RECLAMATION
Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Partial Assignment of CVP Contract and Associated Water Supply from Ivanhoe Irrigation District to Kaweah Delta Water Conservation District

FONSI-06-119

Recommended by: _____ Date: _____
Patti Clinton
Acting Supervisory Natural Resources Specialist
South-Central California Area Office

Concurred by: _____ Date: 10/5/2009
Laura Myers
Chief, Resources Management Division
South-Central California Area Office

Approved by: _____ Date: 10/5/2009
Tony Buelna
Acting Deputy Area Manager
South-Central California Area Office

U.S. Department of the Interior
Bureau of Reclamation
South-Central California Area Office

September 2009

Finding of No Significant Impact Partial Assignment of CVP Contract and Associated Water Supply from Ivanhoe Irrigation District to Kaweah Delta Water Conservation 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 partial assignment of Ivanhoe Irrigation District (IID) Central Valley Project (CVP) Contract and associated water supply to Kaweah Delta Water Conservation District (KDWCD) is not a major federal action that will 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 Environmental Assessment (EA) Number EA-06-119, *Partial Assignment of CVP Contract and Associated Water Supply from Ivanhoe Irrigation District to Kaweah Delta Water Conservation District,* and is hereby incorporated by reference.

Background

Reclamation proposes to approve the partial assignment of 1,200 acre-feet per year (af/yr) of Class I water and 7,400 af/yr of Class II water from IID Friant Division CVP water service contract to the KDWCD. In exchange for the partial assignment, IID will receive KDWCD's water supply from the Longs Canal Company, 2,500 acre-feet (af) of storage capacity in the Kaweah Reservoir and a cash payment.

IID's objective is to participate in the partial assignment to increase the reliability of their dry year supply and to optimize their direct use of the Kaweah River stock water rights. The partial assignment will increase the reliability of supply for IID because the Longs Canal Company right provides an increased water supply in dry years. Additionally, the storage rights in Kaweah Reservoir could be used to better regulate IID's existing Kaweah supplies to meet their late summer demands.

KDWCD's objective is to enhance the groundwater resources available within the Kaweah River Basin (Basin) for the benefit of the landowners and water users located within the Basin. KDWCD acknowledges that the Basin is in overdraft condition and has continually sought to import supplies in order to increase the amount of water available to the Basin. KDWCD needs long-term contractual rights to out-of-Basin supplies to help alleviate the groundwater overdraft within the Basin.

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 not adversely affect CVP operations and will use existing diversion points. There will be no construction or modification of CVP facilities. The approval of the Proposed Action will not interfere with CVP obligations to deliver water to other contractors or fish and wildlife areas. The proposed partial assignment will not have an adverse effect on unique geological features such as wetlands, wild or scenic rivers, refuges, flood plains, or rivers placed on the nationwide river inventory.

An estimated half of the proposed CVP water assignment for KDWCD is anticipated to be delivered through the St. John's River. This represents approximately 2,500 af/y, which is roughly only 1.3 percent of the St. John's River's annual flow volume.

The other half of the proposed CVP water assignment for KDWCD is anticipated to be delivered through the Lower Kaweah River. This is approximately 2,500 af/y and roughly around 1.2 percent of the Lower Kaweah River's annual flow volume.

Under the Proposed Action, IID will become the owner of the 4/13 share of the Longs Canal Company water right. The average annual water supply from 4/13 of the water right is approximately 1,300 af and increasing in drier years. In wetter years, IID will be able to use their Class II supply when the Longs Canal Company water right supply decreased. With the change of ownership of 4/13 of the Longs Canal Company water right, the point of diversion for the right will move approximately 2.5 miles upstream on the Kaweah River to the Wutchumna Turnout. The water represented by the remaining nine of 13 shares of Longs Canal Company stock will continue to be diverted at the Longs Canal Company historic point of diversion. Additionally, IID will be able to store up to 2,500 af of their Wutchumna water supply until needed and not be forced to take only during the spring time flows.

The Proposed Action will increase the reliability of supply for the IID because the nature of the Longs Canal Company right being assigned to IID provides an increased amount of yield in dry years.

There will be no significant impacts to surface water resources from the Proposed Action.

Groundwater Resources

The Proposed Action will not have an adverse effect on groundwater resources. Under the Proposed Action, KDWCD will become a long-term CVP contractor with a reliable water supply that will be used for preserving the groundwater in the Kaweah River Basin.

The Proposed Action will help alleviate the declining groundwater conditions within the Kaweah River Basin, at least to the extent of abating the increasing overdraft conditions. Therefore, there will be no significant impacts from the Proposed Action.

Land Use

The Proposed Action will not have an adverse effect on prime or unique farmlands. No native, untilled lands will be cultivated by the water from the proposed partial assignment, nor will it cause land use changes within the boundaries of the districts. The Proposed Action will not involve new facilities or construction. No additional infrastructure will be constructed, and no conversion of existing natural habitat into farmland or other uses is anticipated as a result of the Proposed Action. Therefore, there will be no significant impacts from the Proposed Action.

Biological Resources

Reclamation requested initiation of formal consultation on December 13, 2007 with USFWS for the 17 federally protected, threatened or endangered species that may occur in the Proposed Action Area, and of that total, nine of these species have designated critical habitat either in or adjacent to the Proposed Action footprint. A biological assessment was provided.

Reclamation determined that the Proposed Action would not affect the San Joaquin adobe sunburst, the Conservancy fairy shrimp or its critical habitat, the valley elderberry longhorn beetle or its critical habitat, the delta smelt or its critical habitat, the California red-legged frog or its critical habitat, the mountain yellow-legged frog (Sierra Nevada DPS), the giant garter snake, the California condor or its critical habitat, the Fresno kangaroo rat or its critical habitat, or the giant kangaroo rat.

Reclamation received USFWS' biological opinion of May 29, 2009 acknowledging that, based on Reclamation's determination, the Proposed Action would have no effect on San Joaquin Valley adobe sunburst, Conservancy fair shrimp, valley elderberry longhorn beetle, California red-legged frog, blunt-nosed leopard lizard, giant garter snake, California condor, Fresno kangaroo rat, and giant kangaroo rat.

USFWS determined that the groundwater flows that would occur as a result of the Proposed Action may adversely affect Hoover's spurge, San Joaquin Valley Orcutt grass, vernal pool fairy shrimp, vernal pool tadpole shrimp, and California tiger salamander, critical habitats for all five of the aforementioned species, the San Joaquin kit fox, the blunt-nosed leopard lizard and the Tipton kangaroo rat.

Because the Kaweah River Basin (Basin) is in overdraft condition and KDWCD plans to enhance the groundwater resources to increase reliability and not expand groundwater extraction to facilitate the conversion of native lands within the Basin; this should minimize effects on these species and critical habitats.

There will be no significant impacts to threatened and endangered species.

Cultural Resources

The partial contract assignment does not involve construction or operation of new facilities, and will not have an adverse impact on cultural and historical resources, either by disturbing paleontological or archeological resources, having the potential to cause a physical change that will affect unique ethnic cultural values, or restricting existing religious or sacred uses within the Proposed Action area. Consequently, the undertaking is not a type of activity with the potential

to affect cultural resources eligible to the National Register of Historic Places (i.e., historic properties). Therefore, there will be no significant impacts from 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. The nearest ITA to this action is approximately 4 miles west and it is the Santa Rosa Rancheria. This action will have no significant impact on ITA.

Socioeconomic Resources

Seasonal labor requirements will not change, and agriculturally dependent businesses will not be affected. No adverse affects on public health and safety will occur. The Proposed Action will provide reliable dry year supply of water to sustain existing croplands. Businesses rely on these crops to maintain jobs. The Proposed Action will continue to support the economic vitality in the region. There will be no significant impact from the Proposed Action.

Environmental Justice

The Proposed Action will not have any disproportionately high and adverse effects on the health or environment of minority and/or low-income populations. Under the Proposed Action, IID will have a firmer dry-year supply and KDWCD will have increased opportunity and flexibility with their groundwater recharge operations. This increased flexibility will lead to better dry-year protections and increased groundwater recharge within these districts. This will solidify the need for farm labor during the year. However, the overall need for farm labor is not expected to change as a result of this action. IID borders the unincorporated and economically disadvantaged community of Ivanhoe. Stabilization and optimization of water resources within and adjacent to IID will also improve water resources conditions within the community of Ivanhoe. Therefore, there will be no significant impacts from the Proposed Action.

Cumulative Impacts

It is anticipated that urban growth will continue to occur as described in the county general plans and as projected by the California Department of Finance with protections for the environment. CVP contract water supplies have been incorporated into water supply plans of most CVP contractors for the last 40 years or more and temporary transfers will not drive land use decisions formulated by the entities with the land use approval decision-making authority. These agencies are mandated to meet anticipated growth as addressed in county general plans. The general plans typically assume that urban growth will continue with or without the CVP water service contractual supplies based upon the ability to use existing supplies and to acquire or develop alternative long-term supplies.

It should be noted that use of CVP long-term water service contract supplies are not the factor driving growth and land use change. Demographic, economic, political, and other factors, independent of the long-term CVP contracts including transfer and exchange approvals, are causing changes with direct and indirect effects to land use that are beyond the range of Reclamation's responsibilities.

Approval will not have highly controversial or uncertain environmental effects or involve unique or unknown risks. Impacts associated with the Proposed Action are minor, short-term, localized and temporary in nature; therefore, there are no significant cumulative impacts associated with Proposed Action.