

RECLAMATION

Managing Water in the West

Final Environmental Assessment

San Joaquin River Exchange Contractors Water Authority Return of Transferred Water

EA-18-016



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

August 2018

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) provided the public with an opportunity to comment on the Draft Finding of No Significant Impact (FONSI) and Draft Environmental Assessment (EA) between June 29, 2018 and July 30, 2017. Comment letters were received from Arvin-Edison Water Storage District and Western Area Power Administration. The comment letters and Reclamation's response to comments are included in Appendix B. Changes between this Final EA and the Draft EA, which are not minor editorial changes, are indicated by vertical lines in the left margin of this document.

1.1 Background

Reclamation and the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) prepared a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on a proposed long-term program to annually transfer and/or exchange up to 150,000 acre-feet (AF) of water developed by the Exchange Contractors (Reclamation 2013). Under the program, the Exchange Contractors transfer water to San Joaquin Valley wildlife refuges as well as to Friant Division Central Valley Project (CVP) contractors, San Luis Unit CVP contractors, and/or State Water Project (SWP) contractors located west and south of the Sacramento/San Joaquin River Delta (Delta) for existing agricultural and municipal and industrial (M&I) purposes. Water for the proposed transfers and/or exchanges is developed through conservation measures as well as crop idling or land fallowing (annual maximum of 100,000 AF of conserved water and a maximum of 50,000 AF from temporary land fallowing). The EIS/EIR analyzed potential direct, indirect, and cumulative impacts to the following resources: surface water resources (Chapter 4), groundwater resources (Chapter 5), biological resources (Chapter 6), land use and agricultural (Chapter 7), socioeconomic (Chapter 8), Environmental Justice (Chapter 9), Indian Trust Assets (Chapter 10), air quality (Chapter 11), and climate change/greenhouse gases (Chapter 12). The EIS/EIR identified no potentially significant impacts or substantial adverse effects to physical and biological resources from implementing the preferred alternative, and no mitigation was required. However, the Exchange Contractors and Reclamation continue to monitor both surface and groundwater resources to avoid development of substantial adverse effects and meet existing environmental commitments. A Record of Decision (ROD) was signed by Reclamation on July 30, 2013. The program covered 25 consecutive years beginning March 1, 2014, through February 28, 2039. The EIS/EIR and ROD is hereby incorporated by reference.

In order to better manage available water supplies, especially during drought conditions, the Exchange Contractors have requested authorization to return water from Reclamation-approved water banks that was transferred and/or exchanged under the program. As this was not covered in the EIS/EIR, additional environmental review is needed in order to address the potential effects of returning water from Reclamation-acknowledged water banks to the Exchange Contractors.

1.2 Need for the Proposed Action

The Exchange Contractors need to find opportunities to better manage available water supplies. The purpose of the Proposed Action is to return available water previously transferred to water banks under the current long-term program for recharge or irrigation purposes within the Exchange Contractors service area and/or transferred to others covered under the long-term program. The Proposed Action would also allow future water to be banked. The banked water would also be used for the same purposes.

Section 2 Alternatives Including the Proposed Action

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

2.1 No Action Alternative

Under the No Action Alternative, the existing long-term transfer program would continue, however, Reclamation would not approve the annual return of up to 20,000 AF of previously transferred and/or future banked CVP water from Reclamation-acknowledged water banks over a 9 year period. The Exchange Contractors would not be able to use available water previously transferred or future banked CVP water for recharge or irrigation purposes within their service area or to transfer to other contractors under the long-term transfer program.

2.2 Proposed Action

Under the Proposed Action, Reclamation would approve the annual return of up to 20,000 AF of either previously transferred CVP and/or future banked CVP water from Reclamation-acknowledged water banks over a 9 year period (through December 2026).

2.2.1 Return of Previously Banked CVP Water

Return of previously transferred and/or future banked CVP water would be from the following Reclamation-acknowledged water banks¹:

- West Kern Water District
- Cawelo Water District
- Semitropic Water Storage District
- Rosedale Rio Bravo Water Storage District
- Kern County Water Agency
- Kern Water Bank
- Lakeside Irrigation Water District
- North Kern Water Storage District
- Pixley Irrigation District
- Tulare Lake Basin Water Storage District

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Additional water banks located within the CVP Place of Use covered in the long-term EIS/R that undergo additional and separate environmental review and Reclamation acknowledgement may also participate under the Proposed Action.

As the Exchange Contractors are located upstream of the participating water banks (see Figure 1), the previously transferred and/or future banked CVP water would remain for use as previously covered in the long-term EIS/EIR, and a like amount of SWP water would be provided to the Exchange Contractors in San Luis Reservoir. The SWP water would then either be transferred to participating contractors as previously covered in the long-term EIS/EIR or delivered to the Exchange Contractors through O'Neill Forebay and the Delta-Mendota Canal for recharge or irrigation purposes within their service area.

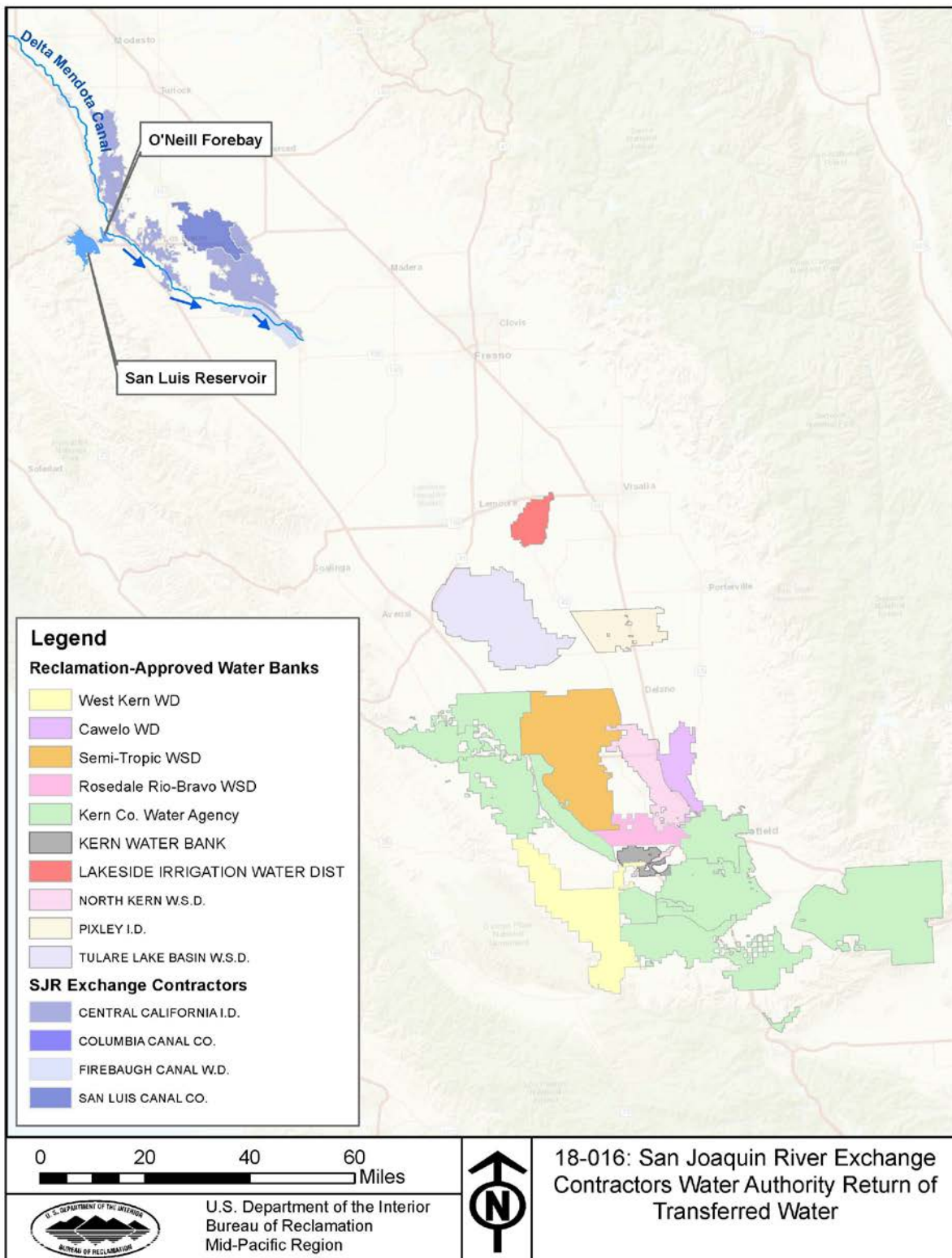


Figure 1 Proposed Action Area

2.2.2 Environmental Commitments

The Exchange Contractors shall implement the following environmental protection measures to avoid environmental consequences associated with the Proposed Action (Table 1).

Table 1 Environmental Protection Measures

| Resource | Protection Measure |
|-------------------|--|
| Water Resources | The water would only be used for beneficial purposes and in accordance with Federal Reclamation law and guidelines. |
| Water Resources | Any return of previously transferred and/or future banked CVP water is required to meet Reclamation's then-current water quality criteria prior to introduction into federal facilities. |
| Various Resources | The water would not be used to place untilled or new lands into production, or to convert undeveloped land to other uses. The Proposed Action would not increase or decrease water supplies that would result in land development. |
| Various Resources | No new construction or modification of existing facilities may occur in order to complete the Proposed Action. |
| Various Resources | The Proposed Action cannot alter the flow regime of natural waterways or natural watercourses such as rivers, streams, creeks, ponds, pools, wetlands, etc., so as to have a detrimental effect on fish or wildlife or their habitats. |
| Various Resources | All monitoring and environmental commitments from the 2013 ROD shall be implemented under the Proposed Action. |

Environmental consequences for resource areas assume the measures specified would be fully implemented. Copies of all reports would be submitted to Reclamation.

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.

3.1 Resources Eliminated from Further Analysis

Reclamation analyzed the affected environment and determined that the Proposed Action did not have the potential to cause direct, indirect, or cumulative adverse effects to the resources listed in Table 2.

Table 2 Resources Eliminated from Further Analysis

| Resource | Reason Eliminated |
|-----------------------|---|
| Air Quality | No new construction or new facilities would be needed under the Proposed Action to convey water between the Districts. Some pumping would be required to move water under the Proposed Action, but power usage would be within the typical range for the facilities involved and are a part of the baseline condition. In addition, delivery of water to the Districts would be from existing facilities with or without the Proposed Action and is therefore part of the existing conditions. As there would be no change from existing conditions, a conformity analysis is not required and there would be no impact to air quality as a result of the Proposed Action. |
| Cultural Resources | The Proposed Action consists of water management actions that would convey through existing Reclamation facilities. As no construction or modification of facilities would be needed in order to complete the Proposed Action, 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 A for Reclamation's determination. |
| Environmental Justice | The Proposed Action would not cause dislocation, changes in employment, or increase flood, drought, or disease nor would it disproportionately impact economically disadvantaged or minority populations. |
| Global Climate Change | <p>Recently, the U.S. Global Research Program (USGRP) concluded in its Climate Science Special Report (2017) that "Many lines of evidence demonstrate that it is <i>extremely likely</i> that human influence has been the dominant cause of the observed warming since the mid-20th century." The USGRP also concludes that "Global climate is projected to continue to change over this century and beyond. The magnitude of climate change beyond the next few decades will depend primarily on the amount of greenhouse (heat trapping) gases emitted globally and on the remaining uncertainty in the sensitivity of the Earth's climate to those emissions (<i>very high confidence</i>)."</p> <p>Reclamation developed a global climate model in 2016 for the Sacramento and San Joaquin Basins. The model predicts increased temperatures, increased precipitation, increased runoff, and reduced snowpack at higher latitudes during the 21st century.</p> <p>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</p> |

| Resource | Reason Eliminated |
|---------------------|---|
| | 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 2016, pg 16-26). 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 ceremonial use of Indian Sacred Sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites. Therefore, 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 Biological Resources

3.2.1 Affected Environment

Reclamation requested official species lists for the Proposed Action Area from the U.S. Fish and Wildlife Service (Service) Sacramento and Carlsbad offices on May 21, 2018 by accessing the Service's website: <https://ecos.fws.gov/ipac/> (Consultation Codes: 08ESMF00-2018-SLI-2163 and 08ECAR00-2018-SLI-1099). Reclamation further queried the California Department of Fish and Wildlife, California Natural Diversity Database (CNDDDB) for records of protected species near the Proposed Action Area (CNDDDB 2018). This information, in addition to other information within Reclamation's files was combined to create the following list (Table 3).

Table 3 Federally Listed Threatened and Endangered Species

| Species | Status ¹ | Effects ² | Potential to occur and summary basis for ESA determination ³ |
|---|---------------------|----------------------|--|
| Amphibians | | | |
| California red-legged frog <i>Rana draytonii</i> | T, X | NE | Absent. This species, and designated Critical Habitat for this species, do not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species or its designated Critical Habitat. |
| California tiger salamander Central California DPS <i>Ambystoma californiense</i> | T, X | NE | Absent. This species, and designated Critical Habitat for this species, do not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species or its designated Critical Habitat. |
| Birds | | | |
| California condor <i>Gymnogyps californianus</i> | E, X | NE | Possible. There are CNDDDB ⁴ records of this species in the Kern County Water Agency (KCWA) and the West Kern Water District, and designated Critical Habitat for this species overlaps KCWA. The Proposed Action would not alter or convert any areas of suitable habitat for this species. There would be <i>No Effect</i> to this species or its designated Critical Habitat. |
| Southwestern willow flycatcher <i>Empidonax traillii extimus</i> | E, X | NE | Absent. This species, and designated Critical Habitat for this species, do not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species or its designated Critical Habitat. |

| Species | Status ¹ | Effects ² | Potential to occur and summary basis for ESA determination ³ |
|---|---------------------|----------------------|--|
| Western snowy plover <i>Charadrius alexandrinus nivosus</i> | T, X | NE | Present. There are CNDDDB records of this species in Semitropic Water Storage District (Semitropic) and KCWA; however, there is no designated Critical Habitat for this species in the Action Area. The Proposed Action would not alter or convert any areas of suitable habitat for this species. There would be <i>No Effect</i> to this species or its designated Critical Habitat. |
| Yellow-billed cuckoo <i>Coccyzus americanus</i> | T, PX | NE | Possible. There is one possibly extirpated CNDDDB occurrence of this species in a San Joaquin River Exchange Contractor district. Proposed Critical Habitat for this species is not present within the Proposed Action Area. The Proposed Action would not alter or convert any areas of suitable habitat for this species. There would be <i>No Effect</i> to this species or its proposed Critical Habitat. |
| Crustaceans | | | |
| Conservancy fairy shrimp <i>Branchinecta conservatio</i> | E, X | NE | Absent. This species, and designated Critical Habitat for this species, do not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species or its designated Critical Habitat. |
| Vernal pool fairy shrimp <i>Branchinecta lynchi</i> | T, X | NE | Possible. There are CNDDDB occurrences of this species near the Pixley Water Bank; however, designated Critical Habitat for this species is not present in the Proposed Action Area. The Proposed Action would not alter or convert any areas of suitable habitat for this species. There would be <i>No Effect</i> to this species or its designated Critical Habitat. |
| Vernal pool tadpole shrimp <i>Lepidurus packardii</i> | E, X | NE | Absent. This species, and designated Critical Habitat for this species, do not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species or its designated Critical Habitat. |
| Fish | | | |
| Delta Smelt <i>Hypomesus transpacificus</i> | T, X | NE | Absent. This species, and designated Critical Habitat for this species, do not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species or its designated Critical Habitat. |
| Insects | | | |
| Kern primrose sphinx moth <i>Euproserpinus euterpe</i> | T, PX | NE | Absent. This species, and proposed Critical Habitat for this species, do not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species or its proposed Critical Habitat. |
| Valley elderberry longhorn beetle <i>Desmocerus californicus dimorphus</i> | T, X | NE | Possible. There is one CNDDDB occurrence of this species near the border of KCWA. Designated Critical Habitat for this species is not present within the Proposed Action Area. The Proposed Action would not alter or convert any areas of suitable habitat for this species. There would be <i>No Effect</i> to this species or its designated Critical Habitat. |
| Mammals | | | |

| Species | Status ¹ | Effects ² | Potential to occur and summary basis for ESA determination ³ |
|---|---------------------|----------------------|--|
| Buena Vista lake ornate shrew <i>Sorex ornatus relictus</i> | E, X | NE | Present. There are CNDDDB records of this species in Semitropic and KCWA, and designated Critical Habitat for this species is present within KCWA. The Proposed Action would not alter or convert any areas of suitable habitat for this species, and would not involve any ground disturbance or construction. There would be <i>No Effect</i> to this species or its designated critical Habitat. |
| Fresno kangaroo rat <i>Dipodomys nitratooides exilis</i> | E, X | NE | Absent. This species, and designated Critical Habitat for this species, do not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species or its designated Critical Habitat. |
| Giant kangaroo rat <i>Dipodomys ingens</i> | E | NE | Present. There are multiple CNDDDB records of this species within KCWA. The Proposed Action would not alter or convert any areas of suitable habitat for this species, and would not involve any ground disturbance or construction. There would be <i>No Effect</i> to this species. |
| San Joaquin kit fox <i>Vulpes macrotis mutica</i> | E | NE | Present. There are CNDDDB occurrences of this species within the San Joaquin River Exchange Contractor districts. The Proposed Action would not alter or convert any areas of suitable habitat for this species, and would not involve any ground disturbance or construction. There would be <i>No Effect</i> to this species. |
| Tipton kangaroo rat <i>Dipodomys nitratooides nitratooides</i> | E | NE | Present. There are multiple CNDDDB occurrences of this species within Semitropic and KCWA. The Proposed Action would not alter or convert any areas of suitable habitat for this species, and would not involve any ground disturbance or construction. There would be <i>No Effect</i> to this species. |
| Plants | | | |
| Bakersfield cactus <i>Opuntia treleasei</i> | E | NE | Present. There are CNDDDB occurrences of this species in the Cawelo Water District and KCWA. The Proposed Action would not alter or convert any areas of suitable habitat for this species, and would not involve any ground disturbance or construction. There would be <i>No Effect</i> to this species. |
| California jewelflower <i>Caulanthus californicus</i> | E | NE | Possible. There are some possibly extirpated CNDDDB occurrences of this species in KCWA. The Proposed Action would not alter or convert any areas of suitable habitat for this species, and would not involve any ground disturbance or construction. There would be <i>No Effect</i> to this species. |
| Colusa grass <i>Neostapfia colusana</i> | T, X | NE | Absent. This species, and designated Critical Habitat for this species, do not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species or its designated Critical Habitat. |
| Hoover's spurge <i>Chamaesyce hooveri</i> | T, X | NE | Absent. This species, and designated Critical Habitat for this species, do not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species or its designated Critical Habitat. |
| Kern mallow <i>Eremalche kernensis</i> | E | NE | Present. There are extant CNDDDB records of this species in KCWA. The Proposed Action would not alter or convert any areas of suitable habitat for this species, and would not involve any ground disturbance or construction. There would be <i>No Effect</i> to this species. |

| Species | Status ¹ | Effects ² | Potential to occur and summary basis for ESA determination ³ |
|---|---------------------|----------------------|--|
| Palmate-bracted bird's beak <i>Cordylanthus palmatus</i> | E | NE | Absent. This species does not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species. |
| San Joaquin Adobe sunburst <i>Pseudobahia peirsonii</i> | T | NE | Absent. This species does not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species |
| San Joaquin wooly-threads <i>Monolopia congdonii</i> | E | NE | Present. There are records of this species in Semitropic. The Proposed Action would not alter or convert any areas of suitable habitat for this species, and would not involve any ground disturbance or construction. There would be <i>No Effect</i> to this species. |
| Reptiles | | | |
| Blunt-nosed leopard lizard <i>Gambelia silus</i> | E | NE | Present. There are CNDDDB occurrences of this species in Semitropic and KCWA. The Proposed Action would not alter or convert any areas of suitable habitat for this species, and would not involve any ground disturbance or construction. There would be <i>No Effect</i> to this species. |
| Desert tortoise <i>Gopherus agassizii</i> | E, X | NE | Absent. This species, and designated Critical Habitat for this species, do not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species or its designated Critical Habitat. |
| Giant garter snake <i>Thamnophis gigas</i> | T | NE | Present. There are CNDDDB occurrences of this species in the San Joaquin Exchange Contractor districts and in KCWA. The Proposed Action would not alter or convert any areas of suitable habitat for this species, and would not involve any ground disturbance or construction. There would be <i>No Effect</i> to this species. |
| Green sea turtle <i>Chelonia mydas</i> | T | NE | Absent. This species does not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species |

1 Status = Status of federally protected species protected under the ESA.

E: Listed as Endangered

T: Listed as Threatened

X: Critical Habitat designated for this species

2 Effects = ESA Effect determination

NE: No Effect anticipated from the Proposed Action to federally listed species or designated critical habitat

3 Definition of Occurrence Indicators

Present: Species recorded in area and suitable habitat present.

Possible: Species recorded in area and habitat suboptimal.

Absent: Species not recorded in study area and suitable habitat absent.

4 CNDDDB May 2018

3.2.2 Environmental Consequences

No Action

Under the No Action alternative, the Exchange Contractors would not be able to use available water previously transferred for recharge or irrigation purposes within their service area or to transfer the water to other contractors under the long-term transfer program. The Exchange Contractors' service area consists of intensively farmed croplands and graded and maintained roads which provide sub-optimal or unsuitable habitat for listed species. Habitat conditions in the Proposed Action Area would not change under the No Action alternative and there would therefore be no effect on federally listed species and no take of migratory birds.

Proposed Action

The Proposed Action would not involve any construction, ground disturbance, or changes in land use. The water involved in the Proposed Action has already been diverted, so the Proposed Action would not involve any increased diversions from natural waterways, including the Delta. Conveyance facilities involved in the Proposed Action are not managed for fisheries and do not support any listed fish species. The water involved in the Proposed Action would be used to support existing demands, and would not be used to convert natural lands or lands that have been untilled or fallowed for three or more years. No native lands would be cultivated as a result of the Proposed Action.

Additional water banks located within the CVP Place of Use covered in the long-term EIS/EIR which undergo additional environmental review and Reclamation acknowledgement may also participate in the Proposed Action. The effects of the operation of these water banks on federally listed species and migratory birds would be covered under the additional environmental review; the participation of these water banks in the Proposed Action is not expected to result in any additional effects beyond what would be covered in the environmental review for the operation of these water banks.

Reclamation has determined that there would be *No Effect* to proposed or listed species or Critical Habitat under the Endangered Species Act of 1973, as amended (16 U.S.C. §1531 et seq.), and there would be *No Take* of birds protected under the Migratory Bird Treaty Act (16 U.S.C. §703 et seq.).

Cumulative Impacts

As the Proposed Action is not expected to result in any direct or indirect impacts to biological resources, there would be no cumulative impacts.

3.3 Water Resources

3.3.1 Affected Environment

The affected environment is the same as previously covered in the EIS/EIR for the long-term transfer program (Reclamation 2013) which has been incorporated by reference.

3.3.2 Environmental Consequences

No Action

Under the No Action alternative, opportunities to address water shortages, especially during drought years, would be reduced as would opportunities for recharge of depleted groundwater. If other water supplies are not available this could lead to greater overdraft and/or increased fallowing.

Proposed Action

The Proposed Action would provide additional benefits to available water supplies in the Action area as it would enable further opportunities to meet existing demands during periods of water shortages with available surface water supplies reducing the need for additional groundwater

pumping to meet demands. In addition, recharge opportunities would provide benefits to over-drafted areas.

Cumulative Impacts

The EIS/EIR addressed cumulative impacts to surface water resources (Section 4.0) and groundwater resources (Section 5.0) in the Proposed Action area. Cumulative impacts to surface water and groundwater resources was determined to not be significant (Reclamation 2013, pages 4-50 and 5-16, respectively). As the water under the Proposed Action would have been transferred to the participating water banks as previously analyzed under the long-term EIS/EIR and the return of the transferred water would be via operation exchange (i.e., a like amount of SWP water would be provided at San Luis Reservoir by the participating banks), there would be no cumulative impacts beyond those previously addressed in the EIS/EIR.

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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 Draft FONSI and Draft EA between June 29, 2018 and July 30, 2017. Two comment letters were received. The comment letters and Reclamation's response to comments are included in Appendix B.

4.2 List of Agencies and Persons Coordinated with

Reclamation has consulted with the following regarding the Proposed Action:

- Cawelo Water District
- Kern County Water Agency
- Kern Water Bank
- Lakeside Irrigation Water District
- North Kern Water Storage District
- Pixley Irrigation District
- Rosedale Rio Bravo Water Storage District
- The San Joaquin River Exchange Contractors Water Authority
- Semitropic Water Storage District
- Tulare Lake Basin Water Storage District
- West Kern Water District

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Section 5 References

Bureau of Reclamation (Reclamation). 2013. EIS/EIR Water Transfer Program for the San Joaquin River Exchange Contractors Water Authority, 2014-2038.

Bureau of Reclamation (Reclamation). 2016. Record of Decision and Environmental Impact Statement for the Coordinated Long-Term Operation of the Central Valley Project and State Water Project. Mid-Pacific Region Bay-Delta Office. Sacramento, CA

CNDDDB (California Natural Diversity Database). 2018. California Department of Fish and Wildlife's Natural Diversity Database, Version 3.1.1. RareFind 3. Last Updated May 2018.

U.S. Global Research Program (USGRP). 2017. Executive summary. In: Climate Science Special Report: Fourth National Climate Assessment, Volume I [Wuebbles, D.J., D.W. Fahey, K.A. Hibbard, D.J. Dokken, B.C. Stewart, and T.K. Maycock (eds.)]. U.S. Global Change Research Program, Washington, DC. pp. 12-34. Website: <https://science2017.globalchange.gov/chapter/executive-summary/>. Accessed: June 4, 2018.

Appendix A: Cultural Resources Determination

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

MP-153 Tracking Number: 18-SCAO-105

Project Name: Exchange Contractors Return of Banked Water

NEPA Document: EA-18-016

NEPA Contact: Mary Connor, Natural Resources Specialist

MP 153 Cultural Resources Reviewer: Joanne Goodsell, Archaeologist

Date: May 23, 2018

The Bureau of Reclamation proposes to approve the participation of the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) in the annual return of up to 20,000 acre-feet of exchange/banked water from Central Valley Project recognized Water Banks and any future approved Water Banks for up to 9 years (2018-2026). Reclamation approval is required for the Exchange Contractors to participate in this return of exchange/banked water. The transfer of water resulting from this approval will occur through existing facilities. There is no new construction or ground disturbance associated with the proposed action.

Reclamation determined the proposed action constitutes a Federal undertaking, as defined at 36 CFR § 800.16(y), that has no 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 have no impacts on cultural resources.

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

Appendix B: Comments and Reclamation's Response to Comments



Connor, Mary <mconnor@usbr.gov>

[EXTERNAL] WAPA's Comments: Draft environmental documents for the return of transferred water to the San Joaquin River Exchange Contractors Water Authority

1 message

Richardson, Steven <SRichard@wapa.gov>
To: "mconnor@usbr.gov" <mconnor@usbr.gov>
Cc: "Sethi, Arun" <ASethi@wapa.gov>

Mon, Jul 30, 2018 at 2:55 PM

Hi Kate,

WAPA received Reclamation's news release dated June 29, 2018 regarding: "Reclamation releases draft environmental documents for the return of transferred water to the San Joaquin River Exchange Contractors Water Authority". This news release provided links to the draft FONSI and the draft EA. The language in the background section of the FONSI states:

"The Bureau of Reclamation (Reclamation) and the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) prepared a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on a proposed long-term program to annually transfer and/or exchange up to 150,000 acre-feet (AF) of water developed by the Exchange Contractors (Reclamation 2013). Under the program, the Exchange Contractors transfer water to San Joaquin Valley wildlife refuges as well as to Friant Division Central Valley Project (CVP) contractors, San Luis Unit CVP contractors, and/or State Water Project (SWP) contractors located west and south of the Sacramento/San Joaquin River Delta (Delta) for existing agricultural and municipal and industrial (M&I) purposes."

In reading through the information provided, it sounds like this water "developed by the Exchange Contractors" is through conservation efforts, and under the agreement, is for the return of exchange/banked water up to 20,000 acre feet that will be transferred through existing CVP facilities.

My question is whether this is a return of CVP project water that was conserved and/or banked by the Exchange Contractors? If so, and the water is ultimately used for agricultural and/or M&I purposes by the Friant Division and/or the San Luis Unit CVP contractors, will Reclamation consider assessing the CVP Mitigation and Restoration charge (per CVPIA) for this water (if it is not already being assessed)? I'm not certain, but I don't believe that CVPIA charges are assessed on water that is provided to the Exchange Contractors. Since this water is now being transferred and potentially used by project contractors for project purposes, it would seem appropriate to assess the applicable CVPIA charges (if they are not already being assessed on this water). Additionally, the Friant surcharge should also be assessed to water transferred to the Friant Division contractors.

I appreciate you looking into this for us.

Respectfully,

Steve Richardson | Public Utilities Specialist

Western Area Power Administration | Sierra Nevada Region | Folsom, CA

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Response to Western Area Power Administration (WAPA) Comments dated July 30, 2018

WAPA-1 The comment requests clarification on whether the Proposed Action is (1) the “return of CVP project water that was conserved and/or banked by the Exchange Contractors, and (2) “If so, and the water is ultimately used for agricultural and/or M&I purposes by the Friant Division and/or the San Luis Unit CVP contractors, will Reclamation consider assessing the CVP Mitigation and Restoration charge (per CVPIA) for this water” and the “Friant surcharge” should the water be transferred to Friant Division contractors.

As described in Section 1.1 of EA-18-016, the Proposed Action covers the return of CVP water transferred to Reclamation-approved water banks under the 25-year transfer/exchange program covered in the 25-year EIS/EIR. As the return of banked water to the Exchange Contractors was not addressed in the EIS/EIR, Reclamation is analyzing this in EA-18-016.

Exchange Contractor water is not subject to CVPIA charges. However, the applicable rates for the transfer of CVP water by the Exchange Contractors include the incremental costs associated with use of additional facilities for delivery of the transferred CVP water to the transfer recipient, as provided for in the May 15, 2008 “Bureau of Reclamation, Mid-Pacific Region business Practice Guidelines for Accounting for Central Valley Project Water Transfers,” as may be amended by Reclamation. Such costs are identified in Reclamation’s April 28, 2005, “Final policy on Water Rates for Water Transfers from One Central Valley Project (CVP) Contractor to Another CVP Contractor,” as amended by Reclamation.



ARVIN-EDISON WATER STORAGE DISTRICT

July 30, 2018

Via Electronic Mail (mconnor@usbr.gov) & Fax (559) 487-5927

Kate Connor
United States Department of the Interior
BUREAU OF RECLAMATION
1243 N. Street
Fresno, CA 93721

Re: *Return of Transferred Water to the San Joaquin River Exchange Contractors Water Authority (draft FONSI/EA 18-016)*

Dear Ms. Connor:

STAFF

Jeevan S. Muhar
Engineer-Manager
David A. Nixon
Deputy General Manager
Steven C. Collup
Director of Water Resources
Christopher P. Krauter
General Superintendent

AEWSD-1

AEWSD's understanding is that all activities under the Proposed Action will be, at all times, limited to and consistent with the terms and conditions of the Contract for Exchange of Waters, Ilr-1144, as amended, between the United States and the Exchange Contractors, including but not limited to the total quantity of water available for use by the Exchange Contractors (i.e., Article 4 and 8, etc.) and the eligible area of use of such water (Article 6, etc.).

Please confirm such limitations and/or provide reference to such in the referenced documents.

AEWSD-2

In addition, AEWSD hereby makes reference and incorporates into these comments the attached Friant Water Authority comment letter dated July 3, 2012 (on the Draft EIS/EIR). The discussion regarding "Primary Source of Transferrable Water" is still applicable and clarification is sought specifically in regards Exchange Contractor supplies from the waters of the San Joaquin River.

Thank you, and again we appreciate the opportunity to provide input.

If you have questions or comments, please don't hesitate to contact me.

Sincerely,

Jeevan Muhar
Engineer-Manager

Encl.

cc: Board of Directors
Steve Collup, Director of Water Resources
Scott Kuney, Esq. Young Wooldridge
Michael Jackson, USBR

JSM:sj\AEWSD\USBR\Enviro.Docs\2018\AEWSD response to SJREC EA.073018.docx

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Exeter I.D.
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Kaweah Delta W.C.D.
Kern-Tulare W.D.
Lindmore I.D.
Lindsay-Strathmore I.D.
Lower Tule River I.D.
Madera I.D.
Orange Cove I.D.
Pixley I.D.
Porterville I.D.
Saucelito I.D.
Shafter-Wasco I.D.
Stone Corral I.D.
Tea Pot Dome W.D.
Terra Bella I.D.
Tulare I.D.

July 3, 2012

VIA ELECTRONIC MAIL

Brad Hubbard
Bureau of Reclamation
2800 Cottage Way, Room 2905
Sacramento, CA 95825
bhubbard@usbr.gov

Re: Comments on Draft EIS/EIR on Proposed 25-Year Extension of San Joaquin River Exchange Contractors Water Transfer Program

Dear Mr. Hubbard,

Thank you for the opportunity to comment on the Draft EIS/EIR on the Proposed 25-Year Extension of San Joaquin River Exchange Contractors Water Transfer Program. After reviewing the document, we have three primary concerns regarding issues that we identified in our scoping comments that do not appear to have been addressed in the document or appendices. We also have some detailed comments regarding specific information or statements in the Draft EIS/EIR that follow the three primary issues.

Primary source of transferrable water

During the July 13, 2011 scoping meeting and in our July 20, 2011 scoping comment letter (Scoping Letter), we questioned whether the substitute CVP water delivered to

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the Mendota Pool by Reclamation via the DMC was the sole source of water used to develop the transferable quantities; we asked Reclamation to clarify whether the transfer involves only substitute CVP water or whether it also includes San Joaquin River water diverted by the Exchange Contractors under their prior rights. As you know, the Exchange Contractors continue to exercise their prior rights to divert San Joaquin River water, which primarily occurs when there are flood management flows released into the river and when Reclamation is temporarily unable to deliver substitute water from the DMC or other sources. The project description in the DEIR/EIS only uses the term “substitute water” to define the water being transferred, but the scoping report creates confusion because it states, in response to a question (raised by Steve Ottemoeller during the July 13, 2011 public scoping meeting about whether the source of the transferred water would be water delivered from DMC or water diverted from the river), that “*It was determined that all water will be covered under the transfer program.*”

As noted in our Scoping Letter, we believe that the transfer of non-CVP water diverted pursuant to the Exchange Contractors’ reserved appropriative water rights should occur under a different mechanism and legal authority than the CVP water described in the Proposed Project. (Of course, the Exchange Contractors’ reserved riparian rights cannot be transferred away from the appurtenant properties.) In addition, the Proposed Project relies on an exchange mechanism whereby water exported from the Delta that is not needed by the Exchange Contractors due to conservation, groundwater pumping or land fallowing can be readily made available for storage and/or delivery to transferees using existing CVP facilities. It is not clear how such an exchange would work when the Exchange Contractors are taking all of their supplies from the San Joaquin River.

We therefore request that the final EIR/EIS clarify that the proposed action only covers CVP water delivered by Reclamation to the Exchange Contractors as substitute water from the DMC and not water diverted from the river.

Impacts related to SJR Restoration Program (SJRRP) Recaptured Water

There is no analysis of whether or to what extent the alternatives analyzed in the EIS/EIR will impact SJRRP recaptured water. In our Scoping Letter, we stated that storage of any transferred water in San Luis Reservoir under agreements that post-date the SJRRP should not take priority over SJRRP recaptured water. Recaptured and recirculated water are integral to the implementation of the SJRRP and there may be times when a conflict could exist between recaptured water and transferred/transferable Exchange Contractor supplies regarding the use of exchange or storage capacity in south-of-Delta CVP facilities. The SJRRP is currently being implemented and the legally mandated Recapture and Recirculation Plan must be deemed “reasonably foreseeable.” Moreover, the SJRRP has conducted enough analysis to determine the framework of the conditions under which the transfer program could impact recapture and recirculation, or vice-versa. This analysis and the associated environmental determinations must be performed and included in the EIR/EIS.

Socioeconomic Impacts – O&M costs for transferred water

Our Scoping Letter said the transfer program should be clear that Friant Division contractors will not pay O&M costs for transferred water. The basis for this comment is that the SLDMWA OM&R Cost Recovery Plan, negotiated between SLDMWA and FWA, specifies that Friant Division long term contractors will pay for the O&M costs to deliver water to the Exchange Contractors, but the Plan does not require FWA to pay O&M costs for water transferred by the Exchange Contractors to others. This analysis should be included in the Socioeconomics effects section. Transfers of up to 150,000 AF of water in any one year could make a significant difference in the amount of O&M costs paid by Friant Division contractors. Who pays those costs will depend on the agreement between the Exchange Contractors and the transferee, but the amount of money paid by Friant Division contractors will vary directly with the amount of water transferred, irrespective of who receives the water. The EIR/EIS should include an analysis of the potential reduction in costs incurred by Friant Division contractors as a result of the proposed alternatives.

Specific Document Comments

Page 1-4, Line 36: There are currently 25 districts with contracts for agricultural water in the Friant Division. Kern-Tulare Water District recently obtained a contract for Class 2 water by assignment from another Friant Division contractor.

Page 1-9, Table 1-3: The water supply numbers for the Friant Division do not make sense. Even if you assume that Friant Division contractors get 100% of both Class 1 and Class 2 in a wet year, which is very rare, the Annual Irrigation Water Deficit is not in excess of 550,000 acre feet under those conditions. Also, a 25% Class 1 supply typically only occurs in critical years. Even with River restoration, Dry year Class 1 supplies will likely be on the order of 40-50% Class 1. Finally, the Annual Irrigation Water Deficit in a dry year does not appear to have any correlation to the dry year supply and there is no citation as to source of that number (3,739,880 acre-feet).

Page 1-16, Lines 4 - 6: The Friant Water Authority (FWA) has replaced FWUA in function and in all legal documents, including the Settlement. Also, all case descriptions use NRDC or NRDC Coalition to represent the plaintiffs. PCFFA is not typically listed although they are one of the NRDC coalition members. It may be more appropriate to cite only the NRDC Coalition and delete reference to an individual member of that coalition.

Page 1-16, Line 22: Insert “draft” prior to “Program EIS/EIR...”

Page 2-2, Line 9: The text appears to refer to CVP contractors “north” of the Delta as potential transferees. There are no north-of-Delta contractors or counties listed in the following bulleted descriptions of the project location.

Page 2-16, Table 2-2: The total Friant Class 1 plus Class 2 contract quantity is listed under Class 1. Contract totals for Friant contractors should be split into Class 1 and Class 2 quantities.

Page 4-16, Lines 10-12: The document states:

“The VAMP Vernalis flow requirements ended in Spring 2011 and [VAMP] has not been updated or replaced. D-1641 flow objectives for Vernalis are assumed to be required, applicable to Reclamations’ operation of New Melones Reservoir.”

The SJRRP PEIS/R handles the ending of VAMP differently. For example, in response to one of the FWA comments, Reclamation says in pertinent part:

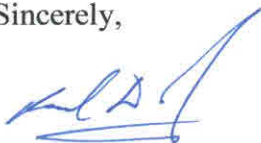
“As described on page 2-13 and in Appendix H, ‘Modeling,’ of the Draft PEIS/R, although VAMP expired in 2011, a VAMP-like condition is expected to continue to be in place. The SWRCB indicates that VAMP experimental data will be used to create permanent objectives for the pulse flow period. Reclamation and DWR intend to continue a VAMP-like action for the foreseeable future or until the SWRCB adopts new permanent objectives that replace the current program. It is anticipated that new SWRCB objectives will maintain the same level of protection for fisheries as the current program or increase the level of protection, and that such protections will remain in place through 2030. Because considerable uncertainty remains as to the flows that will occur under future flow requirements in the San Joaquin River, the analyses include the continuation of VAMP as a surrogate for these requirements.”

We recommend that similar language be used in the two documents given the relatively close proximity in time of the final documents.

Page 4-25, Line 39 (and continuing to line 2 on Page 4-26): The draft makes a very definitive statement that under the SJRRP, storage will increase in New Melones, making more water available for other purposes. While raw modeling may produce such a result with the numbers, it has not been determined as a matter of Reclamation policy or SJRRP implementation how increases in New Melones storage, if any, would affect water supplies. In addition, this document is not evaluating the impact of SJRRP, it is evaluating the impact of the proposed transfers or, in this case, the No Action/No Project Alternative. The text prior to the identified statement seems to suffice and we request that the cited text be deleted.

If you have any questions regarding these comments, please do not hesitate to contact Steve Ottemoeller at 559-562-6930 or sottemoeller@friantwater.org.

Sincerely,



Ronald D. Jacobsma
General Manager

cc: Steve Chedester

Response to Arvin-Edison Water Storage District (AEWSD) Comments dated July 30, 2018

AEWSD-1 The comment is requesting confirmation of the District's understanding that the Proposed Action will be "at all times, limited to and consistent with the terms and conditions of the Contract for Exchange of Waters, Ilr-1144, as amended, between the United States and the Exchange Contractors, including but not limited to the total quantity of water available for use by the Exchange Contractors (i.e., Article 4 and 8, etc.) and the eligible area of use of such water (Article 6, etc.)."

The comment does not raise concerns or issues specific to the environmental analysis presented in EA-18-016. As such, no changes have been made to the EA. As noted in Table 1 of EA-18-016, water moved under the Proposed Action must be "in accordance with Federal Reclamation law and guidelines" including contract provisions.

AEWSD-2 The comment incorporates a July 3, 2012 comment letter provided by the Friant Water Authority on a Draft Environmental Impact Statement/Environmental Impact Report prepared for a 25-year transfer program involving the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors). The comment asserts that the comment letter's discussion of "Transferrable Water" is "still applicable" and requests clarification regarding "Exchange Contractors supplies from the waters of the San Joaquin River"

As noted in Section 1.1 of EA-18-016, "Under the [long-term] program, the Exchange Contractors transfer water to San Joaquin Valley wildlife refuges as well as to Friant Division Central Valley Project (CVP) contractors, San Luis Unit CVP contractors, and/or State Water Project (SWP) contractors located west and south of the Sacramento/San Joaquin River Delta (Delta) for existing agricultural and municipal and industrial (M&I) purposes. Water for the proposed transfers and/or exchanges are developed through conservation measures as well as crop idling or land fallowing (annual maximum of 100,000 AF of conserved water and a maximum of 50,000 AF from temporary land fallowing)."

The Exchange Contractors, which include Central California Irrigation District, Firebaugh Canal Water District, San Luis Canal Company and Columbia Canal Company hold certain historic senior water CVP's regulation and diversion of San Joaquin River water at Millerton Lake/Friant Dam for the Friant Division, Reclamation agreed to provide water to the Exchange Contractors from the CVP's Sacramento-San Joaquin Delta (Delta) supply. Reclamation's contract obligations include provisions for a call on San Joaquin River water under certain circumstances. This call occurred for the first time in 2015 and 2016 during severe drought conditions. The EIS/EIR for the long-term program analyzed the making of water available by the Exchange Contractors for transfers and exchanges (see Section 4 and Appendix D in the EIS/EIR).

As noted in Section 1.1 of EA-18-016, “In order to better manage available water supplies, especially during drought conditions, the Exchange Contractors have requested authorization to return water from Reclamation-approved water banks that was transferred and/or exchanged under the [long-term transfer] program. As this was not covered in the EIS/EIR, additional environmental review is needed in order to address the potential effects of returning water from Reclamation-acknowledged water banks to the Exchange Contractors. Return of this water and/or future banked water will not involve moving water to the Exchange Contractors from the San Joaquin River.

The comment does not raise concerns or issues specific to the environmental analysis presented in EA-18-016. As such, no changes have been made to the EA.