

RECLAMATION

Managing Water in the West

DRAFT FINDING OF NO SIGNIFICANT IMPACT

Westlands Water District – Warren Act Contract for Conveyance of Kings River Flood Flows in the San Luis Canal

FONSI-11-002

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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 executing a five-year Warren Act contract with Westlands Water District (WWD) to allow the district to convey Kings River flood flows in the San Luis Canal (SLC) 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 Draft Finding of No Significant Impact (FONSI) is supported by Reclamation's Draft Environmental Assessment (EA) number EA-11-002, *Westlands Water District – Warren Act Contract for Conveyance of Kings River Flood Flows in the San Luis Canal*, and is hereby incorporated by reference.

Reclamation intends to provide the public with an opportunity to comment on the Draft EA and Draft FONSI during a 30-day public comment period.

Background / Proposed Action

The Kings River Water Association (KRWA) oversees Kings River entitlements and deliveries, and protects water quality while enhancing the environment. KRWA is one of two regional agencies that oversees the river, the other is the Kings River Conservation District (KRCD), which is a public agency that deals with flood control, power, on-farm water management, and groundwater development. Depending on hydrologic conditions, seasonal flood flows from the Kings River could reach Mendota Pool via Fresno Slough. In order to make beneficial use of these flood flows, the KRWA has historically entered into agreements with water users having access to the Mendota Pool to divert the Kings River flood flows.

WWD currently has an agreement with the KRWA to divert Kings River flood flows into their Laterals 6-1 and 7-1; however, the lands that could be serviced by these two laterals within WWD have been retired and since there are no other in-district facilities in place that will allow the district to apply the flood flows elsewhere, WWD has requested Reclamation approval to convey the Kings River flood flows in the SLC via a Warren Act contract. WWD will then be able to divert the Kings River flood flows through its turnouts on the SLC downstream of the introductory point. The Warren Act contract will allow WWD to convey up to 50,000 acre-feet (AF) annually through the SLC from calendar year 2012 through 2016.

The SLC is a joint-use facility and feature of Reclamation's Central Valley Project (CVP), and is the Federally-built and operated portion of the California Aqueduct, which is a feature of the State Water Project (SWP).

Findings

Reclamation's determination that implementation of the Proposed Action will result in no significant impact to the quality of the human environment is supported by Draft EA-11-002, the corresponding Environmental Commitment Plan, and the following:

Water Resources

The non-CVP water will only be introduced into the Federal portion of the SLC after coordination with the Department of Water Resources and Reclamation to ensure that excess capacity within the facility exists and so as to not interfere with the normal operations of the SWP and CVP, respectively. The Proposed Action will not require any new construction or modification to facilities to convey the non-CVP water to the SLC.

Recent water quality testing of the Kings River flood flows indicate that its quality is of better quality than that which is currently conveyed in the SLC.

As noted in Section 2.2, the quality of the Kings River flood flows would be tested and monitored in order to not adversely impact that quality of water currently flowing in the SLC. The most recent water quality testing data of Kings River flood flows can be found in Appendix B, and is an indication that the Kings River flood flows is of better quality as compared to the background SLC water quality. In addition, the Proposed Action would not require any modification or new construction to the SLC.

WWD would be able to supplement its surface water supplies in order to supply irrigation water to landowners within its service area. The Proposed Action would not cause WWD to receive more or less water from the Delta under the CVP contract (baseline supply of 563,500 AF).

The Proposed Action would not adversely impact Mendota Pool and/or water users of the pool since WWD would only divert the Kings River flood flows from Mendota Pool when such water is available. Water stored in Mendota Pool from the CVP and/or SJR would not be diverted by WWD under the Proposed Action.

The Kings River would not be adversely impacted, since the waters involved with the Proposed Action are flood flows. King River water rights holders would have first opportunity to divert the flood flows, in addition to other water districts with an agreement with the KWRA for diversion of the flood flows. In addition, WWD has an agreement with the KWRA, which along with the KRCD, operates and/or manages the Kings River for beneficial purposes.

As a result, the Proposed Action would not have adverse impacts to water resources.

Land Use

The Proposed Action will convey non-CVP water to WWD, which will be used to supplement irrigation water and sustain existing agricultural lands and minimize the potential for fallowing of these agricultural lands. No new lands will be cultivated with this water. The Proposed Action will not require any new construction to convey the Kings River flood flows to the SLC. As a result, the Proposed Action will not have significant impacts to land use.

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 may have some value to listed species

or birds protected by the Migratory Bird Treaty Act. The Warren Act contract related water will not affect streams containing listed fish species.

Based upon the above factors, including 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 water quality it has been determined there will be no significant impacts to federally protected species.

Cultural Resources

The Proposed Action will facilitate the flow of water through existing facilities to existing users. No new construction or ground disturbing activities will occur as part of the Proposed Action. The pumping, conveyance, and storage of water will be confined to existing pumps and CVP facilities. These activities have no potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1). There will be no impacts to cultural resources as a result of implementing the Proposed Action.

Indian Trust Assets (ITA)

There are no tribes possessing legal property interests held in trust by the U.S. in the water involved with the Proposed Action, nor is there such a property interest in the lands designated to receive the non-CVP water. The Proposed Action has no potential to impact ITA.

Indian Sacred Sites

The Proposed Action involves conveying water within existing facilities to established agricultural lands. No construction or modifications of facilities will be required. As a result, the Proposed Action is not expected to impact Indian sacred sites and/or prohibit access to and ceremonial use of this resource.

Socioeconomic Resources

Under the Proposed Action, the non-CVP water will be used by WWD to supplement its surface CVP water supplies. The additional supplies will help maintain agricultural lands, leading to less-likely potential of land fallowing and continued existing demand for farm labor and supplies. The Proposed Action will have no significant impact on socioeconomic resources.

Environmental Justice

The availability of the non-CVP water to WWD will help maintain agricultural production and local employment; therefore, the Proposed Action will not cause any harm to minority or disadvantaged populations.

Global Climate

The Proposed Action will involve no physical changes to the environment, no construction activities, and therefore, will not contribute global climate change. It is possible that climate change could affect the Proposed Action rather than vice versa; however, it will be difficult measure/define the impact(s), if any. Operations of the CVP are flexible to coincide with varying hydrologic conditions. Therefore, effects related to changes in the global climate will not result in significant impacts to the Proposed Action.

Cumulative Impacts

The Proposed Action is temporary in nature (five years) and will not result in any construction or modifications of any facilities. WWD will only be allowed to introduce the Kings River flood flows into the SLC when capacity exists and when there are flood flows from the Kings River available at Mendota Pool. The quality of the Kings River flood flows is of better quality than that water currently in the SLC and monitoring will continue to protect the water quality of the SLC. Water resources within the affected environment will not be adversely impacted by the Proposed Action when taking into consideration other past, existing, and foreseeable similar actions.

The Proposed Action will have no impacts on biological resources, cultural resources, ITA, Indian sacred sites, and the global climate; therefore, will not contribute to cumulative significant impacts on these resource areas. Socioeconomic resources and conditions related to environmental justice will be short-term and within the historical variations; therefore, will not contribute to cumulative significant impacts.

The Proposed Action will help maintain existing agricultural lands and will not contribute to significant changes to land use caused by other actions.

The Proposed Action, when added to other past, existing, and foreseeable similar actions, does not contribute to adverse increases or decreases in environmental conditions. Overall, there will be no cumulative significant impacts caused by the Proposed Action.