

# RECLAMATION

*Managing Water in the West*

**FINDING OF NO SIGNIFICANT IMPACT**

## **Santa Clara Valley Water District Second Contract Amendment**

**FONSI-14-046**



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

**December 2018**

## **Mission Statements**

The mission of the Department of the Interior is to conserve and manage the Nation's natural resources and cultural heritage for the benefit and enjoyment of the American people, provide scientific and other information about natural resources and natural hazards to address societal challenges and create opportunities for the American people, and honor the Nation's trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities to help them prosper.

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.


**BUREAU OF RECLAMATION**  
**South-Central California Area Office, Fresno, California**

**FONSI-14-046**

**Santa Clara Valley Water District Second  
Contract Amendment**

  
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12/28/2018  
Date

*for*  
  
\_\_\_\_\_  
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01/03/2019  
Date

*for*  
  
\_\_\_\_\_  
Approved by: Michael P. Jackson, P.E.  
Area Manager

1/4/2019  
Date



# Introduction

In accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Bureau of Reclamation (Reclamation) prepared this Finding of No Significant Impact (FONSI) which is supported by Reclamation's attached Environmental Assessment (EA)-14-046, *Santa Clara Valley Water District Second Contract Amendment*, hereby incorporated by reference.

## Background

Santa Clara Valley Water District (Santa Clara) contracts for water supplies from both the Bureau of Reclamation's (Reclamation) Central Valley Project (CVP) and the California Department of Water Resources' (DWR) State Water Project (SWP). SWP water supplies are delivered through the South Bay Aqueduct and CVP water supplies are delivered from San Luis Reservoir through the CVP San Felipe Division pursuant to their respective water rights. CVP water can only be used within the "CVP authorized place of use," and SWP water can only be used within the "SWP authorized place of use" unless otherwise authorized through water rights amendments by the State Water Resources Control Board (Water Board). Figure 1 illustrates the CVP and SWP places of use downstream of Harvey O. Banks Pumping Plant and Jones Pumping Plant.

In order to provide operational flexibility and prevent impacts to water supplies, Santa Clara has requested authorization from Reclamation to amend their CVP contract to allow additional points of delivery for their CVP water supplies and to use federal facilities to deliver SWP water supplies during times those facilities are unavailable.

## Alternatives Considered

### No Action

Under the No Action Alternative, Reclamation would not amend Santa Clara's CVP contract or request a change in Place of Use from the Water Board. CVP water supplies would continue to be made available pursuant to the existing contract dependent on hydrological and regulatory requirements. Santa Clara would continue to receive their SWP water supplies pursuant to that contract.

Potential water quality degradation, facility outages requiring extensive repairs, and/or other operational conditions would continue to impair, interrupt, or threaten Santa Clara's CVP and SWP water deliveries. In addition, Santa Clara would not have the flexibility to quickly respond to these types of issues to avoid water supply interruptions, thereby threatening the reliability of both SWP and CVP water supplies to their users. Santa Clara would continue to work with Reclamation and DWR to address these issues within the current operational framework;

however, potential natural and infrastructure related risks (e.g., climate change, aging facilities) may make this more difficult in the future.

### **Proposed Action**

Reclamation proposes to amend Santa Clara's CVP contract to bring the contract in line with the CVP-wide form of contract and to provide for mutually agreed upon points of delivery for CVP water supplies through the SWP (e.g. South Bay Aqueduct). Reclamation also proposes to enter into an exchange agreement with DWR and Santa Clara that would allow an exchange of up to 100,000 acre-feet per year of CVP and SWP water supplies for the duration of Santa Clara's CVP contract (through 2027).

The delivery of CVP water supplies through the SWP under the proposed contract amendment and the exchange of water between the CVP and SWP cannot occur until a Change in Place of Use (short-term or long-term) has been approved by the State Board. As such, Reclamation, in coordination with DWR, proposes to file a Petition for Change in Place of Use with the Water Board.

### **Water Conveyance**

Once the Water Board approves the CVP and SWP Change in Place of Use, and when requested by Santa Clara, Reclamation would make Santa Clara's CVP water available to DWR at O'Neill Forebay for delivery to SWP water users downstream of O'Neill, and in exchange, DWR would make an equal amount of SWP water available to Santa Clara through SWP facilities. Similarly, during periods when an exchange of SWP water supplies is needed, DWR would provide Santa Clara's SWP water supplies to Reclamation in O'Neill Forebay. The SWP water would be used by Reclamation to meet CVP contractor demands downstream of O'Neill. In exchange, Reclamation would provide an equivalent amount of CVP water to Santa Clara through CVP facilities.

The proposed exchanges are one-for-one exchanges and there would be no increase in diversions from the Sacramento-San Joaquin River Delta by either DWR or Reclamation as a result of the exchanges. In addition, conveyance of CVP and SWP water supplies would be through existing facilities and would not require the construction of any new facilities.

### **Environmental Commitments**

Reclamation and Santa Clara shall implement the environmental protection measures listed in Table 1 of EA-14-046 to avoid environmental consequences associated with the Proposed Action. Environmental consequences for resource areas assume the measures specified would be fully implemented.

## **Comments on the EA**

Reclamation provided the public with an opportunity to comment on EA-14-046 between November 21, 2018 and December 21, 2018. No comments were received.

## Findings

In accordance with NEPA, Reclamation has determined that the approval of the Proposed Action is not a major federal action that will significantly affect the quality of the human environment; consequently, an environmental impact statement is not required.

The following reasons are why the impacts from the proposed action are not significant:

- The proposed action will not significantly affect public health or safety (40 CFR 1508.27(b)(2)).
- The proposed action will not significantly affect natural resources and unique geographical characteristics such as proximity to historic or cultural resources; parks, recreation, and refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order (EO) 11990); flood plains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas (40 CFR 1508.27(b)(3)).
- There is no potential for the effects to be considered highly controversial (40 CFR 1508.27(b)(4)).
- The proposed action will not have possible effects on the human environment that are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5)).
- The proposed action will neither establish a precedent for future actions with significant effects nor represent a decision in principle about a future consideration (40 CFR 1508.27(b)(6)).
- The proposed action will not have cumulatively significant impacts (40 CFR 1508.27(b)(7)).
- The proposed action will not significantly affect historic properties (40 CFR 1508.27(b)(8)).
- The proposed action will not significantly affect listed or proposed threatened or endangered species, or its habitat that has been determined to be critical under the Endangered Species Act of 1973 (40 CFR 1508.27(b)(9)).
- The proposed action will not threaten a violation of Federal, State, tribal or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)).
- The proposed action will not affect any Indian Trust Assets (512 DM 2, Policy Memorandum dated December 15, 1993).
- Implementing the proposed action will not disproportionately affect minorities or low-income populations and communities (EO 12898).

- The proposed action will not limit access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (EO 13007 and 512 DM 3).



# RECLAMATION

*Managing Water in the West*

**Final Environmental Assessment**

## **Santa Clara Valley Water District Second Contract Amendment**

**EA-14-046**



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

**December 2018**

## **Mission Statements**

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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 November 21, 2018 and December 21, 2018. No comments were received. 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

Santa Clara Valley Water District (Santa Clara) contracts for water supplies from both Reclamation's Central Valley Project (CVP) and the California Department of Water Resources' (DWR) State Water Project (SWP). SWP water supplies are delivered through the South Bay Aqueduct and CVP water supplies are delivered from San Luis Reservoir through the CVP San Felipe Division pursuant to their respective water rights. CVP water can only be used within the "CVP authorized place of use," and SWP water can only be used within the "SWP authorized place of use" unless otherwise authorized through water rights amendments by the State Water Resources Control Board (Water Board). Figure 1 illustrates the CVP and SWP places of use downstream of Harvey O. Banks Pumping Plant and Jones Pumping Plant.

In the past, total storage in San Luis Reservoir has dropped to levels that result in operational and/or water quality problems for Santa Clara. Low water levels can result in reduced water quality causing water treatment problems that could result in severe reductions in the quantity of CVP water conveyed through the CVP San Felipe Division, as well as increased water treatment costs. In addition, there have been periods of time when SWP facilities, such as the South Bay Aqueduct, are shut down for maintenance limiting the ability of Santa Clara to receive their SWP water supplies. When these limitations have occurred in the past, Reclamation and DWR have facilitated delivery of CVP or SWP water supplies to Santa Clara through exchanges requiring the Water Board to issue temporary changes in Place of Use for the CVP and SWP.

Another concern for water supply reliability is the aging infrastructure of the CVP San Felipe Division, which could result in facility shutdowns for maintenance and repair. Any maintenance or repair of these facilities would limit Santa Clara's ability to receive their CVP water supplies.

In order to provide operational flexibility and prevent impacts to water supplies, Santa Clara has requested authorization from Reclamation to amend their CVP contract to allow additional points of delivery for their CVP water supplies and to use federal facilities to deliver SWP water supplies during times those facilities are unavailable.

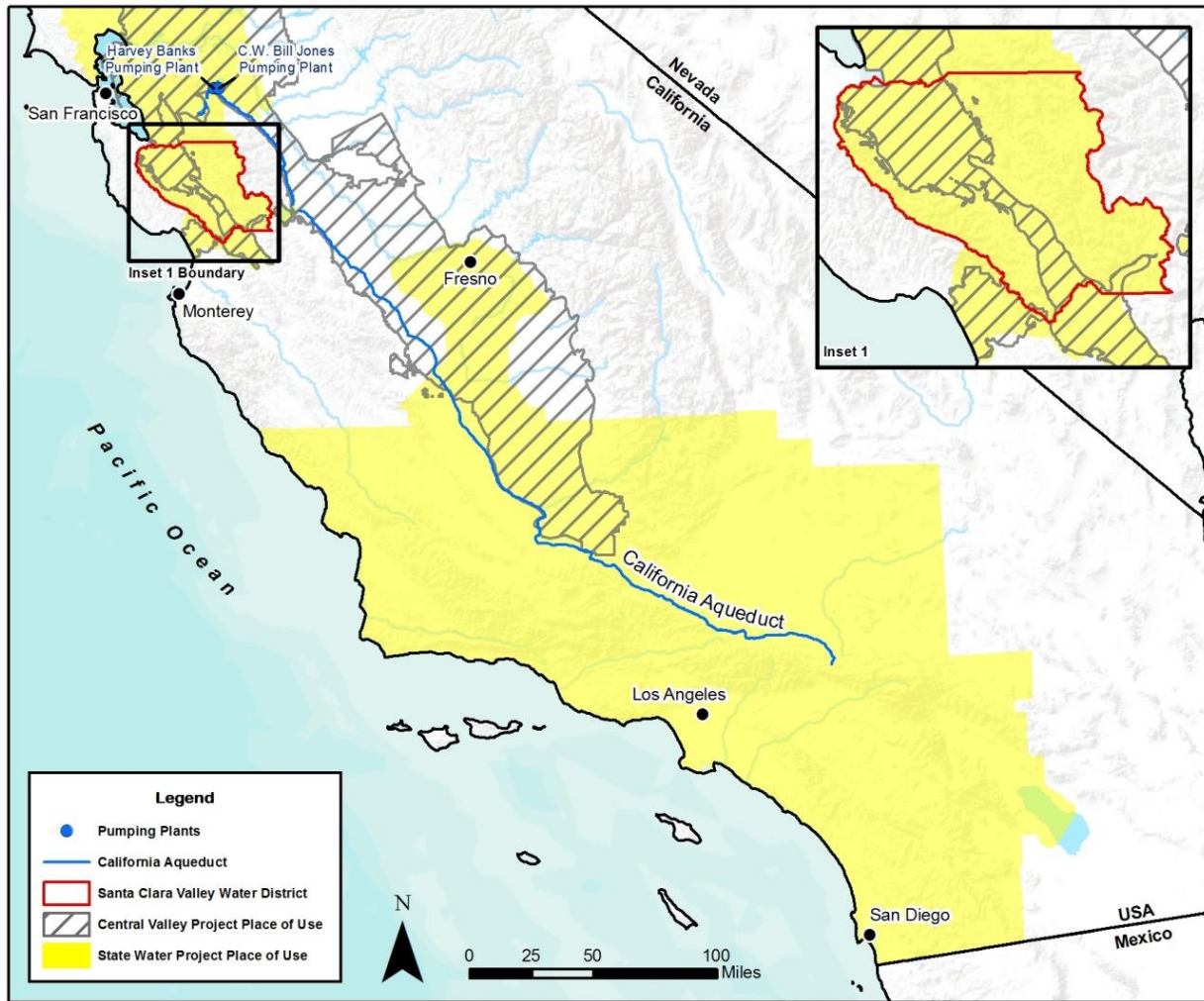


Figure 1 Existing CVP and SWP Place of Use Boundaries South of Delta

## 1.2 Need for the Proposed Action

Reclamation needs to assess the potential impacts of amending Santa Clara’s CVP contract to allow additional points of delivery of its CVP water supplies as well as use of federal facilities to convey Santa Clara’s SWP water supplies.

The purpose of the Proposed Action is to provide reliability and flexibility for Santa Clara by facilitating delivery of Santa Clara’s allocated CVP and SWP water supplies during periods when either Project experiences outages or operational reductions.

## 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, Reclamation would not amend Santa Clara's CVP contract or request a change in Place of Use from the Water Board. CVP water supplies would continue to be made available pursuant to the existing contract dependent on hydrological and regulatory requirements. Santa Clara would continue to receive their SWP water supplies pursuant to that contract.

Potential water quality degradation, facility outages requiring extensive repairs, and/or other operational conditions would continue to impair, interrupt, or threaten Santa Clara's CVP and SWP water deliveries. In addition, Santa Clara would not have the flexibility to quickly respond to these types of issues to avoid water supply interruptions, thereby threatening the reliability of both SWP and CVP water supplies to their users. Santa Clara would continue to work with Reclamation and DWR to address these issues within the current operational framework; however, potential natural and infrastructure related risks (e.g., climate change, aging facilities) may make this more difficult in the future.

### 2.2 Proposed Action

Reclamation proposes to amend Santa Clara's CVP contract to bring the contract in line with the CVP-wide form of contract and to provide for mutually agreed upon points of delivery for CVP water supplies through the SWP (e.g. South Bay Aqueduct). Reclamation also proposes to enter into an exchange agreement with DWR and Santa Clara that would allow an exchange of up to 100,000 acre-feet per year (AF/year) of CVP and SWP water supplies for the duration of Santa Clara's CVP contract (through 2027).

The delivery of CVP water supplies through the SWP under the proposed contract amendment and the exchange of water between the CVP and SWP cannot occur until a Change in Place of Use (short-term or long-term) has been approved by the Water Board. As such, Reclamation, in coordination with DWR, proposes to file a Petition for Change in Place of Use with the Water Board.

#### 2.2.1 Water Conveyance

Once the Water Board approves the CVP and SWP Change in Place of Use, and when requested by Santa Clara, Reclamation would make Santa Clara's CVP water available to DWR at O'Neill Forebay for delivery to SWP water users downstream of O'Neill, and in exchange, DWR would make an equal amount of SWP water available to Santa Clara through SWP facilities. Similarly,

during periods when an exchange of SWP water supplies is needed, DWR would provide Santa Clara’s SWP water supplies to Reclamation in O’Neill Forebay. The SWP water would be used by Reclamation to meet CVP contractor demands downstream of O’Neill. In exchange, Reclamation would provide an equivalent amount of CVP water to Santa Clara through CVP facilities.

The proposed exchanges are one-for-one exchanges and there would be no increase in diversions from the Sacramento-San Joaquin River Delta (Delta) by either DWR or Reclamation as a result of the exchanges. In addition, conveyance of CVP and SWP water supplies would be through existing facilities and would not require the construction of any new facilities.

**2.2.2 Environmental Commitments**

Reclamation and Santa Clara shall implement the following environmental protection measures to avoid environmental consequences associated with the Proposed Action (Table 1).

Table 1 Environmental Protection Measures and Commitments

Resource	Protection Measure
Water Resources	The Proposed Action would not affect CVP or SWP operations; all supplies would be previously scheduled for delivery points south-of-Delta, and do not require additional Delta exports.
Water Resources	The water would only be used for beneficial purposes and in accordance with Federal Reclamation laws and guidelines.
Various Resources	The water would not be used to place untitled or new lands into production, or to convert undeveloped lands to other uses.
Various Resources	No new construction or physical 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.

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



## 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	Under the Proposed Action, CVP and SWP water would continue to be conveyed through existing facilities either via gravity or electric pumps which would not produce air pollutant emissions that impact air quality. In addition, there would be no construction or modification of facilities that could result in emissions; therefore, the Proposed Action would not exceed <i>de minimis</i> levels and a general conformity analysis is not required.
Cultural Resources	The Proposed Action would not involve physical changes to the environment or construction activities that could impact cultural resources. As the Proposed Action would facilitate the flow of water through existing facilities to existing users and no construction or modification of these 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 Code of Federal Regulations 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-20<sup>th</sup> 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 21<sup>st</sup> 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 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. CVP water allocations are made dependent on hydrologic conditions and environmental</p>

Resource	Reason Eliminated
	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.
Land Use	The Proposed Action would provide a mechanism for Santa Clara to continue to receive their CVP and SWP water supplies during periods when CVP or SWP facilities are unavailable. CVP and SWP water supplies would be used for existing M&I and agricultural purposes. No conversion of undeveloped/native land is proposed.

## 3.2 Biological Resources

### 3.2.1 Affected Environment

Reclamation requested an official species list for the entire Action Area from the U.S. Fish and Wildlife Service (USFWS) Sacramento, San Francisco Bay-Delta, and Ventura Offices on September 26, 2018 by accessing their database: <https://ecos.fws.gov/ipac/> (Consultation Codes: 08ESMF00-2018-SLI-1323, 08FBTD00-2018-SLI-0141, and 08EVEN00-2018-E-02263).

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). The two lists, in addition to other information within Reclamation's files were combined to create Table 3.

Table 3 Special Status Species with the Potential to Occur in the Action Area

Species	Status <sup>1</sup>	Effects <sup>2</sup>	Potential to occur and summary basis for ESA determination <sup>3</sup>
<b>Amphibians</b>			
California red-legged frog <i>Rana draytonii</i>	T, X	NE	<b>Present.</b> There are CNDDDB <sup>4</sup> records of this species in and Designated Critical Habitat the Proposed Action Area for this species is present within the Proposed Action Area. 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.
California tiger salamander Central California DPS <sup>5</sup> <i>Ambystoma californiense</i>	T, X	NE	<b>Present.</b> There are CNDDDB records of this species in the Proposed Action Area and Designated Critical Habitat for this species is present within the Proposed Action Area. 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.
Santa Cruz long-toed salamander <i>Ambystoma macrodactylum croceum</i>	E	NE	<b>Absent.</b> This species does not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species.
<b>Birds</b>			

Species	Status <sup>1</sup>	Effects <sup>2</sup>	Potential to occur and summary basis for ESA determination <sup>3</sup>
California clapper rail <i>Rallus longirostris obsoletus</i>	E	NE	<b>Present.</b> There are CNDDDB records of this species in the Proposed Action Area. 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 condor <i>Gymnogyps californianus</i>	E, X	NE	<b>Absent.</b> 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 least tern <i>Sterna antillarum browni</i>	E	NE	<b>Present.</b> There are CNDDDB records of this species in the Proposed Action Area. 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.
Least Bell's vireo <i>Vireo bellii pusillus</i>	E, X	NE	<b>Present.</b> There are CNDDDB records of this species in the Proposed Action Area; however there is no designated Critical Habitat for this species 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.
Marbled murrelet <i>Brachyramphus marmoratus</i>	T, X	NE	<b>Possible.</b> There are no records of this species within the Proposed Action Area; however, a small portion of critical habitat for this species overlaps the western edge of 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.
Southwestern willow flycatcher <i>Empidonax traillii extimus</i>	E, X	NE	<b>Absent.</b> 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.
Western snowy plover <i>Charadrius alexandrinus nivosus</i>	T, X	NE	<b>Present.</b> There are CNDDDB records of this species in and near the Proposed Action Area; however, there is no designated Critical Habitat for this species within the Proposed Action Area. 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.
Yellow-billed cuckoo <i>Coccyzus americanus</i>	T, PX	NE	<b>Absent.</b> There is one extirpated occurrence of this species in the Proposed Action Area. There is no Designated or Proposed Critical Habitat for this species 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 proposed Critical Habitat.
<b>Crustaceans</b>			
Conservancy fairy shrimp <i>Branchinecta conservatio</i>	E, X	NE	<b>Absent.</b> 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 <sup>1</sup>	Effects <sup>2</sup>	Potential to occur and summary basis for ESA determination <sup>3</sup>
Vernal pool fairy shrimp <i>Branchinecta lynchi</i>	T, X	NE	<b>Absent.</b> 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 tadpole shrimp <i>Lepidurus packardii</i>	E, X	NE	<b>Absent.</b> 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.
<b>Fish</b>			
Delta smelt <i>Hypomesus transpacificus</i>	T, X	NE	<b>Absent.</b> This species does not occur in the Proposed Action Area. Designated Critical Habitat for this species overlaps the Proposed Action Area; however, the primary constituent elements of the Critical Habitat are not present within the Proposed Action Area. There would be <i>No Effect</i> to this species or its designated Critical Habitat.
Steelhead Northern California DPS <sup>5</sup> <i>Oncorhynchus mykiss</i>	T, X	NE	<b>Absent.</b> This species does not occur in the Proposed Action Area. Designated Critical Habitat for this species overlaps the Proposed Action Area; however, the primary constituent elements of the Critical Habitat are not present within the Proposed Action Area. There would be <i>No Effect</i> to this species or its designated Critical Habitat.
Tidewater goby <i>Eucyclogobius newberryi</i>	E, X	NE	<b>Absent.</b> This species does not occur in waterways within the Proposed Action Area and designated Critical Habitat for this species is not present within waterways included in the Proposed Action Area. There would be <i>No Effect</i> to this species or its designated Critical Habitat.
<b>Insects</b>			
Bay checkerspot butterfly <i>Euphydryas editha bayensis</i>	T, X	NE	<b>Present.</b> There are CNDDDB records of this species in the Proposed Action Area and designated Critical Habitat for this species is present within the Proposed Action Area. 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.
Ohlone tiger beetle <i>Cicindela ohlone</i>	E	NE	<b>Absent.</b> This species does not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species.
San Bruno elfin butterfly <i>Callophrys mossii bayensis</i>	E	NE	<b>Absent.</b> This species does not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species.
Valley elderberry longhorn beetle <i>Desmocerus californicus dimorphus</i>	T, X	NE	<b>Absent.</b> 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.
Zayante band-winged grasshopper <i>Trimerotropis infantilis</i>	E, X	NE	<b>Present.</b> There are CNDDDB records of this species in the Proposed Action Area. 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.
<b>Mammals</b>			

Species	Status <sup>1</sup>	Effects <sup>2</sup>	Potential to occur and summary basis for ESA determination <sup>3</sup>
Fresno kangaroo rat <i>Dipodomys nitratooides exilis</i>	E, X	NE	<b>Absent.</b> 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	<b>Absent.</b> This species does not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species.
Salt marsh harvest mouse <i>Reithrodontomys raviventris</i>	E	NE	<b>Present.</b> There are CNDDDB records of this species in the Proposed Action Area. 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	<b>Present.</b> There are multiple CNDDDB records of this species in the Proposed Action Area. 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.
<b>Plants</b>			
Ben Lomond spineflower <i>Chorizanthe pungens</i> var. <i>hartwegiana</i>	E	NE	<b>Absent.</b> This species does not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species.
Ben Lomond wallflower <i>Erysimum teretifolium</i>	E	NE	<b>Absent.</b> This species does not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species.
California seablite <i>Suaeda californica</i>	E	NE	<b>Possible.</b> There is one occurrence of this species in the Proposed Action Area listed as “possibly extirpated”. 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.
Contra Costa goldfields <i>Lasthenia conjugens</i>	E, X	NE	<b>Absent.</b> This species does not occur in the Proposed Action Area, and designated Critical Habitat for this species is not present in the Proposed Action Area. There would be <i>No Effect</i> to this species or its designated Critical Habitat. There is one extirpated record of this species in the Proposed Action Area
Coyote ceanothus <i>Ceanothus ferrisiae</i>	E	NE	<b>Present.</b> There are CNDDDB records of this species in the Proposed Action Area. 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.
Fountain thistle <i>Cirsium fontinale</i> var. <i>fontinale</i>	E	NE	<b>Absent.</b> This species does not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species.
Marin dwarf-flax <i>Hesperolinon congestum</i>	T	NE	<b>Absent.</b> This species does not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species.
Marsh sandwort <i>Arenaria paludicola</i>	E	NE	<b>Absent.</b> This species does not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species.

Species	Status <sup>1</sup>	Effects <sup>2</sup>	Potential to occur and summary basis for ESA determination <sup>3</sup>
Menzies' wallflower <i>Erysimum menziesii</i>	E	NE	<b>Absent.</b> This species does not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species.
Metcalf canyon jewelflower <i>Streptanthus albidus</i> ssp. <i>albidus</i>	E	NE	<b>Present.</b> There are CNDDDB records of this species in the Proposed Action Area. 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.
Monterey spineflower <i>Chorizanthe pungens</i> var. <i>pungens</i>	T, X	NE	<b>Absent.</b> 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.
Robust spineflower <i>Chorizanthe robusta</i> var. <i>robusta</i>	E, X	NE	<b>Possible.</b> There are CNDDDB records of this species listed as "possibly extirpated" in the Proposed Action Area; there is no Critical Habitat for this species in the Proposed Action Area. 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.
San Mateo thornmint <i>Acanthomintha obovata</i> ssp. <i>duttonii</i>	E	NE	<b>Absent.</b> This species does not occur in the Proposed Action Area. There would be <i>No Effect</i> to this species.
San Mateo woolly sunflower <i>Eriophyllum latilobum</i>	E	NE	<b>Absent.</b> This species does not occur in the Proposed Action Area. There would be <i>No Effect</i> to this species.
Santa Clara Valley dudleya <i>Dudleya setchellii</i>	E	NE	<b>Present.</b> There are CNDDDB records of this species in the Proposed Action Area. 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.
Santa Cruz tarplant <i>Holocarpha macradenia</i>	T, X	NE	<b>Absent.</b> 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.
Scotts Valley polygonum <i>Polygonum hickmanii</i>	E, X	NE	<b>Absent.</b> This species does not occur in the Proposed Action Area, and designated Critical Habitat for this species is not present in the Proposed Action Area. There would be <i>No Effect</i> to this species or its designated Critical Habitat.
Scotts Valley spineflower <i>Chorizanthe robusta</i> var. <i>hartwegii</i>	E, X	NE	<b>Absent.</b> This species does not occur in the Proposed Action Area, and designated Critical Habitat for this species is not present in the Proposed Action Area. There would be <i>No Effect</i> to this species or its designated Critical Habitat.
Showy Indian clover <i>Trifolium amoenum</i>	E	NE	<b>Absent.</b> This species does not occur in the Proposed Action Area, and designated Critical Habitat for this species is not present in the Proposed Action Area. There would be <i>No Effect</i> to this species or its designated Critical Habitat.
Tiburon paintbrush <i>Castilleja affinis</i> ssp. <i>neglecta</i>	E	NE	<b>Absent.</b> This species does not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species.
<b>Reptiles</b>			

Species	Status <sup>1</sup>	Effects <sup>2</sup>	Potential to occur and summary basis for ESA determination <sup>3</sup>
Alameda whipsnake <i>Masticophis lateralis euryxanthus</i>	T, X	NE	<b>Present.</b> There are CNDDDB records of this species in the Proposed Action Area and designated Critical Habitat for this species is present in the Proposed Action Area. 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.
Blunt-nosed leopard lizard <i>Gambelia silus</i>	E	NE	<b>Possible.</b> There are records of this species near the Proposed Action Area. A portion of the Proposed Action Area overlaps the northernmost edge of the blunt-nosed leopard lizard's range, so there is some potential for this species to be present. 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.
Giant garter snake <i>Thamnophis gigas</i>	T	NE	<b>Absent.</b> This species does not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species.
Green sea turtle East Pacific DPS <sup>5</sup> <i>Chelonia mydas</i>	T	NE	<b>Absent.</b> This species does not occur within the Proposed Action Area. There would be <i>No Effect</i> to this species.
San Francisco garter snake <i>Thamnophis sirtalis tetraenia</i>	E	NE	<b>Possible.</b> There are CNDDDB records of this species near the Proposed Action Area. 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.

1 Status= Listing of Federally special status species

E: Listed as Endangered

T: Listed as Threatened

X: Critical Habitat designated for this species

PX: Proposed Critical Habitat

2 Effects = Effect determination

NE: No Effect from the Proposed Action to Federally listed species

3 Definition Of Occurrence Indicators

Absent: Species not recorded in Action Area and/or habitat requirements not met

Possible: Species not recorded in or near Action Area, but suitable habitat is present.

Present: Species recorded in or near Action Area and habitat present

4 California Natural Diversity Database, 2018

5 This species is under the jurisdiction of the National Marine Fisheries

### **Coordinated Operations of the CVP and SWP**

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

The National Marine Fisheries Service (NMFS) issued its biological opinion analyzing the effects of the coordinated long-term operation of the CVP and SWP on listed salmonids,

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

However, following their provisional acceptance, both biological opinions were subsequently challenged in Court, and following lengthy proceedings, the United States District Court for the Eastern District of California remanded the biological opinions, and Reclamation was ordered by the Court to comply with the National Environmental Policy Act (NEPA) before accepting the RPAs. In March and December 2014, the biological opinions issued by the USFWS and NMFS, respectively, were upheld by the Ninth Circuit Court of Appeals, although certain requirements (such as an obligation for Reclamation to follow a NEPA process) were left in place. Reclamation completed NEPA on the CVP/SWP Coordinated Operations biological opinions and issued a Record of Decision on January 11, 2016. Since then, Reclamation has re-initiated consultation with USFWS on the CVP/SWP Coordinated Operations. That process is ongoing.

### **3.2.2 Environmental Consequences**

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

Under the No Action Alternative, CVP water would not be conveyed through the SWP facilities and SWP water supplies would not be conveyed through CVP facilities. There would be no change in the affected environment for biological resources. The effects of CVP and SWP pumping on federally listed fishes and their critical habitat would continue and have been addressed by Biological Opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP (NMFS 2009, Service 2008).

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

Under the Proposed Action, there would be no changes in the amount of water pumped from the Delta and water would be conveyed through existing facilities. The Proposed Action would not involve any construction or changes in land use, and the water involved with the Proposed Action would only be used to support existing land uses. There would be no net increase in water use or water pumping, merely a change in the routing of supplies.

With the implementation of the environmental commitments listed in Table 1, and based upon the nature of the Proposed Action, Reclamation has determined 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 would result in no impacts beyond those previously addressed, it would also not contribute cumulatively to any impacts to biological resources.

## **3.3 Water Resources**

### **3.3.1 Affected Environment**

The Proposed Action area includes Santa Clara's service area as well south-of-Delta CVP and SWP facilities.

#### ***San Felipe Division of the CVP***

The San Felipe Unit of the CVP, in the central coastal area of California, services the Santa Clara Valley in Santa Clara County, the northern portion of San Benito County, the southern portion of Santa Cruz County, and the northern edge of Monterey County. Authorized in 1960, the Division provides supplemental water to 63,500 acres of land, in addition to 132,400 AF of water annually for M&I use. Water from San Luis Reservoir is transported to the Santa Clara-San Benito service area through Pacheco Tunnel and other project features, which include 48.5 miles of closed conduits, two pumping plants, and one small reservoir.

CVP water for the San Felipe Division is pumped from the Delta and conveyed through the Delta-Mendota Canal to O'Neill Forebay. The water is then pumped into San Luis Reservoir and diverted through the 1.8 miles of Pacheco Tunnel Reach 1 to the Pacheco Pumping Plant. At the pumping plant, the water is lifted to the 5.3-mile-long high-level section of Pacheco Tunnel Reach 2. The water flows through the tunnel and, without additional pumping, through the Pacheco Conduit to the bifurcation of the Santa Clara and Hollister Conduits. The water is then conveyed throughout the service areas for irrigation and municipal uses.

#### ***Joint Use Facilities/San Luis Reservoir (San Luis)***

Some CVP facilities were developed in coordination with the SWP. Both the CVP and SWP use San Luis, O'Neill Forebay, and more than 100 miles of the California Aqueduct/San Luis Canal and its related pumping and generating facilities. These operations are closely coordinated between Reclamation and DWR, and with other agencies such as National Weather Service and the U.S. Army Corps of Engineers for joint action during emergencies.

San Luis is a reservoir in the Coastal Mountain range along the western side of Merced County, California. Water is pumped uphill into the reservoir from the O'Neill Forebay, fed by the California Aqueduct (SWP) and Delta-Mendota Canal (CVP), and is then released into the forebay to continue downstream using those facilities or is pumped westward into San Felipe via the Pacheco Pumping Plant.

#### ***State Water Project***

The SWP is a complex system of reservoirs, pumping and generating plants, and water conveyance facilities, including the South Bay and California Aqueducts. The principal purpose of the SWP is to supply water to its 29 long-term urban and agricultural water supply contractors in Northern California, the San Francisco Bay Area, the San Joaquin Valley, the Central Coast, and Southern California (DWR 2018).

### **South Bay Aqueduct**

The South Bay Aqueduct conveys SWP water from Bethany Reservoir in the Delta near the City of Tracy. The SWP water is lifted by the South Bay Pumping Plant to the aqueduct's twin pipelines where it is conveyed to Patterson Reservoir. Some water from the reservoir is delivered to Livermore and the remaining balance is conveyed by the aqueduct to Lake Del Valle. From Del Valle junction, South Bay Aqueduct continues to La Costa Tunnel, then Mission Tunnel and finally through the Bay Area hills to the Santa Clara Terminal Tank, east of San Jose (DWR 2018).

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

Santa Clara is responsible for water supply, flood protection, and watershed management in Santa Clara County, California. Santa Clara has approximately the same boundaries as Santa Clara County, around 1,300 square miles, and wholesales treated surface water and groundwater to 13 public and private water retailers which serve Santa Clara County. Santa Clara also provides water to agricultural water users through groundwater recharge, and through a limited number of surface water turnouts. Santa Clara's water supply consists of two primary sources: 1) local supplies, and 2) imported water from the CVP and SWP. Local supplies include captured surface runoff, groundwater, and recycled water. Potable water is also delivered to communities and agencies in northern Santa Clara County, outside the purview of Santa Clara, from the San Francisco Water Department via the Hetch-Hetchy Aqueduct system.

In 1961, Santa Clara entered into a long-term contract with DWR for 100,000 AF/yr of SWP water, with later amendments. Santa Clara traditionally receives this water via the South Bay Aqueduct, conveyed from the Delta. In 1977, Santa Clara entered into a long-term contract with Reclamation for 152,000 AF/yr of CVP water. Santa Clara traditionally receives this water via the San Felipe Division of the CVP.

### **Groundwater Resources in Santa Clara**

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

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

### 3.3.2 Environmental Consequences

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

Under the No Action Alternative, there would be no change in state or federal operations. Santa Clara would continue to receive its CVP and SWP water supplies via CVP and SWP facilities pursuant to their respective contracts; however, there may be times when Santa Clara's water supplies may not be able to be delivered on schedule due to hydrologic conditions, periodic maintenance of the CVP and SWP, or water quality degradation in San Luis Reservoir. Under these circumstances, CVP and SWP water would be scheduled for later delivery, which could result in greater than anticipated use of local water resources, including pumping from already low groundwater levels, to compensate for schedule modifications.

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

The exchange of CVP and SWP water supplies would be one-for-one and would utilize existing facilities. No new infrastructure, modifications of existing facilities, or ground disturbing activities would be required in order to facilitate the exchange. The exchanged water would be used for existing agricultural and municipal uses within the CVP and SWP Place of Use downstream of O'Neill and by Santa Clara. No native or untilled land (fallow for three years or more) would be cultivated with water involved with these actions.

CVP and SWP facilities would not be impacted as the exchanged water will be scheduled and approved by Reclamation and DWR in advance. There would be no increase in diversions from the Delta by either DWR or Reclamation as a result of the exchanges and the Proposed Action would not interfere with Reclamation's obligations to deliver water to other contractors, wetland habitat areas, or for other environmental purposes.

#### ***Cumulative Impacts***

Reclamation has reviewed existing or foreseeable projects in the same geographic area that could affect or could be affected by the Proposed Action. As in the past, hydrological conditions and other factors are likely to result in fluctuating water supplies which drive requests for water service actions. Water districts provide water to their customers based on available water supplies and timing, while attempting to minimize costs. Farmers irrigate and grow crops based on these conditions and factors, and a myriad of water service actions are approved and executed each year to facilitate water needs. It is likely that over the course of the Proposed Action, districts will request various water service actions, such as transfers, exchanges, and Warren Act contracts (conveyance of non-CVP water in CVP facilities). As each water service transaction involving Reclamation undergoes environmental review prior to approval.

The Proposed Action and other similar projects would not hinder the normal operations of the CVP or SWP as exchanges would be coordinated by Reclamation and DWR in advance. In addition, there would be no effect on Reclamation's obligation to deliver water to its contractors or to local fish and wildlife habitat as the supplies exchanged would be one-for-one exchanges from existing supplies between DWR and Reclamation. Since the Proposed Action would not involve construction or modification of facilities, nor interfere with CVP or SWP operations, there would be no cumulative impacts to water supplies, existing facilities, or other contractors.

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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 November 21, 2018 and December 21, 2018. No comments were received.

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

Reclamation has consulted or will consult with the following regarding the Proposed Action:

- Santa Clara Valley Water District
- State Water Resources Control Board

Reclamation will coordinate the Proposed Action with the DWR.

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## Section 5 References

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

DWR. 2018. State Water Project. Website: <https://water.ca.gov/Programs/State-Water-Project>. Accessed: September 25, 2018.

NMFS. 2009. Biological Opinion and Conference Opinion on the long-term operations of the Central Valley Project and State Water Project (2008/09022). Southwest Region, Long Beach, California.

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.

Santa Clara. 2007. Santa Clara Valley Water District Draft Pipeline Maintenance Program Environmental Impact Report/Environmental Assessment (SCH No. 2005101047) submitted June 29, 2007.

USFWS. 2008. Biological Opinion on the Coordinated Operations of the Central Valley Project (CVP) and State Water Project (SWP) (81420-2008-F-1481-5). Sacramento Fish and Wildlife Office, California.

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/>.

## **Appendix A: Reclamation's Cultural Resource Determination**



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

**MP-153 Tracking Number:** 18-SCAO-075

**Project Name:** Santa Clara Valley Water District Second Contract Amendment and Long-term Consolidated Place of Use Petition

**NEPA Document:** EA/IS-14-046

**NEPA Contact:** Jennifer Lewis

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

**Date:** March 16, 2018

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Reclamation proposes to amend Santa Clara Valley Water District's (Santa Clara) water contract (Contract No. 7-07-20-W0023) to include South Bay Aqueduct as an additional point of delivery for Central Valley Project (CVP) water. Reclamation and the California Department of Water Resources will jointly file a petition with the California State Water Resources Control Board to consolidate the CVP and State Water Project (SWP) authorized place of use with Santa Clara's service area. No modification of existing facilities or ground disturbance will occur as a result of the proposed action.

Reclamation has determined the amendment of the water contract 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.