

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION**

MID-PACIFIC REGION

DRAFT FINDING OF NO SIGNIFICANT IMPACT

**Recirculation of Recaptured Water Year 2012 San
Joaquin River Restoration Program Interim Flows**

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Recirculation of Recaptured Water Year 2012 San Joaquin River Restoration Program Interim Flows

In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the San Joaquin River Restoration Program (SJRRP) Office and the South-Central California Area Office of the U.S. Bureau of Reclamation (Reclamation), has determined that the execution of transfer and exchange agreements to recirculate up to 260,000 acre-feet (AF) of water from San Luis Reservoir, recaptured as a result of SJRRP Water Year 2012 Interim Flows, 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 Finding of No Significant Impact is supported by Reclamation's Draft Environmental Assessment (EA), *Recirculation of Recaptured Water Year 2012 San Joaquin River Restoration Program Interim Flows*, which is hereby incorporated in its entirety by reference.

Background

The San Joaquin River Restoration Program (SJRRP) was established in late 2006 to implement the Stipulation of Settlement in *NRDC, et al. v. Kirk Rodgers, et al. (Settlement)*. As an initial action to guide implementation of the SJRRP, the Settlement requires that the U.S. Department of the Interior, Bureau of Reclamation (Reclamation), modify releases from Friant Dam from October 1 to September 30 for a program of interim flows in order to collect pertinent scientific data and to implement a monitoring program. Environmental effects for the release of interim flows from Friant Dam and down the San Joaquin River were addressed in the *Final Environmental Assessment/Initial Study, Water Year 2010 Interim Flows Project (WY 2010 EA/IS)* and the *Finding of No Significant Impact, Water Year 2010 Interim Flows Project*. Further, this information was supplemented for two additional years of interim flows and addressed in the:

- *Supplemental Environmental Assessment, Interim Flows Project – Water Year 2011,*
- *Final Supplemental Environmental Assessment, Interim Flows Project – Water Year 2011 (WY 2011 Supplemental EA),*
- *Finding of No Significant Impact, Interim Flows Project – Water Year 2011 (WY 2011 FONSI),*
- *Supplemental Environmental Assessment, Interim Flows Project – Water Year 2012,*
- *Final Supplemental Environmental Assessment, Interim Flows Project – Water Year 2012 (WY 2012 Supplemental EA),*
- *Finding of No Significant Impact, Interim Flows Project – Water Year 2012 (WY 2012 FONSI).*

Also addressed in these documents is the potential recapture of interim flows at several diversion locations. These locations include existing facilities in the Delta; in the San Joaquin River at the Banta-Carbona Irrigation District facility and the West Stanislaus Irrigation District facility downstream of the Stanislaus River confluence; at the Patterson Irrigation District facility between the Tuolumne and Merced River confluences; and facilities within the San Joaquin River Restoration Program Restoration Area (between Friant Dam and the confluence of the Merced River) which includes Mendota Pool at the downstream end of Reach 2B, the Lone Tree

Unit of the Merced National Wildlife Refuge (NWR) (Lone Tree Unit) in the Eastside Bypass Reach 2, and the East Bear Creek Unit of the San Luis NWR (East Bear Creek Unit) in the Eastside Bypass Reach 3. Recirculation is subject to available capacity within the Central Valley Project (CVP)/State Water Project (SWP) storage and conveyance facilities, including the Jones and Banks pumping plants, California Aqueduct, DMC, San Luis Reservoir (SLR) and related pumping facilities, and other facilities of CVP/SWP contractors. Available capacity is capacity that is available after all statutory and contractual obligations are satisfied to existing water service or supply contracts, exchange contracts, settlement contracts, transfers, or other agreements involving or intended to benefit CVP/SWP contractors served through CVP/SWP facilities. The WY 2010 EA/IS, WY 2011 Supplemental EA, WY 2011 FONSI, WY 2012 Supplemental EA, and WY 2012 FONSI, which includes environmental analysis for recapture of Interim Flows, are incorporated by reference into this document and will not be discussed at length in this EA.

The Water Management Goal of the Settlement and Act includes a requirement for the development and implementation of a plan for recirculation, recapture, reuse, exchange or transfer of interim flows for the purpose of reducing or avoiding impacts to water deliveries to all of the participating Friant Division long-term contractors. Paragraph 16 of the Settlement states:

16. In order to achieve the Water Management Goal, immediately upon the Effective Date of this Settlement, the Secretary, in consultation with the Plaintiffs and Friant Parties, shall commence activities pursuant to applicable law and provisions of this Settlement to develop and implement the following:

(a) A plan for recirculation, recapture, reuse, exchange or transfer of the Interim Flows and Restoration Flows for the purpose of reducing or avoiding impacts to water deliveries to all of the Friant Division long-term contractors caused by the Interim Flows and Restoration Flows. The plan shall include provisions for funding necessary measures to implement the plan. The plan shall:

(1) ensure that any recirculation, recapture, reuse, exchange or transfer of the Interim Flows and Restoration Flows shall have no adverse impact on the Restoration Goal, downstream water quality or fisheries;

(2) be developed and implemented in accordance with all applicable laws, regulations and standards. The Parties agree that this Paragraph 16 shall not be relied upon in connection with any request or proceeding relating to any increase in Delta pumping rates or capacity beyond current criteria existing as of the Effective Date of this Settlement;

(3) be developed and implemented in a manner that does not adversely impact the Secretary's ability to meet contractual obligations existing as of the Effective Date of this Settlement; and

(4) the plan shall not be inconsistent with agreements between the United States Bureau of Reclamation and the California Department of Water Resources existing on the Effective Date of this Settlement, with regard to operation of the CVP and State Water Project.

Reclamation, as the lead agency under the National Environmental Policy Act (NEPA) is preparing this document. This Environmental Assessment (EA) intends to analyze the environmental effects of completing the requirement of returning the recaptured water to the Friant Division long-term contractors.

Proposed Action

Recaptured water available for transfer to the Friant contractors as a result of releases of flows from Friant Dam from the implementation of the SJRRP Interim Flows for WY 2012, specified as October 1, 2011 through September 30, 2012, is estimated to be 20,000 to 80,000 acre-feet (90% and 50% exceedance forecast); provided, that this EA evaluates a maximum possible amount of up to 260,000 acre-feet (AF) of the CVP Friant Division Class 1 and 2 water supplies. This recaptured water will be available in south-of-Delta Facilities (SOD Facilities) (e.g. SLR, O'Neill Forebay, Delta-Mendota Canal, California Aqueduct, etc.) through delivery to the Friant Division or through transfers and exchanges between Friant contractors and non-Friant contractors when the water is put to beneficial use.

The Federal action would involve Reclamation entering into various direct delivery, transfer, or exchange agreements to recirculate the recaptured water to the Friant contractors. The deliveries, transfers, and exchanges would be completed through several mechanisms using Federal, state, and local facilities. The recaptured water would be recirculated to the listed Friant contractors whose supplies may be impacted by WY 2012 Interim Flow releases, as Class 1 or 2 supplies. Water may be transferred or exchanged between Friant contractors or non-Friant contractors, but not in excess of the existing contract amounts..

The Proposed Action is a multi-faceted approach and consists of direct deliveries, transfers, and exchanges that could occur up to a maximum quantity, not exceeding any Friant contractors' Class 1 or 2 CVP water supplies or exceeding the contract amounts of other Friant contractors or non-Friant contractors.

The Proposed Action would seek to make recaptured WY 2012 Interim Flows available to Friant contractors in Millerton Lake as a result of exchanges with other Friant contractors or non-Friant contractors. Non-Friant contractors will exchange a like amount of their water supplies to be made available to Friant contractors. The water then made available would be integrated into Friant Division Class 1 and 2 supplies to reduce or avoid potential impacts associated with the implementation of the WY 2012 Interim Flows project.

The Proposed Action does not cover the direct discharge of water from SOD Facilities into the FKC. If discharge of water from SOD Facilities into the FKC is proposed as a recirculation option for recaptured WY 2012 Interim Flows, it would require further review.

Friant contractors could also take delivery of recaptured water made available in SOD Facilities via a transfer with any of the Friant contractors. Essentially, Friant contractors can transfer water among themselves or non-Friant contractors. Reclamation would facilitate the delivery of recaptured WY 2012 Interim Flows with the Friant contractors through stipulations present in existing agreements. These transfers would not exceed the Friant contractors or non-Friant contractors total existing contract amounts. The Proposed Action analyzed in this EA would help

supplement any surface water need that a particular water district or districts could have over WY 2012. The recirculation of recaptured Interim Flows will not increase deliveries to any water district beyond existing contract amounts. All water delivered, transferred, or exchanged would remain within existing contract totals for those contractors. The Proposed Action in this EA does not exceed those existing contract amounts. Further, the Proposed Action is strictly limited to the Interim Flows that are recaptured as part of the WY 2012 Interim Flows project. Therefore, the recapture of WY 2012 Interim Flows is a temporary and short-term in nature and not intended to extend beyond WY 2012. Provided, that the exchange of other water supplies needed to facilitate the proposed action may extend beyond WY 2012, but not extend beyond WY 2017.

The Proposed Action could also provide an option to advance delivery of recaptured WY 2012 Interim Flows. Through this mechanism, a calculation of the amount of water that is expected to be recaptured in SOD Facilities during peak Interim Flows would occur and would take into consideration water year type, channel capacity constraints, and operational criteria. This quantity of water would be made available in advance of recapture of WY 2012 Interim Flows in SOD Facilities. When WY 2012 Interim Flows are later released and recaptured in accordance with the Settlement hydrograph, they would make up the difference and balance the water supply in the SOD Facilities, resulting in no net change or involuntary reduction in contract water allocations to the non-Friant contractors.

Contractors outlined in this EA would notify Reclamation in advance of any proposed delivery, transfer, or exchange so that Reclamation can determine if the action is consistent with the EA and existing contracts and can coordinate with involved water service contractors to ensure there is capacity within existing facilities to make the delivery, transfer, or the exchange. In addition, coordination would ensure that Reclamation's obligations to deliver water to other contractors, wildlife refuges, and other requirements would not be adversely impacted..

All contract allocations for possible deliveries, exchanges, and transfers are listed in Table 1 below.

Transfers and exchanges shall further be subject to the following parameters:

- Transfers or exchanges must occur within the CVP consolidated Place-of-Use, as may be modified by a temporary or other change petition with the State Water Resources Control Board.
- No native or untilled land (fallow for three consecutive years or more) would be cultivated with the water involved in these actions.
- Transferred water can be either Agricultural (Ag) or Municipal and Industrial (M&I) water.
- The ultimate purpose of use can be for Ag, M&I purposes, fish and wildlife purpose and or groundwater recharge.
- All transfers and exchanges will be between willing sellers and willing buyers.
- Transfers or exchanges would occur without new construction or modifications to facilities.
- Transfers or exchanges are limited to existing supply and will not increase overall consumptive use.
- Transfers or exchanges for Ag would be used on lands irrigated within the last three consecutive years.
- Transfers or exchanges would not lead to any land conversions.

- Transfers or exchanges would comply with all applicable Federal, State, Local or Tribal laws or requirements imposed for the protection of the environment and Indian Trust Assets (ITA).
- Transfers or exchanges cannot alter the flow regime of natural water bodies such as rivers, streams, creeks, ponds, pools, wetlands, etc., so as not to have a detrimental effect on fish or wildlife, or their habitats.

The Proposed Action only covers deliveries, transfers, or exchanges of water recaptured as a result of WY 2012 Interim Flows. The Proposed Action does not cover transfers, exchanges, or deliveries that do not include recaptured WY 2012 Interim Flows.

Table 1: Contract Amounts for Friant Contractors and SOD Contractors

Friant Division Contractor	Class 1 CVP Supply (AF/year)	Class 2 CVP Supply (AF/year)
Arvin-Edison WSD (PWRPA member)	40,000	311,675
Chowchilla Water District (WD)	55,000	160,000
City of Fresno	60,000	0
City of Lindsay	2,500	0
City of Orange Cove	1,400	0
County of Madera	200	0
Delano-Earlimart Irrigation District (ID)	108,800	74,500
Exeter Irrigation District	11,500	19,000
Fresno Co. Waterworks No. 18	150	0
Fresno ID	0	75,000
Garfield WD	3,500	0
Gravelly Ford WD	0	14,000
International WD	1,200	0
Ivanhoe WD	6,500	500
Kaweah Delta Water CD	1,200	7,400
Lewis Creek WD	1,450	0
Lindmore ID	33,000	22,000
Lindsay-Strathmore ID	27,500	0
Lower Tule River ID	61,200	238,000
Madera ID	85,000	186,000
Orange Cove ID	39,200	0
Porterville ID	16,000	30,000
Saucelito ID	21,200	32,800
Shafter-Wasco ID	50,000	39,600
Southern San Joaquin MUD	97,000	50,000
Stone Corral ID	10,000	0
Tea Pot Dome WD	7,500	0
Terra Bella ID	29,000	0
Tulare ID	30,000	141,000
Non-Friant Contractors (South-of-Delta)	Supply (AF/year)	
City of Avenal	3,500	
Banta-Carbona ID (PWRPA member)	20,000	
Byron-Bethany ID	20,600	
City of Coalinga	10,000	
Coelho Family Trust	2,080	
Del Puerto ID	140,210	
Eagle Field WD	4,550	
Fresno County	3,000	
Fresno Slough WD	4,000	
Hills Valley ID	3,346	
City of Huron	3,000	
James ID (PWRPA member)	35,300	
Kern County Water Agency Includes Belridge WSD, Kern Delta WD, Rosedale-Rio Brave WSD, Semitropic WSD, Buena Vista WSD, Cawelo WD (also a PWRA member), and Berrenda Mesa WD	982,730	
Kern National Wildlife Refuge (NWR)	Level 2 and/or Level 4	
Kern-Tulare WD Includes Rag Gulch WD	40,000	
Laguna WD	800	
Lower Tule River ID	31,102	

Non-Friant Contractor (South-of-Delta) (cont.)	Supply (AF/year)
Merced NWR	
Mercy Springs WD	2,842
Metropolitan WD of Southern California	1,911,500
North Kern WSD	6,000 to 394,000 (variable)
Oro Loma WD	4,600
Pacheco WD	10,080
Panoche WD	94,000
Patterson ID	16,500
Pixley ID	31,102
Pixley NWR	Level 2 and/or Level 4
Rosedale-Rio Bravo WSD	29,900
San Benito County WD	43,800
San Joaquin River Exchange Contractors Water Authority	840,000
San Luis NWR, East Bear Creek Unit	Level 2 and/or Level 4
San Luis WD	125,080
Santa Clara Valley WD (PWRPA member)	152,500
The West Side ID (PWRPA member)	5,000
City of Tracy Includes Westside ID and Banta-Carbona ID	29,333
Tranquility ID	13,800
Tranquility PUD	70
Tri-Valley Water District	1,142
Tulare County	5,308
Tulare Lake Basin WSD	88,922
West Stanislaus ID (PWRPA member)	50,000
Westlands WD (PWRPA member) Includes Mercy Springs WD, Centinella WD, Widren WD, and Broadview WD	1,150,000
Non-Friant Contractor (North-of-Delta)	
Princeton-Cordora-Glenn ID (PWRPA member)	
Provident ID (PWRPA member)	
Reclamation District 108 (PWRPA member)	

Current SWP Contractor allocations may be found here: <http://www.water.ca.gov/swpao/docs/notices/11-06.pdf>

Reclamation posted the draft EA/FONSI for public review and comment on Reclamation's website. The public review period began February 7, 2012 and will end on February 24, 2012.

FINDINGS

Reclamation's finding that implementation of the Proposed Action will result in no significant impact to the human environment is supported by the following findings:

Water Resources

The Proposed Action will not change the overall water supply. The exchanges and transfers would utilize existing facilities for conveyance of water. This would not increase or decrease existing CVP allocations. Water moved through this process would not require additional diversion and would not impact the overall existing operations of the water districts or their facilities. The Proposed Action analyzed in this EA would help supplement any surface water need that a particular water district or districts could have over WY 2012. The recirculation of recaptured Interim Flows will not increase deliveries to any water district. All water delivered, transferred, or exchanged shall remain within existing contract totals for those districts. The

Proposed Action in this EA does not exceed seek to change contract amounts or deliver water in excess of existing contract amounts. Further, the Proposed Action is limited to Interim Flows that are recaptured and stored as part of the WY 2012 Interim Flows project. Therefore, this action is temporary and short-term in nature and not intended to extend beyond WY 2012 and will have no adverse impact to water resources.

Land Use

The Proposed Action will not result in changes to land use and therefore, will have no adverse impacts to land use. There would be no land conversions or land fallowing as a result of the delivery, transfer or exchange of WY 2012 Interim Flow water. The Proposed Action is short-term and would not provide a long-term reliable supply to support long-term land use changes.

Biological Resources

The Proposed Action will not result in adverse impacts to biological resources, including listed species, designated critical habitat, or species listed under the Migratory Bird Treaty Act. No Essential Fish Habitat is listed within the Proposed Action area. Existing facilities will be used to transfer and exchange water and water will be delivered to existing agricultural lands. No land use or habitat changes would occur as a result of the Proposed Action.

Cultural Resources

The Proposed Action will not result in adverse impacts to cultural resources. Transfers and exchanges of water would occur through existing facilities and delivered within existing service area boundaries. The Proposed Action would not result in the modification of existing facilities, construction of new facilities, changes in land use, or growth.

Indian Trust Assets

The Proposed Action will not result in adverse impacts to Indian Trust Assets (ITA). Approval of transfers and exchanges between water districts would not involve any construction and would utilize existing conveyance facilities. Therefore, the Proposed Action would not impact ITA.

Socioeconomic Resources

The Proposed Action will not adversely impact socioeconomic resources. There would be no increases or decreases of agricultural production, urbanization, construction, or other changes as a result of the transfer and exchange of water between the districts. The Proposed Action would assist in sustaining existing agricultural production.

Environmental Justice

The Proposed Action would not disproportionately impact economically disadvantaged or minority populations. Water transfers and exchanges would not result in employment gain or loss, but would result in sustained job rates for agricultural workers.

Air Quality

The Proposed Action will not result in adverse impacts to air quality. The movement of water between districts would be done via gravity flow and/or pumped using electric motors which have no direct emissions. The Proposed Action would not involve any construction or land

disturbance that could lead to fugitive dust emissions or exhaust emissions associated with the operation of construction equipment.

Global Climate Change

The Proposed Action will not result in adverse impacts to global climate change. The majority of power utilized in CVP facilities is generated by hydroelectric power by CVP facilities. Therefore, the energy used to run the facilities does not typically result in the burning of fossil fuels. All water moved under this temporary one-year action would be within existing contract totals and would not increase deliveries to contractors, thus, not resulting in increased pumping in conveyance facilities. Greenhouse gas emissions would not be anticipated to substantially increase under the proposed action in a quantity that would result in an impact to overall global climate change.

Cumulative Impacts

Contract execution for the transfer and exchange of recirculation water would not have any controversial or highly uncertain effects, or involve unique or unknown environmental risks. The Proposed Action would not trigger other water service actions and does not contribute to cumulative effects to physical resources when added to other water service actions. The canals, distribution, rivers, creeks, and conveyance facilities associated with the Proposed Action are managed primarily for agricultural supplies. The Proposed Action would not interfere with the deliveries, operations, or cause substantial adverse changes to the conveyance facilities.

The proposed transfers, when added to other actions, do not contribute to significant increases or decreases in environmental conditions. These water service actions are proposed to occur only to distribute up to a maximum of 260,000 AF of WY 2012 Interim Flows, and are short-term. These transfer actions are not precedent-setting. The Proposed Action was found to have no impact on water resources, land use, biological resources, cultural resources, ITA, socioeconomic resources, environmental justice, air quality, or global climate change and therefore there is no contribution to cumulative impacts on these resources areas. Overall, there would be no cumulative impacts caused by the Proposed Action.