

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Supplement to the South-of-Delta Accelerated Water Transfer Program to Include Water Acquisitions for Refuges

FONSI-13-007

Recommended by:

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for Rain Healer
Natural Resources Specialist
South-Central California Area Office

Date: 6/27/13

Concurred by:

See Appendix A of SEA-13-007
Archaeologist/Architectural Historian
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Date: See Appendix A

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Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the South-Central California Area Office of the Bureau of Reclamation (Reclamation), has determined that an environmental impact statement (EIS) is not required for implementation of an accelerated water acquisition program for wildlife refuges pursuant to Section 3406(d)(2) of the Central Valley Project Improvement Act (CVPIA). This Finding of No Significant Impact (FONSI) is supported by Reclamation's Supplemental Environmental Assessment (SEA)-13-007, *Supplement to the South-of-Delta Accelerated Water Transfer Program to Include Water Acquisitions for Refuges*, and is hereby incorporated by reference.

Background

The CVPIA (Title 34 of Public Law 102-575) was signed into law in 1992 to mandate changes in management of the Central Valley Project (CVP). In addition to protecting, restoring, and enhancing fish and wildlife, one of the other purposes of the CVPIA is to increase water-related benefits provided by the CVP to the State of California through expanded use of voluntary water transfers and improved water conservation. To assist California urban areas, agricultural water users, and others in meeting their future water needs, Section 3405(a) of the CVPIA authorizes all individuals or districts who receive CVP water under water service or repayment contracts, water rights settlement contracts or exchange contracts to transfer, subject to certain terms and conditions, all or a portion of the water subject to such contract to any other California water users or water agency, State or Federal agency, Indian Tribe, or private non-profit organization for project purposes or any purpose recognized as beneficial under applicable State law. In addition, Section 3406(d)(2) of the CVPIA requires that the Secretary of the Interior provide water supplies to maintain and improve wetland habitat units of the Central Valley Refuges and Wildlife Habitat Areas.

After enactment of the CVPIA, Reclamation has historically acknowledged water transfers and/or exchanges between CVP contractors geographically situated within the same region and who are provided water service through the same CVP facilities under an accelerated water transfer program (AWTP). The most recent AWTP for South of Delta (SOD) CVP contractors was analyzed in an Environmental Assessment (EA) entitled *Accelerated Water Transfers and Exchanges between Central Valley Project Contractors South of Delta Contractors Years 2011-2015* (EA-10-051). EA-10-051 analyzed the continued implementation of a five-year AWTP (March 1, 2011 through February 29, 2016) between SOD CVP contractors with access to Delta Division Facilities. A FONSI was signed on February 14, 2011. Both EA and FONSI are hereby incorporated by reference.

Proposed Action

Reclamation will implement an accelerated water acquisition program for wildlife refuges pursuant to Section 3406(d)(2) of the CVPIA. Reclamation will purchase CVP water annually from willing SOD contractors and/or Cross Valley contractors as described in EA-10-051 for the refuges shown in Figure 1-1 of SEA-13-007. Purchased water will be delivered to the refuges through existing facilities. No construction or modification of facilities will be needed for delivery of this water.

The Proposed Action will allow Reclamation to acknowledge the annual acquisition of CVP water for refuges without any additional environmental analysis for the period March 1, 2011 through February 29, 2016. The cumulative amount of water transferred, exchanged, or purchased under the water acquisition program annually will be limited to 150,000 acre-feet (AF) as described in EA-10-051. Prior to acknowledgement, each proposed acquisition will be reviewed by the Contracting Officer for consistency with the project description within SEA-13-007, EA-10-051, and all applicable permits, laws and regulations.

Environmental Commitments

As described in EA-10-051, SOD CVP Contractors would transfer or exchange up to 150,000 AF of their SOD CVP contract supply each year subject to the following parameters:

- Transfers or exchanges addressed in EA-10-051 and this SEA are transfers or exchanges of CVP water between SOD Contractors all of whom are deemed to be located within the same geographical area. This includes transfers between Delta Division, San Luis Unit, San Felipe Division and the Cross Valley Contractor's Delta supply as well as SOD refuges as the recipients of transfers.
- Transfers that are greater than 20 percent of a contractor's supply must be publically noticed by the contractor prior to acknowledgment of such transfer.
- Transferred water can be either Ag or M&I water.
- Transfers shall be of the type historically carried out among SOD Contractors.¹
- There would be no restriction on directionality – transfers do not require return transfers at a later date or year.
- The ultimate purpose of use can be for Ag, M&I purposes, fish and wildlife purpose and or groundwater recharge.
- Transfers would be completed between March 1st and February 28th or February 29th of any contract year.
- All transfers and exchanges will be between willing sellers and willing buyers.
- Exchanges must be completed within a one-year period (365 days) from date of initial delivery of exchanged water.
- Transfers and exchanges are limited to a cumulative total of 150,000 AF total annually.
- 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.

¹ "Transfers of the type historically carried out among Project Contractors" shall mean transfers that are short-term transfers and the type that historically occurred within the same year for agricultural purposes prior to enactment of Section 3405(a) of Public Law 102-575, and those that have historically occurred for additional beneficial purposes subsequent to CVPIA, between CVP contractors located within the same geographical areas of the CVP, each of whom had a long-term interim contract with Reclamation for CVP water service that allowed for the transfer and/or exchange of CVP water.

- Pertains to CVP water that would have been consumptively used or irretrievably lost to beneficial use during the year of the transfer.
- Transfers or exchanges cannot exceed the average annual quantity of water under contract actually delivered to the Contractor during the last three years of normal deliveries prior to enactment of the CVPIA.
- 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 Federal, State, Local or Tribal laws or requirements imposed for the protection of the environment and ITA.
- The Transferee would comply with RRA.
- Water for transfer or exchange may not be freed up by shifting to an alternative surface water source that could potentially adversely affect CVP operations or other third party interests.

This Proposed Action does not cover:

- Transfers or exchanges that meet the above criteria but are increments of larger actions
- Transfers or exchanges that involve the transfer of previously transferred water
- Transfers or exchanges that involve a third party intermediary as an exchanger
- Transfers or exchanges of Section “215” water

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:

Findings

Water Resources

Under the Proposed Action, Reclamation will acquire CVP water supplies from willing sellers under an accelerated water acquisition program. The sources and amounts of water for the refuges are the same as those analyzed for the AWTP in EA-10-051 and will come from willing SOD and Cross Valley contractors covered in EA-10-051. As the water supply will be from SOD and Cross Valley contractors’ allocations, the Proposed Action will not alter CVP operations, water storage or release patterns from CVP facilities, or the maximum volume of water delivered to the contractors. The delivery of CVP water acquired from willing sellers to the refuges will not affect water supply diversions from the Delta since this will be the same water supply already allocated to the districts south of the Delta and no additional diversions will be needed. Therefore, the Proposed Action will not interfere with Reclamation’s obligations to deliver CVP water to other CVP contractors, wetland habitat areas, or for other environmental purposes. In addition, CVP water will be delivered to the refuges through existing infrastructure and will not require additional construction or modification of facilities for delivery. Therefore, there will be no impacts to CVP operations, facilities or supplies.

Delivery of CVP water under an accelerated acquisition program will provide operational flexibility and timely delivery of water supplies to the refuges as water is acquired resulting in beneficial water supply effects for the refuges.

Land Use

Under the Proposed Action, Reclamation will purchase CVP water from willing sellers which will then be delivered through existing infrastructure to the wildlife refuges identified in Figure 1-1 of SEA-13-007. The water will not be used to place untilled or new lands into production, or to convert undeveloped land to other uses. Therefore, there will be no change to land use as a result of the Proposed Action.

Biological Resources

Under the Proposed Action, the refuges listed in Table 3-1 of SEA-13-007 will have a more streamlined program for receiving water. However, as with the No Action Alternative, Reclamation will comply with Section 3406(d) of the CVPIA, so management of the refuges will not be different under either the No Action or the Proposed Action alternative. Species and their habitats will not benefit or be adversely affected by the Proposed Action, relative to the No Action alternative. As no infrastructure will be built to achieve the Proposed Action, there will be no construction-related impacts. Therefore, Reclamation has determined that the Proposed Action will not affect any federally listed or proposed species or critical habitat and consultation under section 7 of the Endangered Species Act is not required.

Cultural Resources

Reclamation determined on March 5, 2013 that the Proposed Action has no potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1). See Appendix A of SEA-13-007 for Reclamation's determination.

Indian Sacred Sites

The Proposed Action will not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or adversely affect the physical integrity of such sacred sites. There will be no impacts to Indian sacred sites as a result of the Proposed Action.

Indian Trust Assets

Reclamation determined on March 4, 2012 that the Proposed Action will not impact Indian Trust Assets (ITA) as there are none in the Proposed Action area. See Appendix A of SEA-13-007 for Reclamation's determination.

Environmental Justice

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.

Socioeconomic Resources

The acquisition of CVP water by Reclamation will be from willing sellers and will not change socioeconomic resources within the respective districts; therefore, there will be no impacts to socioeconomic resources due to the Proposed Action.

Air Quality

Under the Proposed Action, water acquired under an accelerated program will be delivered to wildlife refuges through existing facilities. Delivery of this water will require no modification of existing facilities or construction of new facilities. In addition, water delivery under the Proposed Action will move via gravity and electrical pumps as it would under the No Action Alternative; therefore, there will be no impact to air quality as a result of the Proposed Action. Since the Proposed Action has no potential to cause direct or indirect emissions of criteria pollutants that equal or exceed *de minimis* thresholds, a conformity analysis is not required pursuant to the Clean Air Act.

Global Climate

The Proposed Action will not involve physical changes to the environment or construction activities and, therefore, will not impact global climate change. Global climate change is expected to have some effect on the snow pack of the Sierra Nevada and the runoff regime. Current data are not yet clear on the hydrologic changes and how they will affect the San Joaquin Valley. CVP water allocations are made dependent on hydrologic conditions and environmental requirements. Since Reclamation operations and allocations are flexible, any changes in hydrologic conditions due to global climate change will be addressed within Reclamation's operation flexibility and therefore surface water resource changes due to climate change will be the same with or without either alternative.

Cumulative Impacts

The Proposed Action will not result in impacts to CVP water supplies, operations, or facilities when considered in combination with past, present, and future projects as the supplies will not increase diversions and will come from willing sellers' allocations; therefore there will be no cumulative impacts to these resources. Water acquisition under an accelerated program in conjunction with past, present, and future individual water acquisition actions could have a beneficial cumulative impact on refuges due to increased water supply reliability, especially during critical operational time periods.

As the Proposed Action will not result in any direct or indirect impacts to land use, biological resources, cultural resources, Indian Sacred Sites, ITA, economically disadvantaged or minority populations, socioeconomic resources, air quality or global climate, it will not contribute cumulatively to any impacts on those resources.