RECLAMATION
Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

West Stanislaus Irrigation District Warren Act Contracts

FONSI-14-050

U.S. Department of the Interior
Bureau of Reclamation

December 2014

Mission Statements

The mission of the Department of the Interior is to protect and manage the Nation's natural resources and cultural heritage; provide scientific and other information about those resources; and honor its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

BUREAU OF RECLAMATION
South-Central California Area Office, Fresno, California

FONSI-14-050

West Stanislaus Irrigation District Warren Act Contracts

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Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) 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 temporary Warren Act contracts to West Stanislaus Irrigation District (West Stanislaus ID) for introduction and conveyance of non-Central Valley Project (non-CVP) water within the Delta-Mendota Canal (DMC). This Findings of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA)-14-050, *West Stanislaus Irrigation District Warren Act Contracts*, and is hereby incorporated by reference.

Reclamation provided the public with an opportunity to comment on the Draft FONSI and Draft EA between November 31, 2014 and December 22, 2014. No comments were received.

Background

West Stanislaus ID has an existing five year Warren Act contract for the conveyance and storage of up to 10,000 acre-feet (AF) per year of non-CVP surface water in the DMC. As the five-year Warren Act contract will expire February 28, 2015, West Stanislaus ID has requested new Warren Act contracts.

Proposed Action

Reclamation proposes to issue a series of five-year temporary Warren Act contracts beginning in January 2015 and ending on December 31, 2045 to West Stanislaus ID for the annual conveyance of up to 10,000 acre-feet (AF) of its non-CVP post-1914 surface water into the DMC. Pursuant to Reclamation's Warren Act contracts any non-CVP water may remain within CVP facilities for 30 days after the last day of the month of introduction. Conveyance of non-CVP water under the Warren Act contract would be subject to available capacity and water quality requirements.

West Stanislaus ID's non-CVP water would be diverted from the San Joaquin River at river mile 84, pursuant to State Water Resources Control Board (State Board) License 3957 and within its permitted rate of diversion and maximum annual volume limitations, through West Stanislaus ID's existing facility. At the end of the West Stanislaus ID's Main Canal, a pump station equipped with electric motors would divert water into the DMC at milepost 31.31L utilizing a buried reinforced concrete pipe. No surface water pumping into the DMC under

the Warren Act contract would be transferred outside the State Board's licensed place of use for West Stanislaus ID.

Environmental Commitments

West Stanislaus ID shall implement the environmental protection measures listed in Table 1 of EA-14-050 to reduce environmental consequences associated with the Proposed Action. In addition, Reclamation, the San Luis Delta-Mendota Water Authority, and South-of-Delta (SOD) water districts would monitor the quality of water in the DMC to confirm that the non-CVP water would be suitable for downstream users. Environmental consequences for resource areas assume the measures specified would be fully implemented.

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:

Resources Eliminated from Detailed Analysis

As described in Table 2 of EA-14-050, Reclamation analyzed the affected environment and determined that the Proposed Action does not have the potential to cause direct, indirect, or cumulative adverse effects to the following resources: land use, cultural resources, Indian Sacred Sites, Indian Trust Assets, socioeconomic resources, environmental justice, air quality or global climate.

Water Resources

Under the Proposed Action, Reclamation would allow the continued annual introduction and conveyance of up to 10,000 AF of West Stanislaus ID's non-CVP surface water into the DMC through a series of 5-year Warren Act contracts ending on December 31, 2045. Non-CVP water introduced into the DMC may remain for up to 30 days after the month of introduction. West Stanislaus ID's non-CVP post-1914 surface water would be delivered from existing turnouts on the DMC within the district's licensed place of use pursuant to State Board License 3957, as previously done under its expiring Warren Act contract. The ability to use the DMC for delivery of its non-CVP water provides needed flexibility and reliability to the district, especially during the summer growing season when water demand is at its peak.

Introduction and conveyance of non-CVP water is dependent on available capacity and operational constraints; therefore, the Proposed Action would not interfere with the normal operations of federal facilities nor would it impede any CVP obligations to deliver water to other contractors or to local fish and wildlife habitat.

All waters introduced and conveyed within federal facilities must meet Reclamation's water quality standards. If, through monitoring, West Stanislaus

ID's non-CVP water fails to meet the criteria for discharging non-CVP water into federal facilities, the water would not be introduced until subsequent testing has demonstrated that the water quality has been met by the criteria as outlined in Reclamation's then current water quality standards (Reclamation 2014). Therefore, there would be no adverse impacts to water quality as a result of the Proposed Action.

The conveyance of non-CVP water would utilize existing facilities and would not require new infrastructure, modifications of existing facilities, or ground disturbing activities. The non-CVP water would be used for existing purposes and no native or untilled land (fallow for three years or more) would be cultivated with this water.

Biological Resources

In essence, the Proposed Action would continue an ongoing action that has been in effect since 2010, and would not alter current baseline habitat conditions within the Action area. With the implementation of the avoidance measures included in Table 1 of EA-14-050, Reclamation has determined that the Proposed Action would result in *No Effect* to listed species or designated critical habitat under the Endangered Species Act (16 U.S.C. §1531 et. seq.) and *No Take* of birds protected under the Migratory Bird Treaty Act (16 U.S.C. §703 et. seq.). See Section 3.2.2 of EA-14-050 for Reclamation's analysis.

Cumulative Impacts

Cumulative impacts result from incremental impacts of the Proposed Action or No Action alternative when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. To determine whether cumulatively significant impacts are anticipated from the Proposed Action or the No Action alternative, the incremental effect of both alternatives were examined together with impacts from past, present, and reasonably foreseeable future actions in the same geographic area.

Water Resources

Reclamation has reviewed existing or foreseeable projects in the same geographic area that could affect or could be affected by the Proposed Action as Reclamation and CVP contractors have been working on various drought-related projects, including this one, in order to manage limited water supplies due to current hydrologic conditions and regulatory requirements. This and similar projects would have a cumulative beneficial effect on water supply during this critically dry year.

As in the past, hydrological conditions and other factors are likely to result in fluctuating water supplies which drive requests for water service actions. Water districts provide water to their customers based on customers' demands and

available water supplies and timing, while attempting to minimize costs. Farmers irrigate and grow crops based on these conditions and factors, and myriad water service actions are approved and executed each year to facilitate water needs. It is likely that during the drought, more districts will request exchanges, transfers, and Warren Act contracts (conveyance of non-CVP water in CVP facilities) due to hydrologic conditions. Each water service transaction involving Reclamation undergoes environmental review prior to approval.

The Proposed Action and other similar projects would not hinder the normal operations of the CVP and Reclamation's obligation to deliver water to its contractors or to local fish and wildlife habitat. Since the Proposed Action would not involve construction or modification of facilities, nor interfere with CVP operations, there would be no cumulative impacts to existing facilities or other contractors.

Capacity in the DMC is limited, and if many water actions were scheduled to take place concurrently they could cumulatively compete for space. However, non-CVP water would only be allowed to enter the DMC for conveyance through federal facilities if excess capacity is available. As such, the Proposed Action would not limit the ability of other users to make use of the facilities.

Biological Resources

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

RECLAMATION
Managing Water in the West

Final Environmental Assessment

West Stanislaus Irrigation District Warren Act Contracts

EA-14-050

U.S. Department of the Interior
Bureau of Reclamation

December 2014

Mission Statements

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Section 1 Introduction

The Bureau of Reclamation (Reclamation) provided the public with an opportunity to comment on the Draft Finding of No Significant Impact (FONSI) and Draft Environmental Assessment (EA) between November 31, 2014 and December 22, 2014. No comments were received. Changes between this Final EA and the Draft EA, which are not minor editorial changes, are indicated by vertical lines in the left margin of this document.

1.1 Background

In December 2010, Reclamation executed a five-year Warren Act Contract with the West Stanislaus Irrigation District (West Stanislaus ID) for the conveyance and storage of up to 10,000 acre-feet per year (AFY) of non-Central Valley Project (non-CVP) surface water in the Delta-Mendota Canal (DMC) through February 28, 2015. The environmental effects of the five-year Warren Act Contract were analyzed in EA-09-156 (Reclamation 2010) and a FONSI was issued March 2, 2010. As the five-year Warren Act Contract will expire February 28, 2015, West Stanislaus ID has requested new Warren Act Contracts.

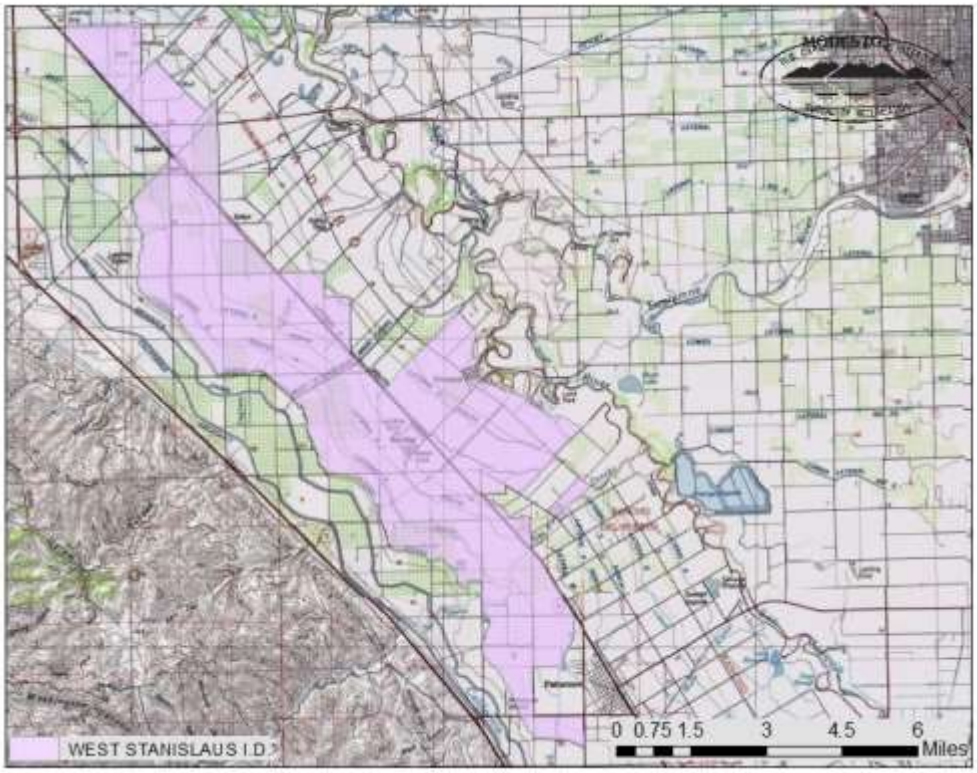

Figure 1 Proposed Action Area

1.2 Need for the Proposed Action

The State of California is currently experiencing unprecedented water management challenges due to severe drought in recent years. Both the State and Federal water projects are forecasting very low storage conditions in all major reservoirs. In addition, South-of-Delta (SOD) CVP contractors experienced reduced water supply allocations from 2007 to 2014 due to hydrologic conditions and regulatory requirements.

West Stanislaus ID needs to find ways to maximize its available water supplies in order to supplement their CVP supply especially during potential water shortage years. The purpose of the Proposed Action is to provide needed flexibility to West Stanislaus ID by using excess capacity in CVP facilities.

Section 2 Alternatives Including the Proposed Action

This EA considers two possible actions: the No Action Alternative and the Proposed Action. The No Action Alternative reflects future conditions without the Proposed Action and serves as a basis of comparison for determining potential effects to the human environment.

2.1 No Action Alternative

Under the No Action Alternative, Reclamation would not approve a series of five-year Warren Act contracts to West Stanislaus ID. The district would continue to divert its non-CVP post-1914 surface water through its existing diversion points pursuant to State Water Resources Control Board (State Board) License 3957.

2.2 Proposed Action

Reclamation proposes to issue a series of five-year temporary Warren Act contracts beginning in January 2015 and ending on December 31, 2045 to West Stanislaus ID for the annual conveyance of up to 10,000 AF of its non-CVP post-1914 surface water into the Delta-Mendota Canal (DMC). Pursuant to Reclamation's Warren Act contracts any non-CVP water may remain within CVP facilities for 30 days after the last day of the month of introduction. Conveyance of non-CVP water under the Warren Act contract would be subject to available capacity.

West Stanislaus ID's non-CVP water would be diverted from the San Joaquin River at river mile 84, pursuant to State Board license 3957, through West Stanislaus ID's existing facility and within its permitted rate of diversion and maximum annual volume limitations. At the end of the West Stanislaus ID's Main Canal, a pump station equipped with electric motors would divert water into the DMC at milepost 31.31L utilizing a buried reinforced concrete pipe. No surface water pumping into the DMC under the Warren Act contract would be transferred outside the State Board's licensed place of use for West Stanislaus ID.

2.2.1 Environmental Commitments

West Stanislaus ID would implement the following environmental protection measures to reduce potential 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 Resources	No native or untilled land (fallow for three consecutive years or more) may be cultivated with this water without additional environmental analysis and approval.
	The Proposed Action cannot alter the flow regime of natural waterways or natural watercourses such as rivers, streams, creeks, ponds, pools, wetlands, etc., so as to have a detrimental effect on fish or wildlife or their habitats.
	The Proposed Action shall not change the land use patterns of the cultivated or fallowed fields that do have some value to listed species or birds protected by the Migratory Bird Treaty Act (MBTA).
Water Resources	The Proposed Action must comply with Reclamation's then current water quality requirements (Reclamation 2014).
	The Proposed Action would not affect CVP or State Water Project operations; all supplies would be previously scheduled for delivery points SOD, and do not require additional Delta exports.
	The water would only be used for beneficial purposes and in accordance with Federal Reclamation law and guidelines.
Various Resources	Use of the water shall comply with all federal, state, local, and tribal law, and requirements imposed for protection of the environment and Indian Trust Assets.
	No land conversions may occur as a result of the Proposed Action.
	No new construction or modification of existing facilities may occur in order to complete the Proposed Action.

Water Quality Monitoring

Reclamation, the San Luis Delta-Mendota Water Authority, and SOD water districts would monitor the quality of water in the DMC to confirm that the non-CVP water would be suitable for downstream users.

Section 3 Affected Environment and Environmental Consequences

The areas in which impacts may occur are the same as those analyzed in EA-09-156 and include the CVP service area boundaries of West Stanislaus ID, the San Joaquin River, and the Delta-Mendota Canal (see Figure 1). The environmental impacts analyzed within Section 3 of EA-09-156 are still valid and adequately assesses the environmental effects from this Proposed Action, which is hereby incorporated by reference. Potential impacts to the following resources were re-considered as a result of this proposal and were still found to be minor. Brief explanations of impacts are provided in Table 2.

Table 2 Resources Eliminated from Further Analysis

Resource	Reason Eliminated
Land Use	West Stanislaus ID would not change historic land and water management practices under the Proposed Action. West Stanislaus' non-CVP water would move through existing facilities for use within its district boundaries for ongoing agricultural and municipal and industrial (M&I) purposes. The water would not be used to place untilled or new lands into production, or to convert undeveloped land to other uses.
Cultural Resources	Reclamation has determined that the Proposed Action does not have the potential to cause effects to historic properties pursuant to 36 Code of Federal Regulations Part 800.3(a)(1). See Appendix A for Reclamation's determination.
Indian Sacred Sites	The Proposed Action would not limit access to or ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.
Indian Trust Assets	The Proposed Action would not impact Indian Trust Assets as there are none in the Proposed Action area. See Appendix B for Reclamation's determination.
Socioeconomics	The Proposed Action would have beneficial impacts on socioeconomic resources with West Stanislaus as the non-CVP water would be used for M&I purposes and to help sustain existing crops and maintain farming within the district.
Environmental Justice	The Proposed Action would not cause dislocation, changes in employment, or increase flood, drought, or disease nor would it disproportionately impact economically disadvantaged or minority populations.
Air Quality	No construction or modification of facilities is proposed. Some pumping would be required to move water under the Proposed Action, but power usage would be within the typical range for the facilities involved. No air emissions are anticipated outside normal operational fluctuations.
Global Climate	No construction or modification of facilities is proposed. Some pumping would be required to move water under the Proposed Action, but power usage would be within the typical range for the facilities involved. No greenhouse gas emissions are anticipated outside normal operational fluctuations.

3.1 Water Resources

3.1.1 Affected Environment

The affected environment is the same as described in Section 3.1 of EA-09-156 (Reclamation 2010). Rather than repeating the same information that has been incorporated by reference into this document, the affected environment and environmental consequences section in this EA will focus on updates or changes.

Central Valley Project

As shown in Table 3, SOD CVP agricultural allocations averaged 47 percent from 2005 to 2014. A 100 percent allocation was only received once in the last 10 years. Over the last five years the average agricultural allocation was 37 percent with a range of 0 to 80 percent. M&I allocations averaged 78 percent between 2005 and 2014. Over the last five years, the average M&I allocation was reduced slightly to 74 percent with a range of 50 to 100 percent.

Table 3 Ten-Year Average South-of-Delta CVP Allocations

Contract Year[1]	Agricultural Allocations (%)[2]	M&I Allocations[2]
2014	0	50
2013	20	70
2012	40	75
2011	80	100
2010	45	75
2009	10	60
2008	40	75
2007	50	75
2006	100	100
2005	85	100
Average	**47**	**78**

[1]A Contract Year is from March 1 of a given year through February 28/29 of the following year.
[2]As percentage of Water Service Contract total or as allocated under M&I Historic use
Source: http://www.usbr.gov/mp/cvo/vungvari/water_allocations_historical.pdf and http://www.usbr.gov/newsroom/newsrelease/index.cfm

West Stanislaus Irrigation District

West Stanislaus ID serves an area that is unincorporated and agricultural, located west of the San Joaquin River, northwest of the City of Patterson, and includes the unincorporated communities of Westley, Grayson and Vernalis (see Figure 1). A small portion of the district extends into San Joaquin County. The district's boundaries include approximately 20,155 acres.

West Stanislaus ID provides its customers with irrigation water for agricultural purposes. This water is provided via several sources including surface water from the Tuolumne and San Joaquin Rivers, groundwater from four deep wells within West Stanislaus ID's boundaries, and imported water from the DMC as part of the CVP.

3.1.2 Environmental Consequences

No Action

Under the No Action Alternative, West Stanislaus ID would continue to divert its non-CVP post-1914 surface water through its existing diversion points pursuant to State Board License 3957. However, West Stanislaus ID would no longer be able to use CVP facilities to maximize its available water supplies to meet peak crop demands during CVP water shortage years. Landowners may also need to abandon crops or fallow lands beyond what has been part of their historic practice if water demands cannot be met in a given year.

Proposed Action

Under the Proposed Action, Reclamation would allow the continued annual introduction and conveyance of up to 10,000 AF of West Stanislaus ID's non-CVP surface water into the DMC through a series of 5-year Warren Act contracts ending on December 31, 2045. Non-CVP water introduced into the DMC may remain for up to 30 days after the month of introduction. West Stanislaus ID's non-CVP post-1914 surface water would be delivered from existing turnouts on the DMC within the district's licensed place of use pursuant to State Board License 3957, as previously done under its expiring Warren Act contract. The ability to use the DMC for delivery of its non-CVP water provides needed flexibility and reliability to the district, especially during the summer growing season when water demand is at its peak.

Introduction and conveyance of non-CVP water is dependent on available capacity and operational constraints; therefore, the Proposed Action would not interfere with the normal operations of federal facilities nor would it impede any CVP obligations to deliver water to other contractors or to local fish and wildlife habitat.

All waters introduced and conveyed within federal facilities must meet Reclamation's water quality standards. If, through monitoring, West Stanislaus ID's non-CVP water fails to meet the criteria for discharging non-CVP water into federal facilities, the water would not be introduced until subsequent testing has demonstrated that the water quality has been met by the criteria as outlined in Reclamation's then current water quality standards (Reclamation 2014). Therefore, there would be no adverse impacts to water quality as a result of the Proposed Action.

The conveyance of non-CVP water would utilize existing facilities and would not require new infrastructure, modifications of existing facilities, or ground disturbing activities. The non-CVP water would be used for existing purposes and no native or untilled land (fallow for three years or more) would be cultivated with this water.

Cumulative Impacts

Cumulative impacts result from incremental impacts of the Proposed Action or No Action alternative when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. To determine whether cumulatively significant impacts are anticipated from the Proposed Action or the No Action alternative, the incremental effect of both alternatives were examined together with impacts from past, present, and reasonably foreseeable future actions in the same geographic area.

Reclamation has reviewed existing or foreseeable projects in the same geographic area that could affect or could be affected by the Proposed Action as Reclamation and CVP contractors have been working on various drought-related projects, including this one, in order to manage limited water supplies due to current hydrologic conditions and regulatory requirements. This and similar projects would have a cumulative beneficial effect on water supply during this critically dry year.

As in the past, hydrological conditions and other factors are likely to result in fluctuating water supplies which drive requests for water service actions. Water districts provide water to their customers based on customers' demands and available water supplies and timing, while attempting to minimize costs. Farmers irrigate and grow crops based on these conditions and factors, and myriad water service actions are approved and executed each year to facilitate water needs. It is likely that during the drought, more districts will request exchanges, transfers, and Warren Act contracts (conveyance of non-CVP water in CVP facilities) due to hydrologic conditions. Each water service transaction involving Reclamation undergoes environmental review prior to approval.

The Proposed Action and other similar projects would not hinder the normal operations of the CVP and Reclamation's obligation to deliver water to its contractors or to local fish and wildlife habitat. Since the Proposed Action would not involve construction or modification of facilities, nor interfere with CVP operations, there would be no cumulative impacts to existing facilities or other contractors.

Capacity in the DMC is limited, and if many water actions were scheduled to take place concurrently they could cumulatively compete for space. However, non-CVP water would only be allowed to enter the DMC for conveyance through federal facilities if excess capacity is available. As such, the Proposed Action would not limit the ability of other users to make use of the facilities.

3.2 Biological Resources

3.2.1 Affected Environment

The Proposed Action area includes West Stanislaus ID's diversion at river mile 84 on the San Joaquin River, West Stanislaus ID's Main Canal, the DMC from MP 31.31L, West Stanislaus ID's delivery points off the DMC, and West Stanislaus ID's licensed place of use.

Special-Status Species

Reclamation requested an official species list from the U.S. Fish and Wildlife Service (Service) on October 6, 2014 via the Sacramento field office's website, http://www.fws.gov/sacramento/es/spp_list.htm (Document number:141006103625). The list is for the following 7 ½ minute U.S. Geological Survey quadrangles which are overlapped by the Action area: Patterson, Westley, Vernalis, and Solyo. The California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDB) was also queried for records of protected species near the Action area (CNDDB, 2014). The information collected above, in addition to information within Reclamation's files, was combined to determine the likelihood of protected species occurrence within the Action area.

Table 4 Special Status Species with the Potential to Occur in the Action Area

Species	Status[1]	Effects[2]	Occurrence in the Study Area[3]
INVERTEBRATES			
Conservancy fairy shrimp *Branchinecta conservatio*	E	NE	**Absent.** The Action area consists of agricultural lands which do not provide suitable vernal pool habitat for this species. There are no mapped vernal pools or CNDDB records of this species in the Action area (CNDDB 2014). No vernal habitat, if present, would be affected by the Proposed Action. There would be No Effect to this species.
Vernal pool fairy shrimp *Branchinecta lynchi*	T	NE	**Absent.** The Action area consists of agricultural lands which do not provide suitable vernal pool habitat for this species. There are no mapped vernal pools or CNDDB records of this species in the Action area (CNDDB 2014). No vernal habitat, if present, would be affected by the Proposed Action. There would be No Effect to this species.
Valley elderberry longhorn beetle *Desmocerus californicus dimorphus*	T	NE	**Possible.** There are no CNDDB records of this species in the Action area (CNDDB 2014). The Action area consists of agricultural lands which are unlikely to support this species' host plant, the elderberry. If elderberry bushes are present in the Action Area, none would be affected by the Proposed Action. There would be No Effect to this species.

Species	Status[1]	Effects[2]	Occurrence in the Study Area[3]
Vernal pool tadpole shrimp *Lepidurus packardi*	E	NE	**Absent.** The Action area consists of agricultural lands which do not provide suitable vernal pool habitat for this species. There are no mapped vernal pools or CNDDB records of this species in the Action area (CNDDB 2014). No vernal habitat, if present, would be affected by the Proposed Action. There would be No Effect to this species.
FISH			
Green sturgeon *Acipenser medirostris*	T, NMFS	NE	**Absent.** This species is not known to occur within the San Joaquin River. The Proposed Action would not alter the flow regime of the San Joaquin River, or any other natural waterways. There would be No Effect to this species.
Delta smelt *Hypomesus transpacificus*	T	NE	**Absent.** This species occupies brackish waters in the San Joaquin River north of Mossdale and is not present within the Action area due to a lack of suitable habitat. The Proposed Action would not alter the flow regime of the San Joaquin River or any other natural waterways. There would be No Effect to this species.
Critical Habitat Delta smelt *Hypomesus transpacificus*	X	NE	**Absent.** There is Critical Habitat to the north of the Action area, but there is no designated Critical Habitat within the Action area. There would be No Effect to Critical Habitat.
Central Valley steelhead *Oncorhynchus mykiss*	T, NMFS	NE	**Present.** This species is present within the San Joaquin River. The Proposed Action would not alter the flow regime of the San Joaquin River, or any other natural waterways. Diversions of post-1914 surface water from the San Joaquin River would occur whether or not the Proposed Action is approved. There would be No Effect to this species.
Critical Habitat Central Valley steelhead *Oncorhynchus mykiss*	X	NE	**Present.** There is designated Critical Habitat for this species within the Action area in the San Joaquin River. The Proposed Action would not alter the flow regime of the San Joaquin River or any other natural waterway. There would be No Effect to Central Valley steelhead Critical Habitat.
Central Valley spring-run Chinook salmon *Oncorhynchus tshawytscha*	T, NMFS	NE	**Possible.** This species may be present in the San Joaquin River within the Action area. The Proposed Action would not alter the flow regime of the San Joaquin river or any other natural waterway. There would be No Effect to this species.
Winter-run Chinook salmon, Sacramento River *Oncorhynchus tshawytscha*	E, NMFS	NE	**Absent.** This species is not present within the Action area. The Proposed Action would not alter the flow regime of the San Joaquin River or any other natural waterway. There would be No Effect to this species.
AMPHIIBIANS			

Species	Status[1]	Effects[2]	Occurrence in the Study Area[3]
California tiger salamander, Central population *Ambystoma californiense*	T	NE	**Absent.** There are no CNDDB records of this species within the Action Area (CNDDB 2014). The Action area consists of agricultural lands which do not provide suitable aquatic or upland habitat for this species. The Proposed Action would not result in the conversion of any potentially suitable habitats for this species. There would be No Effect to this species.
California red-legged frog *Rana draytonii*	T	NE	**Absent.** There are no CNDDB records of this species within the Action area (CNDDB 2014). The Action Area consists of agricultural lands which do not provide suitable habitat for this species. The Proposed Action would not result in the conversion of any habitat that is potentially suitable for this species. There would be No Effect to this species.
REPTILES			
Blunt-nosed leopard lizard *Gambelia sila*	E	NE	**Absent.** There are no CNDDB records of this species within the Action area (CNDDB 2014). The Proposed Action area is located outside of this species' range and consists of agricultural lands which do not provide suitable habitat. There would be No Effect to this species.
Giant garter snake *Thamnophis gigas*	T	NE	**Possible.** There are no CNDDB records of this species in the Action area. The Action area is located just outside the current range of the species. Giant garter snakes may occur in the San Joaquin River or within agricultural ditches in the Action area. The Proposed Action would not involve any ground-disturbance or construction and would not alter the flow regimes of any natural waterways. There would be No Effect to this species.
BIRDS			
Least Bell's vireo *Vireo bellii pusillus*	E	NE	**Possible.** There are CNDDB records of this species along the San Joaquin River (CNDDB 2014). Suitable riparian habitat may be present along the San Joaquin River near river mile 84. The Proposed Action would not result in the conversion of suitable habitat or alter the flow regimes of the River or any other natural body of water. There would be No Effect to this species.
Tri-colored blackbird *Agelaius tricolor*	MBTA	NT	**Possible.** There are CNDDB records of this species near the Action area (CNDDB 2014). This species may nest along the San Joaquin River or forage in agricultural fields within the Action area. The Proposed Action would not result in the conversion of natural habitat and would not alter the land-use patterns of cultivated or fallowed fields that may have value to this species. There would be No Take of this species.

Species	Status[1]	Effects[2]	Occurrence in the Study Area[3]
Swainson's hawk *Buteo swainsoni*	MBTA	NT	**Possible.** There are CNDDB records of this species near the Action area (CNDDB 2014). This species may forage or nest within the Action area. The Proposed Action would not result in the conversion of natural habitat and would not alter the land-use patterns of cultivated or fallowed fields that may have value to this species. There would be No Take of this species.
Burrowing owl *Athene cunicularia*	MBTA	NT	**Possible.** There are CNDDB records of this species near the Action area (CNDDB 2014). This species may forage or nest in the Action area. The Proposed Action would not result in the conversion of natural habitat and would not alter the land-use patterns of cultivated or fallowed fields that may have value to this species. There would be No Take of this species.
MAMMALS			
Riparian woodrat *Neotoma fuscipes riparius*	E	NE	**Possible.** There are CNDDB records of this species along the San Joaquin River, but no records within the Action area (CNDDB 2014). Suitable riparian habitat for this species may be present near river mile 84 on the San Joaquin River. The Proposed Action would not result in the conversion of suitable habitat or alter the flow regimes of the River or any other natural body of water. There would be No Effect to this species.
Riparian brush rabbit *Sylvilagus bachmani riparius*	E	NE	**Present.** This species is known to occur within the San Joaquin River National Wildlife Refuge and may be present near river mile 84 on the San Joaquin River. The Proposed Action would not result in the conversion of suitable habitat or alter the flow regimes of the River or any other natural body of water. There would be No Effect to this species.
San Joaquin kit fox *Vulpes macrotis mutica*	E	NE	**Possible.** There are CNDDB records of this species within ten miles of the Action area (CNDDB 2014). Although agricultural lands typically do not provide suitable habitat for this species, there is a potential for kit foxes to move through the Action area. The Proposed Action would not involve any ground-disturbance or construction and would not result in the conversion of suitable habitat. There would be No Effect to this species.

1 Status= Listing of Federally special status species
- **E**: Listed as Endangered
- **MBTA**: Protected under the Migratory Bird Treaty Act
- **T**: Listed as Threatened
- **X**: Critical Habitat designated for this species

2 Effects = Effect determination
- **NE**: No Effect from the Proposed Action to federally listed species
- **NT**: No Take would occur from the Proposed Action to migratory birds

3 Definition Of Occurrence Indicators
- **Absent**: Species not recorded in study area and/or habitat requirements not met
- **Possible**: Species has the potential to occur in the Action area
- **Present**: Species recorded in or near Action area and habitat present

3.2.2 Environmental Consequences

No Action

Under the No Action Alternative, West Stanislaus ID would continue to divert their non-CVP post-1914 surface water from the San Joaquin River through their existing licensed diversions. West Stanislaus ID would not be able to use the DMC to maximize the use of their existing water supplies and may not be able to fulfill water demands within the district during water shortage years. If water demands cannot be met, some agricultural lands within West Stanislaus ID may be fallowed. If crops are fallowed, there is potential for some federally protected species to temporarily move through, or forage in, the fallowed areas. Newly fallowed fields may provide temporary low quality habitat, but it is unlikely that federally listed species would move into these areas on a long-term basis.

Proposed Action

West Stanislaus ID consists almost entirely of actively cultivated agricultural lands which no longer provide suitable habitat for federally listed species. No natural lands, or fallowed lands, that have been untilled for three or more consecutive years, would be converted as a result of the Proposed Action. The land use patterns of cultivated and fallowed fields that could provide suitable habitat for listed species or birds protected under the Migratory Bird Treaty Act (MBTA) would also not be changed as a result of the Proposed Action. No ground disturbance, construction, or alteration of natural stream courses would be required to carry out the Proposed Action.

West Stanislaus ID's diversion on the San Joaquin River is currently un-screened and may entrain anadromous fish. Adult and juvenile Central Valley steelhead use the San Joaquin River in the vicinity of the Action area as a seasonal migratory corridor, and designated Critical Habitat for this species is present in this area. However, steelhead spawning and juvenile rearing are not expected to occur in the San Joaquin River in the vicinity of the Action area due to a lack of suitable habitat and the presence of non-native predatory fish (MWH Americas Inc. 2010). Winter-run and spring-run Chinook salmon were extirpated from the San Joaquin River for over 60 years, until 54,000 juvenile spring-run Chinook salmon were released into the River in 2014 as part of the San Joaquin River Restoration Program; these fish represent a non-essential experimental population and, as such, are subject to certain take exceptions (NRDC 2014; Designation of Experimental Nonessential Population 2013). West Stanislaus ID, in coordination with the CDFW, Reclamation, and the Service, is currently planning to design, construct, and operate a new state-of-the art fish screen at their San Joaquin River diversion facility in order to reduce the entrainment of anadromous fish (MWH Americas Inc. 2010). The fish screen is partially funded by Reclamation's Anadromous Fish Screen Program, which was established in 1994 to fulfill the fish restoration goals of the Central Valley Project Improvement Act, which required Reclamation to protect, restore and enhance fish and wildlife affected by the operation of the CVP. The fish screen project is going through final design where construction will occur upon receiving funding. Installation and operation

of the project will likely occur before the end of the Proposed Action timeframe (2045). West Stanislaus ID will continue to divert water from the San Joaquin River within its permitted rate of diversion and maximum volume limitations, as they have since 1920; these diversions would continue regardless of whether the No Action Alternative or the Proposed Action is approved.

In essence, the Proposed Action would continue an ongoing action that has been in effect since 2010, and would not alter current baseline habitat conditions within the Action area. With the implementation of the provided avoidance measures, Reclamation has determined that the Proposed Action would result in *No Effect* to listed species or designated critical habitat under the Endangered Species Act (16 U.S.C. §1531 et. seq.) and *No Take* of birds protected under the MBTA (16 U.S.C. §703 et. seq.).

Cumulative Impacts

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

Section 4 Consultation and Coordination

4.1 Public Review Period

Reclamation provided the public with an opportunity to comment on the Draft FONSI and Draft EA between November 31, 2014 and December 22, 2014. No comments were received.

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Section 5 Preparers and Reviewers

Rain L. Emerson, M.S., Supervisory Natural Resources Specialist, SCCAO
Lisa Carlson, Wildlife Biologist, SCCAO
Joanne Goodsell, Archaeologist, MP-153
Patricia Rivera, Native American Affairs Specialist, MP-400
David E. Hyatt, Supervisory Wildlife Biologist, SCCAO – reviewer
Rena Ballew, Acting Resources Management Division Chief – reviewer

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Section 6 References

Bureau of Reclamation (Reclamation). 2010. *Five-year Warren Act Contracts for Banta-Carbona Irrigation District, Byron-Bethany Irrigation District, Patterson Irrigation District, and West Stanislaus Irrigation District.* (Final FONSI/EA-09-156). South-Central California Area Office. Fresno, CA. http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=5198.

Bureau of Reclamation (Reclamation). 2014. Table 5 and Table 6 in *2014 Delta-Mendota Canal Groundwater Pump-in Program Water Quality Monitoring Plan*. South-Central California Area Office. Fresno, CA.

California Natural Diversity Database (CNDDB). 2014. California Department of Fish and Game's Natural Diversity Database, July 2014.

Designation of a Nonessential Experimental Population of Central Valley Spring-Run Chinook Salmon below Friant Dam in the San Joaquin River, CA, 78 Federal Register 79622 (December 31, 2013) (To be codified at 50 C.F.R pt. 223).

MWH Americas, Inc. *West Stanislaus Irrigation District Fish Screen Project: Final Fish Screen Feasibility Study*. Feasibility Study. 2010.

Spring-Run Salmon Release Marks Progress in Restoring San Joaquin River. *Natural Resources Defense Council: The Earth's Best Defense*. NRDC, 17 Apr. 2014. Web. 22 Oct. 2014.

Appendix A

Reclamation's Cultural Resources Determination

CULTURAL RESOURCES COMPLIANCE
Mid-Pacific Region
Division of Environmental Affairs
Cultural Resources Branch

MP-153 Tracking Number: 14-SCAO-286

Project Name: West Stanislaus Irrigation District (ID) Warren Act Contracts

NEPA Document: EA-14-050

MP 153 Cultural Resources Reviewer: Joanne Goodsell jg

Date: September 15, 2014

Reclamation proposes to issue a series of five-year temporary Warren Act contracts beginning in January 2015 and ending on December 31, 2045 to West Stanislaus ID for the annual conveyance of up to 10,000 AF of its non-CVP post-1914 surface water into the Delta-Mendota Canal (DMC). West Stanislaus ID would directly divert the water from the San Joaquin River at river mile 84 through an existing facility for use within its State Board licensed place of use and within its permitted rate of diversion and maximum annual volume limitations. Conveyance of non-CVP water under the Warren Act contract would be subject to available capacity. At the end of the West Stanislaus ID's Main Canal, an existing pump station equipped with electric motors would divert water into the DMC at milepost 31.31L, utilizing an existing buried reinforced concrete pipe. No surface water pumping into the DMC under the Warren Act contract would be transferred outside the State Board's licensed place of use for West Stanislaus ID. No new construction or modification of existing facilities will occur in order to complete the proposed action.

The proposed action involves the type of activity that has no potential to cause effects on historic properties, assuming such properties are present. As such, Reclamation has no further obligations under Section 106 of the National Historic Preservation Act (NHPA), pursuant to 36 CFR §800.3(a)(1). There will be no impacts to cultural resources under the proposed action.

This memorandum is intended to convey the completion of the NHPA Section 106 process for this undertaking. Please retain a copy in the administrative record for this action. Should changes be made to the proposed action, additional NHPA Section 106 review, possibly including consultation with the State Historic Preservation Officer, may be necessary. Thank you for providing the opportunity to comment.

Appendix B

Reclamation's Indian Trust Assets Determination

Emerson, Rain <remerson@usbr.gov>

Re: Project Description for Review (14-050)

RIVERA, PATRICIA <privera@usbr.gov> Mon, Sep 15, 2014 at 2:59 PM
To: "Emerson, Rain" <remerson@usbr.gov>
Cc: Kristi Seabrook <kseabrook@usbr.gov>, "Williams, Mary D (Diane)" <marywilliams@usbr.gov>

Rain,

I reviewed the proposed action to issue a series of five-year temporary Warren Act contracts beginning in January 2015 and ending on December 31, 2045 to West Stanislaus ID for the annual conveyance of up to 10,000 acre-feet (AF) of its non-Central Valley Project (non-CVP) post-1914 surface water into the Delta-Mendota Canal (DMC). West Stanislaus Irrigation District (West Stanislaus ID) would directly divert the water from the San Joaquin River at river mile 84 for use within its State Water Resources Control Board (State Board) licensed place of use and within its permitted rate of diversion and maximum annual volume limitations. Conveyance of non-CVP water under the Warren Act contract would be subject to available capacity.

West Stanislaus ID's non-CVP water would be diverted from the San Joaquin River at river mile 84, pursuant to State Board license 3957, through West Stanislaus ID's existing facility. At the end of the West Stanislaus ID's Main Canal, a pump station equipped with electric motors would divert water into the DMC at milepost 31.31L utilizing a buried reinforced concrete pipe. No surface water pumping into the DMC under the Warren Act contract would be transferred outside the State Board's licensed place of use for West Stanislaus ID.

The proposed action does not have a potential to impact Indian Trust Assets.

Patricia Rivera
Native American Affairs Program Manager
US Bureau of Reclamation
Mid-Pacific Region
2800 Sacramento, California 95825
(916) 978-5194

Kristi please log into database. No further action needed. Thanks