

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Oro Loma Water District Partial Assignment of 4,000 acre-feet of Central Valley Project Water to Westlands Water District

FONSI-11-092

Recommended by:



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Date: 2/22/2012

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Date: 2/23/12

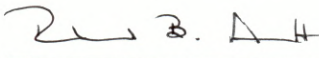
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Date: 27 February 2012



Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the South-Central California Area Office of the Bureau of Reclamation (Reclamation), has determined that an environmental impact statement is not required for the approval of the partial assignment of 4,000 acre-feet (AF) of Oro Loma Water District's (SSJMUD) Central Valley Project (CVP) water service contract to Westlands Water District (Westlands). This draft Finding of No Significant Impact is supported by Reclamation's Environmental Assessment (EA) Number EA-11-092, *Oro Loma Water District Partial Assignment of 4,000 acre-feet of Central Valley Project Water to Westlands Water District*, and is hereby incorporated by reference.

Reclamation provided the public with an opportunity to comment on the Draft FONSI and Draft EA during a public comment period December 30, 2011 through January 18, 2012. Reclamation received one comment letter from the following organizations: Sierra Club California, Friends of the River, North Coast Rivers Alliance, Southern California Watershed Alliance, Desal Response Group, Pacific Coast Federation of Fishermen's Associations, California Sport Fishing Protection Alliance, Northern California Council Federation of Fly Fishers, California Water Impact Network, AquAlliance, Planning and Conservation League, and Salmon Water Now. The comment letter and Reclamation's response to comments can be found in Appendix B.

Background

Westlands is a CVP contractor with a water service contract of 1,150,000 acre-feet (AF) and five assignment contracts of 42,948 AF with Reclamation summing up to 1,192,948 AF annually from the Sacramento-San Joaquin River Delta (Delta). Due to legislative, regulatory, and environmental actions, the reliability of this CVP supply has been reduced significantly, and now averages from 60 to 65 percent of contract amounts. To make up for the difference between the available CVP water supply and demands, Westlands and individual landowners have in recent years obtained, and are projected to obtain in the future, additional water supplies to supplement groundwater pumping.

Oro Loma is a CVP contractor with a water service contract with Reclamation for up to 4,600 AF per year (AFY) from the Delta. Poor soil conditions and a shallow groundwater table prevent landowners in Oro Loma from maximizing the beneficial use of this water supply. Consequently, Oro Loma has historically transferred some of their CVP water supply to other CVP contractors, such as Westlands, through the South-of-Delta (SOD) Accelerated Water Transfer Program (AWTP) which is an accelerated process that allows for water transfers and exchanges under Section 3405 of Central Valley Project Improvement Act (CVPIA, Title 34 of Public Law 102-575).

Rather than continue annual transfers under the SOD AWTP, Westlands and Oro Loma have requested Reclamation's approval for the partial assignment of 4,000 AF of Oro Loma's CVP water service contract to Westlands.

Proposed Action

Reclamation proposes to issue a partial assignment contract to Westlands for 4,000 AF of CVP water. In turn, Reclamation will amend Oro Loma's existing CVP water service contract to reflect Oro Loma's CVP contract quantity to be 600 AF.

As a result of the proposed assignment, water that was formerly transferred to Westlands from Oro Loma on an annual basis will be delivered to Westlands through the San Luis Canal (SLC) as scheduled for delivery by Westlands instead of Oro Loma. The assigned 4,000 AF of SOD CVP contractual supply will be used to meet Westlands' in-district demands and other uses consistent with the existing water service contract and Reclamation approvals.

No new infrastructure, modifications of facilities, or ground disturbing activities will be needed for movement of this water. No native or untilled land (fallow for three years or more) will be cultivated with water involved with these actions.

Reclamation's finding that implementation of the Proposed Action will result in no significant impact to the quality of the human environment is supported by the following factors:

FINDINGS

Water Resources

The Proposed Action will not affect CVP operations and will not change existing diversion points from the Delta under Reclamation's water rights permits. The Proposed Action will not interfere with Reclamation's obligations to deliver water to other contractors, wetland habitat areas, or for other environmental purposes. The Proposed Action will not impact implementation of the SOD AWTP.

There will be no change in the point of diversion for the assigned water as the point of diversion in the Delta (Jones Pumping Plant) will be the same. In addition, as the water is already part of the baseline conditions for diversion from the Delta, there will be no increase in diversions from the Delta as a result of this assignment. Conveyance of the assigned water will be done through the SLC rather than the Delta-Mendota Canal which has been done previously when the water was annually transferred to Westlands.

Transfer of Oro Loma's CVP water supply (up to 100 percent) to other CVP contractors has occurred over the last 10 years. Since 2005, between 87 and 100 percent of Oro Loma's CVP water supply has been transferred solely to Westlands. The assignment of 4,000 AF of Oro Loma's supply will not change the environmental baseline of delivery of this water to Westlands as it has been occurring historically. Rather, the assignment will provide long-term reliability of this supply to Westlands. As Oro Loma cannot beneficially use their entire contract supply, the assignment will help to balance out deficiencies within Westlands and make the most beneficial use of available CVP supplies. The use of this water in Westlands will reduce the need for transfers of alternate sources of surface water. Oro Loma's remaining 600 AF CVP allocation will likely be used by Oro Loma in the same manner as its current supply, i.e. they will either use it to irrigate annual crops or continue to transfer it to other contractors through the SOD AWTP.

Land Use

Under the Proposed Action, there will be no impacts to land use within Oro Loma or Westlands as conditions will be similar to existing conditions. Oro Loma's CVP water has historically been transferred outside of Oro Loma to areas that support higher value crops (such as Westlands in the previous five years), and the Proposed Action will make these annual transfers permanent. No native habitat, untilled lands or lands fallow for three or more years will be brought into production with this water as this water will be used to maintain existing crops within Westlands.

Biological Resources

Under the Proposed Action, water will be conveyed in existing facilities to established agricultural lands similar to what has been done for the last five years during annual transfers between Westlands and Oro Loma. No native lands or lands fallowed and untilled for three or more years will be disturbed as this water will be used on existing farmed lands.

The Proposed Action will not impact the water in, or diverted from the Delta, in a way that has not already been analyzed and consulted upon under the Endangered Species Act for effects to listed fish species and their critical habitat. No changes will be made to the points of diversions or CVP operations, and the water to be transferred will continue to be conveyed as previously conveyed under the annual transfers. Consequently, there will be no effect to listed or proposed fish species or their critical habitat. Similarly, there will be no effect to Essential Fish Habitat, as regulated under the Magnuson-Stevens Fisheries Conservation and Management Act (16 U.S.C. § 1801 et seq.). The Proposed Action also will not affect migratory birds, imperiled species, unique habitats, or species and habitats protected by federal or state law.

Reclamation has determined that the Proposed Action will have no effect on federally listed or proposed threatened or endangered species, or their critical habitat.

Cultural Resources

The Proposed Action consists of Reclamation issuing a partial assignment contract to Westlands and amending Oro Loma's repayment contract. As with the No Action alternative, the Proposed Action will result in no impacts to cultural resources.

Indian Sacred Sites

The Proposed Action involves the conveyance of water through existing facilities to established agricultural lands. Neither restriction of access to nor adverse effects to the physical integrity of any sacred sites will occur. As such, there will be no direct, indirect, or cumulative impacts to Indian sacred sites as a result of the Proposed Action.

Indian Trust Assets

There will be no impact to Indian Trust Assets as there are none in the Proposed Action area.

Environmental Justice

The Proposed Action will not cause dislocation, changes in employment, or increase flood, drought, or disease nor will it disproportionately impact economically disadvantaged or minority populations. The Proposed Action may support and maintain jobs that low-income and disadvantaged populations rely upon through increased irrigation water supply reliability.

Therefore, there may be a slight beneficial impact to minority or disadvantaged populations as a result of the Proposed Action.

Socioeconomic Resources

Under the Proposed Action, the status quo of agriculture will be maintained. CVP contractors will re-distribute CVP water to balance out local deficiencies in water supply and promote efficient irrigation of crops. The most productive farmland will remain in production. Seasonal labor requirements will have very little change, and businesses that support agriculture will not be financially harmed. The assignment will allow more productive and labor-intensive land to remain in production, thereby potentially improving socioeconomic conditions in the region.

Air Quality

Under the Proposed Action, CVP water will be delivered off the SLC to Westlands rather than off the DMC to Oro Loma. Delivery of this water will require no modification of existing facilities or construction of new facilities. In addition, water will be moved either via gravity or electric pumps which will not produce emissions that impact air quality. Therefore, a conformity analysis is not required and there will be no impact to air quality as a result of the Proposed Action.

Global Climate Change

Electric pumps produce carbon dioxide that could potentially contribute to greenhouse gases. However, water under the Proposed Action is water that will be delivered from the existing facilities with or without the Proposed Action and is therefore part of the existing conditions. There will be no additional impacts to greenhouse gases as a result of the Proposed Action.

Cumulative Impacts

The assignment of 4,000 AF of Oro Loma's SOD CVP water supply to Westlands will be similar to baseline conditions (No Action Alternative) as this water has been annually transferred between these districts through the SOD AWTP. As there will be no impact to water diverted from the Delta, points of diversions, or CVP operations and this water will continue to be conveyed as it has been previously under the annual transfers, there will be no cumulative impacts as a result of the Proposed Action.

In recent years, land use changes within the San Joaquin Valley have involved the urbanization of agricultural lands. These types of changes are typically driven by economic pressures and are as likely to occur with or without the Proposed Action. Accordingly, no cumulative impacts to land use are anticipated.

Existing conditions, such as loss of habitat due to urbanization and expanding agricultural lands that cumulatively impact listed species and their habitats, are expected to occur with or without the Proposed Action. Assignment of 4,000 AF of Oro Loma's SOD CVP allocation is not expected to contribute cumulatively to habitat loss as this water will be used on existing crops in Westlands and will not cause additional fallowing in Oro Loma as lands are already fallowed and/or dryland farmed. In addition, all conditions under the existing contract that protect biological resources will be transferred to Westlands for the portion allocated under the partial

assignment. Therefore, there will be no significant cumulative impacts to biological resources as a result of the Proposed Action.

As there will be no impacts to cultural resources, Indian Sacred Sites, or Indian Trust Assets as a result of Reclamation's Proposed Action, no cumulative impacts will occur.

The Proposed Action, when added to other existing and proposed actions, will have a slight beneficial contribution to cumulative impacts for minority or disadvantaged populations as it will help support and maintain jobs that low-income and disadvantaged populations rely upon due to increased irrigation water supply reliability.

Over the long term, the Proposed Action will have slight beneficial impacts to socioeconomic resources within Westlands' as the assigned water will increase the amount of Westlands' CVP water supply. This will subsequently help to maintain the economic viability of irrigated agriculture within the district, which presently includes a significant percentage of permanent crops. There is greater economic output associated with permanent crops, which includes a year-round demand for farm labor (as compared to annual crops). When added to other similar existing and proposed actions, the Proposed Action will contribute to beneficial cumulative impacts to socioeconomic resources within Westlands. There will be no impact to Oro Loma as conditions will remain the same within the district.

There will be no cumulative impacts to air quality as there will be no emissions that impact air quality or construction activities that will produce emissions that could cumulatively impact air quality

Impacts from greenhouse gases are considered to be cumulative impacts; however, delivery of water with or without the Proposed Action is part of the existing baseline conditions of the Central Valley and is not expected to produce additional greenhouse gases that could contribute to global climate change. CVP water allocations are made dependent on hydrologic conditions and environmental requirements. Since Reclamation operations and allocations are flexible, any changes in hydrologic conditions due to global climate change will be addressed within Reclamation's operation flexibility and therefore water resource changes due to climate change will be the same with or without the Proposed Action.

RECLAMATION

Managing Water in the West

Final Environmental Assessment

Oro Loma Water District Partial Assignment of 4,000 acre-feet of Central Valley Project Water to Westlands Water District

EA-11-092



**U.S. Department of the Interior
Bureau of Reclamation
Mid Pacific Region
South-Central California Area Office
Fresno, California**

February 2012

Mission Statements

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

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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List of Acronyms and Abbreviations

$\mu\text{g}/\text{m}^3$	Microgram per cubic meter
AF	Acre-feet
AFY	Acre-feet per year
APE	Area of Potential Effect
CAA	Clean Air Act
CARB	California Air Resources Board
CFR	Code of Federal Regulations
CH ₄	Methane
CO ₂	Carbon dioxide
CO	Carbon monoxide
CVP	Central Valley Project
CWA	Clean Water Act
Delta	Sacramento-San Joaquin River Delta
DMC	Delta-Mendota Canal
EA	Environmental Assessment
ESA	Endangered Species Act
EPA	Environmental Protection Agency
FONSI	Finding of No Significant Impact
FWCA	Fish and Wildlife Coordination Act
GHG	Greenhouse gases
ITA	Indian Trust Asset
mg/m^3	Milligram per cubic meter
M&I	Municipal and Irrigation
National Register	National Register of Historic Places
NHPA	National Historic Preservation Act
NO ₂	Nitrogen dioxide
NO _x	Nitrogen oxides
Oro Loma	Oro Loma Water District
O ₃	Ozone
PM _{2.5}	Particulate matter less than 2.5 microns in diameter
PM ₁₀	Particulate matter between 2.5 and 10 microns in diameter
ppm	Parts per million
Reclamation	Bureau of Reclamation
SIP	State Implementation Plan
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Air Pollution Control District
SLC	San Luis Canal
SOD	South-of-Delta
SO ₂	Sulfur dioxide
U.S.C.	U.S. Code
USFWS	U.S. Fish and Wildlife Service
VOC	Volatile organic compound
Westlands	Westlands Water District

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Introduction

The Bureau of Reclamation (Reclamation) provided the public with an opportunity to comment on the Draft Finding of No Significant Impact and Draft Environmental Assessment (EA) during a 30-day public comment period. Reclamation received one comment letter during the comment period from the following organizations: Sierra Club California, Friends of the River, North Coast Rivers Alliance, Southern California Watershed Alliance, Desal Response Group, Pacific Coast Federation of Fishermen's Associations, California Sport Fishing Protection Alliance, Northern California Council Federation of Fly Fishers, California Water Impact Network, AquAlliance, Planning and Conservation League, and Salmon Water Now. The comment letter and Reclamation's response to comments can be found in Appendix B. Changes from the draft EA that are not minor editorial changes are indicated by vertical lines in the left margin of this document.

Section 1 Purpose and Need for Action

1.1 Background

Westlands Water District (Westlands) is a Central Valley Project (CVP) contractor with a water service contract with Reclamation for 1,150,000 acre-feet (AF) and five assignment contracts of 42,948 AF summing up to 1,192,948 AF annually from the Sacramento-San Joaquin River Delta (Delta). Due to legislative, regulatory, and environmental actions, the reliability of this CVP supply has been reduced significantly, and now averages from 60-65 percent of contract amounts. To make up for the difference between the available CVP water supply and demands, Westlands and individual landowners have in recent years obtained, and are projected to obtain in the future, additional water supplies to supplement groundwater pumping.

Oro Loma Water District (Oro Loma) is a CVP contractor with a water service contract with Reclamation for up to 4,600 AF per year (AFY) from the Delta. Poor soil conditions and a shallow groundwater table prevent landowners in Oro Loma from maximizing the beneficial use of this water supply. Consequently, Oro Loma has historically transferred some of their CVP water supply to other CVP contractors, such as Westlands, through the South-of-Delta (SOD) Accelerated Water Transfer Program (AWTP) which is an accelerated process that allows for water transfers and exchanges under Section 3405 of Central Valley Project Improvement Act (CVPIA, Title 34 of Public Law 102-575).

Rather than continue annual transfers under the SOD AWTP, Westlands and Oro Loma have requested Reclamation's approval for the partial assignment of 4,000 AF of Oro Loma's CVP water service contract to Westlands.

1.2 Purpose and Need

California has experienced a severe drought in recent years that has reduced water supplies to many CVP contractors. SOD CVP water service contractors experienced reduced water supply allocations in 2007, 2008, 2009, and 2010 due to hydrologic conditions and regulatory requirements. The hydrologic condition for 2011 is wet, and although conditions have improved since the beginning of the water year, SOD CVP contractors still need to supplement supplies to meet demands because of past dry years and overall CVP operational constraints. Westlands, as a SOD CVP contractor, thus needs to identify additional supplies to avoid shortages for their customers.

The purpose of this partial assignment is to provide Westlands the long-term use of the CVP water that Oro Loma has historically transferred to Westlands on an annual basis through the SOD AWTP.

1.3 Reclamation's Legal and Statutory Authorities and Jurisdiction Relevant to the Proposed Federal Action

Several Federal laws, permits, licenses and policy requirements have directed, limited or guided the National Environmental Policy Act analysis and decision-making process of this EA and include the following as amended, updated, and/or superseded (all of which are incorporated by reference):

- *The Reclamation Reform Act of 1982* applies to all irrigation land within an irrigation/water district, which has a water service contract with Reclamation and is subject to the acreage limitation and full-cost provisions of Reclamation law.
- *Central Valley Project Improvement Act of 1992, Title 34 (of Public Law 102-575), Section 3408(c)*, Additional Authorities authorizes the Secretary of the Interior to enter into contracts pursuant to Reclamation law and this title with any Federal agency, California water user or water agency, State agency, or private nonprofit organization for the exchange, impoundment, storage, carriage, and delivery of CVP and non-CVP water for domestic, municipal, industrial, fish and wildlife, and any other beneficial purpose, except that nothing in this subsection shall be deemed to supersede the provisions of section 103 of Public Law 99-546 (100 Stat. 3051).

1.4 Scope

This EA is being prepared to examine the possible impacts of approving the permanent partial assignment of Oro Loma's CVP water service contract to Westlands. This EA has also been prepared to examine the possible impacts of the No Action Alternative.

Both districts are located near each other on the western side of the San Joaquin Valley in Fresno (both districts) and Kings (Westlands) counties (Figure 1-1).

1.5 Potential Issues

This EA will analyze the affected environment of the Proposed Action and No Action Alternative in order to determine the potential direct, indirect, and cumulative effects to the following resources: Water Resources, Land Use, Biological Resources, Cultural Resources, Indian Sacred Sites, Indian Trusts Assets (ITA), Environmental Justice, Socioeconomic Resources, Air Quality, and Global Climate.

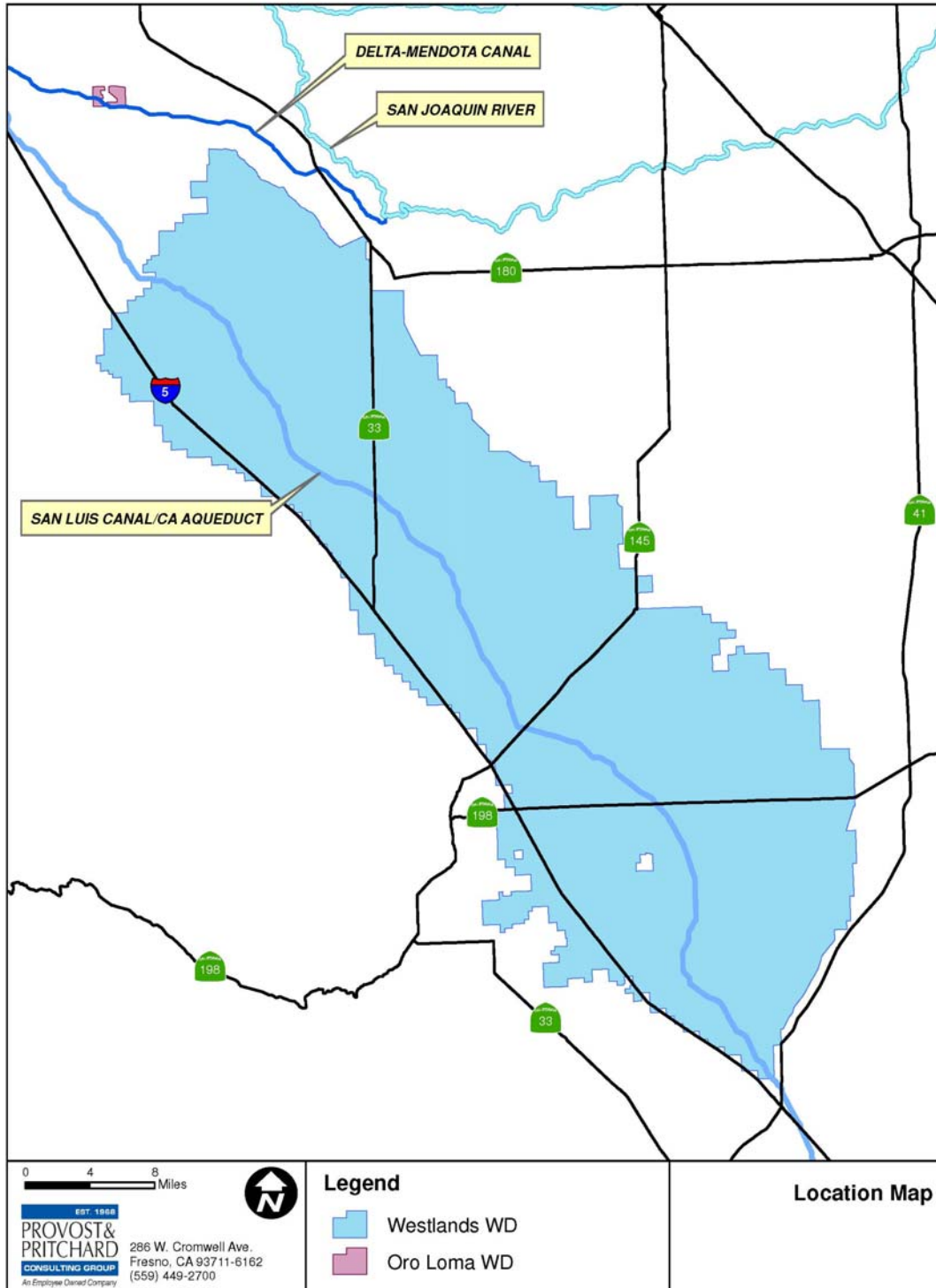


Figure 1-1 Location Map

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 approve the assignment of 4,000 AF of Oro Loma's CVP water service contract to Westlands. Westlands would continue to request approvals to transfer most of Oro Loma's CVP supply to Westlands on an annual basis through the SOD AWTP.

2.2 Proposed Action

Reclamation proposes to issue a partial assignment contract to Westlands for 4,000 AF of CVP water. In turn, Reclamation would amend Oro Loma's existing CVP water service contract to reflect Oro Loma's CVP contract quantity to be 600 AF.

As a result of the proposed assignment, water that was formerly transferred to Westlands from Oro Loma on an annual basis would be delivered to Westlands through the San Luis Canal (SLC) as scheduled for delivery by Westlands instead of Oro Loma. The assigned 4,000 AF of SOD CVP contractual supply would be used to meet Westlands' in-district demands and other uses consistent with the existing water service contract and Reclamation approvals.

No new infrastructure, modifications of facilities, or ground disturbing activities would be needed for movement of this water. No native or untilled land (fallow for three years or more) would be cultivated with water involved with these actions.

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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 Water Resources

3.1.1 Affected Environment

Central Valley Project

CVP water is used for the irrigation of agricultural areas, for municipal and industrial (M&I) uses, for the restoration of fisheries and aquatic habitat in the waterways that have been affected by water development, for wildlife refuges, and for other purposes. The largest use of CVP water is for agricultural irrigation. The greatest demand for irrigation water occurs in mid- to late summer, as crops mature and crop water use increases. During the winter, farmers also use water for frost control and pre-irrigation of fields to saturate the upper soil.

The amount of CVP water available each year for contractors is based, among other considerations, on the storage of winter precipitation and the control of spring runoff in the Sacramento and San Joaquin River basins. Reclamation's delivery of CVP water diverted from these rivers is determined by state water right permits, judicial decisions, and state and federal obligations to maintain water quality, enhance environmental conditions, and prevent flooding.

Delta-Mendota Canal The Delta-Mendota Canal (DMC), the second largest of the CVP waterways, was completed in 1951. It includes a combination of both concrete-lined and earth-lined sections and is about 117 miles in length. It carries water southeasterly from the Jones Pumping Plant into the DMC along the west side of the San Joaquin Valley for distribution to refuges, irrigation supply, M&I and to replace San Joaquin River water stored by Friant Dam and used in the Friant-Kern and Madera Canals. The canal transports water from the Jones Pumping Plant to the Mendota Pool, which is controlled by a concrete storage dam that was constructed in 1917. The DMC is divided into the upper and lower portions. The dividing point is Check 13 near Santa Nella, California. Check 13 is the intake to the O'Neill Forebay and San Luis Reservoir. The Mendota Pool is the terminus for the DMC and is located at the confluence of the San Joaquin River and the North Fork of the Kings River, approximately 30 miles west of the city of Fresno. Capacity in the DMC is restricted by the physical limitations of the canal and the pumping limits of the Jones Pumping Plant (Reclamation 2011a).

San Luis Canal The SLC is a joint Federal/State facility. It is a concrete-lined canal with a capacity ranging from 8,350 to 13,100 cubic feet per second. The SLC is the biggest earth-moving project in Reclamation history. It is the federally-built and operated section of the California Aqueduct and extends 102.5 miles from the O'Neill Forebay, near Los Banos, in a southeasterly direction to a point west of Kettleman City. The first release of water from the

O'Neill Forebay to the initial reach of the canal was on April 13, 1967. The 138-foot-wide channel is 36 feet deep, 40 feet wide at the bottom, and lined with concrete. Capacity in the SLC is restricted by the physical limitations of the canal, pumping limits of the Banks Pumping Plant, and releases from San Luis Reservoir (Reclamation 2011b).

South-of-Delta Accelerated Water Transfer Program The CVPIA was signed into law in 1992 to mandate changes in management of the CVP. In addition to protecting, restoring, and enhancing fish and wildlife, one of the other purposes of the CVPIA is to increase water-related benefits provided by the CVP to the State of California through expanded use of voluntary water transfers and improved water conservation. To assist California urban areas, agricultural water users, and others in meeting their future water needs, Section 3405(a) of the CVPIA authorizes all individuals or districts who receive CVP water under water service or repayment contracts, water rights settlement contracts or exchange contracts to transfer, subject to certain terms and conditions, all or a portion of the water subject to such contract to any other California water users or water agency, State or Federal agency, Indian Tribe, or private non-profit organization for project purposes or any purpose recognized as beneficial under applicable State law.

After enactment of the CVPIA, Reclamation has historically acknowledged water transfers and/or exchanges between CVP contractors geographically situated within the same region and who are provided water service through the same CVP facilities under an AWTP. In 2010, Reclamation approved the continuation of the SOD AWTP through February 29, 2016. Reclamation prepared EA-10-051, *Accelerated Water Transfers and Exchanges, Central Valley Project, South of Delta Contractors 2011-2015* and a Finding of No Significant Impact (FONSI) was signed on February 14, 2011 (Reclamation 2011c). Both EA and FONSI are hereby incorporated by reference.

Westlands Water District

Westlands provides irrigation water to over 570,000 acres of annual and permanent crops in Fresno and Kings Counties. Water is delivered throughout Westlands via 1,034 miles of buried pipelines, virtually eliminating seepage and evaporation losses in the distribution system. All water is metered at the point of delivery through more than 3,200 agricultural and 250 M&I meters. The district also operates and maintains the 12-mile-long, concrete-lined, Coalinga Canal, the Pleasant Valley Pumping Plant, and the laterals that supply CVP water to the communities of Coalinga and Huron.

CVP Contracts On June 5, 1963 Westlands entered into a long-term contract (Contract No. 14-06-200-495A) with Reclamation for 1,008,000 AF of CVP supply from the SLC, Coalinga Canal, and Mendota Pool (Reclamation 1963). In a stipulated agreement dated September 14, 1981, the contractual entitlement to CVP water was increased to 1.15 million AF. The long-term contract expired December 31, 2007. The second interim renewal contract for this contract was issued in 2010 and remains in effect until February 29, 2012 (Reclamation 2010a). It is anticipated that this interim renewal contract would be renewed prior to its termination in 2012.

Assignments In 1999, Reclamation approved the three-way partial assignment (Contract No. 14-06-200-3365A-IR2) of 6,260 AFY to Santa Clara Valley Water District, Westlands Distribution District #1, and Pajaro Valley Water Management Agency from Mercy Springs Water District (Reclamation 1999). In 2003, Reclamation approved the partial assignment of 4,198 AFY from

Mercy Springs Water District (Contract No. 14-06-200-3365A) to Westlands Distribution District #2 (Reclamation 2002). Between 2004 and 2006, Reclamation approved three other contract assignments from DMC contractors to Westlands Distribution District #1. These include: (1) 27,000 AFY from Broadview Water District (Contract No. 14-06-200-8092-IR8), (2) 2,990 AFY from Widren Water District (Contract No. 14-06-200-8018-1R7), and (3) 2,500 AFY from Centinella Water District [Contract No. 7-07-20-W0055] (Reclamation 2006, 2005a, 2004). The twelfth interim renewal contracts for these assignments were issued in 2010 and remains in effect until February 29, 2012 (Reclamation 2010). It is anticipated that these interim renewal contracts would be renewed prior to their termination in 2012.

Reclamation is currently preparing environmental analyses on the renewal of Westlands' interim renewal contracts.

CVP Allocations The 10-year average allocation of SOD CVP water supplies available to Westlands between 2002 and 2011 are summarized in Table 3-1. The table lists maximum delivery percentages of CVP water on a yearly basis for agriculture purposes, and shows that the 10-year average is 62.5 percent of contract amounts, with the last four years averaging only some 43.8 percent of contract amounts. Due to SOD CVP operational constraints and fluctuating hydrologic conditions, water allocations in the future are likely to be similar to those shown in Table 3-1.

Table 3-1 Westlands Historical Water Supply

Water Year ¹	CVP Allocation (percent) ²	Net CVP Allocation (AF) ³	Groundwater (AF) ⁴	Water User Acquired (AF) ⁵	Additional District Supply (AF) ⁶	Total Supply (AF)	Fallowed Acres ⁷
2002	70	776,526	205,000	106,043	64,040	1,151,609	94,557
2003	75	855,306	160,000	107,958	40,362	1,163,626	76,654
2004	70	793,383	210,000	96,872	51,728	1,151,983	70,367
2005	85	986,159	75,000	20,776	108,335	1,190,270	66,804
2006	100	1,076,461	25,000	45,936	38,079	1,185,476	54,944
2007	50	629,520	315,000	87,554	79,810	1,111,884	96,409
2008	40	332,547	460,000	85,421	117,537	995,505	99,663
2009	10	195,716	480,000	68,070	77,424	821,210	242,239
2010	45	570,732	140,000	71,296	88,569	870,597	170,000
2011	80 ⁸	872,191 ⁸	25,000	50,000	196,036	1,143,227	75,000
Average	62.5	708,854	209,500	73,993	86,192	1,078,539	104,664

¹Water Year = March 1 to February 28/29 of the following year.

²Final CVP allocation per Water year.

³CVP allocation adjusted for carryover and rescheduled losses.

⁴Total groundwater pumped.

⁵Transfers between private landowners.

⁶Surplus water, supplemental supplies, and other adjustments.

⁷Agricultural land not in production.

⁸Estimated allocation.

Oro Loma Water District

Oro Loma is comprised of approximately 965 acres in northwestern Fresno County (Figure 1-1). Total acreage under irrigation and the types of crops grown in Oro Loma have changed little over time due in large part to constraints posed by high concentrations of salt and boron that naturally occur in the soils and a high, shallow water table requiring artificial drainage. Oro Loma does not pump groundwater and CVP water obtained from in-Delta pumping is its sole source of surface water.

CVP Contracts On April 7, 1959, Oro Loma signed a long-term contract (Contract 14-06-200-7823) with Reclamation for 4,600 AF of CVP water (Reclamation 1959). This contract expired on February 28, 1995. Following a series of interim renewal contracts, Oro Loma negotiated a long-term renewal of its water service contract (Contract 14-06-200-7823-LTR1) which Oro Loma and Reclamation executed with an effective date of March 1, 2005 that will expire in 2030. Contract Number 14-06-200-7823-LTR1 effective March 1, 2005 through February 28, 2030, superseded interim renewal contract 14-06-200-7828-IR8 (Reclamation 2005).

Annual Transfers Oro Loma has annually transferred, through the SOD AWTP, an average of 1,702 AFY in nine of the previous ten years, or 59 percent of its average CVP allocation of 2,875 AF, to other CVP contractors (Table 3-2). Prior to implementation of the CVPIA, Oro Loma did not transfer its' CVP allocation. Over the most recent 5-year period (2007-2011), Oro Loma has transferred an average of 1,914 AFY, or 95 percent of its average CVP allocation of 2,070 AF, solely to Westlands (Table 3-2). Any remaining CVP water left is used by Oro Loma to irrigate annual crops.

Table 3-2 Oro Loma Historical Water Supply and Water Transfers

Water Year ¹	CVP Allocation (percent) ²	CVP Allocation (AF)	CVP Allocation Transferred (AF)	CVP Allocation Transferred (percent)	Receiving District of Transferred Allocation
2002	70	3,220	2,395	74	Panoche Water District
2003	75	3,450	460	13	Westlands
2004	70	3,220	1,000	31	Panoche Water District, Eagle Field Water District
2005	85	3,910	3,600	92	Westlands
2006	100	4,600	0	0	
2007	50	2,300	2,000	87	Westlands
2008	40	1,840	1,838	99.9	Westlands
2009	10	460	460	100	Westlands
2010	45	2,070	2,070	100	Westlands
2011	80 ³	3,680	3,200	87	Westlands
Average	62.5	2,875	1,702	59	

¹Water Year = March 1 to February 28/29 of the following year.
²Final CVP allocation per Water year.
³Estimated allocation.

Groundwater Resources

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

Groundwater pumping started in this portion of the San Joaquin Valley in the early 1900's. Prior to delivery of CVP water, the annual groundwater pumpage in Westlands ranged from 800,000 to 1,000,000 AF during the period of 1950-1968. The majority of this pumping was from the aquifer below the Corcoran Clay, causing the sub-Corcoran groundwater surface to reach the

average elevation of more than 150 feet below mean sea level by 1968. The large quantity of groundwater pumped prior to delivery of CVP water caused a significant amount of land subsidence in some areas (DWR 2003). Westlands has implemented a groundwater management program to reduce the potential for future extreme subsidence.

After delivery of CVP water supplies into Westlands, groundwater pumping declined to about 200,000 AFY, or less, in the 1970's (DWR 2003). The reduction in groundwater pumping stabilized groundwater depths and in most portions of Westlands, groundwater levels significantly recovered. During the early 1990's, groundwater pumping greatly increased because of the reduced CVP water supplies caused by an extended drought, and regulatory actions related to the Central Valley Project Improvement Act. Groundwater pumping quantities are estimated to have reached 600,000 AFY during 1991 and 1992 when Westlands received only 25 percent of its contractual entitlement of CVP water. The increase in pumping caused a decline in groundwater levels which have since recovered. Normal or near normal CVP water supplies from 1995 to 1999 have reduced the estimated annual quantity of groundwater pumped to approximately 60,000 AFY, resulting in an increase in water surface elevations. However, since 2000, Westlands' water supply has been significantly reduced once again resulting in groundwater pumping between 25,000 AFY to over 400,000 AFY with a 10-year average of 209,500 AF (Table 3-1). Westlands estimates the current safe yield of groundwater underneath the district to be approximately 175,000 to 200,000 AFY. However, this quantity of groundwater is generally only pumped when other supplemental supplies are not available. This is due to the poorer quality of the groundwater compared to surface water. Westlands supplies groundwater to some district farmers and owns some groundwater wells, with the remaining wells privately owned by water users in the district.

Oro Loma does not pump groundwater as discussed previously.

3.1.2 Environmental Consequences

No Action

Under the No Action Alternative, Oro Loma would continue to annually transfer the majority of their CVP water supply to other CVP contractors as they cannot beneficially use their entire supply. Any water remaining after the annual transfers would continue to be used to irrigate annual crops planted in Oro Loma. Westlands would continue to seek annual water transfers from Oro Loma and other sources to partially offset insufficient water supplies in order to keep highly productive land under cultivation. Conveyance of Oro Loma's water to Westlands under these annual transfers would be done through the SLC as it has in the past and would require Reclamation approval as required by the SOD AWTP; therefore, there would be no impact to CVP operations or facilities.

Proposed Action

The Proposed Action would not affect CVP operations and would not change existing diversion points from the Delta under Reclamation's water rights permits. 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 Proposed Action would not impact implementation of the SOD AWTP.

There would be no change in the point of diversion for the assigned water as the point of diversion in the Delta (Jones Pumping Plant) would be the same. In addition, as the water is already part of the baseline conditions for diversion from the Delta, there would be no increase in diversions from the Delta as a result of this assignment. Conveyance of the assigned water would be done through the SLC rather than the DMC which has been done previously when the water was annually transferred to Westlands.

Transfer of Oro Loma's CVP water supply (up to 100 percent) to other CVP contractors has occurred over the last 10 years. Since 2005, between 87 and 100 percent of Oro Loma's CVP water supply has been transferred solely to Westlands (Table 3-2). The assignment of 4,000 AF of Oro Loma's supply would not change the environmental baseline of delivery of this water to Westlands as it has been occurring historically. Rather, the assignment would provide long-term reliability of this supply to Westlands. As Oro Loma cannot beneficially use their entire contract supply, the assignment would help to balance out deficiencies within Westlands and make the most beneficial use of available CVP supplies. The use of this water in Westlands would reduce the need for transfers of alternate sources of surface water. Oro Loma's remaining 600 AF CVP allocation would likely be used by Oro Loma in the same manner as its current supply, i.e. they would either use it to irrigate annual crops or continue to transfer it to other contractors through the SOD AWTP.

Cumulative Impacts

Reclamation's South-Central California Area Office has completed environmental analysis on a total of 154 water service related actions out of 183 proposed between 2007 and 2011 (Table 3-3). These actions include: water assignments, water banking activities, water contracts including renewals, amendments and extensions, water exchanges, land exclusions, land inclusions, execution of contracts for surplus water, water transfers, and Warren Act contracts for conveyance and/or storage of non-CVP water in federal facilities.

Table 3-3 Reclamation's Completed Water Service Related Actions 2006-2011

Proposed Water Service Related Projects	2007	2008	2009	2010	2011	Pending
Assignments	0	1	0	0	6	6
Banking	2	5	10	1	4	3
Contracts	2	0	2	3	4	2
Exchanges	5	7	9	4	3	5
Exclusion	2	0	3	3	0	0
Inclusion	4	2	1	3	0	2
Surplus Water	4	3	2	3	2	0
Transfers	5	10	10	7	1	3
Warren Act Contracts	11	8	21	5	5	8
SOD Proposed Water Service Projects	9	15	26	16	12	10
Pending Water Service Projects	1	2	7	2	16	28
Total Proposed Projects¹	141	109	181	113	58	101

¹Includes all projects proposed for a particular year, not just water service related projects.

Seventy-eight of the total projects proposed between 2006 and 2011 were specific to SOD contractors. A total of 28 proposed water service projects are still pending from the past five years including the 16 water service projects proposed for 2011 (Table 3-3). Ten of the pending

projects, including this EA and the EA being prepared for Westlands interim renewal contracts, are specific to SOD contractors. All of the pending actions are currently undergoing environmental analysis and any future proposed activities would require environmental review prior to implementation. It is likely more districts will request additional water service actions in 2012, similar to previous years. The Proposed Action is not likely to cumulatively impact this trend.

The assignment of 4,000 AF of Oro Loma's SOD CVP water supply to Westlands would be similar to baseline conditions (No Action Alternative) as this water has been annually transferred between these districts through the SOD AWTP. As there would be no impact to water diverted from the Delta, points of diversions, or CVP operations and this water would continue to be conveyed as it has been previously under the annual transfers, there would be no cumulative impacts as a result of the Proposed Action or the No Action Alternative.

3.2 Land Use

3.2.1 Affected Environment

Westlands Water District

Westlands lies mostly within the San Joaquin Desert where precipitation would naturally limit growth to certain plant species or crops. However, the soils and climate create some of the most fertile and productive cropland in the world when adequate water for those croplands are available. More than 60 different crops are commercially produced on approximately 570,000 irrigable acres in Westlands. The primary crops include tomatoes, grain, cotton and almonds (Table 3-4). In recent years, vegetable and permanent crops have become a larger part of the crop acreage, which require more water than crops such as wheat and other grains.

Table 3-4 Westlands Crop Acreage Report

	2006	2007	2008	2009	2010	Average
PERENNIAL CROPS						
Almonds	55,180	66,210	70,252	67,863	68,255	65,552
Pistachios	15,130	16,834	21,113	17,396	19,301	17,955
Grapes	12,704	13,382	13,836	13,905	13,299	13,425
Other	24,251	21,507	19,708	27,601	24,897	23,593
Total Perennial Crops	107,265	117,933	124,909	126,765	125,752	120,525
ANNUAL CROPS						
Tomatoes	93,250	101,175	89,506	81,225	78,937	88,819
Grain	69,150	52,902	129,653	62,537	85,766	80,002
Cotton	130,273	100,169	37,396	17,510	42,480	65,566
Melons	21,602	21,642	20,112	18,043	22,274	20,735
Lettuce	27,039	21,909	16,129	14,655	16,598	19,266
Forage	14,331	12,660	15,511	13,864	28,819	17,037
Onions	18,268	15,162	11,483	11,224	11,687	13,565
Garlic	10,486	12,584	10,285	8,857	9,881	10,419
Beans	7,033	2,000	2,621	9,067	5,967	5,338
Other	24,435	22,216	16,667	13,840	17,106	18,853
Total Annual Crops	415,867	362,419	349,363	250,822	319,515	339,597
Fallow	54,944	96,409	99,663	156,239	122,598	105,971
Net Cropped Acres	578,076	576,761	573,935	533,826	567,865	566,093

Source: WWD 2011

Oro Loma Water District

The 965 acres in Oro Loma have not been intensively farmed or irrigated in recent years due in large part to constraints posed by high concentration of salt and boron that naturally occur in the soils and a high, shallow water table requiring artificial drainage. Rather, they have been dry-land farmed and from time to time farmed using the water remaining after transfers. Table 3-5 summarizes the farmed acreage between 2006 and 2010.

Table 3-5 Oro Loma Crop Acreage Report

	2007	2008	2009	2010	2011	Average
Cotton	67	67	67	67	0	54
Wheat	0	0	0	0	526	13
Fallow	898	898	898	898	439	898
Net Acres	965	965	965	965	965	965

Source: C. Vandenberg, pers. Comm. 2011

3.2.2 Environmental Consequences

No Action

Under the No Action Alternative there would be no impacts to land use within the Proposed Action area as conditions would remain the same as existing conditions. The existing contract and associated 4,000 AF of CVP water supplies would remain with Oro Loma. Lands within Oro Loma would continue to be fallowed (as has been the case for several years), dry-farmed, or annually cropped, with the remaining water transferred out of Oro Loma on an annual basis. Because of the quality of the soils within Oro Loma's boundaries and drainage problems, it is unlikely the land would be converted into permanent plantings or used for other high value crops.

Westlands would continue to annually request transfers of Oro Loma's CVP supply as well as other water supplies in order to supplement their supplies to meet demand shortfalls because of CVP operational constraints.

Proposed Action

Under the Proposed Action, there would be no impacts to land use within Oro Loma or Westlands as conditions would be similar to existing conditions. Oro Loma's CVP water has historically been transferred outside of Oro Loma to areas that support higher value crops (such as Westlands in the previous five years), and the Proposed Action would make these annual transfers permanent. No native habitat, untilled lands or lands fallow for three or more years would be brought into production with this water as this water would be used to maintain existing crops within Westlands.

Cumulative Impacts

In recent years, land use changes within the San Joaquin Valley have involved the urbanization of agricultural lands. These types of changes are typically driven by economic pressures and are as likely to occur with or without the Proposed Action and No Action Alternative. Accordingly, no cumulative impacts to land use are anticipated.

3.3 Biological Resources

3.3.1 Affected Environment

Historically, native habitat types in Westlands and Oro Loma consisted of valley sink scrub and saltbush, grasslands, wetlands and riparian habitat. Over the last few decades, much of the historic native grassland and wetland habitats have been converted to farmland, which requires importation of water for production.

Table 3-6 was prepared using a list obtained on November 29, 2011 by accessing the U.S. Fish and Wildlife Service (USFWS) Database:

http://www.fws.gov/sacramento/y_old_site/es/spp_lists/auto_list_form.cfm. For the list the following 7 ½ minute U.S. Geological Survey quadrangles were queried (Document No. 111129120544): Avenal, Broadview Farms, Burrel, Calflax, Cantua Creek, Chaney Ranch, Chounet Ranch, Coalinga, Coit Ranch, Domengine Ranch, Dos Palos, Firebaugh, Five Points, Gujarral Hills, Hammonds Ranch, Harris Ranch, Helm, Huron, Kettleman City, La Cima, Lemoore, Levis, Lillis Ranch, Monocline Ridge, San Joaquin, Stratford, Tranquillity, Tres Pecos Farms, Tumey Hills, Vanguard, Westhaven and Westside. Additionally, anadromous species and their critical habitat also are included in Table 3-6 and were considered in Reclamation's evaluation of effects from the Proposed Action.

No records for listed species occur within Oro Loma (CNDDDB 2011) and there is no designated critical habitat within Oro Loma or Westlands.

Table 3-6 Federal Status Species and Designated Critical Habitat on Quad Lists for Westlands and Oro Loma and also listings in aquatic areas of the Delta

Species	Status ¹	Effects ²	Summary basis for ESA determination
INVERTEBRATES			
Valley elderberry longhorn beetle (<i>Desmocerus californicus dimorphus</i>)	T	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
Vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	T	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>)	E	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
FISH			
Central Valley Spring-run Chinook (<i>Oncorhynchus tshawytscha</i>)	E, X	NE	No additional pumping or diversions or changes in pumping would occur at the Delta. No effect to water in the Delta or inhabited areas. No critical habitat in action area. No effect to water in the Delta or inhabited areas.
Central Valley steelhead (<i>Oncorhynchus mykiss</i>)	T	NE	No additional pumping or diversions or changes in pumping would occur at the Delta. No effect to water in the Delta or inhabited areas. No critical habitat in action area. No effect to water in the Delta or inhabited areas. No effect on natural stream systems.

Species	Status ¹	Effects ²	Summary basis for ESA determination
Delta smelt (<i>Hypomesus transpacificus</i>)	T, X	NE	No additional pumping or diversions or changes in pumping would occur at the Delta. No effect to water in the Delta or inhabited areas. No critical habitat in action area. No effect to water in the Delta or inhabited areas
North American Green Sturgeon, Southern Distinct Population Segment (<i>Acipenser medirostris</i>)	E,X	NE	No additional pumping or diversions or changes in pumping would occur at the Delta. No effect to water in the Delta or inhabited areas. No critical habitat in action area. No effect to water in the Delta or inhabited areas.
Sacramento River Winter-run Chinook (<i>Oncorhynchus tshawytscha</i>)	E,X	NE	No additional pumping or diversions or changes in pumping would occur at the Delta. No effect to water in the Delta or inhabited areas. No critical habitat in action area. No effect to water in the Delta or inhabited areas.
AMPHIBIANS			
California red-legged frog (<i>Rana aurora draytonii</i>)	T	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
California tiger salamander, central population (<i>Ambystoma californiense</i>)	T	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
REPTILES			
Blunt-nosed leopard lizard (<i>Gambelia sila</i>)	E	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
Giant garter snake (<i>Thamnophis gigas</i>)	T	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
BIRDS			
California condor (<i>Gymnogyps californianus</i>)	E	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
MAMMALS			
Fresno kangaroo rat (<i>Dipodomys nitratoideis exilis</i>)	E, X	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
Giant kangaroo rat (<i>Dipodomys ingens</i>)	E	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
San Joaquin kit fox (<i>Vulpes macrotis mutica</i>)	E	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities.
Tipton kangaroo rat (<i>Dipodomys nitratoideis nitratoideis</i>)	E	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.

Species	Status ¹	Effects ²	Summary basis for ESA determination
PLANTS			
California jewelflower (<i>Caulanthus californicus</i>)	E	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
Palmate-bracted bird's beak (<i>Cordylanthus palmatus</i>)	E	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
San Joaquin woolly-threads (<i>Monolopia congdonii</i>)	E	NE	No land use changes would occur to habitat for this species as a result of this action, no conversion of habitat, and no new facilities would be constructed.
Source: USFWS 2011a and USFWS 2011b			
1 Status= Listing of Federally special status species E: Listed as Endangered T: Listed as Threatened X: Critical Habitat designated for this species			
2 Effects = Endangered Species Act Effect determination			

3.3.2 Environmental Consequences

No Action

Under the No Action Alternative, Reclamation would not approve the partial assignment of 4,000 AF of Oro Loma's CVP water service contract to Westlands. Contractor operations would continue unchanged as Westlands would continue to annually request the transfer of these water supplies to supplement their reduced surface water supplies through the SOD AWTP. Oro Loma lands would continue to be cultivated with low value crops or fallowed, which has been the case the last several years. The No Action Alternative would neither hinder nor enhance populations of special status species or their habitats.

Proposed Action

Under the Proposed Action, water would be conveyed in existing facilities to established agricultural lands similar to what has been done for the last five years during annual transfers between Westlands and Oro Loma. No native lands or lands fallowed and untilled for three or more years would be disturbed as this water would be used on existing farmed lands.

The Proposed Action would not impact the water in, or diverted from the Delta, in a way that has not already been analyzed and consulted upon under the ESA for effects to listed fish species and their critical habitat. No changes would be made to the points of diversions or CVP operations, and the water to be transferred would continue to be conveyed as previously conveyed under the annual transfers. Consequently, there would be no effect to listed or proposed fish species or their critical habitat. Similarly, there would be no effect to Essential Fish Habitat, as regulated under the Magnuson-Stevens Fisheries Conservation and Management Act (16 U.S.C. § 1801 et seq.). The Proposed Action also would not affect migratory birds, imperiled species, unique habitats, or species and habitats protected by federal or state law.

Reclamation has determined that the Proposed Action would have no effect on federally listed or proposed threatened or endangered species, or their critical habitat. See Appendix A for Reclamation's determination.

Cumulative Impacts

Existing conditions, such as loss of habitat due to urbanization and expanding agricultural lands that cumulatively impact listed species and their habitats, are expected to occur under either alternative. Assignment of 4,000 AF of Oro Loma's SOD CVP allocation or the transfer of Oro Loma's water under the No Action alternative is not expected to contribute cumulatively to habitat loss as this water would be used on existing crops in Westlands and would not cause additional fallowing in Oro Loma as lands are already fallowed and/or dry-land farmed. In addition, all conditions under the existing contract that protect biological resources would be transferred to Westlands for the portion allocated under the partial assignment and would still be in effect under a transfer. Therefore, there would be no cumulative adverse impacts to biological resources as a result of the Proposed Action or the No Action alternative.

3.4 Cultural Resources

Cultural resources is a broad term that includes prehistoric, historic, architectural, and traditional cultural properties. The National Historic Preservation Act (NHPA) of 1966 is the primary Federal legislation that outlines the Federal Government's responsibility to cultural resources. Section 106 of the NHPA requires the Federal Government to take into consideration the effects of an undertaking on cultural resources listed on or eligible for inclusion in the National Register of Historic Places (National Register). Those resources that are on or eligible for inclusion in the National Register are referred to as historic properties.

The Section 106 process is outlined in the Federal regulations at 36 Code of Federal Regulations (CFR) Part 800. These regulations describe the process that the Federal agency (Reclamation) takes to identify cultural resources and the level of effect that the proposed undertaking will have on historic properties. In summary, Reclamation must first determine if the action is the type of action that has the potential to affect historic properties. If the action is the type of action to affect historic properties, Reclamation must identify the area of potential effects (APE), determine if historic properties are present within that APE, determine the effect that the undertaking will have on historic properties, and consult with the State Historic Preservation Office, to seek concurrence on Reclamation's findings. In addition, Reclamation is required through the Section 106 process to consult with Indian Tribes concerning the identification of sites of religious or cultural significance, and consult with individuals or groups who are entitled to be consulting parties or have requested to be consulting parties.

3.4.1 Affected Environment

The San Joaquin Valley is rich in prehistoric and historical cultural resources. Prehistoric cultural resources include the material evidence of Native American populations that occupied the area prior to Euro-American settlement. Land conversion and intensive farming practices over the past century and a half have impacted many prehistoric sites; however, numerous Native American cultural resources likely lie undiscovered throughout the region. Historic-era cultural resources within the San Joaquin Valley include various built environment features related to

agriculture, ranching, and transportation. Many water storage and conveyance features have historical significance and can be considered cultural resources.

3.4.2 Environmental Consequences

No Action

There would be no impacts to historic properties or cultural resources as conditions would remain the same as existing conditions and no ground disturbance would occur.

Proposed Action

The Proposed Action consists of Reclamation issuing a partial assignment contract to Westlands and amending Oro Loma's repayment contract. As with the No Action alternative, the Proposed Action would result in no impacts to cultural resources. See Appendix A for Reclamation's determination.

Cumulative Impacts

As there would be no impacts to cultural resources as a result of Reclamation's Proposed Action or the No Action Alternative, no cumulative impacts are expected to occur.

3.5 Indian Sacred Sites

Executive Order 13007 requires Federal land managing agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites. "Sacred Sites" means any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian Tribe, or Indian individual determined to be an appropriate authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion.

Both alternatives involve the conveyance of water through existing facilities to established agricultural lands. Under both the No Action and Proposed Action alternatives, neither restriction of access to nor adverse effects to the physical integrity of any sacred sites would occur. As such, there will be no direct, indirect, or cumulative impacts to Indian sacred sites as a result of either the No Action or Proposed Action alternatives.

3.6 Indian Trust Assets

ITA are legal interests in assets that are held in trust by the United States Government for federally recognized Indian tribes or individuals. The trust relationship usually stems from a treaty, executive order, or act of Congress. The Secretary of the interior is the trustee for the United States on behalf of federally recognized Indian tribes. "Assets" are anything owned that holds monetary value. "Legal interests" means there is a property interest for which there is a legal remedy, such a compensation or injunction, if there is improper interference. Assets can be real property, physical assets, or intangible property rights, such as a lease, or right to use something. ITA cannot be sold, leased or otherwise alienated without United States' approval. Trust assets may include lands, minerals, and natural resources, as well as hunting, fishing, and

water rights. Indian reservations, rancherias, and public domain allotments are examples of lands that are often considered trust assets. In some cases, ITA may be located off trust land.

Reclamation shares the Indian trust responsibility with all other agencies of the Executive Branch to protect and maintain ITA reserved by or granted to Indian tribes, or Indian individuals by treaty, statute, or Executive Order.

3.6.1 Affected Environment

The nearest ITA is Santa Rosa Rancheria approximately six miles east of the Proposed Action area.

3.6.2 Environmental Consequences

No Action

There would be no impacts to ITA as conditions would remain the same as existing conditions.

Proposed Action

There would be no impact to ITA as there are none in the Proposed Action area. See Appendix A for Reclamation’s determination.

Cumulative Impacts

There are no ITA in the action area; therefore, the Proposed Action and the No Action Alternative would not contribute to cumulative impacts to ITA.

3.7 Environmental Justice

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

3.7.1 Affected Environment

Fresno and Kings Counties rely to a large extent, either directly or indirectly, on agriculture for employment. Between 47.9 percent and 58.3 percent of the population within Fresno and Kings Counties is of Hispanic or Latino origin, which compares to 37.6 percent for the state as a whole (Table 3-7). The market for seasonal workers on local farms also draws thousands of migrant workers, commonly of Hispanic origin from Mexico and Central America, increasing populations within these small communities during peak harvest periods.

Table 3-7 2009 Estimated Demographics for Fresno and Kings Counties

	Total Population	White (not Hispanic)	Black or African American	American Indian	Asian	Native Hawaiian/Pacific Islander	Hispanic
Fresno County	930,450	32.7%	5.3%	1.7%	9.6%	0.2%	50.3%
Kings County	152,982	35.2%	7.2%	1.7%	3.7%	0.2%	50.9%
California	37,253,956	40.1%	6.2%	1.0%	13.0%	0.4%	37.6%

Source: U.S. Census Bureau 2011

3.7.2 Environmental Consequences

No Action

The No Action Alternative would not cause dislocation, changes in employment, or increase flood, drought, or disease nor would it disproportionately impact economically disadvantaged or minority populations. Oro Loma would continue to annually transfer the majority of their CVP water supply to other CVP contractors as they cannot beneficially use their entire supply. Westlands would continue to seek annual water transfers from Oro Loma and other sources to partially offset insufficient water supplies in order to keep highly productive land under cultivation. Should these annual transfers not occur Westlands may be required to purchase additional water sources on the open market which is likely to be much higher than the assigned water supply. This could potentially impact disadvantaged or minority populations due to the economic impacts to the agricultural industry and current water demands.

Proposed Action

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. The Proposed Action may support and maintain jobs that low-income and disadvantaged populations rely upon through increased irrigation water supply reliability. Therefore, there may be a slight beneficial impact to minority or disadvantaged populations as a result of the Proposed Action.

Cumulative Impacts

The Proposed Action, when added to other existing and proposed actions, would have a slight beneficial contribution to cumulative impacts for minority or disadvantaged populations as it would help support and maintain jobs that low-income and disadvantaged populations rely upon due to increased irrigation water supply reliability.

The No Action alternative would not provide the same water supply reliability for Westlands as the Proposed Action and would cost much more than the assigned water. This could cumulatively impact disadvantaged or minority populations in Westlands due to the current economic impacts to the agricultural industry and current water demands. There would be no impact within Oro Loma as conditions would remain the same within the district.

3.8 Socioeconomic Resources

3.8.1 Affected Environment

Unemployment for Kern and Tulare counties was 10.0 and 12.9 percent in 2009 which has since risen to 16.1 and 16.7 in 2011 (U.S. Census Bureau 2011). For 2009 and 2011 both counties were approximately two to five percentage points higher than the State average (Table 3-8). In addition, both counties had per capita incomes approximately \$9,000-11,000 lower than the State per capita income (Table 3-8).

Table 3-8 2011 Preliminary Monthly Labor Force Data

	Labor Force	Employed	Per Capita Income ¹	Unemployment Rate
Fresno County	43,7400	364,400	\$20,375	16.7%
Kings County	60,800	51,000	\$17,416	16.1%
California	18,131,700	115,874,800	\$29,020	12.4%

Source: EDD 2011 and U.S. Census Bureau 2011
¹Amounts are based on 2009 numbers as the most recent data available from the U.S. Census Bureau.

Westlands and Oro Loma are primarily rural agricultural lands. There are several communities and a few cities in the surrounding area that are homes for farm workers. In addition, there are small businesses that support agriculture such as feed and fertilizer sales, machinery sales and service, pesticide applicators, transport, packaging, marketing, etc.

3.8.2 Environmental Consequences

No Action

Under the No Action Alternative, Oro Loma would continue to annually transfer the majority of their CVP water supply to other CVP contractors as they cannot beneficially use their entire supply. Westlands would continue to seek annual water transfers from Oro Loma and other sources to partially offset insufficient water supplies in order to keep highly productive land under cultivation. Should these annual transfers not occur Westlands may be required to purchase additional water sources on the open market which is likely to be much higher than the assigned water supply. The cost of water on the open market is likely to be much higher than the proposed assigned water supplies which could increase operational costs for Westlands.

Proposed Action

Under the Proposed Action, the status quo of agriculture would be maintained. CVP contractors would re-distribute CVP water to balance out local deficiencies in water supply and promote efficient irrigation of crops. The most productive farmland would remain in production. Seasonal labor requirements would change very little, and businesses that support agriculture would not be financially harmed. The assignment would allow more productive and labor-intensive land to remain in production, thereby potentially improving socioeconomic conditions in the region.

Cumulative Impacts

There may be adverse impacts to socioeconomic resources under the No Action Alternative as Westlands may need to purchase more costly water supplies and/or increase groundwater pumping in order to meet irrigation demand should annual transfers between the districts cease. There would be no impact to Oro Loma as conditions would remain the same within the district.

Over the long term, the Proposed Action would have slight beneficial impacts to socioeconomic resources within Westlands' as the assigned water would increase the amount of Westlands' CVP water supply. This would subsequently help to maintain the economic viability of irrigated agriculture within the district, which presently includes a significant percentage of permanent crops. There is greater economic output associated with permanent crops, which includes a year-round demand for farm labor (as compared to annual crops). When added to other similar existing and proposed actions, the Proposed Action would contribute to beneficial cumulative impacts to socioeconomic resources within Westlands.

3.9 Air Quality

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

On November 30, 1993, the Environmental Protection Agency (EPA) promulgated final general conformity regulations at 40 CFR 93 Subpart B for all federal activities except those covered under transportation conformity. The general conformity regulations apply to a proposed federal action in a non-attainment or maintenance area if the total of direct and indirect emissions of the relevant criteria pollutants and precursor pollutant caused by the Proposed Action equal or exceed certain *de minimis* amounts thus requiring the federal agency to make a determination of general conformity.

3.9.1 Affected Environment

The Proposed Action area lies within the San Joaquin Valley Air Basin (SJVAB) under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The pollutants of greatest concern in the San Joaquin Valley are carbon monoxide (CO), ozone (O₃), O₃ precursors such as volatile organic compounds (VOC), inhalable particulate matter between 2.5 and 10 microns in diameter (PM₁₀) and particulate matter less than 2.5 microns in diameter (PM_{2.5}). The SJVAB has reached Federal and State attainment status for CO, nitrogen dioxide (NO₂), and sulfur dioxide (SO₂). Federal attainment status has been reached for PM₁₀ but is in non-attainment for O₃ and PM_{2.5} (Table 3-9). There are no established standards for nitrogen oxides (NO_x); however, NO_x does contribute to NO₂ standards (SJVAPCD 2011).

Table 3-9 San Joaquin Valley Attainment Status

Pollutant	California Attainment Status	National Attainment Status
O ₃	Nonattainment	Nonattainment
CO	Attainment	Attainment
NO ₂	Attainment	Attainment
SO ₂	Attainment	Attainment
PM ₁₀	Nonattainment	Attainment
PM _{2.5}	Nonattainment	Nonattainment

Source: CARB 2011; SJVAPCD 2011; 40 CFR 93.153

3.9.2 Environmental Consequences

No Action

There would be no impacts to air quality as conditions would remain the same as existing conditions under this alternative.

Proposed Action

Under the Proposed Action, CVP water would be delivered off the SLC to Westlands rather than off the DMC to Oro Loma. Delivery of this water would require no modification of existing facilities or construction of new facilities. In addition, water would be moved either via gravity or electric pumps which would not produce emissions that impact air quality. Therefore, a conformity analysis is not required and there would be no impact to air quality as a result of the Proposed Action.

Cumulative Impacts

- | There would be no cumulative impacts to air quality under either alternative as there would be no emissions that impact air quality or construction activities that would produce emissions that could cumulatively impact air quality

3.10 Global Climate

Climate change refers to significant change in measures of climate (e.g., temperature, precipitation, or wind) lasting for decades or longer. Many environmental changes can contribute to climate change [changes in sun's intensity, changes in ocean circulation, deforestation, urbanization, burning fossil fuels, etc.] (EPA 2011a)

Gases that trap heat in the atmosphere are often called greenhouse gases (GHG). Some GHG, such as carbon dioxide (CO₂), occur naturally and are emitted to the atmosphere through natural processes and human activities. Other GHG (e.g., fluorinated gases) are created and emitted solely through human activities. The principal GHG that enter the atmosphere because of human activities are: CO₂, methane (CH₄), nitrous oxide, and fluorinated gasses (EPA 2011a).

During the past century humans have substantially added to the amount of GHG in the atmosphere by burning fossil fuels such as coal, natural gas, oil and gasoline to power our cars, factories, utilities and appliances. The added gases, primarily CO₂ and CH₄, are enhancing the natural greenhouse effect, and likely contributing to an increase in global average temperature and related climate changes. At present, there are uncertainties associated with the science of climate change (EPA 2011b).

Climate change has only recently been widely recognized as an imminent threat to the global climate, economy, and population. As a result, the national, state, and local climate change regulatory setting is complex and evolving.

In 2006, the State of California issued the California Global Warming Solutions Act of 2006, widely known as Assembly Bill 32, which requires California Air Resources Board (CARB) to develop and enforce regulations for the reporting and verification of statewide GHG emissions. CARB is further directed to set a GHG emission limit, based on 1990 levels, to be achieved by 2020.

In addition, the EPA has issued regulatory actions under the CAA as well as other statutory authorities to address climate change issues (EPA 2011c). In 2009, the EPA issued a rule (40 CFR Part 98) for mandatory reporting of GHG by large source emitters and suppliers that emit

25,000 metric tons or more of GHG [as CO₂ equivalents per year] (EPA 2009). The rule is intended to collect accurate and timely emissions data to guide future policy decisions on climate change and has undergone and is still undergoing revisions (EPA 2011c).

3.10.1 Affected Environment

Global mean surface temperatures have increased nearly 1.8°F from 1890 to 2006 (Intergovernmental Panel on Climate Change 2007). Models indicate that average temperature changes are likely to be greater in the northern hemisphere. Northern latitudes (above 24°North) have exhibited temperature increases of nearly 2.1°F since 1900, with nearly a 1.8°F increase since 1970 alone (Intergovernmental Panel on Climate Change 2007). Without additional meteorological monitoring systems, it is difficult to determine the spatial and temporal variability and change of climatic conditions, but increasing concentrations of GHG are likely to accelerate the rate of climate change.

More than 20 million Californians rely on the State Water Project and CVP. Increases in air temperature may lead to changes in precipitation patterns, runoff timing and volume, sea level rise, and changes in the amount of irrigation water needed due to modified evapotranspiration rates. These changes may lead to impacts to California's water resources and project operations.

While there is general consensus in their trend, the magnitudes and onset-timing of impacts are uncertain and are scenario-dependent (Anderson et al. 2008).

3.10.2 Environmental Consequences

No Action

There would be no impacts to global climate change as conditions would remain the same as existing conditions under this alternative.

Proposed Action

Electric pumps produce CO₂ that could potentially contribute to GHG. However, water under the Proposed Action is water that would be delivered from the existing facilities with or without the Proposed Action and is therefore part of the existing conditions. There would be no additional impacts to GHG as a result of the Proposed Action.

Cumulative Impacts

Impacts from GHG are considered to be cumulative impacts; however, delivery of water under either alternative is part of the existing baseline conditions of the Central Valley and is not expected to produce additional GHG that could contribute to global climate change.

CVP water allocations are made dependent on hydrologic conditions and environmental requirements. Since Reclamation operations and allocations are flexible, any changes in hydrologic conditions due to global climate change would be addressed within Reclamation's operation flexibility and therefore water resource changes due to climate change would be the same with or without the Proposed Action.

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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 during a public comment period from December 30, 2011 through January 18, 2012. Reclamation received one comment letter from the following organizations: Sierra Club California, Friends of the River, North Coast Rivers Alliance, Southern California Watershed Alliance, Desal Response Group, Pacific Coast Federation of Fishermen's Associations, California Sport Fishing Protection Alliance, Northern California Council Federation of Fly Fishers, California Water Impact Network, AquAlliance, Planning and Conservation League, and Salmon Water Now. The comment letter and Reclamation's response to comments can be found in Appendix B.

4.2 Fish and Wildlife Coordination Act (16 U.S.C. § 661 et seq.)

The Fish and Wildlife Coordination Act (FWCA) requires that Reclamation consult with fish and wildlife agencies (federal and state) on all water development projects that could affect biological resources. The amendments enacted in 1946 require consultation with the Service and State fish and wildlife agencies "whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license". Consultation is to be undertaken for the purpose of "preventing the loss of and damage to wildlife resources".

The Proposed Action does not involve any new impoundment or diversion of waters, channel deepening, or other control or modification of a stream or body of water as described in the statute, but the partial assignment of existing CVP supplies to an existing CVP contractor. In addition, no construction or modification of water conveyance facilities are required for movement of this water. Consequently, Reclamation has determined that the FWCA does not apply.

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

Section 7 of the Endangered Species Act (ESA) requires Federal agencies, in consultation with the Secretary of the Interior and/or Commerce, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of the critical habitat of these species.

The assigned 4,000 AF of SOD CVP contractual supply would be used to meet Westlands' in-district demands and other uses consistent with the existing water service contract and Reclamation approvals. No new infrastructure, modifications of facilities, or ground disturbing

activities would be needed for movement of this water. Under the Proposed Action, the water would be conveyed in existing facilities to established agricultural lands similar to what has been done for the last five years during annual transfers between Westlands and Oro Loma.

The Proposed Action would not impact the water in, or diverted from the Delta, in a way that has not already been analyzed and consulted upon under the ESA for effects to listed fish species and their critical habitat. No changes would be made to the points of diversions or CVP operations, and the water to be transferred would continue to be conveyed as previously conveyed under the annual transfers. Consequently, there would be no effect to listed or proposed fish species or their critical habitat.

No native habitat, untilled lands or lands fallow for three or more years would be brought into production or cultivated with this water as this water would be used to maintain existing crops or croplands within Westlands. At Oro Loma, any remaining CVP water left would continue to be used by Oro Loma to irrigate annual crops and there would be no changes to existing conditions. Oro Loma does not pump groundwater and CVP water is its sole source of surface water, so agricultural production would remain similar to what has occurred over the last several years.

The assignment of 4,000 AF of Oro Loma's SOD CVP allocation is not expected to contribute cumulatively to changes in habitat for listed species as this water would be used on existing crops in Westlands and would not cause additional fallowing in Oro Loma as lands are already fallowed and/or dryland farmed. In addition, all conditions under the existing contract (for Oro Loma) that protect biological resources would be transferred to Westlands for the portion allocated under the partial assignment. Therefore, there would be no cumulative adverse impacts to biological resources as a result of the Proposed Action.

Consequently, Reclamation has determined that the proposed action would not affect listed species or critical habitat protected under the ESA.

4.4 Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. § 1801 et seq.)

The Magnuson-Stevens Fishery Conservation and Management is the primary law governing marine fisheries management in United States federal waters. The Act was first enacted in 1976 and amended in 1996.

As there would be no impact to the water in, or diverted from the Delta, to points of diversions or CVP operations, and this water would continue to be conveyed as previously conveyed under the annual transfers, there would be no effect to Essential Fish Habitat, as regulated under the Magnuson-Stevens Fisheries Conservation and Management Act.

4.5 National Historic Preservation Act (16 U.S.C. § 470 et seq.)

The NHPA of 1966, as amended (16 U.S.C. 470 et seq.), requires that federal agencies give the Advisory Council on Historic Preservation an opportunity to comment on the effects of an undertaking on historic properties, properties that are eligible for inclusion in the National Register. The 36 CFR Part 800 regulations implement Section 106 of the NHPA.

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

The proposed activities outlined in this EA under the No Action and Proposed Action alternatives has no potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1).

4.6 Migratory Bird Treaty Act (16 U.S.C. § 703 et seq.)

The Migratory Bird Treaty Act implements various treaties and conventions between the United States and Canada, Japan, Mexico and the former Soviet Union for the protection of migratory birds. Unless permitted by regulations, the Act provides that it is unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not. Subject to limitations in the Act, the Secretary of the Interior may adopt regulations determining the extent to which, if at all, hunting, taking, capturing, killing, possessing, selling, purchasing, shipping, transporting or exporting of any migratory bird, part, nest or egg will be allowed, having regard for temperature zones, distribution, abundance, economic value, breeding habits and migratory flight patterns.

Reclamation has determined that the partial assignment of 4,000 AF of Oro Loma's SOD CVP water supply to Westlands would not impact migratory birds. The Proposed Action would not change land use patterns, no ground disturbing activities would take place, and water from this assignment comes from an existing allocation which would not require additional diversions.

4.7 Executive Order 11988 – Floodplain Management and Executive Order 11990 – Protection of Wetlands

Executive Order 11988 requires Federal agencies to prepare floodplain assessments for actions located within or affecting flood plains, and similarly, Executive Order 11990 places similar requirements for actions in wetlands. The Proposed Action would not affect either concern as there are none in the Proposed Action area.

4.8 Clean Water Act (33 U.S.C. § 1251 et seq.)

Section 401 of the Clean Water Act [CWA] (33 U.S.C. § 1311) prohibits the discharge of any pollutants into navigable waters, except as allowed by permit issued under sections 402 and 404 of the CWA (33 U.S.C. § 1342 and 1344). If new structures (e.g., treatment plants) are proposed, that would discharge effluent into navigable waters, relevant permits under the CWA would be required for the project applicant(s). Section 401 requires any applicant for an individual U. S. Army Corps of Engineers dredge and fill discharge permit (Section 404) to first obtain certification from the state that the activity associated with dredging or filling will comply with applicable state effluent and water quality standards. This certification must be approved or waived prior to the issuance of a permit for dredging and filling.

No activities such as dredging or filling of wetlands or surface waters would be required for implementation of the Proposed Action, therefore permits obtained in compliance with CWA are not required.

Section 5 List of Preparers and Reviewers

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Ned Gruenhagen, PhD., Wildlife Biologist, SCCAO
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Westlands Water District

Russ Freeman, Supervisor of Resources
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Section 6 References

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FINAL ENVIRONMENTAL ASSESSMENT (11-092)

*ORO LOMA WATER DISTRICT PARTIAL ASSIGNMENT OF 4,000 ACRE-FEET OF
CENTRAL VALLEY PROJECT WATER TO WESTLANDS WATER DISTRICT*

Appendix A
**Reclamation's Environmental Determinations (Cultural
Resources, ESA, and ITA)**

February 2012

Healer, Rain L

From: Bruce, Brandee E
Sent: Friday, December 02, 2011 2:32 PM
To: Healer, Rain L
Cc: Barnes, Amy J; Dunay, Amy L; Fogerty, John A; Goodsell, Joanne E; Nickels, Adam M; Overly, Stephen A; Perry, Laureen (Laurie) M; Soule, William E; Williams, Scott A
Subject: RE: EA-11-092 For Review--CR Resp
Attachments: 11-092 Oro Loma 12022011_CR Comments.doc

Project No.: 12-SCAO-045

Project Name: Draft EA 11-092 – Oro Loma Water District Partial Assignment of 4,000 acre-feet to Westlands Water District

Rain,

The proposed undertaking for Reclamation to issue a partial assignment contract to Westlands Water District (WWD) for 4,000 acre-feet (AF) of Central Valley Project (CVP) water and amend the existing Oro Loma Water District (OLWD) CVP water service contract to decrease their CVP contract quantity to 600 AF has no potential to cause effects to historic properties pursuant to the Section 106 implementing regulations at 36 CFR Part 800.3(a)(1).

The proposed action to issue the partial assignment to WWD and amend the CVP water service contract to OLWD to allow water that was formerly transferred to WWD on an annual basis from OLWD to be delivered directly to WWD via the San Luis Canal (SLC). The assigned 4,000 AF of CVP contractual supply would be used to meet WWD's in-district demands and other uses consistent with the existing water service contract and Reclamation approvals. No new infrastructure, modifications of facilities, or ground disturbing activities would be needed for movement of this water. No native or untilled land would be cultivated with water involved with these actions.

Please find attached the Draft EA with some minor edits to the cultural resources sections. Please include these in the final EA. This email memo is intended to convey the conclusion of the Section 106 process for this undertaking. Please retain a copy of this memo with the EA documentation. Thank you for providing the opportunity to comment.

BranDee

From: Healer, Rain L
Sent: Friday, December 02, 2011 11:19 AM
To: Barnes, Amy J; Bruce, Brandee E; Dunay, Amy L; Fogerty, John A; Goodsell, Joanne E; Nickels, Adam M; Overly, Stephen A; Perry, Laureen (Laurie) M; Soule, William E; Williams, Patrick E; Williams, Scott A
Subject: EA-11-092 For Review

I have attached EA-11-092, Oro Loma Water District Partial Assignment of 4,000 acre-feet to Westlands Water District, for your review.

Cost authority: A1R-1752-9652-220-02-5-7

Rain L. Healer
Natural Resources Specialist
United States Department of the Interior

Bureau of Reclamation
1243 N Street, SCC 413
Fresno, CA 93721
(559) 487-5196
rhealer@usbr.gov



United States Department of the Interior

BUREAU OF RECLAMATION
1243 "N" Street
Fresno, CA 93727



IN REPLY REFER TO:

December 16, 2011

MEMORANDUM

To: Rain Healer

From: Ned Gruenhagen, Ph.D.
Wildlife Biologist

Subject: No-Effect Determination for Assignment of CVP Water Supplies from Oro Loma Water District to Westlands Water District

Reclamation has a Proposed Action to permanently assign 4000 Acre-feet of CVP water supply from Oro Loma Water District (Oro Loma) to Westlands Water District (Westlands). The Proposed Action is described in a draft Environmental Assessment (Reclamation 2011), which Reclamation will make available for public comment on Reclamation's Mid-Pacific Region web site (<http://www.usbr.gov/mp/nepa/index.cfm>).

Section 7 of the Endangered Species Act (ESA; 16 U.S.C. § 1531 et seq.) requires Federal agencies, in consultation with the Secretary of the Interior and/or Commerce, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of the critical habitat of these species.

Species and designated critical habitat that could potentially be affected by the Proposed Action was obtained (Service Document No. 111129120544) by accessing the U.S. Fish and Wildlife Service (USFWS) Database:

http://www.fws.gov/sacramento/y_old_site/es/spp_lists/auto_list_form.cfm, on November 29, 2011. Additionally, anadromous species and their critical habitat also were considered in Reclamation's evaluation of effects from the Proposed Action. The list from Service covers the following 7 ½ minute U.S. Geological Survey quadrangles: Avenal, Broadview Farms, Burrel, Calflax, Cantua Creek, Chaney Ranch, Chounet Ranch, Coalinga, Coit Ranch, Domengine Ranch, Dos Palos, Firebaugh, Five Points, Gujarral Hills, Hammonds Ranch, Harris Ranch, Helm, Huron, Kettleman City, La Cima, Lemoore, Levis, Lillis Ranch, Monocline Ridge, San Joaquin, Stratford, Tranquillity, Tres Pecos Farms, Tumey Hills, Vanguard, Westhaven and Westside.

The assigned 4,000 AF of SOD CVP contractual supply would be used to meet Westlands in-district demands and other uses consistent with the existing water service contract and Reclamation approvals. No new infrastructure, modifications of facilities, or ground disturbing activities would be needed for movement of this water. The water would be conveyed in existing facilities to established agricultural lands similar to what has been done for the last five

years during annual transfers between Oro Loma and Westlands. No native habitat, untilled lands or lands fallow for three or more years would be brought into production or cultivated with this water as this water would be used to maintain existing crops or croplands within Westlands.

At Oro Loma, any remaining CVP water left would continue to be used by Oro Loma to irrigate annual crops and there would be no changes to existing conditions. Oro Loma does not pump groundwater and CVP water is its sole source of surface water, so agricultural production would remain similar to what has occurred over the last several years.

The assignment of 4,000 AF of Oro Loma's SOD CVP allocation is not expected to contribute cumulatively to changes in habitat for listed species as this water would be used on existing crops or croplands in Westlands and would not cause additional fallowing in Oro Loma as lands are already fallowed and/or dry-land farmed. In addition, all conditions under the existing contract (for Oro Loma) that protect biological resources would be transferred to Westlands for the portion allocated under the partial assignment. Therefore, there would be no cumulative adverse impacts to biological resources as a result of the Proposed Action.

Consequently, Reclamation has determined that the proposed action would not affect listed species or designated critical habitat protected under the ESA.

Reference

Reclamation (Bureau of Reclamation *in prep*). Draft Environmental Assessment. 2011. Oro Loma Water District Partial Assignment of 4,000 acre-feet of Central Valley Project Water to Westlands Water District. Bureau of Reclamation, South-Central California Area Office, Fresno, California.



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF RECLAMATION
1243 "N" Street
Fresno, CA 93727



February 10, 2012

MEMORANDUM

To: Rain Healer

From: Ned Gruenhagen, Ph.D.
Wildlife Biologist

Subject: Addendum to December 16, 2011 Memorandum of No-Effect Determination for Assignment of CVP Water Supplies from Oro Loma Water District to Westlands Water District

In a December 16, 2011 Memorandum, Reclamation provided a No Effect Determination for Reclamation's Proposed Action to permanently assign 4000 Acre-feet of CVP water supply from Oro Loma Water District (Oro Loma) to Westlands Water District (Westlands) would have no effect on listed species or critical habitat protected under the Endangered Species Act (ESA; 16 U.S.C. § 1531 et seq.). Reclamation incorporates by reference the December 16, 2011 memorandum, and herewith specifically provides Reclamation's determination that the Proposed Action would have no effect to listed fish species or their critical habitat protected under the ESA. Additionally, Reclamation has determined that essential fish habitat, as regulated under the Magnuson-Stevens Fisheries Conservation and Management Act (16 U.S.C. § 1801 et seq.), would not be affected by the Proposed Action.

The Proposed Action was previously described in a draft Environmental Assessment (EA; Reclamation 2011), which Reclamation made available for public comment on Reclamation's Mid-Pacific Region web site (<http://www.usbr.gov/mp/nepa/index.cfm>). The species and designated critical habitat that could potentially be affected by the Proposed Action that were considered in the EA were obtained from the U.S. Fish and Wildlife Service (Document No. 111129120544), along with anadromous species and their critical habitat known from the Delta.

The Proposed Action would not impact the water in, or diverted from the Delta, in a way that has not already been analyzed and consulted upon under the ESA for effects to listed fish species and their critical habitat. No changes would be made to the points of diversions or CVP operations, and the water to be transferred would continue to be conveyed as previously conveyed under the annual transfers.

Therefore, Reclamation has determined that the Proposed Action would have no effect on federally listed or proposed threatened or endangered fish species or their critical habitat. For similar reasons, Reclamation has determined that there would be no effect to Essential Fish

Habitat, as regulated under the Magnuson-Stevens Fisheries Conservation and Management Act (16 U.S.C. § 1801 et seq.).

Reference

Reclamation (Bureau of Reclamation). 2011. Draft Environmental Assessment. Oro Loma Water District Partial Assignment of 4,000 acre-feet of Central Valley Project Water to Westlands Water District. Bureau of Reclamation, South-Central California Area Office, Fresno, California.

Healer, Rain L

From: Rivera, Patricia L
Sent: Friday, December 02, 2011 4:47 PM
To: Healer, Rain L
Subject: RE: EA-11-092 Oro Loma

Rain,

I reviewed the proposed action to issue a partial assignment contract to Westlands Water District (Westlands) for 4,000 acre-feet (AF) of Central Valley Project (CVP) water. In turn, Reclamation would amend Oro Loma Water District's (Oro Loma) existing CVP water service contract to reflect Oro Loma's CVP contract quantity to be 600 AF.

As a result of the proposed assignment, water that was formerly transferred to Westlands on an annual basis would be delivered to Westlands through the San Luis Canal (SLC) as scheduled for delivery by Westlands instead of Oro Loma. The assigned 4,000 AF of CVP contractual supply would be used to meet Westlands' in-district demands and other uses consistent with the existing water service contract and Reclamation approvals.

No new infrastructure, modifications of facilities, or ground disturbing activities would be needed for movement of this water. No native or untilled land (fallow for three years or more) would be cultivated with water involved with these actions.

The proposed action does not have a potential to affect Indian Trust Assets.

Patricia

Healer, Rain L

From: Rivera, Patricia L
Sent: Thursday, December 08, 2011 9:49 AM
To: Healer, Rain L
Subject: FW: EA-11-092 Oro Loma
Attachments: Indian Trust Assets Request Form Oro Loma.doc

The nearest ITA is Santa Rosa Rancheria approximately 6 miles East of the project location.

Patricia

FINAL ENVIRONMENTAL ASSESSMENT (11-092)

*ORO LOMA WATER DISTRICT PARTIAL ASSIGNMENT OF 4,000 ACRE-FEET OF
CENTRAL VALLEY PROJECT WATER TO WESTLANDS WATER DISTRICT*

Appendix B

Comment Letter and Reclamation's Response to Comments

February 2012



January 18, 2012

Ms. Rain Healer
 South Central California Area Office
 U.S. Bureau of Reclamation
 1243 N. St.
 Fresno, CA 93721

Re: Comments on Draft EA/FONSI for Oro Loma Water District Partial Assignment of Central Valley Project Water to Westlands Water District FONSI-11-092

Dear Ms. Healer:

The undersigned groups respectfully submit the following comments on the Draft environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) for the Oro Loma Water District's Partial Assignment of Central Valley Project Water to Westland Water

Coalition-1
 ↓

District. The EA and FONSI are deficient and an Environmental Impact Statement (EIS) must be prepared, as required by the National Environmental Policy Act (NEPA).

The Bureau of Reclamation (USBR) based its EA and FONSI on the false premise that the previous temporary transfer of Oro Loma’s CVP water supply (up to 100 percent) to Westlands Water District over the last ten years is the “environmental baseline of delivery of this water to Westlands as it has been occurring historically” and therefore, based on no monitoring or environmental data USBR incorrectly concluded without analysis to support such a finding the project “will not impact implementation of the SOD AWTP.”¹ The South of the Delta Accelerated Water Transfer Program also relied on a FONSI and also stated the baseline would not change and the proposed transfers are **temporary** and therefore there are no biological impacts nor could the transfers be relied upon for a reliable source of water.² The Contracting Officer is required to review this transfer for consistency with the project description within the EA and all applicable permits, laws and regulations. This project is not temporary. The environmental baseline and impacts have not been reviewed as required by NEPA. The permanent assignment of this water contract to Westlands Water District and the associated impacts of irrigating toxic soils has not been analyzed nor the long term cumulative effects as required by NEPA. The full range of alternatives is not considered.

1. **Impact Analysis:** The EA claims there would be no impact because ... “Since 2005, between 87 and 100 percent of Oro Loma’s CVP water supply has been transferred solely to Westlands....The assignment of 4,000 AF of Oro Loma’s supply would not change the environmental baseline of delivery of this water to Westlands as it has been occurring historically. ...As Oro Loma cannot beneficially use their entire contract supply, the assignment would help to balance out deficiencies within Westlands and make the most beneficial use of available CVP supplies.” (EA at page 12) No data or analysis is provided to support this conclusion. The analysis is little more than akin to starting a race at the finish line and simply stating there is no place to go. Other beneficial uses such as salmon populations have crashed since 2005 largely due to increased exports from the Delta.

2. **Compliance with other laws:** The EA states the proposed action would deliver water through existing facilities to existing irrigated agricultural lands which already receive delivered water and therefore the proposed action “would have no effect on birds protected by the Migratory Bird Treaty Act (MBTA).³ The status-quo premise of this non-analysis, as with the EA’s excuse for its lack any impact analysis, strips away all substance leaving only a comparison of two actions that are *exactly the same*. This premise is flat wrong. The CVPIA does not mandate water transfers. To the contrary, it expressly confers discretion on USBR to provide this flexibility after environmental impacts and weighing of fish and wildlife impacts and water needed for those beneficial uses has taken place.

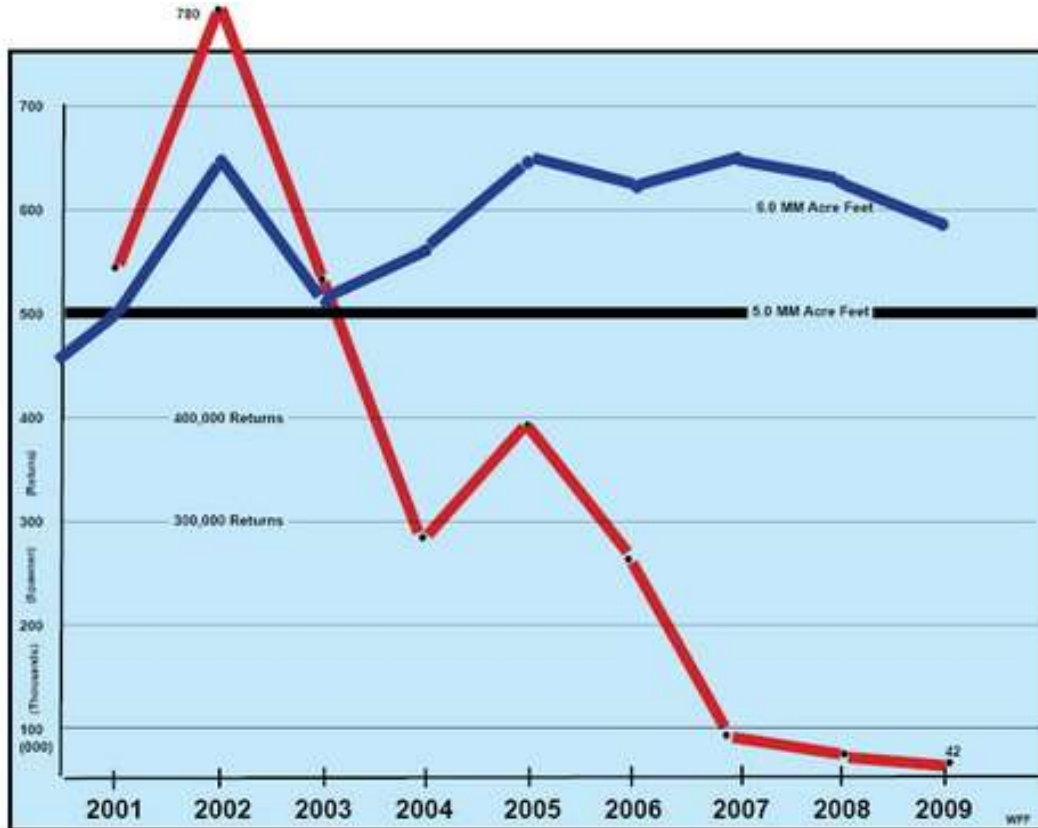


Figure 1. Pumping increased and salmon crashed⁴

Thus, regarding the MBTA example, USBR must compare the effects on migratory birds of continued water diversion and deliveries to Westlands' toxic soils as shown in Figure 2, and providing this transferred water to other beneficial uses or no diversions and delivery of that water. Westlands Water District has a massive pollution problem that violates federal and state anti-degradation policies. Putting water on these toxic soils, increases pollution and harms other beneficial uses. The same comparative analysis is required in place of the EA's non-analysis of the project's compliance with the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act and the Clean Water Act. USBR's failure to undertake a substantive analysis of this project along with numerous other transfer projects identified in the EA and their compliance with all these other environmental laws perpetuates a pattern and practice that violates NEPA.

Coalition-3
cont.

Coalition-3
cont.

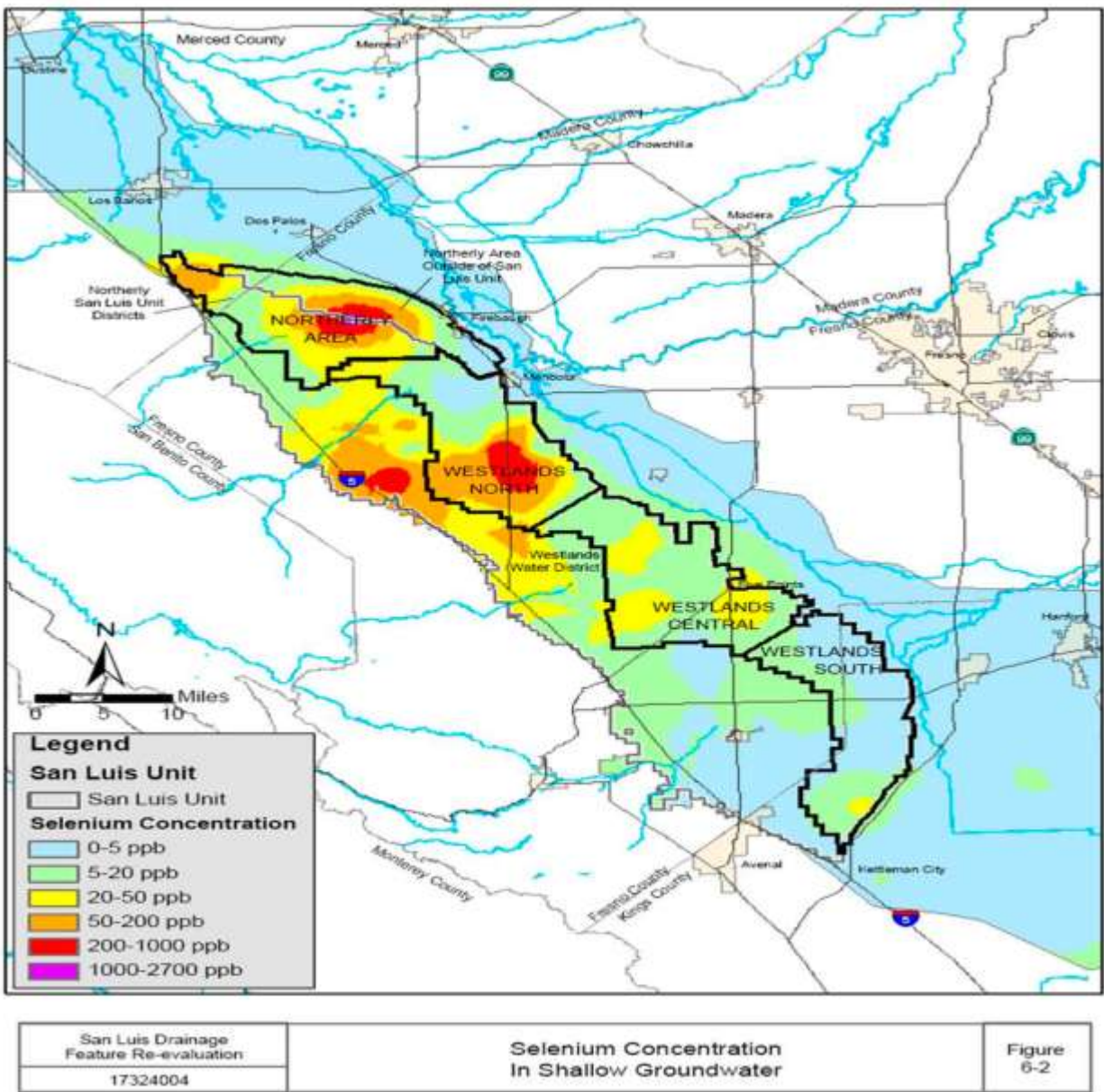


Figure 2—WWD Toxic Soils & Groundwater Pollution—5 ppb Safe EPA Aquatic Life Criteria

3. The EA ignores most of the Project's impacts by limiting the Study Area to the lands receiving the water deliveries and fails update the water needs assessment for Westlands Water District to reflect the reduced irrigated acreage within the district, and provide an up to date water needs assessment for this project and the district.

Coalition-4

The EA ignores the fact that each water delivery requires a water diversion, and that each water diversion has an environmental impact on its water sources. The EA accomplishes this biased analysis by limiting its consideration of the environmental impacts to the service areas of the two contractors, where WWD the district to receive the deliveries naturally insists that the

deliveries are beneficial. [FONSI pg 2 and EA pg. 12] In fact the EA suggests this transfer will result in reduced diversions, “The use of this water in Westlands would reduce the need for transfers of alternate sources of surface water.” [EA at pg 12]. There is little evidence that such a conclusion is warranted given the continued expansion of Westlands Water District and how many water districts Westlands has gobbled up since 2000. The EA ignores the *diversions*’ environmental impacts on the water *sources* including the American, Trinity, and Sacramento rivers and the Delta—by narrowly defining the “Study Area” to exclude the area most adversely affected, including the source watersheds. This error is prejudicial because the Final Environmental Assessment Accelerated Water Transfers and Exchanges, Central Valley Project, South of Delta Contractors Years 2011-2015 EA-10-51 and FONSI, from which this EA and FONSI are tiered did not analyze the site specific impacts of this project and likewise ignored impacts on the source watersheds. In fact the all of the listed exchanges and contract assignments to Westlands Water District of some 42,858 AF from surrounding districts gobbled up by Westlands highlighted in yellow in **Figure 2**, along with the proposed an additional 50,000 AF from the Kings River⁵ were or are based on the same fundamental flaw and prejudicial bias. No water needs analysis for Westlands Water District is provided in the EA. As can be seen in Figures 3 and 4 since the end of 2004, Westlands Water District has acquired over 102,878 acres of agricultural lands within the district to be retired from irrigation.⁶ Despite this land retirement and millions of tax payer dollars invested in irrigation efficiencies at Westland Water District, the district has increased water contract demands from the original 900,000 AF at 2.6 ac feet per acre to the present day 1.115 AF to serve 570,000 acres where over 100,000 acres of that district acreage has been retired.⁷

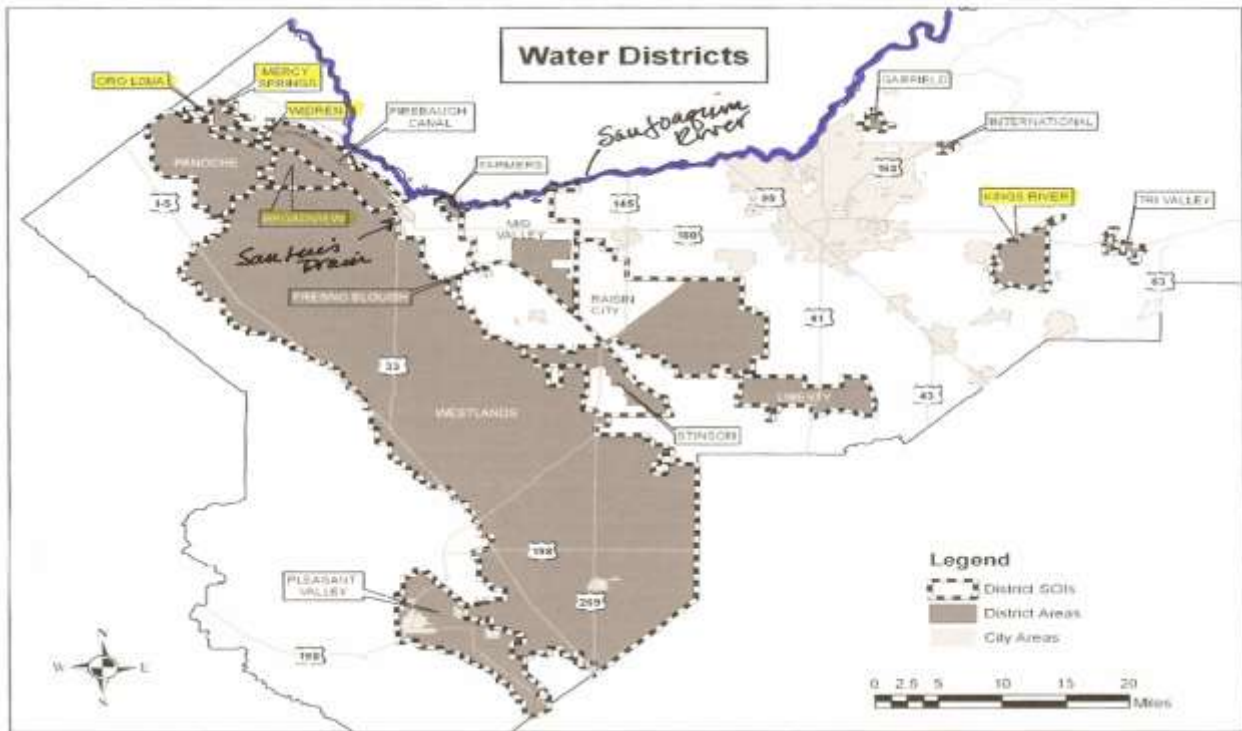
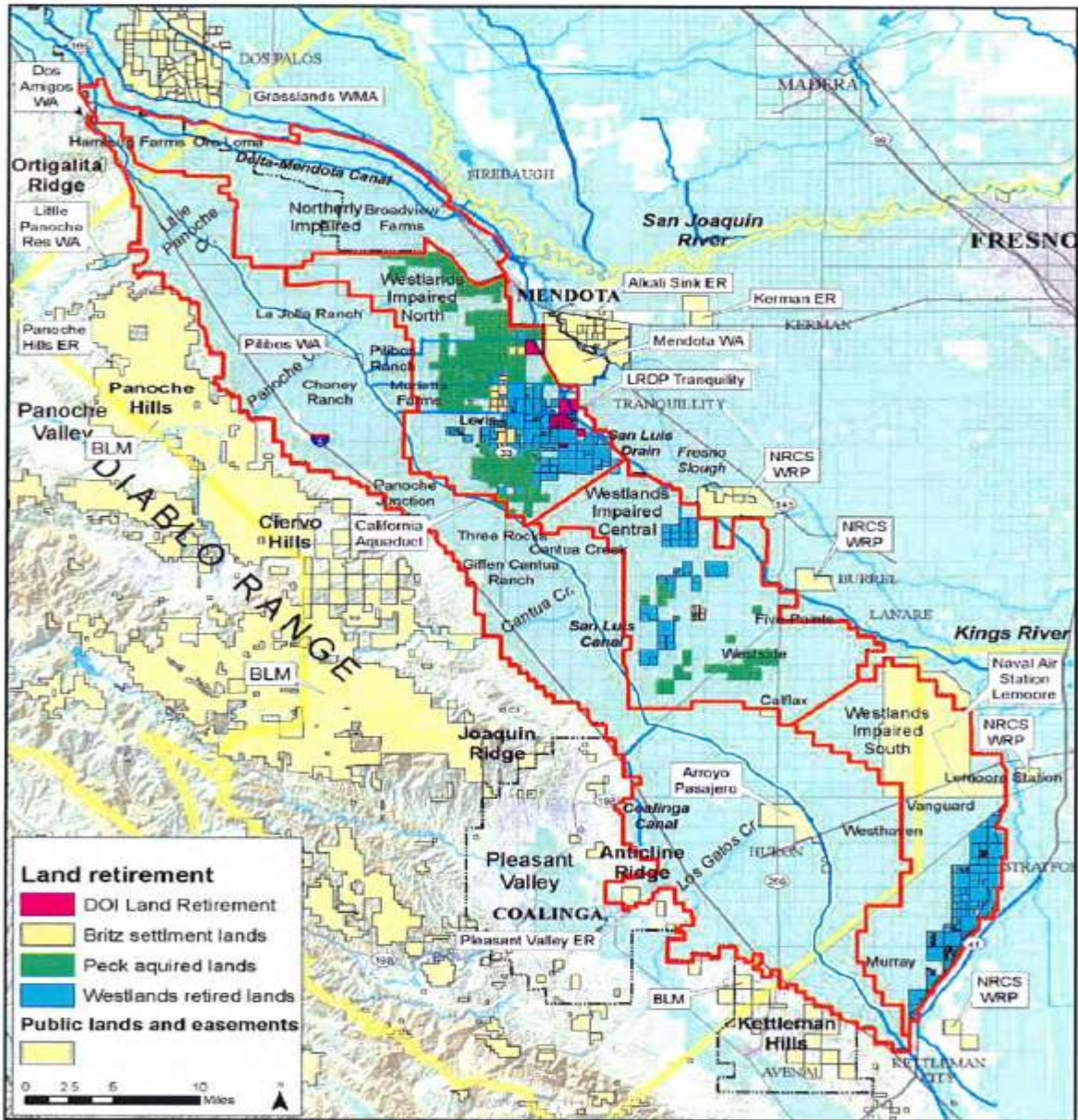


Figure 2 Water Districts’ & Water Taken Over by WWD Or Proposed Transfers Highlighted⁸

Coalition-4
cont.



Coalition-4
cont.



Figure 3—Estimated Lands Retired in WWD in 2006⁹

Coalition-4
cont.

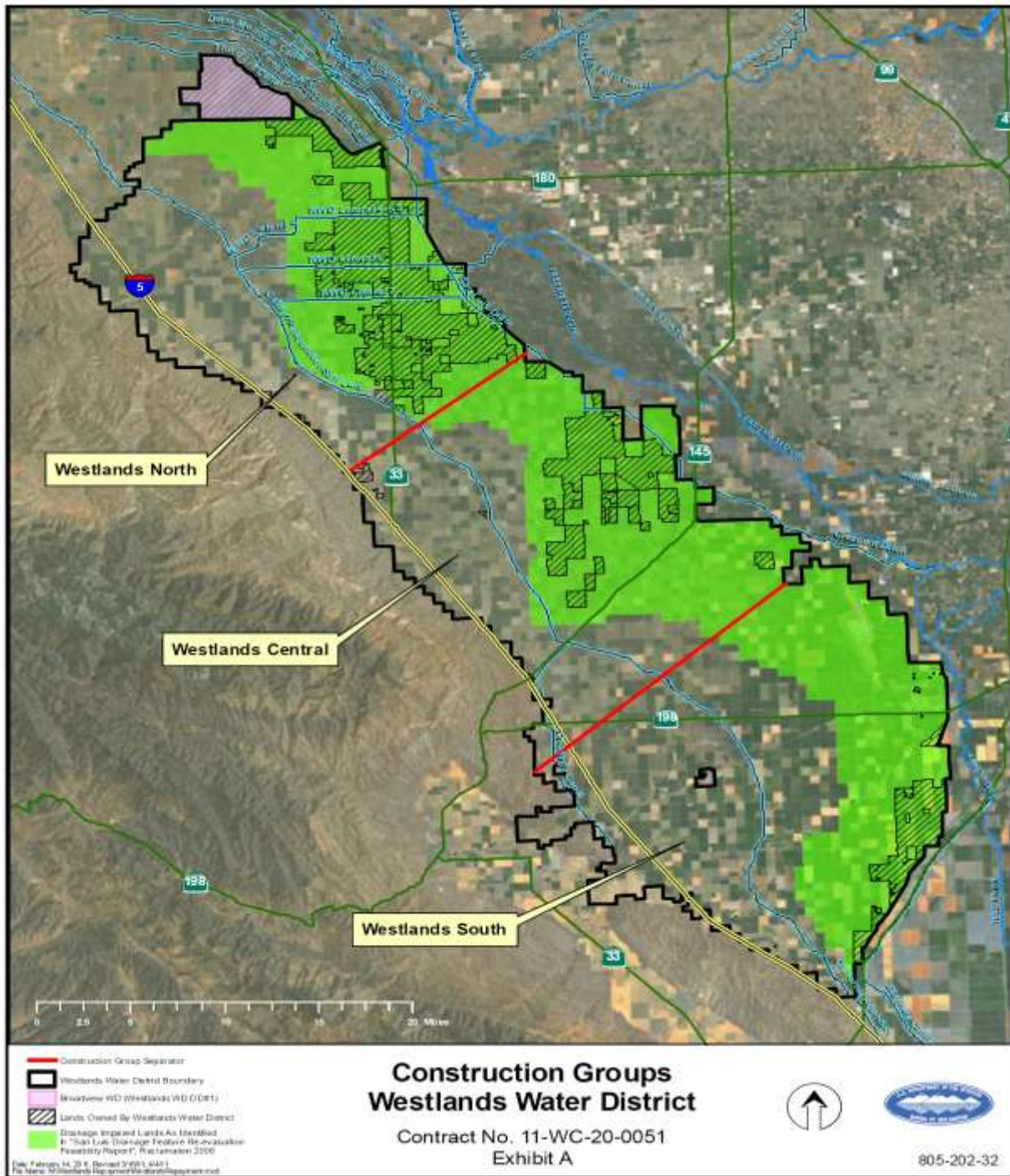


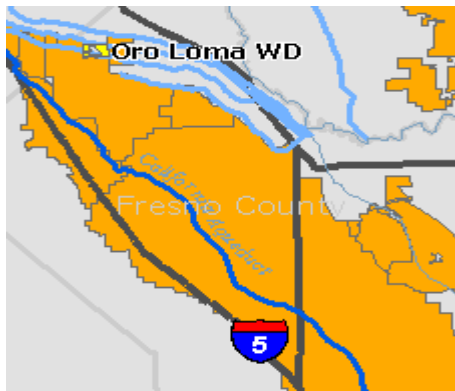
Figure 4 –WWD Retired Lands February 2011 Source WWD.

Coalition-5

In February 2006 USBR stated, "The Westlands contract will contain a provision that will allow Reclamation to conduct a new water needs assessment to determine if the entire amount of water under the new contract can be put to reasonable and beneficial use if a land retirement program is implemented as a means of addressing drainage in the San Luis Unit... If the water

needs assessment determines that all of the water under the contract cannot be put to reasonable and beneficial use with Westlands on lands that are not retired, the amount of water under the contract can be reduced by Reclamation.”¹⁰ No water needs assessment has been provided to the public and USBR has yet to update the water needs assessment for Westlands Water District to reflect the reduced irrigated acreage within the District. Without such an assessment it is impossible to evaluate whether the water to be transferred will be beneficially used, especially in light of other competing demands, including unique CVP project features such as; wetlands, wild and scenic rivers, refuges, as well as, endangered species and the need to provide clean firm Level 4 water supplies to wetlands that could benefit listed species such as the giant garter snake.¹¹ Additionally alternatives to this and other transfers need to consider alternatives to meet obligations under Title 34 of Public Law 102-575, the Central Valley Project Improvement Act (CVPIA) of 1992, at Section 3406(b)(2), that directs the Secretary of the Interior to dedicate 800,000 acre-feet of Central Valley Project (CVP) water yield to the implementation of the fish and wildlife purposes and measures authorized by the CVPIA. Paramount among the purposes and measures is the rebuilding of Central Valley salmon stocks through a CVPIA Anadromous Fisheries Restoration Program by 2002 which have not been achieved.¹² Finally, the EA does not disclose how the project will comply with the CVPIA full cost provisions and water pricing reforms. As the Environmental Working Group presented in 2002, the Oro Loma Water District receives substantial subsidies from the taxpayers.¹³

Top Water Subsidy Recipients in Oro Loma Water District (2002)



Total CVP Water Purchased	3,123
Total Amount Paid to the Bureau of Reclamation	\$62,735
Total Subsidy1: US Bureau of Rec's "Full cost" Rate	\$40,449
Total Subsidy2: Environmental Water Account Rate	\$341,631
Total Subsidy3: Replacement Water Rate	\$469,487

Map Legend

- Dam
- Selected Water District
- Aqueduct
- Canal
- Other Water Districts

Sort by: [Farm Name](#) | [Water Purchased](#) | ["Full Cost" Subsidy](#) | [Cost to EWA](#) | [Cost for Replacement](#)

Farm Name	Estimated amount of Oro Loma Water District water purchased in 2002 (acre-feet)	Oro Loma Water District Subsidy calculated at		
		Federal "full cost" rate	State Environmental Water Account rate	Replacement water rate
BLUE STAR FARM	1,879	\$24,000	\$210,000	\$280,000
MILES, RANDY & MAMIE	707	\$9,200	\$77,000	\$110,000
MILES RANCH, LYNN	537	\$7,000	\$59,000	\$81,000

Coalition-5
cont.

Coalition-6 | We request the proposed FONSI and EA be rejected and full EIS be prepared to address the environmental impacts of this project and the full range of alternatives.


Thank you for the opportunity to comment and your consideration of our comments.



Jim Metropulos
Senior Advocate
Sierra Club California



Steven L. Evans
Wild Rivers Project Consultant
A Joint Project of Friends of the River and
California Wilderness Coalition



Zeke Grader
Executive Director
Pacific Coast Federation of Fisherman's
Federation Association Inc.



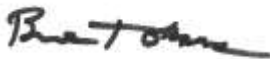
Jonas Minton
Senior Water Policy Advisor
Planning and Conservation League



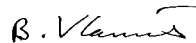
Carolee Krieger
Board President and Executive Director
California Water Impact Network



Bill Jennings
Chairman Executive Director
California Sportfishing Protection Alliance



Bruce Tokars
Salmon Water Now
Frank Egger
President
North Coast Rivers Alliance



Barbara Vlamis
Executive Director
AquAlliance



C. Mark Rockwell
Vice President
Northern California Council
Federation of Fly Fishers



Conner Everts
Southern California Watershed Alliance
Desal Response Group

ENDNOTES:

¹ http://www.usbr.gov/mp/nepa/documentShow.cfm?Doc_ID=8803 pg 1

² http://www.usbr.gov/mp/nepa/documentShow.cfm?Doc_ID=8000 pgs 2-3. *"The Proposed Action will allow Reclamation to acknowledge the proposed transfers and exchanges without any additional environmental analysis for the period March 1, 2011 through February 29, 2016. The cumulative amount of water transferred or exchanged annually will be limited to 150,000 acre feet. Prior to acknowledgement, each proposed transfer or exchange will be reviewed by the Contracting Officer for consistency with the project description within the EA and all applicable permits, laws and regulations. Cumulatively this action will have a no affect on fish and wildlife in the Proposed Action area. ...Transfers and exchanges under the Proposed Action will not result in cumulative impacts to biological resources in addition to those occurring in the baseline. These issues were evaluated as part of previous environmental documentation...Surface water resources under the Proposed Action in the action area are identical to conditions under the No Action Alternative. ..The limited duration of this supply precludes its use as a reliable source of water. Conversion of native land into agriculture use requires a reliable water supply. Therefore, there will be no loss of native habitat for wildlife species and no affect to listed species or critical habitat"*

³ "Under the Proposed Action, the water will be conveyed in existing facilities to established agricultural lands similar to what has been done for the last five years during annual transfers between Westlands and Oro Loma."
...."Reclamation has determined that the partial assignment of 4,000 AF of Oro Loma's SOD CVP water supply to Westlands would not impact migratory birds. The Proposed Action would not change land use patterns, no ground disturbing activities would take place, and water from this assignment comes from an existing allocation which would not require additional diversions." Pg 3 and 29.

http://www.usbr.gov/mp/nepa/documentShow.cfm?Doc_ID=8803

⁴ <http://water4fish.org/>

⁵ USBR has issued another FONSI and Draft EA to transfer 50K to 100K water transfer out of the Kings River from Pine Flat to Westlands. Comments are due February 2010.

http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=8805.

⁶ Fresno and Kings County Parcel Records of Ownership 2009 for Westlands Water District within WWD.

⁷ History of WWD Acreage: http://www.usbr.gov/projects/Project.jsp?proj_Name=San+Luis+Unit+Project By the mid-1990s, all WWD acreage holders had agreed to abide by the provisions of the Reclamation Reform Act (RRA)

of 1982.....In 1988, there were 584 WWD water users spread over a total irrigable acreage of 528,718 acres, averaging 905 acres per user. By 1992 the district expanded to 570,552 acres.

<http://www.c-win.org/sites/default/files/GGU-ELJ.pdf> The original WWD consisted of 400,000 acres. Later 215,000 acres of the West Plains Storage District was merged with WWD. As a result the WWD water supply consists of 900,000 acre-feet per year of water under an interim contract with Reclamation and 250,000 acre-feet per year of provisional supply as a result of the Barcellos Court Settlement.

<http://www.usbr.gov/mp/sccaog/docs/ea-mendotapool.pdf>

⁸<http://www.fresnolafco.org/documents/staffreports/Approved%20MSR's/Oro%20Loma%20Water%20MSR.pdf> Oro Loma Water District failed to comply with state law. Repeated attempts to contact Oro Loma by Fresno County for its required compliance with state Municipal Service Reviews, the district failed to provide the required information needed to conduct a comprehensive review of the services provided the district with regard to the condition and adequacy of these services and whether or not modifications are necessary.

⁹ <http://www.watereducation.org/userfiles/WestsideResourceConservationDistrict.pdf> Map of 77,130 acres of retired land in Westlands Water District, including 33,864 acres from the Sumner Peck settlement, 3,100 acres from the Britz settlement, 38,022 acres acquired by Westlands as part of the Sagouspe settlement, and 2,144 acres retired through the CVPIA land retirement program. This map does not include the retired 9,700 acres from Broadview Water District. From S.E. Phillips, Draft Environmental Baseline of the San Luis Unit, Fresno, Kings, and Merced Counties 2006

¹⁰ <http://www.usbr.gov/newsroom/newsrelease/detail.cfm?RecordID=10282>

¹¹See also the Biological Opinion for the Long Term Operation of the Central Valley Project
http://cdm15025.contentdm.oclc.org/cdm4/item_viewer.php?CISOROOT=/p267501ccp2&CISOPTR=1418&CISOBX=1&REC=2

¹² <http://www.pcouncil.org/habitat-and-communities/habitat/habitat-document-library/>

¹³ http://archive.ewg.org/reports/Watersubsidies/subsidies_wd.php?wd=ORO+LOMA+W.D

Response to Coalition Comment Letter, January 18, 2012

Coalition-1 In accordance with the National Environmental Policy Act (NEPA) an Environmental Assessment (EA) is initially prepared to determine if there are significant impacts from carrying out the Proposed Action. The Bureau of Reclamation (Reclamation) has followed applicable procedures in the preparation of EA-11-092 *Oro Loma Water District Partial Assignment of 4,000 acre-feet of Central Valley Project Water to Westlands Water District*. The EA includes the required components of an EA as described in the Council on Environmental Quality's NEPA regulations including the following: discussion of the need, alternatives as required, environmental impacts, and listing of agencies consulted.

As described in Section 1.1 and 3.1.1 of the draft EA, Oro Loma Water District (Oro Loma) has been prevented from maximizing the beneficial use of their Central Valley Project (CVP) water supply due to poor soil conditions and has transferred the water annually as provided under the South-of-Delta Accelerated Water Transfer Program (SOD AWTP). As described in Section 3.1.1 of the EA, the SOD AWTP is an accelerated process that allows for water transfers and exchanges under Section 3405 of Central Valley Project Improvement Act (CVPIA, Title 34 of Public Law 102-575) which has undergone separate environmental analysis. Rather than continue these annual transfers under the SOD AWTP, Westlands Water District (Westlands) and Oro Loma have requested Reclamation's approval for the partial assignment of 4,000 acre-feet (AF) of Oro Loma's CVP water service contract to Westlands which is the Proposed Action analyzed in EA-11-092. Absent the partial assignment, the transfer activity will continue as described in the No Action Alternative in EA-11-092. Thus, the baseline reflects likely future conditions without the project and therefore is reasonable and appropriate.

As described in Section 3.2 of EA-11-092, the incremental increase in contracted water supply will not change land use or irrigation patterns in Westlands. Absent the action to approve this partial contract assignment, Westlands will continue to meet its irrigation demand on all irrigable lands in the District through pumping of groundwater, and by continuing to transfer supply (including Oro Loma's) to address deficiencies in annual Contract allocations, as described in Section 2.1 and 3.1.2 of EA-11-092.

To the extent, if any, that this water is applied to soils that have elevated levels of selenium, there will be no impacts to wildlife or water quality since, as described in Section 4 of EA-11-092, there will be no new impoundments or diversions of water, deepening of channels, or modification of streams that may serve as pathways or mechanisms for exposure to wildlife. In addition, the Proposed Action will not result in land use changes within either Westlands or Oro Loma. Water quality will be unchanged because, as discussed above and in Section 3.2 of EA-11-092, there are no proposed changes in land use under either alternative that will change the application rate.

Potential cumulative impacts of the Proposed Action and No Action alternative were analyzed throughout Section 3 of EA-11-092. See page 12 for Water Resources, page 14 for Land Use, page 18 for Biological Resources, page 19 for Cultural Resources and Indian Sacred Sites, page 20 for Indian Trust Assets, page 21 for Environmental Justice, page 22 for Socioeconomic Resources, page 24 for Air Quality, and page 26 for Global Climate.

Coalition-2 As described in Section 3.1.2 in EA-11-092, there would be no change in the point of diversion for the assigned water as the point of diversion in the Delta (Jones Pumping Plant) would be the same. Further, there would be no increase in diversions from the Delta as a result of this assignment. In the absence of the assignment, Oro Loma would continue to be entitled to receive the water supply associated with the portion of its water service contract proposed for assignment. The water is therefore already part of the baseline conditions for diversion from the Delta. As such, salmon populations are not subject to additional impact by approval of this action, as Delta diversions will be unaffected.

See also Response to Coalition-1

Coalition-3 See Responses to Coalition-1 and Coalition-2. In addition, Section 4 of EA-11-092 documents Reclamation's compliance with the various acts cited by the Coalition for the Proposed Action.

The CVPIA was signed into law in 1992 to mandate changes in management of the CVP. In addition to protecting, restoring, and enhancing fish and wildlife, one of the other purposes of the CVPIA is to increase water-related benefits provided by the CVP to the State of California through expanded use of voluntary water transfers and improved water conservation. To assist California urban areas, agricultural water users, and others in meeting their future water needs, Section 3405(a) of the CVPIA authorizes all individuals or districts who receive CVP water under water service or repayment contracts, water rights settlement contracts or exchange contracts to transfer, subject to certain terms and conditions, all or a portion of the water subject to such contract to any other California water users or water agency, State or Federal agency, Indian Tribe, or private non-profit organization for project purposes or any purpose recognized as beneficial under applicable State law.

Although the activities/effects are similar between the alternatives analyzed in EA-11-092, they are not the same. It is important to note that the Proposed Action (partial contract assignment) in EA-11-092 is not a CVPIA action. The Proposed Action is compared to the baseline of existing activities authorized pursuant to CVPIA §3405(a), namely the continued transfer of water of Oro Loma's water supply to Westlands which was previously analyzed under the SOD AWTP. As noted above, the baseline is appropriate based on historical actions and likely future conditions without the Proposed Action.

The Coalition seems to suggest that Reclamation must consider alternatives that include transfers to other uses and/or other contractors, without consideration for the fact that such alternatives would require affirmative action or at least acquiescence by the contractor. As described in Section 1.1 and 3.1 of EA-11-092, Oro Loma has previously transferred some or all of its contract supply under the SOD AWTP which was analyzed separately in EA-10-051, *Accelerated Water Transfers and Exchanges, Central Valley Project, South of Delta Contractors 2011-2015*. Oro Loma has requested Reclamation approval for the Proposed Action analyzed in EA-11-092 and has not approached Reclamation regarding alternative transfers of this portion of their contract water supply. Such actions would not meet the purpose and need for the proposed project described in Section 1.2 of EA-11-092 which is to provide the long-term use of the CVP water that Oro Loma has historically transferred to Westlands on an annual basis through the SOD AWTP. Transfers under the SOD AWTP have already been analyzed in EA-10-051 and the continuation of the transfer to Westlands is included under the No Action alternative analyzed in EA-11-092. Any transfer or use of this water that wasn't covered under the SOD AWTP EA is a separate action that would require Reclamation approval and additional environmental analysis.

Coalition-4 Water resources north of the Delta including the Trinity, Sacramento and American rivers are not analyzed in this EA as the diversion of water is an on-going action and the current conditions of that diversion were analyzed in the Programmatic Environmental Impact Statement (PEIS) for the implementation of the CVPIA. Several environmental documents and associated programs, address north of Delta water resources including:

- The CVPIA PEIS provided a programmatic evaluation of the impacts of implementing the CVPIA. Four alternatives, 17 supplemental analyses, the Preferred Alternative, and a No-Action Alternative were evaluated in the PEIS. The alternatives considered in the PEIS were developed to evaluate a range of actions, or programs, to meet the objectives of CVPIA and implement provisions of CVPIA.
- The Bay Delta Conservation Plan (BDCP) that is being developed to provide the basis for the issuance of endangered species permits for the operation of the CVP and State Water Project. The BDCP is a long-term conservation strategy that addresses species, habitat and water resources that drain to the Delta.
- The Trinity River Restoration Program was developed to restore the Trinity River as a viable fishery. The 2001 ROD issued for the program specifies four modes of restoration including: flow management through releases from Lewiston Dam, construction of channel rehabilitation sites, augmentation of spawning gravels, control of fine sediments and infrastructure improvements to accommodate high flow releases.
- The CVP Conservation Program was formally established to address Reclamation's requirements under the ESA. Over 80 projects have been

funded by the CVP Conservation Program since its beginning and more recent budgets are allowing for funding of seven to fourteen projects annually.

- The Habitat Restoration Program was established under Title 34 of the CVPIA to protect, restore, and mitigate for past fish and wildlife impacts of the CVP not already addressed by the CVPIA.

As described in Section 3.1.2 in EA-11-092, there would be no change in the point of diversion for the assigned water as the point of diversion in the Delta (Jones Pumping Plant) would be the same. Further, there would be no increase in diversions from the Delta as a result of this assignment.

EA-11-092 does not tier from the SOD AWTP. The SOD AWTP, as described in EA-11-092, is a separate action under which previous annual transfers between Oro Loma and Westlands have occurred and would likely continue to occur should the Propose Action not be implemented.

Water needs analyses are prepared for the purpose of determining whether CVP water supplied under a contract is being put to beneficial use. The methodology employed by Reclamation for determining water needs provides that if a contractor's unmet demand is within 10 percent of the contract amount then the contractor's need is presumed to be met. Section 3.1.1 of the Environmental Assessment describes the need for this water service contract assignment. Reclamation's reduced diversions to comply with operation constraints have correspondingly reduced the long term reliability of SOD Contracts to 62.5 percent. Accordingly, in all years Westlands must acquire transfer water and pump groundwater to meet ongoing identified irrigation needs, notwithstanding any land acquisition programs that have been implemented. These facts are reflected in Table 3-1. Under any scenario, short of a large scale permanent land retirement program (not proposed as part of this project), the criteria for beneficial use based on need is met.

Coalition-5 The citation in the Coalition's comment is from the Environmental Impact Statement completed for the San Luis Drainage Feature Re-Evaluation, which did contemplate a new long term water service contract for Westlands under the In-Valley/Water Needs Land Retirement Alternative; however no land retirement program has been implemented or funded, to date.

See Response to Coalition-4 regarding water needs assessments and beneficial use.

The CVPIA amended previous authorizations of the CVP to include fish and wildlife protection, restoration, and mitigation as project purposes having equal priority with irrigation and domestic water supply uses, and fish and wildlife enhancement as having an equal priority with power generation. Among the changes mandated by the CVPIA are:

- Dedicating 800,000 AF annually to fish, wildlife, and habitat restoration.
- Authorizing water transfers outside the CVP service area.
- Implementing an anadromous fish restoration program.
- Creating a restoration fund financed by water and power users.
- Providing for the Shasta Temperature Control Device.
- Implementing fish passage measures at Red Bluff Diversion Dam to increase the CVP yield.
- Mandating firm water supplies for Central Valley wildlife refuges.
- Meeting federal trust responsibility to protect fishery resources (Trinity River).

Reclamation has been implementing the CVPIA on a broad front. Operations of the CVP reflect provisions of the CVPIA, particularly Sections 3406(b)(1), (b)(2), and (b)(3). The Department of the Interior's Decision on Implementation of Section 3406(b)(2) of the CVPIA (October 5, 1999) provides the basis for implementing upstream and Delta actions affecting CVP delivery capability.

Water rates paid by CVP contractors are set in a manner that is consistent with federal law. It is beyond the scope of this EA to contemplate adjusting water rates based on a perceived subsidy.