

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Four Year Transfer and Warren Act Contracts for up to 13,350 acre-feet of Patterson Irrigation District's Available Surface Water Supply to Santa Clara Valley Water District

FONSI-09-172

Recommended by:

Rain Healer
Natural Resources Specialist
South-Central California Area Office

Date: _____

Concurred by:

Mike Kinsey
Supervisory Wildlife Biologist
South-Central California Area Office

Date: _____

Concurred by:

Laura Myers
Chief, Resources Management Division
South-Central California Area Office

Date: _____

Approved by:

Acting Deputy Area Manager
South-Central California Area Office

Date: _____



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 U.S. Bureau of Reclamation (Reclamation), has determined that the transfer and issuance of Warren Act contracts for up to 13,350 acre-feet (AF) of Patterson Irrigation District's (PID) Central Valley Project (CVP) water, Replacement Water, and pre-1914 San Joaquin River water (henceforth called Transfer Water) to Santa Clara Valley Water District (SCVWD) over a period of four years (March 1, 2010 through February 28, 2014) is not a major federal action that would significantly affect the quality of the human environment and an environmental impact statement is not required. This Finding of No Significant Impact is supported by Reclamation's Final Environmental Assessment (EA) Number EA-09-172, *Four Year Transfer and Warren Act Contracts for up to 13,350 acre-feet of Patterson Irrigation District's Available Surface Water Supply to Santa Clara Valley Water District*, and is hereby incorporated by reference.

Background

The State of California (State) has historically experienced periods of drought and flooding. Water agencies strive to prepare for varying water supply conditions to the extent possible so that agricultural or urban water supply needs can be met regardless of the water type. This is done by having a variety of water supply options that can be implemented as needed. Having the ability to move water supplies from an area of greater supply to an area of lesser supply is one strategy that can be useful.

Currently, the State is experiencing unprecedented water management challenges during a third consecutive year of drought. Both the State and Federal water projects are forecasting very low storage conditions in all major reservoirs. Specifically for the CVP, additional factors have contributed to the reduction in total water supplies this year. These include: 1) low reservoir water supply conditions coming into 2009 from a dry 2007 and 2008, and 2) limits placed on pumping at the Jones Pumping Plant for purposes of meeting court-ordered delta smelt protections. Based on all these factors, Reclamation declared a shortage in the amount of water available to South-of-Delta contractors for the 2009 contract water year (March 1 through February 28, 2010). Due to these challenging times, Reclamation expects to explore options within its authority in order to minimize impacts to those affected by this water shortage.

PID, located near the City of Patterson, in Stanislaus County, California, provides water to about 770 customers on approximately 12,800 irrigated acres. PID's primary water supply is pre-1914 rights diverted from the San Joaquin River; however, PID also receives CVP and Replacement Water from Reclamation via the Delta-Mendota Canal (DMC). Replacement Water is in addition to PID's contracted CVP water acquired as a result of a settlement between PID and Reclamation for the construction of Friant Dam and the subsequent partial obstruction of the natural flow of the San Joaquin River.

PID desires to remain a predominantly agricultural district, and as result, has historically annexed lands to the City of Patterson due to urban development. As recently as July 2007, PID detached 692 acres concurrently with the annexation of the same lands to the City of Patterson for urban development. This change in land use is an example of the type of actions that have resulted in a reduction in PID's consumptive use, and subsequently created an excess water supply in past years which PID would sell via transfer for the financial benefit of the district and its water rate payers.

The Proposed Action consists of the delivery of up to 13,350 AF of PID's Transfer Water (under Contract #14-06-200-3598A-LTR1 as well as PID's pre-1914 water rights) to SCVWD over a four year period (March 1, 2010 through February 28, 2014). Under the Proposed Action, a minimum of 4,000 AF would be delivered in each of the first three transfer years with the remaining 1,350 AF delivered in the last transfer year. Should PID receive a 100 percent allocation during the first three years of this transfer period, an additional 2,000 AF may be added to the 4,000 AF to be transferred for a maximum transferable amount of 6,000 AF in a given year.

Reclamation would facilitate the delivery of the Transfer Water by conveying the water down the DMC to O'Neill Forebay. From O'Neill Forebay, the Transfer Water would be pumped into San Luis Reservoir and diverted to Reach 1 of the Pacheco Tunnel and then to the Pacheco Pumping Plant where it would be lifted into the Pacheco Conduit. From the Pacheco Conduit, the Transfer Water would be delivered to SCVWD via the Santa Clara Conduit and Tunnel. SCVWD would then convey the Transfer Water through their internal distribution system to their water users affected by the water drought shortages.

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 factors:

FINDINGS

Water Resources

Under the Proposed Action, the maximum amount of water to be transferred in any one year will be 6,000 AF for a total transferred amount of up to 13,350 AF over the four year period. PID has prioritized Replacement Water followed by CVP water as the water to be transferred. San Joaquin River water will only be used for transfer in the event that PID does not have enough Replacement Water or CVP water allocated to them. No more than 3,337 AF per year (AFY) of San Joaquin River water will be transferred in any one year. On average, PID pumps approximately 23,000 AFY of San Joaquin River to meet in-district demands. Since the San Joaquin River water that may be used for the transfer will be well under the amount annually pumped by PID and no additional water will need to be pumped from the San Joaquin River in order to meet the transfer needs, there will be no significant impacts to PID's pre-1914 San Joaquin River water rights as a result of the Proposed Action. It is possible that due to hydrologic conditions, PID may need to pump additional San Joaquin River in order to meet in-district demands as it did in 2008; however, the additional water pumped will be consistent with historical fluctuations and with PID's water right. Consequently, there will be no significant impacts to the San Joaquin River as a result of the Proposed Action.

Each year, PID will continue to receive the remaining balance of their Replacement Water and CVP contract supply from the DMC. No changes to the DMC will occur and conditions will remain the same as has historically occurred; therefore, there will be no significant impacts to the DMC.

In the event that PID needs to make up for any shortfalls, individual landowners and/or the district will pump groundwater to make up the amount needed for irrigation. However, PID has had an excess water supply in past years and has only pumped groundwater as a last resort. PID's pre-1914 water has made up the majority of water needed to meet in-district demands. PID does not expect to pump any additional groundwater as the transfer of 13,350 AF over four years to SCVWD will still leave PID with the ability to meet the irrigation needs of its water users. Therefore, there will be no significant impacts to groundwater resources as a result of the Proposed Action.

All waters introduced and conveyed through federal facilities must meet Reclamation water quality standards. If, through monitoring, the pre-1914 San Joaquin River water pumped by PID fails to meet the criteria for discharging non-CVP water into federal facilities, the water will not be introduced into the DMC until subsequent testing has demonstrated that the water quality has been met by the criteria as outlined in Title 22. Therefore, there will be no significant impacts to water quality as a result of the Proposed Action.

SCVWD will continue to receive their CVP supply from the Santa Clara Conduit as well as the additional 13,350 AF of Transfer Water delivered from PID via the DMC and San Felipe facilities. There will be no adverse impacts to any of the federal facilities involved in the transfer of PID's Transfer Water nor will the transfer impact the normal functions and operations of any CVP or district facilities. The Transfer Water will be used as a supplemental surface water supply for SCVWD's varied water resources in order to meet irrigation demands. The delivery of 13,350 AF of Transfer Water will reduce the need for SCVWD to pump groundwater in order to meet in-district demands which will have slight beneficial impacts to groundwater levels.

Biological Resources

Most of the habitat types required by species protected by the Endangered Species Act do not occur in the project area. The Proposed Action will not involve the conversion of any land fallowed and untilled for three or more years. The Proposed Action also will 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). Due to capacity limitations and water quality restrictions in the DMC, there will be no effects on listed fish species. No critical habitat occurs within the area affected by the Proposed Action and so none of the primary constituent elements of any critical habitat will be affected.

Any encountered biological resources are likely to be those associated with actively cultivated land. Since no natural stream courses or additional surface water pumping will occur, there will be no effects on listed fish species. The Replacement Water involved with the Proposed Action will not be used on native lands or on lands that have been fallowed for more than three consecutive years. Such actions will require subsequent environmental review.

The short duration of the water availability, the requirement that no native lands be converted without consultation with the U.S. Fish and Wildlife Service, and the stringent requirements for transfers under applicable laws will preclude any impacts to wildlife, whether federally listed or not. In conclusion, the Proposed Action will not affect any federally listed species or any critical habitat, nor will it affect birds protected under the MBTA.

Cultural Resources

The Proposed Action is an administrative action that will allow for the flow of water through existing facilities to existing users. There will be no ground disturbance or modification needed to the existing facilities as a result of this action nor will there be any changes in cropping patterns or urban development. As a result there will be no potential to affect historic properties pursuant to 36 CFR Part 800.3(a)(1). There will be no significant impacts to cultural resources as a result of implementing the Proposed Action.

Indian Trust Assets

Approval of the transfer between PID and SCVWD will not involve any construction and will utilize existing conveyance facilities; therefore, activities associated with the Proposed Action will not affect Indian Trust Assets. The nearest Indian Trust Asset is Lytton Rancheria approximately 37 miles north-northwest of the Proposed Action location.

Land Use

The Proposed Action will not result in any land use changes in PID because the district will still have sufficient water to meet the irrigation needs of its water users over the four year transfer period. Similar to the No Action Alternative, conditions will remain the same as existing conditions. SCVWD will use the additional 13,350 AF of Transfer Water to irrigate and maintain their existing permanent crops. Therefore, there will be no significant impacts to land use in SCVWD as a result of the Proposed Action.

Socioeconomic Resources

The Proposed Action will provide additional supplemental water to SCVWD to sustain their existing crops and at the same time still provide sufficient irrigation water for landowners in PID. Conditions will remain the same as existing conditions and there will be no significant impacts to socioeconomic resources.

Environmental Justice

Under the Proposed Action, the availability of additional Transfer Water will help maintain agricultural production and local employment in SCVWD. The Proposed Action will not affect low-income or disadvantaged populations within the districts by not causing dislocation, changes in employment, or increase flood, drought, or disease. There will be no changes to existing conditions. Employment opportunities for low-income wage earners and minority population groups will be within historical conditions. Disadvantaged populations will not be subject to disproportionate impacts. The Proposed Action does not propose any features that will result in adverse human health or environmental effects, have any physical effects on minority or low-income populations, and/or alter socioeconomic conditions of populations that reside or work in

the vicinity of the Proposed Action. Therefore, there will be no adverse impacts to Environmental Justice from the Proposed Action.

Air Quality

Water that is moved from the San Joaquin-Sacramento River Delta down the DMC to PID and from PID to SCVWD is done either via gravity or with the use of electrical pumps. The air quality emissions from electrical power have been considered in environmental documentation for the generating power plant. There are no emissions from electrical engines and therefore a conformity analysis is not required under the Clean Air Act and there will be no significant impact on air quality.

Global Climate Change

Climate change is an environmental trend and for the purpose of this EA refers to changes in global or regional climate over time and is expected to have some effect on the snow pack of the Sierra Nevada and the run-off regime. Current data are not yet clear on the hydrologic changes and how they will affect the Delta Division of the CVP as well as other federal, state and local river operations within the action area. Water allocations are made dependent on hydrologic conditions and environmental requirements. Since operations and allocations are flexible, any changes in hydrologic conditions due to climate change will be within the respective operations' flexibility and therefore water resource changes due to climate change will be the same with or without the Proposed Action.

Cumulative Impacts

Cumulative impacts result from incremental impacts of a Proposed Action 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, the incremental effect of the Proposed Action was examined together with impacts from past, present, and reasonably foreseeable future actions in the same geographic area.

Reclamation's action would be the approval of a four-year transfer and Warren Act contracts for delivery of PID's Transfer Water to SCVWD. Reclamation has approved transfers and Warren Act contracts in previous years when excess capacity was available. In 2009, Reclamation received 15 requests for Warren Act contracts and 8 requests for transfers. Two of these requests propose to use the DMC as a conveyance facility. Many of these requests are still under analysis and have not been completed at this time. Reclamation did approve the transfer of 3,700 AF of PID's Replacement Water to Del Puerto Water Storage District via the DMC.

As in the past, hydrological conditions and other factors are likely to result in fluctuating water supplies and this drives requests for water service actions. Water districts aim to provide water to their customers based on available water supplies and timing, all while attempting to minimize costs. Farmers irrigate and grow crops based on these conditions and factors, and a myriad of water service actions are approved and executed each year to facilitate water needs. It is likely

that in 2010, more districts will request transfers and Warren Act contracts since it may be a dry year and non-CVP water is needed to supplement the reduced CVP supply. Additionally, in accordance with the Warren Act contract, Reclamation will continue to make these contracts available to requesting districts in future years, given that each district meets present and future requirements for Warren Act contracts. Each water service transaction involving Reclamation undergoes environmental review prior to approval.

This is a four-year action, and the cumulative amount PID is limited to under the Proposed Action is 13,350 AF. However, PID can request a Warren Act contract separate from this Proposed Action for up to 10,000 AF of non-CVP water. Any additional Warren Acts would be analyzed in a separate environmental document and would be subject to available capacity; therefore, the Proposed Action will not result in cumulative effects to resources beyond historical fluctuations and conditions.