

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Accelerated Water Transfer and Exchange Program for Sacramento Valley Central Valley Project Contractors – Contract Years 2016 – 2020

FONSI 16-01-NCAO

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Introduction

The Bureau of Reclamation (Reclamation) proposes to continue to implement an accelerated process for water transfers or exchanges pursuant to Section 3405(a) of the CVPIA for Contract Years 2016 through 2020 (April 1, 2016, through February 28, 2021). The Proposed Action is the approval of transfers or exchanges of Central Valley Project water (Project water) among the Corning Canal and Tehama-Colusa Canal (TCC) Contractors, Sacramento River Settlement (Settlement) Contractors, the Colusa Drain Mutual Water Company and the Sacramento, Delevan and Colusa National Wildlife Refuges (Refuges). The cumulative amount of water transferred or exchanged annually would be limited to 150,000 acre-feet (AF).

In accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the Northern California Area Office of the Bureau of Reclamation, has determined that an environmental impact statement is not required for implementation of the Proposed Action. This Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA) Number EA-16-01-NCAO, *Accelerated Water Transfer and Exchange Program for Sacramento Valley Central Valley Project Contractors – Contract Years 2016-2020*, which is incorporated by reference.

Alternatives Including Proposed Action

No Action Alternative

Under the No Action Alternative, Reclamation would not approve water transfers or exchanges under an accelerated water transfer and exchange program for CVP contractors located in the Sacramento Valley. Further, the No Action Alternative assumes, for the purposes of environmental impact assessment, that no transfer or exchange of Project water supply would occur.

Proposed Action: AWTP

Reclamation proposes to approve, subject to written consent, transfers or exchanges of Project water in the Sacramento Valley, pursuant to Section 3405(a) of the CVPIA, under an accelerated process. Approvals would be provided throughout the term of Contract Years 2016 through 2020 (April 1, 2016, through February 28, 2021). Each transfer or exchange approved via the AWTP must be completed in the water or contract year for which the water is requested. However, subsequent approval(s) may be provided for the same or a similar transfer or exchange over the term of the AWTP.

Eligible participants in the AWTP are listed in Appendix A to the EA. The Contractors (for the purposes of Project water transfers only) are deemed to have met the criteria of Section 3405(a)(1)(A) and 3405(a)(1)(I) of the CVPIA, and, therefore, are not required to limit their transfers to the average annual quantity of water under contract actually

delivered to the contracting district or agency during the last three years of normal water delivery prior to the date of enactment of the CVPIA; and are not required to limit their transfer to the water that would have been consumptively used or irretrievably lost to beneficial use during the year or years of the transfer. The Proposed Action would cover transfers or exchanges among the Corning Canal and TCC Contractors, Settlement Contractors, the Colusa Drain Mutual Water Company, and the Refuges.

In addition, the water transfer would be subject to the following parameters:

- Project water transfers or exchanges will be completed within the same Contract Year (March 1st through the last day of February of the following calendar year).
- All Project water transfers or exchanges will be between willing sellers and willing buyers, as listed in Appendix A of the EA.
- Project water exchanges will only count once toward the up to 150,000 AF annual limit, since exchanges would be 1:1, or those of equivalent amounts where neither contractor experiences a net gain or loss.
- Project water transfers or exchanges must occur within the permitted CVP Consolidated Place-of-Use.
- Project water transfers or exchanges are limited to existing supply.
- Project water transfers or exchanges for agriculture will be used on lands irrigated within the last three consecutive years.
- Project water transfers or exchanges will not lead to any land conversions.
- No native land or untilled land (fallow for three consecutive years or more) will be irrigated with the Project water involved in these actions.
- Project water transfers or exchanges will comply with all Federal, State, Local or Tribal laws or requirements imposed for the protection of the environment and Indian Trust Assets.
- The Transferee will comply with Reclamation Reform Act, as applicable.
- Project water transfers or exchanges cannot alter the flow regime of natural water bodies such as rivers, streams, creeks, ponds, pools, wetlands, etc., so as to not have a detrimental effect on fish, wildlife, or their habitats.
- Project water transfers or exchanges will avoid project-related impacts pursuant to State and Federal regulatory guidelines, including mandates from Section 3405 (a) of Public Law 102-575, Title 34, of the CVPIA. If conditions warrant, Reclamation may evaluate any proposal individually, as it is received, to determine if it meets State law and/or CVPIA requirements, including Section 3405 (a)(1)(L).
- Project water transfers or exchanges will occur between CVP contractors in the Sacramento Valley (in Basin).
- Project water transfers involving more than 20 percent of a contractor's Project water supply will be publically noticed by the contractor.
- Transferred and/or exchanged Project water will be for irrigation, incidental domestic use, M&I use, groundwater recharge, and/or maintenance of habitat and habitat conditions for fish and wildlife resources.

- Project water transfers or exchanges will be limited to those that do not require new construction or modification to facilities.
- Project water transfers or exchanges will be coordinated, as necessary, with the State relative to the Coordinated Operations Agreement (COA);
- Project water will not be approved for transfer and/or exchange under this program if it would be obtained by shifting to alternative surface water source(s) that could potentially adversely affect CVP operations or other third party interests.
- Transferred and/or exchanged Project water would be diverted through a properly-screened diversion or upstream of an existing, impassible barrier to listed fish species.

Transfer and exchange requests not meeting these criteria, or otherwise not clearly avoiding effects on Federally-listed species, would require separate environmental review to determine whether or not they could be approved.

Comments on EA

A comment letter was received from AquAlliance. An electronic mail with two additional comments was received from a private citizen. AquAlliance's letter expressed concern with the efficacy of the EA and the practice of water transfers in general, and stated opinions regarding the use and management of water in northern California. The private citizen requested a summary of the AWTP, as instituted from 2010 to 2015, and commented that changes in the timing of water diversion could result in impacts under "certain scenarios". Reclamation considered every comment in approving the Proposed Action; below is a discussion of the substantive issues raised regarding the analysis and how they were considered in Reclamation's decision. Reclamation's action is the approval of transfers or exchanges of Project water in the Sacramento Valley under an accelerated process pursuant to Section 3405(a) of the Central Valley Project Improvement Act (CVPIA).

Scope of the Action and NEPA Process

AquAlliance suggests that Proposed Action is not a temporary action but rather transfers are occurring on a regular basis. Their comment letter also suggests that Reclamation understands this because it has prepared a long-term EIS.

The terms "temporary", "annual" and "one-time" were used in an attempt to succinctly convey that:

- The AWTP has a set term, at the end of which subsequent environmental review would be necessary for continued implementation of the program, and;
- Reclamation's approval of a transfer or exchange request is specific to the action and year for which it is requested. Transfer or exchange requests for

subsequent years require an additional approval, specific to the year of transfer or exchange, regardless of whether or not the action is the same or similar to one previously approved.

The terms have been removed from the EA and replaced with more applicable language. However, the Proposed Action is not part of the Long-Term Water Transfers EIS/EIR discussed in the comment; It has independent utility and is not dependent on, nor does it dictate the nature and scope of, the transfers addressed by the long-term transfers EIS/EIR. The EA provides a thorough and systematic evaluation of a broad range of environmental issues and demonstrates that no potentially significant environmental impact may occur as a result of the Proposed Action.

AquAlliance also suggested several times that the finalization of the EA without substantial changes and re-circulation to the public is inappropriate. Reclamation has made the appropriate changes to the EA in response to the substantive comments received. However, because no significant impacts were identified as a result of the EA analysis or subsequent changes, no additional formal public comment period will be offered – only public notice, served by the posting of the EA and FONSI to Reclamation’s website.

Project Description

AquAlliance states that, Reclamation’s claim that the Proposed Action is exempted from the consumptive use clause of CVPIA is circular. The language in the EA has been changed to reflect that in-basin, historic and routine transfers, of the type previously conducted under the AWTP, are *deemed to have met*, rather than *are exempted from*, the criteria in CVPIA Sections 3405(a)(1)(A) and 3405(a)(1)(I).

Range of Alternatives Analyzed

AquAlliance also claims that the EA fails to consider an adequate range of alternatives. According to the DOI NEPA Regulations regarding the contents of an EA at 43 CFR 46.310 (b), “when the Responsible Official determines that there are no unresolved conflicts about the proposed action with respect to alternative uses of available resources, the environmental assessment need only consider the proposed action and does not need to consider additional alternatives, including the no action alternative. (See section 102(2)(E) of NEPA)”, and (c) “in addition, an environmental assessment may describe a broader range of alternatives to facilitate planning and decision-making.” Although not required, the AWTP EA included an analysis of a No Action Alternative for in-basin water transfers.

The EA concluded that implementation of the Proposed Action would not result in any significant impacts. The record also contains no substantial evidence that any significant impacts would result from the Proposed Action. In addition, analyzing a different mix of transfers, including a lesser amount of water to be transferred and/or exchanged, would not facilitate planning or decision-making since any potential impacts associated with a lesser quantity of water would be contained within the amount analyzed.

Specifically, AquAlliance claims that the No Action Alternative is a “mirror image” of the Proposed Action because the EA text notes that the CVPIA grants Reclamation discretion to approve water transfers meeting certain criteria. Therefore, in actuality, the rejection of the Proposed Action and “implementation” of the No Action Alternative does not necessarily mean that no transfers will occur. Reclamation made appropriate changes in the final EA to present the No Action Alternative more clearly as the absence of transfers for the purposes of a traditional comparison of impacts, wherein No Action denotes no transfers. The changes resulted in the annual review of water transfer and exchange requests (the No Action Alternative in the draft EA) being re-assigned as Alternative 1. However, Alternative 1 was dismissed from in-depth analysis because it was immediately identified as inadequate to meet the purpose and need.

Request for an Environmental Impact Statement

AquAlliance requests that an Environmental Impact Statement (EIS) be prepared based on their assertion that the Proposed Action would have significant impacts, but does not specifically identify the impacts they foresee as a result of the Proposed Action in order for Reclamation to analyze them further, if appropriate. The EA satisfies NEPA requirements, which dictate that Federal agencies must prepare a detailed EIS on all major Federal actions significantly affecting the quality of the human environment (42 U.S.C. 4332 (2)(c)). The EA provides a thorough and systematic evaluation of key environmental issues and demonstrates that no potentially significant impacts would occur as a result of the Proposed Action. Further, the record does not contain substantial evidence that any significant environmental impacts may occur as a result of the Proposed Action. Preparation of an EIS therefore is not warranted or required.

California Environmental Quality Act (CEQA) Compliance

AquAlliance requests the timing for the CEQA review required by the CVPIA. As a Federal agency, Reclamation is not responsible for completing CEQA documentation; however, Reclamation will verify that sellers have complied with CEQA in accordance with CVPIA requirements prior to transfer or exchange of water under the AWTP.

Scope of the Assessment and Accuracy of Findings

Proposed Action in the Context of Past Transfers

AquAlliance requests that Reclamation “disclose(s) all the water transfer projects that have occurred, are occurring, and are planned to occur within and from the Sacramento Valley” and asserts that the cumulative impacts assessment is lacking. Similar to the former request, the private citizen providing comments requested a summary of transfers under the AWTP within the period 2010-2015.

With regard to “disclosure”/ transparency, in addition to the subject Environmental Assessment, other EAs and NEPA documentation generated by Reclamation are located on Reclamation’s website: <http://www.usbr.gov/mp/nepa/index.cfm>.

Reclamation added tables indicating volumes historically transferred under the AWTP for Sacramento Valley Contractors and similar, on-going programs, to Sections 3.1 and 3.3 of the final EA. However, the cumulative effects analysis does consider past, present, and reasonably foreseeable transfers of Project water. Past water transfers are reflected in the existing conditions. Section 3.1 of the EA includes information about the affected environment. Past transfer programs that have been discontinued, such as the Drought Water Bank, were considered irrelevant other than as general support for the need for water transfers. The cumulative analysis considers the Proposed Action in the context of existing conditions that incorporate any environmental effects of past transfers of Project water.

Hydrology

AquAlliance claims that the Hydrology portion of the Existing Conditions section is lacking detail and that, in particular, no information is provided regarding effects of future climate change on hydrology. Additional description of the water basin has been added to the EA as background information. A general description of climate change was included in the Environmental Consequences section of the EA. However, in the absence of the availability of a reliable predictive model, NEPA does not require agencies to make a numerical evaluation of the Proposed Action in the context of climate change, nor would such an evaluation have bearing on the management decision because the nature of the action does not lend itself to implications on climate change.

AquAlliance also contends that the lack of the identification of the process by which the water is obtained (idling, crop changes, and/or groundwater substitution) is a “failure in disclosure”. As indicated in the EA, the Project water supply for any given contract year is based on forecasted reservoir inflows and Central Valley hydrologic conditions; amounts of storage in CVP reservoirs; regulatory requirements; and management of Section 3406(b)(2) resources and refuge water supplies in accordance with implementation of the CVPIA. Qualifying transfers under the AWTP, assessed for environmental impact via the EA, are deemed to have met the consumptive use requirement of the CVPIA. Therefore, the Contractors eligible for water transfers or exchanges under the AWTP are not obligated to explain to Reclamation the circumstances by which they have excess water available for sale and transfer within the basin. Regardless, Reclamation works in close coordination with its partners, the Contractors and the US Fish and Wildlife Service (Service) to time the transfers in a way that would not harm CVP operations or fisheries. As an example, from 2013 to 2015, Reclamation and the California Department of Water Resources convened a Real Time Drought Operations Management Team, comprised of representatives from Reclamation, DWR, state and Federal fish and wildlife agencies, and the State Water Resources Control Board to discuss implementing more flexible operations of the Projects while protecting beneficial uses (2015 Drought Contingency Plan).

AquAlliance asks Reclamation to explain how it will verify that no initial water transfer recipient transfers water outside the CVP or the Sacramento Valley. Reclamation will verify that transfers or exchanges will occur between CVP contracts in the Sacramento

Valley (in-basin) through monthly meter readings and monthly accounting of water diverted. In order to move water outside the Sacramento Valley or outside the CVP, the contractor making that water available for transfer will have to comply with Sections 3405(a)(1)(A) and 3405(a)(1)(I) of the CVPIA and obtain approval from Reclamation. The contractor would need to obtain approval from Reclamation, the California Department of Water Resources, or both, to use pumping facilities in the Delta.

Biological Resources Assessment

Research and Analysis

AquAlliance uses the EA for Reclamation's South of Delta AWTP as support for their statement that the biological resources assessment in the EA for the Sacramento Valley (in-basin) AWTP is "inadequate" because:

- "The (Sacramento Valley AWTP EA's) analysis relies partially on a Information for Planning and Conservation (IPaC) data report in identifying potentially-affected species.
- The (Sacramento Valley AWTP) Project failed to query the California Natural Diversity Database (CNDDDB).
- The (Sacramento Valley AWTP) Project failed to note any species other than the four fish species; The SDAWTP had an exhaustive list (of species) in Table 3. (pp. 12-21)"

As indicated in the Sacramento Valley AWTP EA, the IPaC report is generated from a database managed by the Service, which, along with the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS), and among other duties, administers the Federal Endangered Species Act (ESA). As a Federal agency, the limits of Reclamation's obligations to special status species are those listed, or proposed for listing, under the ESA.

Query of the CNDDDB is not a requirement for Federal actions. The database, maintained by a state entity (the California Department of Fish and Wildlife), is built from anecdotal sightings of species reported by agencies, non-governmental organizations and the public. The CNDDDB can be a useful tool in an assessment wherein the extant presence of a species in an area is uncertain or unknown and a siting is reported in the CNDDDB. However, CDFW warns that the CNDDDB is not a "negative reporting" mechanism: the results are not necessarily based on approved protocol surveys; no field confirmation of the reporting is typically provided. Therefore, the lack of a species reporting should not be interpreted to mean that the species is not present without consideration of known evidence (e.g. lack if suitable habitat, etc.). However, Reclamation reviewed the maps of a species' current range located on the Service's Environmental Conservation Online System (ECOS) for species whose habitat conditions are present in the action area. The ECOS maps are populated from CNDDDB data.

For the subject EA, Reclamation refined the list of all Federal species reported as potentially located in the counties in which an element of the project may occur to those potentially affected by the project, based on general habitat requirements and unique project criteria (including, but not limited to, the lack of construction, other ground-disturbing activities or additional crop idling involved). Federally-protected aquatic species not reported in the IPaC report, but known to be present in subject portion of the Sacramento River (e.g. green sturgeon, chinook salmon) were added to the list of species considered; this includes species under the jurisdiction of NMFS, rather than the Service.

AquAlliance specifically mentioned the giant garter snake (GGS) as of potential concern due to “unknown conditions”. GGS are often a key resource in the analysis of a proposed Reclamation action because: earthen canals or ditches, in particular, can provide suitable habitat due to the presence of water within close proximity of preferred upland habitat (e.g. wetlands and rice fields), and; concrete-lined canals can prevent isolated migration opportunities. Direct “takes” associated with ground disturbances during the inactive period and facilities construction and habitat loss and fragmentation due to facilities construction and improvements (e.g. lining earthen canals) or idling rice fields that functions as habitat for GGS, are typically the chief concerns. Although there would be localized changes in water deliveries, and water availability to species and habitat associated with transfer actions, the AWTP for Sacramento Valley contractors maintains the overall availability of water and associated wetland and adjacent upland habitat within the basin. There are no additional crop idling activities associated with the Proposed Action. The majority of the water historically transferred or exchanged under the AWTP was transferred or exchanged by the Settlement Contractors and applied to existing rice fields. This use is anticipated to remain constant for the foreseeable future. (It should be noted that, although the CVP Long Term Water Transfer (LTWT) program involved formal consultation with the Service, the LTWT program also involves the transfer of water out of basin from North of Delta to South of Delta; the AWTP does not. The LTWT program also contains plans for crop idling, whereas the AWTP does not. Likewise, transfer actions involving forbearance are not covered by the EA for the AWTP.) Therefore, while the “conditions”/presence, size and robustness of a population of GGS in many portions of the project area are unknown, and the species is accepted as extant in others, the types of activities and project components that have a likelihood of affecting GSS are well established and were analyzed by the Biological Opinions (BOs) issued by the Service and NMFS in 2008-2009 and/or are not elements of the Proposed Action. There are no new affects to species from the Proposed Action that were not considered in the BOs. Other terrestrial, as well as avian and aquatic species, were also removed from detailed consideration based on the nature of the action as well.

With regard to the documentation of the ESA species analysis not being an “exhaustive list”, additional information was added to the Biological Resources section of the EA. However, the intent of the “hard look” under NEPA is for the agency to adequately consider potentially affected resources in the context of reasonably foreseeable impacts to them. It is focused on the quality of the analysis and the public dissemination of the

results, rather than the volume of documentation provided on species – especially those determined to be unaffected.

Inter-Agency Consultation under the Endangered Species Act of 1973

AquAlliance refers to Reclamation's reliance on the 2008 and 2009 BOs as "flagrant violation of NEPA and the ESA". The BOs are established regulatory guidelines relevant to the viewpoints of the resource-managing agencies on the potential for actions to affect protected species in the project area. The EA notes that any future BOs (that replace or supplement the existing BOs) will also be given consideration.

AquAlliance cites California Fish and Game code 711.7 as support for the statement that Reclamation must consult with NMFS, the Service and CDFW on the project. The referenced code relays requirements relative to project filing fees associated with projects subject to review by the California Department of Fish and Wildlife and is not relevant. As noted above, Reclamation's obligations under the Federal ESA are limited to analysis of potential affects to Federally-listed or Candidate species. Further, the Federal ESA requires project proponents to consult with Federal resource management agencies when the assessment of potential affects results in a finding that an action is "likely to affect" a Federally-protected resource, and, potentially result in a "take" of that resource, in particular. No evidence of new affects, not analyzed by the 2008-2009 BOs, were identified during the analysis. Project-specific consultation, or that beyond consideration of the standing BOs, is not required and would not be anticipated to lend to a finding contrary to the BOs, if pursued.

Adequacy of Cultural Resources Assessment

AquAlliance expressed concern with the adequacy of the Cultural Resources investigation and, in particular, the finding of no affected cultural resources in consideration of the presence of an Indian Trust Asset (ITA) in the action area. It should be noted that the mere presence of an ITA does not denote an impact to it. Further, ITAs are defined and assessed distinctly from the assessment of cultural resources conducted under Section 106 of the National Historic Preservation Act (NHPA). ITAs are legal interests in property held in trust by the Federal Government for Federally-recognized Indian Tribes or individual Indians. ITAs can be real property, physical assets, or intangible property rights such as a lease or rights to water, minerals, hunting and fishing or instream flows. Most ITAs are located on a reservation, such as that identified in the ITA review for the Proposed Action. However, the trust responsibility requires Federal agencies to take all actions reasonably necessary to protect ITAs. As discussed in Appendix C to the draft EA, there is no anticipated impact or improper interference to the ITA from the Proposed Action. Therefore, Reclamation has no obligation to consult with tribes concerning its identification. In a similar manner, due to the identification of the Proposed Action as the type of undertaking that does *not* have the potential to cause effects to historic properties as defined in the NHPA, Reclamation has no obligation to consult with tribes on the project in its Cultural Resources review. The findings of the ITA review and Cultural Resources review that were included as Appendices B and C of the EA, respectively, are therefore unaltered in the final EA.

Socio-economic Assessment

AquAlliance states that the EA fails to clarify how the Project will comply with increased costs for M&I uses as found in CVPIA Section 3405(a)(1)(B). CVPIA Section 3405(a)(1)(B) is only applicable in the event that Project water is transferred to a non-CVP contractor, in which case a separate environmental analysis would be completed; the Proposed Action only covers transfers between CVP contractors listed in Appendix A of the EA.

Cumulative Impacts

AquAlliance listed several “water transfer” actions that it believes should have been considered in the cumulative impacts assessment. Some of the actions were incorrectly identified as water transfer actions by AquAlliance, including the five year Warren Act water deliveries and Stony Creek Aquifer performance testing. Transfers under the Proposed Action would remain in-basin; the potential effects from transfers of water from North of Delta to South of Delta are not comparable, although they were included in Table 3-3 for informational purposes. As indicated above, past and continuing, relevant water transfers, including transfers of Base Supply, are considered in the EA. Their impacts, or lack thereof, are captured in existing conditions.

The Contractors listed in Appendix A recently received their full water allocations for the 2016 irrigation season, due to a wet 2015-2016 winter/spring season, caused by the El Nino weather pattern, and resultant high water storage in Shasta reservoir. However, the Proposed Action retains utility due to the continuing potential for seasonally-dynamic weather patterns, such as those experienced in 2015, over the course of the AWTP’s five-year term.

Further, it is reasonably foreseeable that, in future dry years, comparable to 2014 and 2015, an additional water transfer and exchange program(s), supplemental to the AWTP, may be necessary to meet continuing water needs; that program(s) would likely propose the use of crop idling/shifting or groundwater substitution actions as methods to make new water available for transfer. The impacts of such actions may differ from those of the Proposed Action. Such potential impacts, along with any mitigation that could be used to offset the impacts, would be analyzed thoroughly but under a separate EA if and when the necessity for the proposal arises. The EA would review the anticipated effects of the Sacramento Valley AWTP and other programs with actions, including those that have impacts that are individually minor, for the potential that they may collectively create a significant cumulative effect.

Findings

Reclamation’s determination that implementation of the Proposed Action would not result in significant impacts to the quality of the human environment is supported by the attached EA and is summarized in the following. References to sections of regulations, Executive Orders and agency policies defining “significant” are provided in parentheses, where applicable:

- The water transfers and exchanges conducted under the AWTP would retain Project water in the same water basin. No new facilities would be needed to distribute the water. The Proposed Action would not produce any ground disturbances and would not result in the construction of new facilities or the modification of existing facilities.
- The Project water would be applied to existing agricultural land and/or used at M&I facilities and conveyed through existing facilities, therefore, no adverse impacts to physical resources are anticipated because of the Proposed Action.
 - The potential change in flow of the Sacramento River at Keswick Dam during the irrigation season, when which most of the water is transferred, is negligible and would not be expected to have an effect on protected species that are reliant on the maintenance of minimum flows.
 - The amount of Project water diverted at the Red Bluff Pumping Plant would be the same as that which is released from Keswick Dam to result in a zero-sum action, resulting in no change to flows of the Sacramento River below the point of diversion, which is similar to the No Action Alternative.
 - The Proposed Action will not significantly impact natural resources and unique geographical characteristics such as historic or cultural resources; parks, recreation lands, and refuges; wilderness areas; Wild and Scenic rivers or rivers placed on the nationwide river inventory; national natural landmarks; sole or principal drinking water aquifers; prime and unique farmlands; wetlands (Executive Order (EO) 11990); flood plains (EO 11988); national monuments; and other ecologically significant or critical areas (40 CFR 1508.27(b)(3) and 43 CFR 46.215(b)).
- There are no new impacts to listed species or their habitat associated with the Proposed Action that were not analyzed under the 2008-2009 BOs.
- The Proposed Action would not result in any adverse cumulative impacts.
- The Proposed Action will not significantly affect public health or safety (40 CFR 1508.27(b)(3)).
- The Proposed Action will not have possible effects on the human environment that are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5)).
- The Proposed Action will neither establish a precedent for future actions with significant effects nor represent a decision in principle about a future consideration (40 CFR 1508.27(b)(6)).
- There is no potential for the effects to be considered highly controversial (40 CFR 1508.27(b)(4)).
- The Proposed Action will not have significant cumulative impacts (40 CFR 1508.27(b)(7)).

- The Proposed Action has no potential to affect historic properties (40 CFR 1508.27(b)(8)).
- The Proposed Action will not affect listed or proposed Threatened or Endangered species (40 CFR 1508.27(b)(9)).
- The Proposed Action will not violate Federal, state, tribal or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)).
- The Proposed Action will not affect any Indian Trust Assets (512 DM 2, Policy Memorandum dated December 15, 1993).
- Implementing the Proposed Action will not disproportionately affect minorities or low-income populations and communities (EO 12898).
- The Proposed Action will not limit access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007 and 512 OM 3).