

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Santa Clara Valley Water District Five Year Warren Act Contract

FONSI-19-053



— BUREAU OF —
RECLAMATION

Interior Region 10 California-Great Basin
California*, Nevada*, Oregon*

*Partial

South-Central California Area Office

November 2019

Mission Statements

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

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

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

FONSI-19-053

**Santa Clara Valley Water District Five
Year Warren Act Contract**



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11/25/19
Date



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11/25/19
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11/26/2019
Date



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Area Manager

12/13/2019
Date

Introduction

In accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Bureau of Reclamation (Reclamation) prepared this Finding of No Significant Impact (FONSI) which is supported by Reclamation's attached Environmental Assessment (EA)-19-053, *Santa Clara Valley Water District Five Year Warren Act Contract*, hereby incorporated by reference.

Background

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

On June 15, 2015, Reclamation executed a Warren Act contract with Valley Water for the introduction, conveyance, and storage of up to 300,000 acre-feet of available SWP water supplies within and through CVP facilities over a 5-year period (annually no more than 60,000 acre-feet). The approval of the contract was reviewed in EA-14-036.

Within EA-14-036, Reclamation assessed potential impacts to water and biological resources caused by the issuance of a 5-year Warren Act contract. Due to the use of existing water delivery infrastructure and SWP water supplies having the same source as CVP water supplies (subject to availability), no significant impacts to water quality, or CVP operations were anticipated. The review of biological resources concluded there would be no additional impacts to migratory birds, federally listed species or their critical habitat, or to Essential Fish Habitat, beyond those previously addressed by the biological opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP (U.S. Fish and Wildlife Service [Service] 2008, National Marine Fisheries Service [NMFS] 2009). All other resources, including land use, cultural resources, air quality, and environmental justice, were ruled out as they were unlikely to be potentially impacted by the project. Subsequently, a FONSI was signed on June 1, 2015 (Reclamation 2014). Both EA and FONSI 14-036 are hereby incorporated by reference.

In the past, total storage in San Luis Reservoir has dropped to levels that result in operational or water quality problems for Valley Water. Low water levels can result in reduced water quality causing water treatment problems that could result in severe reductions in the quantity of CVP water conveyed through the CVP San Felipe Division, as well as increased water treatment costs. In addition, there have been periods of time when SWP facilities, such as the South Bay Aqueduct, are shut down for maintenance limiting the ability of Valley Water to receive their

SWP water supplies. When these limitations have occurred in the past, Reclamation and DWR have facilitated delivery of CVP or SWP water supplies to Valley Water through exchanges requiring the Water Board to issue temporary changes in Place of Use for the CVP and SWP. As the conveyance of SWP water through federal facilities under a Warren Act contract to Valley Water does not change the place of use for that water, no action by the Water Board was required.

Over the next five years, Valley Water is concerned about continued water delivery complications that may arise that would limit its ability to convey SWP supplies through state facilities. Valley Water's SWP supplies include: SWP Table A contract supplies, SWP carryover supplies, and previously-banked SWP water withdrawn from Semitropic Water Storage District (Semitropic).

Valley Water has requested a new 5-year Warren Act contract to commence on the date the current agreement is set to expire: January 1, 2020. This new agreement would carry the same terms and conditions as the current contract. Other than the time frame, this action is the same as the current action.

Alternatives Considered

No Action

Under the No Action Alternative, Reclamation would not issue a Warren Act contract to Valley Water for conveyance of its SWP water supplies through federal facilities and there would be no change in operations. Valley Water would continue to receive its SWP water supplies via SWP facilities; however, there may be times when SWP water supplies may not be able to be delivered on schedule due to hydrologic conditions, periodic maintenance of the South Bay Aqueduct, or water quality degradation impacting water supply availability.

Proposed Action

Reclamation proposes to issue a five-year Warren Act contract to Valley Water that would allow the conveyance of up to 300,000 acre-feet of Valley Water's available SWP water supplies over a 5-year period through federal facilities at times when excess capacity exists. No more than 60,000 acre-feet would be conveyed annually. The contract would cover the period between January 1, 2020 and December 31, 2024. Valley Water's SWP water supplies may be from the following sources:

- SWP carryover supplies
- SWP Table A contract supplies
- Previously-stored SWP water from Semitropic

Valley Water's available SWP water supplies would be pumped at the Harvey O. Banks (Banks) Pumping Plant and conveyed through the California Aqueduct to O'Neill Forebay (Figure 1). The water would then be pumped into San Luis Reservoir and conveyed through the San Felipe Division in the same manner that Valley Water receives its CVP water supplies.

Additional non-CVP and non-SWP water supplies may be conveyed under the proposed Warren Act contract if and when additional environmental review and approval has been completed by Reclamation. All additional supplies would be included within the amounts listed above both annually and cumulatively. The proposal would be coordinated with DWR for use of SWP facilities prior to movement of water in a given year. As the conveyance of SWP water through federal facilities under a Warren Act contract to Valley Water does not change the place of use for that water, no action by the Water Board will be required.

No new infrastructure, new facilities, or ground disturbing activities would be needed for movement of this water

Environmental Commitments

Santa Clara Valley Water District and their proponent(s) shall implement the environmental protection measures listed in Table 1 of EA-19-053 to avoid environmental consequences associated with the Proposed Action. Environmental consequences for resource areas assume the measures specified would be fully implemented.

Comments on the EA

Reclamation provided the public with an opportunity to comment on EA-19-053 between October 21, 2019 and November 21, 2019. No comments were received.

Findings

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

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

- The proposed action will not significantly affect public health or safety (40 CFR 1508.27(b)(2)).
- The proposed action will not significantly affect natural resources and unique geographical characteristics such as proximity to historic or cultural resources; parks, recreation, and refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order (EO) 11990); flood plains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas (40 CFR 1508.27(b)(3)).
- There is no potential for the effects to be considered highly controversial (40 CFR 1508.27(b)(4)).
- The proposed action will not have possible effects on the human environment that are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5)).

- The proposed action will neither establish a precedent for future actions with significant effects nor represent a decision in principle about a future consideration (40 CFR 1508.27(b)(6)).
- The proposed action will not have cumulatively significant impacts (40 CFR 1508.27(b)(7)).
- The proposed action will not significantly affect historic properties (40 CFR 1508.27(b)(8)).
- The proposed action will not significantly affect listed or proposed threatened or endangered species, or its habitat that has been determined to be critical under the Endangered Species Act of 1973 (40 CFR 1508.27(b)(9)).
- The proposed action will not threaten a violation of Federal, State, tribal or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)).
- The proposed action will not affect any Indian Trust Assets (512 DM 2, Policy Memorandum dated December 15, 1993).
- Implementing the proposed action will not disproportionately affect minorities or low-income populations and communities (EO 12898).
- The proposed action will not limit access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (EO 13007 and 512 DM 3).

RECLAMATION

Managing Water in the West

Final Environmental Assessment

Santa Clara Valley Water District Five Year Warren Act Contract

EA-19-053



— BUREAU OF —
RECLAMATION
Interior Region 10 California-Great Basin
California*, Nevada*, Oregon*
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South-Central California Area Office

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Section 1 Introduction

The Bureau of Reclamation (Reclamation) provided the public with an opportunity to comment on the Draft Environmental Assessment (EA) between October 21, 2019 and November 21, 2019. No comments were received. Changes between this Final EA and the Draft EA, which are not minor editorial changes, are indicated by vertical lines in the left margin of this document.

1.1 Background

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

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In the past, total storage in San Luis Reservoir has dropped to levels that result in operational or water quality problems for Valley Water. Low water levels can result in reduced water quality causing water treatment problems that could result in severe reductions in the quantity of CVP water conveyed through the CVP San Felipe Division, as well as increased water treatment costs. In addition, there have been periods of time when SWP facilities, such as the South Bay

Aqueduct, are shut down for maintenance limiting the ability of Valley Water to receive their SWP water supplies. When these limitations have occurred in the past, Reclamation and DWR have facilitated delivery of CVP or SWP water supplies to Valley Water through exchanges requiring the Water Board to issue temporary changes in Place of Use for the CVP and SWP. As the conveyance of SWP water through federal facilities under a Warren Act contract to Valley Water does not change the place of use for that water, no action by the Water Board was required.

Over the next five years, Valley Water is concerned about continued water delivery complications that may arise that would limit its ability to convey SWP supplies through state facilities. Valley Water's SWP supplies include: SWP Table A contract supplies, SWP carryover supplies, and previously-banked SWP water withdrawn from Semitropic Water Storage District (Semitropic).

Valley Water has requested a new 5-year Warren Act contract to commence on the date the current agreement is set to expire: January 1, 2020. This new agreement would carry the same terms and conditions as the current contract. Other than the time frame, this action is the same as the current action.

1.2 Need for the Proposed Action

Valley Water has a need for operational flexibility due to hydrologic conditions, periodic maintenance needed for SWP facilities, and water quality concerns, which may limit its ability to deliver available SWP water supplies through the South Bay Aqueduct. The ability to convey SWP water supplies through federal facilities (i.e., Pacheco Pumping Plant and the San Felipe Division) would assist Valley Water in providing water which may otherwise be unavailable for use.

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 issue a Warren Act contract to Valley Water for conveyance of its SWP water supplies through federal facilities and there would be no change in operations. Valley Water would continue to receive its SWP water supplies via SWP facilities; however, there may be times when SWP water supplies may not be able to be delivered on schedule due to hydrologic conditions, periodic maintenance of the South Bay Aqueduct, or water quality degradation impacting water supply availability.

2.2 Proposed Action

Reclamation proposes to issue a five-year Warren Act contract to Valley Water that would allow the conveyance of up to 300,000 acre-feet of Valley Water's available SWP water supplies over a 5-year period through federal facilities at times when excess capacity exists. No more than 60,000 acre-feet would be conveyed annually. The contract would cover the period between January 1, 2020 and December 31, 2024. Valley Water's SWP water supplies may be from the following sources:

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Additional non-CVP and non-SWP water supplies may be conveyed under the proposed Warren Act contract if and when additional environmental review and approval has been completed by Reclamation. All additional supplies would be included within the amounts listed above both annually and cumulatively. The proposal would be coordinated with DWR for use of SWP facilities prior to movement of water in a given year. As the conveyance of SWP water through federal facilities under a Warren Act contract to Valley Water does not change the place of use for that water, no action by the Water Board will be required.

No new infrastructure, new facilities, or ground disturbing activities would be needed for movement of this water.

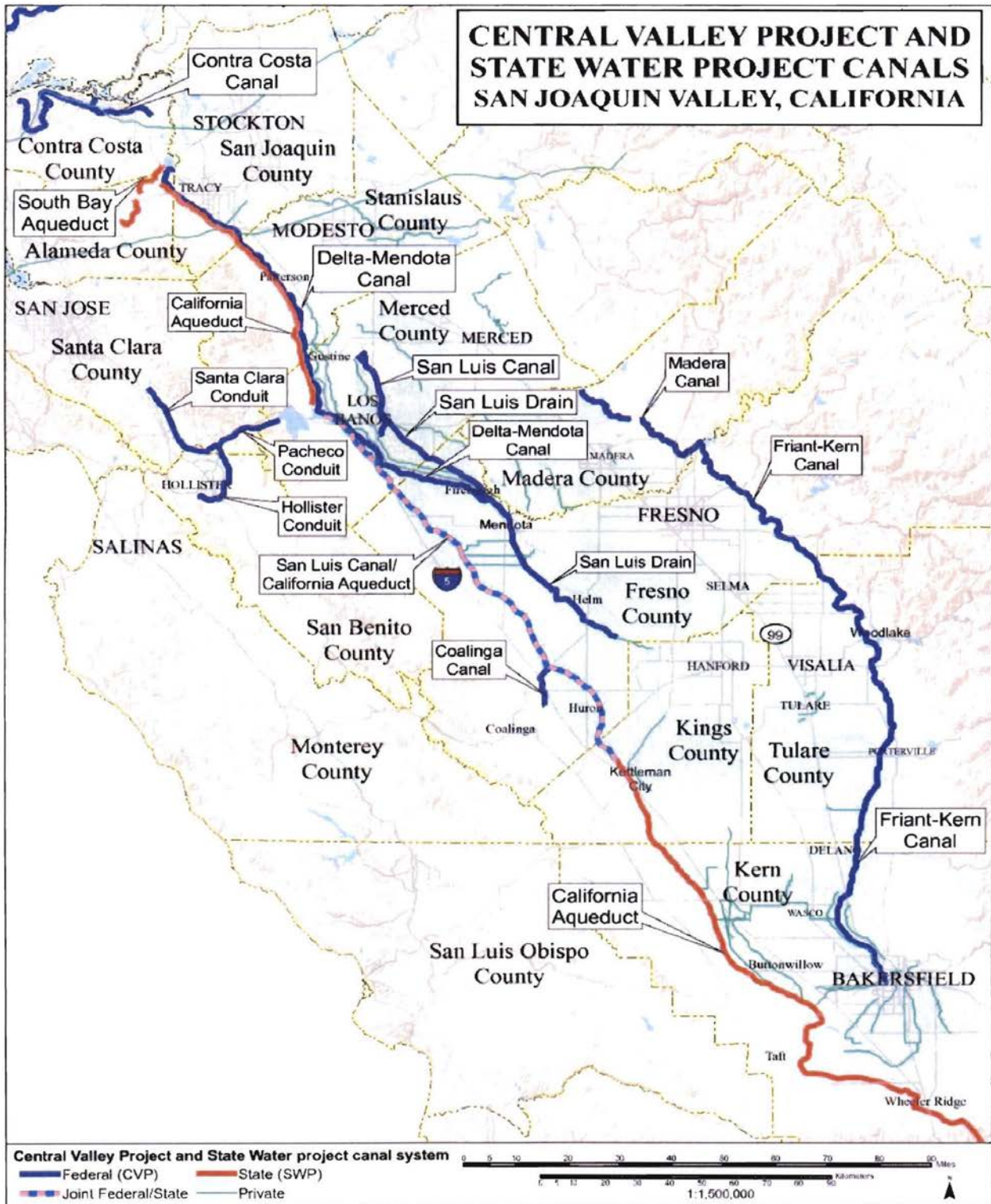


Figure 1 Proposed Action Area

2.2.1 Environmental Commitments

Valley Water shall implement the following environmental protection measures to avoid environmental consequences associated with the Proposed Action (Table 1). Environmental consequences for resource areas assume the measures specified would be fully implemented.

Table 1 Environmental Protection Measures and Commitments.

Resource	Protection Measure
Biological Resources	No native or untilled land (fallow for three consecutive years or more) may be cultivated with this water without additional environmental analysis and approval.
Biological Resources	The Proposed Action shall not change the land use patterns of the cultivated or fallowed fields that do have some value to listed species or birds protected by the Migratory Bird Treaty Act (MBTA).
Various Resources	Use of the water shall comply with all federal, state, local, and tribal law, and requirements imposed for protection of the environment and Indian Trust Assets.
Various Resources	No land conversions may occur as a result of the Proposed Action.

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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 Resources Eliminated from Further Analysis

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

Table 2 Resources Eliminated from Further Analysis

Resource	Reason Eliminated
Air Quality	No construction or modification of facilities is proposed. Some pumping would be required to move water under the Proposed Action, but power usage would be within the typical range for the facilities involved. No air emissions are anticipated outside normal operational fluctuations.
Cultural Resources	There would be no impacts to cultural resources as a result of implementing the Proposed Action as the Proposed Action would facilitate the flow of water through existing facilities to existing users. No new construction or ground disturbing activities would occur as part of the Proposed Action. Reclamation has determined that these activities have no potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1). See Appendix A for Reclamation's determination.
Environmental Justice	The Proposed Action would not cause dislocation, changes in employment, or increase flood, drought, or disease nor would it disproportionately impact economically disadvantaged or minority populations.
Global Climate Change	<p>Recently, the U.S. Global Research Program (USGRP) concluded in its Climate Science Special Report (2017) that "Many lines of evidence demonstrate that it is <i>extremely likely</i> that human influence has been the dominant cause of the observed warming since the mid-20th century." The USGRP also concludes that "Global climate is projected to continue to change over this century and beyond. The magnitude of climate change beyond the next few decades will depend primarily on the amount of greenhouse (heat trapping) gases emitted globally and on the remaining uncertainty in the sensitivity of the Earth's climate to those emissions (<i>very high confidence</i>)."</p> <p>Reclamation developed a global climate model in 2016 for the Sacramento and San Joaquin Basins. The model predicts increased temperatures, increased precipitation, increased runoff, and reduced snowpack at higher latitudes during the 21st century.</p> <p>The Proposed Action does not include construction of new facilities or modification to existing facilities. While pumping would be necessary to deliver SWP water, no additional electrical production beyond baseline conditions would occur. In addition, the generating power plant that produces electricity for the electric pumps operates under permits that are regulated for greenhouse gas emissions. As such, there would be no additional impacts to global climate change. Global climate change is expected to have some effect on the snow pack of the Sierra Nevada and the runoff regime. It is anticipated that climate change would result in more short-duration high-rainfall events and less snowpack runoff in the winter and early spring months by 2030 compared to recent historical conditions (Reclamation 2016, pg 16-26). However, the effects of this are long-term and are not expected to impact CVP operations within the five-year window of this action. Further, CVP water allocations are made dependent on hydrologic conditions and environmental requirements. Since Reclamation operations and</p>

Resource	Reason Eliminated
	allocations are flexible, any changes in hydrologic conditions due to global climate change would be addressed within Reclamation's operation flexibility.
Indian Sacred Sites	The Proposed Action would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or affect the physical integrity of such sacred sites. There would be no impacts to Indian sacred sites as a result of the Proposed Action.
Indian Trust Assets	The Proposed Action would not impact Indian Trust Assets as there are none in the Proposed Action area.
Land Use	The storage and conveyance of SWP water through federal facilities would not contribute to changes in land use. No new construction or excavation would occur as a result of the Proposed Action. No native or untilled land (fallow for 3 years or more) would be cultivated with water involved with these actions. The Proposed Action would not increase or decrease water supplies that would result in development.
Socioeconomics	The Proposed Action would have beneficial impacts on socioeconomic resources within Santa Clara as their available SWP water supplies would be used for existing purposes.

3.2 Biological Resources

3.2.1 Affected Environment

Reclamation requested an official species list from the Service at <https://ecos.fws.gov/ipac/>, on October 9, 2019 (Service 2019). Reclamation further queried the California Department of Fish and Wildlife California Natural Diversity Database (CNDDDB) for records of protected species within 10 miles of the construction area associated with the Proposed Action (CNDDDB 2019). A summary table (Table 3) was created from the Service species list, CNDDDB records, and additional information from Reclamation's files.

Table 3 Federal Listed Threatened and Endangered Species

Species	Status ¹	Effects
AMPHIBIANS		
California red-legged frog (<i>Rana draytonii</i>)	T, X	No effect; suitable habitat not present.
California tiger salamander, central population (<i>Ambystoma californiense</i>)	T, X	No effect; suitable habitat not present.
BIRDS		
California Clapper Rail (<i>Rallus longirostris obsoletus</i>)	E	No effect; suitable habitat not present.
California Condor (<i>Gymnogyps californianus</i>)	E,X	No effect; suitable habitat not present.
California Least Tern (<i>Sternula antillarum browni</i>)	E	No effect; suitable habitat not present.
Least Bell's Vireo (<i>Vireo bellii pusillus</i>)	E, X	No effect; suitable habitat not present.
Marbled Murrelet (<i>Brachyramphus marmoratus</i>)	T, X	No effect; suitable habitat not present.
Western Snowy Plover (<i>Charadrius alexandrinus nivosus</i>)	T, X	No effect; suitable habitat not present.
Western Yellow-billed Cuckoo (<i>Coccyzus americanus occidentalis</i>)	T, PX	No effect; suitable habitat not present.

Species	Status ¹	Effects
FISH		
Central California Coastal steelhead (<i>Oncorhynchus mykiss</i>)	T, X (NMFS)	No effect; suitable habitat not present.
Central Valley spring-run chinook salmon (<i>Oncorhynchus tshawytscha</i>)	T, X (NMFS)	No effect; Delta pumping has already been addressed by Biological Opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP.
Central Valley steelhead (<i>Oncorhynchus mykiss</i>)	T, X (NMFS)	No effect; Delta pumping has already been addressed by Biological Opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP.
Coho salmon - central CA coast (<i>Oncorhynchus kisutch</i>)	E, X (NMFS)	No effect; suitable habitat not present.
Delta smelt (<i>Hypomesus transpacificus</i>)	T, X	No effect; Delta pumping has already been addressed by Biological Opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP.
North American green sturgeon (<i>Acipenser medirostris</i>)	T, X (NMFS)	No effect; Delta pumping has already been addressed by Biological Opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP.
Sacramento River winter-run chinook salmon (<i>Oncorhynchus tshawytscha</i>)	E, X (NMFS)	No effect; Delta pumping has already been addressed by Biological Opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP.
South Central California steelhead (<i>Oncorhynchus mykiss</i>)	T, X (NMFS)	No effect; suitable habitat not present.
tidewater goby (<i>Eucyclogobius newberryi</i>)	E, X	No effect; suitable habitat not present.
INVERTEBRATES		
Bay checkerspot butterfly (<i>Euphydryas editha bayensis</i>)	T, X	No effect; suitable habitat not present.
Conservancy fairy shrimp (<i>Branchinecta conservatio</i>)	E, X	No effect; suitable habitat not present.
San Bruno elfin butterfly (<i>Incisalia mossii bayensis</i>)	E, PX	No effect; suitable habitat not present.
Valley elderberry longhorn beetle (<i>Desmocerus californicus dimorphus</i>)	T, X	No effect; although suitable habitat may be present, no land use change, conversion of habitat, construction or modification of existing facilities would occur as a result of the Proposed Action.
Vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	T, X	No effect; suitable habitat not present.
Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>)	E, X	No effect; suitable habitat not present.
MAMMALS		
Salt marsh harvest mouse (<i>Reithrodontomys raviventris</i>)	E	No effect; suitable habitat not present.

Species	Status ¹	Effects
San Joaquin kit fox (<i>Vulpes macrotis mutica</i>)	E	No effect; although suitable habitat may be present, no land use change, conversion of habitat, construction or modification of existing facilities would occur as a result of the Proposed Action.
PLANTS		
California sea blite (<i>Suaeda californica</i>)	E	No effect; suitable habitat not present.
Contra Costa goldfields (<i>Lasthenia conjugens</i>)	E, X	No effect; suitable habitat not present.
Coyote ceanothus (<i>Ceanothus ferrisiae</i>)	E	No effect; suitable habitat not present.
Fountain thistle (<i>Cirsium fontinale</i> var. <i>fontinale</i>)	E	No effect; suitable habitat not present.
Marin dwarf-flax (<i>Hesperolinon congestum</i>)	T	No effect; suitable habitat not present.
Menzies's wallflower (<i>Erysimum menziesii</i> (includes ssp. <i>yadonii</i>))	E	No effect; suitable habitat not present.
Metcalf Canyon jewelflower (<i>Streptanthus albidus</i> ssp. <i>albidus</i>)	E	No effect; suitable habitat not present.
Robust spineflower (<i>Chorizanthe robusta</i> var. <i>robusta</i>)	E	No effect; suitable habitat not present.
San Mateo thornmint (<i>Acanthomintha duttonii</i>)	E	No effect; suitable habitat not present.
San Mateo woolly sunflower (<i>Eriophyllum latilobum</i>)	E	No effect; suitable habitat not present.
Santa Clara Valley dudleya (<i>Dudleya setchellii</i>)	E	No effect; suitable habitat not present.
Santa Cruz tarplant (<i>Holocarpha macradenia</i>)	T, X	No effect; suitable habitat not present.
Showy Indian clover (<i>Trifolium amoenum</i>)	E	No effect; suitable habitat not present.
Tiburon paintbrush (<i>Castilleja affinis</i> ssp. <i>neglecta</i>)	E	No effect; suitable habitat not present.
REPTILES		
Alameda whipsnake (<i>Masticophis lateralis euryxanthus</i>)	T, X	No effect; suitable habitat not present.
Blunt-nosed leopard lizard (<i>Gambelia sila</i>)	E	No effect; suitable habitat not present.
Giant garter snake (<i>Thamnophis gigas</i>)	T	No effect; suitable habitat not present.
Green sea turtle (<i>Chelonia mydas</i>)	T	No effect; Proposed action area is outside the species' range.
San Francisco garter snake (<i>Thamnophis sirtalis tetrataenia</i>)	E	No effect; suitable habitat not present.
¹ Status= Listing of Federally special status species E: Listed as Endangered T: Listed as Threatened PE: Proposed for listing as Endangered C: Candidate for listing X: Critical Habitat designated for this species		

Species	Status ¹	Effects
PX: Proposed Critical Habitat NMFS: Species under the jurisdiction of the National Marine Fisheries Service		

Special-Status Species and Critical Habitat

Elderberry shrubs may exist along some of the canals involved in the Proposed Action, and the San Joaquin kit fox can use some agricultural lands for foraging (but not denning) when they are located near enough to suitable arid upland habitat (Warrick et al. 2007). Protected fish species occur in the Sacramento-San Joaquin Delta as described in Table 3. Other protected species listed in Table 3, either cannot use lands developed for municipal and industrial or agricultural use, or otherwise occur outside of the Proposed Action Area.

Long Term Operations

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

NMFS issued its biological opinion analyzing the effects of the coordinated long-term operation of the CVP and SWP on listed salmonids, Southern DPS North American green sturgeon, and Southern Resident killer whale in June 2009 (NMFS 2009). The NMFS biological opinion concluded that the long-term operation of the CVP and SWP, as proposed, was likely to jeopardize the continued existence of Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead, Southern DPS of North American green sturgeon, and Southern Resident killer whales. Also the NMFS biological opinion concluded that the CVP/SWP Coordinated Operations, as proposed, was likely to destroy or adversely modify critical habitat for Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead and the Southern DPS of North American green sturgeon. The NMFS biological opinion included an RPA designed to allow the projects to continue operating without causing jeopardy or adverse modification. On June 4, 2009, Reclamation provisionally accepted and then implemented the NMFS RPA. Reclamation also consulted under the Magnusson-Stevens Fishery Conservation and Management Act with NMFS on the impacts to Essential Fish Habitat for Chinook salmon as a result of the pumping (NMFS 2009).

However, following their provisional acceptance, both biological opinions were subsequently challenged in Court, and following lengthy proceedings, the United States District Court for the Eastern District of California remanded the biological opinions, and Reclamation was ordered by the Court to comply with NEPA before accepting the RPAs. In March and December 2014, the Biological Opinions issued by the USFWS and NMFS, respectively, were upheld by the Ninth Circuit Court of Appeals, although certain requirements (such as an obligation for Reclamation to follow a NEPA process) were left in place. Reclamation completed NEPA on the CVP/SWP Coordinated Operations biological opinions and issued a ROD on January 11, 2016.

Reclamation received new biological opinions from the USFWS and NMFS on October 21, 2019.

3.2.2 Environmental Consequences

No Action

Under the No Action, there would be no change in operations of the CVP and SWP. There would be no additional impacts to migratory birds, federally listed species or their critical habitat, or to Essential Fish Habitat, beyond those previously addressed by the biological opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP (Service 2008; NMFS 2009).

Proposed Action

Under the Proposed Action, there would be no additional impacts to migratory birds, federally listed species or their critical habitat, or to Essential Fish Habitat, beyond those previously addressed by the biological opinions issued to Reclamation for the Coordinated Long-Term Operations of the CVP and SWP (Service 2008; NMFS 2009). No lands fallowed and untilled for three years or more would be brought into production and no new facilities would be constructed. In addition, there would be no net change in deliveries of CVP and SWP water, and the water would move only through existing facilities and be put to existing uses. Therefore, Reclamation has determined that the Proposed Action would have no effect on any federally listed or proposed species or their critical habitat beyond those previously covered and no further consultation is required.

Cumulative Impacts

As the Proposed Action would result in no impacts beyond those previously addressed, it would also not contribute cumulatively to any impacts to biological resources.

3.3 Water Resources

3.3.1 Affected Environment

The Proposed Action area includes Valley Water's service area, Joint Use Facilities for the CVP and SWP (Banks Pumping Plant, California Aqueduct, O'Neill Forebay, and San Luis Reservoir), and San Felipe Division facilities of the CVP. As these are the same as those analyzed in EA-14-036 which has been incorporated by reference, they are not repeated here.

3.3.2 Environmental Consequences

No Action

Under the No Action Alternative, Valley Water's SWP water supplies would not be pumped or conveyed in the Pacheco Pumping Plant or the San Felipe Division of the CVP and there would be no change in federal operations. Valley Water would continue to receive its SWP water supplies via SWP facilities; however, there may be times when SWP water supplies may not be able to be delivered on schedule due to hydrologic conditions, periodic maintenance of the South Bay Aqueduct, or water quality degradation which impacts water supply availability. Under

these circumstances, SWP water would be scheduled for later delivery, which could result in greater than anticipated use of local water resources, including pumping from already low groundwater levels, to compensate for schedule modifications.

Proposed Action

The Proposed Action would allow Valley Water's SWP water supplies to be conveyed through federal facilities dependent on available capacity. The added flexibility in conveying SWP water through federal facilities, when needed, would provide greater water supply reliability for Valley Water's customers through 2024. The increased water supply reliability would not be in excess of existing contract totals.

No new infrastructure, modifications of existing facilities, or ground disturbing activities would be required in order to move the SWP water through federal facilities. Valley Water's SWP water would be used for existing agricultural and municipal uses within its SWP service area. No native or untilled land (fallow for three years or more) would be cultivated with this water.

CVP and SWP facilities would not be impacted as the SWP water would be scheduled and approved by Reclamation and DWR in advance. There would be no increase in diversions from the Delta by either DWR or Reclamation as a result of the Proposed Action nor would it interfere with Reclamation's obligations to deliver water to other contractors, wetland habitat areas, or for other environmental purposes.

Cumulative Impacts

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

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

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Section 4 Consultation and Coordination

4.1 Public Review Period

Reclamation provided the public with an opportunity to comment on the Draft EA between October 21, 2019 and November 21, 2019. No comments were received.

4.2 List of Agencies and Persons Consulted

Reclamation and Santa Clara will coordinate with DWR regarding the Proposed Action.

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Section 5 References

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Appendix A: Reclamation's Cultural Resources Determination

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

MP-153 Tracking Number: 20-SCAO-001

Project Name: Santa Clara Valley Water District Five Year Warren Act Contract

NEPA Document: EA-19-053

NEPA Contact: Colin Davis, Natural Resource Specialist

MP 153 Cultural Resources Reviewer: Scott Williams, Archaeologist 

Date: October 1, 2019

Reclamation proposes to issue a five-year Warren Act contract to Santa Clara Water District (WD) that would allow conveyance of up to 300,000 acre-feet of Santa Clara WD's available State Water Project (SWP) water supplies through federal facilities at times when excess capacity exists (annually no more than 60,000 acre-feet). This is the type of undertaking that does not have the potential to cause effects to historic properties, should such properties be present, pursuant to the Title 54 U.S.C. § 306108, commonly known as Section 106 of the National Historic Preservation Act (NHPA) regulations codified at 36 CFR § 800.3(a)(1). Reclamation has no further obligations under NHPA Section 106, pursuant to 36 CFR § 800.3(a)(1).

Santa Clara WD's SWP supplies may be from the SWP carryover supplies, SWP Table A contract supplies and/or previously-stored SWP water from Semitropic Groundwater Storage Bank. Santa Clara WD's available SWP supplies would be pumped at the Harvey O. Banks Pumping Plant and conveyed through the California Aqueduct to O'Neill Forebay. The water would then be pumped into San Luis Reservoir and conveyed through the San Felipe Division in the same manner that Santa Clara receives its Central Valley Project (CVP) water supplies. Additional non-CVP supplies may be conveyed under the proposed Warren Act contract if and when additional environmental review and approval has been completed by Reclamation. All additional supplies would be included within the amounts listed above both annually and cumulatively. The proposal would be coordinated with the California Department of Water Resources for use of SWP facilities prior to movement of water in a given year. No new infrastructure, new facilities, or ground disturbing activities would be needed for movement of this water.

This document is intended to convey the completion of the NHPA Section 106 process for this undertaking. This action would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by Reclamation (LND 02-01) (43 CFR 46.215 (g)). Please retain a copy in the administrative record for this action. Should changes be made to this project, additional NHPA Section 106 review, possibly including consultation with the State Historic Preservation Officer, may be necessary. Thank you for providing the opportunity to comment.