

RECLAMATION

Managing Water in the West

DRAFT FINDING OF NO SIGNIFICANT IMPACT

Five-year Warren Act Contracts for Banta-Carbona Irrigation District, Byron-Bethany Irrigation District, Patterson Irrigation District, and West Stanislaus Irrigation District

FONSI-09-156

Recommended by:

Patti Clinton
Natural Resources Specialist
South-Central California Area Office

Date: _____

Concurred by:

Mike Kinsey
Supervisory Wildlife Biologist
South-Central California Area Office

Date: _____

Concurred by:

Laura Myers
Chief, Resources Management Division
South-Central California Area Office

Date: _____

Approved by:

Acting Deputy Area Manager
South-Central California Area Office

Date: _____



Five-year Warren Act Contracts for Banta-Carbona Irrigation District, Byron-Bethany Irrigation District, Patterson Irrigation District, and West Stanislaus Irrigation District

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 approval of the issuance of five-year Warren Act contracts for the conveyance and storage of non-CVP water in the DMC for up to 10,000 AF/year through contract water year 2015 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 (EA) Number 09-156, *Five-year Warren Act Contracts for Banta-Carbona Irrigation District, Patterson Irrigation District, and West Stanislaus Irrigation District*, and is hereby incorporated by reference.

Background

In 2010, and probably for several years to come, because of hydrologic conditions and/or regulatory constraints, the operation of the CVP by Reclamation, will likely result in less water being made available to the south-of-Delta (SOD) CVP water service contractors and State Water Project (SWP) contractors than is required to meet the demands of their customers. California experienced dry years in 2007, 2008, and 2009. The California Department of Water Resources (DWR) is anticipating a fourth year of drought. In addition, due to operational, hydrological, and regulatory constraints, operation of the Federal Jones Pumping Plant will likely be limited and further reduce available CVP contract supplies in 2010. Pumping curtailments began in 2007 in response to Federal Judge Oliver Wanger's Delta Smelt Interim Remedy Order. Water District members of the SLDMWA will need additional water to supplement their 2010 CVP water supply during another potential water shortage year.

Reclamation proposes to issue five-year temporary Warren Act contracts in 2010 for the conveyance and storage of non-CVP (pre-1914 surface or State Water Resources Control Board License 3957) water in the DMC for up to 10,000 acre-feet per year per contractor (See Table 1) through contract water year 2015. All water would be moved before the end of the five-year period (contract year ending February 28, 2016). Conveyance of non-CVP water under a Warren Act contract would be subject to available capacity. All surface water pumped under the Warren Act contract is for storage and later use within district boundaries when the district's demand exceeds the rate at which it may be diverted from the source.

Table 2-1 Warren Act Contract Amounts

District	Estimated Non-CVP Water pumping
Byron Bethany Irrigation District	5,000
Banta-Carbona Irrigation District	10,000
Patterson Irrigation District	10,000
West Stanislaus Irrigation District	10,000

Water quality and monitoring requirements are established by Reclamation. These standards were established to protect water quality in federal facilities by ensuring that imported water does not impair existing uses or negatively impact existing water quality conditions.

Reclamation, the San Luis Delta-Mendota Water Authority, and the SOD water districts would monitor the quality of water in the DMC to confirm that the non-CVP water would be suitable for downstream users (e.g. San Joaquin River Exchange Contractors, Mendota Pool). Water quality will meet Title 22 standards. Independent data from several agencies will be compiled. Real-time salinity measurements are conducted by Central Valley Operations and the Department of Water Resources. Reclamation will measure selenium, boron, and salinity. The San Joaquin River Exchange Contractors have salinity sensors in the Mendota Pool. The U.S. Geological Survey measures salinity in the lower San Joaquin River and Grasslands tributaries.

Reclamation staff will monitor the salinity of water in the DMC using sensors operated by CVO. These real-time data are posted online by the California Data Exchange Center. Staff from Reclamation, CVO, and SLDMWA will monitor salinity in the canal daily to detect any adverse changes in water quality caused by the addition of the non-CVP water.

A water balance model will be used to predict water quality changes with the addition of the non-CVP water. The model will be run by Reclamation frequently and will be confirmed with real-time salinity measurements.

There will be no new construction or excavation occurring as part of the Proposed Action. No native or untilled land (fallow for three years or more) will be cultivated with water involved with these actions.

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

Surface Water Resources

The Proposed Action will allow non-CVP water to be conveyed and stored in CVP facilities. This will allow non-CVP water to be delivered to other areas to supplement diminished CVP water supplies. No new facilities will be needed as a result of the Proposed Action. There will be no construction or modification to the DMC. The capacity of the facility will be the same.

The Proposed Action will not interfere with existing deliveries of water. There will be no negative impacts to the DMC or its normal functions and operations. The Proposed Action will not impact water quality in the Mendota Pool. If Reclamation determines that the quality of the non-CVP water will substantially degrade the quality of CVP water, the district will arrange for the immediate termination of the introduction of non-CVP water into the DMC. Therefore, there will be no significant impacts to surface water resources.

Land Use

The Proposed Action will not conflict with existing zoning for agricultural use or promote the conversion of farmland to non-agricultural use. Conveyance of this non-CVP water will be used to meet the needs of existing land uses and will not result in land use changes.

Conveyance of this non-CVP water is contingent upon available capacity in Reclamation facilities. The Proposed Action will not lead to any long-term land use decisions. The Proposed Action will maintain existing land uses and will not contribute to impacts to land uses or planning. Therefore, there will be no significant impacts due to the Proposed Action.

Air Quality

The Proposed Action does involve any construction or land disturbing activities that could lead to fugitive dust emissions and/or exhaust emissions associated with the operations of heavy machinery. The water to be pumped down the DMC will be via gravity, electric, and/or diesel pumps. The air quality emissions from electrical power have been considered in environmental documentation for the generating power plant. There are no emissions from electrical engines. The diesel pumps emissions' will not exceed applicable standards. Therefore a conformity analysis is not required under the Clean Air Act; there will be no significant impacts on air quality.

Biological Resources

There will be no impacts to biological resources. Most of the habitat types required by species protected by the Endangered Species Act do not occur in the Proposed Action area. The Proposed Action will not involve the conversion of any land fallowed and untilled for three or more years. The Proposed Action also will 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. Due to the fact that the Warren Act related water will not reach streams containing listed fish species, there will be no affects to these species. No critical habitat occurs within the area affected by the Proposed Action and so none of the primary constituent elements of any critical habitat will be affected.

Potential effects to giant garter snakes will be expected only if the water quality parameters exceed identified as toxic or of concerns. Daily water quality monitoring, with the requirement of pumps ceasing if water quality objectives are exceeded, however, will avoid effects to the species. A brief "lag time" between detection of the exceedance (and the resultant shutting down of pumps) and the subsequent reduction in contaminant concentration will be no more than a day or two and will not cause any effect over the extremely short duration before the water quality standards are returned to the target levels.

The short duration of the water availability, the requirement that no native lands be converted without consultation with U.S. Fish and Wildlife Service, and the stringent requirements for transfers under applicable laws would preclude any impacts to wildlife, whether federally listed or not.

Cultural Resources

The conveyance of non-CVP water will not harm any cultural resources as this is not the type of action that affects cultural resources. Therefore, there will be no significant impacts due to the Proposed Action.

Indian Trust Assets

There are no tribes possessing legal property interests held in trust by the United States in the water involved with this action, nor is there such a property interest in the lands designated to receive the water proposed in this action. This action will have no significant impacts on Indian Trust Assets.

Socioeconomic Resources

Under the Proposed Action, participating districts could convey and store non-CVP water in CVP facilities to supplement their CVP water supply. Since water supply allocations may be reduced, districts must find supplemental supplies in order to sustain agricultural production. The Warren Act contracts will allow CVP water to be distributed to sustain permanent crops. Therefore, there will be no significant impact due to the Proposed Action.

Environmental Justice

Implementing the Proposed Action will not cause any harm to minority or disadvantaged populations within the Proposed Action area. A Warren Act contract will allow the water districts to use their non-CVP water for irrigation in their service area. The availability of this water will help maintain agricultural production and local employment if 2010 is a dry year. Therefore, there will be no significant impact from the Proposed Action.

Global Climate Change

The Proposed Action will involve no physical changes to the environment, no construction activities, and therefore, will not impact global climate change. However, 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 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 the Proposed Action. Therefore, there will be no significant impact due to the Proposed Action.

Cumulative Impacts

Reclamation's action is the approval of Warren Act contracts for conveyance and storage of non-CVP water. Subsequent actions are beyond Reclamation's approval and authority. Reclamation

has made Warren Act contracts available in previous years when excess capacity was available. Most likely in 2010, more districts will request Warren Act contracts since it may be a dry year and non-CVP water is needed to supplement the reduced CVP supply. This is a five-year action. However, districts can request a Warren Act contract separate from this Proposed Action for up to 10,000 AF of non-CVP water, but this action would be analyzed in a separate environmental document. Additionally, in accordance with the Warren Act contract, Reclamation will continue to make these contracts available to requesting districts in future years, given that each district meets present and future requirements for Warren Act contracts.

Agricultural run-off and San Joaquin River water pump-in will have cumulative water quality effects to the Mendota Pool; however, the Contracting Officer will terminate conveyance should water quality exceed State water quality standards.

There will be no cumulative effects as a consequence of these actions/proposed actions. All these actions require monitoring and/or permitting and will not have adverse cumulative effects. Therefore, there will be no cumulative impacts from the Proposed Action.