

# RECLAMATION

*Managing Water in the West*

Draft Environmental Assessment

## **Central Valley Project Interim Renewal Contracts for Westlands Water District, Santa Clara Valley Water District, and Pajaro Valley Water Management Agency 2016- 2018**

EA-15-023A



U.S. Department of the Interior  
Bureau of Reclamation  
South-Central California Area Office

March 2017

## **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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## Section 1 Introduction

The Bureau of Reclamation (Reclamation) is issuing this revised Environmental Assessment (EA) in response to a determination by the Ninth Circuit Court of Appeals that a prior EA concerning the contracts listed in Table 1 was inadequate in certain respects. EA-15-023, issued on September 24, 2015, analyzed the proposed execution of the six interim renewal contracts listed in Table 1 for a two-year period (March 1, 2016 through February 28, 2018). Reclamation provided the public with an opportunity to comment on the Draft Finding of No Significant Impact (FONSI) and Draft EA between September 24, 2015 and October 23, 2015. Reclamation addressed comments received on the Draft EA in a Final EA and issued a FONSI on February 29, 2016 (Reclamation 2016a). The six interim renewal contracts analyzed in EA-15-023 were executed on March 1, 2016.

Table 1 Contractors Existing Contract Amounts and Expiration Dates

<b>Contractor</b>	<b>Contract Number</b>	<b>Contract Quantity (acre-feet per year)</b>	<b>Expiration of Existing Interim Renewal Contract</b>
Pajaro Valley Water Management Agency, Santa Clara Valley Water District, and Westlands Water District Distribution District #1 (3-way assignment from Mercy Springs Water District)	14-06-200-3365A-IR15-B	6,260	2/29/2018
Westlands Water District	14-06-200-495A-IR5	1,150,000	2/29/2018
Westlands Water District Distribution District #1 (full assignment from Broadview Water District)	14-06-200-8092-IR15	27,000	2/29/2018
Westlands Water District Distribution District #1 (full assignment from Centinella Water District)	7-07-20-W0055-IR15-B	2,500	2/29/2018
Westlands Water District Distribution District #2 (partial assignment from Mercy Springs Water District)	14-06-200-3365A-IR15-C	4,198	2/29/2018
Westlands Water District Distribution District #1 (full assignment from Widren Water District)	14-06-200-8018-IR15-B	2,990	2/29/2018

Reclamation's EA was subsequently challenged by a coalition of environmental organizations led by the North Coast Rivers Alliance. On December 15, 2016, the United States Eastern District Court of California issued an order granting a voluntary remand without vacatur of the EA/FONSI and denied a request to rescind the 2016-2018 interim renewal contracts (1:16-cv-00307-LJO-MJS Document 52). Consistent with the Ninth Circuit Court determination noted above, Reclamation has prepared this revised EA to include a non-contract renewal No Action Alternative and the consideration of a reduced contract alternative based on an updated Water Needs Assessment.

## 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) which included Title 34, the Central Valley Project Improvement Act (CVPIA). The CVPIA amended previous authorizations of the Central Valley Project (CVP) to include fish and wildlife protection, restoration, and mitigation as project purposes having equal priority with irrigation and domestic water supply uses, and fish and wildlife enhancement as having an equal priority with power generation. Through the CVPIA, Reclamation is developing policies and programs to improve the environmental conditions that were affected by the operation and maintenance (O&M) and physical facilities of the CVP. The CVPIA also includes tools to facilitate larger efforts in California to improve environmental conditions in the Central Valley and the San Francisco Bay-Delta system.

Section 3404(c) of the CVPIA directs the Secretary of the Interior to renew existing CVP water service and repayment contracts following completion of a Programmatic Environmental Impact Statement (PEIS) and other needed environmental documentation by stating that:

*... the Secretary shall, upon request, renew any existing long-term repayment or water service contract for the delivery of water ... for a period of 25 years and may renew such contracts for successive periods of up to 25 years each ... [after] appropriate environmental review, including preparation of the environmental impact statement required in section 3409 [i.e., the CVPIA PEIS] ... has been completed.*

Reclamation released a Draft PEIS on November 7, 1997. An extended comment period closed on April 17, 1998. The U.S. Fish and Wildlife Service (USFWS) became a co-lead agency in August 1999. Reclamation and the USFWS released the Final PEIS in October 1999 (Reclamation 1999a) and the Record of Decision (ROD) in January 2001. The CVPIA PEIS analyzed a No Action alternative, 5 Main alternatives, including a Preferred Alternative, and 15 Supplemental Analyses. The alternatives included implementation of the following programs: Anadromous Fish Restoration Program with flow and non-flow restoration methods and fish passage improvements; Reliable Water Supply Program for refuges and wetlands identified in the 1989 Refuge Water Supply Study and the San Joaquin Basin Action Plan; Protection and restoration program for native species and associated habitats; Land Retirement Program for willing sellers of land characterized by poor drainage; and CVP Water Contract Provisions for contract renewals, water pricing, water metering/monitoring, water conservation methods, and water transfers.

The CVPIA PEIS provided a programmatic evaluation of the impacts of implementing the CVPIA including impacts to CVP operations north and south of the Sacramento-San Joaquin River Delta (Delta). The PEIS addressed the CVPIA's region-wide impacts on communities, industries, economies, and natural resources and provided a basis for selecting a decision among the alternatives.

Section 3404(c) of the CVPIA further provides for the execution of interim renewal contracts for contracts which expired prior to completion of the CVPIA PEIS by stating that:

*No such renewals shall be authorized until appropriate environmental review, including the preparation of the environmental impact statement required in section 3409 of this title, has been completed. Contracts which expire prior to the completion of the environmental impact statement required by section 3409 [i.e., the CVPIA PEIS] may be renewed for an interim period not to exceed three years in length, and for successive interim periods of not more than two years in length, until the environmental impact statement required by section 3409 has been finally completed, at which time such interim renewal contracts shall be eligible for long-term renewal as provided above.*

Interim renewal contracts have been and continue to be undertaken 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 new long-term water service contracts as provided for in the CVPIA. The interim renewal contracts reflect current Reclamation law, including modifications resulting from the Reclamation Reform Act and applicable CVPIA requirements. The initial interim renewal contracts were negotiated beginning in 1994 for contractors whose long-term renewal contracts were expiring, with an initial interim period not to exceed three years in length, and for subsequent renewals for periods of two years or less to provide continued water service. Many of the provisions from the interim renewal contracts were assumed to be part of the contract renewal provisions in the description of the PEIS Preferred Alternative.

The PEIS did not analyze site specific impacts of contract renewal but rather CVP-wide impacts of execution of long-term renewal contracts. Consequently, as long-term renewal contract negotiations were completed, Reclamation prepared environmental documents that tiered from the PEIS to analyze the local effects of execution of long-term renewal contracts at the division, unit, or facility level (see Section 1.1.1). Tiering is defined as the coverage of general matters in broader environmental impact statements with site-specific environmental analyses for individual actions. Environmental analysis for the interim renewal contracts has also tiered from the PEIS to analyze site specific impacts. Consequently, the analysis in the PEIS as it relates to the implementation of the CVPIA through contract renewal and the environmental impacts of implementation of the PEIS Preferred Alternative are foundational and laid the groundwork for this document.

In accordance with Section 3404(c) of the CVPIA, Reclamation is analyzing the continuation of the six San Luis Unit interim renewal contracts listed in Table 1 for a two-year period (March 1, 2016 through February 28, 2018). In the event a new long-term renewal contract for water service is executed, the interim renewal contract then-in-effect would be superseded by the long-term renewal contract.

Reclamation has prepared this revised EA, which tiers from the PEIS, to determine the site specific environmental effects of any actions resulting from the continuation of these six interim renewal contracts. The following previous interim renewal EAs, which tiered from the PEIS, were prepared for these contracts and approved as follows:

- A 2014 EA (Reclamation 2014) which covered March 1, 2014 through February 2016
- A 2012 EA (Reclamation 2012) which covered March 1, 2012 through February 2014
- Two 2010 EAs (Reclamation 2010a and 2010b) which covered March 1, 2010 through February 2012
- A 2008 EA (Reclamation 2008) which covered March 1, 2008 through February 28, 2010
- A 2007 EA (Reclamation 2007a) which covered January 1, 2008 through February 2010
- A 2006 Supplemental EA (Reclamation 2006a) which covered March 1, 2006 through February 2008
- A 2004 Supplemental EA (Reclamation 2004a) which covered March 1, 2004 through February 2006
- A 2002 Supplemental EA (Reclamation 2002a) which covered March 1, 2002 through February 2004
- A 2001 Supplemental EA (Reclamation 2001a) which covered March 1, 2001 through February 2002
- A 2000 Supplemental EA (Reclamation 2000) which covered March 1, 2000 through February 2001
- A 1998 Supplemental EA (Reclamation 1998) which covered March 1, 1998 through February 2000
- A 1994 Interim Renewal Contracts EA (Reclamation 1994) which covered March 1, 1994 through February 1998

### **1.1.1 Long-Term Renewal Contracts**

CVP water service contracts are between the United States and individual water users or districts and provide for an allocated supply of CVP water to be applied for beneficial use. Water service contracts are required for the receipt of CVP water under federal Reclamation law and among other things stipulates provisions under which a water supply is provided, to produce revenues sufficient to recover an appropriate share of capital investment, and to pay the annual O&M costs of the CVP.

Reclamation completed long-term renewal contract environmental documentation in early 2001 for CVP contracts in the Friant Division, Hidden Unit, and Buchanan Unit of the CVP (Reclamation 2001b). Twenty-five of the 28 Friant Division long-term renewal contracts were executed between January and February 2001, and the Hidden Unit and Buchanan Unit long-term renewal contracts were executed in February 2001. The Friant Division long-term renewal contracts with the City of Lindsay, Lewis Creek Water District, and City of Fresno were executed in 2005. In accordance with Section 10010 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11), Reclamation entered into 24 Friant Division 9(d) Repayment Contracts by December 2010.

A Final Environmental Impact Statement (EIS) analyzing effects of the long-term renewal contracts for the Sacramento River Settlement Contracts and the Colusa Drain Mutual Water Company was completed in December 2004 (Reclamation 2004b). The 147 Sacramento River Settlement Contracts were executed in 2005, and the Colusa Drain Mutual Water Company contract was executed on May 27, 2005. A revised EA for the long-term renewal contract for the Feather Water District water-service replacement contract was completed August 15, 2005 and the long-term renewal contract was executed on September 27, 2005 (Reclamation 2005a).



Environmental documents were completed by Reclamation in February 2005 for the long-term renewal of CVP contracts in the Shasta Division and Trinity River Divisions (Reclamation 2005b), the Black Butte Unit, Corning Canal Unit, and the Tehama-Colusa Canal Unit of the Sacramento River Division (Reclamation 2005c). All long-term renewal contracts for the Shasta, Trinity and Sacramento River Divisions covered in these environmental documents were executed between February and May 2005. As Elk Creek Community Services District's long-term contract didn't expire until 2007 they chose not to be included at that time. Reclamation continues to work on long-term renewal contract environmental documentation for Elk Creek Community Services District.

Reclamation completed long-term renewal contract environmental documents for the Delta Division (Reclamation 2005d) and the U.S. Department of Veteran Affairs (Reclamation 2005e). In 2005, Reclamation executed 17 Delta Division long-term renewal contracts.

Reclamation completed long-term renewal contract environmental documents for Contra Costa Water District (Reclamation 2005f) and executed a long-term renewal contract in 2005.

Regarding certain long term contract renewals related to the Sacramento River Settlement contracts and certain Delta Division contracts, the United States Court of Appeals for the Ninth Circuit recently held that the original Sacramento River Settlement contracts did not strip Reclamation of all discretion at contract renewal, such that Reclamation was not obligated to consult under section 7 of the Endangered Species Act (ESA). The court also held that environmental plaintiffs have standing to challenge the renewal of the Delta Division contracts under section 7 of the ESA, even though the contracts include shortage provisions that allow Reclamation to completely withhold Project water for certain legal obligations. The court additionally found that Reclamation, even though full contract deliveries were analyzed in the 2008 delta smelt biological opinion, has yet to consult on specific contract terms to benefit delta smelt. The matter has been remanded to the District Court. Since that time, Reclamation reinitiated consultation with the USFWS on execution of the Sacramento River Settlement contracts, and the USFWS concurred that the effects of executing the contracts were addressed in the 2008 delta smelt biological opinion. NRDC has amended its complaint to challenge the USFWS' concurrence and raise new claims related to the 2009 salmon biological opinion issued by the National Marine Fisheries Service (NMFS). The litigation continues, but the contracts remain effective.

Reclamation completed long-term renewal contract environmental documents for the majority of the American River Division (Reclamation 2005g). The American River Division has seven contracts that are subject to renewal. The ROD for the American River long-term renewal contract EIS was executed for five of the seven contractors. Reclamation continues to work on long-term renewal contract environmental documentation for the other two remaining contractors.

On March 28, 2007, the San Felipe Division existing contracts were amended to incorporate some of the CVPIA requirements; however, the long-term renewal contracts for this division were not executed. The San Felipe Division contracts expire December 31, 2027. Reclamation

continues to work on long-term renewal contract environmental documentation for the San Felipe Division.

Long-term renewal contracts have not been completed for the City of Tracy, Cross Valley contractors, the San Luis Unit (which includes Westlands Water District [Westlands]) and the 3-way partial assignment from Mercy Springs Water District (Mercy Springs) to Pajaro Valley Water Management Agency (Pajaro Valley), Santa Clara Valley Water District (Santa Clara), and Westlands Distribution District #1 (DD#1) pending completion of appropriate environmental documents.

## **1.2 Need for the Proposed Action**

Interim renewal contracts are needed to provide the mechanism for the continued beneficial use of the water developed and managed by the CVP and for the continued reimbursement to the federal government for costs related to the construction and operation of the CVP by the contractors. Additionally, CVP water is essential to continue agricultural production and municipal viability for these contractors.

As described in Section 1.1.1, execution of long-term renewal contracts for the contracts listed in Table 1 is still pending. The purpose of the Proposed Action is to execute six interim renewal contracts in order to extend the term of the contractors' existing interim renewal contracts for two years, beginning March 1, 2016 and ending February 28, 2018. Execution of these six interim renewal contracts is needed to continue delivery of CVP water to these contractors, and to further implement CVPIA Section 3404(c), until their new long-term renewal contract can be executed.

## **1.3 Scope**

In 1999, Reclamation approved the assignment of 6,260 acre-feet (AF) of Mercy Springs' Delta Division CVP water service contract (Contract No. 14-06-200-3365A-IR15-B) jointly to Pajaro Valley, Santa Clara, and Westlands DD#1 (Reclamation 1999b). As Pajaro Valley did not have infrastructure in place to receive their portion of the CVP water, a four-party agreement was prepared between Mercy Springs, Pajaro Valley, Santa Clara, and Westlands which allows Santa Clara and Westlands DD#1 to take delivery of the water on an interim basis until Pajaro Valley is able to take delivery of the CVP water. To date, conveyance facilities to transport CVP water to Pajaro Valley have not been constructed and Pajaro Valley is unable to take delivery of their portion of CVP water that could be allocated to them under the contract. As it is highly unlikely that Pajaro Valley will have the ability to take CVP water through the term of the Proposed Action, water deliveries pursuant to this contract will be analyzed in this EA solely going to the CVP service areas of Santa Clara and Westlands DD#1, consistent with previous interim renewals for this contract.

Reclamation has prepared this EA, which tiers from the PEIS, to determine the site specific environmental effects of actions resulting from execution of the six interim renewal contracts listed in Table 1 for the period March 1, 2016 through February 28, 2018. CVP water would be

delivered for existing agricultural and municipal and industrial (M&I) purposes within Westlands and Santa Clara's existing CVP service area boundaries using existing facilities within Reclamation's water right place of use. See Appendix A for contractor-specific service area maps.

This EA does not analyze Delta exports of CVP water, as Delta exports is an on-going action and the diversion of CVP waters for export to south-of-Delta contractors was described in the PEIS (see Chapter III of the PEIS). In addition, on January 11, 2016, Reclamation issued a ROD (Reclamation 2016) addressing the environmental effects of implementing reasonable and prudent alternatives (RPAs) affecting the CVP/State Water Project (SWP) long-term operations (LTO). As the proposed execution of interim renewal contracts is administrative in nature and does not affect the operations of the CVP or SWP, this EA only covers the site specific environmental analysis of issuing the proposed interim renewal contracts over a two year period.

## **1.4 Issues Related to CVP Water Use Not Analyzed**

### **1.4.1 Contract Service Areas**

No changes to any contractor's service area are included as a part of the alternatives or analyzed within this EA. Reclamation's approval of a request by a contractor to change its existing service area would be a separate discretionary action. Separate appropriate environmental compliance and documentation would be completed before Reclamation approves a land inclusion or exclusion to any contractor's CVP service area.

### **1.4.2 Water Transfers and Exchanges**

No sales, transfers, or exchanges of CVP water are included as part of the alternatives or analyzed within this EA. Reclamation's approvals of water sales, transfers, and exchanges are separate discretionary actions requiring separate additional and/or supplementary environmental compliance. Approval of these actions is independent of the execution of interim renewal contracts. Pursuant to Section 3405 of the CVPIA, transfers of CVP water require appropriate site-specific environmental compliance. Appropriate site-specific environmental compliance is also required for all CVP water exchanges.

### **1.4.3 Contract Assignments**

Assignments of CVP contracts are not included as part of the alternatives or analyzed within this EA. Reclamation's approvals of any assignments of CVP contracts are separate, discretionary actions that require their own environmental compliance and documentation.

### **1.4.4 Warren Act Contracts**

Warren Act contracts between Reclamation and water contractors for the conveyance of non-federal water through federal facilities or the storage of non-federal water in federal facilities are not included as a part of the alternatives or analyzed within this EA. Reclamation decisions to enter into Warren Act contracts are separate actions and independent of the execution of interim renewal contracts. Separate environmental compliance would be completed prior to Reclamation executing Warren Act contracts.

#### **1.4.5 Purpose of Water Use**

Use of contract water for M&I use under the proposed interim renewal contracts would not change from the purpose of use specified in the existing contracts. Any change in use for these contracts would be separate, discretionary actions that require their own environmental compliance and documentation.

#### **1.4.6 Drainage**

This EA acknowledges ongoing trends associated with the continued application of irrigation water and production of drainage related to that water. It does not analyze the effects of Reclamation's providing agricultural drainage service to the San Luis Unit. The provision of drainage service is a separate federal action that has been considered in a separate environmental document, the *San Luis Drainage Feature Re-Evaluation Final Environmental Impact Statement* [SLDFR FEIS] (Reclamation 2005h). The SLDFR FEIS evaluated seven Action alternatives in addition to the No Action alternative for implementing drainage service within the San Luis Unit. The ROD for the SLDFR-FEIS was signed March 9, 2007 (2007 ROD). The actions considered in this EA would not alter or affect the analysis or conclusions in the SLDFR FEIS or 2007 ROD.

The SLDFR FEIS and 2007 ROD were prepared in response to litigation known as *Firebaugh v. United States* [Cases 1:88-cv-00634-LJO/DLB, and 1:91-cv-00048-LJO/DLB (Partially Consolidated)]. On September 15, 2015 Westlands and the United States reached a settlement with regard to the above noted litigation which requires enactment of enabling legislation, and on October 26, 2015 the District Court referenced the 2007 ROD in its' Order granting joint motion for partial stay in recognition of the assumed settlement.

## 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, Westlands would no longer be able to receive up to 1,192,948 AF per year and Santa Clara would no longer be able to receive up to 6,260 AF per year of CVP water pursuant to the contracts listed in Table 1.

Santa Clara has an existing long-term CVP water supply contract (Contract No. 7-07-20-W0023) with Reclamation for up to 152,000 AF per year that does not expire until 2027 and would continue to receive their CVP water supply allocated pursuant to that contract.

Westlands has a long-term contract assignment (Contract No. 14-06-200-7823J) from Oro Loma Water District that provides for up to 4,000 AF per year. This would continue under the No Action alternative. Reclamation would continue to pursue execution of a long-term renewal contract with Westlands, as mandated by Section 3404(c) of the CVPIA. However, until such time as the environmental documentation was completed for the long-term contract, there would be no contractual mechanism for Reclamation to deliver up to 1,192,948 AF per year of CVP water to Westlands and in the interim the existing water supply needs of the District's customers would be unmet.

In general, Reclamation does not anticipate a change in CVP pumping or operations under the No Action alternative for most water year types; however, this will be dependent on specific hydrologic conditions and regulatory requirements. Reclamation intends to deliver full CVP water contract amounts to south-of-Delta CVP contractors consistent with hydrologic conditions and regulatory and environmental requirements as analyzed in the PEIS (i.e., up to 1,980,000 AF for agricultural contractors, up to 880,000 AF for the San Joaquin River Exchange Contractors, and up to 160,000 AF for M&I contractors).

### 2.2 Proposed Action

Under the Proposed Action, Westlands would continue to receive up to 1,192,948 AF per year and Santa Clara would continue to receive up to 6,260 AF per year of CVP water pursuant to the interim renewal contracts listed in Table 1.

For purposes of this EA, the following assumptions are made under the Proposed Action:

- Execution of each interim renewal contract is considered to be a separate action;
- The contracts would be renewed with existing contract quantities as reflected in Table 1;
- Reclamation would continue to comply with commitments made or requirements imposed by applicable environmental documents, such as existing biological opinions including any obligations imposed on Reclamation resulting from re-consultations; and

The Proposed Action continues the existing interim renewal contracts which contain only minor, administrative changes to the contract provisions to update the new contract period from the previous interim renewal contracts. In the event a new long-term water service contract is executed, the interim renewal contract then-in-effect would be superseded by the long-term water service contract.

No changes to the contractor service areas or water deliveries are part of the Proposed Action. CVP water deliveries under the six proposed interim renewal contracts can only be used within each designated contract service area (see Appendix A). The contract service area for the proposed interim renewal contracts have not changed from the existing interim renewal contracts. If the contractor proposes to change the designated contract service area separate environmental documentation and approval will be required. CVP water can be delivered under the interim renewal contracts in quantities up to the contract total as provided in Article 3 of the Interim Renewal Contract.

The six interim renewal contracts contain provisions that allow for adjustments resulting from court decisions, new laws, and from changes in regulatory requirements imposed through re-consultations. Accordingly, to the extent that additional restrictions are imposed on CVP operations to protect threatened or endangered species, those restrictions would be implemented in the administration of the two interim renewal contracts considered in this EA, to the extent allowed by law. As a result, by their express terms, the interim renewal contracts analyzed herein would conform to any applicable requirements lawfully imposed under the federal ESA or other applicable environmental laws.

### 2.2.1 Environmental Commitments

Reclamation, Westlands, and Santa Clara shall implement the environmental protection measures included in Table 2 as well as all measures and terms and conditions included in the USFWS biological opinion issued for the Proposed Action (Appendix B).

Table 2 Environmental Protection Measures and Commitments.

Resource	Protection Measure
Biological Resources	No CVP water would be applied to native lands or land untilled for three consecutive years or more without additional environmental analysis and approval.
Water Resources	CVP water may only be served within areas that are within the CVP Place of Use.
Various	No new construction or modification of existing facilities would take place as part of the Proposed Action.

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

## 2.3 Alternatives Considered but Eliminated from Further Analysis

Water Needs Assessments were completed by Reclamation between 2000 and 2004 for each CVP contractor eligible to participate in the CVP long-term contract renewal process. The purpose of the Water Needs Assessments and methodology used by Reclamation for the assessments is included in Appendix C.

Reclamation reviewed the previous Water Needs Assessment completed for Westlands and determined that updates to the assessment were warranted. Santa Clara's water service contract (Contract No. 7-07-20-W0023) for 152,000 AF per year does not expire until 2027 and as such is not part of this Proposed Action requiring a Water Needs Assessment. Reclamation will prepare an updated Water Needs Assessment and associated environmental review for Santa Clara prior to expiration of their current long-term contract.

A new and updated Water Needs Assessment has been prepared for Westlands (Appendix D). Reclamation followed the same methodology used in the initial Water Needs Assessments to prepare the updated Water Needs Assessment with the following modifications:

- Reclamation applied the maximum productive acreage for irrigation calculations as representative of the total volume of water needed by the contractor in the benchmark year 2050.
- Reclamation applied the year 2050 as a convenient future benchmark since some CVP M&I contracts are eligible for a term of up to 40 years.
- Reclamation added the year 2051 to address the quantity of permanently retired lands (100,000 acres) required pursuant to the assumed 2015 Settlement Agreement with Westlands.
- Reclamation applied the gallons per capita per day (GPCD) from the 2013 California Water Plan Update (e.g., Volume 1 page 3-79) to calculate M&I contractor needs in the benchmark year 2050 and 2051 (State of California 2013).
- Contract assignments (those included as part of the Proposed Action and those outside the Proposed Action) have been included as "transfers-in" (Column 7 in Appendix D) for the years 2050 and 2051 as they involve additional water supply without additional acreage (i.e., using the same acreage and CVP service area provided for under Westlands main contract [Contract No. 14-06-200-495A-IR5]).
- The 3-way contract assignment (Contract No. 14-06-200-3365A-IR15-B) stipulates that if Pajaro Valley is unable to receive its portion of water within 20 years from date of execution (1999-2019), the contract supply will be split solely between Santa Clara (25%) and Westlands (75%). As it is unlikely that Pajaro Valley will have the infrastructure in place in order to receive its portion of water by 2019, Reclamation has assumed that Westlands would receive 75% of the 6,260 AF for the years 2050 and 2051.
- A reduction in population for year 2051 (Column 28 in Appendix D) reflects the removal of Lemoore Naval Air Station water supply otherwise provided by Westlands, pursuant to the assumed 2015 Settlement with Westlands.

As part of the Water Needs Assessment process, Reclamation reviewed Westlands most recent Water Management Plan (Westlands 2013), conferred with the contractor to verify current water

use, and determined that the numbers in the new and updated Water Needs Assessment (Appendix D) is a reasonable projection of water use for the benchmark years 2050 and 2051. Results of the Water Needs Assessments are displayed in Column 39 in Appendix D as Unmet Demand<sup>1</sup>.

In the updated Water Needs Assessment, Westlands' water demands were compared to their overall water supplies to determine the need for CVP water. As shown in Column 39 of Appendix D, the new and updated Water Needs Assessment indicates that Westlands had a surplus in 2011 of 65,127 AF, will have estimated and calculated unmet demands of 156,014 AF and 213,899 AF for the years 2050 and 2051, respectively. As Westlands has an unmet demand for 2050 and 2051, Reclamation has determined that Westlands has put their full contract quantity to beneficial use and will continue to do so in the future. As such, a reduction in contract quantity is not warranted and Reclamation has eliminated a contract reduction alternative from further review.

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<sup>1</sup> Numbers in this column are positive (e.g., 100 AF) if there is an unmet demand and negative (e.g., -100 AF) if there is surplus or exceedance of demand.



## Section 3 Affected Environment and Environmental Consequences

This section describes the service area for the contractors listed in Table 1 which receive CVP water from the Delta via Delta Division, San Felipe Division, and San Luis Unit CVP facilities. The study area, shown in Figure 1, includes portions of Fresno, Kings, and Santa Clara Counties. Maps of individual contractor CVP service areas can be found in Appendix A. As described in Section 1.3, Pajaro Valley does not have the ability to receive CVP water at this time and is not included in this analysis.



Figure 1 Proposed Action Area

### 3.1 Resources Eliminated from Further Analysis

Reclamation analyzed the affected environment and determined that the Proposed Action does not have the potential to cause direct, indirect, or cumulative adverse effects to the resources listed in Table 3.

Table 3 Resources Eliminated from Further Analysis.

Resource	Reason Eliminated
Cultural Resources	There would be no impacts to cultural resources as a result of implementing the Proposed Action as the Proposed Action would facilitate the flow of water through existing facilities to existing users. No new construction or ground disturbing activities would occur as part of the Proposed Action. The pumping, conveyance, and storage of water would be confined to existing CVP facilities. Reclamation has determined that these activities have no potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1). See Appendix E for Reclamation's determination.
Global Climate Change	The Proposed Action does not include construction of new facilities or modification to existing facilities. While pumping would be necessary to deliver CVP water, no additional electrical production beyond baseline conditions would occur. In addition, the generating power plant that produces electricity for the electric pumps operates under permits that are regulated for greenhouse gas emissions. As such, there would be no additional impacts to global climate change. Global climate change is expected to have some effect on the snow pack of the Sierra Nevada and the runoff regime. It is anticipated that climate change would result in more short-duration high-rainfall events and less snowpack runoff in the winter and early spring months by 2030 compared to recent historical conditions (Reclamation 2016b). However, the effects of this are long-term and are not expected to impact CVP operations within the two-year window of this action. Further, CVP water allocations are made dependent on hydrologic conditions and environmental requirements. Since Reclamation operations and allocations are flexible, any changes in hydrologic conditions due to global climate change would be addressed within Reclamation's operation flexibility.
Indian Sacred Sites	The Proposed Action would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or affect the physical integrity of such sacred sites. There would be no impacts to Indian sacred sites as a result of the Proposed Action.
Indian Trust Assets	The Proposed Action would not impact Indian Trust Assets as there are none in the Proposed Action area.

### 3.2 Air Quality

Section 176 (C) of the Clean Air Act (42 U.S.C. 7506 (C)) requires any entity of the federal government that engages in, supports, or in any way provides financial support for, licenses or permits, or approves any activity to demonstrate that the action conforms to the applicable State Implementation Plan required under Section 110 (a) of the Federal Clean Air Act (42 U.S.C. 7401 [a]) before the action is otherwise approved. In this context, conformity means that such federal actions must be consistent with State Implementation Plan's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards and achieving expeditious attainment of those standards. Each federal agency must determine that any action that is proposed by the agency and that is subject to the regulations implementing the conformity requirements would, in fact conform to the applicable State Implementation Plan before the action is taken.

On November 30, 1993, the Environmental Protection Agency (EPA) promulgated final general conformity regulations at 40 CFR 93 Subpart B for all federal activities except those covered

under transportation conformity. The general conformity regulations apply to a proposed federal action in a non-attainment or maintenance area if the total of direct and indirect emissions of the relevant criteria pollutants and precursor pollutant caused by the Proposed Action equal or exceed certain *de minimis* amounts thus requiring the federal agency to make a determination of general conformity.

### **3.2.1 Affected Environment**

Santa Clara lies within the San Francisco Bay Area Air Basin under the jurisdiction of the Bay Area Air Quality Management District. The San Francisco Bay Area has been designated under Federal standards as in attainment for carbon monoxide, nitrogen dioxide, sulfur dioxide, and lead. The Air Basin is in non-attainment for ozone, particulate matter under 10 microns in diameter (PM<sub>10</sub>), and particulate matter under 2.5 microns in diameter [PM<sub>2.5</sub>] (Bay Area Air Quality Management District 2017).

Westlands lies within the San Joaquin Valley Air Basin under the jurisdiction of the San Joaquin Valley Air Pollution Control District. The Air Basin has been designated under Federal standards as attainment for carbon monoxide, nitrogen dioxide, sulfur dioxide, and PM<sub>10</sub>. The Air Basin is in non-attainment for ozone (8 hour criteria) and PM<sub>2.5</sub> (San Joaquin Valley Air Pollution Control District 2017).

### **3.2.2 Environmental Consequences**

#### ***No Action***

Implementation of the No Action Alternative would mean the existing interim renewal contracts listed in Table 1 would no longer be in effect and Westlands and Santa Clara would no longer receive the CVP water allocated pursuant to these contracts.

Santa Clara is primarily an M&I contractor with a long-term CVP water service contract (Contract No. 7-07-20-W0023) for up to 152,000 AF per year that does not expire until 2027 in addition to groundwater and other imported surface water supplies (see Section 3.7.1 for a description of these water supplies). Water supply from the 3-way partial assignment (up to 6,260 AF per year) is included in the District's overall water supplies and would likely need to be replaced either with additional groundwater pumping and/or purchased surface water supplies from outside the District. Groundwater pumping would temporarily increase criteria pollutants during operation; however, these are existing wells that are used to meet existing needs and are generally part of baseline conditions. Therefore, there would be minimal change in air quality conditions within Santa Clara as a result of the No Action alternative.

Westlands estimates that District growers temporarily fallowed approximately 125,583 acres in 2015 (approximately ¼ the irrigable acres in the District) due to the 0% CVP allocation received that year (Westlands 2017). It is likely that additional fallowing would occur under the No Action alternative. Air quality effects due to additional fallowing include an increased risk of windblown sand and dust, which would contribute to elevated particulate matter concentrations adversely impacting air quality in an area that is already in non-attainment for PM<sub>2.5</sub>.

**Proposed Action**

Under the Proposed Action, CVP water would continue to be conveyed through existing facilities either via gravity or electric pumps which would not produce air pollutant emissions that impact air quality. In addition, there would be no construction or modification of facilities that could result in emissions; therefore, the Proposed Action would not exceed *de minimis* levels and a general conformity analysis is not required.

**Cumulative Impacts**

The Proposed Action would not result in cumulative air quality impacts as there are no direct or indirect air quality impacts.

**3.3 Biological Resources****3.3.1 Affected Environment**

Table 4 was prepared using a list obtained on March 9, 2017 by accessing the USFWS Database: <http://ecos.fws.gov/ipac/>. The list was obtained for Fresno, Kings, and Santa Clara Counties (USFWS 2017). California Least Tern was added to Table 4 based upon observation of its nesting near evaporation basins at Kettleman City (at the southern boundary of Westlands) and a few individuals foraging in 1997 and 1998 near sewage ponds associated with the Lemoore Naval Air Station (within the district boundaries of Westlands). In addition to the federally listed species shown in Table 4, Western Burrowing Owl and Swainson's Hawk, both protected by the federal Migratory Bird Treaty Act, may be present. The California Natural Diversity Database (CNDDDB 2017) was also queried for the Proposed Action Area. The other fish species (all administered by NMFS), besides the delta smelt and the Central Valley steelhead, did not appear on the USFWS' species list. They have been added in, as they are known to migrate through the Sacramento-San Joaquin Delta.

Table 4 Federally Listed Threatened and Endangered Species

Species	Status <sup>1</sup>	District <sup>2</sup>	Effects <sup>3</sup>
<b>Amphibians</b>			
California red-legged frog ( <i>Rana draytonii</i> )	T, X	Westlands, Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
California tiger salamander ( <i>Ambystoma californiense</i> )	T, X	Westlands, Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Mountain yellow legged frog ( <i>Rana muscosa</i> )	E, X	Westlands	No effect determination; Proposed Action Area is outside species' range.
Sierra Nevada yellow legged frog ( <i>Rana sierrae</i> )	E, X	Westlands	No effect determination; Proposed Action Area is outside species' range.
Yosemite toad ( <i>Anaxyrus canorus</i> )	T, X	Westlands	No effect determination; Proposed Action Area is outside species' range.
<b>Birds</b>			
California Clapper Rail ( <i>Rallus longirostris obsoletus</i> )	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
California Condor ( <i>Gymnogyps californianus</i> )	E, X	Westlands	No effect determination; native lands and lands fallowed and untilled for three or more years would

Species	Status <sup>1</sup>	District <sup>2</sup>	Effects <sup>3</sup>
			not be brought into production as part of the Proposed Action.
California Least Tern ( <i>Sternula antillarum browni</i> )	E	Westlands, Santa Clara	May adversely affect due to contaminated drainage within foraging habitat in Westlands. Potentially present within the action area (some past records near Lemoore Naval Air Station). Would not be affected within Santa Clara because no land use change would occur and no drainage is generated.
Least Bell's Vireo ( <i>Vireo bellii pusillus</i> )	E, X	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Marbled Murrelet ( <i>Brachyramphus marmoratus</i> )	T, X	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Western Snowy Plover ( <i>Charadrius alexandrinus nivosus</i> )	T, X	Westlands, Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Western Yellow-Billed Cuckoo ( <i>Coccyzus americanus occidentalis</i> )	FT, PX	Westlands	This species could fly over during migration but nesting habitat is absent.
<b>Fish</b>			
Central California Coastal steelhead ( <i>Oncorhynchus mykiss</i> )	T, X (NMFS)	Santa Clara	No effect determination; no impact to spawning habitat.
Central Valley spring-run chinook salmon ( <i>Oncorhynchus tshawytscha</i> )	T (NMFS)	Westlands, Santa Clara	Effects of pumping in the San Joaquin-Sacramento Delta are a result of CVP operations and have been/are being addressed separately under the CVP/SWP Coordinating Operations consultation.
Central Valley steelhead ( <i>Oncorhynchus mykiss</i> )	T, X (NMFS)	Westlands, Santa Clara	Effects of pumping in the San Joaquin-Sacramento Delta are a result of CVP operations and have been/are being addressed separately under the CVP/SWP Coordinating Operations consultation.
coho salmon - central CA coast ( <i>Oncorhynchus kisutch</i> )	E, X (NMFS)	Santa Clara	No effect determination; no impact to spawning habitat.
delta smelt ( <i>Hypomesus transpacificus</i> )	T, X	Westlands, Santa Clara	Effects of pumping in the San Joaquin-Sacramento Delta are a result of CVP operations and have been/are being addressed separately under the CVP/SWP Coordinating Operations consultation.
Lahontan cutthroat trout ( <i>Oncorhynchus clarki henshawi</i> )	T, X	Westlands	No effect determination; Proposed Action Area is outside species' range.
North American green sturgeon ( <i>Acipenser medirostris</i> )	T (NMFS)	Westlands, Santa Clara	Effects of pumping in the San Joaquin-Sacramento Delta are a result of CVP operations and have been/are being addressed separately under the CVP/SWP Coordinating Operations consultation.
Owens pupfish ( <i>Cyprinodon radiosus</i> )	E	Westlands	No effect determination; Proposed Action Area is outside species' range.
Owens tui chub ( <i>Gila bicolor snyderi</i> )	E	Westlands	No effect determination; Proposed Action Area is outside species' range.
Paiute cutthroat trout ( <i>Oncorhynchus clarki seleniris</i> )	T	Westlands	No effect determination; Proposed Action Area is outside species' range.
Sacramento River winter-run chinook salmon ( <i>Oncorhynchus tshawytscha</i> )	E, X (NMFS)	Westlands, Santa Clara	Effects of pumping in the San Joaquin-Sacramento Delta are a result of CVP operations and have been/are being addressed separately under the

Species	Status <sup>1</sup>	District <sup>2</sup>	Effects <sup>3</sup>
			CVP/SWP Coordinating Operations consultation.
South Central California steelhead ( <i>Oncorhynchus mykiss</i> )	T, X (NMFS)	Santa Clara	No effect determination; no impact to spawning habitat.
tidewater goby ( <i>Eucyclogobius newberryi</i> )	E, X	Santa Clara	No effect determination; suitable habitat not present.
<b>Invertebrates</b>			
bay checkerspot butterfly ( <i>Euphydryas editha bayensis</i> )	T, X	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Conservancy fairy shrimp ( <i>Branchinecta conservatio</i> )	E, X	Westlands, Santa Clara	No effect determination; suitable habitat not present.
Kern primrose sphinx moth ( <i>Euproserpinus euterpe</i> )	T	Westlands	No effect determination; Proposed Action Area is outside species' range.
longhorn fairy shrimp ( <i>Branchinecta longiantenna</i> )	E, X	Westlands	No effect determination; suitable habitat not present.
San Bruno elfin butterfly ( <i>Callophrys mossii bayensis</i> )	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
valley elderberry longhorn beetle ( <i>Desmocerus californicus dimorphus</i> )	T, X	Westlands, Santa Clara	No effect determination; although suitable habitat may be present, no land use change, conversion of habitat, construction or modification of existing facilities would occur as a result of the Proposed Action.
vernal pool fairy shrimp ( <i>Branchinecta lynchi</i> )	T, X	Westlands, Santa Clara	No effect determination; suitable habitat not present.
vernal pool tadpole shrimp ( <i>Lepidurus packardii</i> )	E, X	Westlands, Santa Clara	No effect determination; suitable habitat not present.
<b>Mammals</b>			
Fresno kangaroo rat ( <i>Dipodomys nitratoides exilis</i> )	E, X	Westlands	No effect determination; Proposed Action Area is outside species' range.
giant kangaroo rat ( <i>Dipodomys ingens</i> )	E	Westlands	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
North American wolverine ( <i>Gulo gulo luscus</i> )	PT	Westlands	No effect determination; Proposed Action Area is outside of this species' range.
salt marsh harvest mouse ( <i>Reithrodontomys raviventris</i> )	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
San Joaquin kit fox ( <i>Vulpes macrotis mutica</i> )	E	Westlands, Santa Clara	May affect, not likely to adversely affect. Potentially present within the Action Area. Could be affected by ongoing farming practices.
Sierra Nevada bighorn sheep ( <i>Ovis canadensis californiana</i> )	E	Westlands	No effect determination; Proposed Action Area is outside species' range.
Tipton kangaroo rat ( <i>Dipodomys nitratoides nitratoides</i> )	E	Westlands	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
<b>Plant</b>			
California jewelflower ( <i>Caulanthus californicus</i> )	E	Westlands	No effect determination; suitable habitat not present.
California sea blite ( <i>Suaeda californica</i> )	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would

Species	Status <sup>1</sup>	District <sup>2</sup>	Effects <sup>3</sup>
			not be brought into production as part of the Proposed Action.
Contra Costa goldfields ( <i>Lasthenia conjugens</i> )	E, X	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Coyote ceanothus ( <i>Ceanothus ferrisae</i> )	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
fleshy owl's-clover ( <i>Castilleja campestris</i> ssp. <i>succulenta</i> )	T, X	Westlands	No effect determination; suitable habitat not present.
fountain thistle ( <i>Cirsium fontinale</i> var. <i>fontinale</i> )	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Greene's tuctoria ( <i>Tuctoria greenei</i> )	E, X	Westlands	No effect determination; suitable habitat not present.
hairy Orcutt grass ( <i>Orcuttia pilosa</i> )	E, X	Westlands	No effect determination; suitable habitat not present.
Hartweg's golden sunburst ( <i>Pseudobahia bahiifolia</i> )	E	Westlands	No effect determination; suitable habitat not present.
Keck's checker-mallow ( <i>Sidalcea keckii</i> )	E	Westlands	No effect determination; suitable habitat not present.
Marin dwarf-flax ( <i>Hesperolinon congestum</i> )	T	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Mariposa pussy-paws ( <i>Calyptridium pulchellum</i> )	T	Westlands	No effect determination; Proposed Action Area is outside species' range.
Marsh sandwort ( <i>Arenaria paludicola</i> )	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Menzies's wallflower ( <i>Erysimum menziesii</i> (includes ssp. <i>yadonii</i> ))	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Metcalf Canyon jewelflower ( <i>Streptanthus albidus</i> ssp. <i>albidus</i> )	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
palmate-bracted bird's-beak ( <i>Cordylanthus palmatus</i> )	E	Westlands	No effect determination; suitable habitat not present.
robust spineflower ( <i>Chorizanthe robusta</i> var. <i>robusta</i> )	E, X	Santa Clara	No effect determination;
San Benito evening-primrose ( <i>Camissonia benitensis</i> )	T	Westlands	No effect determination; suitable habitat not present.
San Joaquin adobe sunburst ( <i>Pseudobahia peirsonii</i> )	T	Westlands	No effect determination; suitable habitat not present.
San Joaquin Valley Orcutt grass ( <i>Orcuttia inaequalis</i> )	T, X	Westlands	No effect determination; suitable habitat not present.
San Joaquin woolly-threads ( <i>Monolopia congdonii</i> )	E	Westlands	May affect, not likely to adversely affect. Potentially present within the action area. Could be affected by ongoing farming practices.
San Mateo thormint ( <i>Acanthomintha duttonii</i> )	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the

Species	Status <sup>1</sup>	District <sup>2</sup>	Effects <sup>3</sup>
			Proposed Action.
San Mateo woolly sunflower ( <i>Eriophyllum latilobum</i> )	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Santa Clara Valley dudleya ( <i>Dudleya setchellii</i> )	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Santa Cruz tarplant ( <i>Holocarpha macradenia</i> )	T, X	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
showy Indian clover ( <i>Trifolium amoenum</i> )	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
Tiburon paintbrush ( <i>Castilleja affinis</i> ssp. <i>neglecta</i> )	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
whitebark pine ( <i>Pinus albicaulis</i> )	C	Westlands	No effect determination; this species does not occur within the Proposed Action Area.
<b>Reptiles</b>			
Alameda whipsnake ( <i>Masticophis lateralis euryxanthus</i> )	T, X	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.
blunt-nosed leopard lizard ( <i>Gambelia sila</i> )	E	Westlands, Santa Clara	May affect, not likely to adversely affect. Potentially present within the action area. Could be affected by lands being fallowed and then brought back into production.
giant garter snake ( <i>Thamnophis gigas</i> )	T	Westlands, Santa Clara	May adversely affect due to contaminated drainage water potentially entering the San Luis Drain. Potentially present within the Action Area.
San Francisco garter snake ( <i>Thamnophis sirtalis tetrataenia</i> )	E	Santa Clara	No effect determination; native lands and lands fallowed and untilled for three or more years would not be brought into production as part of the Proposed Action.

<sup>1</sup> Status = Status of federally protected species protected under the ESA.

E: Listed as Endangered

NMFS: Species under the Jurisdiction of the National Oceanic & Atmospheric Administration Fisheries Service

PT: Proposed for listing as Threatened

C: Candidate for listing

T: Listed as Threatened

X: Critical Habitat designated for this species

<sup>2</sup> Note that lists were for the entire county or counties that encompass the districts.

### **Santa Clara Valley Water District**

There is critical habitat for several species present in Santa Clara as shown in Table 4. In addition, species that potentially occur in Santa Clara include: San Joaquin kit fox, blunt-nosed leopard lizard, and giant garter snake (Table 4). Santa Clara is also a participant in the Santa Clara Valley Habitat Conservation Plan (HCP) which addresses affects to federally listed species



in portions of Santa Clara County (ICF International 2012). Between 2000 and 2012, and prior to the completion of the HCP, potential effects to listed species in Santa Clara were addressed in biological opinions that also included other contractors. In 2012, the USFWS concurred with Reclamation’s determination that the execution of Santa Clara’s interim renewal contract was not likely to adversely affect federally listed or proposed species or critical habitat.

**Westlands Water District**

A variety of permanent, row, and field crops are grown within Westlands with the majority consisting of row and field crops (Westlands 2016). Between 1993 and 2016 the number of acres reported as being farmed ranged from 357,415 (2015) and 549,704 (1996) with an average of 569,071. As shown in Figure 2, there is a trend towards farming more permanent crops (orchards and vineyards) over non-permanent crops (Figure 2). This change in farming predominates on the western, non-drainage impaired portion of the district (Phillips 2006). Based on data provided by Westlands, total acres of non-permanent crops farmed in Westlands steadily declined between 1996 and 2009 mirrored by a concurrent increase in permanent crops (Figure 2).

Between 2006 and 2016, permanent crops in Westlands ranged from approximately 13 percent to 49 percent of total crops with an average of 22 percent (Westlands 2016). The vast majority of crops during this same period (greater than 60 percent, annually) were non-permanent field and row crops (Westlands 2016). The acreage of fallowed lands has also generally increased in the last few years within Westlands (see Figure 2).

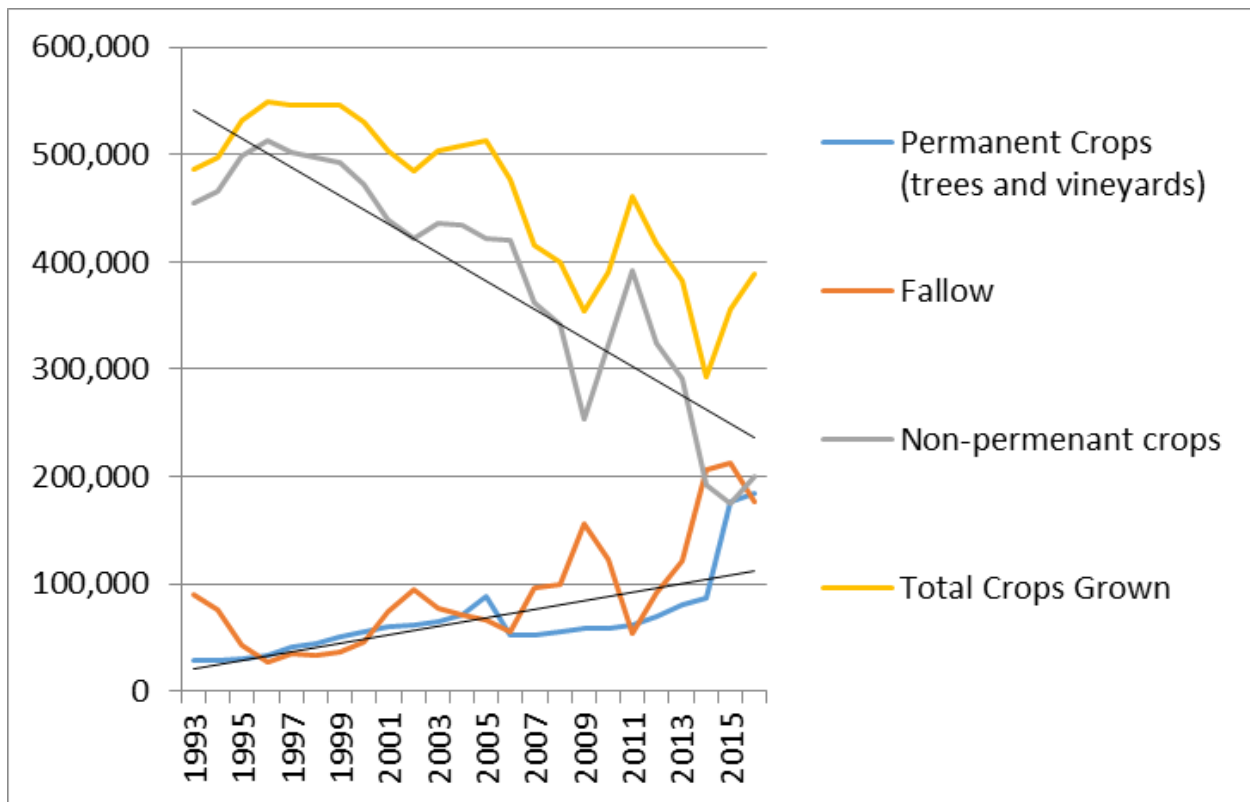


Figure 2 Crop Acreages in Westlands Water District

**Special-Status Species and Critical Habitat** No critical habitat exists in Westlands. Species that potentially occur in Westlands include: the western burrowing owl, Swainson's hawk, San Joaquin kit fox, blunt-nosed leopard lizard, California least tern, San Joaquin woolly-threads, and giant garter snake (Table 4). Since most of the lands in the Action Area are either croplands or in urban development, none of the special-status species potentially present can regularly use these lands except for the western burrowing owl, Swainson's hawk, and San Joaquin kit fox. As such, this section focuses on those species.

*Western Burrowing Owls* Habitat requirements for burrowing owls include low-stature vegetation, usually grasslands or arid shrubland, in an area generally open without too much tree or shrub cover (California Department of Fish and Game 1995, 2005). They require burrows dug by mammals such as ground squirrels or badgers, or they may use man-made cavities that provide similar refuge (California Department of Fish and Game 1995, 2005). Western burrowing owls sometimes use canal rights-of-way, which may have ground squirrel burrows and are often bare of vegetation.

*Swainson's Hawk* More than 85 percent of Swainson's hawk territories in the Central Valley are in riparian systems adjacent to suitable foraging habitats (California Department of Fish and Game 1995). Suitable nest sites may be found in mature riparian forest, lone trees or groves of oaks, other trees in agricultural fields, and mature roadside trees. Swainson's hawks require large, open grasslands with abundant prey in association with suitable nest trees. Suitable foraging areas include native grasslands or lightly grazed pastures, alfalfa and other hay crops, and certain grain and row croplands (California Department of Fish and Game 2005).

*San Joaquin Kit Fox* San Joaquin kit foxes primarily inhabit grassland and scrubland communities. They also inhabit oak woodland, alkali sink scrubland, and vernal pool and alkali meadow communities. Foraging habitat includes grassland, woodland, and open scrub. Denning habitat includes open, flat areas with loose, generally sandy or loamy soils (Egoscue 1956, 1962). Kit foxes excavate their own dens, or use other animals, and human-made structures (culverts, abandoned pipelines, and banks in sumps or roadbeds). Although lands adjacent to natural habitats may be used for occasional foraging (Warrick et al. 2007) agricultural lands are generally not suitable for long-term occupation by kit foxes. There is some suitable and some sub-optimal San Joaquin kit fox habitat (Cypher et al. 2007) present within Westlands; however, these areas remain between the western boundary of Westlands and Interstate 5, a fairly narrow band of land. Fallowed lands may also provide habitat for the San Joaquin kit fox, particularly if left fallow for more than one year and located near natural lands. As shown in Figure 3, fallowed lands in Westlands have increased and decreased overtime, with a steady increase since 2011.

*Other special-status species* Blunt-nosed leopard lizards and San Joaquin woollythreads may occur in small areas of native lands along the western edge of Westlands. The giant garter snake may potentially occur within drainages, including the San Luis Drain in Westlands. In addition, California least tern may occur in Westlands as it was observed foraging at the sewage ponds at Lemoore Naval Air Station in 1997 and 1998; however, no nesting has been documented at this location to date. At Westlake Farms in the San Joaquin Valley, California least terns have not been seen since June 7, 2011 (one pair) and haven't nested there since 2010 (J. Seay pers. comm.).

Pursuant to the incidental take statement issued by the USFWS for the current interim contract renewals (Appendix B), in mid-April 2014 Reclamation surveyed the entire stretch of the San Luis Drain where it runs through or next to Westlands (Reclamation 2016c). All wetted areas were documented and mapped, and the information provided to the USFWS. Areas of shallow water were found and at the request of the USFWS, these areas were re-checked in mid-June. Only one wetted area was found, which contained tailwater from within the James Irrigation District and not from within Westlands. Reclamation voluntarily collected a water quality sample of this tailwater, and an analysis of the sample showed that the selenium concentration was 0.8 µg/L. As a result of the lack of persistent water in the San Luis Drain within the Proposed Action Area, and with the written consent of the USFWS, no surveys for the California Least Tern were conducted for 2016.

***Documents Addressing Potential Impacts of Actions of the CVP (Excluding the Proposed Action) to Listed Species***

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

NMFS issued its biological opinion analyzing the effects of the coordinated long-term operation of the CVP and SWP on listed salmonids, Southern DPS North American green sturgeon, and Southern Resident killer whale in June 2009 (NMFS 2009). The NMFS biological opinion concluded that the long-term operation of the CVP and SWP, as proposed, was likely to jeopardize the continued existence of Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead, Southern DPS of North American green sturgeon, and Southern Resident killer whales. Also the NMFS biological opinion concluded that the CVP/SWP Coordinated Operations, as proposed, was likely to destroy or adversely modify critical habitat for Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead and the Southern DPS of North American green sturgeon. The NMFS biological opinion included an RPA designed to allow the projects to continue operating without causing jeopardy or adverse modification. On June 4, 2009, Reclamation provisionally accepted and then implemented the NMFS RPA.

However, following their provisional acceptance, both biological opinions were subsequently challenged in Court, and following lengthy proceedings, the United States District Court for the Eastern District of California remanded the biological opinions, and Reclamation was ordered by the Court to comply with the National Environmental Policy Act (NEPA) before accepting the RPAs. In March and December 2014, the biological opinions issued by the USFWS and NMFS, respectively, were upheld by the Ninth Circuit Court of Appeals, although certain requirements (such as an obligation for Reclamation to follow a NEPA process) were left in place. Reclamation completed NEPA on the CVP/SWP Coordinated Operations biological opinions

and issued a ROD on January 11, 2016. Since then, Reclamation has re-initiated consultation on the CVP/SWP Coordinated Operations. That process is ongoing.

**O&M Program for the South-Central California Area Office** Reclamation has consulted under the ESA on the *Operation and Maintenance Program Occurring on Bureau of Reclamation Lands within the South-Central California Area Office*, resulting in a biological opinion issued by USFWS on February 17, 2005 (USFWS 2005). The opinion considers the effects of routine O&M of Reclamation's facilities used to deliver water to the study area, as well as certain other facilities within the jurisdiction of the South-Central California Area Office, on California tiger salamander, vernal pool fairy shrimp, valley elderberry longhorn beetle, blunt-nosed leopard lizard, vernal pool tadpole shrimp, San Joaquin woolly-threads, California red-legged frog, giant garter snake, San Joaquin kit fox, and on proposed critical habitat for the California red-legged frog and California tiger salamander.

### **3.3.2 Environmental Consequences**

#### ***No Action***

Under the No Action alternative, Reclamation's existing and future environmental commitments addressed in biological opinions, including the CVPIA biological opinion (USFWS 2000) would continue to be met, including continuation of ongoing species conservation programs.

The loss of CVP water supplies under the No Action alternative may cause short-term adverse impacts to any wildlife that utilize agricultural lands for foraging and nesting; such as blackbirds, doves, and various species of hawks due to increased fallowing. As described previously, Santa Clara is primarily a M&I contractor that would likely offset the loss of up to 6,260 AF per year through additional groundwater pumping or surface water acquisition and would, therefore, not increase fallowing or impact biological resources as conditions would remain the same as current conditions in the District. However, Westlands is primarily agricultural and anticipates increased fallowing (approximately 125,583 acres or more) without the availability of CVP water supplies. The increased fallowing could also lead to substantial increases in insect pest populations and noxious weeds in fallowed areas where pest and weed control practices are no longer applied leading to further loss in foraging and nesting habitat for these birds (Westlands 2017).

#### ***Proposed Action***

CVP-wide impacts to biological resources were evaluated in the PEIS, and a USFWS biological opinion addressing potential CVP-wide impacts of the CVPIA was completed on November 21, 2000. In addition, the programmatic biological opinion and Essential Fish Habitat Conservation Recommendations prepared by NMFS for the CVPIA were completed on November 14, 2000. The Proposed Action would meet environmental commitments in existence as a result of existing biological opinions, including those for the CVPIA and the coordinated long-term operations of the CVP and SWP.

As described previously, interim renewal contracts contain provisions that allow for adjustments resulting from court decisions, new laws, and from changes in regulatory requirements imposed through re-consultations. Accordingly, to the extent that additional restrictions are imposed on CVP operations to protect threatened or endangered species, those restrictions would be implemented in the administration of the six interim water service contracts considered in this

EA. As such, the Proposed Action would not impact the efforts of the San Joaquin River Restoration Program and would conform to any applicable requirements imposed under the federal ESA or other applicable environmental laws.

Renewal of the existing contracts would not provide the long-term water supply reliability required for conversion from agriculture to M&I uses. The Proposed Action would not result in any change in existing water diversions from the Delta nor would it require construction of new facilities or modification of existing facilities for water deliveries. The CVP water supply for Westlands and Santa Clara pursuant to the six interim renewal contracts listed in Table 1 would continue to be used for agricultural and M&I purposes within their respective CVP service areas (see Appendix A) as it has in the past. In addition, as described in Table 2, no native or untilled land (fallow for three consecutive years or more) may be cultivated with CVP water without additional environmental analysis and approval. Therefore, conditions of special status species and habitats would remain the same as current conditions described in the Affected Environment over the two-year period of the Proposed Action.

Reclamation anticipates that drainage production from the study area during the interim renewal period would continue to decrease based on existing trends, caused by the implementation of regional projects, separate from the interim renewal contracts, which increase irrigation efficiency and utilization of reuse areas for the application of drainwater in accordance with existing permits.

Reclamation also anticipates that ongoing trends toward use of higher efficiency irrigation systems and related changes in cropping (generally away from row crops and toward permanent crops) would continue under the Proposed Action. This is due in part because those trends are spurred by water shortages from the implementation of laws and regulations that reduce the quantity of CVP water available for delivery to south-of-Delta contractors. Consequently, species that utilize orchards and other permanent crops would benefit and those preferring row crops would be adversely affected. However, over the short interim period, these changes are not likely to be substantial.

**Migratory Birds** Changes in crop patterns toward more permanent crops and increased fallowing of land could result in less habitat for the Swainson's hawk and western burrowing owl; however, these effects have occurred previously and are likely to continue to occur in the future under either alternative. The Proposed Action would deliver water through existing facilities to existing irrigated agricultural lands which already receive delivered water. As delivery of CVP water under this alternative would support existing land use patterns, take would not occur as defined by the Migratory Bird Treaty Act.

**Federally-listed Species** Under the Proposed Action direct effects on federally listed species are related to ongoing farm practices such as pesticide use and choice of crops grown, which are not within the control or authority of Reclamation. Although orchards have been shown to allow greater kit fox foraging and movement (Warrick et al. 2007) than row crops, management of orchards to reduce rodent damage (e.g., use of anticoagulant baits) could make orchard operations harmful to kit fox. In addition, the resumption of agricultural activities on lands fallowed for more than one year has the potential to remove dens, reduce prey and force kit foxes

into unfamiliar areas (Cypher 2006). Discing of lands near native lands could also impact the blunt-nosed leopard lizard and San Joaquin woolly-threads if present as they may overlap slightly with the adjoining lands. These effects have occurred previously and are likely to continue to occur in the future under either alternative as they are the effect of farming practices and not an effect of the Proposed Action.

There would be no effects to salmonid species' designated critical habitat or green sturgeon since none inhabit or exist in Westlands or Santa Clara. Additionally, impacts to salmonid species and green sturgeon in the Delta are solely the result of CVP operations, and are addressed in the CVP/SWP Coordinating Operations consultation.

### **Cumulative Impacts**

The Proposed Action, when added to other past, present, and reasonably foreseeable future actions, represents a continuation of existing conditions which are unlikely to result in cumulative impacts on the biological resources of the study area. The Proposed Action provides for the delivery of the same contractual amount of water to the same lands for existing purposes without the need for facility modification or construction.

## **3.4 Environmental Justice**

Executive Order 12898 (February 11, 1994) mandates Federal agencies to identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations.

### **3.4.1 Affected Environment**

Santa Clara lies entirely within Santa Clara County and Westlands falls primarily within Fresno County with a smaller portion in Kings County. As shown in Table 5, the predominately urban Santa Clara County has a very different demographic and socioeconomic setting than Fresno or Kings Counties. Unemployment rates for Fresno and Kings Counties ranged from 9.5% to 10.7% between 2015 and 2016, compared to 3.3% to 3.8% for Santa Clara County and 5.2% and 5.9% for the State of California. In 2015, the Hispanic community was substantially greater within Fresno (52.4%) and Kings (53.6%) Counties than Santa Clara County (26.3%) and the State (38.8%). The number of people below the poverty level was also substantially higher in Fresno and Kings Counties (26.8% and 22.6%, respectively) than Santa Clara County (9.5%) and the State (16.3%).

Table 5 Fresno, Kings, and Santa Clara County Demographics

<b>Demographics</b>	<b>Fresno County</b>	<b>Kings County</b>	<b>Santa Clara County</b>	<b>California</b>
Total Population (2015 estimate)	974,861	150,965	1,918,044	39,144,818
White, non-Hispanic	30.4%	33.2%	32.8%	38.0%
Black or African American	5.9%	7.2%	2.9%	6.5%
American Indian or Alaska Native	3.0%	3.0%	1.3%	1.7%
Asian	10.7%	4.5%	35.6%	14.7%
Native Hawaiian/Pacific Islander	0.3%	0.3%	0.5%	0.5%
Hispanic or Latino	52.4%	53.6%	26.3%	38.8%
Median Household Income, 2011-2015	\$45,233	\$46,481	\$96,310	\$53,889
Annual per capita income, 2011-2015	\$20,408	\$18,707	\$43,880	\$28,930

<b>Demographics</b>	<b>Fresno County</b>	<b>Kings County</b>	<b>Santa Clara County</b>	<b>California</b>
Persons in poverty (2015 estimate)	25.2%	22.4%	8.3%	13.5%
December 2015 Unemployment rate	10.2%	10.7%	3.8%	5.9%
December 2016 Unemployment rate	9.5%	9.9%	3.3%	5.2%
Total Population Below Poverty Level (2011-2015)	26.8%	22.6%	9.5%	16.3%

Source: U.S. Census Bureau 2017a and 2017b, State of California Employment Development Department 2017

There are several Disadvantaged Incorporated Communities and Disadvantaged Unincorporated Communities (DACs/DUCs) within and adjacent to the boundaries of Westlands, including, but not limited to, the cities of Huron, Coalinga, Avenal, Mendota, and the communities of Cantua Creek, El Porvenir, and Kettleman City. There are approximately 60,000 residents living in these DICs/DUCs and many of these residents depend on the permanent and seasonal employment supported by District growers, processing and packing operations. Within Fresno and Kings Counties, Westlands directly accounts for some \$3.6 billion of economic output and nearly 30,000 jobs. This impact is through direct crop production and through the wide range of secondary and support activities that are possible because of the fruit and produce grown on farms within the District (Westlands 2017).

### **3.4.2 Environmental Consequences**

#### ***No Action***

Implementation of the No Action Alternative would mean the existing interim renewal contracts listed in Table 1 would no longer be in effect and Westlands and Santa Clara would no longer receive the CVP water allocated pursuant to these contracts.

Santa Clara does not have a large minority or disadvantaged population (Table 5), therefore, there would be no disproportionate impacts to economically disadvantaged or minority populations in Santa Clara under the No Action alternative. However, Westlands is primarily an agricultural District with a substantial economically disadvantaged and minority population (Table 5). Although Westlands would continue to receive up to 4,000 AF per year from Contract No. 14-06-200-7823J, this would not provide enough water to meet all of its M&I demands (see Appendix D). The loss of the majority of Westlands' CVP water supply would impact Westlands ability to provide good quality water supplies to the DACs/DUCs and to the Lemoore Naval Air Base located within its District boundaries. Row crops would also likely be taken out of production, severely impacting the availability of seasonal jobs. The decrease in employment opportunities for low-income wage earners and minority population groups would have a substantially adverse impact to minority and disadvantaged populations due to additional financial burdens placed on an already economically disadvantaged area.

#### ***Proposed Action***

As the Proposed Action would be a continuation of current conditions, it would not cause dislocation, changes in employment, or increase flood, drought, or disease. The Proposed Action would not disproportionately impact economically disadvantaged or minority populations as there would be no changes to existing conditions.

### ***Cumulative Impacts***

The Proposed Action would not differ from current or historical conditions, and would not disproportionately affect minority or low income populations in the future; therefore, there would be no cumulative impacts as a result of the Proposed Action.

## **3.5 Land Use**

### **3.5.1 Affected Environment**

The Affected environment includes the CVP service areas for Santa Clara and Westlands.

#### ***Santa Clara Valley Water District***

Santa Clara encompasses the same geographic boundaries as Santa Clara County totaling approximately 1,300 square miles with the majority of development and water use located within 350 square miles of the valley floor (Santa Clara 2011). Agricultural use is important within the southern portion of the county while urbanization has replaced many of the orchards in the north. Santa Clara anticipates that land use will remain fairly stable over the next few years with the majority of new construction likely to be infill within existing urban centers and continued moderate urbanization in the south county area (Santa Clara 2011).

#### ***Westlands Water District***

Westlands serves irrigation water to approximately 614,700 acres on the west side of the San Joaquin Valley in Fresno and Kings Counties. Substantially all the land within Westlands has historically been in agricultural production; however, approximately 565,000 acres are currently irrigable and only approximately 467,000 acres receive CVP water due to legal settlements and Reclamation law. Due to the recent drought and regulatory actions reducing water availability, Westlands estimates 357,000 acres in Westlands were irrigated in 2016 (Westlands 2017).

Permanent crops occupy roughly 31% of the irrigable acres that receive an allocation, but as CVP water supply has decreased in recent years, farmers have fallowed more land in response to the reduction in supply (Westlands 2017).

Solar development has increased within the last few years as utility companies advance to meet the State's new Renewable Portfolio Standard requirements for green energy. Since 1999, Westlands has purchased approximately 92,500 acres of land within its District boundaries due to legal settlements and other Westlands' programs. Approximately 5,000 acres of this land has been sold to solar developers and other private parties by Westlands and they currently have approximately 16,500 acres of such land under option to be sold for utility scale solar development or other purposes. Several individual water users have also installed smaller scale solar projects to reduce their energy demand. Westlands delivers water to these solar developments during construction and provides M&I water when the solar plants are commissioned (Westlands 2017).



### 3.5.2 Environmental Consequences

#### **No Action**

Santa Clara would likely offset the loss of up to 6,260 AF per year with additional groundwater pumping and/or surface water acquisition in order to reduce potential impacts to their overall water supply availability. Therefore, the No Action alternative would not lead to land use changes as conditions would remain the same as current conditions in the District.

Westlands estimates that approximately ¼ of its irrigable acres would be fallowed under the No Action alternative, similar to what occurred in 2015. In addition, the lack of CVP water would adversely impact Westlands ability to deliver M&I water to existing and planned solar plants and could hamper or preclude future solar development (Westlands 2017).

#### **Proposed Action**

The continuation of the interim renewal contracts listed in Table 1 would not result in a change in contract water quantities or a change in water use and would continue water deliveries within the contractors' respective service areas. Westlands is primarily agricultural and intends to remain so. In addition, the two year period of the Proposed Action does not provide any additional water supplies that could act as an incentive for conversion of native habitat or increased agricultural production acreage. Therefore, land use within each District would continue as it has in the past and there would be no impacts compared to the No Action alternative.

#### **Cumulative Impacts**

The Proposed Action would maintain the status quo of delivering the same contractual amount of CVP water for existing purposes within each District without the need for additional facility modification or construction. As such, there would be no cumulative adverse impacts to land use.

## 3.6 Socioeconomic Resources

### 3.6.1 Affected Environment

Demographic information for Fresno, Kings County, and Santa Clara County is summarized in Table 5 and described in Section 3.4. The agricultural industry significantly contributes to the overall economic stability of the San Joaquin Valley. During 2015 farmers in Westlands planted and harvested 350,000 acres of crops with a total gross value of approximately \$1.58 billion (Westlands 2017). The 10 crops with the highest value grown in 2015 are included in Table 6.

Table 6 Calendar Year 2015 Crop Values for Westlands

Crop	Acres Planted	Value
Almonds	82,278	\$518,351,400
Tomatoes – Processing	61,555	\$263,126,696
Garlic	10,534	\$114,430,842
Cantaloupes	10,795	\$78,992,089
Pistachios	35,048	\$65,599,342
Tomatoes – Fresh	4,949	\$64,708,373
Grapes – Wine	14,493	\$55,152,532
Lettuce – Fall	3,234	\$45,472,304

Crop	Acres Planted	Value
Tangerines	2,107	\$34,077,438
Cotton – Lint – Pima	16,770	\$30,963,457
Permanent Crops	133,926	\$673,180,712
Annual/Row Crops	107,837	\$597,693,761
Total	241,763	\$1,270,874,473

Source: Westlands 2017

Note: Permanent crops = almonds, pistachios, wine grapes, and tangerines. Annual/row crops = tomatoes (processing and fresh), garlic, cantaloupes, lettuce, and cotton.

### 3.6.2 Environmental Consequences

#### **No Action**

Santa Clara would offset the loss of up to 6,260 AF per year by pumping additional groundwater and/or purchasing additional surface water on the open market. The cost of water on the open market is usually much greater than CVP water and would, therefore, increase the cost of water for its customers. However, as Santa Clara's overall water supply availability would be unaffected, the additional cost is not expected to be very large and conditions are expected to remain similar to current conditions.

Westlands acquires supplemental water on behalf of its water users in order to offset reduced surface water supplies. These supplies are typically much more expensive than CVP water. For example, in 2015, the supplemental water rate was \$1,220/AF, and the 2016 supplemental water rate is estimated at \$695/AF. In comparison, Westlands CVP agricultural water rate was \$86.29/AF in 2011 and \$300.21/AF in 2016 (Westlands 2017). Westlands 2015 supplemental water cost of \$1,220/AF, was almost four times the highest applicable CVP cost of service rate (\$315.28) for CVP contract supplies in 2015. As described in Section 3.4, the loss of a CVP water supply in Westlands would likely result in row crops being taken out of production, severely impacting the availability of seasonal jobs and the associated revenue, which in 2015 was \$597,693,761 for annual/row crops (Table 6). The loss of irrigated acreage from fallowing row crops would further concentrate the District's cost of delivery on an ever-smaller farmed acreage leading to further increased water costs. There would also be direct and indirect detrimental economic effects on related business operations in the surrounding communities as District growers would not purchase equipment, vehicles, fuel, parts and supplies from local businesses that they normally do (Westlands 2017).

Assuming that District growers could pump up to 225,000 AF of groundwater and the District could provide approximately 150,000 to 200,000 AF of supplemental water, the total farmed acres in Westlands could be reduced up to 150,000 to 170,000 acres, suggesting that roughly two-thirds of the District would not be able to sustain agriculture, resulting in estimated losses of gross farm income of \$2,700/acre for District growers. In addition, land value would plummet, and significant investments in orchards, vineyards, wells, high-efficiency irrigation systems, and other improvements would be lost. Given that the District currently has an estimated 700 water user operations, at least two-thirds could be expected to fail. The loss of the majority of Westlands' CVP contract supplies would have substantial adverse impacts on socioeconomics within Westlands and California as a whole due to the loss in agricultural revenue.

**Proposed Action**

The continuation of the interim renewal contracts listed in Table 1 would not result in a change in contract water quantities or a change in water use and would continue water deliveries within the contractors' respective service areas. As a result, the viability of farming practices would be maintained and there would be beneficial impacts to socioeconomics under the Proposed Action compared to the No Action alternative.

**Cumulative Impacts**

The Proposed Action would maintain the status quo of delivering the same contractual amount of CVP water for existing purposes within each District without the need for additional facility modification or construction. As such, there would be no cumulative adverse impacts to socioeconomics.

**3.7 Water Resources****3.7.1 Affected Environment**

The Proposed Action area includes the CVP service areas of Westlands and Santa Clara as well south-of-Delta CVP facilities.

**Central Valley Project**

Reclamation makes CVP water available to contractors for reasonable and beneficial uses, but this water is generally insufficient to meet all of the contractors' water supply needs due to hydrologic conditions and/or regulatory constraints. As shown in Table 7, south-of-Delta CVP agricultural allocations averaged 40 percent between 2005 and 2016. A 100 percent agricultural allocation was only received once by these contractors since 2005. Municipal allocations averaged 72 percent over the same time period with 100 percent allocations only received in 2011, 2006 and 2005.

Table 7 South-of-Delta CVP Contract Allocations between 2005 and 2016

<b>Contract Year</b>	<b>Agricultural Allocations (%)</b>	<b>M&amp;I Allocations (%)</b>
2016	5	55
2015	0	25
2014	0	50
2013	20	70
2012	40	75
2011	80	100
2010	45	75
2009	10	60
2008	40	75
2007	50	75
2006	100	100
2005	85	100
<b>Average</b>	<b>40</b>	<b>72</b>

Source: [http://www.usbr.gov/mp/cvo/vungvari/water\\_allocations\\_historical.pdf](http://www.usbr.gov/mp/cvo/vungvari/water_allocations_historical.pdf)

**CVP Water Delivery Criteria** The amount of CVP water available each year for CVP contractors is based, among other considerations, on the storage of winter precipitation and the control of spring runoff in the Sacramento and San Joaquin River basins. Reclamation's delivery

of CVP water diverted from these rivers is determined by state water right permits, judicial decisions, and state and federal obligations to maintain water quality, enhance environmental conditions, and prevent flooding. The CVPIA PEIS considered the effects of those obligations on CVP contractual water deliveries. Experience since completion of the CVPIA PEIS has indicated that there are more instances of severe contractual shortages applicable to south-of-Delta water deliveries (Reclamation 1999a) than was estimated in the period of review, and this information has been incorporated into the modeling for the current CVP/SWP Coordinated Operations of the Delta (Reclamation 2004c).

### ***Contractors Water Needs Assessments***

As discussed in Section 2.3, a new and updated Water Needs Assessment (Appendix D) was developed for Westlands. As shown in Appendix D, Westlands has an unmet demand of 156,014 AF for the year 2050 and 213,899 AF for the year 2051; therefore, Westlands is deemed to have full future need of the maximum annual CVP water supply currently under contract for all year types.

Santa Clara's water needs analysis completed by Reclamation in 2000 estimated that there would be an unmet M&I demand of 156,874 AF for 2025. Prior to renewal of Santa Clara's long-term contract, Reclamation will prepare an updated Water Needs Assessment and associated environmental review.

### ***Santa Clara Valley Water District***

Santa Clara, a San Felipe Division contractor, is a water supply wholesaler who conserves, imports, treats, distributes, and is responsible for the quality of water within Santa Clara County for M&I and agricultural purposes. CVP water is conveyed from the Delta through the Delta-Mendota Canal to O'Neill Forebay. The water is then pumped into San Luis Reservoir and diverted through the 1.8 miles of Pacheco Tunnel Reach 1 to the Pacheco Pumping Plant. At the pumping plant, the water is lifted to the 5.3-mile-long high-level section of Pacheco Tunnel Reach 2. The water flows through the tunnel and, without additional pumping, through the Pacheco Conduit to the bifurcation of the Santa Clara and Hollister Conduits to serve the CVP service areas of Santa Clara and San Benito County Water District. As shown in Figure 1, CVP water may only be served within the areas of Santa Clara that are within the CVP Consolidated Place of Use (CPOU). Santa Clara has requested an expansion of the CPOU to include its entire service area as well as additional points of delivery for its CVP water, including the South Bay Aqueduct. Reclamation and Santa Clara are currently preparing separate environmental documents to address this request.

Total annual water use in Santa Clara County is currently estimated to be 400,000 AF of which only a portion is CVP water as described below. Approximately 10 percent of this use is for agricultural purposes. Most of the remaining use is for M&I purposes, which includes residential, commercial, industrial, and institutional water use. Water is also used to meet environmental needs, such as maintenance of minimum stream flows to meet fishery needs.

Santa Clara owns and operates 17.3 miles of canals, 8.4 miles of tunnels, 142 miles of pipelines, 3 pumping stations and 3 treatment plants as part of the overall water treatment, distribution and recharge systems.

**CVP Contracts** In 1977, Santa Clara entered into a long-term contract with Reclamation for 152,000 AF per year (Contract No. 7-07-20-W0023) of CVP water (Reclamation 1977). This contract was amended to incorporate Repayment options and to address CVPIA provisions (Reclamation 2007b). As described in Section 2.3, renewal of this contract is not part of the Proposed Action since the long-term water service contract does not expire until December 31, 2027. In 2013, Santa Clara and Reclamation began negotiations on a second amendment to Santa Clara’s long-term contract to add additional points of delivery for its CVP water. Negotiations are ongoing.

*Assignments* As described previously, Santa Clara is one of the recipients of the three-way partial assignment (Contract No. 14-06-200-3365A-IR15-B) analyzed in this EA; however, Santa Clara is limited to only 25% of the total contract supply made available by Reclamation over 20 years since the date of execution (1999) or 20,000 AF, whichever is greater. As shown in Table 8, Santa Clara has received 14,398 AF of the total water made available by Reclamation, or 26.8%, since its execution and has only 5,602 AF that they could potentially receive over the next couple of years. The four-party agreement also stipulates that if Pajaro Valley is unable to receive its portion of water within 20 years from execution of the assignment, the contract supply will be split solely between Santa Clara (25%) and Westlands (75%).

Table 8 Santa Clara and Westlands Allocation from Contract No. 14-06-200-3365A-IR15-B

Year	CVP Allocation	Santa Clara	Westlands	Total (AF)
1999	70	0	3,642	3,642
2000	65	4,069	0	4,069
2001	49	0	3,067	3,067
2002	70	4,382	0	4,380
2003	75	0	4,695	4,695
2004	70	0	4,382	4,382
2005	85	0	5,321	5,321
2006	100	0	0	0
2007	50	3,130	0	3,130
2008	40	2,504	0	2,504
2009	10	626	0	626
2010	45	0	2,817	2,817
2011	80	0	5,008	5,008
2012	40	2,504	0	2,504
2013	20	1,252	0	1,252
2014	0	0	0	0
2015	0	0	0	0
Total		14,398	33,001	53,659

CVP water, including the portion from this interim renewal contract, may only be served in the areas in Santa Clara that are within the CPOU (Figure 1).

**Groundwater Resources in Santa Clara** The three major groundwater basins in the Santa Clara service area, which are interconnected and occupy nearly 30 percent of the total county area, are Santa Clara Valley, Coyote and Llagas Basins. Groundwater supplies nearly half of the total water used in Santa Clara County and nearly all use in the Coyote and Llagas basins (Santa Clara 2007).

Historically, Santa Clara County has experienced as much as 13 feet of subsidence caused by excessive groundwater withdrawal. The rate of subsidence slowed in 1967 when imported water was obtained to replenish groundwater supplies. Santa Clara was created partially to protect groundwater resources and minimize land subsidence. Santa Clara operates a comprehensive groundwater management program, including onstream and offstream recharge facilities and extensive monitoring. Recharge to the groundwater basins consists of both natural groundwater recharge and artificial recharge through local surface and imported water. Santa Clara owns and operates more than 30 recharge facilities and six major recharge systems with nearly 400 acres in recharge ponds. These facilities percolate both local and imported water into the groundwater aquifer. Santa Clara does not have its own groundwater extraction facilities, but does levy a charge for all groundwater extractions by local retailers and individual users overlying the Santa Clara Valley Groundwater Basin. Today, Santa Clara reduces the demand on groundwater and minimizes subsidence through conjunctive use of surface water and groundwater. Santa Clara monitors land subsidence through benchmark surveying, groundwater elevation monitoring, and data from compaction wells.

**Other Available Water Supplies** Santa Clara owns and operates 10 storage reservoirs with a combined storage capacity of approximately 170,000 AF (Santa Clara 2013). These reservoirs are located on most of the major streams in the Santa Clara service area. Local surface water supplies include the stream flows that feed into and out of Santa Clara’s reservoirs, stream flows that are not captured by reservoirs, and water that flows overland into reservoirs. Santa Clara also has a contract with the California Department of Water Resources (DWR) for a maximum of 100,000 AF per year from the SWP. Water is delivered via the Banks pumping plant in the southern Delta and the South Bay Aqueduct to a terminal tank at the Penitencia Water Treatment Plant in east San Jose. In addition, Santa Clara has established rights to 35 percent of the existing Semitropic Groundwater Banking Program in Kern County which is used to offset shortfalls in annual water supplies. The agreement reserves for Santa Clara up to 350,000 AF of storage, and improves Santa Clara’s supply reliability by enabling storage of wet-year water for use during future dry years.

On April 18, 2006, Reclamation approved the long-term (through contract year 2027) groundwater banking of up to 100,000 AF per year of Santa Clara’s available CVP surface water supplies within Semitropic Water Storage District. The approval of this banking program was analyzed under EA-05-126 (Reclamation 2005i).

Santa Clara’s overall available water supplies for 2015 are included in Table 9.

Table 9 Santa Clara County Available Water Supplies for 2015

Source of Water Supply	Amount (acre-feet)
CVP contract supplies	40,320
SWP contract supplies	20,000
Local Surface Water Inflow	18,850
Local Surface Water Storage Releases	18,650
Prior year carryover	45,080
Semitropic Groundwater Bank withdrawals	45,790
Water transfers and exchanges	20,920
Groundwater pumped	120,000
<b>Total</b>	<b>329,610</b>

Source: Santa Clara 2016

### **Westlands Water District**

Westlands, a San Luis Unit contractor, receives CVP water both from the Delta-Mendota Canal and the San Luis Canal with the majority diverted from the San Luis Canal. The Delta-Mendota Canal delivers Delta water to the west side of the San Joaquin Valley, ending at the Mendota Pool, 30 miles west of the City of Fresno. The San Luis Canal, which originates at O'Neill Forebay, is a joint use facility with the SWP. Facilities utilized to convey water to Westlands include the O'Neill Pumping-Generating Plant and Intake Canal, San Luis Dam and Reservoir (for storage as needed), Dos Amigos Pumping Plant, Coalinga Canal, the Pleasant Valley Pumping Plant, and the San Luis Canal from O'Neill Forebay to Kettleman City.

All water is metered at the point of delivery through more than 3,200 agricultural and 250 M&I meter locations. Westlands' permanent distribution system consists of 1,034 miles of closed, buried pipeline. The district also operates and maintains the 12-mile-long, concrete-lined, Coalinga Canal, the Pleasant Valley Pumping Plant, and the laterals that supply CVP water to the communities of Coalinga and Huron.

Westlands delivers M&I water from its CVP contracts to several DUCs, including Three Rocks, El Porvenir, Cantua Creek and several labor camp housing. Westlands also delivers nonagricultural water to the Lemoore Naval Air Station, area businesses, labor facilities, cotton gins, crop grading stations, processing plants and private homes. The commercial and industrial customers include tomato and nut processing plants and other agricultural related facilities. There are highway commercial centers, hotels, and convenience stores that receive surface water from Westlands.

**CVP Contracts** On June 5, 1963 Westlands entered into a long-term contract (Contract No. 14-06-200-495A) with Reclamation for 1,008,000 AF of CVP supply from the San Luis Canal, Coalinga Canal, and Mendota Pool (Reclamation 1963). In a stipulated agreement dated September 14, 1981 the contractual entitlement to CVP water was increased to 1.15 million AF. The long-term contract expired December 31, 2007 and has been succeeded by a series of interim renewal contracts pending completion of site specific environmental analysis for the long-term contract renewal.

*Assignments* In 1999, Reclamation approved the three-way partial assignment (Contract No. 14-06-200-3365A-IR2) of 6,260 AF per year to Santa Clara, Westlands DD#1, and Pajaro Valley from Mercy Springs as described previously (Reclamation 1999b). The allocated water supply available under this contract either goes fully to Westlands or fully to Santa Clara. As shown in Table 8, Westlands has received 33,001 AF of the available water supply under this contract since its execution.

Between 2004 and 2006, Reclamation approved three other contract assignments from Delta Division contractors to DD#1. These include: (1) 27,000 AF per year from Broadview Water District (Contract No. 14-06-200-8092-IR8), (2) 2,990 AF per year from Widren Water District (Contract No. 14-06-200-8018-1R7), and (3) 2,500 AF per year from Centinella Water District [Contract No. 7-07-20-W0055] (Reclamation 2006b, 2005j, 2004d). In 2003, Reclamation approved the partial assignment of 4,198 AFY from Mercy Springs (Contract Number 14-06-200-3365A) to Westlands Distribution District #2 (Reclamation 2002b). These assignments are

included as interim renewal contracts analyzed in this EA as shown in Table 1. The water from these interim renewal contracts is included as “transfers in” under Westlands updated Water Needs Assessment (Appendix D).

In 2012, Reclamation executed the partial assignment (Contract No. 14-06-200-7823J) of 4,000 AFY to Westlands from Oro Loma Water District (Reclamation 2012b). As this was an assignment from a long-term contract that doesn’t expire until February 28, 2030, it is not included in the Proposed Action; however, it is included as a “transfer in” in Westlands updated Water Needs Assessment (Appendix D).

**Groundwater Resources in Westlands** The groundwater basin underlying Westlands is comprised generally of two water-bearing zones: (1) an upper zone above a nearly impervious Corcoran Clay layer containing the Coastal and Sierran aquifers and (2) a lower zone below the Corcoran Clay containing the sub-Corcoran aquifer (DWR 2003). These water-bearing zones are recharged by subsurface inflow primarily from the west and northeast, and percolation of groundwater, and imported and local surface water. The Corcoran Clay separates the upper and lower water-bearing zones in the majority of Westlands but is not continuous in the western portion of the district.

Groundwater pumping started in this portion of the San Joaquin Valley in the early 1900s. Prior to delivery of CVP water, the annual groundwater pumpage in Westlands ranged from 800,000 to 1,000,000 AF during the period of 1950-1968. The majority of this pumping was from the aquifer below the Corcoran Clay, causing the sub-Corcoran groundwater surface to reach the average elevation of more than 150 feet below mean sea level by 1968. The large quantity of groundwater pumped prior to delivery of CVP water caused a significant amount of land subsidence in some areas (DWR 2003). Westlands has implemented a groundwater management program to reduce the potential for future extreme subsidence.

After delivery of CVP water supplies into Westlands began, groundwater pumping declined to about 200,000 AF per year, or less, in the 1970s (DWR 2003). The reduction in groundwater pumping stabilized groundwater depths and in most portions of Westlands, groundwater levels significantly recovered. During the early 1990s, groundwater pumping greatly increased because of the reduced CVP water supplies caused by an extended drought, and regulatory actions related to the CVPIA. Groundwater pumping quantities are estimated to have reached 600,000 AF per year during 1991 and 1992 when Westlands received only 25 percent of its contractual entitlement of CVP water. The increase in pumping caused a decline in groundwater levels which later recovered. Normal or near normal CVP water supplies from 1995 to 1999 reduced the estimated annual quantity of groundwater pumped to approximately 60,000 AF per year, resulting in an increase in groundwater elevations. However, since 2000, Westlands’ CVP water supply has been significantly reduced and groundwater pumping has steadily increased. Groundwater has become the primary source of water supply within the District since 2007. In 2015, approximately 660,000 AF of groundwater was pumped by private landowners to meet in-district demands.

Westlands has operated its District under the concept of conjunctive use where CVP water is used to alleviate groundwater overdraft in the area. Based on the conjunctive use concept, water



users are expected to continue mixed use of CVP, other surface water supplies, and groundwater, with greater emphasis on groundwater use during dry periods when surface water is limited or expensive and percolate excess surface water during wet years to recharge the groundwater basin. Westlands also monitors grower/landowner well pumping and submits groundwater pumping data to the California Statewide Groundwater Elevation Monitoring Program (Westlands 2017). As shown in Figure 3, groundwater supplies have never been sufficient to meet demands within the District.

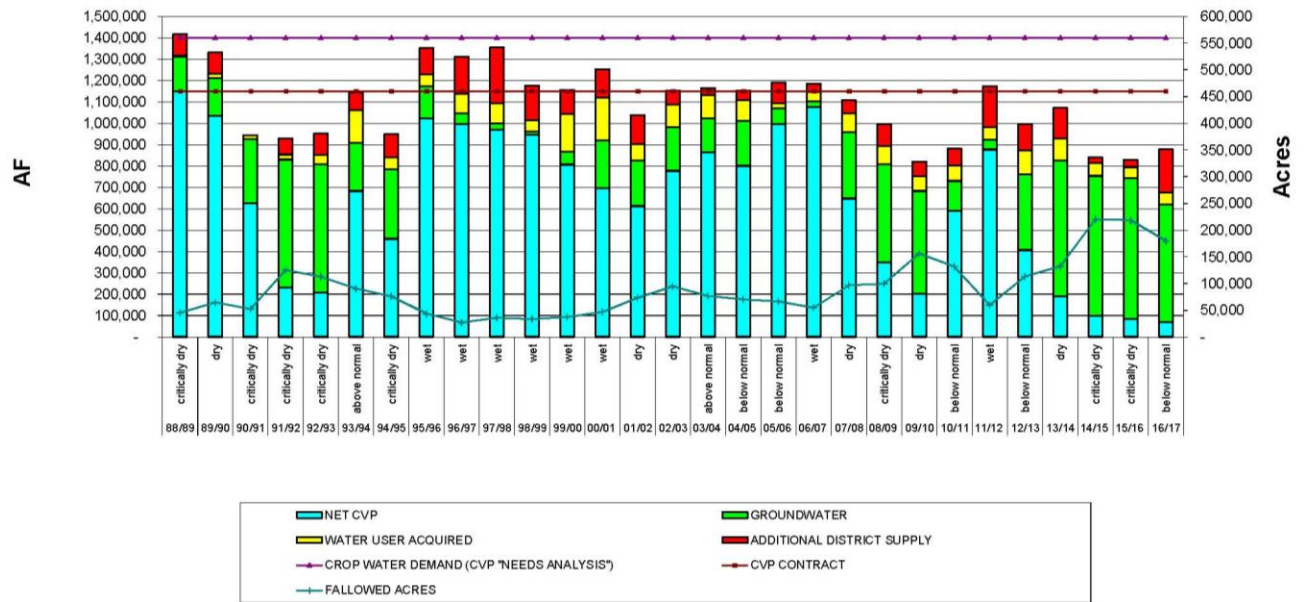


Figure 3 Westlands Available Water Supplies 1988 through 2016 (Source: Westlands 2017)

A 2017 National Aeronautical and Space Administration (NASA) report prepared for DWR (Farr et al. 2017) has documented that the two main subsidence bowls in the San Joaquin Valley (centered on Corcoran and El Nido) previously identified in 2015 has grown wider and deeper between March 2015 and September 2016 and that a third area, near Tranquillity in Fresno County has also intensified. The maximum total subsidence in these areas during that time was: 22 inches near Corcoran, 16 inches southeast of El Nido, and 20 inches in the new area near Tranquillity. In addition, the report found that the section of the San Luis Canal/California Aqueduct located in Westlands near the City of Avenal in Kings County has dropped two feet due to subsidence caused by excessive groundwater pumping (Farr et al. 2017).

California enacted the Sustainable Groundwater Management Act (SGMA) in 2014 which requires a formation of a Groundwater Sustainability Agency (GSA) by June 30, 2017. Westlands posted its notice of its GSA designation on February 9, 2017 (DWR 2017). The Westlands Water District GSA (5-022.09 San Joaquin Valley Westside) includes the entire district boundaries. Westlands will need to provide an approved Groundwater Sustainability Plan by January 1, 2020. Westlands estimates that when SGMA groundwater pumping restrictions are implemented, average annual pumping will range from 200,000 AF to 250,000 AF (Westlands 2017).

Given the severity of the subsidence referenced in the 2017 NASA report, it is unknown what precise level of groundwater pumping in the Westlands area is sustainable and as such any associated assumption(s) would be speculative.

**Other Available Water Supplies** Other water supply sources in the District include flood flows from the Kings River, which are available periodically and diverted from the Mendota Pool as well as transfers of supplemental water from other sources. Westlands overall available water supplies for 2015 are included in Table 10.

Table 10 Westlands Available Water Supplies for 2015

Source of Water Supply	Amount (acre-feet)
CVP contract supplies (agricultural and M&I)	82,429
2014 Placer County Water Agency water stored in San Luis Reservoir	26,600
State Water Project Water Transfers	19,475
Mendota Pool groundwater transfers	2,216
In-district groundwater	660,000
Mendota Pool Exchange Agreements	20,041
Transfer of Panoche Water District's pre-1914 water supplies under Warren Act	5,000
Transfers and Exchanges with other CVP contractors	12,593
<b>Total</b>	<b>828,354</b>

Source: Westlands 2017

### 3.7.2 Environmental Consequences

#### **No Action**

Santa Clara would likely offset the loss of up to 6,260 AF per year by pumping additional groundwater and/or purchasing additional surface water on the open market. As described previously, imported surface water, including CVP water, was brought into Santa Clara to offset overdraft and reduce the rate of subsidence in the County. Additional groundwater pumping to make up for the lost CVP water could lead to additional overdraft and subsidence within the County; however, as the majority of Santa Clara's water supply would be unchanged the likelihood of overdraft and subsidence trends being changed over the next two years is small.

Under the No Action alternative, Westlands would no longer have CVP contracts that could provide up to 1,192,948 AF per year of surface water supplies. Although Westlands would continue to receive up to 4,000 AF per year from Contract No. 14-06-200-7823J, this would not provide enough water to meet M&I and agricultural demands in the District. This would have substantially adverse impacts to available water supplies for agricultural and M&I users within the District and would impact the ability of groundwater recharge in the District. Although groundwater pumping would likely occur over the next two years it is insufficient to meet M&I demands or to sustain agriculture. As described previously, groundwater pumping in the District was approximately 660,000 AF in 2015 (nearly 3 times what is estimated would be allowed under SGMA) when Westlands received a 0% CVP allocation and was insufficient to meet demands (Westlands 2017). Further, the increased groundwater pumping in the Valley due to the recent drought has substantially increased the rate of subsidence within the San Joaquin Valley. These trends would continue under the No Action alternative, potentially causing severe impacts to existing water conveyance infrastructure and impacting other water users outside the District.

Westlands may be able to acquire supplemental water supplies as it has in the past but these resources are unreliable and expensive. Westlands estimates that with groundwater pumping at levels likely required under SGMA (about 225,000 AF) and about 150,000 to 200,000 AF of supplemental water, the total farmed acres could reduce further to 150,000 to 170,000 acres, suggesting that roughly two-thirds of the District would not be able to sustain agriculture (Westlands 2017).

***Proposed Action***

Based in part on the updated Water Needs Assessment for Westlands, there would be no change from conditions under the existing interim renewal contracts as CVP water would be placed to beneficial use within the authorized CVP place of use as it has in the past. Water delivery during the interim renewal contract period would be up to the respective contract totals and would not exceed historic quantities. Continuation of the interim renewal contracts would provide needed CVP water to meet M&I and agricultural demands in both Districts. As the delivery of CVP water would be done through existing infrastructure for existing uses within both Districts, the Proposed Action would not result in impacts to water resources.

***Cumulative Impacts***

The CVPIA PEIS included full contract deliveries in the assumptions regarding future use. By including full deliveries, the impact assessments were able to adequately address the hydrologic, operational, and system-wide cumulative conditions expected under future conditions. The Proposed Action would maintain the status quo of delivering the same contractual amount of CVP water for existing purposes within each District without the need for additional facility modification or construction. As such, there would be no cumulative adverse impacts to water resources.

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## **Section 4 Consultation and Coordination**

### **4.1 Public Review Period**

Reclamation provided the public with an opportunity to comment on the original Draft FONSI and Draft EA prepared for the contracts listed in Table 1 between September 24, 2015 and October 23, 2015. Reclamation received two comment letters which were addressed in the Final EA issued for the Contracts. Reclamation is also providing the public with an opportunity to comment on the revised Draft EA and Draft FONSI during a public review period.

### **4.2 List of Agencies and Persons Consulted**

Reclamation has consulted with the following regarding the Proposed Action:

- Santa Clara Valley Water District
- U.S. Fish and Wildlife Service
- Westlands Water District

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

Section 7 of the ESA 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.

On February 29, 2016, Reclamation received concurrence from the USFWS on Reclamation's determinations of not likely to adversely affect for the San Joaquin kit fox, blunt-nosed leopard lizard, and San Joaquin woolly-threads. Reclamation also received a biological opinion from the USFWS for potential impacts to California least tern and giant garter snake (see Appendix B). Reclamation has complied with, and will continue to comply with, all measures contained within the biological opinion.

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