UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

MID-PACIFIC REGION

DRAFT FINDING OF NO SIGNIFICANT IMPACT

Temporary One-Year Transfer and Exchange of Recaptured San Joaquin River Restoration Program Flows from Madera Irrigation District and Chowchilla Water District to Red Top

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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 transfer and/or exchange agreements to facilitate a temporary one-year transfer of 20,000 acre-feet of recaptured San Joaquin River Restoration Program Flows between Madera Irrigation District (MID) and Chowchilla Water District (CWD) to the Red Top area 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 Draft Environmental Assessment *Temporary One-Year Transfer and Exchange of Recaptured San Joaquin River Restoration Program Flows from Madera Irrigation District and Chowchilla Water District to Red Top* (Red Top EA), which is hereby incorporated in its entirety by reference.

Background

The San Joaquin River Restoration Program (SJRRP) was established in late 2006 to implement the Stipulation of Settlement in NRDC, et al. v. Kirk Rodgers, et al. (Settlement). As an initial action to guide implementation of the SJRRP, the Settlement requires that the U.S. Department of the Interior, Bureau of Reclamation (Reclamation), modify releases from Friant Dam from October 1 to September 30 for a program of Interim and Restoration flows.

The SJRRP Program Environmental Impact Statement/Impact Report (PEIS/R) was finalized in July 2012 and the corresponding Record of Decision (ROD) was issued on September 28, 2012. The PEIS/R and ROD analyzed at a project-level the reoperation of Friant Dam to release Interim and Restoration Flows to the San Joaquin River, making water supplies available to Friant Division long-term contractors at a preestablished rate, and the recapture of Interim and Restoration flows at existing facilities within the Restoration Area and the Delta. The PEIS/R and ROD also includes program-level actions, which are identified as actions that require the completion of additional analysis pursuant to NEPA and/or CEQA, as appropriate.

The Proposed Action will implement the provisions of the Settlement pertaining to the Water Management Goal by facilitating a temporary one-year transfer and/or exchange of up to 20,000 acre-feet of recaptured SJRRP Interim and Restoration Flows from MID and CWD to the Red Top area. This action will occur during Water Year (WY) 2013, from April 1, 2013, through February 28, 2014. The need for the action is to reduce or avoid water supply impacts to Friant Contractors by providing mechanisms to ensure that recirculation, recapture, reuse, exchange, or transfer of Interim and Restoration Flows occurs.

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. 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:*
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> > *(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:*
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> > > *(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.*

Reclamation, as the lead agency under the National Environmental Policy Act (NEPA) has prepared this FONSI and corresponding Draft Red Top EA to analyze the environmental effects of completing the requirement of returning the recaptured water to the Friant Division long-term contractors.

Proposed Action

The Proposed Action is located on the western side of Fresno and Madera counties the San Joaquin Valley. The Red Top area is a location south of Highway 152, near the areas of Avenue 18 ½ and Avenue 20 ½, near the Eastside Bypass and the San Joaquin River. The land use in the area consists of existing agricultural utilization for the growing of pistachios, almonds, vineyards, and alfalfa. The Red Top area has been found to be an area of substantial land subsidence as a result of groundwater well pumping in the area. The subsidence in this area has ranged from four to fifteen inches per year.

Henry Miller Reclamation District (HMRD) owns and operates Sack Dam and Arroyo Canal. Arroyo Canal's headworks are located just west of the San Joaquin River and it diverts flows off of the San Joaquin River channel, obtaining water from Delta Mendota Canal deliveries, which are released from Mendota Pool approximately 20 miles upstream, or from Friant Dam. Arroyo Canal diversions range from zero to 800 cubic feet-per-second, but typically do not exceed 620 cubic feet-per-second. Sack Dam was constructed in the 1940s and is a 5.75-foot high concrete and wooden diversion structure that creates enough head differential to divert flows in the San Joaquin River channel down the Arroyo Canal.

The Delta Mendota Canal (DMC) carries water southeasterly from the Tracy (C.W. "Bill" Jones) Pumping Plant, located in the Sacramento-San Joaquin River Delta (Delta), along the west side of the San Joaquin Valley for irrigation supply, for use in the San Luis Unit, and to replace San Joaquin River water stored at Friant Dam and used in the Friant-Kern and Madera Canals. The DMC is about 117 miles long and terminates at the Mendota Pool, about 30 miles west of Fresno. The DMC is a part of the CVP, Delta Division.

MID holds a contract with Reclamation for the delivery of, subject to certain shortage provisions, up to 85,000 acre-feet per year of Class 1 and 186,000 acre-feet per year of Class 2 Agricultural water from the Friant Division of the CVP. MID would facilitate the transfer of water under the Proposed Action and is a Friant Division Long-Term Contractor.

Chowchilla Water District has a total contract allocation under two contracts under the CVP for a total of 260,000 acre-feet per year. Chowchilla would facilitate an exchange of water under the Proposed Action and is a Friant Division Long-Term Contractor.

The Proposed Action involves the facilitation by Reclamation of a temporary one-year transfer and/or exchange of up to 20,000 acre-feet from MID and CWD to the Red Top area of recaptured SJRRP Interim Flows during WY 2013. Recaptured Interim and Restoration Flows that would be made available to Friant Division Long-Term Contractors, specifically to MID and CWD in this instance, through direct diversion or in San Luis Reservoir would be routed through the DMC to the Mendota Pool and down the San Joaquin River to the Arroyo Canal. In addition, some SJRRP Flows that cannot be conveyed down the San Joaquin River may be directly recaptured and made available to MID for recirculation at the Arroyo Canal. The additional flows would be picked up in one of two methods:

1) At the diversion facilities for the Arroyo Canal through a temporary portable pump. The pump would be a Model DV 350c diesel-engine-powered portable pump capable of pumping 15 to 20 cfs of flow. This pumped water would be placed in a pipeline over Sack Dam and delivered to the Red Top Area, as facilitated by the San Joaquin River Exchange Contractors (SJREC).

2) HMRD would install a pipe whose intake would be in the vicinity of the diversion of the Arroyo Canal. The intake would be routed either through the wingwall of Sack Dam or through a berm on the east bank that is maintained by HMRD. The pipe would feed a pump on private property on the east bank of the San Joaquin River, east of Sack Dam. Additionally, a pump for this option would most likely be electrical because of ready

access to an electrical supply on the east bank. This method would also be facilitated by the SJREC and subsequently delivered to the Red Top Area.

The water under either option would be routed to the Red Top area in order to aid in eliminating or reducing the land subsidence rates and to monitor the results utilizing the existing subsidence monitoring dome located within the area

The Proposed Action only covers direct deliveries, exchanges, or transfers of water recaptured as a result of WY 2013-2017 SJRRP Flows. The Proposed Action does not cover direct deliveries, exchanges, or transfers that do not include recaptured WY 2013-2017 SJRRP Flows.

The transfer and/or exchange in this Proposed Action from MID and CWD to the Red Top Area would not exceed 20,000 acre-feet in WY 2013 and would only be a temporary, one-year action. The areas defined within this action are currently within the Central Valley Project (CVP) place-of-use. Additionally, Arroyo Canal and associated diversion facilities is a point of diversion off of the San Joaquin River as stipulated in Reclamation's California State Water Resources Control Board (SWRCB), Division of Water Rights, Temporary Urgent Change and Instream Flow Dedication Pursuant to Water Code Sections 1435 and 1707, dated October 1, 2012. Reclamation would continue to comply with any new water rights orders or dedications as provided by applicable law and as overseen by the SWRCB in undertaking the Proposed Action.

The transfer shall further be subject to the following parameters:

- No native or untilled land (fallow for three consecutive years or more) would be cultivated with the water involved in this action.
- Transferred water can only be used for Agricultural (Ag) purposes.
- The ultimate purpose of use is Ag and/or groundwater recharge.
- The transfer will be between willing sellers and willing buyers.
- The transfer shall be limited to existing supply and will not increase overall consumptive use.
- The transfer for Ag water will be used on lands irrigated within the last three consecutive years.
- The transfer will not lead to any land conversions.
- The transfer shall comply with all applicable Federal, State, Local or Tribal laws or requirements imposed for the protection of the environment and ITA.
- The transfer cannot alter the flow regime of natural water bodies such as rivers, streams, creeks, ponds, pools, wetlands, etc., in order to not to have a detrimental effect on fish or wildlife, or their habitats.

Reclamation posted the draft EA/FONSI for public review and comment on Reclamation's NEPA website and on the San Joaquin River Restoration Program website at restoresjr.net. The public review period begins on March 22, 2013 and will end on March 29, 2013..

FINDINGS

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:

Water Resources

The Proposed Action will not change the overall water supply. The exchange and transfer would not increase or decrease existing CVP allocations. Water moved through this process would not impact the overall existing operations of the water districts or their facilities. The Proposed Action analyzed in the EA would likely assist in temporarily reducing or eliminating subsidence in the Red Top Area, which occurs at a rate between four and 15 inches annually because it would eliminate or reduce groundwater pumping below the Corcoran clay in the area. The Proposed Action is limited to Interim and Restoration Flows that are recaptured and stored or recaptured only during WY 2013 SJRRP releases. Therefore, this action is temporary in nature and will have no adverse impact to water resources.

Land Use

The Proposed Action will not result in changes to land use and therefore, will have no adverse impacts to land use. There would be no land conversions or land fallowing as a result of the transfer or exchange SJRRP Interim and Restoration Flow water between MID and CWD and the Red Top area. 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 adverse 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 adverse impacts to cultural resources. Transfers and exchanges of water would occur 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.

Indian Trust Assets

The Proposed Action will not result in adverse impacts to Indian Trust Assets (ITA). Approval of transfers and exchanges between water districts would not involve any construction of conveyance facilities. Therefore, the Proposed Action would not impact ITA.

Socioeconomic Resources

The Proposed Action will not adversely 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 adverse impacts to air quality. The first option of the Proposed Action involves the movement of water between districts and would be done via diesel pumps, which may result in an undetectable increase in air emissions from the burning of fossil fuels. Additionally, these emissions would be less than the power to run several existing diesel groundwater pumps in the area, which would not be needed for the duration of this activity. The second option of the Proposed Action involves recaptured water being pumped using electric motors which have no direct 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 adverse impacts to global climate change. The first option of the Proposed Action involves the movement of water between districts and would be done via diesel pumps, which may result in a nominal increase in greenhouse gas emissions from the burning of fossil fuels. These emissions would be less than the power to run several existing diesel groundwater pumps in the area, which would not be needed for the duration of this activity. The second option of the Proposed Action involves recaptured water being pumped using electric motors which have no direct emissions. Greenhouse gas emissions would not be anticipated to substantially increase under the proposed action in a quantity that would result in an impact to overall global climate change.

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 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 transfer and exchange, 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 a maximum of 20,000 acre-feet per WY 2013 Interim and Restoration Flows. 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. Additionally, overall cumulative impacts associated with the implementation of the SJRRP are discussed at length in the PEIS/R, as discussed earlier in this FONSI. This document documents the detailed analysis of affected resources and determines the cumulative significance of impacts to the human environment.