

## EXECUTIVE SUMMARY

The purpose of this draft Program Environment Impact Report (PEIR) is to analyze and disclose the significant environmental effects of the U.S. Bureau of Reclamation (Reclamation) petition to consolidate and conform 16 of its Central Valley Project (CVP) water right permits. Reclamation petitioned the State Water Resources Control Board (SWRCB) to make four changes to 16 of its water rights permits issued by the SWRCB for operation of nine CVP facilities and became known as the Consolidated Place of Use Petition (CPOU). The petitioned changes were to: (1) conform the purpose of use; (2) consolidate the CVP authorized place of use; (3) expand the authorized place of use and; (4) extend the time to complete full beneficial use of water under the permits. The time extension will be handled as a separate action by the SWRCB and is not analyzed in this document.

The PEIR, prepared to analyze Reclamation's CPOU, serves two purposes: (1) to consider a series of potential actions and their overall environmental effects and to take steps to avoid unnecessary adverse environmental effects and; (2) to identify actions in the CPOU that will require additional or subsequent environmental documentation prior to approvals for future site specific actions that at the present are unknown to the SWRCB or Reclamation.

### Scope of the Program Environmental Impact Report

The PEIR analyzes the environmental consequences of the SWRCB amending the 16 CVP water right permits by incorporating specific changes that were requested in Reclamation's CPOU petition. The changes requested by Reclamation are:

- Change 1. Conform the purposes of use in the individual permits so that the 16 existing permits authorize use of water for the 11 purposes shown in Table 3-2 in Section 3 of the PEIR;
- Change 2. Consolidate the authorized POU for water diverted from all authorized CVP sources so that new POU maps identify all areas where water from a particular facility may be delivered consistent with the current integrated operation of the CVP;
- Change 3. Increase the authorized POU in the appropriate permits (as shown on the POU maps) by:
  - (a) including **encroachment** lands (lands that have already received CVP water within the 26 CVP water contractor service areas but are presently outside the authorized POU), and
  - (b) including **expansion** lands (lands outside the authorized POU that have

never received CVP water but are entitled to service under one of the existing 26 CVP water contracts).

The PEIR is both a programmatic and project-specific EIR and addresses the environmental consequences of implementing Changes 1 and 2. It also considers the environmental effects of increasing the authorized POU to include the 26 CVP water contractor encroached lands and expansion lands in the authorized POU (Changes 3a and 3b, respectively).

Encroached lands are discussed at the project-specific level. The PEIR focuses on encroached lands that have been served CVP water for agricultural land uses. Encroached lands in a municipal and industrial land use (whether CVP- or non-CVP-induced) are not analyzed in detail because impacts caused by those land use developments have already been evaluated in the California Environmental Quality Act (CEQA) documents prepared by other local land management authorities.

Potential environmental impacts associated with the expansion areas are discussed on a programmatic level because future land and water uses cannot be readily determined at this time, and would require speculation. Prior to SWRCB authorization for delivery of CVP water to expansion lands, more detailed site-specific environmental analysis and site-specific environmental documentation meeting CEQA requirements may be required.

### **Description of Alternatives**

Three alternatives, in addition to the Proposed Project, are addressed in this PEIR. They include:

- Approving requested Changes 1, 2, and 3 to the 16 existing water right permits as requested by Reclamation in its CPOU petition. This alternative constitutes the Proposed Project.
- Denying requested Changes 1, 2, and 3 to the 16 existing water right permits in Reclamation's CPOU petition. Reclamation would have to limit CVP water delivery to the existing authorized uses. Reclamation would have to reoperate the CVP so that water from each CVP facility could be conveyed to its appropriate place of use, in accordance with the existing water rights permits. Reclamation would have to specify to the CVP water contractors that encroached lands could no longer receive CVP water. This alternative constitutes the No Project Alternative.
- Approving requested Changes 1 and 2, and approving Change 3a of Reclamation's CPOU petition, to allow encroachment of the POU into areas within the water contract service area boundaries that have already received CVP water. Reclamation would be able to deliver CVP water for any of the authorized uses for all of the permits. Reclamation would be able to deliver CVP water for any of the authorized uses for all of the permits specified in Table 3-2. Reclamation would be able to continue the integrated operation of

the CVP by delivering CVP water from any authorized CVP source to any area within the authorized POU. Reclamation would also continue to deliver CVP water to encroached lands outside the authorized POU. This alternative constitutes the Existing Conditions Alternative.

- Approving requested Changes 1 and 2 of Reclamation's CPOU petition and denial of Changes 3a and 3b. Reclamation would be able to deliver CVP water for any of the authorized uses for all of the permits specified in Table 3-2. Reclamation would be able to continue the integrated operation of the CVP by delivering CVP water from any authorized CVP source to any area within the authorized POU. Reclamation would have to specify to the CVP water contractors that encroached lands could no longer receive CVP water. This alternative constitutes the Permit Consolidation and Conformance Alternative.

### **Significant Irreversible Environmental Changes**

The proposed project has resulted in significant adverse effects to vegetation and wildlife resources on encroachment lands and is expected to result in potential significant adverse environmental effects to vegetation and wildlife resources on expansion lands. At present the SWRCB and Reclamation do not know where water may be used and for what purposes by contractors on the expansion lands. Therefore, no approval to deliver water to expansion lands can be granted until adequate site-specific environmental documentation on expansion land water delivery proposals are completed.

### **Mitigation Measures**

Because the impacts on the encroachment and expansion lands involve a historical impact and a potential future impact, they would require different strategies to mitigate associated adverse effects. Therefore, mitigation measures for each land category are addressed separately.

### **Mitigation for Impacts on Encroachment Lands**

Of the 116,664 acres of encroachment lands that currently receive CVP water (60,121 acres for M&I uses and 56,543 acres for irrigated agriculture), the development and land use conversion of 49,602 acres was facilitated by delivery of CVP water.

The habitats of those 49,602 acres consisted of:

- 8 acres of valley-foothill hardwood-conifer
- 47 acres of mixed chaparral
- 198 acres of valley-foothill riparian/fresh emergent wetland
- 19,262 acres of annual grassland
- 29,918 acres of alkali scrub
- 169 acres of open water

The wildlife and vegetation associated with these habitats were directly affected by the delivery and use of CVP water. The impact to these habitats and the associated wildlife species, designated as endangered or threatened in accordance with federal and state endangered species protection mandates, is considered a significant adverse impact.

Mitigation for compensating past impacts to encroachment lands must provide similar environmental/habitat values that were associated with the affected lands. Suitable mitigation for the impact to 49,602 acres of habitat could consist of several different measures identified in the PEIR to acquire, maintain, and restore the environmental/habitat values needed to support listed species that were previously found on these lands. Measures identified to obtain these habitat values could include, but are not limited to:

- Acquiring lands for habitat restoration
- Implementing management programs to enhance existing habitat values
- Acquiring development rights to control land use activities to be consistent with target species needs and habitat requirements.

Reclamation is currently implementing several programs capable of achieving the mitigation requirements described in the PEIR. These programs consist of ongoing, adaptive management efforts that will, overtime, restore, create and maintain targeted environmental habitat values which would mitigate impacts associated with the construction and operation of the CVP. This program is recognized by the SWRCB as the appropriate means to obtain mitigation for the impacts to encroachment lands, provided that portions of the funds and management efforts of these ongoing programs would be specifically assigned to mitigating those environmental/habitat values adversely affected by the encroachment of CVP water supplies to the 49,602 acres outside the authorized POU.

### **Mitigation for Impacts on Expansion Lands**

Potential impacts in expansion areas were discussed at a programmatic level because future land and water uses cannot be determined at this time. For impacts associated with delivery of CVP water for municipal and industrial development in expansion areas, local government agencies will have to develop mitigation for county land use plans and project-specific plans during the preparation of CEQA documents. The SWRCB will be a responsible agency under CEQA with respect to project-specific CEQA documents and will make its final decision at that time whether to allow delivery of CVP water to specific expansion areas.

Reclamation will not be authorized under its water rights permits to deliver water for use in these areas until adequate environmental documentation has been prepared in accordance with CEQA and the SWRCB has approved delivery of CVP water to the specific location. The SWRCB will require applicable CVP water contractors or the appropriate local agency to be the lead agency for the preparation of the environmental document. Lands in the immediate vicinity of the habitats of designated plant and animal species will be defined in consultation with interested regulatory agencies. Upon definition or delineation of the habitat boundaries, site-specific mitigation measures will be developed to protect and preserve the size and values of these areas. Specific measures that may be implemented include:

- Avoiding the special management zones during land conversion, and prohibiting subsequent land management operations that would degrade the value of the zone for which it was defined
- Identifying suitable buffer areas and protecting them by deed restrictions to prevent future disturbance of special habitat management zone resources
- Preparing and implementing plans for offsite mitigation/compensation that will achieve full resource values through reconstruction or enhancement of similar special habitat management zones

Future land development in the expansion areas is a local action and Reclamation should not be responsible for implementing the land use mitigation measures, except that Reclamation shall not deliver water for use in the expansion areas unless enforceable mitigation measures are in place and approved by the SWRCB for the effects of water delivery in those areas.

In addition, mitigation will be developed as part of the site-specific environmental documents to be written for the renewal of CVP water service contracts. Over 67 contracts were scheduled to expire between 1993 and 1997. However, the Central Valley Project Improvement Act (CVPIA) mandated that only interim contract renewals could occur until the Programmatic Environmental Impact Statement for the CVPIA is completed. During contract renewal, a needs analysis to determine beneficial use of the CVP water and a site-specific assessment to determine potential impacts of using CVP water for habitats for Federal and State-listed and proposed species is completed. All contract renewals will be subject to review under the National Environmental Policy Act (NEPA) and Endangered Species Act processes thus ensuring that potential impacts to threatened and endangered species will be analyzed. During the NEPA review process, the public will have the opportunity to evaluate and provide input with respect to the beneficial use of CVP water.

### **Mitigation Monitoring Plan**

To effectively reduce, minimize, or avoid significant impacts to encroachment land resources, the SWRCB as lead agency pursuant to CEQA is responsible for designing a reporting or monitoring

program that will ensure that mitigation measures adopted as part of project approval are implemented. Reclamation, as petitioner, will be responsible for implementing any conditions that the SWRCB places on its approval of all or part of the petition. Each CVP water contractor, although directly responsible for allocating CVP water to locations within its respective boundaries, is not responsible for implementing mitigation, reporting on its success, or monitoring its effectiveness, unless it is performed as part of a separate agreement between the CVP water contractor and Reclamation.

The PEIR proposes a process where Reclamation and the SWRCB will jointly develop criteria for evaluating the effectiveness of the restoration or mitigation projects in restoring the environmental habitat values needed to mitigate for the 49,602 acres of encroachment land impacts.