

RECLAMATION

Managing Water in the West

2018 Short Term 5-Year Warren Act Contract between the U.S. Bureau of Reclamation and Placer County Water Agency

Central California Area Office Folsom, CA

**Draft Environmental Assessment
(EA)
CCAO 17-06**



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

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Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to 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

In conformance with the National Environmental Policy Act of 1969 (NEPA), as amended, the Bureau of Reclamation (Reclamation) has prepared this Draft Environmental Assessment (EA) to evaluate and disclose any potential environmental impacts associated with the implementation of another five-year short term Warren Act contract (Contract) with the Placer County Water Agency (PCWA)

1.1 Background

PCWA was established in 1957 by the California State Legislature to secure and develop water rights in Placer County, thereby ensuring an adequate water supply for the people of Placer County. PCWA plays a key role in the economic well-being and environmental health of Placer County through energetic leadership and stewardship of Placer County's water resources. As the population of Placer County has grown, the portfolio of PCWA's activities has become more complex, and more essential to Placer County's continued vitality. However, regardless of evolving demands, mobilizing, developing and distributing Placer County's water resources to provide clean and reliable water to the people of Placer County continues to be the focus of PCWA's activities.

To this end, PCWA constructed the Middle Fork Project (MFP) (Federal Energy Regulatory Commission [FERC] Project No. 2079,), a multi-purpose water supply and hydro-generation project designed to manage the waters of the Middle Fork American River, the Rubicon River, and several associated tributary streams. Major components of the MFP, which began operation in 1967, consist of two storage reservoirs (combined gross storage capacity of 342,583 AF, five regulating reservoirs and diversion pools, and five powerhouses.

The MFP seasonally stores and releases water to meet consumptive water demands within western Placer County and northern Sacramento County while simultaneously generating clean and renewable power for the California electric grid. Currently, water for consumptive purposes is released from the MFP and subsequently rediverted at two locations: (1) American River Pump Station; and (2) Folsom Dam. Both points of rediversion are downstream of MFP facilities and neither is part of the MFP as defined in the FERC License.

PCWA operates three primary water systems (Western [Service Area Zones 1 and San Juan], Central, [Service Area Zone 3], and Eastern Service [Area Zone 4]) that deliver treated and untreated water to wholesale and retail customers throughout Placer County. PCWA's Place of Use (POU) under Water Right

Permits 13856 and 13858 includes PCWA's Service Area Zones 1 and 5 and additional areas in western Placer County and northern Sacramento County served by PCWA's wholesale customers. These additional areas include the City of Roseville, San Juan Water District (SJWD), and Sacramento Suburban Water District (SSWD). As authorized by Water Right Permits 13856 and 13858, PCWA conveys and delivers water, which is rediverted from the North Fork American River (via the American River Pump Station) to Service Area Zones 1 and 5, and into Folsom Reservoir to be rediverted by its wholesale customers—City of Roseville, SJWD, and SSWD.

In the five years preceding PCWA's Petitions for Extension of Time (dated November 2007), the year of highest total water use in the areas served by water authorized in Water Right Permits 13856 and 13858 was 2004, with 41,991 AF of water put to beneficial use within the authorized POU, an additional 18,700 AF beneficially used via a temporary transfer to CALFED's Environmental Water Account used to provide salinity and water quality controls within the Delta.

In the future, MFP water will be managed by PCWA to support build-out demand in western Placer County and northern Sacramento County, contribute to groundwater stabilization in the region, and in drier years provide additional environmental releases consistent with the Water Forum to preserve the fish, wildlife, recreation, and aesthetic values of the Lower American River.

PWCA Need for Warren Act Contract

PCWA seeks to utilize its non-Central Valley Project (Project) water from the MFP reservoirs under claim of an appropriative right issued by the California State Water Resources Control Board under Permits 13856 and 13858. The points of diversion and re-diversion are located at PCWA's American River Pump Station and at Reclamation's Folsom Reservoir. PCWA has an existing Contract which expires on February 28, 2018 to convey their MFP water rights water to their Los Lagos customers.

1.1.1 Warren Act Authority

The Warren Act of 1911 (43 U.S.C. Section 523) provides authorization to the Secretary of the Interior to enter into contracts with water purveyors to convey non-Project water through Federal facilities. Under Section 305 of the States Emergency Drought Relief Act of 1991 (106 Stat. 59), "*Excess Storage and Carrying Capacity-Contracts*," and Section 3408(c) of the Central Valley Project Improvement Act (CVPIA) (106 Stat. 4728), "*Contracts for Additional Storage and Delivery of Water (ASDW)*", the Secretary is authorized to execute contracts with municipalities, public water districts and agencies, other Federal agencies, State agencies, and private entities pursuant to Warren Act authorities. These contracts provide for the impounding, storage, and conveyance of non-Project

water for domestic, municipal, fish and wildlife, industrial, and other beneficial uses using any Project facilities including Folsom Reservoir.

1.2 Project Description

The proposed project action evaluated in this document provides for a Contract between Reclamation and PCWA for the conveyance of up to 100 AFY over a five-year term of non-Project water from their MFP into Folsom Reservoir, and delivered to the Los Lagos subdivision in Placer County through PCWA's intake pump at Folsom Reservoir (figure 1). The existing water supply needs for municipal and industrial (M&I) uses at the Los Lagos subdivision would not change. Because the proposed project action is for conveyance only, Reclamation has no authority over the delivered water use.

1.3 Purpose and Need for the Project

The purpose of the proposed project is to enable PCWA to deliver water to its customers through the execution of a Contract. The Contract assists PCWA with meeting their existing water supply needs of the Los Lagos subdivision for the next five years (March 2018-February 28, 2023).

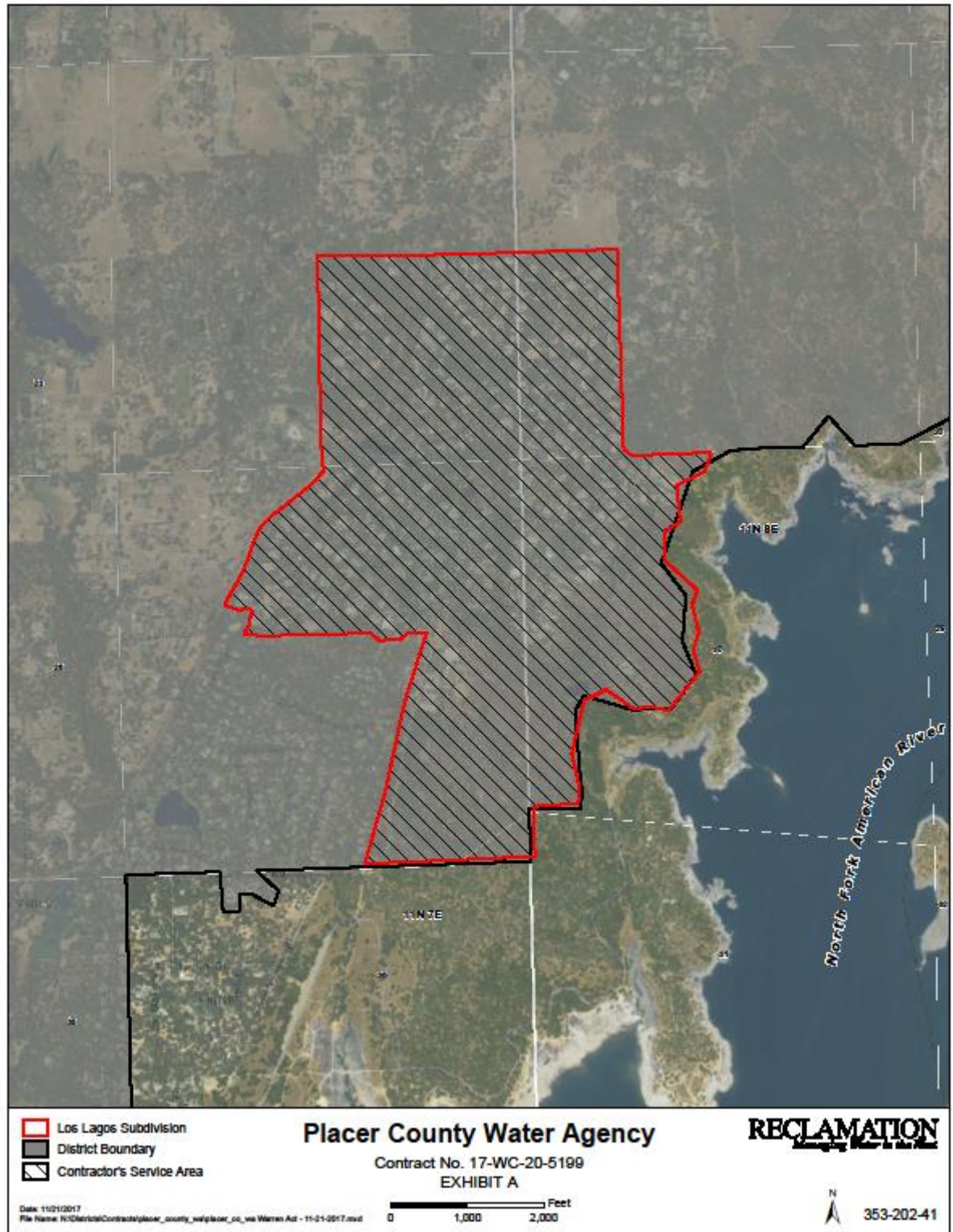


Figure 1. PCWA Delivery Area for Short Term Warren Act Contract for Los Lagos Subdivision

Section 2 Alternatives Including the Proposed Action

This Environmental Assessment (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, Reclamation would not enter into a Contract with PCWA. There would be no contractual mechanism for PCWA to convey their non-Project water rights water from the MFP Reservoirs to the Los Lagos subdivision in Placer County. PCWA would deliver Project water to meet the water needs of their customers in the Los Lagos subdivision in Placer County.

2.2 Proposed Action

Reclamation proposes to enter into a Contract for conveyance of up to 100 AFY of non-Project water to be conveyed through Folsom Reservoir. The Contract would allow PCWA to convey their non-Project water to the residents of Los Lagos for M&I purposes. The five year duration allows the Contract to expire at the end of February 2023, consistent with Reclamation's water year.

Under the Proposed Action, PCWA would release water from its MFP reservoirs into the Middle Fork American River, which subsequently flows into the North Fork American River. From the North Fork American River, the released water would flow into Folsom Reservoir. The water released from the MFP reservoirs will reach Folsom Lake and receipt of the water is determined by Reclamation and set to avoid impacts on the cold water pool in Folsom Reservoir for fish habitat. PCWA would use their intake pump to divert their water at Folsom Reservoir and deliver the water to the Los Lagos subdivision in Placer County.

In the event a long-term contract is executed, the proposed Contract, then-in-effect, would be superseded by a long-term contract. The long-term contract would undergo separate analysis to meet NEPA requirements. For purposes of this EA the following requirements are assumed under the Proposed Action:

- A five year period is considered in this analysis.
- There would be no increase in the amount of water delivered to Los Lagos subdivision in Placer County.

- All non-Project Water conveyed and delivered to PCWA would be used for M&I purposes only.
- Reclamation would continue to comply with commitments made or requirements imposed by applicable environmental documents, such as existing biological opinions (BOs) including any obligations imposed on Reclamation resulting from re-consultations.
- Reclamation would implement its obligations resulting from Court Orders issued in actions challenging applicable BOs that take effect during the temporary contract.

Section 3 Affected Environment and Environmental Consequences

This section identifies the potentially affected environment and the environmental consequences involved with the Proposed Action and the No Action Alternative, in addition to environmental trends and conditions that currently exist.

This EA does not analyze resources for which it would be reasonable to assume that no impacts occur. Specifically, potential effects to: air quality, soils, wildlife, visual resources, transportation, noise, hazards and hazardous materials, public services, utilities, surface water, ground water, land use, socioeconomic resources, recreation are not analyzed because they were not identified as significant issues during scoping and it would not be reasonable to assume that a Contract for up to 100 AFY of non-Project water conveyance could result in impacts to these resources or services.

In addition to the resources stated above, Reclamation considered and determined that the Proposed Action would not impact the following:

- **Indian Trust Assets (ITA):** There are no known ITA or treaty rights exercised by tribes, nor are there any reservations or trust lands located within or adjacent to the Proposed Action area. The closest ITA is Auburn Rancheria approximately 11 miles northwest of the Proposed Action area. The Proposed Action does not have a potential to affect ITA.
- **Indian Sacred Sites:** No Indian sacred sites have been identified within or adjacent to the footprint of the Proposed Action.
- **Environmental Justice:** Environmental Justice issues in the American River Division under the Proposed Action would be identical to conditions under the No Action Alternative.

- **Global Climate Change:** The Proposed Action is a continuation of existing conditions and does not require the construction of any new facilities, the installation of any new structures, or the modification of existing facilities. Therefore, there would be no impact to global climate change under the Proposed Action.
- **Cultural Resources:** By implementing the Proposed Action, all water will be delivered within existing water service area boundaries utilizing existing water conveyance. The Proposed Action would have no significant impacts on cultural or historical properties listed, or eligible for listing, on the National Register of Historic Places because no land use changes or new development are included or will result from the execution of the Contract.

This EA considers the potential effects of the Contract on the resources listed below. This section describes the potential environmental consequences (i.e., potential impacts) for the Proposed Action and the No Action Alternative. The analysis period for this EA is for a five year period (March 2018 - February 28, 2023).

3.1 Water Supply and Hydrology

3.1.1 Affected Environment

Middle Fork and North Fork American Rivers

PCWA has water rights allowing for power generation and recreational uses, as well as for irrigation, incidental domestic, and M&I uses. PCWA's water rights authorize 120,000 AFY of consumptive uses of the combined waters of the North and Middle Fork American rivers.

The American River is a major tributary to the Lower Sacramento River. The Middle Fork American River watershed extends westward to the confluence with the North Fork American River, east of Auburn (elevation 650 feet). The average annual yield for the Middle Fork American River for the period of 1959 through 1991 was 805,000 AFY. The Rubicon River is the main tributary to the Middle Fork American River. The main reservoirs in the Middle Fork watershed are French Meadows, Hell Hole, Rubicon, Loon Lake, Gerle Creek, and Stumpy Meadows Lake. PCWA and PG&E operate most of the reservoirs in the Middle Fork watershed.

The Middle Fork joins the North Fork American River before flowing into Folsom Reservoir. Downstream of its confluence with the Middle Fork American River, the North Fork American River flows are a combination of regulated and unregulated flows. Flows in the North Fork below its confluence with the Middle Fork are directly affected by fluctuations in Ralston Afterbay releases, but are

attenuated by the unregulated flows from the North Fork, which exhibit less diurnal fluctuation.

The North Fork flows are altered by the North Fork Dam at Lake Clementine, upstream of its confluence with the Middle Fork American River. Average annual runoff in the North Fork American River from 1942 through 1992 was 594,000 AFY. North Fork American River flows have been estimated based upon upstream gage measurements.

French Meadows and Hell Hole Reservoirs

Construction of French Meadows and Hell Hole reservoirs was completed in 1966 and 1965, respectively. Maximum storage capacity is 136,000 AF in French Meadows Reservoir and 208,000 AF in Hell Hole Reservoir. French Meadows Reservoir is located in the upper Middle Fork American River watershed, about 16 miles west of Lake Tahoe. Hell Hole Reservoir is located about three miles southeast of French Meadows Reservoir on the Rubicon River. Water is released from these storage reservoirs downstream to a re-regulating reservoir, Ralston Afterbay, which reflect upstream regulation to maximize hydropower generation while meeting an instream flow requirement of 75 cfs on the Middle Fork American River.

Folsom Reservoir and Dam

Folsom Reservoir is the principal reservoir on the American River, with a maximum storage capacity of 977,000 AF. Reclamation operates Folsom Dam and Reservoir for the purposes of flood control, meeting water contract water right obligations, providing downstream releases for the Lower American River and helping to meet Delta water quality standards. The El Dorado Irrigation District, City of Roseville, San Juan Water District, California State Prison, and the City of Folsom are the main entities that divert water from Folsom Reservoir.

3.1.2 No Action

Implementation of the No Action Alternative would not result in another Contract for PCWA to convey non-Project water from MFP to Los Lagos subdivision. PCWA would convey Project water to meet the M&I water needs of their customers in Los Lagos. There would be no change or impact to the water supply or hydrology under the No Action Alternative.

3.1.3 Proposed Action

Implementation of the Proposed Action would allow PCWA to convey their non-Project water from the MFP reservoirs to Los Lagos. PCWA currently delivers up to 100 AFY of non-Project water under their existing Contract to Los Lagos subdivision through Folsom Reservoir and associated facilities. This Contract would not change current hydrology of the water sources included in the Proposed

Action as Project water has historically been PCWA's identified source for Los Lagos subdivision. The water supply would continue to come from the same source, MFP, and be delivered to Folsom Reservoir. There would be no impacts on current water supply availability at Folsom Reservoir under the Proposed Action, as this is a continuous action.

The source of the PCWA's non-Project water supply shall be water released from PCWA's MFP Reservoirs under claim of an appropriative right issued by CSWRCB under Permits 13856 and 13858. The points of diversion and re-diversion are located at PCWA's American River Pump Station and at Reclamation's Folsom Reservoir. PCWA has the ability to store, release and re-divert water from its Hell Hole and French Meadows Reservoirs of up to 120,000 AFY. However, this analysis is identifying only the conveyance of up to 100 AFY of non-Project water from Folsom Reservoir to Los Lagos subdivision.

3.2 Biological Resources

3.2.1 Affected Environment

The affected biological resources environment includes terrestrial and aquatic resources located within PCWA's water service area in Placer County, Folsom Reservoir and the Lower American River.

Terrestrial and Riparian Resources

PCWA's water service area encompasses a wide diversity of vegetation community zones. Conifer forest and montane hardwood habitat predominate in the higher elevation areas in the eastern portion of the service area. Lower elevation areas in the western portion of the service area support annual grassland, blue oak woodland, and agricultural fields. Valley foothill riparian habitats exist along larger rivers and streams such as the North Fork American River. Based on the United States Geological Survey Gap Analysis Program data, the PCWA water service area contained 9,760 acres of annual grasslands, 25,630 acres of blue oak woodland, 30,600 acres of cropland, 20,570 acres of conifer forest, four acres of chaparral, and 20,875 acres on montane hardwood.

Folsom Reservoir

The shorelines of Folsom Reservoir support primarily upland oak woodland and perennial grasses vegetation communities. The reservoir draw-down zones are devoid of vegetation, with the exception of willow shrubs that have established in areas that are not subject to fluctuations in water elevations. Upland habitats associated with Folsom Reservoir includes non/native grasslands, blue oak-pine and mixed oak woodlands (EDWPA 2010).

Special-status plant species potentially occurring in the vicinity of the Folsom Reservoir include Jepson's onion (*Allium jepsonii*), big-scale balsamroot (*Balsamorhiza macrolepis* var. *macrolepis*), Parry's horkelia (*Horkelia parryi*), and Hartweg's golden sunburst (*Pseudobahia bahifolia*).

Special-status terrestrial wildlife species potentially occurring in the vicinity of the Folsom Reservoir shorelines include valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), California red-legged frog (*Rana draytonii*), western pond turtle (*Actinemys marmorata*), Swainson's hawk (*Buteo swainsoni*), and bald eagle (*Haliaeetus leucocephalus*).

Lower American River

The river channel morphology and riparian plant and animal communities along the Lower American River have been highly impacted by human activities over the past century. Currently, a large portion of the lower American River is characterized by riparian forests dominated by Fremont cottonwood and willows. In addition, backwater ponds and lagoons are present, resulting from both natural gravel deposits and artificial dredging (Sands, et. al., 1985).

Special-status terrestrial wildlife species potentially occurring in the vicinity of the lower American River include valley elderberry longhorn beetle, western pond turtle, bald eagle, Swainson's hawk, bank swallow (*Riparia riparia*), yellow-billed cuckoo (*Coccyzus americanus*), and western burrowing owl (*Athene cunicularia*).

Fisheries and Aquatic Resources

Aquatic resources potentially affected by the Proposed Action are associated with streams and lakes in Folsom Reservoir, Lake Natoma, and the lower American River.

Folsom Reservoir

Folsom Reservoir has a maximum storage capacity of approximately 977,000 AF, and has a maximum depth of approximately 266 feet (streambed elevation at the main dam is about 200 feet). The reservoir water temperatures are influenced by season snow melts when cold water enters the lake and when seasonal warm air moving into the area from Bay Delta/Sacramento region. As a result of these predominant weather patterns, a defined seasonal thermal stratification occurs within Folsom Reservoir between spring and the beginning of winter (April and November). Folsom Reservoir supports a "two-story" fishery ecosystem during April through November, with warm water species using the warm surface and middle layer of the reservoir and cold water species using the deeper, colder layer/portion of the reservoir. The deeper, colder portions of the reservoir is also referred to as the "cold water pool" and data collected to show this season event is tracked by the Reclamation's Central Valley Operations office.

Although Folsom Reservoir does not host special-status fish species within the reservoir, Folsom's cold water is a key component to the livelihood of fall-run Chinook salmon and Central Valley steelhead found downstream in the lower American River. Seasonal water releases from the reservoir's cold water pool provide thermal conditions in the lower American River that support annual in-river production of these salmonid species. However, Folsom Reservoir's cold water volume generally is not large enough to facilitate cold water releases down the lower American River during the warmest months (July through September) to provide optimal thermal conditions for over-summering juvenile steelhead rearing or fall-run Chinook salmon immigration, spawning, and embryo incubation in the fall. Consequently, management of the reservoir's cold water volume on an annual basis is essential to providing suitable thermal regimes for fall-run Chinook salmon and steelhead, within the constraints of the reservoirs cold water availability.

Lake Natoma

Lake Natoma, about 5 river miles from Folsom Dam, serves as a regulating afterbay for Folsom Reservoir. This area of water can rise and fall up to four feet a day due to releases from Folsom Dam and is important for regulating river flows on the lower sections of the American River. Lake Natoma supports many of the same species of fish found in Folsom Reservoir (i.e., rainbow trout, bass, sunfish, and catfish). Some recruitment of warm water and coldwater fishes likely originates from Folsom Reservoir. In addition, California Department of Fish and Wildlife (CDFW) stocks catchable-size rainbow trout into Lake Natoma annually. Lake Natoma's limited primary and secondary production and daily elevation fluctuations are believed to reduce the size and annual production of many of its fish populations, relative to Folsom Reservoir.

Lower American River

The lower 10 miles of the American River has been designated as critical habitat for spring-run Chinook salmon because of the potential for non-natal rearing. Fall-run/late fall-run Chinook salmon is a Federal species of special concern, and late fall-run Chinook salmon is considered a State species of special concern. Chinook salmon also is a federally managed fish species under the Magnuson-Stevens Fishery Conservation and Management Act. The lower American River currently provides spawning and rearing habitat for fall-run Chinook salmon and steelhead (*Oncorhynchus mykiss*) below Nimbus Dam. The majority of the fall-run Chinook and the steelhead runs are believed to be of hatchery origin (CHSRG 2012). Special-status fish species within the lower American River include Central Valley steelhead, spring-run Chinook salmon, and fall-run/late-fall-run Chinook salmon. Central Valley steelhead are listed as a threatened species under the Federal Endangered Species Act (ESA) and the lower American River is designated as critical habitat.

3.2.2 No Action

Implementation of the No Action alternative would not result in a Contract for PCWA to convey their non-Project water from the MFP to Los Lagos subdivision in Placer County. The No Action Alternative includes the operations of the Project consistent with all requirements of the Continued Long-term Operations of the Project and State Water Project as described in the United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) 2008/2009 Biological Opinion's. The requirements described in those Biological Opinions include Reasonable and Prudent Alternatives (RPAs) for environmental effects of the Coordinated Operations of the Project and State Water Project to federally listed species. The actions recommended in the Biological Opinion to protect sensitive species in the American River include an annual water temperature management plan for steelhead, use of CVPIA Section 3406(b)(2) water supplies to supplement flows in the lower American River, flow and temperature requirements, and examinations of potential improvements to fish passage and structural temperature control options. There would be no impact to biological resources under the No Action Alternative.

3.2.3 Proposed Action

Biological resources under the Proposed Action would be identical to the No Action Alternative. The Contract would allow for the delivery of the same quantity of water from the same source to the same location for the same M&I uses that are currently occurring under the existing Contract. Water deliveries would be made through the existing Project facilities. The Proposed Action does not require the construction of new facilities, installation of new features, or the modification of existing facilities. The water would be delivered for beneficial M&I uses within Los Lagos, within PCWA's water service area.

Implementation of the Proposed Action would not change or impact biological resources within the action area. Reclamation is currently operating the overall Project facilities to meet all regulatory requirements, downstream water needs, and environmental requirements and would continue to do so.

3.3 Facility Operations

The operations of Folsom Reservoir is consistent with all requirements of the Continued Long-term Operations of the Project and State Water Project as described in the USFWS and NMFS 2008/2009 Biological Opinion's. These Biological Opinions provide Reasonable and Prudent Alternatives (RPAs) for environmental effects of the Coordinated Operations of the Project and State Water Project to federally listed species. The actions recommended in the Biological Opinion to protect sensitive species in the American River include an annual water temperature management plan for steelhead, use of CVPIA Section 3406(b)(2) water supplies to supplement flows in the lower American River, flow and temperature requirements, and examinations of potential improvements to fish passage and structural temperature control options.

Reclamation is currently operating the overall Project system to meet all regulatory requirements, downstream water needs, and environmental requirements.

3.3.1 No Action

Implementation of the No Action Alternative would not result in a Contract for PCWA to convey their non-Project water from the MFP to the Los Lagos subdivision.

PCWA would deliver Project water to meet the M&I water needs of their customers in the Los Lagos subdivision.

There would be no change or impact to Folsom Reservoir operations under the No Action Alternative. Reclamation would continue to implement all current regulatory actions and not alter operation of Project facilities, water storage or release patterns from Project facilities.

3.3.2 Proposed Action

Reclamation's execution of a Contract would not increase the volume of water delivery to the Los Lagos subdivision or change the point of intake therefore; the Proposed Action would have no effect on the volume of the cold-water pool or on Folsom Reservoir operations.

Reclamation is currently operating the overall Project system to meet all regulatory requirements, downstream water needs, and environmental requirements. Under the Proposed Action, Reclamation would continue to implement all current regulatory actions. The Proposed Action would not alter operations of Folsom Reservoir, water storage or release patterns from Project facilities.

3.4 Cumulative Impacts

According to the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA, a cumulative impact is defined as *"the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions"*. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Reclamation's Warren Act contract agreements entered into with American River Division Contractors to allow the storage or conveyance of non-Project water in Folsom Reservoir are not uncommon. These contracts are entered into at times when Reclamation has excess conveyance or storage capacity in its facilities. Reclamation has completed NEPA compliance for determining the direct and indirect impacts of entering into Warren Act contracts in Folsom Reservoir including this proposed contract of 100 AFY. The Proposed Action would not result in cumulative adverse impacts to environmental resources when considered in combination with other Folsom Reservoir Warren Act contracts providing for past, present, and reasonably foreseeable future actions. The Proposed Action would not change long-term non-Project contract amounts or deliveries from within the historical ranges since the Proposed Action would be identical to existing conditions.

Section 4 Consultation and Coordination

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

4.1 Public Review Period

Reclamation intends to provide the public with an opportunity to comment on the Draft Finding of No Significant Impact and Draft EA.

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

Section 7 of the Endangered Species Act (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.

It is reasonable to assume that the 2008 and 2009 biological opinions, and preceding biological opinions have properly identified and analyzed the impacts associated with the diversion of this water from Folsom Reservoir. Furthermore, the 2008/2009 biological opinion provided additional analyses for the movement of this water, and the RPAs developed by NMFS and the USFWS allowed for the continued and ongoing operation of the Project. This Proposed Action is the second Contract for PCWA; therefore, the execution of this Contract is seen as an administrative action and not a new action that will hinder current operations in managing Folsom Reservoir or the lower American River.

4.3 National Historic Preservation Act (Title 54 U.S.C. § 306108)

The National Historic Preservation Act (NHPA) of 1966, as amended (Title 54 U.S.C. § 306108), requires that federal agencies give the Advisory Council on Historic Preservation an opportunity to comment on the effects of an undertaking on historic properties, properties that are eligible for inclusion in the National Register. The 36 CFR Part 800 regulations implement Section 106 of the NHPA.

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

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. 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).

4.4 Indian Trust Assets (512 DM2)

Indian Trust Assets (ITA) are legal interests in property held in trust by the United States for federally-recognized Indian tribes or individual Indians. An Indian trust

has three components: (1) the trustee, (2) the beneficiary, and (3) the trust asset. ITA can include land, minerals, federally-reserved hunting and fishing rights, federally-reserved water rights, and in-stream flows associated with trust land. Beneficiaries of the Indian trust relationship are federally-recognized Indian tribes with trust land; the United States is the trustee. By definition, ITA cannot be sold, leased, or otherwise encumbered without approval of the United States. The characterization and application of the United States trust relationship have been defined by case law that interprets Congressional acts, executive orders, and historic treaty provisions.

The Proposed Action would not affect ITA because there are none located in the Proposed Project area.

4.5 Executive Order 13007 – Indian Sacred Sites

Executive Order 13007 requires Federal land managing agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites. It also requires agencies to develop procedures for reasonable notification of Proposed Actions or land management policies that may restrict access to or ceremonial use of, or adversely affect, sacred sites. At this time, no Indian sacred sites have been identified. In addition, the Proposed Action would not impede access to or ceremonial use of Indian sacred sites. If sites are identified in the future, Reclamation would comply with Executive Order 13007.

Section 5 References

- California Hatchery Scientific Review Group (CHSRG). 2012. California Hatchery Review Report. Prepared for the US Fish and Wildlife Service and Pacific States Marine Fisheries Commission. June 2012. 100 pgs.
- City and County Office of Metropolitan Water Planning (CCOMWP) 1999. Draft. EIR – Water Forum Proposal. January 1999.
- EDWPA 2010. Draft EIR for the Supplemental Water Rights Project. July 2010.
- National Marine Fisheries Service, Biological Opinion on the Continued Long-term Operations of the Central Valley Project and the State Water Project. June 4, 2009.
- Reclamation. 2004. Long-Term Central Valley Project and State Water Project Operations Criteria and Plan Biological Assessment.
- Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575), Title 34, the Central Valley Project Improvement Act. October 30, 1992.
- U.S. Bureau of Reclamation. Long-term Renewal of the American River Division Water Service Contracts. June 2005.
- U.S. Department of the Interior. Bureau of Reclamation. U.S. Fish and Wildlife Service, Sacramento California. Central Valley Project Improvement Act Programmatic Environmental Impact Statement. October 2009.
- U.S. Fish and Wildlife Service. Biological Opinion on the Continued Long-term Operations of the Central Valley Project and State Water Project. December 1, 2008.

Appendix A: Cultural Resources Compliance Memo

CULTURAL RESOURCES COMPLIANCE
Division of Environmental Affairs
Cultural Resources Branch (MP-153)

MP-153 Tracking Number: 18-CCAO-030

Project Name: 2018 Temporary 5-Year Warren Act Contract between the U.S. Bureau of Reclamation and Placer County Water Agency (PCWA)

NEPA Document: EA-17-06

NEPA Contact: Beth Dyer

MP-153 Cultural Resources Reviewer: BranDee Bruce, Architectural Historian

Date: November 16, 2017

Reclamation proposes to renew a temporary Warren Act Contract between Reclamation and PCWA for the conveyance of up to 1,200 AFY over a five-year term of non-Project water from their MFP into Folsom Reservoir, a Central Valley Project Facility, and delivered to the Los Lagos subdivision in Placer County through PCWA's intake pump at Folsom Reservoir. The existing water supply needs for municipal and industrial (M&I) uses at the Los Lagos subdivision would not change. Because the proposed project action is for conveyance only, Reclamation has no authority over the delivered water use.

No modification of existing facilities or ground disturbance will occur as a result of the proposed action without additional environmental review. Reclamation has determined the issuance of this LUA is the type of activity that does not have the potential to cause effects on historic properties pursuant to 36 CFR § 800.3(a)(1). As such, Reclamation has no further obligations under Title 54 U.S.C. § 306108, commonly known as Section 106 of the National Historic Preservation Act (NHPA). The proposed action will not have significant impacts on properties listed or eligible for listing in the in the National Register of Historic Places.

This document conveys the completion of the cultural resources review and Section 106 process for this undertaking. Please retain a copy with the administrative record for this action. Should the proposed action change, additional review under Section 106, possibly including consultation with the State Historic Preservation Officer, may be required.

Appendix B: Indian Trust Assets Compliance Memo

ITA Determination: CCAO-EA-17-06

The closest ITA to the proposed Temporary Warren Act Contract PCWA activity is the Auburn, United Auburn Indian Community of the Auburn Rancheria about 10.01 miles to the northwest (of approximate center of project area) (See attached image).

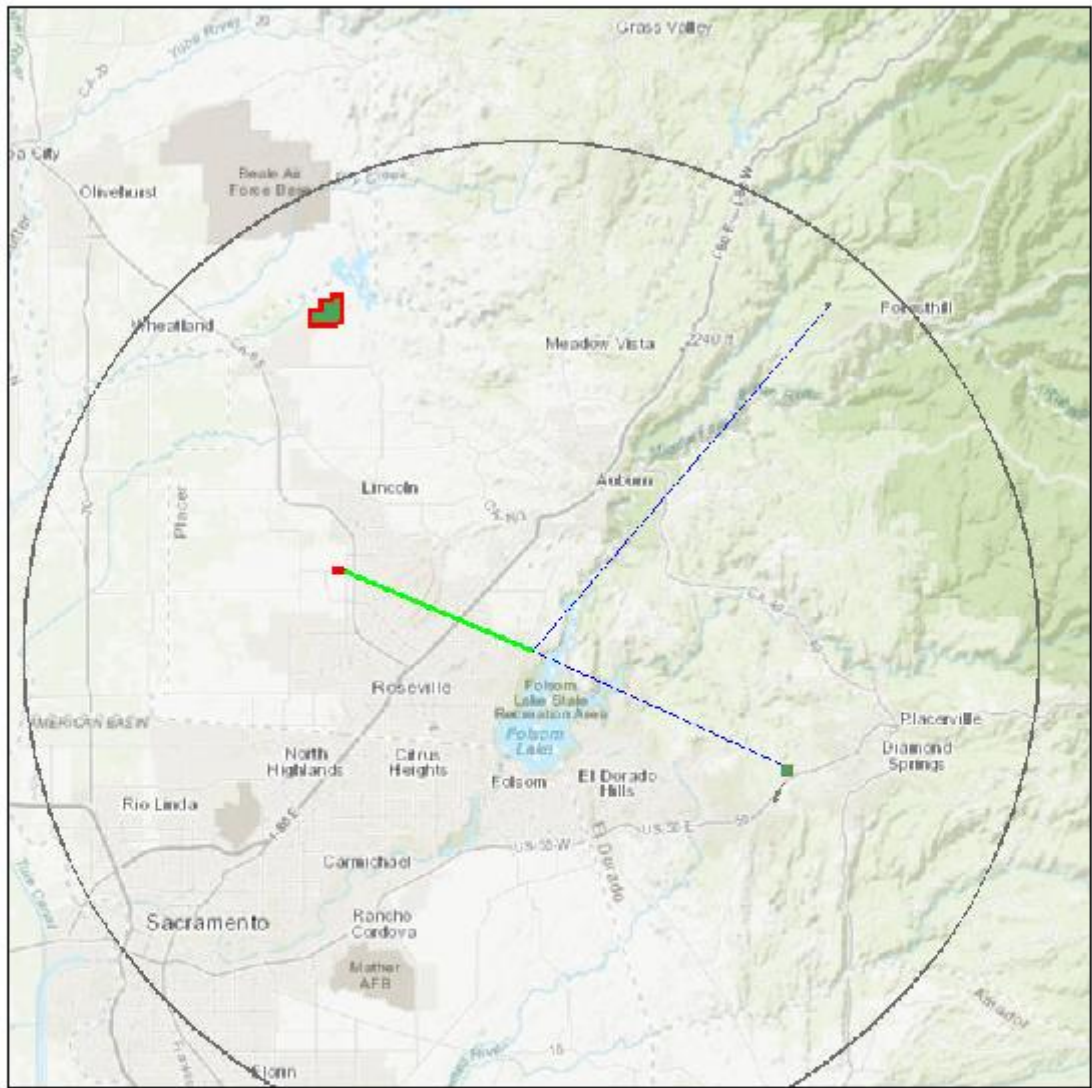
Based on the nature of the planned work it does not appear to be in an area that will impact Indian hunting or fishing resources or water rights nor is the proposed activity on actual Indian lands. It is reasonable to assume that the proposed action will not have any impacts on ITAs.

Sarah Perrin
Signature

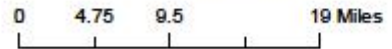
Sarah Perrin
Printed Name of Approver

21 Nov 2017
Date

ITA Map CCAO-EA-17-06



Native American Lands FL
PDA
Rancheria



RECLAMATION
Managing Water in the West