

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION**

MID-PACIFIC REGION

DRAFT FINDING OF NO SIGNIFICANT IMPACT

**Recirculation of Recaptured Water Year 2013-2017
San Joaquin River Restoration Program Flows**

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Recirculation of Recaptured Water Year 2013-2017 San Joaquin River Restoration Program Flows

In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the San Joaquin River Restoration Program (SJRRP) Office and the South-Central California Area Office of the U.S. Bureau of Reclamation (Reclamation), has determined that the execution of transfer and exchange agreements to recirculate between 0 acre-feet (AF) and up to 260,000 acre-feet of water per year from San Luis Reservoir, recaptured as a result of SJRRP Water Year 2013-2017 Interim and Restoration Flows, is not a major federal action that would significantly affect the quality of the human environment and an environmental impact statement is not required. This Finding of No Significant Impact is supported by Reclamation's Draft Environmental Assessment (Draft WY 2013-2017 EA), *Recirculation of Recaptured Water Year 2013-2017 San Joaquin River Restoration Program Flows*, which is hereby incorporated in its entirety by reference.

Background

The San Joaquin River Restoration Program (SJRRP) was established in late 2006 to implement the Stipulation of Settlement in *NRDC, et al. v. Kirk Rodgers, et al.* (Settlement). As an initial action to guide implementation of the SJRRP, the Settlement requires that the U.S. Department of the Interior, Bureau of Reclamation (Reclamation), modify releases from Friant Dam from October 1 to September 30 for a program of Interim and Restoration flows.

The SJRRP Program Environmental Impact Statement/Impact Report (PEIS/R) was finalized in July 2012 and the corresponding Record of Decision (ROD) was issued on September 28, 2012. The PEIS/R and ROD analyzed at a project-level the reoperation of Friant Dam to release Interim and Restoration Flows to the San Joaquin River, making water supplies available to Friant Division long-term contractors at a preestablished rate, and the recapture of Interim and Restoration flows at existing facilities within the Restoration Area and the Delta. The PEIS/R and ROD also includes program-level actions, which are identified as actions that require the completion of additional analysis pursuant to NEPA and/or CEQA, as appropriate. One of the program-level actions identified in the document includes Settlement Paragraph 16(a) actions for the recirculation of recaptured Interim and Restoration flows. The PEIS/R states that Reclamation will monitor and report the quantity and timing of Interim and Restoration flows that are available for recirculation to the Friant Division long-term contractors. The PEIS/R acknowledges that additional analysis for NEPA and/or CEQA will be needed in the future for the long-term recirculation plan, which may include modifications to new facilities or the construction of new facilities. The PEIS/R and ROD also anticipate that the long-term recirculation plan may require additional exchange agreements and negotiations with water users.

The analysis in the corresponding Draft WY 2013-2017 EA does not involve or assess the construction of new facilities and will only examine the recirculation of water using existing facilities within the CVP and State Water Project (SWP) with existing contractors until a long-term recirculation plan can adequately be developed and resulting environmental impacts

properly analyzed. Additionally, the recirculation of recaptured SJRRP flows assessed in this EA will not increase beyond existing water contract limitations.

The Water Management Goal of the Settlement and Act includes a requirement for the development and implementation of a plan for recirculation, recapture, reuse, exchange or transfer of interim flows for the purpose of reducing or avoiding impacts to water deliveries to all of the participating Friant Division long-term contractors. Paragraph 16 of the Settlement states:

16. In order to achieve the Water Management Goal, immediately upon the Effective Date of this Settlement, the Secretary, in consultation with the Plaintiffs and Friant Parties, shall commence activities pursuant to applicable law and provisions of this Settlement to develop and implement the following:

(a) A plan for recirculation, recapture, reuse, exchange or transfer of the Interim Flows and Restoration Flows for the purpose of reducing or avoiding impacts to water deliveries to all of the Friant Division long-term contractors caused by the Interim Flows and Restoration Flows. The plan shall include provisions for funding necessary measures to implement the plan. The plan shall:

(1) ensure that any recirculation, recapture, reuse, exchange or transfer of the Interim Flows and Restoration Flows shall have no adverse impact on the Restoration Goal, downstream water quality or fisheries;

(2) be developed and implemented in accordance with all applicable laws, regulations and standards. The Parties agree that this Paragraph 16 shall not be relied upon in connection with any request or proceeding relating to any increase in Delta pumping rates or capacity beyond current criteria existing as of the Effective Date of this Settlement;

(3) be developed and implemented in a manner that does not adversely impact the Secretary's ability to meet contractual obligations existing as of the Effective Date of this Settlement; and

(4) the plan shall not be inconsistent with agreements between the United States Bureau of Reclamation and the California Department of Water Resources existing on the Effective Date of this Settlement, with regard to operation of the CVP and State Water Project.

Reclamation, as the lead agency under the National Environmental Policy Act (NEPA) has prepared this FONSI and corresponding Draft WY 2013-2017 EA to analyze the environmental effects of completing the requirement of returning the recaptured water to the Friant Division long-term contractors.

Proposed Action

Recaptured SJRRP Flows available for recirculation to the Friant Contractors for WY 2013-2017 is expected to vary each WY from a minimum of 0 acre-feet (AF) to a maximum of 260,000 AF; provided, that this EA evaluates a maximum possible recirculation amount of 260,000 AF per WY. Reclamation would make the recaptured SJRRP Interim and Restoration Flows available in south-of-Delta facilities (SOD Facilities) (e.g. San Luis Reservoir, O'Neill Forebay, Delta-

Mendota Canal, California Aqueduct, etc.) for recirculation and beneficial use by the Friant Contractors. Recirculation to the Friant Contractors would be accomplished through direct delivery, exchange, and/or transfer. This could require the exchange and/or transfer of recaptured SJRRP Flows among Friant Contractors or non-Friant Contractors. The Proposed Action would assist in Reclamation meeting its obligation pursuant to the Settlement and Act to reduce or avoid the adverse water supply impacts on all of the Friant Contractors that may result from the WY 2013-2017 SJRRP Flows. It is acknowledged that there will be a long-term recirculation plan that will be implemented in association with the SJRRP. The details are unknown at this time, but are anticipated to be completed before or at the expiration date of this EA. Therefore, cumulative and long-term impacts associated with the implementation of the long-term recirculation of flows (which may involve modifications to facilities, construction of facilities, or changes to existing contract totals) will be analyzed and comprehensively addressed through a process including public outreach encouraging input and through environmental resources analysis in separate NEPA documentation.

The Federal action would involve Reclamation entering into various direct delivery, exchange, or transfer agreements to recirculate the SJRRP Flows to the Friant Contractors. Reclamation would facilitate the Proposed Action through stipulations present in existing contracts and would use existing Federal, state, and local facilities. The recaptured SJRRP Flows will be recirculated to the listed Friant Contractors whose supplies may be impacted by WY 2013-2017 SJRRP Flows. Friant Contractors may exchange or transfer their water to other Friant Contractors or non-Friant Contractors, but not in excess of the existing water contract amounts.

The Proposed Action is a multi-faceted approach and consists of direct deliveries, exchanges, and transfers that could occur up to a maximum quantity not exceeding any Friant Contractor's contractual CVP Water amount or exceeding the non-Friant Contractors contract amounts.

The Proposed Action would include direct deliveries of recirculation water from SLR to Friant Contractors through existing CVP, SWP, and local facilities. The Proposed Action would also include transfers of recirculation water among Friant Contractors and/or non-Friant Contractors. The transfers would use existing CVP, SWP, and local facilities. This may require several agreements, but do not include any new construction.

Water year types for WY 2013-2017 are speculative at this time because these are assessed with hydrologic data presented on an annual basis. Thus, it is unknown what any water year type will be during the duration of the analysis in this EA. Therefore, the 260,000 AF number is provided as a maximum possible amount available in any given year. With the advent of Interim Flows during WY 2010, 2011, and 2012 and subsequent recapture of flows during each of those consecutive years, the 260,000 AF number has not been reached. However, to allow for full disclosure of the largest amount of potential environmental impacts and to adequately address the total maximum amount of Interim and Restoration flows to be recirculated, this EA assumes the largest possible total quantity.

The Proposed Action would also involve exchanges between Friant Contractors and non-Friant Contractors to recirculate water to Friant. Friant Contractors would make their recirculation water available in SOD Facilities to non-Friant Contractors. In exchange, the non-Friant

Contractors would make a local supply of water available to the Friant Contractors. This action could involve a Friant Contractor acting on behalf of several other Friant Contractors to facilitate an exchange into Millerton Lake for integration into the Friant Division's CVP Water supply. The following examples are provided to illustrate this action:

- 1) District A is a Friant Contractor with a supply of 100 acre-feet of recirculation water available in SOD Facilities. District Z is a non-Friant Contractor capable of diverting water from SOD Facilities and has a local supply of 100 acre-feet of water that can be used by District A. Under this example, District A makes its 100 acre-feet of recirculation water available to District Z. In exchange, District Z makes its 100 acre-feet of local water available to District A.
- 2) District A, B, and C are Friant Contractors with 100 acre-feet per district (300 acre-feet combined) of recirculation water available in SOD Facilities. District Z is a non-Friant Contractor capable of diverting water from SOD Facilities, has a local supply of 300 acre-feet of water, and the local water supply can only be used by District A. However, District A also has 200 acre-feet of CVP Water or other contractual supply that it can exchange with District B and C. Under this example, District A, B, and C make their combined 300 acre-feet of recirculation water available to District Z. In exchange, District Z makes approximately 300 acre-feet of local water available to District A. District A then exchanges 200 acre-feet of its CVP Water or other contractual supply to Districts B and C.

In addition, exchanges may provide for less than a 1:1 return of water to Friant Contractors and make take several years to fully execute. For example:

- 1) District A is a Friant Contractor with a supply of 100 acre-feet of recirculation water available in SOD Facilities. District Z is a non-Friant Contractor capable of diverting water from SOD Facilities, but due to losses and other considerations is only willing to make 80 acre-feet of its local water available to District A. Under this example, District A makes its 100 acre-feet of recirculation water available to District Z. In exchange, District Z makes 80 acre-feet of local water available to District A.
- 2) District A is a Friant Contractor with a supply of 100 acre-feet of recirculation water available in SOD Facilities. District Z is a non-Friant Contractor capable of diverting water from SOD Facilities with 20 acre-feet of losses and will have a local supply of 80 acre-feet of water in WY 2018 that can be used by District A. Under this example, District A makes its 100 acre-feet of recirculation water available to District Z in WY 2013. In exchange, District Z makes 80 acre-feet of local water available to District A in WY 2018.

The Proposed Action will not exceed 260,000 AF/per WY. Reclamation would facilitate the Proposed Action through stipulations present in existing agreements and the recirculation of recaptured WY 2013-2017 SJRRP Flows will not increase deliveries to any contractor. All water directly delivered, exchanged, or transferred shall remain within existing contractual amounts and contract service areas for those water contractors. The exact totals directly delivered,

exchanged, or transferred through this Proposed Action shall not exceed any contractor's contractual amount. The Proposed Action analyzed in this EA would help supplement any surface water need that a particular contractor could have over WY 2013-2017. The recirculation of recaptured WY 2013-2017 SJRRP Flows will not increase deliveries to any water contractor. All water delivered, exchanged, or transferred shall remain within existing contract amounts.

The Proposed Action would provide for the pre-delivery of WY 2013-2017 SJRRP Flows during periods of excess water supply and capacity in SOD Facilities. While infrequent, there are times when water and capacity is available in SOD Facilities that is in excess of the demands of existing south-of-delta CVP contractors. Through this mechanism Reclamation would: calculate the reasonable volume of water that could be made available in SOD Facilities that is in excess of the demands of existing south-of-Delta CVP contractors; calculate the reasonable volume of WY 2013-2017 SJRRP Flows that is expected to be recaptured within the subsequent 3 months or other reasonably foreseeable timeframe; determine the demand and ability of the Friant Contractors to use pre-delivered water; coordinate with the FWA, San Luis Delta-Mendota Water Authority, San Joaquin River Exchange Contractors Authority, and any other affected parties; make the water available for pre-delivery to Friant Contractors; and, record the amount of water pre-delivered to the Friant Contractors. As WY 2013-2017 SJRRP Flows are actually released and recaptured in accordance with the Settlement hydrograph, the recaptured water would be used first to balance out any pre-delivered water. This mechanism would not result in any involuntary reduction in contract water allocations.

The Proposed Action does not cover the direct discharge of recirculation water from SOD facilities into the Friant Kern Canal. If this action is proposed as an option for the recirculation of WY 2013-2017 Interim and Restoration flows, it would require additional NEPA analysis and review.

Contractors outlined in this EA would notify Reclamation in advance of any proposed direct delivery, exchange, or transfer so that Reclamation can determine if the action is consistent with the EA and existing contracts, and can coordinate with involved water contractors to ensure there is capacity within existing facilities to take the action. In addition, coordination would ensure that Reclamation's obligations to deliver water to other contractors, wildlife refuges, and other requirements would not be adversely impacted.

Reclamation would evaluate any water contractors, described in this EA, that may be currently outside the existing CVP place-of-use in order to determine future agreements or modifications to existing permits or approvals that may be necessary in order to legally transfer, exchange, or deliver WY 2013-2017 SJRRP Flows.

Exchanges and transfers shall further be subject to the following parameters:

- No native or untilled land (fallow for three consecutive years or more) would be cultivated with the water involved in these actions.
- Transferred water can be either Agricultural (Ag) or Municipal and Industrial (M&I) water.

- The ultimate purpose of use can be for Ag, M&I purposes, fish and wildlife purpose and or groundwater recharge.
- All transfers and exchanges will be between willing sellers and willing buyers.
- Transfers or exchanges would occur without new construction or modifications to facilities.
- Transfers or exchanges are limited to existing supply and will not increase overall consumptive use.
- Transfers or exchanges for Ag would be used on lands irrigated within the last three consecutive years.
- Transfers or exchanges would not lead to any land conversions.
- Transfers or exchanges would comply with all applicable Federal, State, Local or Tribal laws or requirements imposed for the protection of the environment and ITA.
- Transfers or exchanges cannot alter the flow regime of natural water bodies such as rivers, streams, creeks, ponds, pools, wetlands, etc., so as not to have a detrimental effect on fish or wildlife, or their habitats.

The Proposed Action only covers direct deliveries, exchanges, or transfers of water recaptured as a result of WY 2013-2017 SJRRP Flows. The Proposed Action does not cover direct deliveries, exchanges, or transfers that do not include recaptured WY 2013-2017 SJRRP Flows.

Table 1: Contract Amounts for Friant Contractors and SOD Contractors

Friant Contractors	Class 1 CVP Supply (AF/year)	Class 2 CVP Supply (AF/year)
Arvin-Edison WSD (PWRPA member)	40,000	311,675
Chowchilla Water District (WD)	55,000	160,000
City of Fresno	60,000	0
City of Lindsay	2,500	0
City of Orange Cove	1,400	0
County of Madera	200	0
Delano-Earlimart Irrigation District (ID)	108,800	74,500
Exeter Irrigation District	11,500	19,000
Fresno Co. Waterworks No. 18	150	0
Fresno ID	0	75,000
Garfield WD	3,500	0
Gravelly Ford WD	0	14,000
International WD	1,200	0
Ivanhoe WD	6,500	500
Kaweah Delta Water CD	1,200	7,400
Kern-Tulare WD – partial assignment	0	5,000
Lewis Creek WD	1,450	0
Lindmore ID	33,000	22,000
Lindsay-Strathmore ID	27,500	0
Lower Tule River ID	61,200	238,000
Madera ID	85,000	186,000
Orange Cove ID	39,200	0
Porterville ID	16,000	30,000
Saucelito ID	21,500	32,800
Shafter-Wasco ID	50,000	39,600
Southern San Joaquin MUD	97,000	50,000
Stone Corral ID	10,000	0
Tea Pot Dome WD	7,500	0
Terra Bella ID	29,000	0
Tulare ID	30,000	141,000
Non-Friant Contractors	Supply (AF/year)	
City of Avenal	3,500	
Banta-Carbona ID (PWRPA member)	20,000	
Byron-Bethany ID	20,600	
City of Coalinga	10,000	
Coelho Family Trust	2,080	
Del Puerto ID	140,210	
Dudley Ridge Water District	50,343	
Eagle Field WD	4,550	
Fresno County	3,000	
Fresno Slough WD	4,000	
Grasslands WD	Level 2 and/or Level 4	
Hills Valley ID	3,346	
City of Huron	3,000	
James ID (PWRPA member)	35,300	
Kern County Water Agency <i>Includes Belridge WSD, Kern Delta WD, Rosedale-Rio Brave WSD, Semitropic WSD, Buena Vista WSD, Cawelo WD (also a PWRPA member), Berrenda Mesa WD, Henry Miller WD, Lost Hills WD, Tehachapi-Cummings WD, Tejon-Castaic WD, West Kern WD, and Wheeler Ridge – Maricopa WD</i>	982,730	

Non-Friant Contractors	Supply (AF/year)
CVPIA San Joaquin Valley National Wildlife Refuges served by the DMC or San Luis Unit	Level 2 and/or Level 4
Kern-Tulare WD Includes Rag Gulch WD	40,000
Laguna WD	800
Lower Tule River ID	31,102
Mercy Springs WD	2,842
Metropolitan WD of Southern California	1,911,500
North Kern WSD	6,000 to 394,000 (variable)
Oro Loma WD	4,600
Pacheco WD	10,080
Panoche WD	94,000
Patterson ID	16,500
Pixley ID	31,102
Rosedale-Rio Bravo WSD	29,900
San Benito County WD	43,800
San Joaquin River Exchange Contractors Water Authority	840,000
San Luis WD	125,080
Santa Clara Valley WD (PWRPA member)	152,500
Sonoma County Water Agency (PWRPA member)	76,000
The West Side ID (PWRPA member)	5,000
City of Tracy Includes Westside ID and Banta-Carbona ID	29,333
Tranquility ID	13,800
Tranquility PUD	70
Tri-Valley Water District	1,142
Tulare County	5,308
Tulare Lake Basin WSD	88,922
West Stanislaus ID (PWRPA member)	50,000
Westlands WD (PWRPA member) Includes Mercy Springs WD, Centinella WD, Widren WD, and Broadview WD	1,150,000
Princeton-Cordora-Glenn ID (PWRPA member)	
Provident ID (PWPRPA member)	
Reclamation District 108 (PWRPA member)	

Current SWP Contractor allocations may be found here: <http://www.water.ca.gov/swpao/docs/notices/11-06.pdf>

Reclamation posted the draft EA/FONSI for public review and comment on Reclamation's NEPA website and on the San Joaquin River Restoration Program website at restoresjr.net. The public review period begins on March 4, 2013 and will end on March 18, 2013.

FINDINGS

Reclamation's finding that implementation of the Proposed Action will result in no significant impact to the human environment is supported by the following findings:

Water Resources

The Proposed Action will not change the overall water supply. The exchanges and transfers would utilize existing facilities for conveyance of water. This would not increase or decrease existing CVP allocations. Water moved through this process would not require additional diversion and would not impact the overall existing operations of the water districts or their facilities. The Proposed Action analyzed in the EA would help supplement any surface water

need that a particular water district or districts could have over WY 2013-2017. The recirculation of recaptured Interim and Restoration Flows will not increase deliveries to any water district. All water delivered, transferred, or exchanged shall remain within existing contract totals for those districts. The Proposed Action in this EA does not exceed seek to change contract amounts or deliver water in excess of existing contract amounts. Further, the Proposed Action is limited to Interim and Restoration Flows that are recaptured and stored only during WY 2013-2017 SJRRP releases. Therefore, this action is temporary in nature and not intended to extend beyond WY 2017 and will have no adverse impact to water resources.

Land Use

The Proposed Action will not result in changes to land use and therefore, will have no adverse impacts to land use. There would be no land conversions or land fallowing as a result of the delivery, transfer or exchange of WY 2013-2017 Interim and Restoration Flow water. The Proposed Action is short-term and would not provide a long-term reliable supply to support long-term land use changes.

Biological Resources

The Proposed Action will not result in adverse impacts to biological resources, including listed species, designated critical habitat, or species listed under the Migratory Bird Treaty Act. No Essential Fish Habitat is listed within the Proposed Action area. Existing facilities will be used to transfer and exchange water and water will be delivered to existing agricultural lands. No land use or habitat changes would occur as a result of the Proposed Action.

Cultural Resources

The Proposed Action will not result in adverse impacts to cultural resources. Transfers and exchanges of water would occur through existing facilities and delivered within existing service area boundaries. The Proposed Action would not result in the modification of existing facilities, construction of new facilities, changes in land use, or growth.

Indian Trust Assets

The Proposed Action will not result in adverse impacts to Indian Trust Assets (ITA). Approval of transfers and exchanges between water districts would not involve any construction and would utilize existing conveyance facilities. Therefore, the Proposed Action would not impact ITA.

Socioeconomic Resources

The Proposed Action will not adversely impact socioeconomic resources. There would be no increases or decreases of agricultural production, urbanization, construction, or other changes as a result of the transfer and exchange of water between the districts. The Proposed Action would assist in sustaining existing agricultural production.

Environmental Justice

The Proposed Action would not disproportionately impact economically disadvantaged or minority populations. Water transfers and exchanges would not result in employment gain or loss, but would result in sustained job rates for agricultural workers.

Air Quality

The Proposed Action will not result in adverse impacts to air quality. The movement of water between districts would be done via gravity flow and/or pumped using electric motors which have no direct emissions. The Proposed Action would not involve any construction or land disturbance that could lead to fugitive dust emissions or exhaust emissions associated with the operation of construction equipment.

Global Climate Change

The Proposed Action will not result in adverse impacts to global climate change. The majority of power utilized in CVP facilities is generated by hydroelectric power by CVP facilities. Therefore, the energy used to run the facilities does not typically result in the burning of fossil fuels. All water moved under this temporary one-year action would be within existing contract totals and would not increase deliveries to contractors, thus, not resulting in increased pumping in conveyance facilities. Greenhouse gas emissions would not be anticipated to substantially increase under the proposed action in a quantity that would result in an impact to overall global climate change.

Cumulative Impacts

Contract execution for the transfer and exchange of recirculation water would not have any controversial or highly uncertain effects, or involve unique or unknown environmental risks. The Proposed Action would not trigger other water service actions and does not contribute to cumulative effects to physical resources when added to other water service actions. The canals, distribution, rivers, creeks, and conveyance facilities associated with the Proposed Action are managed primarily for agricultural supplies. The Proposed Action would not interfere with the deliveries, operations, or cause substantial adverse changes to the conveyance facilities.

The proposed transfers, when added to other actions, do not contribute to significant increases or decreases in environmental conditions. These water service actions are proposed to occur only to distribute up to a maximum of 260,000 AF per year of WY 2013-2017 Interim and Restoration Flows. These transfer actions are not precedent-setting. The Proposed Action was found to have no impact on water resources, land use, biological resources, cultural resources, ITA, socioeconomic resources, environmental justice, air quality, or global climate change and therefore there is no contribution to cumulative impacts on these resources areas. Overall, there would be no cumulative impacts caused by the Proposed Action. Additionally, overall cumulative impacts associated with the implementation of the SJRRP are discussed at length in the PEIS/R, as discussed earlier in this FONSI. This document documents the detailed analysis of affected resources and determines the cumulative significance of impacts to the human environment.