

RECLAMATION

Managing Water in the West

Draft Finding of No Significant Impact

Storage, Conveyance, or Exchange of Yuba Accord Water in Federal Facilities for South of Delta Central Valley Project Contractors

FONSI-13-014

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Bureau of Reclamation
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Date

Introduction

The Bureau of Reclamation (Reclamation) proposes to execute Warren Act contracts and exchange agreements for the storage, conveyance, or exchange of Lower Yuba River Accord (Yuba Accord) water in Federal facilities for requesting South-of-Delta (SOD) Central Valley Project (CVP) contractors within the Delta Division, San Luis Unit, and San Felipe Division. In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, Reclamation's South-Central California Area Office (SCCAO) has determined that approval of the Proposed Action 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 Final Environmental Assessment Number 13-014, *Storage, Conveyance, or Exchange of Yuba Accord Water in Federal Facilities for South of Delta Central Valley Project Contractors*, which is hereby incorporated by reference.

Background

California has experienced severe droughts in recent years that have reduced water supplies to many water districts. SOD CVP water service contractors experienced reduced water supply allocations in 2007, 2008, and 2009, and 2012 due to hydrologic conditions and regulatory constraints. While 2010 and 2011 had above normal rainfall, SOD CVP contractors received only 45% of their CVP agricultural contract supply in 2010, 80% in 2011 and 40% in 2012. In 2013, following a wet start to the water year in November and December 2012, the January – March period was the driest on record, resulting in a critical classification for both the Sacramento and San Joaquin river basins. As of March 23, 2013 the SOD CVP agricultural allocation for 2013 is 20%, and the SOD CVP municipal and industrial (M&I) allocation is 70% of historic use. Operations of the Federal Jones Pumping Plant will continue to be limited due to the various constraints on Delta operations, which will reduce available CVP contract supplies.

The Warren Act (Act as of February 21, 1911; ch. 141, 36 Stat. 925) authorizes Reclamation to negotiate agreements to store and convey non-CVP water when excess capacity is available in Federal facilities.

The Yuba Accord provides supplemental dry year water supplies to state and Federal water contractors under a Water Purchase Agreement between the Yuba County Water Agency and the California Department of Water Resources (DWR). Subsequent to the execution of the Yuba Accord Water Purchase Agreement, DWR and The San Luis & Delta- Mendota Water Authority (Authority) entered into an agreement for the supply and conveyance of Yuba Accord water, to benefit nine of the Authority's member districts (Member Districts) that are SOD CVP water service contractors. The Authority has requested that Reclamation execute Warren Act contracts or exchange agreements with the Member Districts to store, convey, or exchange purchased Yuba Accord water in Federal facilities, when excess capacity exists.

Proposed Action

The Authority would purchase up to 80,000 acre-feet (af) of water per year from DWR, made available by the Yuba Accord, on behalf of the Member Districts (Table 1). The water purchased, minus a 20%-30% loss from carriage through the Delta, would be pumped and stored by DWR for the Authority in the O’Neill Forebay.

Reclamation proposes to execute Warren Act contracts with the Member Districts in order to store and convey this non-CVP water in Federal facilities, at times when excess capacity exists and when DWR makes Yuba Accord water available for purchase. Reclamation would also enter into exchange agreements in order to exchange Yuba Accord water in O’Neill Forebay for CVP water in other SOD CVP facilities. The contracts would be in effect for varying lengths of time between July 2013 and December 2025.

Any remaining non-CVP Water in San Luis Reservoir after each February 28/29 each year would be subject to available capacity and Reclamation’s then current Rescheduled Water Guidelines. DWR would convey the non-CVP water to the Federal share of O’Neill Forebay. The non-CVP water in O’Neill Forebay would either be pumped into the San Luis Reservoir for storage or delivered to the San Luis Unit contractors via the San Luis Canal (SLC), the Delta Division contractors via the Delta-Mendota Canal (DMC), and to the San Felipe Division contractors via the Pacheco Tunnel. There would be no new construction or excavation occurring as part of the Proposed Action. No native or untilled land (fallow for 3 years or more) would be cultivated with water involved with these actions. The Proposed Action would not increase or decrease water supplies that would result in development.

Table 1 Member Districts and Warren Act Contract Requests (Maximum Quantities)

Member District	Warren Act Contract Request (acre-feet/year)
Del Puerto Water District	6,768
Eagle Field Water District	224
Pacheco Water District	488
Panoche Water District	4,536
San Benito County Water District	1,720
San Luis Water District	6,952
Santa Clara Valley Water District	1,600
Westlands Water District	56,408
Westlands Water District Distribution District # 1 (Broadview Water District assignment)	1,304
Total	80,000

Findings

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

Water Resources

The Proposed Action would allow non-CVP water to be stored and conveyed in CVP facilities. The non-CVP water would supplement diminished CVP water supplies and provide greater water supply reliability through 2025. No new facilities would be needed as a result of the Proposed Action. There would be no construction or modification to any Federal facilities; the capacity of the facilities would remain the same. The Proposed Action would use only excess capacity for storage and conveyance of non-CVP water. The Proposed Action would not interfere with the normal operations of Federal facilities nor would it impede any SWP or CVP obligations to deliver water to other contractors or to local fish and wildlife habitat. CVP operations and facilities would not vary considerably under either alternative.

Under existing conditions, water users would be subject to reductions in their water supply due to dry hydrologic conditions and regulatory constraints. Under the Proposed Action, additional water supply would benefit those participating water users. This increased water supply would produce a beneficial effect, and would not be in excess of contract totals.

Depending on timing, the Proposed Action could help reduce the effects of low-point in San Luis Reservoir by increasing the water volume in the reservoir during the summer months.

Because the Proposed Action would involve neither construction, modification, nor interference with operations, there would be no cumulative impacts to existing facilities or other contractors. Because water quality of the non-CVP water would be identical to CVP water, there would be no cumulative impacts to water quality involving water delivered through CVP facilities.

Land Use

Land use would remain the same as described in the affected environment. The storage and conveyance of the non-CVP water through CVP facilities would not contribute to changes in land use. No new construction or excavation would occur as a result of the Proposed Action. No native or untilled land (fallow for 3 years or more) would be cultivated with water involved with these actions. The Proposed Action would not increase or decrease water supplies that would result in development.

Because land use would remain the same as described in the affected environment and the Proposed Action supports current land use, there would be no cumulative impacts to land use as a result of the Proposed Action.

Biological Resources

The action area consists of agricultural fields that provide some habitat values for a few species listed above; however, there is routine disturbance due to on-going farming practices. The Proposed Action would not involve the conversion of any land fallowed and untilled for three or more years. The Proposed Action also would not change the land use patterns of the cultivated or

fallowed fields that do have some value to listed species or birds protected by the Migratory Bird Treaty Act.

The movement and pumping of the water would be covered by the biological opinions from the U.S. Fish and Wildlife Service (Service 2008) and National Marine Fisheries Service (NMFS 2009) on the Coordinated Long-term Operations of the CVP and SWP. The biological opinions cover 48,000 af/y (60,000 af minus 20% conveyance losses) of Component 1 Yuba Accord water, and the remainder is covered under the 600,000 af/y of transferred water (the total amount that would be transferred under this Proposed Action plus other transfers is under 600,000 af). As a result, the effects on the Delta smelt and its critical habitat, and the effects on the Central Valley steelhead, Central Valley spring-run chinook salmon, Sacramento River winter-run chinook salmon, North American green sturgeon and critical habitat for these species, and the Southern Resident killer whales have already been addressed. These biological opinions were remanded by the Court but not vacated; they remain in effect until new biological opinions are issued. Reclamation will complete NEPA analysis before accepting Reasonable and Prudent Alternatives (RPAs) developed by the Service and NMFS. Reclamation will continue to comply with any court orders and with the current and future biological opinions.

Impacts to Essential Fish Habitat for Pacific salmon were also addressed by consultation with NMFS (2009).

Cultural Resources

There would be no modification of CVP storage and conveyance facilities and no activities that would result in ground disturbance under the Proposed Action. On May 1, 2013, Reclamation's Mid-Pacific Region, Cultural Resources Branch, determined that the Proposed Action involves the type of activity that has no potential to cause effects on historic properties, pursuant to 36 CFR Part 800.3(a)(1).

Indian Sacred Sites

The Proposed Action would not limit access to ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites, since no new construction or ground disturbing activities would occur as part of the Proposed Action. Therefore, there would be no impacts to Indian Sacred Sites as a result of the Proposed Action

Indian Trust Assets

Reclamation determined on May 2, 2013 that the Proposed Action would not impact Indian Trust Assets as there are none in the Proposed Action area.

Socioeconomic Resources

Under the Proposed Action, participating districts could convey and store non-CVP water in CVP facilities to supplement their CVP water supply. The Warren Act contracts and exchange agreements would allow the non-CVP water to be distributed to sustain permanent crops. This could help maintain the local agricultural economy.

There would be no adverse cumulative impacts to socioeconomic resources as a result of the Proposed Action. The Proposed Action could result in a stronger local agricultural economy during the program timeframe.

Environmental Justice

No impact to minority or low-income populations would occur under the No Action Alternative as conditions would remain the same as existing conditions. The Proposed Action does not propose any features that would result in adverse human health or environmental effects, have any physical effects on minority or low-income populations, and/or alter socioeconomic conditions of populations that reside or work in the vicinity of the Proposed Action.

Air Quality

No new facilities would be needed as a result of the Proposed Action that would cause emissions from construction activities. The pumps that would be used to convey the water under the Proposed Action are electric. These pumps would not emit pollutants at the pump; the source of the pollutants originates at the power plant. Power plants are permitted based on their maximum operating potential. The additional electricity would not result in the power plant exceeding operating capacity, and, thus, the applicable emissions permit.

Global Climate

Under the Proposed Action, some greenhouse gas emissions would result from electricity use from operation of pumps used to serve the Member Districts. In particular, water would be conveyed to the San Felipe Division contractors via the Pacheco Pumping Plant. For the period 2009 through 2011, the average annual operating efficiency of Pacheco Pumping Plant was 97 kilowatt hours per acre-foot. Maximum projected CO_{2e} emissions would be approximately 654.79 metric tons, which is well below the EPA mandatory reporting threshold and local limits.

References

National Marine Fisheries Service (NMFS). 2009. Biological opinion and Essential Fish Habitat consultation for the coordinated long-term operations of the Central Valley Project and State Water Project. Protected Resources Division: Sacramento, CA.

U.S. Fish and Wildlife Service (Service). 2008. Biological opinion on the coordinated long-term operations of the Central Valley Project and State Water Project. Bay-Delta Fish and Wildlife Office: Sacramento, CA.