

NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT REPORT AND PUBLIC SCOPING MEETING FOR THE CROSS-VALLEY CANAL (CVC) CONTRACTORS CONVERSION OF WATER SUPPLY CONTRACTS AND RENEWAL OF CONVEYANCE CONTRACTS

TO: State Clearinghouse, Responsible, Trustee, and Interested Agencies; and other Interested Parties and Individuals.

FROM: The Lower-Tule River Irrigation District (LTRID)

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report (EIR)

DATE: October 5, 2020 to November 4, 2020

Action: The Lower-Tule River Irrigation District (LTRID) is designated as Lead Agency under the California Environmental Quality Act (CEQA) pursuant to an agreement among LTRID, all of the Cross-Valley Canal Contractors (CVC Contractors) and the Department of Water Resources (DWR) and the authority granted to them pursuant to CEQA Guidelines Section 15051(d). LTRID will be responsible for preparing an Environmental Impact Report (EIR) pursuant to CEQA (Public Resources Code [PRC] Section 21000 et seq.) and the CEQA Guidelines. In accordance with Section 15082 of the CEQA Guidelines, LTRID has prepared this Notice of Preparation (NOP).

The purpose of this NOP is to solicit comments from public agencies and other interested parties on the scope and content of the information to be addressed in the EIR. The NOP must contain sufficient information describing the proposed Project and its potential environmental effects to enable agencies and the public to make a meaningful response.

Project Title: The Cross-Valley Canal (CVC) Contractors Conversion of Water Supply Contracts and Renewal of Conveyance Contracts (Project).

Project Summary: The CVC Contractors consist of seven agencies (LTRID, Pixley Irrigation District, Kern-Tulare Water District, Hills Valley Irrigation District, Tri-Valley Water District, the County of Tulare and the County of Fresno). The proposed Project is the conversion of each of the CVC Contractors' water supply contracts with the U.S. Bureau of Reclamation (Reclamation) pursuant to the Water Infrastructure Improvement for the Nation Act, Pub. L. 114-322 (WIIN Act); and the renewal of a long-term conveyance agreement by each of the CVC Contractors with the Reclamation and the California Department of Water Resources (DWR).

Written Comments: The LTRID requests that any potential Responsible or Trustee Agencies responding to this NOP reply in a manner consistent with Section 15082(b) of the CEQA Guidelines, which allows for submittal of any comments in response to this notice no later than 30 days after receipt of the NOP. **Comments in response to this NOP will be accepted through 5:00 p.m., November 4, 2020.**

Please send your written comments to:

Attn: Eric Limas, General Manager
Lower-Tule River Irrigation District
357 East Olive Avenue
Tipton, CA 93272
Email: ltrid@ltrid.org

Please reference “Notice of Preparation of Draft EIR for the CVC Contractors Conversion of Water Supply Contracts and Renewal of Conveyance Contracts.” Please include your name, address, and phone number and/or email address so that we may contact you for clarification, if necessary.

Public Scoping Meeting: In addition to the opportunity to submit written comments, one public scoping meeting will be held by LTRID to inform interested parties about the proposed Project, and to provide agencies and the public with an opportunity to provide comments on the scope and content of the EIR. This meeting will be held virtually on October 26, 2020 at 11:00am. To join the meeting and provide comment, please click the following link:

<https://zoom.us/j/97325786843?pwd=OExVU3ZPUy91TTBoSnZxNVNYS05mdz09>

Meeting ID: 973 2578 6843

Passcode: 361766

One tap mobile

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Project Location: The Cross-Valley Canal (CVC) is a water conveyance facility in the southern San Joaquin Valley that extends from the California Aqueduct near Tupman, east to the Kern River. The CVC can convey water to the CVC Contractors’ turn-outs along the Friant-Kern Canal (FKC), on the east side of the San Joaquin Valley. The CVC Contractors are located within Fresno, Kings, Tulare, and Kern Counties. DWR operates the State Water Project (SWP), with facilities available for conveyance of CVP Water for CVC Contractors when unused capacity is present, located in Central California from Clifton Court Forebay south to the California Aqueduct’s connection with the CVC.

Project Background: The CVC Contractors historically relied on groundwater for their water supply. In late 1975 and early 1976, the CVC Contractors entered into the Original Contracts with Reclamation and DWR for the delivery and conveyance of surface water from the federal Central Valley Project (CVP Water), thereby reducing their reliance on groundwater. The CVC Contractors' water supply is CVP water made available by Reclamation. The proposed Project includes converting CVC Contractors' related water supply agreements for CVP Water with Reclamation pursuant to the WIIN Act. The WIIN Act is comprehensive legislation relating to water infrastructure. Section 4011 of the WIIN Act directs Reclamation to convert water service contracts to repayment contracts on an accelerated schedule upon a contractor's request and authorizes prepayment of outstanding Central Valley Project construction costs, as follows:

- Conversion and prepayment of current water service contracts executed under Section 9 (c) (2) and 9 (e) of the 1939 Reclamation Project Act (1939 Act).
- Prepayment of obligations under contracts executed in accordance with Section 9(d) of the 1939 Act, also referred to as Existing Repayment Contracts.
- Repayment is either a lump sum or by accelerating prepayment of the remaining construction costs obligations. Obligations will be discounted by $\frac{1}{2}$ the Treasury Rate. Irrigation contractors may elect either lump sum or accelerated prepayment while municipal and industrial contractors may only pay in lump sum.

The execution and approval of a repayment contract between the United States and the CVC Contractors will provide the CVC Contractors with a CVP Water supply in the same amounts and manner as is provided under existing water service agreements.

CVP Water made available to the CVC Contractors may then be conveyed by DWR from the Harvey O. Banks Pumping Plant (Banks) near Byron, California to the CVC through the SWP facilities including the California Aqueduct (Aqueduct). Because Reclamation generally lacks capacity or ability to deliver this supply to the CVC Contractors, conveyance service is provided by DWR when there is excess capacity at Banks and SWP facilities. Based on CVP-wide operational analysis and considerations, the CVC Contractors receive CVP Water through either exchange agreements with other contractors located on eastside of the San Joaquin Valley or by direct delivery from the FKC to their turnouts on the FKC. CVC Contractors receive up to 128,300 acre-foot (af), unless otherwise specified in existing agreements, of their aggregate total contract quantity per Federal Water Year, which commences on March 1st of each year. CVP and SWP operations State Water Resources Control Board Water Right Decision D1641 (Revised March 15, 2000) amended Reclamation's water rights to include diversion of CVP Water "to serve the Cross-Valley Canal contractors" from the SWP's Banks Pumping Plant. The Addendum to the Coordinated Operations Agreement between the United States and the State of California for Coordinated Operation of the Central Valley Project and the State Water Project dated December 12, 2018 further provided that "this Article does not alter the Cross-Valley Canal Contractors' priority to pumping at the Harvey O. Banks Pumping Plan, as now stated in Revised Water Rights Decision 1641 (March 15, 2000)."

For each exchange mechanism, the CVC Contractors' CVP Water is made available and that water is conveyed to another agency in exchange for an amount of water that is returned to the CVC Contractors through SWP, CVP or other facilities. Exchange agreements have been negotiated among CVC Contractors individually or collectively and other water agencies. Such exchanges are contemplated in the CVC Contractors' Original Contracts and existing water supply contracts. The proposed Project assumes that up to the existing contract quantities for CVC Contractors' CVP Water will continue to be conveyed by DWR through SWP facilities when capacity is available. The term of the proposed conveyance agreements is through February 28, 2035 which may be renewed on terms mutually agreeable to the Parties.

Typically, DWR conveys CVP Water from Banks into the Aqueduct and conveys this water to the CVC at Reach 12E of the Aqueduct, thence conveyed to the CVC contractors. The Dos Amigos Pumping Plant (Dos Amigos) is also used to convey this water. Provided there is available space within San Luis Reservoir, such space may be used for temporary storage. Water from the Aqueduct can be conveyed through the CVC into the FKC for direct deliveries to some of the CVC contractors. CVP Water is made available by Reclamation at Banks and O'Neill Forebay. Conveyance of CVP Water at Banks for CVC Contractors is subordinate to SWP needs. DWR thus only pumps and conveys CVP Water through the Aqueduct for CVC Contractors when unused capacity is available. Typically, deliveries of CVP Water to CVC Contractors occur in the spring or late summer to fall. During such times, Reclamation makes the CVC Contractors' CVP Water available and that water may be conveyed to another agency in exchange for an amount of water that is returned to the CVC Contractors through other facilities. In compliance with applicable legal requirements, such exchanges may be unbalanced in volume or time. Specifically, the CVC Contractors may give up and never receive some amount of water in the exchange (up to 2:1 average exchange ratio over a 10-year period), or the exchange may involve a return of the supply to the CVC Contractor during different times of the year, or in different years.

In the past, the most common exchange has been between CVC Contractors and Arvin-Edison Water Storage District (Arvin-Edison) in Kern County. Arvin-Edison would take delivery of the CVC Contractors' CVP Water through the Aqueduct and the CVC, and then provide its CVP Water from Millerton Lake and/or the FKC to the CVC Contractors. Exchanges with other public agencies located in the San Joaquin Valley have been or will be analyzed in the EIR, and fall into the following general categories:

- Exchanges with CVP contractors.
- Exchanges with SWP contractors.
- Exchanges with water users in the Tulare Lake Basin

Previous Environmental Documentation: A Notice of Preparation was prepared by the Lead Agency for a similar project in 2011 (SCH#2011051022), the Draft EIR was circulated on June 30, 2016. The Draft EIR was not certified by the Lead Agency. Since that time, project adjustments have been made. This NOP accounts for those adjustments and will replace the previously circulated version. A new State Clearinghouse Number will be assigned to the Project. The Lead

Agency may utilize information from the previous documents; however, this NOP and Draft EIR will be independent of the previous project.

Project Description: The proposed Project includes:

(1) the approval and execution of agreements converting CVC Contractors' existing water supply agreements for CVP Water with Reclamation pursuant to the Water Infrastructure Improvement for the Nation Act, Pub. L. 114-322 (WIIN Act); and

(2) the approval of agreements with DWR that renew the terms of existing agreements for the conveyance of CVC Contractors' CVP Water until 2035. The conveyance agreements have three parties (Reclamation, DWR, CVC Contractors) and provide for the continued conveyance of the CVC Contractors' CVP Water through SWP facilities in the same amounts and manner.

Project Alternatives and Impacts: The EIR will assess the physical changes to the environment that may result from implementation of the proposed Project, compare environmental effects of the alternatives, and identify mitigation measures for potentially significant impacts. A reasonable range of appropriate alternatives in addition to the No Project Alternative will be discussed in the EIR. Environmental issues raised during public scoping will be incorporated into the draft EIR. Potential environmental impacts (direct, indirect, and cumulative) to be analyzed in the EIR for the Project and No Project Alternative are included in the attached Initial Study Checklist. Based on the CEQA Initial Study checklist, the proposed Project would not result in adverse impacts to the following environmental resources. Therefore, these impacts will not be further evaluated in the Draft EIR:

Aesthetics

- a) Would the Project have a substantial adverse effect on a scenic vista?
- b) Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?
- c) Would the Project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?
- d) Would the Project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

Agriculture and Forestry Resources

- a) Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- b) Would the Project conflict with existing zoning for agricultural use or a Williamson Act Contract?
- c) Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public

Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

- d) Would the Project result in the loss of forest land or conversion of forest land to non-forest use?
- e) Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Air Quality

- a) Would the Project Conflict with or obstruct implementation of the applicable air quality plan?
- b) Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or State ambient air quality standard?
- c) Would the Project expose sensitive receptors to substantial pollutant concentrations?
- d) Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Biological Resources

- b) Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- c) Would the Project have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- e) Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Cultural Resources

- a) Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?
- b) Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?
- c) Would the Project disturb any human remains, including those interred outside of formal cemeteries?

Geology and Soils

- a(i) Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
- a(ii) Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

- a(iii) Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?
- a(iv) Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?
- b) Would the Project result in substantial soil erosion or the loss of topsoil?
- c) Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?
- d) Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- e) Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?
- f) Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Hazards and Hazardous Materials

- a) Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- a) Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- b) Would the Project emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- c) Would the Project be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- d) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?
- e) Would the Project impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?
- f) Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

Hydrology and Water Quality

- d) Would the Project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?

Land Use and Planning

- a) Would the Project physically divide an established community?

- b) Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Mineral Resources

- a) Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?
- b) Would the Project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

Noise

- a) Would the Project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?
- b) Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?
- c) For a Project located within the vicinity an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?

Population and Housing

- a) Would the Project Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Public Services

- i-v) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or to other performance objectives for any of the public services - Fire Protection? Police Protection? Schools? Parks? Other Public Facilities?

Recreation

- a) Would the Project Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Would the Project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

Transportation

- a) Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- b) Would the Project conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?
- c) Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- d) Would the Project result in inadequate emergency access?

Tribal Cultural Resources

- a) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?
- b) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Utilities and Service Systems

- a) Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?
- b) Would the Project have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years?
- c) Would the Project result in a determination by the wastewater treatment provider that serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?
- d) Would the Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

- e) Would the Project comply with federal, State, and local statutes and regulations related to solid waste?

All other CEQA checklist (Appendix G) impact categories will be discussed further in the Draft EIR.