

RECLAMATION

Managing Water in the West

Draft Finding of No Significant Impact

Warren Act Contract for Kern-Tulare Water District and Lindsay-Strathmore Irrigation District

FONSI-12-069

Prepared by:

Ben Lawrence
Natural Resources Specialist
South-Central California Area Office

Date: _____

Concurred by:

See Attachment
Archaeologist/Architectural Historian
Mid-Pacific Regional Office

Date: See Attachment _____

Concurred by:

See Attachment
Native American Affairs Specialist
Mid-Pacific Regional Office

Date: See Attachment _____

Concurred by:

Shauna McDonald
Wildlife Biologist
South-Central California Area Office

Date: _____

Concurred by:

Chuck Siek
Supervisory Natural Resources Specialist
South-Central California Area Office

Date: _____

Approved by:

Michael Jackson
Area Manager
South-Central California Area Office

Date: _____



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 an environmental impact statement is not required for the issuance of a Warren Act Contract for Kern-Tulare Water District and Lindsay-Strathmore Irrigation District. This Finding of No Significant Impact is supported by Reclamation's Environmental Assessment (EA) 12-069, *Warren Act Contract for Kern-Tulare Water District and Lindsay-Strathmore Irrigation District*, and is hereby incorporated by reference.

Background

Kern-Tulare Water District (KTWD) and Lindsay-Strathmore Irrigation District (LSID) (collectively the Districts) have Central Valley Project (CVP) Friant Division repayment contracts with Reclamation.

The Warren Act (Act of February 21, 1911; Chapter 141, 36 Stat. 925) authorizes Reclamation to enter into contracts to impound, store, or convey non-project water when excess capacity is available in Federal facilities.

Reclamation and the Districts currently have Warren Act Contracts in place for the conveyance of up to 10,000 acre-feet (af) per year of each District's non-CVP water during contract years 2009 through 2013 (March 1, 2009 – February 28, 2014). The execution of those contracts was evaluated in EA and Finding of No Significant Impact (FONSI) number 08-086; those documents are incorporated by reference.

Due to regulatory, contractual, and policy changes, the Districts may now store, convey, or divert non-CVP water according to Article 18 of their repayment contracts, with Reclamation's approval but without the need for separate Warren Act contracts. Additionally, since issuance of the 5-year Warren Act contract referenced in EA/FONSI 08-086, Reclamation's Mid-Pacific Region has been given authority to approve Warren Act requests exceeding 10,000 acre-feet in a single contract year.

Pursuant to the terms of their repayment contracts, the Districts request Reclamation's approval to each store, convey, divert, or exchange up to 30,000 acre-feet (af) per year of non-CVP water in Friant Division and Cross-Valley Unit facilities.

Proposed Action

Reclamation would approve storage, conveyance, and/or diversion of non-CVP water in Federal facilities when excess capacity exists, according to the Article 18 of the Districts' repayment contracts. Reclamation would also approve exchange of the Districts' non-CVP water for CVP water, in order to facilitate delivery. Approvals would be for varying lengths of time between the 2013 through 2042 Contract Years (March 1, 2013 - February 28, 2043).

Lindsay-Strathmore Irrigation District

Reclamation proposes to approve storage, conveyance, and/or diversion of up to 30,000 af/year of LSID's non-CVP water in Federal facilities, when excess capacity exists, according to Article 18 of LSID's Friant Division repayment contract. LSID's non-CVP water originates in the Kaweah River, passes through Bravo Lake, and enters the Upper Wutchumna Ditch. Before introduction into the Friant-Kern Canal (FKC), the Wutchumna water must be tested at specific points to confirm that it meets Reclamation's water quality requirements in effect at the time of conveyance. The water would be pumped from the Wutchumna Ditch into the FKC, and ultimately into LSID's distribution system and service area.

Any amount of Wutchumna water left in storage in the FKC would be allowed to "float" for up to 30 days, when Reclamation determines that excess capacity exists; LSID could later withdraw their stored Wutchumna water from the FKC as needed.

Kern-Tulare Water District

Reclamation proposes to approve storage, conveyance, and/or diversion of up to 30,000 af/year of KTWD's non-CVP water in Federal facilities when excess capacity exists, per the terms of KTWD's partial assignment of the Southern San Joaquin Municipal Utility District's Friant Division repayment contract. KTWD's non-CVP supplies include Kern River and State Water Project (SWP) water. Before introduction into the FKC, KTWD's non-CVP water must be tested at specific points to confirm that it meets Reclamation's water quality requirements in effect at the time of conveyance; the current standards can be found in Appendix A of the EA. The two sources of non-CVP water would be introduced into the FKC from: the Cross-Valley Canal (CVC) through existing siphons; the CVC through the CVC/FKC Intertie; or the Lerdo Canal via North Kern Water Storage District's distribution system. Once introduced into the FKC, the non-CVP water could be stored, delivered directly to KTWD's service area, or delivered to KTWD through an intercept exchange for CVP water from the FKC. Physical delivery of the water to KTWD would require pumping over three check structures: the Shafter Check, the Poso Creek Check, and the Lake Woollomes Check. Alternatively, an intercept exchange can be made with Arvin-Edison Water Storage District (AEWSD) which requires no additional lifts. When an intercept exchange with AEWSD is not available, the water could be pumped over the Shafter Check and exchanged with Shafter-Wasco Irrigation District. Possible intermediaries needed to facilitate these exchanges may include the North Kern Water Storage District and Kern County Water Agency (KCWA) Improvement District No. 4 (ID#4).

Any amount of KTWD's non-CVP water left in storage in the FKC would be allowed to "float" for the duration of the approval, when Reclamation determines that excess capacity exists; KTWD could later withdraw their stored non-CVP water from the FKC as needed.

Environmental Commitments

The proponents will implement the following environmental protection measures to reduce environmental consequences associated with the Proposed Action (Table 1). Environmental consequences for resource areas assume the measures specified would be fully implemented.

Table 1 Environmental Protection Measures and Commitments

Resource	Protection Measure
Biological & Land	The non-Project water involved in these actions must not be used to cultivate native or untilled land (fallow for three years or more).
Land	The Proposed Action must not require new construction or modification of existing facilities.
Land & Water	The Proposed Action must not increase or decrease water supplies that would result in development.
Water Quality	The Districts must comply with all provisions of Reclamation's water quality and monitoring requirements for the FKC that are in effect at the time of pump-in. The current (2008) Water Quality Monitoring Plan for the Proposed Action is attached as Error! Reference source not found..
Water Quality	LSID must additionally implement the monitoring plan specified in Table 2. The table may be amended if necessary to meet Reclamation's future water quality and monitoring requirements.
Water Quality	KTWD must additionally implement the monitoring plan specified in Table 3. The table may be amended if necessary to meet Reclamation's future water quality and monitoring requirements.

Reclamation's South-Central California Area Office has initiated an Environmental Commitment Program in order to implement, track and evaluate the environmental commitments developed for the Proposed Action.

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

The Proposed Action does not involve any construction activities or require any modifications to CVP facilities. The Proposed Action would not change any existing CVP water delivery diversion points. Since only excess capacity would be used, it would not interfere with normal CVP operations.

Lindsay-Strathmore Irrigation District Under the Proposed Action, Reclamation would store and convey Wutchumna water in the FKC for delivery into LSID's service area. This would not alter water rights held by the United States to divert CVP water from the San Joaquin River. LSID would continue to receive CVP water from the FKC according to the terms and conditions of their CVP repayment contract. The Proposed Action would not result in any construction activities or modifications to the FKC, and would not require any additional energy to convey the Wutchumna water. LSID would continue to use TID's conjunctive use program as well as pump groundwater within its district.

Through proactive testing and adaptive management, introduction of Wutchumna water into the FKC would not degrade the quality of CVP water. The CVP water and Wutchumna water originate from neighboring watersheds, so water quality would likely be similar. To verify water quality, the Wutchumna water would be tested prior to pumping into the FKC. The FKC would be tested upstream and downstream of the Wutchumna water's point of discharge. The constituents to be tested and frequency of testing would be as listed in Table 1. The tests would be compared against Reclamation's water quality standards: if Reclamation finds that the

Wutchumna water quality is unsuitable, then Reclamation staff would work with LSID to modify the operations to improve water quality and/or restrict pumping until standards are met.

Table 1 Water Quality Monitoring Requirements for LSID’s Non-Project Water

Location	FKC Milepost	Parameter	Frequency	Remarks
Friant-Kern Canal Avenue 336 bridge (upstream site)	68.65	Electrical conductivity, pH, turbidity	Monthly while Wutchumna water is being pumped into the canal	(2)
Wutchumna Ditch	69.13	Title 22 constituents, total coliform	Annual	(1)
		Electrical conductivity, pH, turbidity	Monthly	(2)
Friant-Kern Canal Avenue 328 bridge (downstream site)	70.28	Electrical conductivity, pH, turbidity	Monthly while Wutchumna water is being pumped into the canal	(2)

- (1) Analyses must be conducted by a laboratory approved by Reclamation.
- (2) Field measurements will be taken by the Non-Federal Operating Entity during the first week of each month and reported to the Contracting Officer by the 15th of each month.

Kern-Tulare Water District Under the Proposed Action, Reclamation would store and convey SWP and Kern River water supplies in the FKC for delivery into KTWD’s service area. KTWD would continue to receive CVP water according to the terms and conditions of their Cross Valley contract via direct delivery in the FKC and/or exchanges with a partner. No construction or modifications to the FKC would be required as a result of storing and conveying this water over the checks. Some additional energy may be necessary to convey the SWP and Kern River water supplies. KTWD would also continue to use and pump groundwater within its service area.

Through proactive testing and adaptive management, introduction of the SWP and Kern River water into the FKC would not degrade the quality of CVP water. KTWD’s non-CVP water would be tested at specific entry points and locations along the FKC, and at routine time intervals as shown in Table 2. If the quality of the SWP and/or Kern River water is unsuitable, Reclamation staff would work with KTWD to modify the operations to improve water quality and/or restrict pumping until Reclamation’s standards are met.

Table 2 Water Quality Monitoring Requirements for KTWD’s Non-Project Water

Location	FKC Milepost	Parameter	Frequency	Responsible Agency	Remarks
San Joaquin River below Friant Dam or Friant-Kern Canal headworks	0.0	Title 22 constituents, Bacteria	Quarterly	Reclamation	(1), (2), (3), (5)
Farm Bridge	132.45	Field Measurements	Weekly	Non-Federal Operating Entity	(4), (5)

Discharge from North Kern Water Storage District's Beardsley Canal	133.42	Title 22 constituents, Bacteria	Annually, if introduction from this source is anticipated	Kern-Tulare WD	(2), (3), (5)
Kimberlina Ave Bridge	134.44	Field Measurements	Weekly	Non-Federal Operating Entity	(4), (5)
Intertie from CVC	152.10	Title 22 constituents, Bacteria	Quarterly	Reclamation	(1), (2), (3), (5)

- (1) Part of Reclamation's Baseline Monitoring Program
- (2) Bacteria include: Cryptosporidium, Giardia, Fecal Coliform, Total Coliform
- (3) Analyses must be conducted by a laboratory approved by Reclamation.
- (4) Field measurements will be taken during each week that non-Project water is being pumped into the FKC.
- (5) Copies of all laboratory results and field measurements must be submitted to Reclamation.

Land Use

Under the Proposed Action, Reclamation would approve the Warren Act contracts and allow the districts to store and/or convey their non-CVP water in Friant Division facilities when capacity exists. The Proposed Action would not involve any new construction activities or modifications to existing facilities. The Proposed Action would not increase or decrease water supplies that would result in additional homes to be constructed or served in the respective districts. In addition, untilled lands or lands that have been fallowed for three or more years would not be put into production as a result of the Proposed Action.

The storage and conveyance of this non-CVP water would not have any adverse effects on unique geological or terrain features such as wetlands, wild or scenic rivers, refuges, flood plains, or rivers placed on the nationwide inventory. Compared to the No Action Alternative, the Proposed Action may benefit prime and unique farmlands.

Biological Resources

As a result of the restrictions placed on the Proposed Action by the environmental commitments, the few species at issue that may occur in the Proposed Action Area would not be affected, due to the lack of land use change, construction, or changes in waterways.

Socioeconomic Resources

Under the Proposed Action, participating districts could convey and store non-CVP water in CVP facilities to supplement their CVP water supply. The Warren Act contracts and exchange agreements would allow the non-CVP water to be distributed to sustain permanent crops. This could help maintain the local agricultural economy.

Cumulative Impacts

Reclamation and the Friant Water Authority routinely monitor water quality in the FKC, and the Proposed Action would not cumulatively impact the FKC. As outlined above, Reclamation would require the non-CVP water introduced into the FKC to meet established water quality standards. If water degradation due to one or more of the pump-ins occurs, the responsible pump-ins would be terminated, and would have to reestablish acceptable quality standards before allowed to operate again.

Current trends in the San Joaquin Valley indicate increased population growth over the next 20 years. It is likely that changes of water usage would occur including requests for changes in water district boundaries, permanent changes of agricultural water to municipal and industrial use, contract assignments, changes in land uses, and permanent water transfers. Reclamation does not have authority over water use changes or changes in water district boundaries; however, Reclamation is notified to determine whether these changes would impact repayment under the terms and conditions of the water service contracts in addition to compliance with applicable laws including but not limited to laws designed to protect the human environment. It is reasonable and foreseeable that agricultural lands would be sold to developers as land becomes more valuable. Each change in land use must undergo environmental review and approvals by the appropriate approving agencies including city and county officials, as well as the Local Area Formation Committee. Once approved, requests for changes in how, where, and when water is applied could occur. These requests for changes are the result of economic pressure and not the result of conveyance or deliveries of federal or non-federal water.