FINDING OF NO SIGNIFICANT IMPACT FOR FRIANT DIVISION LONG-TERM CONTRACT RENEWAL THROUGH MARCH 1, 2026

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
MID-PACIFIC REGION
SACRAMENTO, CALIFORNIA

Recommended: _____
Environmental Specialist
South-Central California Area Office

Concur: _____ acting
Chief, Resource Management Division
South-Central California Area Office

Concur: _____
Area Manager
South-Central California Area Office

Concur: _____
Regional Environmental Officer
Mid-Pacific Regional Office

Approved: _____ for
Regional Resources Manager
Mid-Pacific Regional Office

Date: JAN 2 0 2001

FONSI No. 00-124

BACKGROUND

The Mid-Pacific Region of the U.S. Bureau of Reclamation (Reclamation) has determined that an environmental impact statement (EIS) is not required for the proposed execution of 28 Long-Term Water Service Contracts within the Friant Division of the Central Valley Project (CVP). This Finding of No Significant Impact (FONSI) document is supported by Reclamation's Friant Division Long-Term Contract Renewal (LTCR) Environmental Assessment (EA).

Section 3409 of the Central Valley Project Improvement Act of 1992 (CVPIA) stipulates that Reclamation must prepare and complete a Programmatic Environmental Impact Statement (PEIS), pursuant to NEPA, analyzing the direct and indirect impacts and benefits associated with the implementation of the CVPIA. This was completed with the Record of Decision signed on January 9, 2001.

In accordance with Section 3404(c) of the CVPIA, authorization of long-term contract renewals (LTCRs) also requires appropriate environmental review. This was the subject of the Friant Division EA, which tiered from the CVPIA PEIS. The PEIS addressed the impacts and benefits of implementing the CVPIA provisions CVP-wide and allowed subsequent environmental documents to tier from and to incorporate the PEIS analysis. The Friant Division EA analyzed localized impacts of continued water deliveries to 28 water service contractors resulting from the 25-year LTCRs.

The purpose of the LTCR project is to execute 28 Long-Term Water Service Contracts with the Friant Division Contractors for 25 years, to March 1, 2026, consistent with the provisions of the CVPIA. This action is necessary to continue water deliveries to existing Central Valley Project (CVP) contractors for agricultural, municipal, and industrial purposes.

Three alternatives were identified in the draft EA for the renewal of long-term contracts between Reclamation and the 28 contractors in the Friant Division. The alternatives presented a range of water service agreement provisions that could be implemented for long-term contract renewals. The No-Action Alternative consists of renewing existing water service contracts as described by the Preferred Alternative of the PEIS. In November 1999, Reclamation published a proposed long-term water service contract. In April 2000, the CVP Contractors presented an alternative long-term service contract. Reclamation and CVP contractors continued to negotiate the CVP-wide terms and conditions with these proposals serving as the basis for an analysis of such "bookends". The final contract language and the long-term renewal proposed action represents a negotiated position between Alternatives 1 and 2. The analysis of this final contract language was included in the final EA.

A number of comments received on the draft EA questioned the structure of the EA in terms of the no action alternative and the scope of the analysis. The EA and the scope of the analysis were developed consistent with regulations and guidance from the Council on Environmental Quality, and in conformance with the analysis provided in *NRDC* v. *Patterson*, Civ. No. S-88-1658 (Patterson). In Patterson the Court found that "...[o]ngoing projects and activities require NEPA procedures only when they undergo changes amounting in themselves to further "major action." In addition the court went further to state that the NEPA statutory requirement applies only to those changes. The analysis in the EA finds in large part that the renewal of the contracts is in essence a continuation of the "status quo" although there are financial and administrative changes to the contracts they perpetuate the existing use

and allocation of resources (i.e., the same amount of water is being provided to the same lands for existing /ongoing purposes). The analysis in the EA therefore addresses the proposed changes to the contract and the potential environmental effects of those changes. We have addressed these type comments in our response to comments. As indicated in the attached EA, and in this FONSI, these contract changes would not result in significant deterioration of the environment.

FINDINGS

Reclamation prepared an EA on the proposed LTCRs that was finalized in January 2001, which is hereby incorporated by reference. In accordance with NEPA and its implementing regulations and consistent with the analysis in the EA, the Mid-Pacific Region of Reclamation has found that the proposed action is not a major federal action that would significantly affect the quality of the human environment. Consequently, an environmental impact statement is not required. This determination is supported by the following factors:

1. Surface Water Resources - Under the proposed action, CVP operations and use amounts would remain the same as the existing conditions. Flood control operations at Friant, Buchanan, and Hidden dams would continue and no changes in water capture or release are expected. The Friant Division would continue conjunctive use of CVP surface water and ground water. Thus there would be no effect on surface water resources.

2. Water Supply - The proposed action would not change CVP operations or water service contract amounts. Contractors would continue conjunctive use of available surface water and ground water but with more emphasis on ground water during dry periods when CVP water is limited. The proposed action would have no effect on total water supply.

3. Ground Water Resources - Contractors would continue conjunctive use of available surface water and ground water but with more emphasis on ground water when economically beneficial or when CVP water is limited. While a general decline in regional and subregional ground water levels has occurred for the last 50 years, most of the ground water basins serving the Friant Division are recovering. However, regional and subregional ground water recovery rates have been varied. Greater use of CVP water when water is available should allow the ground water table to recharge. Therefore, there are no environmental impacts from the proposed action on the region's water resources.

4. Water Quality - The proposed action would not change the surface water or ground water quality from existing conditions. Contractors will continue conjunctive use of available surface water and ground water but with greater emphasis on ground water when economically beneficial or when CVP water is limited. The quality of ground water would continue to be reflective of the surface water quality used for ground water recharge. Therefore, there are no environmental impacts from the proposed action to water quality.

5. Fisheries Resources - The proposed action is expected to continue using both CVP surface water and ground water. There are no changes to CVP operation or contract amounts that would affect the timing of water moving through the canals, Millerton Lake, or streamflows in the San Joaquin River to the extent it would affect fishery resources. Therefore, the proposed action would have no impacts on fishery resources.

6. Land Use Resources - The proposed action would not result in growth-inducing impacts because there would be no changes to CVP operations or contract amounts. Relatively small and insignificant decreases in irrigated acreage (less than two percent) are expected with changing climatic conditions and from wet to dry years. The proposed action would have no effect on land use.

7. Biological Resources - The proposed action relative to the no action alternative does not increase the water service contract amounts, require additional facilities (dams, canals, etc.), or convert natural habitat to farmland. Consequently, the continued historic operations under the proposed action would not cause any changes to the areas's existing biological resources.

8. Threatened and Endangered Species - Consultation pursuant to the Endangered Species Act has been completed with both the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS). The FWS and NMFS have issued a non-jeopardy biological opinion. The implementation of the various commitments and requirements in those opinions will ensure that there will be no significant impact on any listed species. The terms and conditions, reasonable and prudent measures and all environmental commitments identified in the FWS and NMFS Biological Opinions (BOs) are hereby incorporated by reference.

9. Recreational Resources - Recreational opportunities would remain unchanged. Recreational usage reflects water storage volumes in the lakes and conditions in the San Joaquin River. CVP facilities and operations at the Buchanan, Friant, and Hidden dams would not be affected by this action. Lake level fluctuations and river conditions would continue to depend on volume, inflow, storage, and downstream needs and demands, all independent from the proposed action. The proposed action would have no impacts to recreation in the region.

10. Socioeconomic Resources - The proposed action would have a less than significant effect on economic resources. The largest variations seen in irrigated acres, gross revenue, net revenue, and employment in the region occur as a result of changes in the weather and commodity demands. The changes associated with dry years include reductions of irrigated acres by less than two percent, gross revenue by less than one percent, and decreases in employment by less than one percent.

11. Cultural Resources - The proposed action will not result in impacts to eligible or significant cultural resources because no additional infrastructure will be constructed and no land use changes or conversions into farmland or other uses are proposed. In addition, there will be no increase in deliveries, land use changes, or conversion of existing natural habitat into farmland or other uses.

12. Social Conditions - The proposed action does not change the CVP management, facilities operation, or result in any new construction of additional facilities. Independent of the proposed action, present high unemployment rates would continue for the area. Agriculture would remain a large employer in the region. The proposed action would have no effect on social conditions.

13. Air Quality - The proposed action would not change existing CVP facilities or operations, or result in the construction of new facilities. Present emission rates and volumes are expected to

continue for the lands in the Friant Division service area. Consequently, the proposed action has no impact on air quality and it would remain similar to current conditions.

14. Geology and Soils - The proposed action relative to the no action alternative will continue CVP water deliveries to contractors with no change in the contract amount. There are no new construction of facilities and operations which would affect soil erosion. CVP reservoir operation and flows would continue to be conducted to prevent scouring and bank erosion. Conjunctive use would allow the ground water recharge, diminish soil subsidence, and reduce salt accumulation in soils. The proposed action would have no impact on soil and geology and it would remain similar to current conditions.

15. Visual Resources - The proposed action would not result in construction of new facilities or land disturbing activities that could alter the visual environment. Consequently, the proposed action would not have a significant effect on the service area's unique or scenic landscape features. General cultivated and fallowed acreage patterns are expected to be similar to historic patterns, with fully planted crop coverage on retired or fallow lands in the last year of cultivation. The proposed action will have no significant effect on visual resources.

16. Environmental Justice - This proposed action would not have a disproportionately high adverse affect on any one ethic group more than another, including land owners, farmers, and farm workers. However, any change would reflect more on individuals and skill levels who are generally economically disadvantaged. The proposed action would not have a disproportionally high and adverse or environmental effect on minority or low-income populations.

17. Indian Trust Assets - The proposed action relative to the no action alternative would continue CVP water deliveries to contractors with no change in the contract amount. There is no change to CVP management, reservoir operations, or facilities that would interfere with existing Indian Trust Assets (ITA) water rights or diversions. The proposed action has no impact to the John Davis ITA located in the Orange Cove Irrigation District, and would remain similar to current conditions.