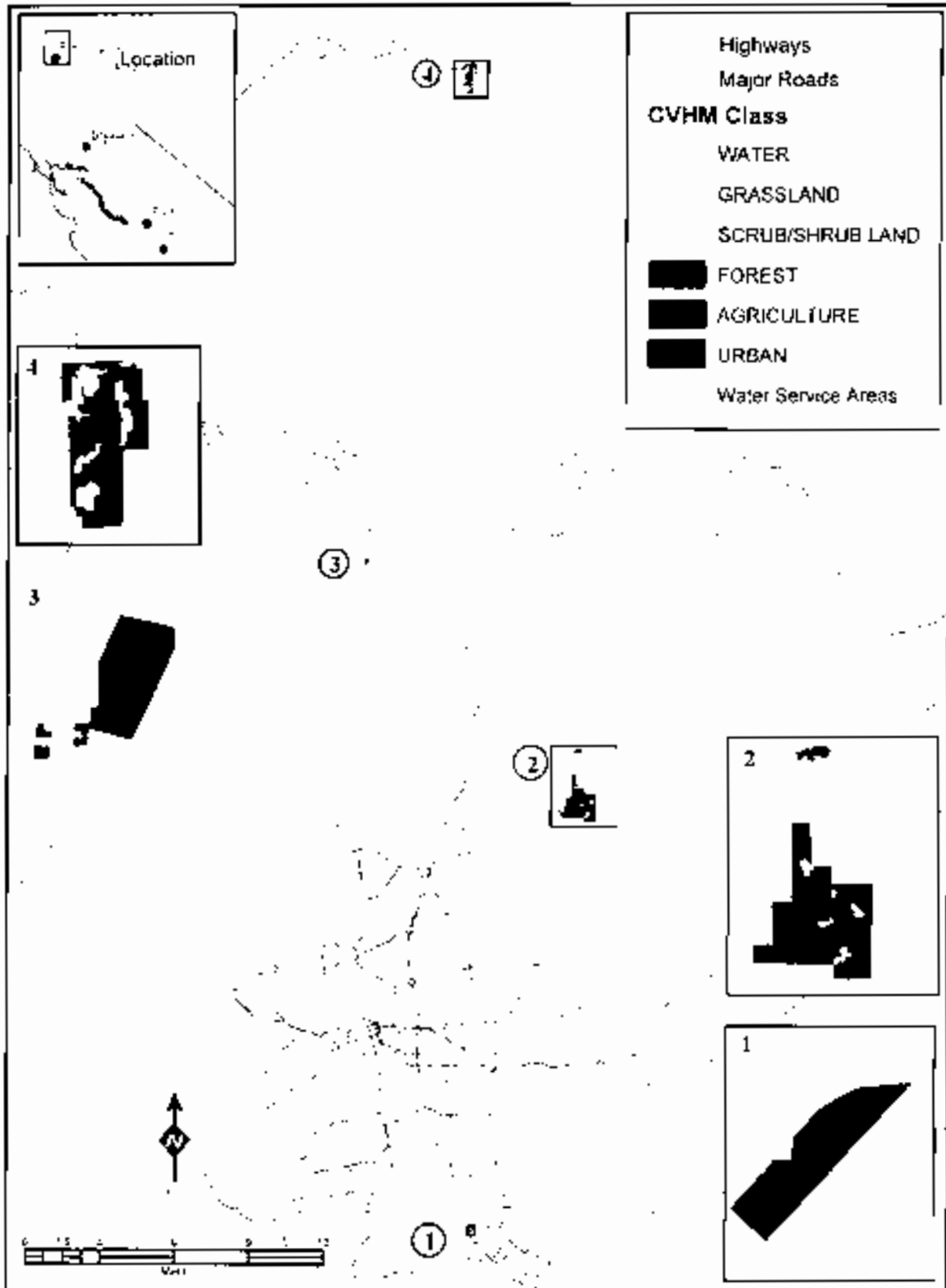
Westside W.D. Land Cover - 2000



Mountain Gate C.S.D. Land Cover - 2000



Shasta County Water Agency Land Cover - 2000



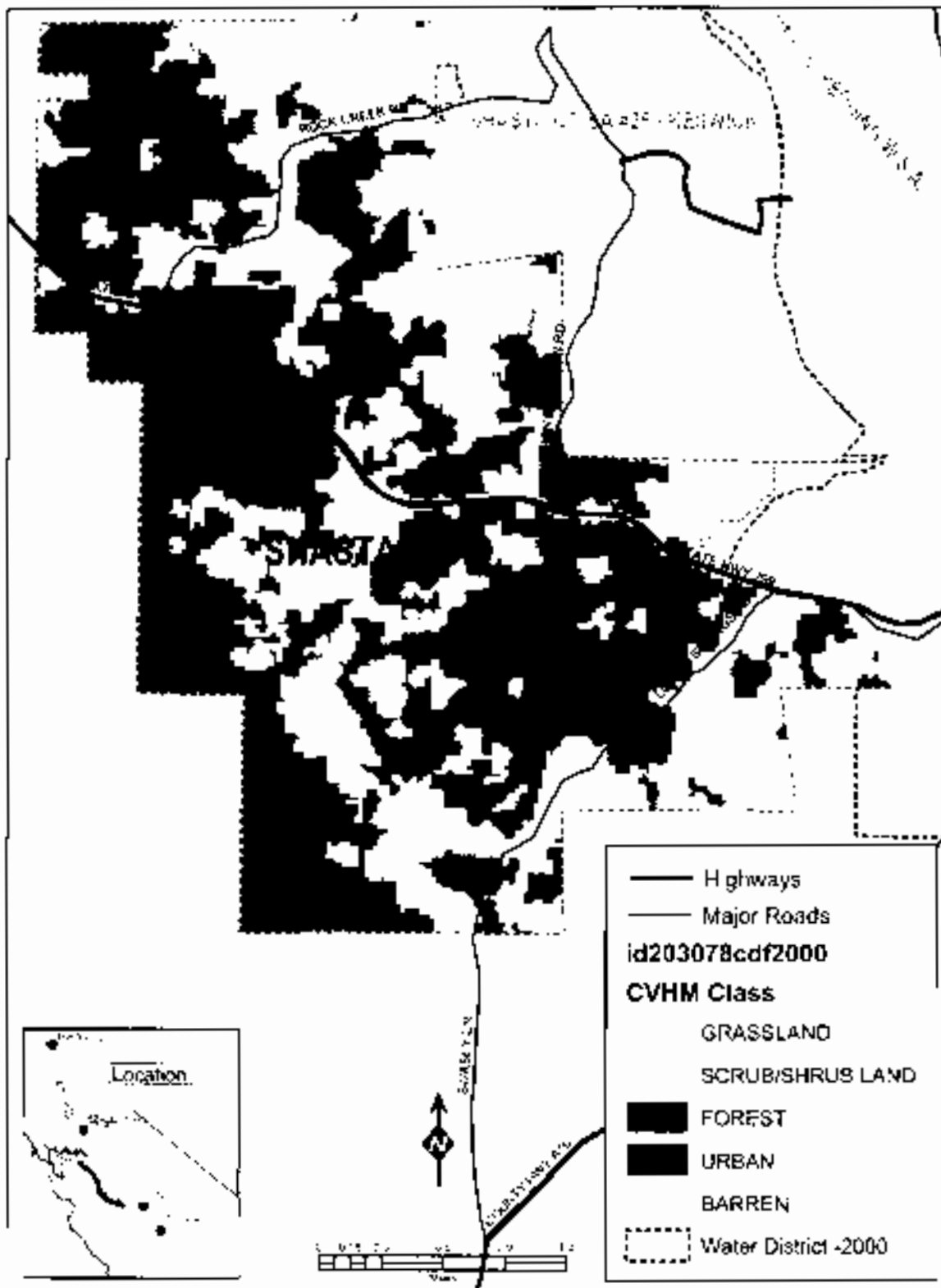
USDA Bureau of Environmental Affairs
P. 10/1/00/000

203127

9/25/2003

Note: If a data subject or
change is not received
and made to process

Shasta C.S.D. Land Cover - 2000



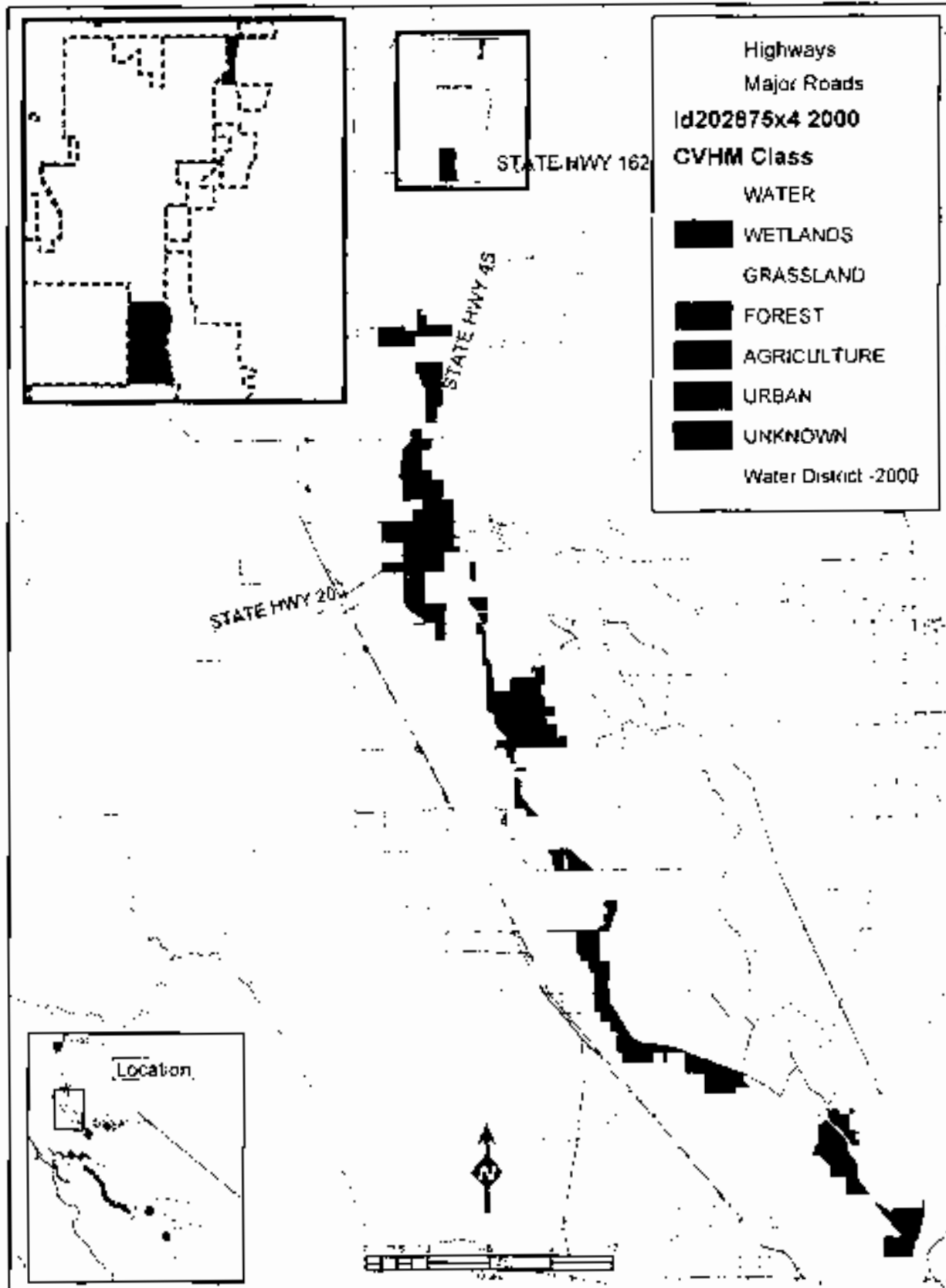
State Division of Forestry Affairs
Forest Management

203078

10/20/2003

How: This data is derived
from the 2000 Census
of Agriculture

Colusa Drain MWC Land Cover - 2000



USBR Division of Environmental Affairs
Sacramento

202875

10/28/2003

Note: This data is subject to
change as new data
is available.

APPENDIX F

SUMMARY STATUS REPORT ON THE CONSERVATION ACTIONS INCLUDED IN THE 2000 INTERIM RENEWAL BIOLOGICAL OPINION

Appendix F. Updated Status Report on the Conservation Actions and the RPMs included in the February 29, 2000 Biological Opinion on CVP Interim Renewal Contracts.

| Proposed Action/Conservation Measures | Responsibility | Due Date/Time Period | Status/Remarks |
|--|----------------|----------------------|---|
| 1. Reclamation will develop and implement programs with the water districts to ensure that, and use of crops associated with project water will be addressed pursuant to FSA. | FWS/NSR | | |
| a. N. G. S. Districts regarding FSA requirements; Interim Opinion | FWS/NSR | Done | 2a. Completed. Notice sent week of July 3, 2003. |
| b. Synthesize existing and new information on distribution and potential habitat of federally listed, proposed, and candidate species within the Districts. | FWS/NSR | Ongoing | 2b. Ongoing. Existing reports from both agencies working on Central Valley Flycatcher Monitoring Program mapping efforts. Data for all CVP service areas is being made available at all public service. Data for the 2004 RRC service areas is provided in Attachment B of this report. |
| c. Map (hand-drawn and digital) of critical and potential distribution of listed, proposed, and candidate species, and provide information to the Districts, the Service, and the California Department of Fish and Game. | FWS/NSR | Ongoing | 2c. Ongoing. Coordinate with GIS teams from both agencies working on Central Valley Flycatcher Monitoring Program mapping efforts. Data for the 2004 RRC service areas is provided in Attachment C of this report. Data for all CVP service areas will be made available to the CVP contractors and the California Department of Fish and Game. |
| d. Monitor land use changes and compliance activities in the Districts to ensure that project water is not used in a manner that adversely affects listed, proposed, and candidate species. | FWS/NSR | Ongoing | 2d. Ongoing. Existing reports from both agencies working on Central Valley Flycatcher Monitoring Program mapping efforts. Data for all CVP service areas is provided in Attachment D of this report. Data for the 2004 RRC service areas is provided in Attachment E of this report. |
| 2. Reclamation will ensure that its operation and maintenance activities as well as activities of other agencies with the use of CVP water within the Districts will not adversely affect listed, proposed, and candidate species. | FWS/NSR | | |
| a. Work with the California Department of Pesticide Regulation to develop guidelines and information addressing the effects of the application of pesticides to listed, proposed, and candidate species. | FWS/NSR | Done | 2a. Completed. Agency is developing the substance of information related to candidate species that Reclamation contributed to DPR. |
| b. Develop and deliver a guide to the Districts and Agencies regarding an area of concern and the Districts' activities that are most beneficial to listed, proposed, and candidate species. | FWS/NSR | Done | 2b. Completed. Draft Field Operations Manual, URM Manual, and RPMs were completed for each Reclamation Area Office. Drafts reviewed by FWS. Final Field Operations Manual, URM Manual, and RPMs were sent to the Service in 2003. |
| c. Review water conservation plans for the Districts prior to implementation to ensure they do not adversely affect listed, proposed, and candidate species. | NSR | Completed | 2c. Completed. Completed for Reclamation Area Offices. |
| d. Amend the Central Valley Flycatcher Monitoring Plan to ensure consistency with the Fish and Wildlife Conservation Act (1996) and the California Department of Fish and Game (2000). | NSR | Ongoing | 2d. Ongoing. The contract for water conservation plans is awarded every 3 years, the last one for the CVPMA. The contract was awarded in 2002, so will not be awarded again until 2005. Reclamation is currently in talks with the Service by forming a inter-agency team that is to ensure that the contract is in compliance with the FWS. Reclamation will send a copy to the Service and NSR following their review of the contract and participation in the contract review. |

| Proposed Action/Conservation Measures | Responsibility | Due Date/Time Period | Status/Remarks |
|---|---|--|---|
| <p>A. Reclamation work on the San Jacinto well implemented by needed action to resolve the continued existence of listed and proposed species and their habitats that have been affected by the CVP.</p> <p>a. Identify areas that are critical to the continued survival of listed species and proposed species.</p> <p>b. Implement critical habitat plan.</p> | FWS/SIBR | Ongoing | Ongoing CVP conservation program (Phase II); other projects. |
| <p>4. Develop a long-term program to address overall effect of the CVP and its contribution to the CVPIA</p> | FWS/SIBR | Ongoing | On-going. Last update of high priority species provided to CVP team FWS on 1/27/01. Historic and snags complete and maps of program discussed in Field above to help identify and point out Land for Conservation measures or agency actions. |
| <p>Reasonable and Prudent Measures</p> <p>1. Develop and implement programs with the following Attachments: a. This program to resolve listed and proposed species associated with project water will be addressed pursuant to the BSA.</p> <p>A. Work with UDRR to develop guidelines that provide an adequate work plan that has been completed on this issue and in addition, provide information to UDRR generated from any study efforts developed in Conservation Measure Plan.</p> <p>B. Identify land and water use techniques of irrigators within CVP service areas which are critically threatening listed and proposed species or their habitats.</p> <p>A. Prepare a study plan to identify the sources of sediment contributions to the Colorado, San Joaquin River, and South Bay estuary.</p> <p>B. Develop and implement an approved monitoring program to assess the effects of sediment loading on the San Joaquin River and aquatic listed species or their surrogates as up the lower San Joaquin River and within System estuary, South Bay.</p> <p>A. Provide quarterly reports on local and regional monitoring and monitoring results. If concentrations exceed 2.0g/l, monthly area is sampled for wetland water samples in the Colorado, and is a result of directly or indirectly from Reclamation actions, will identify and implement corrective actions and provide reports to UDRR on a regular basis.</p> | FWS/SIBR | Ongoing | On-going. A B. coordination, CVP conservation program and B. "List of" projects programs. |
| <p>Reasonable and Prudent Measures</p> | Responsibility <td>Due Date/Time Period <td>Status/Remarks</td> </td> | Due Date/Time Period <td>Status/Remarks</td> | Status/Remarks |
| <p>A. Work with UDRR to develop guidelines that provide an adequate work plan that has been completed on this issue and in addition, provide information to UDRR generated from any study efforts developed in Conservation Measure Plan.</p> | FWS/SIBR | Ongoing | A. Completed. Meeting is now describing Reclamation's current status of CVA implementation in the CVPIA. |
| <p>B. Identify land and water use techniques of irrigators within CVP service areas which are critically threatening listed and proposed species or their habitats.</p> | FWS/SIBR | Ongoing | A. Ongoing. This requirement is already fulfilled through the existing laws and bypass projects (UDRR) in the monitoring program. UDRR conducted a survey of sediment study for the CVP was completed in 2001. A study for the Delta, Mendocino and Humboldt Counties, and the BA for the South Central California Area, Dr. D. H. Allen, and the review of sediment study. |
| <p>A. Prepare a study plan to identify the sources of sediment contributions to the Colorado, San Joaquin River, and South Bay estuary.</p> | FWS/SIBR | Ongoing | B. Initiated and ongoing. Dr. H. Allen Proposed Action for the Colorado Bypass Project has been initiated for sediment studies and monitoring to assess the effects of sediment loading within the San Joaquin River and within estuaries at their confluents. |
| <p>B. Develop and implement an approved monitoring program to assess the effects of sediment loading on the San Joaquin River and aquatic listed species or their surrogates as up the lower San Joaquin River and within System estuary, South Bay.</p> | FWS/SIBR | Ongoing | C. See BA - 2's monitoring program is consistent with the existing CVP monitoring program and existing quarterly reports. Current monitoring was made in 2001 and 2002 and will be made in 2003 through the UDRR monitoring program, which includes the following projects, which receive the monthly samples at the same time as Reclamation. All monitoring data is provided to UDRR. The monitoring data has been plugged since June 21, 1998, and monthly sediment analysis by UDRR is included in the quarterly report. The monitoring data has been plugged since June 21, 1998, and monthly sediment analysis by UDRR is included in the quarterly report. |

Reasonable and Prudent Measures

III. Identify, analyze and compare water use past effects since 1991 for 2001 and 1995 for future contractors (Note: Brian is on a 2004 contract reassignment)

A. Identify and analyze the impacts of changes to contract service area boundaries since 1991 for city E and contractors that have in the past provided water assignments to the project for Bridge D's water allocations

B. Identify and analyze the impacts of changes to contract service area boundaries for 2005 for future contractors and provide this information and associated GPS data to the City. Provide any impacts associated with past changes in contract service area boundaries for future contracts

C. Identify and analyze the impacts of changes in pump-out use since 1991 for future contractors and for 5 for future contractors and provide this information and GPS data to the City. Provide any impacts associated with past changes in pump-out use since 1991 for future contractors and for 5 for future contractors

D. Identify and analyze the impacts of all water assignments received since 1991 for future contractors and provide this information and GPS data to the City. Provide any impacts associated with past water assignments at the project for future water allocations

IV. Consult on future actions including changes in pump-out use of contractors, changes in water use, assignments and contractors, assignments, and other use, assignments and contractors to contract service area boundaries

A. Consult on future changes in water contracts from appropriate utility to project. Meet at project

B. Provide an analysis of how future changes in pump-out use will affect shortages for water at the project. Provide any impacts associated with past water supplies under change in shortages

C. No contract of future changes in pump-out use unless it can be shown that such changes will not create water shortage for future water supplies for project or other areas

D. Advise city on future changes in water contracts and future changes in water supplies for project. Consult for future changes in water supplies for project. Provide any impacts associated with past water supplies under change in shortages for future water allocations

Status/Remarks

Priority: UCR
Responsibility: USHR
Due Date/Time Period: Prior to UCR contract review

A. Information and analysis ongoing. Will be presented in the BAA's for future contracts. Review of BAA's

Note: Items to be reviewed in 2004 contract review. All items to be reviewed in 2004 contract review. Review of BAA's for future contracts. Review of BAA's

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Reasonable and Prudent Measures

Responsibility

**Due Date/
Time Period**

Status/Remarks

| | | |
|--|-------------------|--|
| <p>V. Informal early transfer for the 2004 or 2005 season involving the Northern and Prairie Provinces in this context can only affect listed species. Primarily consult for these two provinces with respect to listing. They are likely to ultimately affect listed species, or result in take. If formal consent failure will determine if the informal arrangements will be affected. Listed species prior to a program of the BNSF or BCRD.</p> | <p>USHR</p> | <p>1. Will occur when applicable. Please see Attachment 2 for details of and extensive information for these interim renewal contracts.</p> |
| <p>F. Apply specific criteria to all transfers involving out-of-province transfers of species. If a species is already listed prior to section 3 consultation.</p> | <p>USHR</p> | <p>Note: Transfer to 2004 interim contract.</p> <p>F. Will occur when applicable. Transfer approvals are separate to those and not part of the proposed list. Species included in a transfer. Transfer actions are analyzed in NHPA and ESA if comments on the transfer.</p> |
| <p>V. Develop and in place a program to compensate for losses of listed species habitat that occur as a result of delivery of CVP water to the Northern and Prairie Provinces as per the</p> | <p>USHR</p> | <p>Note: Transfer to 2004 interim contract.</p> <p>V. Pending. Reviewing agreements with the Service to develop and a contingency guideline program. This program would incorporate the following criteria:</p> <ol style="list-style-type: none"> 1. Habitat transfer to CVP up in order to identify habitat changes that result in loss of listed species habitat. 2. Notification to and the acquisition of the habitat of a project to comply with regulatory and the Endangered Species Act. 3. Reporting to the Service of any actions that they have resulted in, including "losses" of listed species habitat. 4. Development of habitat compensation plans by a third party changes that result in loss of listed species habitat in the Northern and Prairie Provinces. 5. Coordinated action between the Service and Recipient to ensure existing CVP water program is consistent with the Service's Endangered Species Act program. 6. Recipient to work with the Service to develop such a program that complies with the Service's Endangered Species Act program. Recipient will provide the details of such a program to the Service prior to the start of the habitat program or the beginning of the habitat program of the proposed interim contract. |
| <p>A. Establish a contingency plan that would allow to deal to place a process to identify impacts of CVP delivery to listed species in their habitats within the interim and final D. Visitor's contract's area of impact as a result of delivery CVP water to contractors.</p> | <p>USHR/CONTR</p> | <p>Note: Transfer to 2004 interim contract.</p> <p>A. Pending. See response to V.</p> <p>Note: Transfer to 2004 interim contract.</p> |
| <p>B. Ensure implementation of the contingency plan to address impacts to species in their habitats with in the interim and final D. Visitor's contract's area of impact as a result of delivery CVP water to contractors.</p> | <p>USHR/CONTR</p> | <p>Note: Transfer to 2004 interim contract.</p> <p>B. Pending. Check of existing contracts are finalized. CVP water delivery to contractors are developed, and that all contractors are made aware of the plan.</p> |
| <p>C. The contractor's plan for impacts to listed species or listed habitat will be reviewed in a section 3 consultation with the BNSF and will incorporate compensation for any loss of listed habitat losses. Losses of listed species habitat within the interim and final D. Visitor's contract's area of impact will be reviewed in a section 3 consultation with the recovery review for listed species.</p> | <p>USHR/CONTR</p> | <p>Note: Transfer to 2004 interim contract.</p> <p>C. The contingency plan will be coordinated with the BNSF and the contractor's Section 3 consultation will occur after final plan.</p> <p>Note: Transfer to 2004 interim contract.</p> |

APPENDIX G

COMMENT LETTERS RECEIVED AND RECLAMATION RESPONSES TO PUBLIC COMMENTS

APPENDIX G - CONTINUED

Introduction to Appendix G

The *Draft Supplemental EA for the 2004 Renewal of Interim Water Service Contracts* was circulated for public and agency review in a 30-day review period that began on December 23, 2003 and ended January 23, 2004. Three written comments were received during the public review period. This final *Supplemental EA for the 2004 Renewal of Interim Water Service Contracts* provides responses to the comments received on the draft.

This appendix includes a list of the comment letters (Table 1), the comment letters, and the responses to the substantive environmental issues raised in the comment letters.

No new impacts were identified in the public comments, nor was there an increase in the severity of previously identified impacts.

Table 1. List of Comment Letters Received.

| <u>Letter Reference</u> | <u>Commenter</u> |
|-------------------------|---|
| USEPA | Lisa B. Hant, Manager, Federal Activities Office U.S. Environmental Protection Agency Region IX |
| SCVWD | Kellye Kennedy, Senior Project Manager, Santa Clara Valley Water District |
| CH | Terry Roberts, Director, State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit |



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

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January 27, 2004

Frank Michny
Regional Environmental Officer
Bureau of Reclamation
Mid Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

Subject: 2004 Renewal of Interim Water Service Contracts Supplemental Draft
Environmental Assessment (SEA)

Dear Mr. Michny,

The Environmental Protection Agency (EPA) has reviewed the Draft Supplemental Environmental Assessment for the 2004 Renewal of Interim Water Service Contracts through February 29, 2006 - Central Valley Project, California. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

USEPA
1

EPA provided comments on the 1994 draft guidelines for interim renewal of long-term CVP contracts, the 1994 EA for interim renewal of 67 CVP water service contracts, and the 2002 EA for interim renewal of 42 CVP water service contracts. Since our earlier comments are still relevant to the proposed contracts and current SEA, these letters are hereby incorporated by reference. A copy of our 2002 letter is attached.

The current management of the contract water supplies constitutes an irreplaceable commitment of resources which should be fully evaluated pursuant to NEPA. The present SEA is the fifth "roll-over" since 1994. Section 3404(e) of Central Valley Project Improvement Act (CVPIA) states that the interim period may not exceed three years and that successive interim periods may not exceed two years prior to execution of new long-term contracts. Therefore, EPA urges Reclamation to pursue execution of long-term contracts based on a sound NEPA process, supporting an environmentally responsive contract design.

USEPA
2

EPA acknowledges the significant efforts made by Reclamation staff over the past several years in developing an approach to CVP contracts that is fair to the districts involved and implements the reforms envisioned by the CVPIA. We continue to offer our support on working

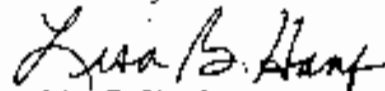
USEPA
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| Case No. | ESV 6 |
| Project | CVP |
| Contract No. | 1001638 |
| File No. | 27194 |

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through the issues raised in our comments or on other issues raised during the comment period. If you have questions, please contact Summer Allen, the lead reviewer for this project, at 415-972-3847.

Sincerely,



Lisa B. Hanf, Manager
Federal Activities Office

Main ID# 002218

Enclosures:

EPA Comments on 2002 Interim Renewal EA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

January 4, 2002

Frank Michny
Regional Environmental Officer
Bureau of Reclamation
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

Dear Mr. Michny:

The Environmental Protection Agency (EPA) has reviewed the **Draft Supplemental Environmental Assessment for the 2002 Renewal of Interim Water Service Contracts through February 29, 2004 - Central Valley Project, California**. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The Bureau of Reclamation (Bureau) proposes to execute 42 interim renewal water service contracts for up to two years between March 1, 2002 and February 29, 2004. Execution of interim contracts is needed to continue delivery of Central Valley Project (CVP) water until long-term contracts can be executed.

The renewal of interim water service contracts was first evaluated in a 1994 environmental assessment (EA) with supplemental EAs (SEAs) issued in 1998, 2000, and 2001 for subsequent interim renewals (i.e., "roll-overs"). The current SEA is tiered to these previous EAs and relies on the evaluation of environmental consequences provided in the 2000 and 2001 SEAs. The proposed interim contracts include the same terms as those executed in 1994, and renewed in 1998, 2000, and 2001. 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, the Bureau will determine if additional NEPA analysis is necessary.

As you know, EPA has had a long institutional interest in the Bureau's renewal of interim and long-term contracts. We provided comments on the 1994 draft guidelines for interim renewal of long-term CVP contracts and on the 1994 EA for interim renewal of 67 CVP water service contracts. In that many of our earlier comments are still relevant to the proposed contracts and current SEA, these letters are hereby incorporated by reference. Copies are attached.

EPA continues to be concerned that the "roll-overs" of the interim contracts have compromised the Bureau's NEPA process for the following reasons:

USEPA
4

• The present SEA is the fourth "roll-over" since 1994. In effect, many of these interim renewal contracts have been continued for 7 years. The current renewal would extend these interim renewal contracts to a period of 10 years. Therefore, the premise that the contracts are of a limited duration with minor environmental impacts, is no longer valid.

USEPA
5

• The status quo perpetuates and aggravates environmental degradation and constitutes an irretrievable commitment of resources which should be fully evaluated pursuant to NEPA. We note that the Central Valley Project Improvement Act Programmatic Environmental Impact Statement did not evaluate water quality impacts at any level, nor did it evaluate other environmental impacts at the district level. We continue to believe there is a compelling need for detailed evaluation of long-term and cumulative impacts of district-level water quality, groundwater, and water supply reliability effects of the continuing action.

USEPA
6

USEPA
7

We urge the Bureau to stop continual "roll-overs" of the interim contracts and to pursue execution of long-term contracts based on a sound NEPA process which informs environmentally responsive contract design. To do so would be in the best interests of California, the public, and sound water supply management. We believe an adequate NEPA process for district-level contracts should include evaluation of the long-term and cumulative impacts of the status quo and continual roll-over of interim renewal contracts. We also urge the Bureau to create strong incentives to move contractors from interim renewal contracts to long-term contracts. We consider these NEPA compliance issues to be significant and we will work with you to resolve our concerns to avoid elevation of these issues.

USEPA
8

USEPA
9

EPA wishes to acknowledge the significant efforts made by Bureau staff over the past several years in developing an approach to CVP contracts that is fair to the districts involved and implements the reforms envisioned by the CVPIA. Our detailed comments (attached) discuss a number of issues which we believe should be considered in the environmental documentation for interim renewal of water service contracts. We stand ready to offer our support on working through the issues raised in our comments or on other issues raised during the comment period. If you have any questions about these comments, please call Lisa Hanf at (415) 972-3854 or Laura Fujii at (415) 972-3852.

Yours truly,



Joshua Baylson,
Acting Deputy Director
Cross Media Division

Attachments: Detailed comments (3 pages)
EPA Comments on 1994 Draft Guidelines for Interim Renewal of CVP
Contracts
EPA Comments on 1994 Interim Renewal EA

MI002218

Filename: interimcypcontracts.wpd

cc: Donna Tegelman, BOR, MP-400
Gary Stern, National Marine Fisheries Service, Santa Rosa
Michael Aceituno, National Marine Fisheries Service, Sacramento
US Army Corps of Engineers, San Francisco & Sacramento
Pat Port, Department of the Interior
Wayne White and David Wright, US Fish and Wildlife Service
Jim White, Department of Fish and Game
Victoria Whitney, State Water Resources Control Board
Mary Nichols, California Resources Agency
Patrick Wright, CALFED

DETAILED COMMENTS**Impact of No Action (Status Quo)**

The 1994 Environmental Assessment (EA) and subsequent Supplemental Environmental Assessments (SEAs) measure impacts of the proposed action relative to the status quo scenario, or "no action." However, the Bureau has failed to place the status quo in the context of historical biological resource losses or actual on-the-ground environmental conditions associated with CVP water delivery (e.g., reduced flows in the San Joaquin River). Thus, the conclusion that there are no significant impacts since the proposed action represents a continuation of the existing action is flawed.

USEPA
10***Recommendation:***

We urge the Bureau to evaluate potential impacts of the continuing action in comparison to existing environmental conditions and trends. As we have stated before, "no action" does not equate with "no impact." Therefore, the Bureau should determine whether the continuation of the action will contribute to a declining, stable, or improving environmental condition.

Environmental Consequences

An underlying assumption of the SEA appears to be that there are no changes in land use, canal maintenance procedures, cropping patterns, or other agricultural and irrigation practices because the contracts are of a limited duration, represent a continuation of existing conditions, and will not provide for additional water supplies that could lead to shifts in agricultural practices or land use (draft Finding Of No Significant Impacts (FONSI), pg. 3). However, changes in existing conditions have occurred which could affect agricultural practices. These changes should be taken into account.

USEPA
11***Recommendations:***

We recommend the Bureau reevaluate the assumption of no change in agricultural or irrigation practices that occur with market and other economic shifts, regulatory reform, and environmental dynamics. In examining the incremental impacts of roll-overs, the Bureau should consider the cumulative impacts from changed agricultural conditions. Conditions to consider include changes in herbicide use for aquatic plant control in irrigation canals, the increased focus on invasive species control, new air quality standards (e.g., PM2.5), new water quality actions (e.g., California Regional Water Quality Control Board waste discharge requirements), and projected growth and development within the Central Valley.

The 2000 SEA (pg. 3-4) states that the Bureau has undertaken a number of commitments to monitor and address any impacts from the previous interim contracts. We urge the Bureau to include the most recent monitoring results in the final environmental documentation.

USEPA
12

Alternatives

1. It appears that Alternative 2, as presented in the 2000 SEA, is no longer being evaluated as an alternative. Therefore, only Alternative 1, the No Action alternative, is considered in the 2001 and 2002 SEAs (2002 SEA, pg. 2-2).

USEPA
13

Recommendation:

Given the fact that many of the interim contracts have been in place for 7 years and may be continued into the indefinite future, we strongly believe the Bureau should consider evaluation of other reasonable alternatives as required by NEPA [40 CFR Section 1502.14(a) and (c)].

2. As presented in the 2000 SEA, Alternative 2 would specify water quantities using two water supply categories. The first, more reliable water category, would be the quantity of water that would be reasonably likely to be available during a year for delivery and would be the "contract total." The second category of water would be any additional water that may be delivered to contractors in excess of the first category of water.

EPA has frequently expressed our concern that the contract quantities included in the current contracts do not accurately reflect the delivery capability of the CVP, especially after regulatory actions under the Clean Water Act, the CVPLA and the Endangered Species Act are considered. In many years – and for some districts, in most years – the CVP is unable to deliver the entire amount of water called for in the current contracts. EPA is concerned that this "over commitment" of CVP supplies has the potential to adversely affect the Bureau's ability to effectively assist in addressing California water and environmental needs.

USEPA
14

Recommendation:

We urge the Bureau to consider including the dual water category approach in their interim contract renewals, especially since these contracts may continue into the indefinite future. We suggest that the Bureau develop a consistent process for determining, on a contract by contract basis, the proper allocations of "base" and "supplemental" quantities. We believe the "base" amount should reflect recent historical realities but also factor in the anticipated future limitations on CVP supplies noted and evaluated in the CVPLA Programmatic EIS.

3. Alternative 2 also included the concept of tiered water pricing for the first category of water (contract total) where the first 80 percent of the contract total would be priced at the contract rate. Subsequent 10 percent increments would be priced at higher rates. The second category of water would be priced at the full cost rate.

USEPA
15

Recommendation:

EPA has often expressed our support for the concept of tiered pricing as a mechanism for encouraging economically efficient water uses in both the agricultural and urban sectors. EPA appreciates that implementing tiered pricing in the real world is difficult, given the vastly different circumstances of irrigation districts and the various approaches to managing water supplies in diverse hydrologies. Nevertheless, we urge the Bureau to reconsider including tiered water pricing in interim renewal contracts and to develop carefully tailored, district or unit level approaches to tiered pricing.

General Comments

1. We recommend the Bureau clearly state in the environmental documentation the most realistic schedule for execution of long-term contract renewals. We ask that the Bureau confirm that interim contract renewals will not be continued into the indefinite future. We also strongly urge the Bureau to include language in each interim contract stating a specific schedule and date for finalizing and executing the long-term contract.

USEPA
16

2. We are concerned that NEPA review of the major environmental issues involved in water delivery under these contracts is being carried out in an increasingly fragmented way through different NEPA processes. We urge the Bureau to more explicitly articulate (a) how the various long-term contract EISs (e.g., American River Unit) will tier from the CVPIA PEIS, (b) how these interim contract SEAs will tier from the CVPIA PEIS (now that there is a final Record Of Decision on the PEIS), and (c) how the many local efforts, such as the San Luis Drain EIS and the Westside Integrated Resource Plan (WIRP), will tier from the CVPIA PEIS and relate to the various contract renewal evaluations.

USEPA
17

3. The final environmental documentation should include updated information on the status of current water transfers and assignments; implementation of CVPIA requirements of Section 3405, as already incorporated into the interim contract provisions (e.g., installation of water measurement devices, conservation plans, meeting water quality standards, payment provisions); US Fish and Wildlife and National Marine Fisheries Service concurrence letters on meeting Endangered Species Act requirements; and status of Interim Contracts Renewal Biological Opinion commitments.

USEPA
18

APPENDIX G - CONTINUED

Response to Comments by US Environmental Protection Agency (USEPA)

- USEPA-1 Comment Noted.
- USEPA-2 Comment Noted. See section 1.1, fourth paragraph, of this environmental assessment which explains our environmental analysis approach. Reclamation believes the NEPA analysis is appropriate for the action at hand.
- USEPA-3 Comment Noted.
- USEPA-4 Comment Noted.
- USEPA-5 Reclamation anticipates completing the environmental compliance and the execution of long-term water service contract within this interim period. The complexity of the analysis associated with the Programmatic Environmental Impact Statement (PEIS) extended its completion until October 1999 with the Record of Decision approved on January 9, 2001. The CVPIA PEIS evaluated CVP-wide impacts of long-term contract renewal. Long-term contract environmental compliance documents tiered from the CVPIA PEIS are at various stages of completion. Friant Division, Hidden Unit, and Buchanan Unit long-term contract have been executed. Interim contracts are necessary until completion of the contract negotiation and environmental compliance processes. The interim renewal of these contracts essentially maintains the status quo.
- USEPA-6 See Response to USEPA-2.
- USEPA-7 The final CVPIA PEIS, partly based on comments on the draft CVPIA PEIS, did evaluate impacts to Delta water quality in Technical Appendix Volume Ten, October 1999, and habitat and water quality conditions that affect fish in the Central Valley streams in Attachment B of the Fish Habitat Water Quality Technical Information, September 1997. Regional and district level water quality impacts as they may relate to the approval of long-term water service contracts have or will be evaluated in the long-term contract renewal NEPA documents tiered from the PEIS.
- USEPA-8 See USEPA-5 and 2. Reclamation and the contractors have made and will continue efforts to complete the appropriate environmental compliance process for long-term contracts.

Response to Comments by US Environmental Protection Agency (USEPA)

- USEPA-9 Section 3404 (e)(3) of the CVPIA provides the incentives to renew interim and "encourage early renewal" of all CVP water service contracts. Reclamation intent is to aggressively pursue completion of long-term contract renewals.
- USEPA-10 See section I.1, fourth paragraph, of this final EA. The EA and the scope of analysis were developed consistent with NEPA regulations and guidance for the Council on Environmental Quality. The proposed action is the continuation of the existing interim contracts with only minor, administrative changes to the contract provisions. Only minor change in actions, circumstances, or information has occurred. See response to comment USEPA-2.
- USEPA-11 With interim contract renewal, the continuation of providing the same amount of water to the same lands for the existing/ongoing purpose does not result in a significant new impact. Other activities may be affecting agricultural practices, but the renewal of existing interim water service contracts for up to 2 years will not shift agricultural practices or land use. For the renewal of interim contracts, we believe it would be a unproductive exercise to analyze impacts on natural resources from activities such as changes in herbicide use for aquatic plant control or increased focus on invasive species control which interim water service contracts have little if any relationship to the action at hand.
- USEPA-12 Monitoring results of previous interim contracts have shown no significant affects from Reclamation's discretionary actions related to interim contract renewals. Appendix H of this Supplemental EA provide the latest report on the interim contract renewal US Fish and Wildlife Service's biological opinion.
- USEPA-13 Other alternatives are being evaluated as part of the long-term contract renewal process. So far, twenty-seven long-term contracts have been renewed. Unless unforeseen complications arise, Reclamation and the interim contractors will execute long-term contracts, which will include completing all environmental compliance, within the next two years.
- USEPA-14 The Reclamation Project Act of 1956 and Reclamation Project Act of 1963 mandate renewal of existing contract amounts when beneficially used. Needs analysis have been completed to identify the amount of water that could be beneficially used by each water service contractor. The contract amounts were constrained to not exceed the beneficial use or the existing contract amount, whichever is less.

CVPIA required CVP to institute environmental management as part of the CVP operations, such as allocation of 800,000 acre-feet for fish and wildlife

Response to Comments by US Environmental Protection Agency (USEPA)

purposes, refuge water supply, and acquisition of water from willing sellers. These requirements in addition to existing Federal and State requirements of CVP operations constrain the actual delivery amounts. These existing legal constraints provide regulatory environmental use of CVP water.

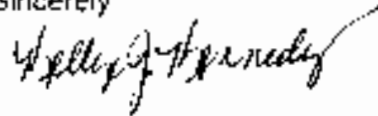
- USEPA-15 Alternatives, including tiered pricing, are being addressed through the negotiations process for long-term contracts. Appropriate alternatives will be evaluated as part of the environmental compliance process for long-term water-service contract renewals.
- USEPA-16 See response USEPA-5 and 9. Various unforeseen circumstances have delayed the execution of long-term contracts for the interim contractors.
- USEPA-17 With the completion the CVPLA PEIS and the ROD (1-9-01), Reclamation has continued with the process to complete the contract negotiations and tiered regional environmental documents necessary to executed long-term water service contracts, many of which are also interim contracts. The environmental process is complete for the 25 of the 28 Front Division contracts, the Hidden Unit contract, and the Buchanan Unit contract and also near completion for the Cross Valley Canal Unit contracts.
- USEPA-18 No water transfers or assignments of water are part of the proposed action. They are separate independent actions. Appropriate environmental compliance and documentation will be completed for any request from interim contractors for Reclamation approval of water transfers or water assignments.

This Supplemental EA provides the US Fish and Wildlife Service biological opinion (Appendix H), the National Marine Fisheries Service concurrence letter (Appendix I), and the summary status report on the conservation actions included in the US Fish and Wildlife Service's 2000 biological opinion on interim renewals (Appendix F).

Mr. Frank Michny
Page 2
January 23, 2004

Thank you for considering these comments. If you have any questions, you may contact me at (916) 447-1534

Sincerely



Kellye Kennedy
Senior Project Manager
Imported Water Unit

cc: Karen Donovan, Duane Morris
kk:kk

APPENDIX G - CONTINUED

Response to Comments by Santa Clara Valley Water District (SCVWD)

SCVWD-1 Comment noted.

SCVWD-2 Text revised as suggested.



STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit



Arnold Schwarzenegger
Governor

Jan Pibel
Acting Deputy
Director

February 19, 2004

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| 2004-1-3104 |

Bob Eckart
U.S. Bureau of Reclamation
2800 Conage Way
Sacramento, CA 95825

Subject: 2004 Renewal of Interim Water Service Contracts Through February 28, 2006. CVR, CA
SC 11# 200401-0004

Dear Bob Eckart:

The State Clearinghouse submitted the above named Joint Document to selected state agencies for review. The review period closed on February 18, 2004, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

CH
1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

SEARCHED _____
SERIALIZED _____
INDEXED _____
DATE _____

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**Document Details Report
State Clearinghouse Data Base**

SCH# 2004014004
Project Title 2004 Renewal of Interim Water Service Contracts through February 28, 2006, CVP, CA
Lead Agency U.S. Bureau of Reclamation

Type JD - Joint Document
Description Execute up to 59 interim Water Service Contracts with Central Valley Project water contractors for a period of up to two years, from March 1, 2004 through February 28, 2006. Interim Contract Renewals are executed under the authority of the CVPIA to provide a bridge between the expiration of existing long-term water service contracts and the execution of new long term water contracts.

Lead Agency Contact

Name Bob Eckart
Agency U.S. Bureau of Reclamation
Phone 916 973-5051 **Fax**
email
Address 2800 Colgate Way
City Sacramento **State** CA **Zip** 95825

Project Location

County
City
Region
Cross Streets
Parcel No.
Township

Range **Section** **Base**

Proximity to:

Highways
Airports
Railways
Waterways Sacramento River, San Joaquin River, American River, Feather River
Schools
Land Use Agricultural and Municipal / Industrial

Project Issues Agricultural Land; Vegetation; Wildlife; Growth Inducing; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 2; Department of Fish and Game Headquarters; Delta Protection Commission; Department of Parks and Recreation; Reclamation Board; Department of Water Resources; Native American Heritage Commission; State Lands Commission; Regional Water Quality Control Bd., Region 5 (Sacramento); State Water Resources Control Board, Clean Water Program; State Water Resources Control Board, Division of Water Quality; State Water Resources Control Board, Division of Water Rights

CH
2

Date Received 01/20/2004 **Start of Review** 01/20/2004 **End of Review** 02/18/2004

APPENDIX G - CONTINUED

Response to Comments by
State of California
State Clearinghouse and Planning Unit

- CH-1 Comment noted.
- CH-2 Comment noted.