

# RECLAMATION

*Managing Water in the West*

Environmental Assessment

## **2017 American River Division Interim Water Service Contract Renewal for the Sacramento County Water Agency**

Central California Area Office Folsom, CA



U.S. Department of the Interior  
Bureau of Reclamation  
Mid Pacific Region  
Central California Area Office  
Folsom, California

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## **Mission Statements**

The Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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# List of Acronyms and Abbreviations

|             |  |
|-------------|--|
| AF          | Acre Feet  |
| AFY         | Acre-Feet Per Year   |
| BO          | Biological Opinion   |
| CVP         | Central Valley Project   |
| CVPIA       | Central Valley Project Improvement Act   |
| EA          | Environmental Assessment   |
| EIS         | Environmental Impact Statement   |
| ESA         | Endangered Species Act   |
| FRWP        | Freeport Regional Water Project  |
| FWS         | United States Fish and Wildlife Service  |
| IRC         | Interim Renewal Contract   |
| ITA         | Indian Trust Assets  |
| LTO         | Coordinated Long-term Operations of the Central Valley Project and State Water Project |
| M&I         | Municipal and Industrial   |
| NEPA        | National Environmental Policy Act  |
| NMFS        | National Marine Fisheries Service  |
| Non-Project | Not Part of the Central Valley Project   |
| PEIS        | Programmatic Environmental Impact Statement  |
| PCWA        | Placer County Water Agency   |
| RPAs        | Reasonable and Prudent Alternatives  |
| Reclamation | Bureau of Reclamation  |
| ROD         | Record of Decision   |
| SCWA        | Sacramento County Water Agency   |
| SJWD        | San Juan Water District  |
| SMUD        | Sacramento Municipal Utility District  |
| SWP         | State Water Project  |
| SWRCB       | State Water Resources Control Board  |
| WFA         | Sacramento Water Forum Agreement   |

# Section 1 Introduction

In conformance with the National Environmental Policy Act of 1969 (NEPA), as amended, the Bureau of Reclamation (Reclamation) has prepared this Draft Environmental Assessment (EA) to evaluate and disclose any potential environmental impacts associated with the implementation of a 24-month interim renewal Central Valley Project (CVP) water service contract with the Sacramento County Water Agency (SCWA) for 30,000 acre-feet per year (AFY).

## 1.1 Background

On October 30, 1992, the President signed into law the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575) that included Title 34, the Central Valley Project Improvement Act (CVPIA). In accordance with Section 3404(c) of the CVPIA, Reclamation proposes to execute an interim water service contract. Interim renewal contracts (IRC) are issued under the authority of the CVPIA to provide a bridge between the expiration of the original long-term water service contracts and the execution of the next long-term water service contracts. The water service contract proposed for interim renewal is for SCWA. SCWA has two previously executed IRCs. SCWA is one of seven contractors within the American River Division of the CVP.

Section 3409 of the CVPIA required that Reclamation prepare a programmatic environmental impact statement (PEIS) before renewing long-term CVP water service contracts. The PEIS, completed in October 1999 is incorporated by reference in this document. The PEIS analyzed the implementation of all aspects of the CVPIA with contract renewal being one of many programs addressed by this Act. CVPIA Section 3404(c) mandated that upon request all existing CVP contracts be renewed. Implementation of other sections of the CVPIA mandated actions and programs that require modification of previous contract articles or new contract articles to be inserted into renewed contracts. These programs include water measurement requirements (Section 3405(b)), water pricing actions (Section 3405(d)), and water conservation (Section 3405(e)). The PEIS evaluated CVP-wide impacts of long-term contract renewal at a programmatic level. Upon completion of contract renewal negotiations, the local effects of long-term contract renewals at the division level were evaluated in environmental documents that tiered from the PEIS.

Environmental documentation covering long-term renewal of American River Division water service contractors was completed in June 2005 (Reclamation 2005) and is hereby incorporated by reference. This documentation evaluated the effects of renewing long-term contracts for Roseville, Placer County Water Agency (PCWA), SCWA, San Juan Water District (SJWD), Sacramento

Municipal Utility District (SMUD), El Dorado Irrigation District (EID), and East Bay Municipal Utility District (EBMUD). The Record of Decision (ROD) for the American River Division long-term renewals was signed on February 28, 2006 (one day prior to the beginning of a new contract year). Three of the seven American River Division contractors, consisting of SJWD, EID, and EBMUD were able to execute the long-term contracts prior to the beginning of the new contract year. The remaining Division contractors all had existing contracts in place that allowed for the continued delivery of water in the 2006 water year.

### **1.1.1 Sacramento County Water Agency**

SCWA was created by a special act of the California State Legislature in 1952. In 1985, the Agency formed “Zone 40” in order to provide funding for construction of water treatment and transmission facilities through the collection of fees for new development. Historically, Zone 40 relied solely on ground water for its water supply, with an average extraction of 19,000 AF of ground water. Pumping in Zone 40 resulted in lowered ground water levels. In order to sustain the ground water resources in the Zone 40 service area, SCWA implemented a conjunctive use program to seek surface water supplies in order to allow for adequate recharge of the aquifer.

SCWA has two surface water contracts with the United States: a CVP water service contract with Reclamation (No. 6-07-20-W1372) for delivery of up to 15,000 AF<sup>1</sup> of water made available pursuant to PL 101-514 (colloquially referred to as Fazio water), which provides a permanent water supply to Zone 40; and this Proposed Action for renewal of SCWAs IRC (No. 14-06-200-5198B-IR2) for 30,000 AF of SMUDs assigned CVP water.

SMUD entered into a contract with Reclamation on November 20, 1970, which established terms for the delivery of up to 75,000 AFY of water from the American River Division through December 31, 2012. On July 12, 2006, SMUD assigned to SCWA the right, title, and interest in that portion of the contract consisting of 30,000 AFY of CVP water including any rights to renew the contract. SCWA then entered into a contract with Reclamation for the 30,000 AFY of assigned CVP water from SMUD which expired December 31, 2012.

SCWA supplies the Zone 40 service area through an integration of surface water, ground water, recycled water and appropriative water resources that will be used to meet SCWAs projected Zone 40 demands of 72,921 AF by the year 2040 (SCWA, 2016). SCWAs use of ground water is limited as a result of their conjunctive use program. As a condition of the second assignment of SMUDs CVP water, SCWA is obligated to provide groundwater to SMUD in dry and

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<sup>1</sup> SCWAs Fazio CVP contract (No. 6-07-20-W1372) is for 22,000 AF. SCWAs has since signed over a portion of that Contract to the City of Folsom for 7,000 AF, bringing SCWAs contract total to 15,000 AF.

critically dry years. According to SCWAs Zone 40 Water Supply Master Plan, the maximum, minimum and average amount of groundwater needed to meet projected long-term demands is 69,900 AF, 27,300 AF and 40,900 AF, respectively. Groundwater is considered to be the last priority in meeting water demands after surface water entitlements are used.

SCWAs 2005 Zone 40 Water Supply Master Plan identifies that SCWA purchases recycled water from the Sacramento Regional County Sanitation District, which is used primarily for landscape irrigation at parks, schools and rights-of-way. SCWA anticipates that 4,400 AFY of recycled water will be used in Zone 40 to meet non-potable demands by 2030.

SCWA submitted an application to the State Water Resources Control Board (SWRCB) for the appropriation of water from the American and Sacramento Rivers, and would later be authorized by the SWRCB on May 30, 1995. This water is considered 'intermittent water' that typically would be available during the winter months of normal or wet years, and could be used for groundwater recharge. The maximum, minimum and average annual use of appropriative water is 71,000 AF, 0 AF and 21,700 AF, respectively (SCWA, 2005).

The Freeport Regional Water Project (FRWP) Final Environmental Impact Statement/Environmental Impact Report (FEIS/FEIR) was completed in March 2004 (Reclamation, 2004), and hereby incorporated by reference, evaluated the assignment of 30,000 AFY of CVP water from SMUD to SCWA for use within SCWA's Zone 40 Contract Use Area<sup>2</sup> (see Appendix A). CVP water assigned to SCWA would be delivered two points of diversion for SCWA's CVP water (30,000 AFY); (a) the intake for the Sacramento River Water Treatment Plant owned by the City of Sacramento (b) the intake for the FRWP on the Sacramento River (see figure 1). The terms of the proposed IRC will make available for delivery to SCWA up to 30,000 AFY of municipal and industrial (M&I) water.

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<sup>2</sup> Contract Use Area refers to the area to which the Contractor (SCWA) is permitted, subject to Article 5(c), to provide Project Water obtained under this Contract. The Contract Use Area is the area identified as "Zone 40." The Contractor's Service Area refers to all areas or locations within the Contract Use Area that receive surface water service or commingled ground water and surface water service from the Contractor.

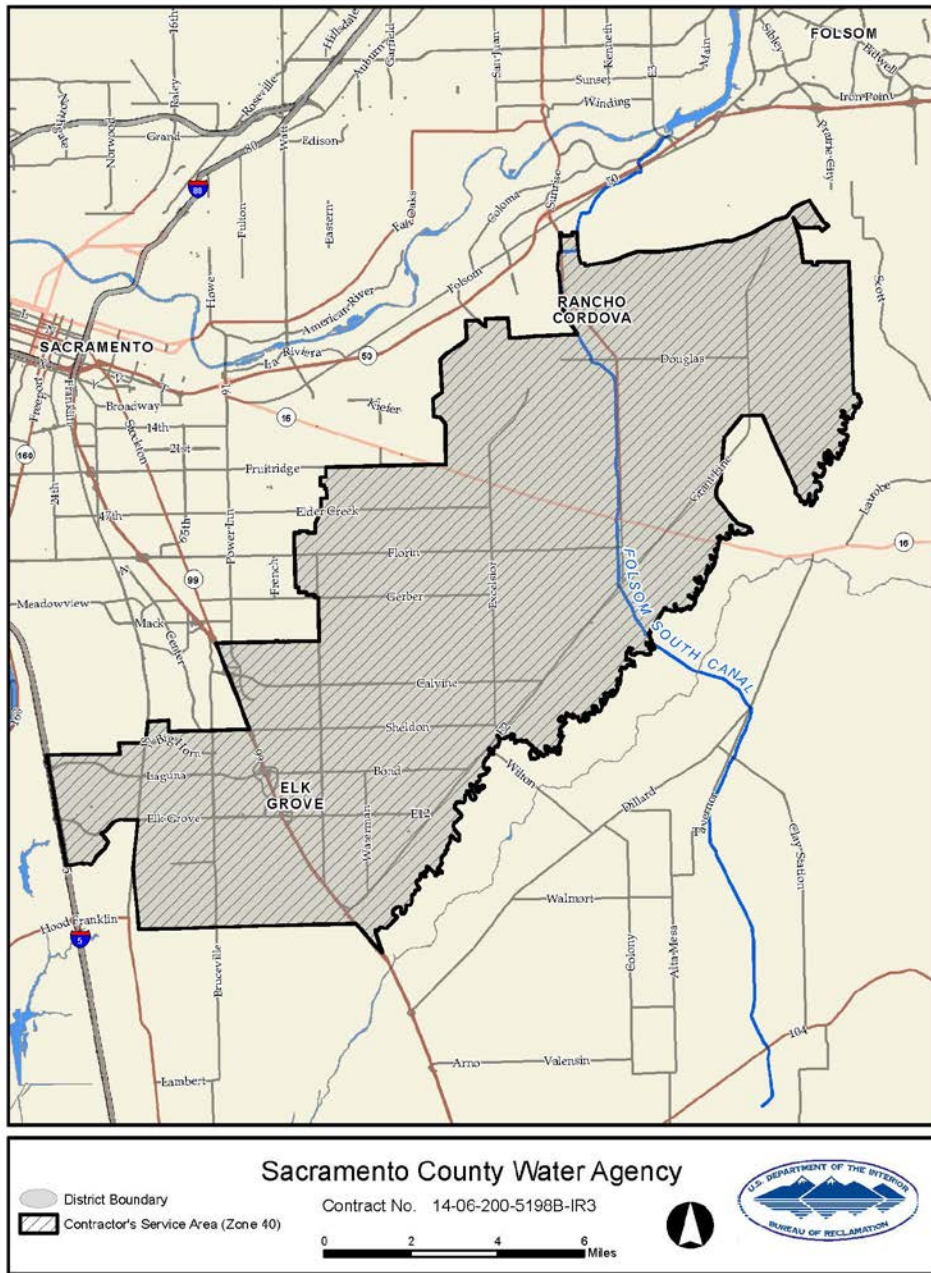




Figure 1: Map of the Freeport Regional Water Project Intake Facility

## 1.2 Action Description

Reclamation proposes to enter into a 24-month (third) IRC with SCWA to provide SCWA with an interim CVP contract for up to 30,000 AFY of CVP water for M&I use in SCWA’s CVP service area (figure 2).



**Figure 2: Map of SCWAs Zone 40 CVP Service Area**

The term of the SCWA IRC would be from March 1, 2017 through February 28, 2019. In the event a new long-term water service contract is executed, the IRC, then-in-effect, would be superseded by the long-term water service contract and analyzed under a separate environmental review process.

No changes to SCWA's CVP service area and no construction is required as part of the Proposed Action. Changes to the CVP service area would be a separate federal action and require separate environmental documentation.

### **1.3 Need for the Proposal**

The purpose of the Proposed Action is to execute an IRC to provide a continued contract mechanism for the delivery of CVP water to SCWA. The IRC will continue to provide a bridge between expiration of SCWAs CVP contract and a new long-term CVP contract, for use by SCWA as they reach build-out within their Zone 40 service area. The contract also continues reimbursement to the federal government for costs related to the construction and operation of the CVP.

## **Section 2 Alternatives Including the Proposed Action**

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

### **2.1 No Action Alternative**

Under the No Action Alternative, the 2015 IRC between SCWA and Reclamation would expire on February 28, 2017. There would be no contractual mechanism for Reclamation to deliver up to 30,000 AFY of CVP water to SCWA, and the existing needs of SCWA's customers would not be met through these CVP contract supplies. It is reasonably assumed that water use in the Contractor's service area for the two year IRC period of March 1, 2017 through February 28, 2019 would not substantially change because this deficit could be covered from other CVP supplies (Fazio contract) and non-CVP supplies made available to the Contractor. SCWA maintains a separate long-term CVP contract (Fazio contract) with Reclamation for the annual delivery of up to 15,000 AFY of CVP water from Folsom Reservoir.

Under the No Action Alternative, Reclamation would continue to operate the CVP consistent with all requirements as described in the 2008/2009 BOs from the FWS and NMFS, respectively on the Continued Long-Term Operations of the CVP and SWP. This includes the Reasonable and Prudent Alternatives (RPAs) contained in the 2008/2009 BOs from the FWS and NMFS, respectively on the Effects of the Coordinated Operations of the CVP and SWP to federally listed species.

### **2.2 Proposed Action**

The Proposed Action is to enter into an IRC with SCWA to provide the contract mechanism to facilitate the delivery of up to 30,000 AFY of CVP water from Folsom Reservoir.

Water associated with this action would be delivered at the two points of diversion for SCWA's CVP water (30,000 AFY); (a) the intake for the Sacramento River Water Treatment Plant owned by the City of Sacramento; (b) the intake for the FRWP on the Sacramento River, as shown in Figures 1 and 2, respectively. These points of diversion are approved CVP points of diversion.

The contract service area for the proposed IRC has not changed from current use or from that considered in the evaluation of long-term contract renewals conducted in 2005 (Reclamation 2005). The proposed contract quantity will remain the same as SCWA's existing IRC. Water can be delivered under the IRC in quantities up to the contract total, although reduced quantities may be made available consistent with contract water shortage provisions in years when water supplies are limited. The terms and conditions of the 2017 IRC are incorporated by reference into the Proposed Action.

In the event a new long-term water service contract is executed under the proposed IRC, the IRC, then-in-effect, would be superseded by the long-term water service contract and analyzed under a separate process.

For purposes of this EA, the following requirements are assumed under the Proposed Action:

- A 24 month interim renewal period is considered in the analysis;
- The IRC would be renewed with existing contract quantities;
- Reclamation would continue to comply with commitments made or requirements imposed by applicable environmental documents, such as existing biological opinions (BOs), including any obligations imposed on Reclamation resulting from re-consultations

### **2.2.1 Action Area**

The Action Area consists of the SCWA Zone 40 service area, Folsom Reservoir downstream on the American River to the confluence of the Sacramento River and the lower Sacramento River from its confluence with the American River to the Freeport Regional Water Project Intake Facility.

## Section 3 Affected Environment and Environmental Consequences

SCWA's CVP contract service area is contained within the American River Division of the CVP along with six other water purveyors. The service area boundary within Sacramento County where CVP water is served is identified in Appendix A.

This EA considers the potential effects of the IRC on the resources listed below. The analysis contained in the December 15, 2008 and June 4, 2009 BOs, including their RPAs, from the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) respectively, on the *Continued Long-Term Operations (LTO) of the CVP and State Water Project (SWP)* (USFWS 2008, NMFS 2009); and the 2016 LTO EIS and ROD (Reclamation 2016) is incorporated by reference into this document.

Reclamation formed an interdisciplinary team to identify any physical, biological, social, cultural or economic issues that might be affected by the alternatives. The analysis of these resources compares effects of the Proposal to the No Action Alternative. Impacts to the following resources were considered and found to be minor or absent:

- **Indian Trust Assets:** Indian Trust Assets (ITAs) are legal interests in property or rights held in trust by the United States for Indian Tribes or individual Indians. Indian reservations, Rancherias, and Public Domain Allotments are common ITAs in California. There are no known ITAs present within the Action Area; therefore, the Proposed Action does not have a potential to affect ITA's (See Appendix A, Indian Trust Assets Compliance Memo).
- **Indian Sacred Sites:** Executive Order 13007 (May 24, 1996) requires that federal agencies accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners, and avoids adversely affecting the physical integrity of such sacred sites on federal lands. The Sacramento River Water Treatment Plant, FRWP, and SCWA's service area are not located on federal lands; therefore, the Proposed Action would not affect access to or use of Indian sacred sites on federal lands.
- **Environmental Justice:** Communities in Zone 40 and area near the points of delivery do not constitute low-income or minority communities. The IRC is a continuation of existing conditions and would not adversely change conditions at or near community gathering places, institutions, workplaces, or housing within the place of use or near the point of

delivery. Therefore the action would have no disproportionate effect on low-income or minority communities.

- **Cultural Resources:** By implementing the Proposed Action Alternative, all water will be delivered within existing water service area boundaries utilizing existing water conveyance. The Proposed Action has no potential to cause effects on historic properties pursuant to 36 CFR §800.3(a)(1).

This EA provides analysis of the affected environment of the Proposed Action and No Action Alternative in order to determine the potential impacts and cumulative effects to the following environmental resources.

## **3.1 Biological Resources**

### **3.1.1 No Action**

Implementation of the No Action Alternative would mean that the existing IRC with SCWA would expire in February 2017, and SCWA would not have a contract mechanism for delivery of their CVP water.

The No Action Alternative assumes that water demands in SCWAs CVP service area would be met with non-CVP supplies or other CVP supplies. This is supported by other sources of water available to SCWA for use in their Zone 40 service area, including their 15,000 AFY CVP contract (Fazio water), groundwater supplies and recycled water supplies. The No Action Alternative also includes the operations of the CVP consistent with all requirements as described in the 2008/2009 BOs from the FWS and NMFS, respectively on the Continued Long-Term Operations of the CVP and SWP. This includes the Reasonable and Prudent Alternatives (RPAs) contained in the 2008/2009 BOs from the FWS and NMFS, respectively on the Effects of the Coordinated Operations of the CVP and SWP to federally listed threatened and endangered species under the Endangered Species Act.

Actions would continue to be taken to protect sensitive species in the American River including formulation of an annual water temperature management plan for steelhead, the Flow Management Standard for the lower American River, use of CVPIA Section 3406 (b)(2) water supplies to supplement flows in the Lower American River, flow and temperature requirements, and examinations of potential improvements to fish passage and structural temperature control options. There would be no adverse effects to biological resources under the No Action Alternative.

### **3.1.2 Proposed Action**

Impacts to biological resources under the Proposed Action would be identical to conditions under the No Action Alternative. The IRC would provide for the delivery of CVP water in the same quantity to the same lands for the same M&I

uses as would be provided under the No Action Alternative. This would be no change from conditions under the existing IRC. Reclamation would continue to operate the CVP consistent with the 2008/09 BOs, and water deliveries would be made through existing CVP facilities.

The action does not require the construction of any new facilities, the installation of any new structures, or the modifications of existing facilities. The water would be placed to beneficial use within the authorized place of use for CVP water from Folsom Reservoir. The potential effects to biological resources occurring within the action area of this Proposed Action have been analyzed in Chapter 9 of the 2016 EIS on the LTO of the CVP and SWP. The impact analysis considered changes in the ecological attributes that affect fish and aquatic resources related to changes in CVP and SWP operations, including: changes in reservoir storage volumes, elevations, and water temperatures in primary storage reservoirs. Potential changes in reservoir storage, elevation and temperature could affect downstream fisheries by changing flow and temperature regimes.

The LTO EIS used modeling data to compare historical and future average monthly hydrologic conditions, such as reservoir elevation, storage and temperatures to understand the potential impacts to aquatic resources within the CVP and SWP. This information was compared between each alternative to consider an environmentally preferable alternative to influence positive instream conditions for ESA-listed aquatic species, and to meet downstream water objectives. Reclamation concluded that the environmentally preferable alternative would be to operate the CVP consistent with the 2008, 2009 BOs and their associated RPAs.

The analysis contained in Chapter 9 of the LTO EIS assumed full contract deliveries of CVP water, including this Proposed Action, in respect to the potential effects on aquatic resources; these results are contained in Table 9.5 (pp. 9-424-9-426) of the LTO EIS (Reclamation, 2016).

Implementation of the Proposed Action would not change biological resources within the Action Area; therefore, the biological resources analysis contained in Chapter 9 of the 2016 EIS on the LTO of the CVP and SWP, which was conducted upon adoption of the 2008/2009 BOs, including their RPAs is incorporated by reference into this document. This action is also in accordance with Section 3404(c) of the CVPIA; in which the Final PEIS and Programmatic CVPIA BO were released in October 1999 and November 2000, respectively. The PEIS addressed the implementation of the CVPIA and the continued operation and maintenance of the CVP (incremental and cumulative effects).



In addition, as part of the essential fish habitat conservation consultation, NMFS analyzed the effects of the Proposed Action on fall-run Chinook salmon in the Lower American River. In general, NMFS identified the primary factors potentially limiting fall-run production within the Lower American River as high water temperatures, reduced flow magnitude, and flow fluctuations. NMFS identified RPAs to alleviate the effects of Folsom Reservoir operations on fall-run Chinook salmon in the Lower American River. The Proposed Action was addressed in the consultation and is subject to the NMFS BO.

Reclamation is currently operating the overall CVP system to meet all regulatory requirements, downstream water needs, and environmental requirements. Under the Proposed Action, Reclamation would continue to implement all current regulatory actions. The Proposed Action would not alter CVP operations, water storage or release patterns from CVP facilities, or the maximum volume of water to be delivered to the American River Division; therefore, conditions under the Proposed Action Alternative would be the same as those under the No Action Alternative.

## **3.2 Water Supply and Hydrology**

### **3.2.1 No Action**

Implementation of the No Action Alternative would mean that the existing IRC would expire in February 2017 and SCWA would not have a contract mechanism for the delivery of 30,000 AFY to SCWA's Zone 40 site. SCWA has a variety of additional water supplies, including a separate CVP contract for use within their service area. It is reasonable to assume that SCWA would still have adequate supplies to meet their demands.

### **3.2.2 Proposed Action**

Under the Proposed Action, Reclamation would enter into a two-year IRC with SCWA to provide a contractual mechanism for the delivery of up to 30,000 AFY of CVP supplies from Folsom Reservoir. The 2016 Final EIS for the LTO of the CVP and SWP included analysis to evaluate potential impacts to Folsom Reservoir operations and Reclamation's management of the cold water pool with implementation of SCWA's CVP supply. This analysis indicates that the Proposed Action would not have any changes to cold water pool volume and therefore, would not have any additional effect on Reclamation's ability to meet downstream fisheries requirements. Because the implementation of these water service contracts was found not to affect Folsom Reservoir operations, it is reasonable to conclude that implementation of the Proposed Action would not result in any new affects to Reclamation's operation of Folsom Reservoir or management of the cold water pool, as this is a renewal for ongoing operations within the CVP.

The contract quantity was included in the impact analysis presented in the December 15, 2008 and June 4, 2009 BOs from the FWS and the NMFS, respectively, on the Continued Long-term Operations of the CVP and the SWP, as well as the FRWP EIS/EIR (Reclamation, 2004). In addition, this action is also in accordance with Section 3404(c) of the CVPIA; in which the Final PEIS and Programmatic CVPIA BO were released in October 1999 and November 2000, respectively. The PEIS addressed the implementation of the CVPIA and the continued operation and maintenance of the CVP (incremental and cumulative effects). The impact assessments for the CVPIA PEIS and the 2008/2009 BOs including the full deliveries, were able to adequately address the hydrologic, operational, and system-wide cumulative conditions expected under the future conditions.

The Proposed Action does not require the construction of any new facilities, the installation of any new structures, or the modification of existing facilities. With implementation of the Proposed Action, CVP reservoir storage and operations, surface water elevations, and release patterns would not change. The Proposed Action would not result in impacts to water resources.

### **3.3 Facility Operations**

#### **3.3.1 No Action**

Implementation of the No Action Alternative would mean that the existing IRC would expire in February 2017 and SCWA would not have a contract mechanism for delivery of up to 30,000 AFY of CVP water to be delivered to SCWA's Zone 40 site.

#### **3.3.2 Proposed Action**

Under the Proposed Action, Reclamation would enter into a two-year IRC with SCWA to provide a contractual mechanism for the delivery of up to 30,000 AFY of CVP supplies from Folsom Reservoir. The 2016 Final EIS for the LTO of the CVP and SWP included analysis to evaluate potential impacts to Folsom Reservoir operations and Reclamation's management of the cold water pool with implementation of Roseville's CVP supply. This analysis indicates that there would be no changes in cold water pool volume resulting from changes to diversions under this contract at Folsom Reservoir. The proposed action would therefore not result in any effect on Reclamation's ability to manage cold water pool to meet downstream fisheries requirements.

### **3.4 Cumulative Impacts**

According to the Council on Environmental Quality regulations for implementing the procedural provisions of NEPA, a cumulative impact is defined as the impact on the environment which results from the incremental impact of the action when

added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

The SCWA IRC would not result in cumulative adverse impacts to environmental resources when considered in combination with other past, present, and reasonably foreseeable future actions. This action is a continuation of a current CVP water service contract and implementation of this action would be the continuation of existing conditions. The CVPIA PEIS included the full contract deliveries in the assumptions regarding future use. By including full deliveries, these impact assessments were able to adequately address the hydrologic, operational, and system-wide cumulative conditions expected under future conditions. The analyses also indicated that future projects, including future water transfer projects, may improve CVP water supply reliability. These types of programs would modify water supply reliability but not change long-term CVP contract amounts or deliveries from within the historical ranges.

Additionally, full contract deliveries for this Proposed Action were included in the analysis of the 2016 LTO EIS, and is considered to be a continuation of current operations. Reclamation has determined that the Proposed Action has been adequately addressed in the Cumulative Effects analysis for the 2016 LTO EIS. A detailed description of the LTO EIS cumulative effects for water supply is described in Table 5.117 (pp. 5-276-78) of the LTO EIS (Reclamation, 2016).

The Proposed Action, when added to other past, present, and reasonably foreseeable future actions, would not result in additional cumulative effects to the surrounding environment, CVP operations, Folsom Reservoir operations, water supply or hydropower.

## **Section 4 Consultation and Coordination**

This section presents the agencies and parties that were coordinated or consulted with during development of the document, the applicable federal, State and local requirements the project will comply with, and the distribution list.

It is reasonable to assume that the 2008 and 2009 BOs, and proceeding BOs have properly identified and analyzed biological impacts associated with the movement of this water through the FRWP Intake. Furthermore, 2004 FRWP FEIS/FEIR, the 2016 LTO EIS and the 2008/2009 BOs provided additional analyses for the movement of this water and the Reasonable and Prudent Alternatives (RPAs) developed by NMFS and FWS allowed for the continued and ongoing operation of the CVP.

### **4.1 Public Review Period**

Reclamation intends to provide the public with an opportunity to comment on the Draft EA between December 27, 2016 and January 27, 2017.

### **4.2 Endangered Species Act (16 U.S.C. § 1531 et seq.)**

Section 7 of the Endangered Species Act requires Federal agencies, in consultation with the Secretary of the Interior and/or Commerce, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of the critical habitat of these species.

The Proposed Action is consistent with: (1) CALFEDs 2000 Ecosystem Restoration Program Plan (ERPP) and Multi-Species Conservation Strategy (MSCS); (2) the programmatic determinations for the CALFED program, which include California Department of Fish and Wildlife's (CDFW) Natural Community Conservation Planning Act (NCCPA) approval and the 2009 NMFS, 2008 USFWS and 2004/2005 BOs; (3) USFWSs 1997 Draft Anadromous Fish Restoration Program (AFRP), which identifies specific actions to protect anadromous salmonids; (4) CDFWs 1996 Steelhead Restoration and Management Plan for California, which identifies specific actions to protect steelhead; and (5) CDFWs Restoring Central Valley Streams, A Plan for Action (1993), which identifies specific actions to protect salmonids.

### **4.3 National Historic Preservation Act (16 U.S.C. § 470 et seq.)**

The NHPA of 1966, as amended (16 U.S.C. 470 et seq.), requires that federal agencies give the Advisory Council on Historic Preservation an opportunity to comment on the effects of an undertaking on historic properties, properties that are eligible for inclusion in the National Register. The 36 CFR Part 800 regulations implement Section 106 of the NHPA.

Section 106 of the NHPA requires federal agencies to consider the effects of federal undertakings on historic properties, properties determined eligible for inclusion in the National Register. Compliance with Section 106 follows a series of steps that are designed to identify interested parties, determine the APE, conduct cultural resource inventories, determine if historic properties are present within the APE, and assess effects on any identified historic properties.

Reclamation has considered the potential effects on cultural and historic resources resulting from the Proposed Action. The cultural resources compliance memorandum is contained in Appendix A

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## Section 5 References

National Marine Fisheries Service (NMFS). June 4, 2009. Biological Opinion on the Continued Long-term Operations of the Central Valley Project and the State Water Project.

Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575), Title 34, the Central Valley Project Improvement Act, October 30, 1992

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# **Appendix A: Cultural Resources**

## **Compliance Memo**



# **Appendix B: Indian Trust Assets**

## **Compliance Memo**