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SOUTH-CENTRAL CALIFORNIA AREA OFFICE
FRESNO, CALIFORNIA

FINDING OF NO SIGNIFICANT IMPACT

2009 ARTICLE 5 EXCHANGES BETWEEN THE CROSS VALLEY CONTRACTORS AND OTHER WATER DISTRICTS FOR DELIVERY OF CVP WATER

Central Valley Project
Sacramento, California

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2009 Article 5 Exchanges Between the Cross Valley Contractors and Other Water Districts for Delivery of CVP Water

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 proposed Article 5 exchanges between the Cross Valley contractors and other districts in 2009 are 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 Environmental Assessment (EA) Number EA-08-99, *2009 Article 5 Exchanges Between the Cross Valley Contractors and Other Water Districts for Delivery of CVP Water,* and is hereby incorporated by reference.

The purpose of the Proposed Action is to allow exchanges with Central Valley Project (CVP) water and other sources of water to accomplish deliveries of water supplies to the Cross Valley (CV) contractors.

BACKGROUND

The CVP water is made available in the Delta at the Clifton Court Forebay. The Department of Water Resources (DWR) pumps and conveys this CVP water in the California Aqueduct of the State Water Project (SWP) facility. DWR pumps this water on a priority system and in some years only a portion or none of this water is pumped and conveyed. The CV contractors cannot take direct deliveries of the entire CVP water supplies. Therefore, this water is exchanged for other sources of water to which CV contractor have direct access. These other sources of water and potential exchange partners are listed in the incorporated EA.

The No Action Alternative consists of exchanges with Arvin-Edison Water Storage District as in the past. It should be noted Reclamation has approved other Article 5 exchanges on short-term basis in recent years after completing the appropriate environmental review. The analysis of proposed exchanges and the analysis is for the 2009 contract year. The exchanges could result in an imbalance of water deliveries up to a two for one exchange. For the purposes of this FONSI, imbalance is defined as up to 128,300 acre-feet of water per year could be delivered to potential exchangers in the first leg of the exchange. No less than half of the amount actually delivered in the first leg would be provided to the CV contractor(s). This is referred to as a two for one exchange. This imbalance of water is primarily due to financial agreements and incentives offered by the CV contractors to entice potential exchange partners to enter into such arrangements in order for the CV contractors to obtain their water supplies when it is needed. CV contractors supplies are perceived as having lesser value since they are not available on a demand pattern and may be delivered in large quantities over short periods of time.

FINDINGS

Surface Water Resources: Under the Proposed Action, no additional amounts of water would be diverted. SWP and CVP operations would continue to be coordinated in accordance with the Operations and Criteria Plan. Pumping, conveyance and deliveries would occur in existing facilities. The 128,300 af/y of CVP water is used for existing agricultural and M&I purposes within the seven CV contractor's service areas.

The Proposed Action would not alter any CVP or SWP entitlement or impede any obligations to deliver water to other CVP or SWP contractors, fish or wildlife purposes. Historically, the CV contractor's CVP water is provided from the Delta and is typically exchanged for Friant CVP water with Arvin Edison Water Storage District. Article 5 exchanges are not precedent setting. Exchanges with others have occurred in the past.

The other sources of water are the exchange partner's water rights water or allocated contract water from the SWP, rivers, streams, creeks and banked groundwater. The proposed exchanges would not result in additional water supplies diverted from rivers, streams, reservoirs, creeks or groundwater. Diversions from rivers would occur with or without the Proposed Action. The Proposed Action would have not result in long term effects on total water supply.

The proposed exchanges could result in permanent imbalances of water supplies. The exchange partner(s) would receive up to 128,300 af/y of CVP water. The CV contractor(s) would receive no less than half of the amount of water provided to the exchange partner. The proposed exchanges would allow the CVP water to be delivered to an exchange partner that can use it immediately or bank it for later use. No less than half of the amount of other water would be delivered to the CV contractor to use during the growing season. The proposed exchanges would allow for improved water management, deliveries and timing to maintain existing conditions for the CV contractors. Therefore, the exchanges would not result in significant impacts to water quality and quantity in the CV contractor's service areas.

The exchange partners would receive the benefit of increasing their water supplies up to 64,150 af/y. This water could be used to meet current water demands without the need for groundwater or outside water sources. It is recognized this CVP water could free up other sources of water over which Reclamation does not have authority. The cumulative impacts section below addresses the other sources of water that could be freed up.

Reclamation does not have approval authority over the conveyance of the CV contractor's CVP water under Article 55 of the SWP contracts. It is possible the Article 55 of the SWP contracts, when combined with Article 5(a) exchanges of the CVP contracts could increase pumping opportunities of this water. The conveyance of CVP water under Article 55 could result in an individual CV contractor receiving a higher rank on the pumping hierarchy than other CV contractors. Conveying water under Article 55 does not result in additional water pumped from the Delta. DWR pumps the maximum amount of water although the label on the water and recipients may differ. The proposed exchanges, conveyance, and approvals are subject to applicable laws including Reclamation's policy of not harming other CVP contractors. The conveyance of 128,300 af/y of CVP water in the SWP system under Article 55 would not occur unless capacity exists. No unmitigated third party impacts would occur. No significant changes would occur to water quantities, diversions, conveyance practices or deliveries.

The CV contractors would continue managing available surface water and groundwater supplies, as in the past. During dry periods, more groundwater is likely to be pumped when surface water supplies are limited. Providing surface water supplies to the seven CV Contractors when it is needed would continue the recharging of water to the aquifer on a short term basis. The Proposed Action would maintain the local groundwater resources in 2008. However, two CV contractors and two subcontractors are located in areas with soils or conditions that are unsuitable for groundwater recharge, banking, and extraction.

The proposed exchanges would not change surface or groundwater quality from existing conditions. The sources of water originating upstream in the Delta, behind Friant Dam, from rivers, and groundwater could be combined in the Cross Valley Canal. This commingling of water would occur with or without the proposed exchanges. The water delivered under this Proposed Action is small compared to over 2 million af/y from the Kings and SWP, and is of high enough quality to not lead to significant changes in surface or groundwater quality.

The Proposed Action involves existing water supplies and does not result in additional diversions of water. No SWP water or facilities are involved in the Proposed Action. Overall water supplies would not increase or decrease. Water quality and quantities would not change. Therefore, the Proposed Action would cause no significant impacts to surface water resources.

Land Use: The Proposed Action would not result in growth-inducing impacts within the service areas of the CV contractors because there would be no changes to CVP or SWP operations or contract amounts. The potential exchange partners would likely receive an increase of water supplies which is unlikely to support land use changes because a one year action is unlikely to provide a water supply for land conversion. The project prohibits use of exchanged water on native lands. The availability of this water is contingent upon DWR having an opportunity to pump the water which in recent years has been unreliable. Therefore, this water does not provide a long-term or reliable water supply and therefore there would be no significant impact to land use.

Biological Resources: The conveyance of CVP water under Article 55 could result in the exchangee(s) receiving a higher rank on the SWP hierarchy. Conveying water under Article 55 does not result in additional water conveyed. DWR would pump this amount of water although the label on the water and recipients may differ. Therefore, Article 55 of the SWP contracts would not affect federally listed species or critical habitats (i.e. there would be no effects beyond those addressed by the current biological opinions and biological assessment for the continued long-term operation of the CVP and SWP.

Due to the criteria for the proposed action, CV contractors will not be able to expand their service areas, bring native or fallowed lands (fallowed for three years or more) into cultivation, or alter current environmental conditions without further environmental review and approval. Most of the species addressed in this EA are not adapted to highly disturbed conditions and are poor colonizers; mostly for that reason, they have declined to the point of becoming threatened or endangered. Typically, they would not become established on land that had been fallowed for two years or less and would not occur on land that is being cultivated or is highly disturbed. Furthermore, the proposed action is a short-term action, which further limits the chance that it would result in land use changes. Therefore there would be no effect on federally listed or endangered species or biological resources in general.

Cultural Resources: The Proposed Action will not result in significant impacts to eligible or significant cultural resources since no ground disturbing activities would occur as a result of the exchanges. No additional infrastructure would be constructed and no land use changes or conversions into farmland or other uses are proposed. In addition, there would be no increase in deliveries, land use changes, or conversion of existing natural habitat into farmland or other uses.

Indian Trust Assets: The Proposed Action involves water that is already allocated and would not interfere with water deliveries, ceremonial activities, or conclusion of water rights reviews for Indian Tribes. Therefore, the Proposed Action would have no significant impacts to Indian Trust Assets.

Socioeconomic Resources: The exchanges would result in the same amount of water available in the southern San Joaquin Valley and would maintain existing agricultural lands. The CV contractors would likely receive water when it is needed to maintain existing crop lands and related job opportunities for farm workers. The exchange partners could receive an increase of water supplies that could result in planting higher value crops requiring more intensive labor. The proposed exchanges could result in slight increases of job opportunities and income for farm laborers. No lands would be permanently removed from agricultural production. Therefore there would be no significant impacts to socioeconomic resources.

Environmental Justice: Independent of the Proposed Action, present high unemployment rates would continue for the area. The delivery of this water to the CV contractors, when it is needed, would not result in significant changes to social conditions or unemployment rates. Similar amounts of water will be applied to existing agricultural lands as in the past. Therefore there would be no significant impacts to minority or disadvantaged populations.

Cumulative Impacts: The Proposed Action does not to contribute to cumulative effects for cultural resources, Indian trust assets, or biological resources. Since these resources were determined to have no effect due to the Proposed Action, they cannot contribute to cumulative effects.

The CV contractors' contract supply is subject to reductions down to zero if hydrological and/or Delta conditions warrant. Additionally the Proposed Action is a one year project. Therefore, the CVP water is not reliable. Although it is conceivable that the additional water supplies received due to the imbalance exchange may free up other water supplies for transfer, banking or other uses, the Proposed Action will not lead to availability of non-CVP supplies to meet long-term land use changes.

It is recognized that the exchangers and exchangees do not have authority over groundwater resources or privately owned wells. The water districts strive to provide affordable surface water supplies to discourage groundwater pumping. Pumping groundwater is expensive due to the overdraft conditions in the San Joaquin Valley. The amount of exchange water is small and would not contribute to long-term or adequate groundwater supplies.

The exchange water could be diverted into facilities that are already being used for groundwater banking such as the approved groundwater banking projects for Kern Tulare Water District with Rosedale Rio-Bravo Water Storage District and North Kern Water Storage District. The CVC expansion project includes turnouts that could be used to divert the exchange water under the Proposed Action. The exchange water is unreliable and in some years is not pumped and conveyed. Therefore, the Proposed Action would not lead to decisions to construct additional groundwater facilities or contribute to significant cumulative impacts to land uses.

The Proposed Action when added to other actions does not contribute to significant increases or decreases in socio-economical conditions. The multiple water service actions have occurred

historically and are not precedent setting. The Proposed Action will not increase or decrease long-term water supplies that would result in decisions by landowners to permanently change existing land uses.

The exchanges when added to the Article 55 provision in the SWP contracts could result in more frequency of DWR pumping and conveying the 128,300 af/y of water. Reclamation makes this water available in the Delta. Reclamation and DWR account for this water when determining annual allocations. The operations and maintenance of the CVP and SWP were addressed in the OCAP consultations with FWS and NMFS that included the 128,300 af/y of water. DWR would not pump CVP water if there would be unmitigated third party impacts, interruptions of service to other SWP users or to meet water quality and environmental requirements. The Proposed Action would not result in significant cumulative impacts to resources or the human environment.