

**FINDING OF NO SIGNIFICANT IMPACT (FONSI) and DECISION RECORD FOR  
CVPIA LAND RETIREMENT DEMONSTRATION PROJECT**

**INTRODUCTION**

The Department of Interior finds that the implementation of the Central Valley Project Improvement Act (CVPIA) Land Retirement Demonstration Project's proposed acquisition of 7,000 acres in western Fresno County within the Westlands Water District (Westlands) and 8,000 acres in eastern Kings County and western Tulare Counties, within the Atwell Island Water District (Atwell) and Alpaugh Irrigation District (AID), will not result in significant impacts and an environmental impact statement (EIS) is not required. This Finding of No Significant Impact (FONSI) was developed by the United States Bureau of Reclamation (Reclamation), the Fish and Wildlife Service (Service) and the Bureau of Land Management (BLM) in conformance with Section 3408(h) of Public Law 102-575, Title XXXIV, the Central Valley Project Improvement Act (CVPIA). This FONSI is supported by and incorporates by reference, Interior's 1999 *CVPIA Land Retirement Demonstration Project Environmental Assessment*.

The CVPIA Land Retirement Program is an interagency program under the Department of Interior. Land Retirement is a voluntary program whereby Interior may purchase land, water and other property interests from willing sellers who receive Central Valley Project (CVP) water allocations. There will be no condemnation of land by federal authorities as part of this program. Retiring land eliminates the application of irrigation water, thereby reducing the amount of subsurface drainage water produced from a particular piece of property.

The goals of the Land Retirement Demonstration Project are to study the impacts of land retirement upon groundwater levels, groundwater and surface water quality, soil chemistry and biota. This project is needed to provide site-specific scientific data to guide any future implementation of the land retirement program and to develop tools for predicting potential benefits and impacts of retiring lands from irrigated agriculture in the Central Valley. This project will evaluate habitat rehabilitation techniques to determine the most effective and economical means to provide safe upland habitats to aid in the recovery of threatened and endangered species in the San Joaquin Valley.

**MANAGEMENT ACTION SELECTED**

After careful analysis of the alternatives, the summary of effects as discussed in the EA and public comments received on the drafts, and in light of the recent request for proposals released by Westlands for their Land Management Program, Interior selects a blend of Alternatives 1 (acquire land with water) and 2 (acquire land without water) to implement this action. The Blended Alternative will allow Interior to retain the flexibility to acquire land and water where it is offered and to acquire land without water where it is beneficial to the project. The impact of

both Alternative 1 and 2 were determined to be insignificant. Hence, the resulting impacts of implementing this blend of those alternatives was also determined to be insignificant.

The management action selected will retire various parcels, up to 15,000 acres, from irrigated agriculture. The subject lands are located in two separate areas with differing geologic and hydrologic characteristics. The selected action includes instituting a five-year demonstration project that will consist of statistical and empirical studies designed to determine the physical effects of retirement upon groundwater levels and quality, soil chemistry and impacts to biota. A number of habitat rehabilitation techniques such as direct seeding, transplanting, restoring topographic features to laser-leveled fields (micro-topography), and land imprinting will be tested to determine which methods work best under various site conditions. Specifically, four land treatments will be studied: revegetation, reestablishment of microtopography, revegetation and microtopography, and control (no treatment; these plots will be left to recover on their own). An interagency team of academic and technical experts will monitor physical and biological conditions in the project area, (Appendix 2 of referenced EA) including the potential risk of wildlife exposure to contaminants such as selenium (a naturally-occurring element found within the project area). The team's findings and recommendations will be published on an annual basis and will be considered by Interior as it develops and/or modifies the adaptive land management program used to administer retired lands to minimize risk of wildlife exposure to contaminants.

At the end of the five-year Demonstration Project, Interior will evaluate the project and publish a final report. If safe upland habitat has successfully been reestablished, and/or drainage source reduction demonstrated, then Interior will continue to manage these lands for upland habitat and demonstration purposes. The data will be used to educate landowners and other land managers in upland habitat rehabilitation and drainage source reduction techniques. Information gained from this project may be used to validate the selection criteria as outlined in the Land Retirement Program Interim Guidelines (Appendix 1 of the referenced EA) and to guide future implementation of the CVPIA Land Retirement Program. If however, the project is deemed unsuccessful, Interior, at its option, may continue to manage or may dispose of these lands according to federal standards and return them to private ownership.

## **ALTERNATIVES TO THE MANAGEMENT ACTION SELECTED**

The EA considered three alternatives of implementing a land retirement demonstration project: No-Action, Alternative 1: retiring land with its associated CVP water allocation, and Alternative 2: retiring land without its associated CVP water allocation.

## **RATIONALE FOR MANAGEMENT ACTION SELECTED**

The No Action Alternative was not selected because it would not provide any additional lands for study and would not meet the project objectives of providing scientific data at a meaningful scale. Additionally, no lands would be acquired in the Tulare Lake Basin, therefore no data on the environmental effects of land retirement on differing site conditions would be collected.

Alternative 1 was not selected because it restricts the action to acquiring land and water only, which limits Interior's ability to form large contiguous blocks which are more conducive to effectively study the impacts of retiring land.

During the interval between the release of the Draft Land Retirement Demonstration Project EA for public review and publication of this Final EA, Westlands entered into escrow under the District's recently created Land Retirement Program to purchase approximately 11,000 acres of land within the District. This total is expected to grow to more than 14,000 acres by year end. Approximately 4800 acres of the 11,000 acres currently in escrow are within Interior's Demonstration Project study area boundary. There is no commitment to purchase these lands from Westlands under Interior's Land Retirement Demonstration Project. The proposed agreement between WWD and Interior as described in Alternative 2 will not be implemented. If offered to Interior, these lands may be acquired where beneficial to the overall goals of the project, under the selected Blended Alternative, subject to the same selection criteria and acquisition standards as any of the other parcels offered for selection.

By blending Alternatives 1 and 2, Interior will retain the most flexibility to acquire drainage-impaired farmland in large contiguous blocks, remove it from irrigated agriculture, rehabilitate these lands to upland habitat and to study the effects of these actions. In order to meet the goals of the demonstration project, Interior believes some water (up to 3550 acre-feet annually for five years--3500 AF in Westlands, and 50 AF in Atwell) will be needed to successfully rehabilitate acquired lands to upland habitat. Alternative 2 was not selected because it would not provide any water for habitat rehabilitation and therefore would not meet the project objectives.

Section 3408(h)(1) CVPIA, states that "...the Secretary is authorized to purchase from willing sellers land and associated water rights and other property interests ... and to target such purchases to areas deemed most beneficial to the overall purchase program, including the purposes of this title". Therefore, Interior may also retire land without the associated water allocation if the retirement of such lands meets the selection criteria and the intent of the CVPIA Land Retirement Demonstration Project objectives of providing drainage source reduction and wildlife benefits of large, contiguous blocks of land for upland habitat and corridor linkages for the movement of wildlife. Such lands may be acquired in fee, or via conservation easements or lease-purchase options, at fair-market value for dry land, plus the value of any improvements, in accordance with federal uniform appraisal and land acquisition standards.

The acquired water will be used to irrigate cover crops such as sterile barley and to aid in the establishment of native vegetation on Demonstration Project lands. The quantity of water needed on an annual basis to accomplish these goals in Westlands is 3500 acre-feet (0.5 Acre Feet/acre X 7000 acres = 3500 Acre Feet). In order to acquire this amount of water, assuming an average annual allocation of 67% or 1.74 Acre Feet/acre in Westlands, Interior will need to acquire the water allocation associated with approximately 2000 acres of the Demonstration Project lands in Westlands. The water acquired for this Demonstration Project will be used for environmental purposes of rehabilitating project lands to upland wildlife habitat and will be applied in such a

manner so it will not contribute to deep percolation to the shallow groundwater underlying the project lands. Water acquired in excess of Interior's projected need of 3500 acre-feet may be sold to eligible landowners within the districts on an annual basis to be applied for irrigation purposes on non-drainage impacted lands, or may be transferred to other CVPIA purposes. Any transfer of water must be in accordance with CVPIA water transfer guidelines and State place of use permit requirements. Additional environmental analysis on the specifics of any proposed transfers will be completed prior to the occurrence of any transfer of water to ensure compliance with the National Environmental Policy Act and the Endangered Species Act as well as other legal requirements. Efforts will be made to work with the Westlands Water District in partnership with their land retirement program to maximize benefits for drainage source reduction and rehabilitation of upland habitat; however, the Proposed Agreement outlined in Alternative 2 will not be implemented.

Interior will seek to annually purchase the 50 AF of water available within Atwell and will use this water within the district to rehabilitate acquired lands to upland habitat. In addition, Interior may utilize existing groundwater wells on acquired lands to augment its water needs for habitat rehabilitation or may annually purchase CVP water from Alpaugh (up to 100 AF), or other sources of water as available. Interior will not apply more than an average of 0.5 acre-feet per acre.

At the end of the five-year project, Interior will evaluate its need for continued use of the acquired water on the Demonstration Project lands. If not needed for habitat rehabilitation or continued management of these lands, Interior may sell the water to another user within the water district for CVPIA uses or may transfer the water outside the district for CVPIA uses. If Interior chooses to transfer water outside the districts, Interior must follow the water transfer procedures outlined in section 3405 CVPIA, as well as comply with the State Water Resources Control Board procedures on changing the permitted place of use (if necessary), and comply with NEPA on the proposed transfer. In Westlands, Interior must also comply with the terms of the Barcellos Judgement, until such time as this judgement expires in 2008 or upon early renewal of the CVP contract under the CVPIA contract renewal guidelines.

## **FINDING OF NO SIGNIFICANT IMPACT**

Interior finds that this five-year Demonstration Project is not a major federal action that would significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement is not required. This finding is supported by the following factors:

1. There will be no significant impact to surface water resources even though surface water quality will improve within the project area due to closure of an existing evaporation pond at the Alpaugh site. The quality of surface water runoff from the project lands will improve due to the reduction or elimination of agricultural chemicals (fertilizers, pesticides, herbicides, soil amendments and defoliants) applied to project lands. However, these benefits are confined to the project area and will not be significant on a regional level.

2. There would be no significant impact to groundwater resources resulting from implementation of the Demonstration Project. The shallow groundwater table will decline within the project area and loading of salts and trace elements to the shallow groundwater system, via applied irrigation water, will cease beneath project lands. There will be an overall reduction in subsurface drainage volumes produced on these lands resulting from the reduction of applied irrigation water. These impacts are confined to a relatively small area and are not significant locally or on a regional level.

3. There will be no significant effect on threatened and endangered species habitat. Based on field observations and surveys of rehabilitated upland habitat (which is similar in character to the project lands proposed for acquisition) at North Kern Prison near Delano, Sand Ridge area near Alpaugh and the Donohoe property in Westlands, the Demonstration Project lands can similarly be successfully rehabilitated. Within the five-year project life, these lands may provide linkages for the movement of animals, however suitable foraging or breeding habitat for threatened and endangered species will likely take 10-15 years to develop.

4. No adverse impacts to biological resources will occur as a result of this action. The safeguards, contingency plans, monitoring and adaptive management techniques, designed as part of the Demonstration Project (Appendix 2 and section 4.6.7 of referenced EA) will limit exposure of wildlife, including potential future occupancy by listed species, to any contaminants. Internal consultation on the Demonstration Project, pursuant to Section 7 of the Endangered Species Act with the Service has been completed through the issuance of a “no jeopardy” biological opinion. Interior will comply with all terms and conditions of this biological opinion in its implementation of the Demonstration Project.

5. There will be no impact on CVP water supplies, as the proposed action does not affect CVP operations or availability of water supplies. By utilizing a case-by-case basis for acquisition of water, Interior will provide a balanced approach to the increasing demand for CVP water, thereby meeting the intent of CVPIA sections 3402(f), 3408(h) and 3408(j). The targeted amount of 3550 AF of CVP supply to be acquired will be used on acquired lands for habitat rehabilitation, which may include some continued agricultural cover crops such as sterile barley or wheat, or native rangeland.

6. No significant impacts will occur as a result of reductions in jobs and tax revenues within the project area. The proposed action will adversely affect minority or low income populations, however, these impacts will not be significant due to the losses being partially offset due to federal payments-in-lieu of taxes and the potential for the creation of new jobs resulting from habitat rehabilitation activities and the redirection of water to non-drainage impaired areas with higher value crops, such as orchards and vineyards. Landowners will be compensated at fair-market value for the purchase of their property.

7. No significant impacts will occur from land use changes. Land use within the project area will change from irrigated agriculture to non-irrigated agricultural uses such as grazing or

dryland farming, and upland wildlife habitat, all of which are compatible with irrigated agriculture. Weed and pest control measures have been designed into the project to prevent adverse impacts to neighbors.

8. No Indian Trust Assets occur within the project area, so none would be affected.

9. Air Quality will improve due to less soil disturbance and the reestablishment of upland habitat in the project area. However, since the project area is limited to a very small percentage of the region's agricultural lands, these improvements will not significantly affect the regional air quality.

10. There are no significant effects on public health as a result of this action as studies have shown that the available selenium levels in crops and livestock raised on San Joaquin Valley soils are within acceptable limits for human consumption.

11. No farmlands of prime, unique or statewide importance occur within the project area, therefore will not be adversely affected by this action. This finding is based on information provided by the California Department of Conservation's Farmland Mapping and Monitoring program and data provided by the Natural Resources Conservation Service.

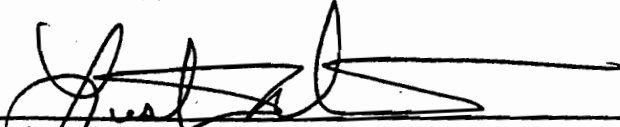
12. No wetlands will be significantly adversely affected as a result of this action.

13. This demonstration project will not set a precedent or constrain future land retirement actions. The data gathered from this project may be used to validate selection criteria and provide tools for predicting potential impacts from retiring lands, but will not preselect lands for retirement outside of the demonstration project study area. Future land retirement actions will be analyzed at that point in time, assessing the site-specific data of the parcels proposed for retirement and considering other related actions as required by law.


#### **IMPLEMENTATION OF DECISION:**

This decision may be implemented once all three agencies have signed below and this notice has been made available to the public.

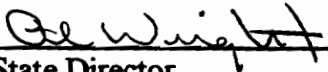
**APPROVED:**

  
\_\_\_\_\_  
Regional Director  
Bureau of Reclamation  
Mid-Pacific Region

11/10/99  
Date

*for*   
\_\_\_\_\_  
Manager  
U.S. Fish & Wildlife Service  
California-Nevada Operations Office

11/10/99  
Date

  
\_\_\_\_\_  
Acting State Director  
Bureau of Land Management  
California State Office

11/10/99  
Date

**PROGRAM CONTACT:**  
Robert H. May, CVPIA Land Retirement Program Manager  
2666 N. Grove Industrial Drive, Suite 106  
Fresno, CA. 93727  
559-487-5137