

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Ten-Year Exchange Agreements and/or Warren Act Contracts for Conveyance of Groundwater in the Delta-Mendota Canal – Contract Years 2013 through 2023 (March 1, 2013 – February 29, 2024)

Draft FONSI 12-061

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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 Ten-Year Exchange Agreements and/or Warren Act Contracts for Conveyance of Groundwater in the Delta-Mendota Canal. This Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA) Number 12-061, Ten-Year Exchange Agreements and/or Warren Act Contracts for Conveyance of Groundwater in the Delta-Mendota Canal, and is hereby incorporated by reference.

Background

The San Luis & Delta-Mendota Water Authority (SLDMWA), on behalf of eight of its member agencies, has requested approval of ten-year Exchange Agreements and/or Warren Act contracts to pump groundwater into the Delta-Mendota Canal (DMC) for delivery to contractors during the period March 1, 2013 through February 29, 2024, (Contract Years 2013-2023). The Warren Act (Act of February 21, 1911, CH. 141, (36 STAT. 925) authorizes Reclamation to negotiate agreements to store or convey Non-Project Water when excess capacity is available in federal facilities. Section 14 of the Reclamation Project Act of 1939 allows for contracts for exchange or replacement of water. Water rights Section 3408(c) of P.L. 102-575, Title 34, Central Valley Project Improvement Act (CVPIA) allows for the exchange, impoundment, storage, carriage, and delivery of Central Valley Project (CVP) and Non-Project Water for domestic, municipal, industrial, fish and wildlife, and any other beneficial purpose. Over the past twenty-years, Reclamation has issued either annual or two-year Exchange Agreements and/or Warren Act contracts for groundwater pumping into the DMC and storage in San Luis Reservoir (SLR).

Proposed Action

Reclamation proposes to issue a 5-year Exchange Agreement and/or 5-year Warren Act contract to requesting CVP contractors within the Delta Division and San Luis Unit. At the end of the 5-years, Reclamation could issue an additional 5-year Exchange Agreement and/or 5-year Warren Act contract to requesting CVP contractors within the Delta Division and San Luis Unit based on the 10-year environmental impact analysis covered under this EA. The term for both would be March 1, 2013 through February 28, 2023 for pumping and conveyance, and March 1, 2013 through February 29, 2024 for storage in SLR and conveyance from the SLR.

Reclamation has capped the Proposed Action at 50,000 acre-feet (AF) annually for all districts combined participating in the DMC Pump-in Program. The 50,000 AF would be allocated to the participants based on need. Conveyance and storage of Non-Project Water in CVP facilities would be subject to available capacity.

The source of the Non-Project Water would be groundwater pumped from privately owned wells directly into the DMC. The quantity of groundwater pumped into the DMC would be measured with flow-meters that would be read and calibrated by SLDMWA field staff. The district(s) would then convey a like amount through turnouts on either the DMC or the SLC to be delivered for agricultural use to water users within the district(s). All wells will be tested in accordance

with the requirements described in the Delta-Mendota Canal Pump-in Program Water Quality Monitoring Plan.

Environmental Commitments

The eight participating water districts and SLDMWA shall implement the following environmental protection commitments to avoid or reduce potential environmental consequences associated with the Proposed Action (Table 1). The environmental consequences described in EA 12-061 assume these commitments would be fully implemented.

Table 1 Environmental Protection Commitments

Resource	Protection Measure
Water Resources (Groundwater/Aquifer)	Each district would be required to confirm that the proposed pumping of groundwater would be compatible with local ordinances (EA 12-061 Table 0-2). Each district would be limited to pumping a quantity below the “safe yield” as established in applicable ordinances or their groundwater management plan, in order to prevent groundwater overdraft and avoid adverse impacts.
Water Resources (Groundwater/Aquifer)	No groundwater pumping would occur in Management Areas 2 and 3 since these areas are subject to inelastic subsidence.
Water Resources (Groundwater/Aquifer)	• All districts participating in the DMC Pump-in Program must provide annually the depth to groundwater in every well before pumping into the DMC commences; • Though most of the wells are privately owned, the Districts must provide access to each well for Reclamation and SLDMWA staff; • All compliance monitoring data collected by the SLDMWA would be entered into worksheets and presented each week to Reclamation via e-mail. Reclamation would review the data to identify potential changes in the local aquifer that could lead to overdraft or subsidence; • Groundwater measurements have been collected by the SLDMWA since May 1995. Annually, the current depth to groundwater in each well would be compared to the measured depths. If the current depth exceeds the maximum measured depth, Reclamation would recommend that the District stop pumping from that well until the depth of water recovers to an agreed depth, such as the median observed depth.
General	• The water shall be used for beneficial purposes and in accordance with Federal Reclamation law and guidelines, as applicable; • 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; • The water shall be used within the permitted place of use; • No land conversions may occur as a result of the Proposed Action; • No construction or other ground disturbing activity may occur as part of the Proposed Action.
General	There would be no new construction or excavation part of the Proposed Action.
Biological Resources (Potential Habitat)	No native or untillied land (fallow for three years or more) may be cultivated with the water involved with these actions. Most of the water would be used to sustain permanent crops (orchards, vineyards).

Permits

The Proposed Action would not result in the discharge of dredged or fill materials into waters of the United States that would require a Clean Water Act Section 404 permit or the discharge of pollutants into navigable waters that would require a Clean Water Act Section 401 Certification.

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:

Findings

Water Resources

No new water storage or conveyance facilities would be constructed as a result of the Proposed Action. There would be no construction or modification to the DMC and the capacity of the facility would remain the same. The Proposed Action would not interfere with the normal operations of DMC nor would it impede any State Water Project or CVP obligations to deliver water to other contractors or to local fish and wildlife habitat. Furthermore, the Proposed Action would not interfere in the quantity or timing of diversions from the Sacramento-San Joaquin Bay Delta.

Each district would be limited to pumping a quantity below the "safe yield" as established in the groundwater management plan, in order to prevent groundwater overdraft and other adverse impacts. Water in each well must meet water quality standards prior to approval for conveyance, and the monitoring of groundwater quality would continue throughout the contract year. If a well to be used for pumping water into the DMC does not meet the water quality standards, the district could not pump water from that well into the DMC.

These findings indicate that there would be no adverse direct or cumulative impacts to water resources resulting from the Proposed Action.

Land Use

The Proposed Action would support current land use and no new lands would be cultivated under the Proposed Action. The Proposed Action would not involve construction or other land disturbance and it would not increase or decrease water supplies that would result in development. As such, there would be no adverse direct or cumulative impacts to land use.

Geology

Direct or cumulative impacts resulting in overdraft and/or subsidence would be avoided because pumping would cease if current depth exceeds the maximum measured depth.

Biological Resources

Most of the habitat types required by species protected by the Endangered Species Act do not occur in the project area. No critical habitat occurs within the area affected by the proposed project and so none of the primary constituent elements of any critical habitat would be affected.

The proposed project would not involve the conversion of any land fallowed and untilled for three or more years. There would be no change in land use patterns of cultivated or fallowed fields that do have some value to listed species or to birds protected by the Migratory Bird Treaty Act. Due to the fact that the Exchange Agreement and/or Warren Act contract related water would not reach streams containing listed fish species, there would be no effects to these species.

There would be no direct or cumulative impacts to biological resources as a result of the proposed project.

Cultural Resources

Reclamation determined on August 15, 2012 that the Proposed Action has no potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1).

Indian Sacred Sites

The Proposed Action would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or adversely affect the physical integrity of such sacred sites. Conditions would remain the same as existing conditions. There would be no impacts to Indian sacred sites as a result of the Proposed Action.

Indian Trust Assets

No impact to Indian Trust Assets would occur under the No Action Alternative as conditions would remain the same as existing conditions. Reclamation determined on August 14, 2012 that the Proposed Action would not impact Indian Trust Assets as there are none in the Proposed Action area.

Socioeconomic Resources

The Exchange and/or Warren Act contracts under the Proposed Action would allow the Non-Project Water to be distributed to sustain permanent crops. This could help maintain the agricultural economy and the regional economy in general.

There would be no adverse direct or cumulative impacts to socioeconomic resources as a result of the Proposed Action.

Environmental Justice

The Proposed Action does not propose any features that would 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.

Air Quality

Air quality emissions for the Proposed Action are well below the de minimus thresholds set by the San Joaquin Valley Air Pollution Control District (EA Table 3-9). As such, there would be no significant direct air quality impacts associated with the Proposed Action.

All emissions result in a cumulative increase in pollutants within the air basin however emissions from the Proposed Action are well below the de minimis standards and therefore cannot be considered a significant cumulative impact.

Global Climate

The Proposed Action would include the use of electric, diesel and natural gas powered pumps. The total annual greenhouse gas emissions of 385.46 short tons falls below the de minimis threshold of 27,558 short tons. As such, there would be no significant direct greenhouse gas emissions.

CVP water allocations are made dependent on hydrologic conditions and environmental requirements. Since Reclamation operations and allocations are flexible, any changes in hydrologic conditions due to global climate change would be addressed within Reclamation's operation flexibility and therefore water resource changes due to climate change would be the same with or without the Proposed Action.