

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

MID-PACIFIC REGION

FINDING OF NO SIGNIFICANT IMPACT

Recirculation of Recaptured Water Year 2010 San
Joaquin River Restoration Program Interim Flows

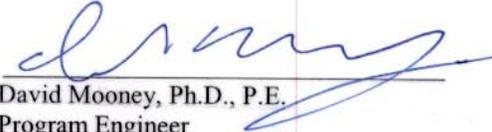
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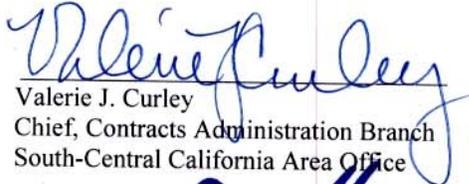
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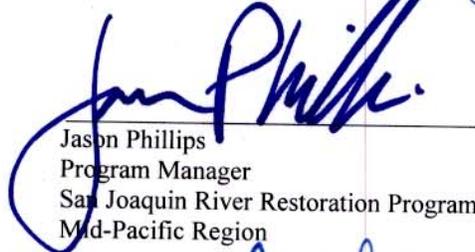
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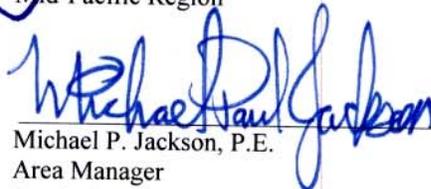
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Recirculation of Recaptured Water Year 2010 San Joaquin River Restoration Program Interim Flows

In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the San Joaquin River Restoration Program (SJRRP) Office and the South-Central California Area Office of the U.S. Bureau of Reclamation (Reclamation), has determined that the execution of 12-month transfer and exchange agreements to recirculate up to 60,000 acre-feet (AF) of water from San Luis Reservoir, recaptured as a result of SJRRP Water Year 2010 Interim Flows, 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 Environmental Assessment (EA), *Recirculation of Recaptured Water Year 2010 San Joaquin River Restoration Program Interim Flows*, and is hereby incorporated by reference.

Background

In 1988, a coalition of environmental groups, led by the Natural Resources Defense Council (NRDC), filed a lawsuit challenging renewal of long-term water service contracts between the United States and Central Valley Project (CVP) Friant Division contractors. After more than 18 years of litigation of this lawsuit, known as *NRDC, et al., v. Kirk Rodgers, et al.*, a Settlement was reached. On September 31, 2006, the Settling Parties, including NRDC, Friant Water Users Authority (FWUA), and the U.S. Departments of the Interior and Commerce, agreed on the terms and conditions of the Settlement, which was subsequently approved by the U.S. Eastern District Court of California (Court) on October 23, 2006. The Settlement establishes two primary goals:

- Restoration Goal – To restore and maintain fish populations in “good condition” in the mainstem San Joaquin River below Friant Dam to the confluence of the Merced River, including naturally reproducing and self-sustaining populations of salmon and other fish.
- Water Management Goal – To reduce or avoid adverse water supply impacts on all of the Friant Division long-term contractors that may result from the Interim Flows and Restoration Flows provided for in the Settlement.

The planning and environmental review necessary to implement the Settlement is authorized under Section 3406(c)(1) of the Central Valley Project Improvement Act (Public Law 102-575) and the San Joaquin River Restoration Settlement Act (Act), included in Public Law 111-11, the Omnibus Public Land Management Act of 2009. The Secretary of the Interior is authorized and directed to implement the terms and conditions of the Settlement through the Act. The San Joaquin River Restoration Program (SJRRP) will implement the Settlement. The Settlement identifies the need for a plan for recirculation, recapture, reuse, exchange or transfer of Interim Flows to reduce or avoid impacts to Friant long-term contractors.

The Water Management Goal of the Settlement and Act includes a requirement for the development and implementation of a plan for recirculation, recapture, reuse, exchange or

transfer of Interim Flows for the purpose of reducing or avoiding impacts to water deliveries to all of the participating Friant Division long-term contractors whose supplies may have been impacted by Interim Flow Releases. Paragraph 16 of the Settlement states:

16. In order to achieve the Water Management Goal, immediately upon the Effective Date of this Settlement, the Secretary, in consultation with the Plaintiffs and Friant Parties, shall commence activities pursuant to applicable law and provisions of this Settlement to develop and implement the following:

(a) A plan for recirculation, recapture, reuse, exchange or transfer of the Interim Flows and Restoration Flows for the purpose of reducing or avoiding impacts to water deliveries to all of the Friant Division long-term contractors caused by the Interim Flows and Restoration Flows. The plan shall include provisions for funding necessary measures to implement the plan. The plan shall:

(1) ensure that any recirculation, recapture, reuse, exchange or transfer of the Interim Flows and Restoration Flows shall have no adverse impact on the Restoration Goal, downstream water quality or fisheries;

(2) be developed and implemented in accordance with all applicable laws, regulations and standards. The Parties agree that this Paragraph 16 shall not be relied upon in connection with any request or proceeding relating to any increase in Delta pumping rates or capacity beyond current criteria existing as of the Effective Date of this Settlement;

(3) be developed and implemented in a manner that does not adversely impact the Secretary's ability to meet contractual obligations existing as of the Effective Date of this Settlement; and

(4) the plan shall not be inconsistent with agreements between the United States Bureau of Reclamation and the California Department of Water Resources existing on the Effective Date of this Settlement, with regard to operation of the CVP and State Water Project.

Recaptured water available for transfer to the Friant Division as a result of releases of flows from Friant Dam from the implementation of the SJRRP Interim Flows for Water Year 2010, specified as October 1st through September 30th, is estimated to be up to 60,000 AF. This recaptured water will be available at SLR. The transfers and exchanges would be completed through several mechanisms utilizing potential Federal, State, and Local Facilities, as outlined in the project description that follows. The recaptured water will be recirculated back to 16 of the Class 2 Friant Division contractors as a part of their 2010 Class 2 supplies.

Reclamation sought feedback from water contractors in order to develop options for supply and recirculation of water, consistent with the Settlement's Water Management Goal. This inquiry resulted in Reclamation receiving options and scenarios from members of the Friant Division long-term contractors to distribute up to 60,000 AF of water out of SLR. These scenarios, considered in the Proposed Action, have been incorporated into separate recirculation phases, which have specific conveyance mechanisms and quantities associated with each phase.

Phase 1 of the Proposed Action would include having up to 25,000 AF of Friant Recirculation (Friant) water made available in Millerton Lake as a result of an exchange, where Fresno Irrigation District (FID) and the City of Fresno (CiF) will exchange up to 25,000 AF of their CVP Friant Division water supplies for a like amount of Friant Recirculation water in San Luis Reservoir. The Friant water made available in Millerton Lake would be made available for integration into Class 2 supplies. The exchange of FID and CiF water is being covered under a separate contract and was analyzed in the *Environmental Assessment (EA-10-26) for East to West Transfers between Friant Division and South-of-Delta Central Valley Contractors, 2010-2011*, which is hereby incorporated by reference.

Phase 2 of the Proposed Action includes Tulare Irrigation District (TID) and the Lower Tule River Irrigation District (LTRID) exchanging up to 16,225 AF of Friant water with Tulare Lake Basin Water Storage District (TLBWSD) where TID and LTRID's share of Friant water available in SLR would be used by the TLBWSD in exchange for TID and LTRID to use TLBWSD's Kaweah and Tule River water rights water as their CVP water allocation. By completing this exchange, water would be returned to TID and LTRID.

In Phase 3 of the Proposed Action, Tulare Lake Basin Water Storage District (TLBWSD), a SWP contractor, would take delivery of up to 12,000 AF of Friant water in SLR. In turn, FID would take delivery of up to 11,400 AF of Kings River water and release an equal amount up to 11,400 AF of its Class 2 water in Millerton Lake for delivery to Class 2 contractors proportionally.

For Phase 4, Arvin-Edison Water Storage District (AEWSD) would take delivery of the remaining Friant water off the California Aqueduct and in exchange, AEWSD would make an equivalent amount of their Class 1 or Class 2 supplies available in Millerton Lake for delivery to Class 2 contractors proportionally. AEWSD may be able to take delivery of the Friant water off of the California Aqueduct either at the Tupman turnout for the Cross Valley Canal or via the AEWSD turnout 39 miles downstream of Tupman. The total amount of recirculation water being transferred out of SLR would not exceed the 60,000 AF maximum. Whether or not FID, LTRID, TLBWSD and TID take their maximum quantities, AEWSD would take delivery of the difference, up to the maximum allowable amount based on recaptured quantities of restoration flows and make an equivalent amount of their Class 1 or Class 2 water supplies available in Millerton Lake.

Reclamation posted the draft EA/FONSI for public review and comment on Reclamation's website. The public review period began June 28, 2010 and ended July 16, 2010. Reclamation received comments from two agencies during the review period, which are addressed in Appendix G of the EA.

Reclamation's finding that implementation of the Proposed Action will result in no significant impact to the human environment is supported by the following findings:

FINDINGS

Water Resources

The Proposed Action will not change the overall water supply. The exchanges and transfers would utilize existing facilities for conveyance of water. This would not increase or decrease existing CVP or SWP allocations. Water moved through this process would not require additional diversion and would not impact the overall existing operations of the water districts or their facilities. The Friant Division long-term contractors would not experience any loss or gain in water supply as a result of the Proposed Action.

Land Use

The Proposed Action will not result in changes to land use. There would be no land conversions or land fallowing as a result of the transfer or exchange of Friant recirculation water. The Proposed Action is short-term and would not provide a long-term reliable supply to support long-term land use changes.

Biological Resources

The Proposed Action will not result in impacts to biological resources, including listed species, designated critical habitat, or species listed under the Migratory Bird Treaty Act. No Essential Fish Habitat is listed within the Proposed Action area. Existing facilities will be used to transfer and exchange water and water will be delivered to existing agricultural lands. No land use or habitat changes would occur as a result of the Proposed Action.

Cultural Resources

The Proposed Action will not result in impacts to cultural resources. Transfers and exchanges of water would occur through existing facilities and delivered within existing service area boundaries. The Proposed Action would not result in the modification of existing facilities, construction of new facilities, changes in land use, or growth. The Proposed Action has no potential to cause effects to historic properties.

Indian Trust Assets

The Proposed Action will not result in impacts to Indian Trust Assets (ITA). Approval of transfers and exchanges between water districts would not involve any construction and would utilize existing conveyance facilities. The closest ITA is located approximately 7 miles north of the Proposed Action area. Therefore, the Proposed Action would not impact ITA.

Socioeconomic Resources

The Proposed Action will not impact socioeconomic resources. There would be no increases or decreases of agricultural production, urbanization, construction, or other changes as a result of the transfer and exchange of water between the districts. The Proposed Action would assist in sustaining existing agricultural production.

Environmental Justice

The Proposed Action would not disproportionately impact economically disadvantaged or minority populations. Water transfers and exchanges would not result in employment gain or loss, but would result in sustained job rates for agricultural workers.

Air Quality

The Proposed Action will not result in impacts to air quality. The movement of water between districts would be done via gravity flow and/or pumped using electric motors which have no emissions. The Proposed Action would not involve any construction or land disturbance that could lead to fugitive dust emissions or exhaust emissions associated with the operation of construction equipment.

Global Climate Change

The Proposed Action will not result in impacts to global climate change. The movement of water between districts would be done via gravity flow and/or pumped using electric motors which have no emissions. Greenhouse gas emissions would not increase in association with the project.

Cumulative Impacts

Contract execution for the transfer and exchange of recirculation water would not have any controversial or highly uncertain effects, or involve unique or unknown environmental risks. The Proposed Action would not trigger other water service actions and does not contribute to cumulative effects to physical resources when added to other water service actions. The canals, distribution, rivers, creeks, and conveyance facilities in the San Joaquin Valley associated with the Proposed Action are managed primarily for agricultural supplies. The Proposed Action would not interfere with the deliveries, operations, or cause substantial adverse changes to the conveyance facilities.

The proposed transfers, when added to other actions, do not contribute to significant increases or decreases in environmental conditions. These water service actions are proposed to occur only to distribute up to 60,000 AF out of SLR, and are short-term. These transfer actions are not precedent-setting. The Proposed Action was found to have no impact on water resources, land use, biological resources, cultural resources, ITA, socioeconomic resources, environmental justice, air quality, or global climate change and therefore there is no contribution to cumulative impacts on these resources areas. Overall, there would be no cumulative impacts caused by the Proposed Action.