

RECLAMATION

Managing Water in the West

DRAFT FINDING OF NO SIGNIFICANT IMPACT

Two-Year Exchange Agreements and/or Warren Act Contracts for Conveyance of Groundwater in the Delta-Mendota Canal – Contract Years 2012 through 2014 (March 1, 2012 – February 28, 2014)

FONSI-12-005

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Introduction

The Bureau of Reclamation (Reclamation) proposes to issue Exchange Agreements and/or Warren Act contracts to requesting Central Valley Project (CVP) contractors within the Delta Division and San Luis Unit to convey groundwater in federal water facilities.

Background

The San Luis & Delta-Mendota Water Authority (SLDMWA), on behalf of seven of its member agencies, has requested approval of two-year Exchange Agreements and/or Warren Act contracts to pump groundwater into the Delta Mendota Canal (DMC) for delivery to contractors. The Warren Act (Act as of February 21, 1911, CH. 141, (36 STAT. 925)) authorizes the Reclamation to negotiate agreements to store or convey Non-Project Water when excess capacity is available in federal facilities. Section 14 of the Reclamation Project Act of 1939 allows for contracts for exchange or replacement of water, water rights. Section 3408(c) of P.L. 102-575, Title 34, Central Valley Project Improvement Act (CVPIA) allows for the exchange, impoundment, storage, carriage, and delivery of CVP and Non-Project Water for domestic, municipal, industrial, fish and wildlife, and any other beneficial purpose.

Proposed Action

Reclamation proposes to issue two-year Exchange Agreements and/or two-year Warren Act contracts to requesting CVP contractors within the Delta Division and San Luis Unit. The term would be March 1, 2012 through February 28, 2013 for pumping and conveyance, and March 1, 2012 through February 29, 2014 for storage in San Luis Reservoir (SLR) and conveyance from the SLR.

Reclamation has capped the Proposed Action at 50,000 acre-feet (AF) for all the districts combined participating in the DMC Pump-in Program. That is to say, the total amount of groundwater pumped into the DMC would not exceed that 50,000 AF. Conveyance and storage of Non-Project Water in CVP facilities would be subject to available capacity.

The source of the Non-Project Water would be groundwater pumped from privately owned wells directly into the DMC. The quantity of groundwater pumped into the DMC would be measured with flow-meters that would be read and calibrated by SLDMWA field staff. The district would then take out a like amount from turnouts on either the DMC or the SLC to be conveyed through their distribution systems for agricultural use to water users within the district.

Those wells that require new testing would be tested in accordance with the requirements described in the 2012 Delta-Mendota Canal Pump-in Program Water Quality Monitoring Plan (Draft Environmental Assessment 12-005 Appendix B).

Any other wells within the spatial extent of this environmental analysis may be included in the program as long as they meet the water quality requirements specifically described in the 2012 Monitoring Plan. Note that the addition of wells would not increase per district volume or total volume of non-project water that could be conveyed under this program.

All wells that are found to meet the requirements described in the Delta-Mendota Canal 2012 Water Quality Monitoring Program must have an exhibit C amendment in the contract prior to pumping.

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 findings:

Water Resources

No new facilities would be constructed as a result of the Proposed Action. There would be no construction or modification to the DMC and the capacity of the facility would remain the same. The Proposed Action would not interfere with the normal operations of DMC nor would it impede any CVP or State Water Project (SWP) obligations to deliver water to other contractors or to local fish and wildlife habitat. Furthermore, the Proposed Action would not interfere in the quantity or timing of diversions from the Sacramento-San Joaquin Bay Delta. CVP operations and facilities would not vary considerably under either alternative. Because the DMC and Mendota Pool are sources from which the Exchange Contractors divert water, they would be monitoring the water quality at Mendota Pool.

Each district would be limited to pumping a quantity below the "safe yield" as established in the groundwater management plan, in order to prevent groundwater overdraft and avoid adverse impacts. Water in each well must meet water quality standards prior to approval for conveyance, and the monitoring of groundwater quality would continue throughout the contract year.

Because the Proposed Action will not involve construction or modification or interfere with operations, there would be no cumulative impacts to existing facilities or other contractors. Because pumping would be restricted to below the safe yield, there would not be cumulative impacts to groundwater. Because groundwater quality would be monitored throughout the year, there would be no cumulative impacts to water quality involving water delivered through the DMC.

These findings indicate that there would be no adverse impact to water resources resulting from the Proposed Action.

Geologic Resources

The 2012 Monitoring Plan (Draft Environmental Assessment 12-005 Appendix B) includes measures to ensure that overdraft and resulting subsidence does not occur from the Proposed Action.

Cumulative impacts resulting in overdraft and/or subsidence will be avoided because pumping would cease if current depth exceeds the maximum measured depth.

Land Use

No new lands would be cultivated with this water. The conveyance of the Non-Project Water through CVP facilities would not contribute to changes in land use. The Proposed Action would not increase or decrease water supplies that would result in development.

Because the Proposed Action would not involve construction or other land disturbance, and because the Proposed Action supports current land use, there would be no cumulative adverse impacts to land use.

There would be no impacts to land use resulting from the Proposed Action.

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 would not involve the conversion of any land fallowed and untilled for three or more years. The Proposed Action also would not change the land use patterns of the cultivated or fallowed fields that do have some value to listed species or to birds protected by the Migratory Bird Treaty Act (MBTA). Due to the fact that the Exchange Agreement and/or Warren Act contract related water would not reach streams containing listed fish species, there would be no effects to these species. No critical habitat occurs within the area affected by the Proposed Action and so none of the primary constituent elements of any critical habitat would be affected.

Potential effects to giant garter snakes would be expected only if the water quality parameters exceed concentrations or levels identified as toxic or of concern (e.g., CVRWQCB 1998; Reclamation 2004b; US Fish & Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) (NMFS 2000; USFWS 2008). Daily water quality monitoring, with the requirement of pumps ceasing if water quality objectives are exceeded, however, would avoid such effects to the species. A brief “lag time” between detection of the exceedance (and the resultant shutting down of pumps) and the subsequent reduction in contaminant concentration would be no more than a day or two and would not cause any adverse effect because of the extremely short duration before the water quality standards are returned to the target levels.

There would be no adverse effects to the giant garter snake due to groundwater overdraft, because of the restrictions in groundwater pumping for each district.

The short duration of the water availability, the requirement that no native lands be converted without consultation with USFWS, and the stringent requirements for water quality would preclude any impacts to wildlife, whether federally listed or not.

As the Proposed Action is not expected to result in any direct or indirect impacts to biological resources, there would be no cumulative impacts.

There would be no impacts to biological resources as a result of the Proposed Action.

Cultural Resources

No new construction or ground disturbing activities would occur as part of the Proposed Action. The pumping, conveyance, and storage of water would be confined to existing wells, pumps, and CVP facilities. There would be no potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1).

Indian Sacred Sites

Under the Proposed Action alternative, neither restriction of access to nor adverse effects to the physical integrity of any sacred sites would occur. As such, there would be no direct, indirect, or cumulative impacts to Indian sacred sites as a result of either the No Action or Proposed Action alternatives.

Indian Trust Assets

There are no tribes possessing legal property interests held in trust by the United States in the water involved with this action, nor is there such a property interest in the lands designated to receive the water proposed in this action.

The Proposed Action would have no adverse effect on Indian Trust Assets.

Environmental Justice

An Exchange Agreement or Warren Act contract would allow the water districts to use their Non-Project Water for irrigation in their service area. The availability of this water could help maintain agricultural production and farm worker employment. Therefore implementing the Proposed Action would not cause any harm to minority or disadvantaged populations within the Proposed Action area.

There would be no adverse cumulative impacts to minority and low-income populations as a result of the Proposed Action.

Socioeconomic Resources

Under the Proposed Action, participating districts could convey and store Non-Project Water in CVP facilities to supplement their CVP water supply. The Warren Act contracts would allow the Non-Project Water to be distributed to sustain permanent crops. This would help maintain agriculture in this agricultural area.

There would be no adverse cumulative impacts to socioeconomic resources as a result of the Proposed Action.

Air Quality

No new facilities would be needed as a result of the Proposed Action that would result in emissions from construction activities. The majority of pumps to convey the water under the Proposed Action are electric. These pumps would not emit pollutants at the pump; the source of the pollutants originates at the power plant. Power plants are permitted based on their maximum operating potential. The additional electricity would not result in the power plant exceeding operating capacity, and, thus, the applicable emissions permit. A majority of power is derived from fossil fuel combusted at power plants to generate electricity. CO₂ is the primary pollutant emitted as a result of the oxidation of the carbon in the fuel. NO_x and PM₁₀ are also emitted.

Air quality emissions for the Proposed Action are well below the de minimus thresholds for the San Joaquin Valley Air Pollution Control District; therefore, there would be no direct, indirect or cumulative air quality impacts associated with this Proposed Action.

Global Climate

The Proposed Action would involve generation of electrical energy to power the pumps. Greenhouse Gases (GHG) generated by the Proposed Action are expected to be extremely small compared to sources contributing to potential climate change since the emission estimates for CO₂ and CH₄ were well below the San Joaquin Valley Air Pollution Control District and federal emission thresholds. Accordingly, the Proposed Action would result in below *de minimis* impacts to global climate change.

GHG emissions are considered cumulatively significant; however, the estimated annual CO₂ and CH₄ emissions are well below the EPA threshold for annually reporting GHG emissions. As a result, the Proposed Action is not expected to contribute cumulatively to global climate change.