

# RECLAMATION

*Managing Water in the West*

## DRAFT FINDING OF NO SIGNIFICANT IMPACT

# Eastside Conveyance Project

**FONSI-10-21**

Recommended by:

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# Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the South-Central California Area Office of the Bureau of Reclamation (Reclamation), has determined that the approval to transfer 5,000 acre-feet per year (afy) of Central Valley Project (CVP) water from San Luis Canal Company (SLCC) to Panoche Water District (PWD) 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 Draft Finding of No Significant Impact (FONSI) is supported by Reclamation's Draft Environmental Assessment (EA) number EA-10-21, *Eastside Conveyance Project*, and is hereby incorporated by reference.

## Background

The Proposed Action is located in western Merced County, approximately 11 miles northeast of the City of Los Banos. Reclamation proposes to approve a transfer from SLCC to PWD. Under the proposed transfer, SWD and East Side Canal and Irrigation Company would transfer up to 5,000 afy of water rights water to SLCC from March 1, 2011 through December 31, 2020, which would be conveyed through existing conveyance facilities, under the Eastside Bypass (Chowchilla Bypass) through an existing siphon to the headworks that would be connected to new conveyance facilities which would be constructed for the transfer. The CVP water would be made available for transfer from SLCC to PWD by utilizing the water rights water. The transfer would meet the consumptive use criteria of the Central Valley Project Improvement Act. PWD would take delivery of SLCC's CVP water from the Delta-Mendota Canal or San Luis Canal. SLCC would beneficially use the transferred water for agricultural purposes within its boundaries; making an equivalent volume (adjusted for up to 10% system losses) of CVP water available for transfer to PWD.

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

### Water Resources

PWD is fully developed for agriculture, and none of the water will be utilized to convert native pasture or other undeveloped land for agricultural uses. Drainage discharges arising from application of the additional supply will be subject to all existing regulations and will not result in any substantial increase in drainage discharges from the PWD.

The transferred water will consist only of surface water supplies and no groundwater supplies will be pumped as part of the Proposed Project. Therefore, there will be no significant impacts to surface water or groundwater supplies.

### Land Use

The water transfer portion of the Proposed Action will provide an additional 5,000 afy CVP water to PWD for agricultural use. This additional supply will be applied on land within PWD

that long has been fully developed for agricultural use and will allow for crop production on approximately 1,500 acres annually that otherwise might have to be fallowed during periods of water shortage. The water will not be applied to land that has been fallowed for more than two years. The water transferred from SWD and ECIC will be new water generated through water conservation projects. No land within SWD or ECIC will be fallowed as a result of this project. Therefore, there will not be adverse impacts due to the Proposed Action.

### **Biological Resources**

Potential impacts will be minimized as much as possible by the incorporation of appropriate conservation measures and/or mitigation into the project description. By following the standard avoidance and minimization measures, Reclamation has determined that the proposed action *may affect, but likely not to adversely affect GGS*. Reclamation will be seeking concurrence with USFWS. The Proposed Action will not be approved until Reclamation receives concurrence with the “not likely to adversely affect” determination.

### **Cultural Resources**

The proposed Construction Project will not impact historical properties. The delivery of the supplemental supply of water to PWD under the Proposed Action will not involve construction of new facilities within the PWD boundaries and will be applied to areas that are actively farmed or have been actively farmed within the past two years.

### **Indian Sacred Sites**

The Proposed Action involves transferring water and replacing 1.7 miles of an existing HMRD canal. The proposed Construction Project will not impact any known Indian sacred sites and/or prohibit access to and ceremonial use of this resource.

### **Indian Trust Assets**

There are no tribes possessing legal property interests held in trust by the U.S. in the lands involved with the Proposed Action. Therefore, the Proposed Action does not have a potential to affect ITA.

### **Socioeconomic Resources**

The proposed Construction Project will provide approximately 15 construction related jobs during the construction period. The water transfer could allow an additional 1,500± acres of farm land to be farmed during drought years which would retain approximately 15-20 agriculture related jobs during drought years. Therefore, there will be a slight beneficial impact due to the Proposed Action.

### **Environmental Justice**

The operation of the Proposed Project will transfer up to 5,000 afy of CVP water to PWD. This additional water will allow for approximately 1,500 acres of farm land to be farmed during periods of severe water shortage, retaining approximately 15-20 farm related jobs that would otherwise be lost due to land fallowing. Therefore, there will be a slight beneficial impact due to the Proposed Action.

### **Air Quality**

Short-term air quality impacts will be associated with construction, and will generally arise from dust generation (fugitive dust) and operation of construction equipment. Fugitive dust results from land clearing, grading, excavation, concrete work, and vehicle traffic on paved and unpaved roads.

Comparison of the estimated Proposed Action emissions with the thresholds for Federal conformity determinations indicates that the Proposed Project emissions are estimated to be below these thresholds.

The Proposed Action also involves the operation of electrically-driven pumps and motors; accordingly, there will not be any direct emissions from the operation of the Proposed Project facilities/equipment. The air quality emissions from electrical power have already been considered in environmental documentation for the generating power plant; therefore, a conformity determination is not required. Accordingly, project construction and operations under the Proposed Action will not result in significant impacts to air quality beyond Federal thresholds.

### **Global Climate**

The Proposed Action will involve a short-term increase in emissions during the construction and long-term impacts attributable to the generation of electrical energy for pumping. These emissions will vary annually, but have been estimated to average about 34 tons/year of CO<sub>2</sub>, which is negligible compared to the threshold for annually reporting GHG emissions (25,000 metric tons/year). Accordingly, construction and operation of the Proposed Action will result in below *de minimis* impacts to global climate change.

### **Cumulative Impacts**

The Proposed Action, when added to other past, present, and future actions, would not contribute to cumulative impacts to water resources and land use as there will be no impacts to these resources due to the Proposed Action.

The proposed Project Construction will not contribute to cumulative impacts to biological resources, socioeconomic resources, environmental justice, air quality and global climate as the effects will be short-term.

The Proposed Action will not contribute to cumulative impacts to cultural resources as it is unlikely that cultural resources would be present, and the supplemental supply of water to PWD will not involve construction of new facilities within the PWD boundaries.

The Proposed Action will not contribute to cumulative impacts to Indian sacred sites or Indian trust assets as there are none in the area.

### **Mitigation Measures**

As a result of the Construction Project, approximately 19 acres of potential Swainson's Hawk (*Buteo swainsoni*) habitat would be converted for use as part of the conveyance facility. In accordance with California law, approximately 15 acres of mitigation habitat would be purchased by the Water District and managed through a land bank.

## Environmental Protection Measures

Action	Addressing
Water Resources	The work site will be isolated (with coffer dams or other measures) and the impact will be short lived. Work will be done during the low flow period.
Air Quality	The contractor is expected to maintain his vehicles in compliance with California regulations, and use a water truck to minimize fugitive dust generation.
Biological Resources	United States Fish and Wildlife Service (USFWS) approved pre-construction protocol level surveys for San Joaquin kit fox shall be conducted no fewer than 14 days and no more than 30 days prior to the onset of any ground-disturbing activity (USFWS 1999a). SLCC shall follow Standardized Recommendations for Protection of the San Joaquin kit fox prior to and during ground disturbance (USFWS, 1999a).
Biological Resources	Areas subject to ground disturbance shall be surveyed for nesting burrowing owls no fewer than 14 days and no more than 30 days prior to start of construction according to established guidelines (CDFG 1995). Appropriate avoidance, minimization, and protection measures shall be determined in consultation with the California Department of Fish and Game in the event an active burrowing owl nest is located in an area subject to disturbance, or within the typical setback (i.e., occupied burrows or nests within 150 ft of an area subject to disturbance during the non-breeding season, or within 250 ft of an area subject to disturbance during the breeding season).
Biological Resources	If construction occurs during avian breeding season (February 15 to September 1), preconstruction surveys for nesting cliff swallows under two bridges located on Turner Island Road; Pick Anderson Drain and the San Joaquin River. Avoidance of any disturbance to nests would be required during avian breeding season (February 15 to September 1).
Biological Resources	If construction occurs during avian breeding season (February 15 to September 1), preconstruction surveys for nesting Swainson's hawks shall be performed within 0.5 mi of the project area according to established protocol and protective measures implemented to avoid and minimize any potential effects (CDFG 1994).
Biological Resources	Standard avoidance and minimization measures during construction activities in giant garter snake habitat shall be followed (USFWS 1999b). These include but are not limited to the following: <ul style="list-style-type: none"> <li>• Survey for giant garter snake of the project area by a Fish and Wildlife Service approved biologist 24-hours prior to construction activities. The survey of the project area would be repeated if a lapse in construction activity of two weeks or great has occurred. If a snake is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it has been determined that the snake would not be harmed. Report any sightings and any incidental take to the Service immediately by telephone (916) 414-6620.</li> <li>• Confine movement of heavy equipment to existing roadways to minimize habitat disturbance.</li> <li>• Confine clearing to the minimal area necessary to facilitate construction activities.</li> <li>• Flag and designate avoided GGS habitat within or adjacent to the project area as Environmentally Sensitive Areas. A 200 foot buffer of these habitats should be avoided by all construction personnel.</li> <li>• After completion of construction activities, remove any temporary fill and construction debris and, wherever feasible, restore disturbed areas to pre-project conditions.</li> </ul>