

# RECLAMATION

*Managing Water in the West*

**Final Environmental Assessment and  
Finding of No Significant Impact for the  
Agreement for the Reimbursement  
of Deep Well Pumping Costs on  
the Gray Lodge Wildlife Area  
between the United States and the  
State of California**



U.S. Department of the Interior  
Bureau of Reclamation  
Mid-Pacific Region  
Regional Office  
Sacramento, CA

May 2009

## FINDING OF NO SIGNIFICANT IMPACT

### Agreement for the Reimbursement of Deep Well Pumping Costs on the Gray Lodge Wildlife Area between the United States and the State of California

U.S. Department of the Interior  
Bureau of Reclamation  
Mid-Pacific Region  
Sacramento, California

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FONSI No. **09-06-MP**



U.S. Department of the Interior  
Bureau of Reclamation  
Mid-Pacific Region  
Regional Office  
Sacramento, CA

The proposed action by the United States Bureau of Reclamation (Reclamation) is to amend Article 1(b) of the *Agreement for the Reimbursement of Deep Well Pumping Costs on the Gray Lodge Wildlife Area Between the United States and the State of California* No. 05-WC-20-2903, DFG No. R042001, executed on December 20, 2004 (Reimbursement Agreement 2004). This amendment would allow for three additional twelve month term extensions for a maximum period beginning March 1, 2009 through February 28, 2012.

In accordance with the National Environmental Policy Act of 1969, as amended, and the Council on Environmental Quality's Regulations for Implementing the procedural provisions of NEPA (40 CFR Parts 1500-1508); Reclamation's Mid-Pacific Regional Office has found that the proposed action would not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not required.

## **FINDINGS**

Reclamation has prepared an environmental assessment (EA) (see attached) which analyzes the impacts of the proposed action. Based on the analysis in the EA, Reclamation has found that extending the performance period for Reimbursement Agreement 2004 for thirty-six months would not result in significant impacts to the environment.

This Finding of No Significant Impact is based upon the following:

1. Surface water use would not change as a result of the proposed action. Surface water deliveries to the Gray Lodge Wildlife Area (Refuge) would remain consistent with the last five years. Surface water resources would not be overburdened as a result of the proposed action.
2. Groundwater use would remain within safe yield, generally within the average over the past five years. Pumping groundwater would not overburden the resource or other water users. In the short term, the amount of groundwater pumped may increase due to climatic conditions and surface water shortages, however, the increase would be temporary and would remain within safe yield.
3. The proposed action would have no effect on any federally listed threatened or endangered species or their critical habitat. Using groundwater on the Refuge augments management of habitat and food for migrating waterfowl and other species. Pumping of groundwater for refuge water supply is consistent with current management strategies at the Refuge.
4. The proposed action has no potential to affect historic properties [36 CFR Part 800.3 (a)1)]. Construction is not proposed. New lands would not receive the water. Therefore, the proposed action would not affect cultural resources.
5. The proposed action would not affect any Indian Trust Assets (ITA). The proposed action would not result in any ground breaking activities affecting any Indian reservations, rancherias or other legal interests held in trust by the United States for the benefit of Indian Tribes or individual Indians.

6. The proposed action would not disproportionately affect minorities or low-income populations and communities because there would be no change in land management. There would not be significant adverse impacts to human health or environmental effects associated with a reimbursement agreement for Refuge groundwater supply.

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## List of Acronyms, Abbreviations, and Definition of Terms

EA	Environmental Assessment
DFG	California Department of Fish and Game
District	Biggs-West Gridley Water District
FWCA	Fish and Wildlife Coordination Act
Refuge	Gray Lodge Wildlife Area
ITA	Indian Trust Assets
NRHP	National Register of Historic Places
Reclamation	Bureau of Reclamation

# Section 1 Purpose and Need for Action

## 1.1 Introduction

Reclamation proposes to amend Article 1(b) of the *Agreement for the Reimbursement of Deep Well Pumping Costs on the Gray Lodge Wildlife Area Between the United States and the State of California*, No. 05-WC-20-2903, DFG No. R0420012, executed on December 20, 2004 (Reimbursement Agreement 2004) to allow for three additional consecutive twelve month term extensions beginning March 1, 2009 and terminating February 28, 2012. Article 1(b) provides the option to extend the performance period by formal amendment process through notification and request by the State of California Department of Fish and Game (DFG). Through the process of negotiating this amendment, DFG has requested to exercise the first twelve month extension option for the period of March 1, 2009, through February 28, 2010.

This Environmental Assessment (EA) and Finding of No Significant Impact examine the environmental effects of the proposed thirty-six month extension period covering March 1, 2009 through February 28, 2012. A reimbursement agreement has been successfully implemented between the parties since 2003. Under this action, the Bureau of Reclamation (Reclamation) would continue to reimburse DFG for those approved costs associated with deep well pumping to provide groundwater supplies to Gray Lodge Wildlife Area (Refuge) for the purpose of supplementing Central Valley Project (Project) Level 2 surface water deliveries to the boundary of the Refuge, thereby meeting the full Level 2 allocation. This thirty-six month extension is necessary for Reclamation to continue meeting its obligation of supplying full Level 2 water to the Refuge through February 28, 2012. Reclamation expects to negotiate a renewed long-term reimbursement agreement with DFG to be effective by March 1, 2012, or earlier.

## 1.2 Background

The Secretary of the Interior through the Bureau of Reclamation is mandated under the Central Valley Project Improvement Act (CVPIA), Title XXXIV, Public Law 102-575, Section 3406(d)(1)(2) and (5) to provide water supplies to certain refuges within the Central Valley, including Gray Lodge Wildlife Area. Reclamation entered into a long-term conveyance and facilities construction cooperative agreement with Biggs-West Gridley Water District (District), No. 03-FC-20-2049 (Cooperative Agreement) in September 2003 for the purpose of conveying surface water supplies to the Refuge boundary. The Cooperative Agreement also provides for District facilities improvements and construction to increase its capacity, due to current limited capacity which does not allow for conveyance of full Project Level 2 surface water supplies to the Refuge boundary.

In September 2003, Reclamation and DFG signed the *Agreement for the Reimbursement of Deep Well Pumping Costs on the Gray Lodge Wildlife Area Between the United States and the State of California*, No. 03-WC-20-2601, (Reimbursement Agreement 2003) establishing the terms and conditions for Reclamation to reimburse DFG for costs associated with pumping groundwater

supplies on the Refuge. Pumping groundwater is necessary to supplement reduced Project Level 2 surface water deliveries and bring Refuge water supplies to the full CVPIA Level 2 allocation. The Reimbursement Agreement 2003 performance period was retroactive to May 2003 continuing through February 29, 2004, and included the option for the performance period to be extended a maximum of four successive twelve month periods, through formal amendment. However, the Reimbursement Agreement 2003 terminated prior to Reclamation initiating the process for the first twelve month renewal amendment. Thus, it became necessary to execute the new Reimbursement Agreement 2004.

Reimbursement Agreement 2004 was retroactive to the beginning of contract Water Year 2004 (WY04), from March 1, 2004, continuing through February 28, 2005. Reimbursement Agreement 2004 carried forth the same basic terms of the Reimbursement Agreement 2003, and allowed for the performance period to be extended a maximum of four successive twelve month periods. These twelve month extensions under the Reimbursement Agreement 2004 were duly exercised in 2005, 2006, 2007, and 2008. The proposed amendment to Article 1(b) in Reimbursement Agreement 2004, would allow DFG three additional successive twelve month extension periods.

With the firm water supply guaranteed by the CVPIA and the temporal increases in available water since implementation of the CVPIA, the Refuge has been able to make significant improvements in habitat and species management.. Habitat improvements have consisted of increases in the amount of irrigated pasture, cereal grains, seasonal wetlands, and the amount of semi-permanent wetlands. The irrigated pastures, cereal grains, and seasonal wetlands provide food and cover for wintering migratory waterfowl. The semi-permanent wetlands and adjacent uplands provide habitat for resident and migratory mammals, reptiles, and avian species during the spring breeding season and summer.

### **1.3 Purpose and Need**

Under the proposed amendment to Article 1(b), Reclamation would continue to reimburse DFG for those approved costs associated with deep well pumping to provide groundwater supplies to the Refuge for an additional thirty-six month period. This amendment to Article 1(b) in Reimbursement Agreement 2004 is necessary to continue providing full Level 2 water supplies to the Refuge.

### **1.4 Potential Resource Issues**

- Surface Water Resources
- Groundwater Resources
- Land Use
- Biological Resources
- Cultural Resources
- Indian Trust Assets
- Environmental Justice

## **Section 2 Alternatives Including Proposed Action**

### **2.1 Alternative A – No Action**

Reclamation would not amend the Reimbursement Agreement 2004 between Reclamation and DFG for reimbursement of costs associated with groundwater pumping to supplement reduced Project Level 2 surface water supplies allowing a thirty-six month extension period from March 1, 2009 through February 28, 2012. Under this alternative, Reclamation would not meet its obligations under CVPIA Section 3406(d)(1). DFG would potentially have to reduce Level 2 water use at the Refuge up to 16,000 acre feet annually in Water Years 2009, 2010, and 2011.

### **2.2 Alternative B - Proposed Action**

Reclamation would amend Article 1(b) in Reimbursement Agreement 2004 to allow for a thirty-six month extension period, thereby changing the term date through February 28, 2012. This extension would allow Reclamation to meet its obligations under Section 3406(d)(1) of the CVPIA by providing up to 16,000 acre-feet of groundwater supplies to the Refuge annually. The groundwater would supplement reduced Project Level 2 surface water deliveries and DFG would be reimbursed for pumping costs. These costs include, but are not limited to:

- Well rehabilitation and upgrade costs;
- Well pump repair costs;
- Well levels monitoring costs;
- Power costs;
- Indirect costs.