



— BUREAU OF —
RECLAMATION

Temporary Warren Act Contract Related to a Potential 2022 Water Transfer from Yuba County Water Agency to East Bay Municipal Utility District

CGB-EA-2022-029

Draft Environmental Assessment

Mission Statements

The U.S. 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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1 Introduction

In conformance with the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations (40 CFR 1500-1508), and Department of Interior Regulations (43 CFR Part 46), the Bureau of Reclamation (Reclamation) prepared this Environmental Assessment (EA) to evaluate and disclose potential environmental impacts associated with our Federal action, executing a Warren Act Contract with East Bay Municipal Utility District (East Bay MUD). A Warren Act Contract is needed for East Bay MUD to transfer non-Central Valley Project (CVP) water through the Folsom South Canal (FSC), a Federal facility. East Bay MUD has proposed a one-year (2022), temporary Warren Act Contract to convey up to 10 thousand acre-feet (TAF) of non-CVP water from Yuba County Water Agency (Yuba Water) through the Folsom South Canal.

1.1 Background

Yuba Water is a public agency created and existing pursuant to the provisions of the Yuba Act. Yuba Water owns and operates the Yuba River Development Project, including the Yuba Project. Yuba Water is engaged in the Yuba River Accord that protects the lower Yuba River fisheries and local water-supply reliability, while providing revenues for local flood control projects, water to use for protection and restoration of Delta fisheries, and improvements in state-wide water supply management. Yuba Water owns and operates the New Bullards Bar Reservoir in Yuba County.

In 2014, Yuba Water completed and certified an addendum to the Yuba Accord to add the Freeport Regional Water Authority (FRWA) intake as a point of rediversion to Yuba Water's water-right permit and to enable Yuba Accord transfer water to be re-diverted by the East Bay MUD at the FRWA intake facility. The State Water Resources Control Board granted Yuba Water's petition to add the FRWA intake facility as a point of rediversion under Yuba Water's water-right permit. Yuba Water completed and certified Addendum No. 4 to the Yuba Accord to authorize the rediversion of up to 10TAF per year of Yuba Accord water at the FRWA intake facility through 2025.

East Bay MUD provides water supply to 1.4 million people in a 332 square-mile area within the Alameda and Contra Costa counties. East Bay MUD's water supply system including its service area and major facilities is shown in Figure 1. Urban land uses in the East Bay MUD service area include residential, commercial, industrial, and public facilities such as parks and schools. East Bay MUD's primary source of water in normal years is diverted from the Mokelumne River pursuant to water rights held by East Bay MUD. During certain drought years, even with conservation and recycling, water supplies from the Mokelumne River and local supplies cannot meet East Bay MUD's demands. During certain years, East Bay MUD may also divert water from the American River, made available under its CVP contract (Contract 14-06-200-5183A-LTR1-P). East Bay MUD accesses its CVP allocation and other water transfer related supplemental supplies through the FRWA intake facility located on the Sacramento River at Freeport (Figure 1). The FRWA intake and facilities connect to East Bay MUD's Mokelumne Aqueducts using Reclamation's Folsom South Canal, as shown in Figure 1.

As part of its consideration of the FRWA intake and related facilities, in 2002 Reclamation initiated consultation with United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) regarding the facility. That consultation process culminated in the issuance of two biological opinions (BiOps) that are relevant to the Proposed Action. In 2004, each agency issued a BiOp specifically addressing construction and maintenance of the FRWA intake and related facilities (“2004 Freeport BiOps”: NMFS, 2004; USFWS, 2004). In 2008, NMFS issued an updated biological opinion for the FRWA intake and related facilities (“2008 NMFS Freeport BiOp”: NMFS, 2008). The 2008 NMFS Freeport BiOp also included the newly listed North American green sturgeon and designated critical habitat for Central Valley steelhead and Central Valley spring-run Chinook salmon. The 2004 Freeport BiOps and the 2008 NMFS Freeport BiOp are based on a maximum diversion rate of 185 million gallons per day (286 cubic feet per second (cfs)). The 2004 Freeport BiOps and 2008 NMFS Freeport BiOp specify that the effects of operations of the FRWA intake facility were included in the 2008 USFWS BiOp and 2009 NMFS BiOp for the coordinated operations of the Central Valley Project and the State Water Project (“OCAP BiOps”: NMFS, 2009; USFWS, 2008). Analysis of the operation of the FRWA intake facility was also analyzed in the 2019 BiOps issued by NMFS and USFWS regarding Reclamation’s reinitiation of consultation on the coordinated operations of the Central Valley Project and State Water Project (“2019 BiOps”: NMFS, 2019; USFWS, 2019).

1.2 Need for the Proposed Action

Much of the West is experiencing severe to exceptional drought and California is in a third consecutive year of dry conditions, resulting in drought or near-drought throughout the State. Both the State and Federal water projects are forecasting very low storage conditions in all major reservoirs and are operating under a temporary urgency change order which relaxes some water quality standards but imposes other operating constraints. Based on all of these factors, Reclamation announced for the 2022 Contract Year (March 1, 2022 through February 28, 2023) American River M&I CVP contract allocations of Public Health & Safety only, subject to availability of CVP water under the temporary urgency change order.

East Bay MUD’s CVP Contract is a Municipal and Industrial (M&I) contract, and in qualifying years, East Bay MUD’s CVP supply is a critical and vital component of East Bay MUD’s water supply reliability. The proposed transfer is needed to partially alleviate the water supply and economic impacts of a reduction in East Bay MUD’s CVP supply and help East Bay MUD meet its existing public health and safety needs.

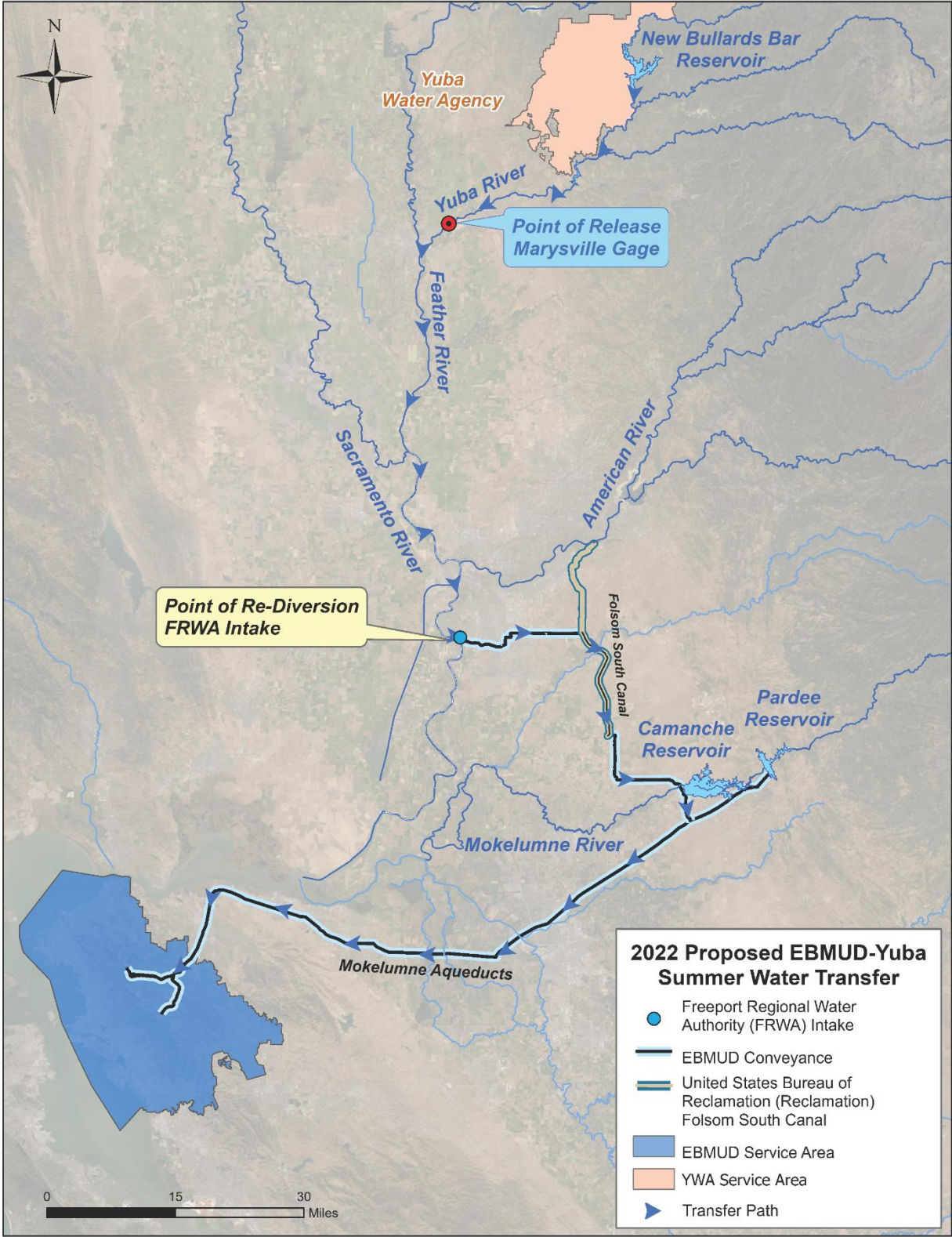


Figure 1. Proposed Action Area

2 Alternatives Including Proposed Action

2.1 No Action Alternative

Under the No Action Alternative, Reclamation would not execute a one-year Warren Act Contract with East Bay MUD for the use of excess capacity in the Folsom South Canal. East Bay MUD would need to find other supplemental water supplies to meet the needs of their customers or it would need to institute additional cutbacks. Yuba Water would seek another buyer to purchase the summer transfer.

2.2 Proposed Action

Reclamation proposes to execute a one-year Warren Act Contract with East Bay MUD for conveyance of up to 10,000 acre-feet of water from Yuba Water, using excess capacity in the FSC, to East Bay MUD's facilities. The non-CVP water would be purchased from Yuba Water by East Bay MUD. Pursuant to the Yuba Accord Water Purchase Agreement, Yuba Water would release up to 10 TAF of Yuba Accord water from New Bullards Bar Reservoir into the Yuba River where it will eventually flow down the Sacramento River to be rediverted by East Bay MUD at the FRWA intake facility. The rediversion of the 10 TAF of water at Freeport intake would occur between July and September 2022. Water rediverted at Freeport intake would be conveyed through the FSC, and made available in the East Bay MUD service area via East Bay MUD's treated water distribution system. The planned diversion rate at Freeport intake is approximately 55 cubic feet per second (cfs) from July through September, but unplanned disruptions in operations may result in increasing diversion rate up to 75 cfs so all 10 TAF minus carriage losses can be diverted within the time-frame. The proposed action will be within the maximum flow rate of 286 cfs analyzed in 2004 Freeport BiOps and the 2008 NMFS Freeport BiOp. The exact timing and rate of the water transfer would be determined in close coordination amongst the transfer participants and Reclamation. No construction or modification of facilities would be required to complete the Proposed Action.

2.2.1 Environmental Commitments

Yuba Water and East Bay MUD shall implement the environmental protection measures to avoid or reduce environmental consequences associated with the Proposed Action:

- The water would not be used to place untilled or native lands into production, or to convert lands that have been fallowed or untilled for three or more years.
- The proposed Action cannot alter the flow of natural waterways or natural watercourses such as rivers, streams, creek, ponds, pools, wetlands, etc., so as to result in the detrimental effect on fish or wildlife or species habitats.
- No land use conversions would occur as a result of the Proposed Action.
- Water supplies made available for transfer would not reduce the water supplies available to Yuba Water's existing customers.
- Water supplies made available to East Bay MUD will be used for existing M&I purposes in East Bay MUD's service area similar to East Bay MUD's own CVP M&I supplies.

3 Affected Environment and Environmental Consequences

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 adverse effects to the following resources:

3.1.1 Air Quality

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

3.1.2 Agricultural Resources

Under the Proposed Action, no new lands would be put into production.

3.1.3 Climate Change

No construction or modification of facilities is proposed. The Proposed Action would not require additional electrical production beyond baseline conditions and would therefore not contribute to additional greenhouse gas emissions. As such, there would be no additional impacts to global climate change.

3.1.4 Cultural Resources

There would be no impacts to cultural resources as a result of implementing the Proposed Action as the Proposed Action would facilitate the flow of water through existing facilities to existing users. No new construction or ground disturbing activities would occur as part of the Proposed Action. Reclamation has determined that these activities have no potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1).

3.1.5 Environmental Justice

Executive Order 12898 requires each federal agency to identify and address disproportionately high and adverse human health or environmental effects, including social and economic effects of its program, policies, and activities on minority populations and low-income populations. 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.

3.1.6 Indian Sacred Sites

Executive Order 13007 (May 24, 1996) requires that federal agencies accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoids adversely affecting

the physical integrity of such sacred sites. The Proposed Action would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or affect the physical integrity of such sacred sites. There would be no impacts to Indian sacred sites as a result of the Proposed Action.

3.1.7 Indian Trust Assets

Indian Trust Assets are legal interests in assets that are held in trust by the United States for federally recognized Indian tribes or individuals. There are no Indian reservations, rancherias or allotments in the Proposed Action area. The nearest Indian Trust Asset is the Lytton Rancheria which is about 26 miles to the west of the Proposed Action area. The Proposed Action does not have a potential to affect Indian Trust Assets.

3.1.8 Land Use and Planning

The Proposed Action would not involve any construction or new structures that is in conflict with land use plans, policies, or zoning. The water will be used only for existing M&I customers and therefore would be no change in land use plans, policies, or zoning.

3.2 Biological Resources

3.2.1 Affected Environment

The Action Area begins at Yuba Water's New Bullards Bar Reservoir where the transferred water would be released. The water would flow down the Yuba River downstream of New Bullards Bar to the confluence of the Feather River, continue to the Feather River between the confluences of the Yuba River and Sacramento River, and finally to the Sacramento River from the confluence with the Feather River to the Freeport Intake, where it would be rediverted by EBMUD. The water would then travel through existing EBMUD facilities and Reclamation's Folsom South Canal to the EBMUD service area. The Action Area is shown in Figure 1.

For all terrestrial species and those aquatic species outside of the rivers and Sacramento Delta, the proposed Action would not alter or convert any areas of suitable habitat for these species. Additionally, the proposed Action does not involve any ground disturbance or construction. Therefore, there will be no significant impact to these species or their critical habitat and they will not be discussed further in this document.

For aquatic species that exist in rivers and Sacramento Delta, Reclamation requested official species lists for the Proposed Action Area from the USFWS's Sacramento and San Francisco Bay-Delta offices on April 19, 2022 by accessing USFWS's website: <https://ecos.fws.gov/ipac/>. Reclamation also queried the California Department of Fish and Wildlife's California Natural Diversity Database (CNDDDB) for records of protected aquatic species in and near the Proposed Action Area (CNDDDB, 2022). This information, in addition to other information within Reclamation's files was combined to create a list of federally protected aquatic species and California aquatic Species of Special Concern that may occur in or near the Proposed Action Area (Table 1). Fish species under the jurisdiction of the National Marine Fisheries Service (NMFS) that may occur within the Proposed Action Area were also added into Table 1.

Table 1. Federally Listed Aquatic Threatened and Endangered Species and California Aquatic Species of Special Concern

Species	Status ¹	Potential to occur and summary basis for ESA determination ²
Fish		
Delta smelt <i>Hypomesus transpacificus</i>	T, X	Present. This species, and its designated Critical Habitat, occur within the Sacramento River. There are CNDDDB records of this species, and designated Critical Habitat for this species, within the Proposed Action Area (CNDDDB, 2022). The effects of diverting water from the Sacramento River at the FRWA intake facility have been analyzed in the 2019 USFWS BiOp. The Proposed Action would not change the total amount of water diverted from the Sacramento River and would not result in any effects to delta smelt or its designated Critical Habitat beyond those analyzed in the biological opinions associated with the FRWA intake facility and operation of the CVP and SWP.
Southern DPS Green Sturgeon <i>Acipenser medirostris</i>	T	Present. There are CNDDDB records of this species within the Proposed Action Area (CNDDDB, 2022). The effects of diverting water from the Sacramento River at the FRWA intake facility have been analyzed in the 2019 NMFS BiOp. The Proposed Action would not change the total amount of water diverted from the Sacramento River and would not result in any effects to green sturgeon beyond those analyzed in the biological opinions associated with the FRWA intake facility and operation of the CVP and SWP.
Chinook salmon – Central Valley fall / late fall-run ESU <i>Oncorhynchus tshawytscha</i>	SSC	Present. There are CNDDDB records of this species for this species within the Proposed Action Area (CNDDDB, 2022). The Proposed Action would not change the total amount of water diverted from the Sacramento River. This species was not analyzed in the biological opinions associated with the Proposed Action, but effects to this species would be similar to the federally listed fish species analyzed. Therefore, effects to this species are not expected.
Chinook salmon – Central Valley spring-run ESU <i>Oncorhynchus tshawytscha</i>	T, X	Present. This species, and its designated Critical Habitat, occur within the Sacramento River. There are CNDDDB records of this species within the Proposed Action Area (CNDDDB, 2022). The effects of diverting water from the Sacramento River at the FRWA intake facility have been analyzed in the 2019 NMFS BiOp. The Proposed Action would not change the total amount of water diverted from the Sacramento River and would not result in any effects to Chinook salmon or its designated Critical Habitat beyond those analyzed in the biological opinions associated with the FRWA intake facility and operation of the CVP and SWP.
Chinook salmon - Sacramento River winter-run ESU	E, X, NMFS	Present. This species, and its designated Critical Habitat, occur within the Sacramento River. There are CNDDDB

<p><i>Oncorhynchus tshawytscha</i></p>		<p>records of this species within the Proposed Action Area (CNDDDB, 2022). The effects of diverting water from the Sacramento River at the FRWA intake facility have been analyzed in the 2019 NMFS BiOp. The Proposed Action would not change the total amount of water diverted from the Sacramento River and would not result in any effects to Chinook salmon beyond those analyzed in the biological opinions associated with the FRWA intake facility and operation of the CVP and SWP.</p>
<p>Euchalon <i>Thaleichthys pacificus</i></p>	<p>SSC</p>	<p>Present. There are CNDDDB records of this species for this species within the Proposed Action Area (CNDDDB, 2022). The Proposed Action would not change the total amount of water diverted from the Sacramento River. This species was not analyzed in the biological opinions associated with the Proposed Action, but effects to this species would be similar to the federally listed fish species analyzed. Therefore, effects to this species are not expected.</p>
<p>Hardhead <i>Mylopharodon conocephalus</i></p>	<p>SSC</p>	<p>Present. There are CNDDDB records of this species for this species within the Proposed Action Area (CNDDDB, 2022). The Proposed Action would not change the total amount of water diverted from the Sacramento River. This species was not analyzed in the biological opinions associated with the Proposed Action, but effects to this species would be similar to the federally listed fish species analyzed. Therefore, effects to this species are not expected.</p>
<p>Longfin smelt <i>Spirinchus thaleichthys</i></p>	<p>C</p>	<p>Present. There are CNDDDB records of this species for this species within the Proposed Action Area (CNDDDB, 2022). The Proposed Action would not change the total amount of water diverted from the Sacramento River. This species was not analyzed in the biological opinions associated with the Proposed Action, but effects to this species would be similar to the federally listed fish species analyzed. Therefore, effects to this species are not expected.</p>
<p>Pacific lamprey <i>Entosphenus tridentatus</i></p>	<p>SSC</p>	<p>Present. There are CNDDDB records of this species for this species within the Proposed Action Area (CNDDDB, 2022). The Proposed Action would not change the total amount of water diverted from the Sacramento River. This species was not analyzed in the biological opinions associated with the Proposed Action, but effects to this species would be similar to the federally listed fish species analyzed. Therefore, effects to this species are not expected.</p>
<p>Riffle sculpin <i>Cottus gulosus</i></p>	<p>SSC</p>	<p>Present. There are CNDDDB records of this species for this species within the Proposed Action Area (CNDDDB, 2022). The Proposed Action would not change the total amount of water diverted from the Sacramento River. This species was not analyzed in the biological opinions associated with the Proposed Action, but effects to this species would be similar</p>

		to the federally listed fish species analyzed. Therefore, effects to this species are not expected.
Sacramento hitch <i>Lavinia exilicauda exilicauda</i>	SSC	Present. There are CNDDDB records of this species for this species within the Proposed Action Area (CNDDDB, 2022). The Proposed Action would not change the total amount of water diverted from the Sacramento River. This species was not analyzed in the biological opinions associated with the Proposed Action, but effects to this species would be similar to the federally listed fish species analyzed. Therefore, effects to this species are not expected.
Sacramento perch <i>Archoplites interruptus</i>	SSC	Present. There are CNDDDB records of this species for this species within the Proposed Action Area (CNDDDB, 2022). The Proposed Action would not change the total amount of water diverted from the Sacramento River. This species was not analyzed in the biological opinions associated with the Proposed Action, but effects to this species would be similar to the federally listed fish species analyzed. Therefore, effects to this species are not expected.
Sacramento splittail <i>Pogonichthys macrolepidotus</i>	SSC	Present. There are CNDDDB records of this species for this species within the Proposed Action Area (CNDDDB, 2022). The Proposed Action would not change the total amount of water diverted from the Sacramento River. This species was not analyzed in the biological opinions associated with the Proposed Action, but effects to this species would be similar to the federally listed fish species analyzed. Therefore, effects to this species are not expected.
Steelhead (Central Valley DPS) <i>Oncorhynchus mykiss</i>	T, X, NMFS	Present. This species, and its designated Critical Habitat, occur within the Sacramento River. There are CNDDDB records of this species within the Proposed Action Area (CNDDDB, 2022). The effects of diverting water from the Sacramento River at the FRWA intake facility have been analyzed in the 2019 NMFS BiOp. The Proposed Action would not change the total amount of water diverted from the Sacramento River and would not result in any effects to steelhead or its designated Critical Habitat beyond those analyzed in the biological opinions associated with the FRWA intake facility and operation of the CVP and SWP.
Tidewater goby <i>Eucyclogobius newberryi</i>	E, X	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 or its designated Critical Habitat.
Western river lamprey <i>Lampetra ayresii</i>	SSC	Present. There are CNDDDB records of this species for this species within the Proposed Action Area (CNDDDB, 2022). The Proposed Action would not change the total amount of water diverted from the Sacramento River. This species was not analyzed in the biological opinions associated with the Proposed Action, but effects to this species would be similar

		to the federally listed fish species analyzed. Therefore, effects to this species are not expected.
White sturgeon <i>Acipenser transmontanus</i>	SSC	Present. There are CNDDDB records of this species for this species within the Proposed Action Area (CNDDDB, 2022). The Proposed Action would not change the total amount of water diverted from the Sacramento River. This species was not analyzed in the biological opinions associated with the Proposed Action, but effects to this species would be similar to the federally listed fish species analyzed. Therefore, effects to this species are not expected.

1 Status = Status of federally protected species protected under the ESA (Endangered Species Act) and CESA (California Endangered Species Act).

SSC: Species of Special Concern (CESA, California Department of Fish and Wildlife)

C: Candidate (ESA)

E: Listed as Endangered (ESA)

T: Listed as Threatened (ESA)

X: Critical Habitat designated for this species (ESA)

PX: Critical Habitat proposed for this species (ESA)

2 Definition of Occurrence Indicators

Present: Species recorded in area and suitable habitat present.

Possible: Species recorded in or near area and habitat suboptimal.

Unlikely: Species recorded in or near area but habitat marginal or lacking entirely.

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

3.2.2 Environmental Consequences

3.2.2.1 No Action

Under the No Action Alternative, Yuba Water would not release the 10 TAF of transfer water from New Bullards Bar Reservoir. East Bay MUD would continue to receive their reduced CVP allocation, if any, which would not meet all of its M&I customers' demands. East Bay MUD would need to find other supplemental water supplies to meet the needs of their customers or its customers would be subject to additional cutbacks. Because conditions in the action area would remain unchanged from current baseline conditions, there would be no impacts to biological resources.

3.2.2.2 Proposed Action

The water involved in the Proposed Action would be used for existing M&I purposes only and would not be used to place any untilled or native lands into production, nor to convert lands that have been fallowed or untilled for three or more years. The Proposed Action involves no construction or modification of facilities.

Under the Proposed Action, Yuba Water would release 10 TAF of water from New Bullards Bar Reservoir and it would be rediverted by East Bay MUD at the Freeport intake on the Sacramento River.

The water released for the Proposed Action is additional water being added to the system, above what is required by the 2019 BiOps to meet salinity and delta outflow conditions.

The diversion of water at the Freeport intake has existing ESA coverage under biological opinions on the long-term coordinated operations of the CVP and State Water Project (USFWS, 2019; NMFS, 2019). The Proposed Action would not result in any new effects to federally listed aquatic species or designated Critical Habitat beyond those analyzed in the 2004 Freeport BiOps, 2008 Freeport NMFS BiOp, OCAP BiOps, and 2019 BiOps. In addition, the Proposed Action does not result in any changes to water releases or operations by Yuba Water, so there will be no impacts to other biological resources, such as non-listed species or recreational fishing. Any additional water released would be insignificant to typical river flows as shown in Table 2 (which is described in Section 3.3.1.1).

With the state-of-the-art fish screens at the Freeport Intake, low transfer rate, and that the transferred water is additional water to the system, Reclamation has determined that there would be no significant impact to biological resources including proposed or listed species or designated Critical Habitat under the Endangered Species Act of 1973, as amended (16 U.S.C. §1531 et seq.) and birds protected under the Migratory Bird Treaty Act (16 U.S.C. § 703 et. seq.) and the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c). Additionally, environmental commitments provided in Section 2.2.1 will further prevent any potential environmental impacts associated with the Proposed Action.

3.3 Water Resources

3.3.1 Affected Environment

The Action Area begins at Yuba Water's New Bullards Bar Reservoir where the transferred water would be released. The water would flow down the Yuba River downstream of New Bullards Bar to the confluence of the Feather River, continue to the Feather River between the confluences of the Yuba River and Sacramento River, and finally to the Sacramento River from the confluence with the Feather River to the Freeport intake, where it would be rediverted by EBMUD. The water would then travel through existing EBMUD facilities and Reclamation's Folsom South Canal to the EBMUD service area. The Action Area is shown in Figure 1.

3.3.1.1 2022 Operations for the Central Valley Project (CVP)/State Water Project (SWP)

Based on extraordinarily dry conditions throughout California and the projections for continued dry conditions, the California Department of Water Resources (DWR) for the SWP and Reclamation for the CVP (collectively, Projects) requested a Temporary Urgency Change Petition (TUCP) to the State Water Resources Control Board (State Water Board) to modify the terms of the CVP and SWP water rights permits from what is currently provided in Water Rights Decision 1641 (D-1641) for the period from April 1 through June 30, 2022. While the TUCP does not include changes to operations during the Proposed Action, the TUCP includes modeling of CVP/SWP operations that consider 2022 conditions during the Proposed Action.

CVP and SWP operations planning scenarios were developed to evaluate the system capability using conservative forecasted conditions for the remainder of 2022. Because of the extreme dry trend, hydrology based on the 99% exceedance hydrology forecast from February was used. Initial

projections, as represented by the “Base (No TUCP)” scenario indicated a high risk of storages in Oroville and Folsom dropping below levels where release capacity would be reduced at Oroville and the ability to provide health and safety throughout the fall would be lost at Folsom. In the “Base (No TUCP)” scenario, Shasta is operated primarily for temperature management and senior water rights and riparian demands along the Sacramento River, whereas Oroville and Folsom are operated to maintain Delta outflow, other In-Basin Use, and temperature management. Outflow requirements for X2 (April to June) in this scenario are met by limiting exports as much as possible and releasing stored water. A second CVP and SWP operations planning scenario “TUCP” was developed to evaluate the potential reduced risk to storage with modifications to the outflow requirements. In this scenario, Shasta is operated the same as in the “Base (No TUCP)” scenario, but Oroville and Folsom are able to reduce releases while meeting the modified standards. Both Oroville and Folsom under this scenario are projected to stay above critical levels reached in the “Base (No TUCP)” scenario. Exports in the “TUCP” scenario are able to increase incrementally due to additional un-stored water made available with the modified standards under the TUCP. Shasta operations for temperature management and downstream deliveries are currently under discussion and may be adjusted significantly to protect upstream storage; however, releases that contribute to meeting delta objectives are expected to stay consistent to what was analyzed and will be consistent in both Base and TUCP scenarios.

Table 2 compares the projected Sacramento River flows in the Base No TUCP and TUCP scenarios to the Proposed Action.

Table 2. Comparison of Proposed Action flow to projected 2022 Sacramento River flow in cubic feet per second (cfs)

Month	Projected Flow of Sacramento River at Freeport ¹ (Base, No TUCP)	Projected Flow of Sacramento River at Freeport ¹ (TUCP)	Proposed Action maximum flow ²
April	9,450	6,150	0
May	9,100	6,150	0
June	10,850	7,950	0
July	8,600	8,600	75
August	7,550	7,550	75
September	6,250	6,250	75

¹: Projections are from the February Operations Plan – Baseline submitted as part of the 2022 Temporary Urgency Change Petition (TUCP) for the combined operations of the State Water Project and the Central Valley Project submitted on March 18, 2022.

²: The planned diversion rate is approximately 55 cfs, but unplanned disruptions in operations may result in increasing diversion rate to 75 cfs so all 10,000 AF minus carriage losses can be diverted.

3.3.1.2 Yuba River

The Project will not require or include any change in operations by Yuba Water Agency, as compared with not implementing the Project. The released water for this transfer is based on Yuba Water's instream flow requirements described in the Yuba Accord Fisheries Agreement and included in Yuba Water's water rights as part of the State Water Board's implementation of the Yuba Accord. The Yuba Accord flow requirements are projected to be greater in 2022 than the baseline (without transfer) flow requirements and operations defined by State Water Board Decision D-1644 (the regulatory conditions that preceded the Yuba Accord), creating transferrable water that will not injure any other water users and have no unreasonable effects to instream beneficial uses.

Accordingly all downstream conditions of water will remain unchanged immediately downstream of New Bullards Bar Reservoir to the Freeport Facility on the Sacramento River whether or not the Project is implemented. The diversion of water at the Freeport Facility will not measurably impact the flow or water quality of the Sacramento River below those points of diversion. Table 1 below compares the projected Sacramento River flow to the planned transfer flow rate at the Freeport Facility.

3.3.2 Environmental Consequences

3.3.2.1 No Action

Under the No Action Alternative, the 10 TAF of water would still be released into the Yuba River as part of Yuba Water's Yuba Accord commitments and Yuba Water would likely find another buyer to purchase the stored water. East Bay MUD would need to find other water supplies to reduce its M&I water shortage as the current reduced allocation cannot meet its customers' demands.

3.3.2.2 Proposed Action

Under the Proposed Action, Yuba Water would release 10TAF of water from New Bullards Bar Reservoir for diversion by EBMUD at the Freeport Intake. The transferred water is additional water made available to the system, so there is no water availability impacts to downstream users. No additional overall Delta pumping or water diversions, or releases from Shasta Reservoir or Lake Oroville, would occur beyond what would have occurred under the No Action alternative. As such, the Proposed Action would not affect CVP or State Water Project. The Proposed Action would not interfere with Reclamation's obligations to deliver water to other contractors, wetland habitat areas, or for other environmental purposes.

The transferred water would be diverted at East Bay MUD's existing infrastructure via the FRWA intake facility and delivered from the FRWA conveyance facilities, the FSC, and East Bay MUD's Mokelumne Aqueducts pursuant to its CVP water service contract. The transfer of CVP water would utilize existing facilities and not require new infrastructure, modifications of existing facilities, or ground disturbing activities. The water would be used for existing M&I purposes in East Bay MUD's service area.

4 Consultation and Coordination

4.1 Agencies and Persons Consulted

Reclamation is coordinating with EBMUD and Yuba Water regarding the Proposed Action.

4.2 Public Involvement

Reclamation intends to provide the public with an opportunity to comment on the Draft EA during a 15-day public review period.

5 References

CNDDDB (California Natural Diversity Database). 2022. California Natural Diversity Database, California Department of Fish and Wildlife. Sacramento, CA. Last Updated April 2022.

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