

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

San Luis Unit Water Service Interim Renewal Contracts 2010 – 2013

FONSI-09-101

Recommended by:

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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 U.S. Bureau of Reclamation (Reclamation), has determined that the interim renewal of 11 interim renewal contracts for a period of up to two years is not a major federal action that would significantly affect the quality of the human environment and an environmental impact statement is not required (see Table 1). This Finding of No Significant Impact is supported by Reclamation's Final Environmental Assessment (EA) Number EA-09-101, *San Luis Unit Water Service Interim Renewal Contracts – 2010 – 2013*, and is hereby incorporated by reference.

Table 1. San Luis Unit Contractors, Their Entitlements, and Contract Expiration Dates

Contractor	Contract Entitlement	Expiration of Previous Interim Renewal Contract	Purpose of Use
California Department of Fish and Game Contract 14-06-200-8033A-IR1	10 AF	2/28/2011	M&I
City of Avenal Contract 14-06-200-4619A-IR1	3,500 AF	2/28/2011	M&I
City of Coalinga Contract 14-06-200-4173A-IR1	10,000 AF	2/28/2011	M&I
City of Huron Contract 14-06-200-7081A-IR1	3,000 AF	2/28/2011	M&I
City of Tracy (partial assignment from West Side Irrigation District) Contract 14-06-200-4605A-IR12-B	2,500 AF	2/28/2010	Ag or M&I
City of Tracy (partial assignment from Banta-Carbona Irrigation District) Contract 7-07-20-W0045-IR12-B	5,000 AF	2/28/2010	Ag or M&I
Westlands Water District Contract 14-06-200-495A-IR1	1,150,000 AF	2/28/2010	Ag or M&I
Westlands Water District DD#1 (full assignment from Centinella Water District) Contract 7-07-20-W0055	2,500 AF	2/28/2010	Ag or M&I
Westlands Water District DD #1 (full assignment from Widren Water District) Contract 14-06-200-8018-1R7	2,990 AF	2/28/2010	Ag or M&I
Westlands Water District DD #1 (full assignment from Broadview Water District) Contract 14-06- 200-8092-IR8	27,000 AF	2/28/2010	Ag or M&I
Westlands Water District DD #2 (partial assignment from Mercy Springs Water District) Contract 14-06-200-3365A	4,198 AF	2/28/2010	Ag or M&I

Background

Section 3404(c)(1) of the Central Valley Project Improvement Act (CVPIA) authorizes and directs Reclamation to prepare appropriate environmental review before renewing an existing water service contract for a period of twenty-five years. When that directive is not yet satisfied, Reclamation shall renew water contracts for an interim period not to exceed three years and for successive interim periods not to exceed two years. Because 11 interim renewal contractors' existing interim contracts will expire between February 28, 2010 and February 28, 2011, and Reclamation has not yet completed appropriate environmental review of a 25 year water service contract, Reclamation will execute 11 interim water service contracts. The Proposed Action, therefore, is the execution of these 11 interim renewal contracts with the United States, for two years with contract provisions as described within the EA. The water available to these 11 contractors under the contract provisions of the Proposed Action will remain the same as in the existing interim contracts (see Table 1).

The Proposed Action is the continued delivery of Central Valley Project (CVP) water under the interim renewal of the 11 San Luis Unit contractor's existing contracts which includes terms and conditions required by non-discretionary CVPIA provisions. The Proposed Action contains provisions consistent with interim renewal of current water service contracts as analyzed as part of the Preferred Alternative of the CVPIA Programmatic Environmental Impact Statement (PEIS) adapted for an interim period but without implementation of tiered pricing (Section 3405(d) of the CVPIA does not require tiered pricing to be included in contracts of three years or less in duration and negotiations concluded with a form of contract which does not include tiered pricing).

The CVPIA PEIS Preferred Alternative assumed that most contract provisions would be similar to many of the provisions in the 1997 CVP Interim Renewal Contracts, which included contract terms and conditions consistent with applicable CVPIA requirements. In addition, provisions in the existing long term contracts that are specific to the San Luis Unit contracts regarding operation and maintenance of certain facilities and drainage service under the 1960 San Luis Act have been incorporated into the Proposed Action with some negotiated changes. Article 16(c) of the San Luis Unit contractors' interim renewal contract specifies that the Contracting Officer shall notify the Contractor in writing when drainage service becomes available, and provides for the payment of rates for such service after such notice.

The Proposed Action also includes the definition of Municipal & Industrial (M&I) Water requiring the San Luis Unit contractors to consider all parcels five acres or smaller as an M&I use unless Reclamation certifies otherwise.

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 factors:

FINDINGS

Water Resources

Execution of the 11 interim renewal contracts will not change contract water quantities from the quantities in the existing contracts, and will not lead to any increased water use. Therefore, there will be no effect on surface water supplies or quality. Since water quantities and deliveries will not change there will not be a shift to groundwater due to the interim renewal contracts. Therefore, there also will be no significant effect on groundwater supplies or quality.

Biological Resources

The amount and timing of storage at CVP reservoirs and flows in rivers and streams that convey CVP water during the two-year contract period are expected to be similar to the amount and timing of storage and flows under historic CVP operations and will conform with all existing biological opinions and with regulatory requirements. Renewal of the interim contracts will not cause changes in existing programs to protect biological resources, and programs will continue to be implemented to ensure that no significant impacts to biological resources will occur.

Reclamation is in the process of consulting with the U.S. Fish and Wildlife Service on these interim renewal contract actions. The result of that Endangered Species Act Section 7 consultation, along with implementation of all applicable requirements (which will be found in the Biological Resources Section of the Final EA once consultation is complete), ensure that renewal of interim contracts will not result in any significant effect to threatened or endangered species. Reclamation has determined that these interim renewal actions will have no effect upon listed salmonid and sturgeon species within San Luis Unit's service area boundaries. Additionally, Reclamation has determined that these interim renewal actions will have no effects to designated salmonid critical habitat within the San Luis Unit service area.

Cultural Resources

No impacts to cultural resources are expected. The Proposed Action will not result in any changes in water delivery or in the construction of new delivery systems. The Proposed Action does not include any contract provisions that will result in "on-the-ground" changes proposed by the 11 contract renewals. Given the lack of any possible impacts as a result of the Proposed Action, Reclamation concludes that there is no potential to affect historic properties.

Indian Trust Assets

No physical changes to existing facilities are proposed and no new facilities are proposed. Continued delivery of CVP water to the contractors listed in Table 1 under an interim renewal contract will not affect any Indian Trust Assets because existing rights will not be affected.

Land Use

The interim renewal of the 11 contracts will not provide for additional water supplies that could act as an incentive for conversion of native habitat. Use of contract water for M&I use under the proposed interim renewal contracts will not change from the purpose of use specified in the 11 existing contracts. Likewise, the 11 interim renewal contracts will not change contract terms or conditions governing the allocation of CVP water during times of limited supply (i.e., drought), so will not provide additional water reliability. Given the two-year period of the 11 interim

renewal contracts, there will be no significant impact on land use.

Socioeconomic Resources

Under the Proposed Action, there is no potential for effects to occur due to tiered pricing since the 11 interim renewal contracts are less than three years in duration. Renewal of the interim contracts with only minor administrative changes to the contract provisions will not result in a change in contract water quantities or a change in water use. The renewal of the 11 interim contracts will provide continued stability to the agricultural industry within the contractors' service area resulting in beneficial impacts to socioeconomic resources.

Environmental Justice

Renewal of the interim renewal contracts, with only minor administrative changes to the contract provisions, will not result in a change in contract water quantities or a change in water use. The Proposed Action will not cause dislocation, changes in employment, or increase flood, drought, or disease. The Proposed Action will not disproportionately impact economically disadvantaged or minority populations. There will be no changes to existing conditions. Employment opportunities for low-income wage earners and minority population groups will be within historical conditions. Disadvantaged populations will not be subject to disproportionate impacts. Therefore, the Proposed Action will not differ from current conditions and will not be expected to disproportionately affect minority or low income populations. There are no environmental justice implications from the Proposed Action.

Global Climate Change

Climate change refers to changes in the global or a regional climate over time. Global climate change is expected to have some effect on the snow pack of the Sierra Nevadas and the run off regime. Current data are not yet clear on the hydrologic changes and how they will affect the San Joaquin Valley. Water allocations are 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 operational flexibility and therefore surface water resource changes due to climate change will be the same with or without the Proposed Action.

Cumulative Impacts

The Proposed Action, when added to other past, present, and future actions does not result in additional diversions of water, or significantly impact global climate change and water, biological, cultural, land use, or socioeconomic resources. Neither Indian Trust Assets nor disadvantaged or minority populations would be impacted. Water quality would not be degraded as a result of construction activities. Overall there would be no cumulative impacts due to this Proposed Action.