

Browns Valley Irrigation District

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NOTICE OF PREPARATION

To: Agencies and Interested Parties

From: Browns Valley Irrigation District

Date: July 9, 2009

Subject: **Announcement of:**

- 1) **Notice of Preparation of an Environmental Impact Report on the Multiyear Temporary Water Transfers Project;**
- 2) **Public Scoping Meeting to be held on Thursday, July 30, 2009, from 6 p.m. to 7 p.m. at the EDAW/AECOM office located at 2022 J Street in Sacramento; and**
- 3) **Scoping Comments due to Browns Valley Irrigation District by 3:00 p.m. on August 13, 2009.**

The Browns Valley Irrigation District (BVID) intends to prepare an environmental impact report (EIR), consistent with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC], Section 21000 et seq.; see also 14 California Code of Regulations Sections 15220, 15222 [State CEQA Guidelines]), for the Multiyear Temporary Water Transfers Project (proposed project). BVID will be the state lead agency for compliance with CEQA.

In accordance with Section 15082 of the State CEQA Guidelines, BVID has prepared this notice of preparation (NOP) to inform responsible agencies, trustee agencies, and interested parties that an EIR will be prepared.

The purpose of an NOP is to provide sufficient information about the proposed project and its potential environmental impacts to allow responsible agencies, trustee agencies, and interested parties the opportunity to provide a meaningful response related to the scope and content of the EIR, including significant environmental issues, reasonable alternatives, and mitigation measures (State CEQA Guidelines, Section 15082[b]).

The project location, description, and probable environmental effects are presented below. The EIR will include feasible mitigation measures and consideration of a reasonable range of alternatives to avoid or substantially reduce any significant adverse environmental impacts that the proposed project may cause.

A CEQA public scoping meeting will be held during the 30-day public review period to provide agencies and the public with an opportunity to provide verbal and written comments on the scope and content of the EIR.

Introduction

CEQA specifies that a public agency must prepare an EIR on any project that it proposes to carry out or approve that may have a significant direct or indirect effect on the environment (PRC Section 21080[d]). In accordance with CEQA and the State CEQA Guidelines, BVID (as lead agency) is preparing an EIR to evaluate the environmental effects associated with the proposed Multiyear Temporary Water Transfers Project. The proposed project would involve short-term (one-year) water transfers of up to 3,100 acre-feet

per year (af/yr) of water conserved under BVID's pre-1914 water right (Conservation Water). Transfers would occur during the period, 2010 through 2025. The purpose of the proposed project is to maximize the Conservation Water's utility to BVID and to other water users. The Conservation Water is available for transfer because BVID implemented the Upper Main Water Conservation Project, making available 3,100 af/yr of transferable water. Transfer of the Conservation Water would facilitate the efficient use of water made available under the Upper Main Water Conservation Project.

The EIR will identify any significant environmental impacts of the proposed project and recommend mitigation measures to reduce the project's significant environmental impacts where feasible.

In accordance with Section 15082 of the State CEQA Guidelines, BVID has prepared this NOP to provide responsible and trustee agencies, and other interested parties with information describing the project and the issue areas that will be evaluated in the EIR.

Purpose of Scoping and this Notice of Preparation

The issuing of this Notice of Preparation initiates the scoping process. Input to the scoping process will be received at the public scoping meeting and in response to this NOP, as described below.

This notice provides the following:

1. This notice briefly describes the proposed project and the anticipated content of the EIR to be prepared for the proposed project.
2. This notice announces the public scoping meeting on the proposed project to facilitate public input. The public scoping meeting will be held Thursday, July 30, 2009, from 6:00 p.m. to 7:00 p.m. at the EDAW/AECOM office located at 2022 J Street in Sacramento, California. The objectives of the scoping meeting will be to:
 - ▶ provide background information on the proposed project and
 - ▶ obtain the views of agency representatives and the public on the scope and content of the EIR.
3. This notice solicits input from responsible and trustee agencies about the content and scope of the draft EIR (DEIR) to be prepared for the proposed project. Because of time limits mandated by state law, written comments must be received by BVID by 3:00 p.m. on August 13, 2009. Written comments can be hand carried, mailed, faxed, or e-mailed to:

Mr. Walter Cotter, General Manager
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Agencies that will need to use the EIR when considering permits or other approvals for the proposed project should provide BVID with the name of the staff contact person. Comments provided by e-mail should include the name and address of the sender.

Project Background

BVID is one of the oldest irrigation districts (formed in 1888) in California, and includes approximately 55,000 acres located within Yuba County, east of Marysville. It has three major sources of water: (1) a pre-1914 direct diversion water right for 47.2 cubic feet per second (cfs) from the North Fork Yuba River, which is the most senior right on the river; (2) post-1914 appropriative water-right licenses for direct diversion from Dry Creek and storage in Merle Collins Reservoir, a storage facility on Dry Creek, which is a tributary to the Yuba River; and (3) a water supply contract with the Yuba County Water Agency

(YCWA). Historically, BVID diverted its Yuba River pre-1914 right in part at the head of BVID's Upper Main Canal, which consists of about 20 miles of ditches and flumes. The balance of the pre-1914 right has been diverted from the Yuba River, below Dry Creek, at BVID's Pumpline Canal diversion.

In 1990, BVID began a project to construct a pipeline to deliver water from Collins Lake to serve the area that was being served from the Upper Main Canal (the "water conservation project"). In connection with the water conservation project, BVID terminated deliveries from its Upper Main Canal because it was difficult to maintain and it experienced high seepage losses. The consumptive use savings through the water conservation project were quantified as 3,100 af/yr in a May 2002 report titled, *Analysis of Water Conserved Under the Upper Main Water Conservation Project*¹. BVID's Resolution No. 3-7-90-1 approving the water conservation project (MBK Engineers 2002, Appendix G) states the intention of BVID to sell or use the Conservation Water within or outside its boundaries, in accordance with Water Code Sections 1011 and 1706, to help pay the cost of the water conservation project. This factor was an essential element in the economic feasibility of the water conservation project. Water made available as a result of the water conservation project may be transferred under Water Code Section 1011.

BVID historically has not transferred Conservation Water, and will not transfer Conservation Water, unless it has adequate supplies to serve the portion of its service area that uses water diverted from the Yuba River (Yuba River service area). The remainder of BVID's service area is served from Collins Lake, which is a separate source of water.

BVID has completed several temporary transfers of the Conservation Water since 1990 as follows:

1. 1990, to the United States Fish and Wildlife Service's Gray Lodge National Wildlife Refuge;
2. 1991 and 1992 to the California Department of Water Resources' (DWR's) State Water Bank;
3. 1993–1996 to the Sutter Bypass-Butte Slough Water Users Association;
4. 1997 to the U.S. Bureau of Reclamation (Reclamation) as part of a YCWA transfer; and
5. 2003, 2004, 2007, and 2008 to the Santa Clara Valley Water District (SCVWD).

Project Objectives

The purpose of the proposed project is to maximize the Conservation Water's utility to BVID and to other water users. The Conservation Water is available for transfer because BVID implemented the Upper Main Water Conservation Project, making the 3,100 af/yr of Conservation Water available for BVID to transfer. The project objectives are to transfer 3,100 af/yr of Conservation Water (1) when willing buyers are available and (2) consistent with all applicable constraints on the Central Valley Project (CVP) and State Water Project (SWP) systems.

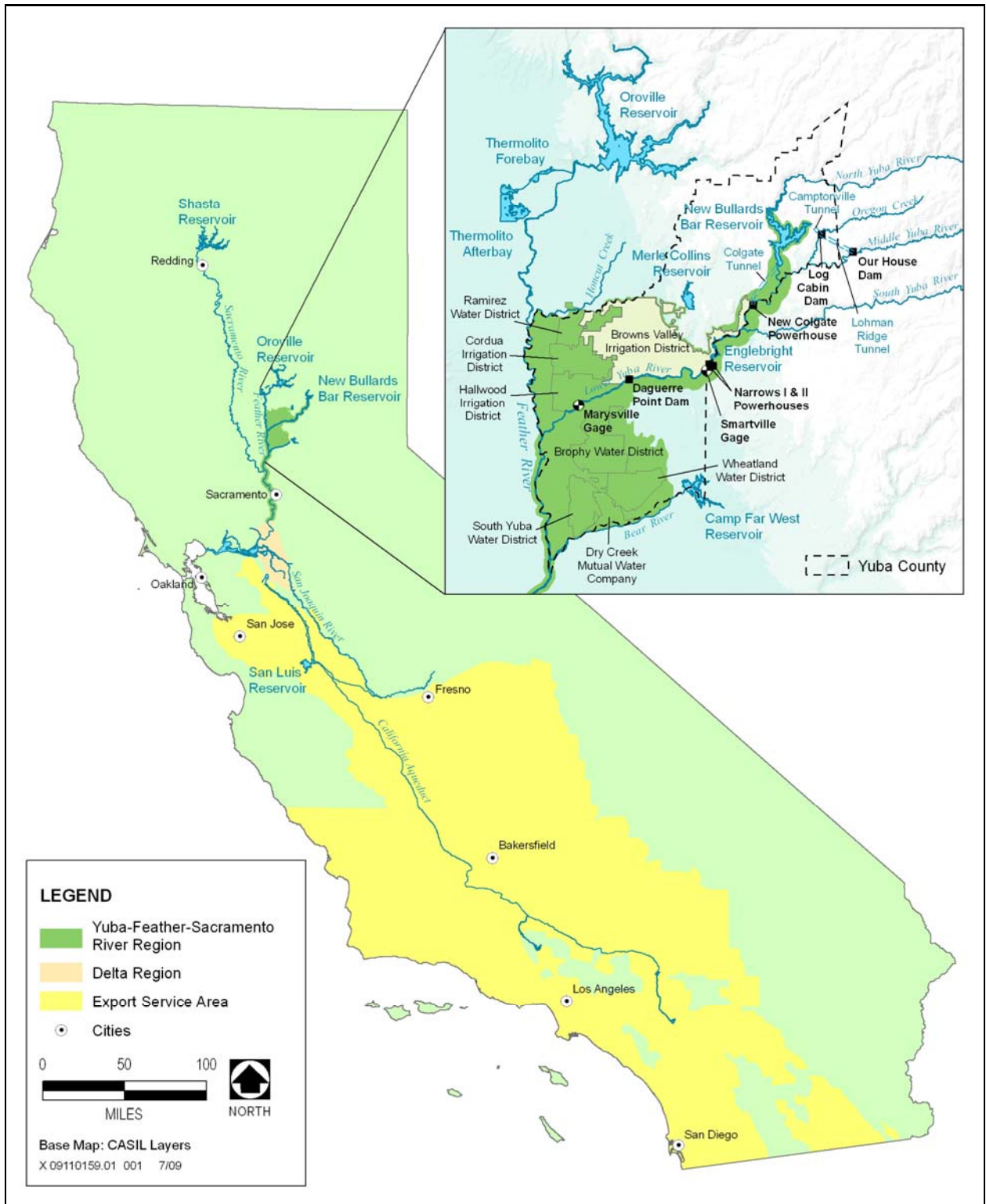
Project Study Area

The project study area includes the following three areas that would potentially be affected by the proposed project (Exhibit 1):

1. New Bullards Bar and Englebright Reservoirs and the Yuba, Feather, and Sacramento Rivers;
2. the Delta (including the CVP Jones Pumping Plant and the SWP Banks Pumping Plant in the south Delta (export pumps) (Exhibit 2); and
3. South-of-Delta CVP/SWP export service area (those lands that receive, store, or use CVP and SWP water pumped from the Delta, including the San Joaquin Valley, south-of-Delta CVP/SWP customers in the San Francisco Bay Area, south central California Coast, and southern California).

BVID's service area and other CVP/SWP facilities and operations would be unaffected by the proposed project. Because BVID's water conservation project has enabled BVID to serve all of its Yuba River service area's needs while diverting less water, transfers of the Conservation Water have had, and are anticipated to have, no impact on agricultural practices or land uses in BVID's service area.

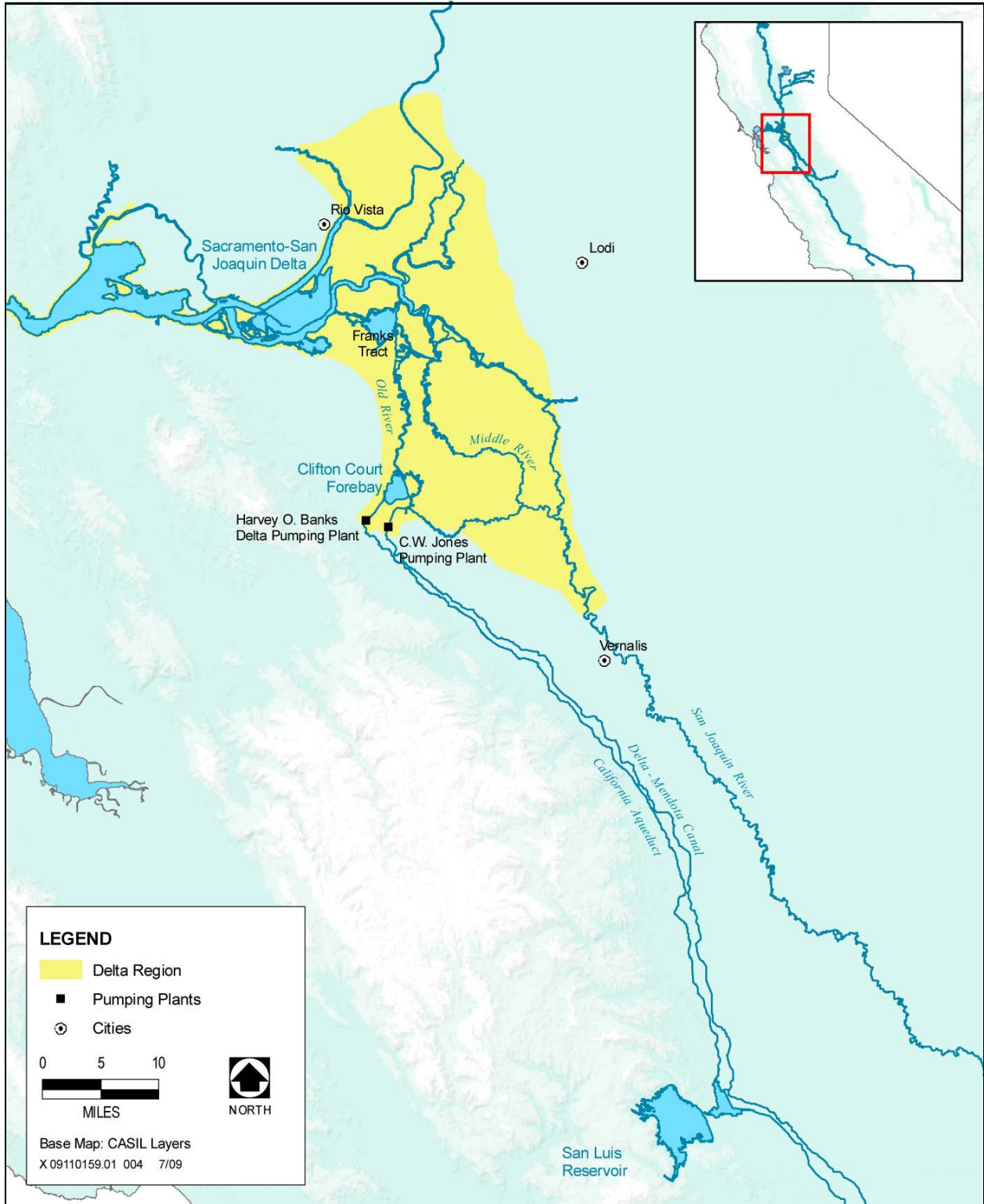
¹ Browns Valley Irrigation District. 2002 (May). *Analysis of Water Conserved Under the Upper Main Water Conservation Project*. Prepared by MBK Engineers, Sacramento, CA.



Source: DWR, et al. 2007, adapted by EDAW 2009

Project Study Area

Exhibit 1



Source: DWR, et al. 2007, adapted by EDAW 2009

Delta Region

Exhibit 2

Project Description

BVID is proposing a multiyear series of short-term (one year) temporary water transfers to DWR, Reclamation, or south-of-Delta contractors of the CVP or SWP. BVID would transfer up to 3,100 af/yr of Conservation Water under its pre-1914 water right during the period 2010 through 2025. Through agreements between a willing seller (BVID) and willing buyers under California law, the proposed series of temporary water transfers would maximize the Conservation Water's utility to BVID and other water users. BVID intends to identify willing buyers (DWR, Reclamation, or CVP or SWP contractors) downstream of its water service area each year that could take delivery of the Conservation Water. BVID would execute one or more transfer agreements each year with willing buyers. Furthermore, the Conservation Water would only be transferred 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 November 30 of each year. To accommodate the schedule for making the water available to the buyer, 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. 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 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.

DWR's and Reclamation's pumping of the Conservation Water would be subject to all past and future State Water Resources Control Board (SWRCB) decisions and orders; any applicable court orders; and all applicable biological opinions covering CVP and SWP operations, including US Fish and Wildlife Service's December 15, 2008, biological opinion for delta smelt and the National Marine Fisheries Service's June 4, 2009, biological opinion for Sacramento River winter-run Chinook salmon, Sacramento River spring-run Chinook salmon, Central Valley steelhead, North American green sturgeon, and Southern Resident killer whales to the extent these opinions apply given pending court challenges against them.

While it is BVID's intent to transfer Conservation Water to DWR, Reclamation, or south-of-Delta CVP or SWP contractors, as covered in this project description, BVID potentially could transfer Conservation Water to other willing buyers. BVID would review any transfers to buyers not covered by this EIR through supplemental or separate CEQA review as necessary.

Alternatives to the Proposed Project

The CEQA-required No-Project alternative will be evaluated in the EIR. Action alternatives being considered are:

1. Transfers through groundwater substitution; and
2. Transfers through Collins Reservoir reoperation.

The total volume of the transfer will likely be fixed at 3,100 af/yr for each action alternative.

Potential Environmental Effects

Evaluation of environmental effects in the EIR will focus on the potential for the proposed project to have a significant effect on biological resources, hydrology, and water quality. BVID will incorporate by reference, into this EIR, relevant information from the Lower Yuba River Accord EIR/EIS², which was certified by the YCWA Board of Directors in October 2007 and includes a similar project area to the proposed project.

BVID anticipates that the following other issues will not be addressed in detail in the EIR for the reasons stated below.

² California Department of Water Resources, Yuba County Water Agency, and U.S. Department of the Interior, Bureau of Reclamation. 2007 (October). Final Environmental Impact Report/Environmental Impact Statement for the Proposed Lower Yuba River Accord. Prepared by HDR | SWRI, Sacramento, CA.

1. *Aesthetics*: Because the Conservation Water would flow down the Yuba River, Feather River, and Sacramento River through the Delta in excess of minimum flow requirements, but would be relatively small in comparison to the water generally flowing in those water bodies, the increased volume of Conservation Water releases would not have a potential to cause a significant impact on aesthetics and would not be readily discernible to viewers under all but the lowest flow conditions on the lower Yuba River. No construction or other actions are proposed that could affect river morphology, riparian habitat, or otherwise affect existing aesthetics.
2. *Agricultural Resources*: The proposed water transfers would not involve any construction that would affect agricultural resources. BVID would only transfer Conservation Water when it has sufficient supplies to also make full deliveries to its Yuba River service area that relies on the water right involved in the proposed project. DWR or Reclamation pumping of the Conservation Water would be subject to all past and future SWRCB decisions and orders, court orders concerning the Delta and operation of the CVP and SWP export facilities, and applicable biological opinions affecting CVP and SWP operations. Therefore, the proposed project is not expected to cause or contribute to any land fallowing. Because the proposed project would involve no land fallowing, it would not make any contribution to any cumulative effects attributable to land fallowing that may be involved in other water transfers that may be proposed by other Sacramento Valley water users.
3. *Air Quality*: The proposed project does not involve any ground-disturbing activities; transport of hazardous materials; or use of heavy equipment or diesel-powered groundwater pumps that would generate emissions of air pollutants, including greenhouse gases. Also, the expected increase in flows and pumping rates would be minor and within historical average rates for the affected water bodies and facilities. Therefore, effects on air quality are not expected. In addition, because of the short-term duration of the proposed transfers, no significant effects of climate change on the project or project effects on climate change would occur.
4. *Cultural Resources*: The proposed project does not involve any ground-disturbing activities and no buildings or structures would be affected. Therefore, the proposed project would not affect cultural resources.
5. *Geology and Soils*: The proposed project does not involve any ground-disturbing activities and the increase in flows is not expected to affect river geomorphology because the volume of Conservation Water that would be introduced in excess of minimum flow requirements would be within historical average rates for the affected water bodies.
6. *Hazards and Hazardous Materials*: The proposed project does not involve the use or transport of hazardous materials, and Conservation Water would not be transferred during times when flows could result in flooding. The increase in flows resulting from the transfer of Conservation Water would also be small relative to existing reservoir and river levels, and is not expected to increase boating, which could indirectly lead to increased fuels, oils, and other contaminants being introduced to the water.
7. *Land Use and Planning*: The Conservation Water would only be transferred when BVID has sufficient water supplies available to serve all demands within its Yuba River service area. BVID will not implement any multiyear transfer agreements. Transfers of Conservation Water therefore would be limited to multiple one-year transfers, which cannot be relied upon as long-term sources of water and would not support new development. Significant effects on existing land use and planning would not occur.
8. *Mineral Resources*: The proposed project would not involve construction or activities that would affect mineral resources.
9. *Noise*: The proposed project does not involve any construction, modification of existing equipment, or installation or use of new equipment that would generate noise. Therefore, noise impacts would not occur.

10. *Population and Housing:* BVID would transfer Conservation Water only when BVID has sufficient water supplies available to serve all demands within its Yuba River service area. BVID would not sign any multi-year transfer agreements, so an end user of the Conservation Water could not rely on it from year to year. Project implementation does not involve construction, and no new employees are required. Therefore, the proposed project would not affect population or housing in the project study area.
11. *Public Services and Utilities:* No effects to public services (e.g., waste disposal, emergency services) are expected to result from activities associated with the proposed project. No road closures would be required and, therefore, no interruptions to emergency access would occur. In addition, no public utilities or infrastructure would be affected and no additional demands on public services would occur because the proposed transfer water would be used to replace water that is normally available within a buyer's service area, and the incremental increase in flows resulting from the water transfer would be minor and within the range of historical operations.
12. *Recreation:* The proposed project does not include construction or expansion of recreational facilities, and would not significantly increase the use of existing recreational facilities or increase boating activities on any rivers affected by the project or in the Delta because of the Conservation Water's amount would not be sufficient to substantially increase water levels in those water bodies.
13. *Transportation and Traffic:* The proposed project would not involve any construction nor would it involve any additional vehicle trips associated with employees that operate the facilities through which Conservation Water would be conveyed. Therefore, no changes to the level of service on local or regional roadways or effects on emergency access or parking capacity would occur.

The EIR for the proposed project will include mitigation measures where appropriate to reduce any potentially significant and significant impacts.

Required Approvals and Permits

This EIR will serve as a critical component of BVID's documentation necessary to satisfy the requirements of CEQA with regard to approval of the proposed project. BVID, acting as the lead agency, will oversee preparation and certification of the EIR and will be responsible for its availability to the public and other interested agencies and parties. BVID anticipates that state and local agencies that may purchase Conservation Water, as well as DWR in conveying water to SWP contractors, will rely on BVID's EIR.

The project does not involve any action by Reclamation or any other federal agency at this time, so no NEPA document is required. If Reclamation or a CVP contractor purchases Conservation Water in any given year, a NEPA document may be required at that time.

Because the proposed project involves a pre-1914 water right, BVID itself may change the Conservation Water's point of diversion, place of use and purpose of use under Water Code Section 1706.