

SECTION 1

Introduction

1.1 Background

Initially in 1985 and through subsequent amendments, the U.S. Bureau of Reclamation (Reclamation) petitioned the State Water Resources Control Board (SWRCB) to make four changes to 19 of its water rights permits issued by the SWRCB for operation of nine Central Valley Project (CVP) facilities. The petitioned changes were to: (1) consolidate the CVP Authorized Place of Use (POU), (2) expand the authorized POU, (3) conform the purposes of use, and (4) extend the time to complete full beneficial use of water under the permits. The petition was noticed on July 29, 1986, has become known as the Consolidated Place of Use (CPOU) petition, and is presented in Appendix A.

The SWRCB received several protests in response to the July 29, 1986, Petition Notice (PN), necessitating a hearing to address the issues raised by the protestants. In addition, because five of the permits were issued under State Filed Applications, any changes to the permits also require a hearing. Any SWRCB order issued in response to the petition must include findings under Water Code Section 10500 et seq. for the State Filed Applications.

After completion of the PN review period, Reclamation and the SWRCB initiated several actions leading to the preparation of this Environmental Impact Report (EIR). These actions included:

- Conducting a CVP water users survey to determine the use of lands located outside the authorized POU;
- Conducting a reconnaissance-level survey of vegetative cover and habitats found on lands located outside the authorized POU, including defining vegetation and habitats that were found on these lands prior to the delivery of CVP water supplies;
- Compiling data and information regarding physical, biological, and socioeconomic characteristics of the affected lands; and
- Refining the mapping and database of the affected lands.

On June 15, 1995, Reclamation amended its original 1985 petition to: (1) exclude the Black Butte and New Melones projects that were addressed in three of the permits and (2) reduce the requested POU expansion area from about 4,000,000 acres to 851,513 acres that are located outside the authorized POU but are eligible to receive CVP water under existing contracts with Reclamation. As a result of this amended petition, the number of water rights permits that would be affected by the proposed project is reduced from 19 to 16.

The location of the 851,513 acres was identified on Geographic Information System (GIS) maps filed with the SWRCB on June 8, 1995. The boundaries of other water contractors with water service contracts were checked and corrected, resulting in changes to the initial estimated affected area. The corrected area now involved in the petition covers 834,667 acres. Of this total, only about 116,664 acres

have actually received CVP water (56,543 acres in irrigated agricultural land use and 60,121 acres in municipal and industrial land use).

On June 26, 1996, Reclamation requested that SWRCB remove the request to grant a time extension to complete the full beneficial use of water as part of the CPOU petition and address that issue separately. The SWRCB has agreed to address this issue as a separate item; therefore, it is not discussed in this EIR.

The SWRCB's approval of the amended CPOU petition could have a significant adverse effect on the environment. Therefore, an EIR is required to be prepared in accordance with the California Environmental Quality Act (CEQA). The SWRCB is serving as lead agency in accordance with CEQA.

1.2 Scope of this Environmental Impact Report

This EIR analyzes the environmental consequences of the SWRCB amending the 16 CVP water right permits identified in Table 3-2 in Section 3 of this EIR by incorporating the 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 this EIR (pages 3-6 and 3-7);
- Change 2. Consolidate the authorized POU for water diverted from 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).

This EIR addresses the environmental consequences of implementing Change 1 (consolidating the purposes of use of the individual permits) and Change 2 (amending the permits so that water from any CVP facility can be delivered to any CVP water contractor within the authorized POU that is capable of receiving such water). 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). Locations of the lands proposed for inclusion in the authorized POU because of encroachment and expansion are shown on the land use maps for each contractor, presented in Section 3 of this EIR. The acreage of the 26 CVP water contractors is presented in Table 2-2 (page 2-6).

This EIR is both a programmatic and project-specific EIR prepared in accordance with Section 15168 of the CEQA Guidelines. Encroached lands are discussed at the project-specific level because impacts associated with them have already occurred and can be readily defined.

The SWRCB recognizes that the delivery and use of CVP water on encroached lands have contributed to impacts on environmental resources in the existing CVP service area; however, CVP water delivery to the 26 CVP water contractors did not cause all of the impacts in the encroachment areas because other land development and water delivery projects also contributed to impacts on these resources. Therefore, the environmental analysis presented in this EIR focuses on encroached lands that have been served CVP water for agricultural land uses. Land uses on encroached agricultural lands that were not induced by the delivery of CVP water are not evaluated because impacts were caused by water sources other than the CVP. Encroached lands in a municipal and industrial land use (whether CVP- or non-CVP-induced) are not evaluated because impacts caused by those land use developments have already been evaluated in 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 of future CVP water contractor uses of CVP water and decisions by local land management authorities. 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.