

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Temporary Warren Act Contract Between The United States and Placer County Water Agency

FONSI 13-3-CCAO

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FINDINGS

The Bureau of Reclamation has determined that authorizing a Five-Year Temporary Warren Act Contract (Contract) between the Bureau of Reclamation (Reclamation) and with Placer County Water Agency (PCWA) will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) is not required and will not be prepared for this project, based on the fact that there will be no short-term or long-term adverse impacts on the human environment resulting from the proposed action.

This decision is based on a thorough review of the 2013 Temporary Warren Act Contract Between the United States and Placer County Water Agency Environmental Assessment (EA dated March 2013). This decision is in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500-1508) and the Department of the Interior (DOI) regulations for implementation of NEPA (43 CFR Part 46).

A finding of no significant impact is based on the following;

Water Supply and Hydrology

The Proposed Action will not change the current hydrology or water supply of the MFP or Folsom Reservoir as the water conveyance method, location and amount are identical to current conditions.

Biological and Aquatic Resources

Biological and aquatic resources under the proposed action will be identical to current conditions. This action does not require construction of new facilities, installation of new features, or modification of existing facilities. The water will be delivered for beneficial municipal and industrial (M&I) uses within Los Lagos, within PCWA's water service area. The PA will have no adverse effect on species either currently listed or proposed for listing as candidate, endangered, or threatened species, and no adverse effects on designated critical habitat for these species. There are no habitat conservation plans, natural community conservation plans or similar plans applicable to the proposed action. Reclamation is currently operating the overall Project facilities to meet all regulatory requirements, downstream water needs, and environmental requirements and will continue to do so under the PA.

Facility Operations

Execution of the Contract will not increase the volume of water delivery to Los Lagos or change the point of intake therefore; the action will have no effect on the volume of the cold-water pool or Folsom Reservoir operations. Under the proposed action, Reclamation would continue to implement all current regulatory actions and would not alter operations of Project facilities, water storage or release patterns from Project facilities.

Indian Tribal Assets (ITAs)

There are no known ITA's or treaty rights exercised by tribes, nor are there any reservations or trust lands located within or adjacent to the PA that will be affected. The nearest ITA is Auburn Rancheria approximately 11 miles northwest of the proposed action area.

Indian Sacred Sites

There are no identified Indian Sacred Sites within the action area and therefore this project will not inhibit use or access to any Indian Sacred Sites.

Environmental Justice

The Proposed Action will not have any disproportionately negative impact on low-income or minority individuals within the action area. Conditions under this action will be identical to current conditions

Global Climate Change

The Proposed Action is a continuation of existing conditions and does not require the construction of any new facilities, the installation of any new structures, or the modification of existing facilities. Therefore, there will be no impact to global climate change under the PA.

Cultural Resources

The Proposed Action does not involve the types of activities that have the potential to affect historic properties pursuant to the regulations at 36 CFR Part 800.3(a)(1). Land use will remain unchanged and no construction or ground disturbing activities will occur under the Proposed Action in the action area.

SUMMARY OF ENVIRONMENTAL IMPACTS

The expected environmental effects of the Proposed Action are described in Chapter 3 of the attached EA. The environmental analysis indicates that the Proposed Action meets the purpose and need described in the EA with negligible effects to the human environment.

ENVIRONMENTAL COMMITMENTS

Reclamation is obligated to ensure fulfillment of any environmental commitments prescribed to mitigate or eliminate impacts resulting from implementation of the Proposed Action.

The following commitments are assumed under the Proposed Action:

- Reclamation will continue to implement all current regulatory actions.
- Water delivery quantities and patterns, Project reservoir storage and operations, surface water elevations, and release patterns will not change under the Proposed Action.
- The water conveyed to Los Lagos will only be utilized for M&I purposes and the quantity will not exceed 100AFY.

RECLAMATION

Managing Water in the West

Environmental Assessment

Temporary Warren Act Contract Between the United States and Placer County Water Agency

Central California Office Folsom, CA

March 2013



**U.S. Department of the Interior
Bureau of Reclamation
Mid Pacific Region
Central California Area Office
Folsom, California**

Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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List of Acronyms and Abbreviations

AFY	Acre Feet per Year
APE	Area of Potential Effect
ASDW	Additional Storage and Delivery of Water
BO	Biological Opinion
CEQ	Council on Environmental Quality
Contract	Five-Year Temporary Warren Act Contract
CSWRCB	California State Water Resources Control Board
CVP	Central Valley Project
EA	Environmental Assessment
EPA	Environmental Protection Agency
Los Lagos	Los Lagos subdivision
ITA	Indian Trust Asset
MFP	Middle Fork Project
M&I	Municipal and Irrigation
National Register	National Register of Historic Places
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
PCWA	Placer County Water Agency
Reclamation	Bureau of Reclamation
WA	Warren Act

Chapter 1 Introduction

In accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, the Bureau of Reclamation (Reclamation) has prepared this Environmental Assessment (EA) to evaluate and disclose any potential environmental impacts associated with the implementation of a Five-Year Temporary Warren Act contract (Contract) with the Placer County Water Agency (PCWA). This proposed Contract between Reclamation and PCWA would be for the conveyance of up to 100 acre feet per year (AFY) of Non- Project water from their Middle Fork Project (MFP) into the Central Valley Project (CVP) Facilities at Folsom Reservoir to be delivered to the Los Lagos subdivision (Los Lagos) in Southeast Placer County through PCWA's intake pump at Folsom Reservoir.

1.1 Background

PCWA was formed in 1957 for the purpose of developing and operating major water facilities in Placer County. PCWA developed the MFP as a multi-purpose project designed to conserve and control waters of the Middle Fork American River, the Rubicon River, and certain tributaries for irrigation, domestic and commercial purposes, and for the generation of electric energy. Principal features include two storage reservoirs: Hell Hole and French Meadows with a combined capacity of 340,000 AF; five power plants, diversion and water transmission facilities, five tunnels, and related facilities. PCWA has direct diversion rights from the North Fork American River and two primary diversions: one near the proposed Auburn Dam site and one in Folsom Reservoir. Flows not diverted or consumptively used from the upper American River tributaries are released as Folsom Reservoir inflow.

PCWA has had no contractual or physical way to convey their MFP water rights water to their Los Lagos customers. PCWA currently delivers Project water under their Project contract (14-06-200-5082A-IR1) through the Folsom Reservoir to meet the water needs of Los Lagos. PCWA seeks to utilize its Non-Project Water from MFP Reservoir under claim of an appropriative right issued by the California State Water Resources Control Board (CSWRCB) under Permits 13856 and 13858. The points of diversion and re-diversion are located at PCWA's American River Pump Station and at Reclamation's Folsom Reservoir.

Warren Act Authority

The Warren Act (36 Stat. 925) of 1911 provides authorization for the Secretary of the Interior to enter into contracts with water purveyors to convey Non-Project water through Federal facilities. Under Section 305 of the States Emergency Drought Relief Act of 1991 (106 Stat. 59), "Excess Storage and Carrying Capacity-Contracts," and Section 3408(c) of the Central Valley Project Improvement Act (106 Stat. 4728), "Contracts for Additional Storage and Delivery of Water (ASDW)", the Secretary is authorized to execute contracts with municipalities, public water districts and agencies, other Federal agencies, State agencies, and private entities pursuant to Warren Act authorities. These contracts provide for the impounding, storage, and conveyance of Non-Project water for domestic, municipal, fish and wildlife, industrial, and other beneficial uses using any facilities associated with the Project, which includes the Folsom Dam and Reservoir.

1.2 Purpose and Need for the Proposed Action

The purpose of the Proposed Action is to enable PCWA to deliver water to Los Lagos through the execution of PCWA's temporary Contract with Reclamation for the conveyance of up to 100 AFY of PCWA's Non-Project water through Folsom Reservoir Project Facilities. This delivery will help meet the existing water supply needs of Los Lagos for the next five years (April 2013-February 28, 2018). Execution of the Proposed Action would allow the mechanism for conveyance of PCWA's Non-Project water to Los Lagos. The existing water supply needs for municipal and industrial (M&I) uses at Los Lagos would not change. This action is for conveyance only, thus, Reclamation has no authority over the delivered water use.

Chapter 2 Alternatives Including the Proposed Action

This EA considers two possible actions: the No Action Alternative and the Proposed Action. The No Action Alternative reflects future conditions without the Proposed Action and serves as a basis of comparison for determining potential effects to the human environment.

2.1 No Action Alternative

Under the No Action Alternative, there would be no contractual mechanism for PCWA to convey their water rights water from the MFP to Los Lagos. PCWA would continue to deliver Project water to meet the water needs of their customers in Los Lagos.

2.2 Proposed Action

The Proposed Action is to implement a Five-Year Temporary WA Contract with PCWA for the conveyance of up to 100 AFY of Non- Project Water to Los Lagos. This temporary Contract would allow PCWA to convey their Non-Project water to the residents of Los Lagos for M&I purposes.

In the event a long-term contract is executed, the proposed Contract, then-in-effect, would be superseded by a long-term contract. The long-term contract would undergo separate analysis to meet NEPA requirements. For purposes of this EA the following requirements are assumed under the Proposed Action:

- A five year period is considered in this analysis;
- There would be no increase in the amount of water delivered to Los Lagos
- All Non-Project Water conveyed and delivered to PCWA would be used for M&I purposes only;
- Reclamation would continue to comply with commitments made or requirements imposed by applicable environmental documents, such as existing biological opinions (BOs) including any obligations imposed on Reclamation resulting from re-consultations.
- Reclamation would implement its obligations resulting from Court Orders issued in actions challenging applicable BOs that take effect during the temporary contract.

Chapter 3 Affected Environment and Environmental Consequences

This section identifies the potentially affected environment and the environmental consequences involved with the Proposed Action and the No Action Alternative, in addition to environmental trends and conditions that currently exist. PCWA is one of seven water purveyors within the American River Division of the Project. Figure 1 identifies Los Lagos boundaries.

This EA does not analyze resources for which it would be reasonable to assume that no impacts occur. Specifically, potential effects to: air quality, soils, wildlife, visual resources, transportation, noise, hazards and hazardous materials, public services, utilities, surface water, ground water, land use, socioeconomic resources, recreation are not analyzed because they were not identified as significant issues during scoping and it would not be reasonable to assume that a 5 year temporary contract for 100AFY of Non-Project water conveyance could result in impacts to these resources or services.

In addition to the resources stated above, Reclamation considered and determined that the Proposed Action would not impact the following:

- **Indian Trust Assets:** There are no known ITA or treaty rights exercised by tribes, nor are there any reservations or trust lands located within or adjacent to the Proposed Action area. The closest ITA is Auburn Rancheria approximately 11 miles northwest of the proposed action area. The proposed action does not have a potential to affect ITA.
- **Indian Sacred Sites:** No Indian sacred sites have been identified within or adjacent to the footprint of the Proposed Action
- **Environmental Justice:** Environmental Justice issues in the American River Division under the Proposed Action would be identical to conditions under the No Action Alternative.
- **Global Climate Change:** The Proposed Action is a continuation of existing conditions and does not require the construction of any new facilities, the installation of any new structures, or the modification of existing facilities. Therefore, there would be no impact to global climate change under the Proposed Action.
- **Cultural Resources:** By implementing the Proposed Action, all water will be delivered within existing water service area boundaries utilizing existing water conveyance. The Proposed Action would have no significant impacts on cultural or historical properties listed, or eligible for listing, on the National Register of Historic Places because no land use changes or new development are included or will result from the execution of the Contract.

This EA considers the potential effects of the Contract on the resources listed below. This section describes the potential environmental consequences (i.e., potential impacts) for the proposed action and the no action alternative.

The analysis period for this EA is for a five year period (April 2013 – February 28, 2018). The five year duration allows the Contract to expire at the end of February, consistent with Reclamation's water year.

3.1 Water Supply and Hydrology

3.1.1 No Action

Implementation of the No Action alternative would result in the continued absence of a Warren Act contract for PCWA to convey Non-Project water from MFP to Los Lagos. PCWA would continue to convey Project water to meet the M&I water needs of their customers in Los Lagos. There would be no change or impact to the water supply or hydrology under the No Action Alternative.

3.1.2 Proposed Action

Implementation of the Proposed Action would allow PCWA to convey their Non-Project water from the MFP reservoirs to Los Lagos. PCWA currently delivers up to 100 AFY of Project water to Los Lagos through the Folsom Reservoir and associated facilities under their existing Project contract (14-06-200-5082A-IR1). This Contract would not change current hydrology of the water sources included in the Proposed Action as Project water has historically been PCWA's identified source for Los Lagos. The water supply would continue to come from the same source, MFP, and be delivered to the Folsom Reservoir. There would be no impacts on current water supply availability at Folsom Reservoir under the Proposed Action, as this is a continuous action.

The source of the PCWA's Non-Project water supply shall be water released from PCWA's MFP reservoirs under claim of an appropriative right issued by CSWRCB under Permits 13856 and 13858. The points of diversion and re-diversion are located at PCWA's American River Pump Station and at Reclamation's Folsom Reservoir. PCWA has the ability to store, release and re-divert water from its Hell Hole and French Meadows Reservoirs of up to 120,000 AFY. However, this analysis is identifying only the conveyance of up to 100 AFY of Non-Project water from Folsom Reservoir to Los Lagos.

3.2 Biological Resources

3.2.1 No Action

Implementation of the No Action alternative would result in the continued absence of a Warren Act contract for PCWA to convey their Non-Project water from the MFP to Los Lagos. PCWA would continue to deliver Project water to meet the M&I water needs of their customers in Los Lagos. There would be no change or impact to biological resources under the No Action Alternative.

3.2.2 Proposed Action

Biological resources under the proposed action would be identical to the No Action Alternative. The Contract would allow for the delivery of the same quantity of water from the same source to the same location for the same M&I uses that are currently occurring under the Project contract. Water deliveries would be made through the existing Project facilities. The Proposed Action does not require the construction of new facilities, installation of new features, or the modification of existing facilities. The water would be delivered for beneficial M&I uses within Los Lagos, within PCWA's water service area. Implementation of the Proposed Action would not change or impact biological resources within the action area. Reclamation is currently operating the overall Project facilities to meet all regulatory requirements, downstream water needs, and environmental requirements and would continue to do so.

3.3 Aquatic Resources

3.3.1 No Action

Implementation of the No Action alternative would result in the continued absence of a Warren Act contract for PCWA to convey Non-Project water from the MFP to Los Lagos. PCWA would continue to deliver Project water to meet the M&I water needs of their customers in Los Lagos. There would be no change or impact to aquatic resources under the No Action Alternative.

3.3.1 Proposed Action

Implementation of the Proposed Action would not change or impact aquatic resources within the action area. Aquatic resources under the proposed action would be identical to the No Action Alternative. The Contract would allow the delivery of the same quantity of water from the same source to the same location for the same M&I uses that are currently occurring under the Project contract. Water deliveries would be made through the existing Project facilities. The Proposed Action does not require the construction of new facilities, installation of new features, or the modification of existing facilities. The water would be provided for beneficial M&I uses within Los Lagos within PCWA's water service area. Reclamation is currently operating the overall Project system to meet all regulatory requirements, downstream water needs, and environmental requirements. Under the Proposed Action, Reclamation would continue to implement all current regulatory actions. The proposed action would not alter operation of Project facilities, water storage or release patterns from Project facilities.

3.4 Facility Operations

3.4.1 No Action

Implementation of the No Action alternative would result in the continued absence of a Warren Act contract for PCWA to convey their Non-Project water from the MFP to Los Lagos. PCWA would continue to deliver Non-Project water to meet the M&I water needs of their customers in Los Lagos. There would be no change or impact to facility operations under the No Action Alternative.

3.4.2 Proposed Action

Execution of the Contract would not increase the volume of water delivery to Los Lagos or change the point of intake therefore; the Proposed Action would have no effect on the volume of the cold-water pool or Folsom Reservoir operations. Reclamation is currently operating the overall Project system to meet all regulatory requirements, downstream water needs, and environmental requirements. Under the Proposed Action, Reclamation would continue to implement all current regulatory actions. The proposed action would not alter operations of Project facilities, water storage or release patterns from Project facilities.

3.5 Cumulative Impacts

According to the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA, a cumulative impact is defined as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions”. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

The Proposed Action would not result in cumulative adverse impacts to environmental resources when considered in combination with other past, present, and reasonably foreseeable future actions. The Proposed Action would not change long-term CVP contract amounts or deliveries from within the historical ranges since the Proposed Action would be identical to existing conditions.

Chapter 4 Consultation and Coordination

This EA has been prepared in accordance with the requirements of NEPA. Reclamation is also complying with other applicable laws including the Migratory Bird Treaty Act (16 U.S.C. § 703 et seq.), Clean Water Act of 1977 (33 U.S.C. § 1251 et seq.), Clean Air Act of 1970 (42 U.S.C. § 7506 (C)), Endangered Species Act (16 U.S.C. § 1531 et seq.), Fish and Wildlife Coordination Act (16 U.S.C. § 661 et seq.), National Historic Preservation Act of 1966 (16 U.S.C. § 470 et seq.), Executive Order 11988-Floodplain Management, Executive Order 11990-Protection of Wetlands, and Executive Order 12898-Environmental Justice.

Chapter 5 References

California Air Resources Board. 2011. California Air Basins. Website:
<http://www.arb.ca.gov/knowzone/basin/basin.htm>

Environmental Protection Agency (EPA). 2011b: Website – Climate Change, Science.
<http://www.epa.gov/climatechange/science/index.html>

U.S. Fish and Wildlife Service (USFWS). 2011. Species List

APPENDIX

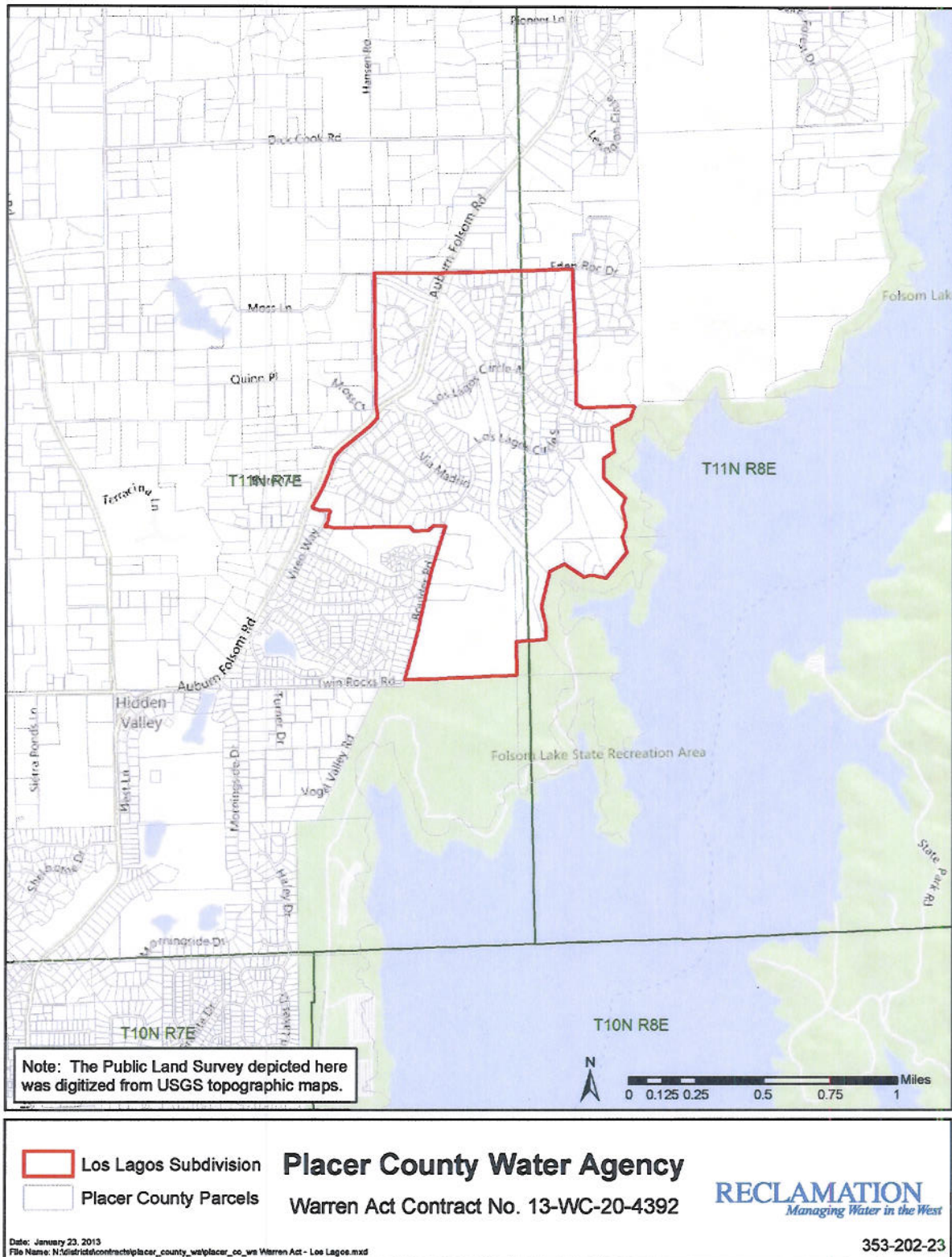


Figure 1