

RECLAMATION

Managing Water in the West

Finding of No Significant Impact

2013 Water Transfers

FONSI 13-05-MP

Recommended by:

Date: _____

Natural Resource Specialist
Mid-Pacific Regional Office

Concurred by:

Date: _____

Chief, Program Management Branch
Mid-Pacific Regional Office

Approved by:

Date: _____

Regional Resources Manager
Mid-Pacific Regional Office



**U.S. Department of the Interior
Bureau of Reclamation
Mid Pacific Region**

May 2013

Background

In accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), as amended, the Bureau of Reclamation (Reclamation) has prepared an Environmental Assessment (EA) for approving water transfers to areas south of the Sacramento-San Joaquin Delta (Delta) experiencing water shortages in 2013. The EA is dated May, 2013 and is attached and incorporated by reference.

To help facilitate the transfer of water to areas south of the Delta experiencing water shortages in 2013, Reclamation and the Department of Water Resources (DWR) are considering whether they can approve and facilitate individual water transfers between willing sellers and buyers. Reclamation has approval authority over water transfers that involve Central Valley Project (CVP or Project) Water and Base Supply water, or the use of CVP facilities. Reclamation would approve each transfer on an individual basis, but this document refers to them collectively as the 2013 Water Transfers. Transfers would occur from willing sellers upstream from the Delta to buyers that export water from the Delta. The transfer water would be conveyed, using CVP or State Water Project (SWP) facilities, to water users that are experiencing water shortages in 2013 and that require supplemental water supplies to meet anticipated demands. Reclamation would review and approve, as appropriate, proposed water transfers in accordance with the Draft Technical Information for Water Transfers in 2013 (Reclamation and DWR 2013), state law and/or the Interim Guidelines for the Implementation of Water Transfers under the Central Valley Project Improvement Act (CVPIA).

Alternatives Including Proposed Action

No Action Alternative

Under the No Action Alternative, Reclamation would not approve the proposed transfer of Base Supply and/or Project Water from willing Sacramento River Settlement Contract (SRS Contract) sellers north of the Delta to users south of the Delta in 2013. However, other transfers that do not involve the CVP or CVP contractors may occur under the No Action Alternative. Additionally, Base Supply and/or Project Water transfers within basins would continue to occur and would still require Reclamation's approval. Some CVP contractors that are not included in this EA may decide they are interested in selling water to buyers south of the Delta at a later time, however additional NEPA analysis would be required before those transfers could proceed.

Under the No Action Alternative, some agricultural and urban water users will face shortages in the absence of water transfers. These users may take alternative water supply actions in response to shortages, including increased groundwater pumping, cropland idling, reduction of landscape irrigation, or water rationing. These subsequent actions do not require Reclamation approval and are outside the scope of this EA analysis.

Proposed Action

The Proposed Action includes groundwater substitution transfers in 2013 that require Reclamation approval. The Proposed Action includes potential transfers of Base Supply and/or Project Water from eight entities with Sacramento River Settlement Contracts located north of the Delta. Reclamation would evaluate each proposal individually, as it is received, to determine if it meets state law and/or CVPIA requirements. Reclamation has followed this process in past years when approving transfers (such as in 2009 for the Drought Water Bank).

The Proposed Action would make water available to buyers from willing sellers upstream from the Delta during 2013. A total of up to 37,505 acre feet of water could be made available for transfer through groundwater substitution. Reclamation would limit the total amount of water approved for transfer under this action to a maximum of 37,505 acre feet. Existing CVP and SWP facilities could be used to convey transfer water to entities that require supplemental water supplies to meet anticipated demands. Water transfers that must move through the Delta would be assumed to lose an estimated 20-30 percent of the water obtained from the Sacramento River and its tributaries to carriage losses (water required to meet water quality and flow related objectives) in the Delta. Additional losses may be assessed for conveyance losses along the California Aqueduct and the Delta Mendota Canal.

Water transfers involving conveyance through the Delta would take place within the operational parameters of the Biological Opinions on the Continued Long-term Operations of the CVP/SWP (Opinions) (National Marine Fisheries Service 2009; U.S. Fish and Wildlife Service 2008) and any other operating rules in place at the time the water transfers are implemented. The key current operational parameter applicable to conveyance of transfer water includes:

- Transfer water will be conveyed through the SWP's Harvey O. Banks Pumping Plant (Banks PP) and CVP's C.W. "Bill" Jones Pumping Plant (Jones PP) during the July through September period only.

DWR and Reclamation will determine availability of Delta pumping capacity at the Banks PP and Jones PP, respectively, throughout the transfer period.

Findings

In accordance with NEPA, the Mid-Pacific Regional Office of Reclamation has found that the approval of proposed water transfers in 2013 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. Water Resources:** Acquisition of water via groundwater substitution would change the rate and timing of flows in the Sacramento. Flow and temperature requirements, including Water Right Orders 90-5 and 91-1 temperature control planning requirements for the Sacramento River, will continue to be met under the Proposed Action, which would minimize the magnitude of such changes. Although there

would be a change in timing and rate of river flows, the annual supply of water to Project or non-Project users that are not participating in transfers would not decrease.

Water transfers would be conveyed through existing facilities. Water transfers involving conveyance through the Delta will be implemented within the operational parameters of the Biological Opinions on the Continued Long-term Operations of the CVP/SWP and any other regulatory restrictions in place at the time of implementation of the water transfers. Under the Proposed Action, additional water supply would benefit water users who receive the transferred water. The Proposed Action would not adversely affect surface water resources.

- 2. Groundwater Resources:** Groundwater substitution transfers could affect groundwater hydrology. The potential effects would be decline in groundwater levels, interaction with surface water, land subsidence, and water quality impacts.

Well reviews and monitoring and mitigation plans will be implemented under the Proposed Action to minimize potential effects to groundwater resources. All plans will be coordinated and implemented in conjunction with local ordinances, basin management objectives, and all other applicable regulations. Required information is detailed in the Draft Technical Information Papers for Water Transfers in 2013 for groundwater substitution transfers.

The reviews and plans will be required from sellers for review by Reclamation during the transfer approval process. Reclamation will not approve transfers without adequate mitigation and monitoring plans. Therefore, the Proposed Action will not have a significant adverse impact on groundwater resources.

- 3. Air Quality:** The estimated emissions for the Proposed Action would not violate any annual or daily federal, state, and local threshold for particulate matter (PM), ozone (O₃), and carbon monoxide (CO). The Proposed Action will not result in significant impacts to air quality.
- 4. Biological Resources:** The conveyance of surface water down the Sacramento River and through the Delta system would not result in additional adverse effects to listed aquatic species or critical habitat, or increase the incidental take authorized, beyond what was already evaluated in the 2008 U.S. Fish and Wildlife Service and 2009 National Marine Fisheries Service biological opinions on the Continued Long-term Operations of the CVP/SWP.

The Proposed Action involves the transfers of up to 37,505 acre feet of water that would be used mostly by agricultural districts. The transferred water is meant to supplement, for 2013, water that the potential buyers are currently short, due to dry hydrological conditions limiting their CVP contractual amounts to currently 20 percent for south of Delta CVP contractors. The Proposed Action is temporary and would only provide supplemental surface water to existing agriculture that would result in no land conversion. No native lands, or those that have been untilled for three or more years would receive water under these transfers. When added to each buyer's CVP diversion for 2013, the supplemental water from the Proposed Action would not exceed each of the buyers' respective CVP contractual limit. Similar to the discussion above for listed aquatic species, the Proposed Action

would not result in additional adverse effects to listed terrestrial species or critical habitat, beyond what was already evaluated in formal and informal consultations with the U.S. Fish and Wildlife Service and National Marine Fisheries Service for the buyers' respective CVP interim renewal contracts or long-term contracts.

The Proposed Action will not result in significant impacts to biological resources.

- 5. Cultural Resources:** The Proposed Action would allow for water transfers via groundwater substitution that originate in the Sacramento Valley and are conveyed through the Delta through existing facilities. No new construction, ground disturbing activities, or changes in land use would occur. Since the Proposed Action has no potential to affect historic properties, no cultural resources would be impacted as a result of the Proposed Action.
- 6. Indian Trust Assets:** The Proposed Action does not have a potential to affect Indian Trust Assets.
- 7. Environmental Justice:** No significant changes in agricultural communities or practices would result from the Proposed Action. The groundwater substitution transfers in the Proposed Action would not cause any farm labor changes in the Sacramento Valley since no agricultural land would be taken out of production. Water transfers under the Proposed Action would provide water to agricultural users in the San Joaquin Valley. Increased water supply in agricultural areas would allow farmers to increase irrigation. Increased irrigation could increase farm employment as farmers produce more crops. This would be a beneficial effect to environmental justice populations. Accordingly, the Proposed Action would not have any significant or disproportionately negative impacts on low-income or minority individuals within the project area.
- 8. Cumulative Impacts:** The cumulative impacts analysis considers other potential water transfers that could occur in the 2013 transfer season, including non-CVP water transfers and other existing water transfer and groundwater programs, including the Lower Yuba River Accord. Given the short-term nature of the Proposed Action, environmental commitments and minimization measures, impacts to the previously discussed resource categories associated with the Proposed Action will not contribute to a cumulatively significant adverse impact when added to other past, present, and reasonably foreseeable future actions. The Proposed Action would not adversely affect the human environment and therefore would not contribute to any long-term effects on environmental resources. The Proposed Action will not result in cumulative impacts to any of the resources described above.