

RECLAMATION

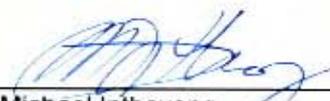
Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Eastside Conveyance Project

FONSI-10-021

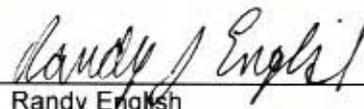
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Introduction

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 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 will significantly affect the quality of the human environment and an Environmental Impact Statement is not required. This Finding of No Significant Impact (FONSI) is supported by Reclamation's Final Environmental Assessment (EA) / Initial Study (IS) number, EA/IS-10-021, *Eastside Conveyance Project*, and is hereby incorporated by reference. The EA/IS was jointly prepared by Reclamation as lead Federal agency and Henry Miller Reclamation District No. 2131 (HMRD) as lead State agency to satisfy the requirements of both NEPA and the California Environmental Quality Act (CEQA), respectively.

Reclamation provided the public with an opportunity to comment on the Draft EA/IS and Draft FONSI from November 3 through December 2, 2010. Reclamation did not receive any comment letters. Through the State Clearing House, HMRD made the Draft EA/IS available for public comments and the proposed adoption of a Mitigated Negative Declaration available to the public. HMRD received one set of comments from the California Department of Fish and Game (CDFG) and have responded to those comments. On December 23, 2010 HMRD filed a Notice of Determination to adopt a Mitigated Negative Declaration.

Background / Proposed Action

As part of a two-way transfer, Reclamation proposes to approve a transfer from SLCC to PWD for up to 5,000 afy of CVP water from June 2011 through December 31, 2020 (Proposed Action). The SLCC to PWD transfer is made available through an interrelated, concurrent action, whereby Stevinson Water District (SWD) and Eastside Canal and Irrigation Company (ECIC) will transfer up to 5,000 afy of water rights water to SLCC.

PWD will be able to divert the transfer water from SLCC via the Delta-Mendota Canal and/or San Luis Canal. In order to facilitate the transfer from SWD and ECIC to SLCC, a new conveyance facility will be constructed to interconnect SLCC's existing distribution system to the Eastside Bypass (Chowchilla Bypass), which is the conveyance source to SWD and ECIC's water rights water.

Although the SWD and ECIC to SLCC transfer and the construction of new facilities will not require Reclamation approval, these actions are considered interrelated to the Proposed Action and are included in the EA/IS analysis. The SLCC to PWD transfer will meet the consumptive use criteria of the Central Valley Project Improvement Act. SLCC and PWD will beneficially use the transferred water for agricultural purposes within their respective boundaries.

Findings

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:

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 Action. 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 significant impacts to existing land use due to the Proposed Action.

Biological Resources

Migratory Bird Treaty Act (MBTA)

Under the MBTA, Reclamation has made the determination that the Proposed Action will have no effect on species protected by the MBTA. This determination is based on environmental protection measures summarized in Table 1 and the following:

Burrowing Owl There are potential burrow sites in the Proposed Action site that can be utilized by burrowing owl (*Athene cunicularia*). A protocol-level field survey for burrowing owl will be completed 14 to 30 days prior to any ground disturbance in order to determine their presence. In addition, measures for avoiding "take" of burrowing owl will be followed, as detailed in, *CDFG Staff Report and Burrowing Owl Consortium Guidelines*, (CDFG 1995). No effect to this species is expected if burrowing owls are absent from the area. However, if they are present, SLCC will implement burrowing owl conservation measures in coordination with Reclamation, the United States Fish and Wildlife Service (USFWS), and CDFG to avoid or minimize any potential impacts to this species due to the Proposed Action.

Swainson's Hawk and Other Potential Birds Construction activities, such as earthmoving with heavy construction equipment occurring within the area can cause the failure of nesting bird species, if a pair was nesting in the vicinity. However, construction activities are scheduled to be complete prior to their avian nesting season (March 1st – September 15th). If construction occurs during avian breeding season, preconstruction surveys for nesting Swainson's hawks (*Buteo*

swainsoni) shall be performed within 0.5 mile of the project area according to established protocol and protective measures implemented to avoid and minimize any potential effects (CDFG 1994) and preconstruction surveys for nesting cliff swallows (*Petrochelidon pyrrhonota*) under two bridges located on Turner Island Road; Pick Anderson Drain and the San Joaquin River. Avoiding disturbances to nests will be required during avian breeding season. If the preconstruction surveys find no individuals or evidence of either species within the Proposed Action area, then construction can begin. If preconstruction surveys detect the presence of burrowing owls, Swainson's hawk, and/or cliff swallows, then the Proposed Action will be paused while Reclamation revisits the MBTA determination and completes any consultation with the USFWS and CDFG that might be necessary.

Endangered Species Act (ESA)

Under Section 7 of the ESA, Reclamation has made the determination that the Proposed Action will have no effect to San Joaquin kit fox (SJKF - *Vulpes macrotis mutica*) and not likely adversely affect giant garter snake (GGS - *Thamnophis gigas*).

San Joaquin Kit Fox The project area is surrounded by orchards and alfalfa fields, which can potentially provide habitat utilized by the SJKF. They are highly mobile and have excellent vision. In addition, SJKF are predominately nocturnal and will likely be inactive when work is being conducted. SJKF preconstruction/pre-activity surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities. Reclamation will ensure that SLCC implement avoidance and minimization measures (AAM) for SJKF, *U.S. Fish And Wildlife Service Standardized Recommendations For Protection Of The Endangered San Joaquin Kit Fox Prior To Or During Ground Disturbance* (USFWS 2011a). If SJKF or their dens are detected at any time, all construction activities associated with the project will be halted immediately and Reclamation staff notified within two working days. Reclamation will revisit the ESA determination and complete any consultation with the USFWS that might be necessary. Since preconstruction surveys will be conducted prior to ground disturbance, SJKF are likely to be inactive during hours of construction, and AAM will be implemented, the Proposed Action will have no effect on SJKF.

Giant Garter Snake On March 23, 2011, Reclamation received a concurrence letter from USFWS Sacramento Field Office for the Proposed Action (ref. number: 81420-2011-1-0342), concurring with Reclamation that effects of the Proposed Action are not likely to adversely affect the giant garter snake. The USFWS based their concurrence determination for GGS on SLCC's commitment to implementing a revised version of, *USFWS Standard Avoidance and Minimization Measures During Construction in Giant Garter Snake Habitat*, (USFWS 2011b). The revisions deviate from the GGS AAM in 2 ways: 1) some construction will be allowed outside the active period of GGS, and 2) some construction will occur with 200 feet of GGS habitat.

As a result, the Proposed Action will have no significant impact on biological resources.

Cultural Resources

The activities associated with Reclamation approving a water transfer from SLCC to PWD will result in no adverse effects to historic properties. In an interrelated action, a new conveyance facility will be constructed in order to facilitate the transfer from SWD and ECIC to SLCC.

Construction will involve approximately 7 miles of canal and 3 pump stations. Reclamation consulted with the State Historic Preservation Officer (SHPO) on April 7, 2011 regarding a finding of no adverse effects to historic properties determination. SHPO concurred with Reclamation's findings and determination on May 17, 2011. The Proposed Action will have no significant impact on cultural resources.

Indian Sacred Sites

No Indian sacred sites have been identified within or near the Proposed Action area; therefore, the Proposed Action will not affect any known Indian sacred sites and/or prohibit access to and ceremonial use of this resource

Indian Trust Assets (ITA)

There are no tribes possessing legal property interests held in trust by the U.S. in the lands involved with the Proposed Action. The nearest ITA is a Public Domain Allotment approximately 51 miles northeast of the Proposed Action area. Therefore, the Proposed Action does not have a potential to affect ITA.

Socioeconomic Resources

Construction involved with the new conveyance facility 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 will retain approximately 15-20 agriculture related jobs during drought years. Therefore, there will be a slight beneficial impact to socioeconomic resources due to the Proposed Action.

Environmental Justice

Agriculture and related businesses are the main industry in the vicinity of the Proposed Action, which provides employment opportunities for minority and disadvantaged populations. The Proposed Action will involve transferring 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. Minority and disadvantaged populations within the Proposed Action area rely on farm-related jobs; therefore, there will be a slight beneficial impact related to environmental justice.

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 estimated project emissions are 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 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 carbon dioxide, 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 significantly 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 Action will not contribute significantly 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 will be present within the construction area, and the transfer of water to PWD will utilize existing facilities.

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

Table 1. Environmental Protection Measures

Resource	Protection Measure
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 will use a water truck to minimize fugitive dust generation.
Biological Resources	A USFWS approved biologist will conduct pre-construction protocol level surveys for the San Joaquin kit fox no fewer than 14 days and no more than 30 days prior to the onset of any ground disturbing activity (USFWS 2011a). SLCC will implement <i>U.S. Fish And Wildlife Service Standardized Recommendations For Protection Of The Endangered San Joaquin Kit Fox Prior To Or During Ground Disturbance</i> (USFWS 2011a). If kit foxes or their dens are detected at any time, all construction activities associated with the project will be halted immediately and Reclamation staff notified within two working days. The project will be placed on hold until further analysis with Reclamation staff, and if necessary consultation with the USFWS, is complete.
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	<p>Revised USFWS standard avoidance and minimization measures during construction in giant garter snake (GGS) habitat shall be followed (USFWS 1999, as revised in USFWS 2011b). These include but are not limited to the following:</p> <ul style="list-style-type: none"> • 24-hours prior to construction activities, surveys of the project area for GGS shall be completed by a USFWS approved biologist. 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. • Construction activity within habitat identified as "Environmentally Sensitive Areas" should be conducted between May 1 to October 1. • 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. • Confine movement of heavy equipment to existing roadways to minimize habitat disturbance. <p>After completion of construction activities, remove any temporary fill and construction debris and, wherever feasible, restore disturbed areas to pre-project conditions. In Environmentally Sensitive Areas for GGS, under direction of the USFWS approved biologist :</p> <ul style="list-style-type: none"> • Install temporary fencing at the edge of the construction area and the adjacent wetland, marsh, or ditch; • Restrict working areas, spoils and equipment storage and other project activities to areas outside of marshes, wetlands and ditches; and • Maintain water quality and limit construction runoff into wetland areas through the use of hay bales, filter fences, vegetative buffer strips, or other accepted equivalents.

References

CDFG (California Department of Fish and Game). 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California. California Department of Fish and Game, Sacramento, CA

CDFG (California Department of Fish & Game). 1995. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game, Sacramento, CA.

USFWS (U.S. Fish and Wildlife Service) 2011a. Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance. Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, January 2011.

USFWS (U.S. Fish and Wildlife Service) 2011b. Consultation on the Eastside Conveyance Project (ref. number: 81420-2011-1-0342). Sacramento Fish and Wildlife Office, US Fish and Wildlife Service, March 2011.