

Draft Environmental Impact Report for the Browns Valley Irrigation District Temporary Water Transfers Project

State Clearinghouse Number 2009072040



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October 2009

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Draft Environmental Impact Report for the
Browns Valley Irrigation District
Temporary Water Transfers Project



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Memorandum

Date: October 19, 2009
To: Interested Parties
From: Walter Cotter, General Manager, Browns Valley Irrigation District
Subject: NOTICE OF AVAILABILITY: Draft Environmental Impact Report for the Browns Valley Irrigation District Temporary Water Transfers Project

Enclosed for your review is the draft environmental impact report (DEIR) for the Browns Valley Irrigation District (BVID) Temporary Water Transfers Project. The document has been prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

BVID is proposing a multiyear series of short-term (1-year) temporary water transfers to Department of Water Resources (DWR), U.S. Bureau of Reclamation (Reclamation), and contractors of the Central Valley Project (CVP) or State Water Project (SWP) south of the Sacramento–San Joaquin Delta (Delta). The purpose of the proposed project is to maximize the utility to BVID and other water users of water conserved under BVID's pre-1914 water right (Conservation Water). The Conservation Water is available for transfer because BVID implemented the Upper Main Water Conservation Project, which made available 3,100 acre-feet per year (afy), under BVID's pre-1914 appropriative water right, for additional BVID demands or for transfer to willing buyers.

Each year during the period 2010-2025, BVID intends to identify willing buyers (DWR, Reclamation, and CVP and SWP contractors) downstream of its water service area that could take delivery of the Conservation Water, and execute one or more temporary transfer agreements. The water transfers would occur over a period of 2–6 weeks between July 1 and October 31 of each year. The Conservation Water would be transferred only during years when sufficient supplies were available for BVID to both make full deliveries to its Yuba River service area and transfer Conservation Water.

To accommodate the schedule for making the water available to the buyer, the Conservation Water would be temporarily stored by Yuba County Water Agency (YCWA) in New Bullards Bar Reservoir at the rate that it is conserved during the irrigation season. The Conservation Water would be released into the North Yuba River from New Bullards Bar Reservoir under agreements with YCWA and pursuant to river-management procedures established by the Lower Yuba River Accord. The Conservation Water would flow through Englebright Reservoir and down the lower Yuba, Feather, and Sacramento Rivers in excess of existing minimum flow requirements to the Delta.

No known hazardous materials contamination sites would be affected.

In addition to the proposed project, the DEIR considers the No-Project Alternative, a service area expansion alternative in lieu of transfers, and two north-of-Delta temporary transfer alternatives.

All impacts evaluated in the DEIR have been identified as being less than significant without mitigation required.

The DEIR is being circulated for public review and comment for a period of 45 days, ending on Friday, December 4, 2009. Written comments must be submitted no later than 3 p.m. on Friday, December 4, 2009, to the following address:

Walter Cotter, General Manager
Browns Valley Irrigation District
PO Box 6
Browns Valley, CA 95918
Fax: (530) 743-0445

Comments also may be provided via e-mail to Walter Cotter at walter@bvid.org. If comments are provided via e-mail, please include the project title in the subject line, attach comments in Microsoft Word format, and include the commenter's U.S. Postal Service mailing address.

To simplify the distribution process, copies of the DEIR are being distributed in electronic format and accompanied by paper copies of the executive summary. If you are a reviewer/recipient who received the bulk of the DEIR in electronic format and you require a paper copy, please contact Andrea Shephard, (916) 414-5800, andrea.shephard@aecom.com.

Copies of the DEIR and electronic copies of the reference documents may also be reviewed during normal business hours at the BVID office, 9370 Browns Valley School Rd, Browns Valley, CA 95918, and at the Yuba County Library, 303 2nd St., Marysville, CA 95901-6011.

The DEIR is also available for review online at www.bvid.org.

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ACRONYMS AND ABBREVIATIONS

af	acre-feet
afy	acre-feet per year
AN	above-normal
Basin Plan	Water Quality Control Plan for the Sacramento–San Joaquin River Basins
BN	below-normal
BO	biological opinion
BVID	Browns Valley Irrigation District
CALFED	CALFED Bay-Delta Program
CDEC ID GRL	California Data Exchange Center station identification—Feather River near Gridley
Central Valley RWQCB	Central Valley Regional Water Quality Control Board
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
cfs	cubic feet per second
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
COA	Coordinated Operations Agreement
Conservation Water	Water under BVID’s pre-1914 water right conserved by the Upper Main Water Conservation Project
County	Yuba County
CVP	Central Valley Project
CVPIA	Central Valley Project Improvement Act
CWA	Clean Water Act
D	dry
D-	Decision
Delta	Sacramento–San Joaquin Delta
DFG	California Department of Fish and Game
DWR	California Department of Water Resources
EFH	essential fish habitat
EIR	environmental impact report
EIS	environmental impact statement
EPA	U.S. Environmental Protection Agency
ESA	Federal Endangered Species Act
EWA	Environmental Water Account
FEMA	Federal Emergency Management Agency
maf	million acre-feet
msl	mean sea level
MUN	Municipal and Domestic Supply
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NMFS	National Marine Fisheries Service
NOP	notice of preparation

NWP	nationwide permit
OMR	Old and Middle Rivers
OSCG	Open Space and Conservation Goals
OSCO	Open Space and Conservation Objectives
OSCP	Open Space and Conservation Policies
Porter-Cologne Act	Porter-Cologne Water Quality Control Act
RD-	Revised Decision
Reclamation	U.S. Bureau of Reclamation
RWQCB	Regional Water Quality Control Board
SRFCP	Sacramento River Flood Control Project
SVSP	<i>Spring Valley Specific Plan</i>
SWP	State Water Project
SWRCB	State Water Resources Control Board
TMDL	Total Maximum Daily Load
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WPA	Watershed Protection Act
YCWA	Yuba County Water Agency

EXECUTIVE SUMMARY

PROJECT OBJECTIVES

The primary purpose of the proposed project is to maximize the utility to the Brown's Valley Irrigation District (BVID) and other water users of water conserved under BVID's pre-1914 water right (Conservation Water). The Conservation Water is available for transfer because BVID implemented the Upper Main Water Conservation Project, which made available 3,100 acre-feet per year (afy) for BVID to transfer. The project objectives are to transfer a maximum of 3,100 afy of Conservation Water during 2010 through 2025: (1) when willing buyers are available; (2) consistent with all applicable constraints on the Central Valley Project (CVP) and State Water Project (SWP) pumping and conveyance systems; and (3) pumping capacity is available at the CVP and SWP pumps in the South Delta.

PROJECT STUDY AREA

The project study area includes BVID, the North Yuba River from New Bullards Bar Reservoir to Englebright Dam, the lower Yuba River and portions of the Feather and Sacramento Rivers between Englebright Reservoir and the Sacramento–San Joaquin River Delta (Delta), the Delta, and south-of-Delta export service areas of the CVP and SWP.

PROPOSED PROJECT

BVID is proposing a multiyear series of short-term (1-year) temporary water transfers to DWR, Reclamation, or south-of-Delta contractors of the CVP or SWP. BVID would transfer up to 3,100 afy of Conservation Water under its pre-1914 water right during the period 2010–2025. Through agreements between BVID as a willing seller and willing buyers under California law, the proposed series of temporary water transfers would maximize the utility of the Conservation Water to BVID and other water users. Each year, BVID intends to identify willing buyers (DWR, Reclamation, or CVP or SWP contractors) downstream of its water service territory that could take delivery of the Conservation Water. BVID would execute one or more transfer agreements each year with such willing buyers. The Conservation Water would be transferred only during years when sufficient supplies were available for BVID to both make full deliveries to its Yuba River service area and transfer Conservation Water.

The water transfers would occur over a period of 2–6 weeks between July 1 and October 31 of each year. To accommodate the schedule for making the water available to the buyer, the Conservation Water would be temporarily stored by Yuba County Water Agency (YCWA) in New Bullards Bar Reservoir at the rate that it is conserved during the irrigation season. The Conservation Water then would be released into the North Yuba River from New Bullards Bar Reservoir under agreements with YCWA and pursuant to river-management procedures established by the Lower Yuba River Accord. The Conservation Water would be released at a rate of approximately 100 cfs, and would flow through Englebright Reservoir and down the lower Yuba, Feather, and Sacramento Rivers, in excess of existing minimum flow requirements, to the Delta.

Depending on conditions in the Delta, a portion of the Conservation Water may be used to meet water quality requirements in the Delta. The remaining water would be exported from the Delta at the SWP or CVP export pumps, conveyed through associated delivery facilities, and then delivered to the buyer of the water. DWR's and Reclamation's pumping of the Conservation Water would be subject to all applicable laws, regulations, decisions, agreements, biological opinions (BOs), and court orders in effect at the time the water would be transferred.

SCOPE AND CONTENT

The discussion of potential effects on the environment in this environmental impact report (EIR) is focused on those impacts that BVID determined, through completion of an Environmental Checklist Form, may be potentially significant under the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Section 15064). The evaluation of environmental effects in this EIR focuses on the potential for the proposed project to have a significant effect on biological resources, hydrology, and water quality. BVID determined that the proposed project would not have the potential to result in significant impacts on all other resources. Relevant information from the environmental impact report/environmental impact statement (EIR/EIS) for the Lower Yuba River Accord (DWR, YCWA, and Reclamation 2007), which was certified by the YCWA Board of Directors in October 2007 and includes a similar project area to the proposed project, is incorporated by reference (see Section 1.5, "Documents Incorporated by Reference," in Chapter 1 of this EIR).

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

The analysis in this draft EIR determined that the proposed project would result in less-than-significant impacts on hydrology, water quality, and biological resources. The analysis of impacts on these resources areas is summarized below.

HYDROLOGY

The hydrological analysis determined that flood control and flooding along the Yuba, Feather, and Sacramento Rivers under the proposed project would not change or be modified, and changes in the pattern of reservoir operations and river flows as a result of the proposed transfers would be similar to existing conditions. Effects on groundwater and BVID water supplies would be less than significant because the Conservation Water would not be transferred unless sufficient water was available from the Yuba River to meet BVID's water supply demands and would not involve groundwater substitution.

Effects on Delta inflow, Delta outflow, and south-Delta water levels would be less than significant because water would be transferred only when the Delta is in balanced conditions, and flows in the Delta would be within historical averages and similar to existing conditions. Effects on Delta exports and export service areas would be less than significant because an annual transfer of up to 3,100 afy would constitute only a very small fraction of total annual water use within the service area of most potential buyers, and the Conservation Water would be used to offset a shortage in a buyer's existing supplies due to drought, regulatory constraints, or other reasons. Because of the temporary and interruptible nature of the transfers under the proposed project, transferred Conservation Water would not be used to support growth or to expand water service in transferees' service territories.

WATER QUALITY

Effects on surface water quality and other instream beneficial uses in the Yuba, Feather, and Sacramento River systems and the Delta would be less than significant because changes in reservoir operations and river flows would be very small and would not result in measurable changes in temperature, dissolved oxygen, dissolved solids, or other water quality constituents in affected reservoirs, rivers, or downstream in the Delta. The small flow changes, which are similar to existing conditions and within historical ranges, would not cause unreasonable or significant effects on any other instream beneficial uses.

BIOLOGICAL RESOURCES

Effects on special-status fish and aquatic habitats would be less than significant because annual short-term releases of Conservation Water would not result in significant changes to aquatic habitats or the native fish community, including special-status fish species, in the study area.

Effects on special-status plant and wildlife species would be less than significant because the temporary changes in storage and releases from New Bullards Bar Reservoir and flows in downstream rivers would be extremely small and are not expected to measurably affect riparian and wetland communities along the edges of reservoirs, banks of the rivers, or adjacent upland communities that may provide habitat for special-status species.

Effects on federally protected wetland or DFG-regulated riparian habitat associated with changes in reservoir storage and releases and downstream river flows would be less than significant because the changes in reservoir storage and releases would be temporary, very small, and would remain within the range of variability that currently exists. As a result, the effects of the proposed project on wetland and riparian habitat would not be discernable.

The proposed project would not result in inconsistencies or conflict with conservation goals or strategies in any habitat conservation plans, natural communities conservation plans or any other plans in place or under development to protect biological resources in the region because: (1) changes in storage and flow would be similar to existing conditions, within historical ranges for both storage and flows, and very small relative to the overall water volumes in the affected water bodies; (2) there are no approved habitat conservation plans, natural communities conservation plans, or other approved local, regional, or state plans applicable to the project; and (3) the regional conservation planning efforts underway in the project region are not applicable to the proposed project nor would they be influenced by the proposed project.

ALTERNATIVES

DESCRIPTION OF ALTERNATIVES

ALTERNATIVE 1: NO PROJECT

Under the No-Project Alternative, BVID would not identify or execute temporary transfer agreements each year with willing buyers that could take delivery of the Conservation Water. If BVID does not use the Conservation Water, it would become uncommitted water that YCWA would control. YCWA could store or release the water on a different schedule depending on YCWA operational needs, Yuba Accord constraints, and other considerations.

ALTERNATIVE 2: BVID YUBA RIVER SERVICE EXPANSION

Alternative 2 is similar to the No-Project Alternative, except that BVID would expand water service to the *Spring Valley Specific Plan* (SVSP) area using the Conservation Water to help satisfy additional demands created by buildout of the SVSP. The SVSP, which is located within BVID's Yuba River service area, was approved by the Yuba County Board of Supervisors in 1992 and is currently being entitled. When completely built out, the SVSP would include approximately 3,500 dwelling units and a 220-acre golf course on 2,500 acres. The estimated water demand for the SVSP project at buildout would be approximately 4,000 afy (Yuba County 1992:20 and 71). Policies in the specific plan require that housing use water conservation features and drought-tolerant landscaping (Yuba County 1991:H-3).

ALTERNATIVE 3: NORTH-OF-DELTA IRRIGATION SEASON TRANSFER

Under Alternative 3, BVID would enter into temporary water supply transfer agreements each year with a transferee whose point of diversion is located between Marysville on the Yuba River and the Sacramento River at Hood. Potential transferees include the Freeport Regional Water Authority (FRWA), Davis-Woodland Water Supply Project Authority (DWWSA), East Bay Municipal Utility District (EBMUD), or Sacramento County Water Agency (SCWA).

Under this alternative, BVID would provide the 3,100 af of Conservation Water on an irrigation season pattern as it is conserved. The water would flow from the historical point of diversion on the North Yuba River, through the Yuba River, and past Marysville. The Conservation Water would be transferred only during years when sufficient supplies were available for BVID to both make full deliveries to its Yuba River service area and transfer Conservation Water.

ALTERNATIVE 4: NORTH-OF-DELTA TRANSFER – TWO-WEEK DELIVERY SCHEDULE

Under Alternative 4, BVID would enter into temporary short-term transfer agreements each year with FRWA, EBMUD, DWWSJPA, or SCWA to transfer 3,100 afy of Conservation Water to their respective service areas. The Conservation Water would be transferred only during years when sufficient supplies were available for BVID to both make full deliveries to its Yuba River service area and transfer Conservation Water.

This alternative assumes that BVID would provide the 3,100 af of Conservation Water over a period of 2 weeks between July 1 and October 31 of each year. The Conservation Water would be temporarily stored by YCWA in New Bullards Bar Reservoir at the rate that it is conserved during the irrigation season, and released into the North Yuba River from New Bullards Bar Reservoir under agreements with YCWA and pursuant to river-management procedures established by the Yuba Accord. The Conservation Water would flow through Englebright Reservoir and down the lower Yuba River to the transferees' point of diversion.

SUMMARY OF ENVIRONMENTAL IMPACTS OF THE ALTERNATIVES

Each of the four project alternatives considered would result in only minor changes, relative to existing conditions, in reservoir storage, reservoir releases, and downstream flow on the Yuba, Feather, and Sacramento Rivers. Those changes would remain within minimum instream flow requirements. Because changes in reservoir operations and river flows would be very small, it is not anticipated that any measurable adverse effects related to changes in temperature, dissolved oxygen, dissolved solids, or other water quality constituents in the reservoir, rivers, or other locales such as the Delta would occur as a result of any of the project alternatives. None of the project alternatives would result in violations of minimum instream flow requirements, alterations of high-flow conditions causing impairment of geomorphic processes or fish passage, or changes in water quality preventing water quality standards from being met or beneficial uses from being supported. Therefore, impacts to hydrology and water quality under each of the four project alternatives would be less than significant.

Also, because the proposed releases of Conservation Water would involve very limited changes in flows, and would cause minimal changes in water levels under each of the project alternatives, changes in aquatic habitats would not be discernible, and no evidence exists that significant impacts would occur on any species reliant on the water bodies that would be affected by any of the project alternatives. Therefore, impacts to biological resources under each of the four project alternatives would be less than significant.

ALTERNATIVES CONSIDERED AND REJECTED FROM FURTHER CONSIDERATION

No other alternatives were considered and rejected during the planning process for this project.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

None of the project alternatives considered would result in creation of significant impacts or significant unavoidable impacts on the environment. This analysis assumes that the project alternative that would result in the least change in hydrologic conditions (reservoir storage, releases, and downstream flow conditions), when compared to existing conditions, would have the least impact on the environment. Therefore, the Proposed Project would be considered the environmentally superior project, because it is the most similar to existing conditions.

ISSUES TO BE RESOLVED AND AREAS OF CONTROVERSY

No outstanding issues or areas of controversy have been identified with respect to the proposed project.

PUBLIC REVIEW PROCESS

On July 9, 2009, BVID issued a notice of preparation (NOP) for this EIR. In addition to the State Clearinghouse's distribution of the NOP to responsible and trustee state agencies, the NOP was distributed to federal, state, regional, and local agencies and interested parties (see NOP Mailing List, Appendix B1), and posted on the BVID website. The NOP was circulated for a period of 30 days. The NOP and the single response received are provided in Appendices B2 and B3.

A public scoping meeting was held on July 30, 2009, from 6 to 7 p.m. at the EDAW/AECOM office located at 2022 J Street in Sacramento, California. Notice of the scoping meeting was provided in the NOP and a separate notice was also distributed in accordance with Section 15082(c) of the State CEQA Guidelines, including mailing to county and city clerks of counties and cities bordering on the county in which the project is located. No members of the public or employees of any responsible or trustee public agency attended the scoping meeting.

A notice of completion for this DEIR has been filed with the Office Planning and Research State Clearinghouse in accordance with State CEQA Guidelines Section 15085 and a notice of availability of this DEIR has been posted in accordance with State CEQA Guidelines Section 15087. The public review period for providing comments on this DEIR will close on December 4, 2009. Comments must be received by BVID by 3:00 p.m. on Friday, December 4, 2009. Written comments can be hand carried, mailed, faxed, or e-mailed to:

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