

RECLAMATION

Managing Water in the West

Finding of No Significant Impact

2013 Water Transfers

FONSI 13-05-MP

Recommended by:



Date:

6-20-2013

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Mid-Pacific Regional Office

Concurred by:



Date:

6-21-2013

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Date:

June 21, 2013

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U.S. Department of the Interior
Bureau of Reclamation
Mid Pacific Region

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Background

In accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), as amended, the Bureau of Reclamation (Reclamation) has prepared an Environmental Assessment (EA) for approving water transfers to areas south of the Sacramento-San Joaquin Delta (Delta) experiencing water shortages in 2013. The EA is dated May, 2013 and is attached and incorporated by reference.

To help facilitate the transfer of water to areas south of the Delta experiencing water shortages in 2013, Reclamation and the Department of Water Resources (DWR) are considering whether they can approve and facilitate individual water transfers between willing sellers and buyers. Reclamation has approval authority over water transfers that involve Central Valley Project (CVP or Project) Water and Base Supply water, or the use of CVP facilities. Reclamation would approve each transfer on an individual basis, but this document refers to them collectively as the 2013 Water Transfers. Transfers would occur from willing sellers upstream from the Delta to buyers that export water from the Delta. The transfer water would be conveyed, using CVP or State Water Project (SWP) facilities, to water users that are experiencing water shortages in 2013 and that require supplemental water supplies to meet anticipated demands. Reclamation would review and approve, as appropriate, proposed water transfers in accordance with the Draft Technical Information for Water Transfers in 2013 (Reclamation and DWR 2013), state law and/or the Interim Guidelines for the Implementation of Water Transfers under the Central Valley Project Improvement Act (CVPIA).

Alternatives Including Proposed Action

No Action Alternative

Under the No Action Alternative, Reclamation would not approve the proposed transfer of Base Supply and/or Project Water from willing Sacramento River Settlement Contract (SRS Contract) sellers north of the Delta to users south of the Delta in 2013. However, other transfers that do not involve the CVP or CVP contractors may occur under the No Action Alternative. Additionally, Base Supply and/or Project Water transfers within basins would continue to occur and would still require Reclamation's approval. Some CVP contractors that are not included in this EA may decide they are interested in selling water to buyers south of the Delta at a later time, however additional NEPA analysis would be required before those transfers could proceed.

Under the No Action Alternative, some agricultural and urban water users will face shortages in the absence of water transfers. These users may take alternative water supply actions in response to shortages, including increased groundwater pumping, cropland idling, reduction of landscape irrigation, or water rationing. These subsequent actions do not require Reclamation approval and are outside the scope of this EA analysis.

Proposed Action

The Proposed Action includes groundwater substitution transfers in 2013 that require Reclamation approval. The Proposed Action includes potential transfers of Base Supply and/or Project Water from eight entities with Sacramento River Settlement Contracts located north of the Delta. Reclamation would evaluate each proposal individually, as it is received, to determine if it meets state law and/or CVPIA requirements. Reclamation has followed this process in past years when approving transfers (such as in 2009 for the Drought Water Bank).

The Proposed Action would make water available to buyers from willing sellers upstream from the Delta during 2013. A total of up to 37,715 acre feet of water could be made available for transfer through groundwater substitution. Reclamation would limit the total amount of water approved for transfer under this action to a maximum of 37,715 acre feet. Existing CVP and SWP facilities could be used to convey transfer water to entities that require supplemental water supplies to meet anticipated demands. Water transfers that must move through the Delta would be assumed to lose an estimated 20-30 percent of the water obtained from the Sacramento River and its tributaries to carriage losses (water required to meet water quality and flow related objectives) in the Delta. Additional losses may be assessed for conveyance losses along the California Aqueduct and the Delta Mendota Canal.

Water transfers involving conveyance through the Delta would take place within the operational parameters of the Biological Opinions on the Continued Long-term Operations of the CVP/SWP (Opinions) (National Marine Fisheries Service 2009; U.S. Fish and Wildlife Service 2008) and any other operating rules in place at the time the water transfers are implemented. The key current operational parameter applicable to conveyance of transfer water includes:

- Transfer water will be conveyed through the SWP's Harvey O. Banks Pumping Plant (Banks PP) and CVP's C.W. "Bill" Jones Pumping Plant (Jones PP) during the July through September period only.

DWR and Reclamation will determine availability of Delta pumping capacity at the Banks PP and Jones PP, respectively, throughout the transfer period.

Comments on the EA

Comment letters were received from AquaAlliance, California Department of Fish and Wildlife (CDFW), Butte County Water and Resource Conservation, City of Chico – Office of the Mayor, Valley Water Protection Association, Sacramento River Preservation Trust, Tony St. Amant, and Jill Brunak, hereinafter referenced as Commenters. Each of these letters presented similar comments regarding analysis in the EA, or stated certain opinions regarding California Water Policy and the use of water in California. Reclamation considered every comment in approving these transfers; below is a discussion of the substantive issues raised regarding the analysis and how it was used in Reclamation's decision. Reclamation's decision is the approval or disapproval of the proposed transfer of Base Supply or Project water, and issues regarding the appropriateness of transfers as a long-term water supply strategy for California, or denying certain legal users of water access to transferred water are not addressed. There

were also comments regarding DWR's responsibility pursuant to CEQA, however, Reclamation actions are not subject to CEQA, and Reclamation is not addressing these comments.

Scope of the Action

The action being analyzed in the EA is Reclamation's approval to transfer 37,715 acre feet of Base Supply or Project water from eight Sacramento River Settlement contractors north of the Delta to members of the San Luis and Delta-Mendota Water Authority south of the Delta. This amount is now reflected in the EA correcting an accounting error of 210 acre feet of additional water being transferred from Anderson-Cottonwood Irrigation District. Commenters equated the action to prior year transfers, several planning efforts, future decisions that have yet to be analyzed, and implied that Reclamation would be responsible for approving a quantity of water to be transferred far in excess of this. To be clear, Reclamation is only approving the action described in the EA consistent with its authority to either approve or disapprove the transfers (pages 9-11). If additional transfers were proposed, Reclamation would be required to consider the impacts of the transfers through additional environmental documentation.

Commenters suggest that Reclamation is required to prepare an EIS for several reasons, including the fact that Reclamation is in a position to approve temporary transfers on a yearly basis. Commenters suggest that this constitutes a long-term program that must be analyzed in an EIS prior to any additional transfers being approved. Commenters also suggest that Reclamation understands this because we have begun preparation of a long-term EIS. To be clear, Reclamation's efforts to prepare a long-term EIS are to streamline the process for approving yearly temporary transfers as they are proposed. Reclamation does not dictate which contractors would offer water for transfer in any given year, nor do we require contractors South of the Delta to purchase water. Each year transfers may occur pursuant to California Water Code, consistent with CVPIA, and Reclamation's decision is focused on ensuring that the requirements of CVPIA are met, including that proper monitoring and any associated mitigation for possible effects are considered. It is entirely appropriate to assess impacts of the decision before us in an EA, and to prepare a FONSI if approving the action does not constitute a significant impact on the environment. Because Reclamation has yet to complete the long-term EIS, we have prepared an EA to assess the impacts from approving proposed transfers of up to 37,715 acre feet of water being made available through groundwater substitution. Commenters have provided several citations regarding crop idling transfers; however, as explained in the EA, water being made available for transfer this year is through groundwater substitution, not through crop idling.

Requirements of an EA

Commenters cited several sections of both NEPA (42 USC 4321-4347) and CEQ Regulations for Implementing NEPA (40 CFR 1500-1508) as evidence that the EA did not provide sufficient information for the decision maker to make a Finding of No Significant Impact (FONSI). These citations included definitions contained in 40 CFR 1508.27 regarding how significance is determined. Reclamation has carefully considered all of the items within §1508.27, and while Commenters have provided the citation, they have not provided any additional information demonstrating that the project is significant based on

§1508.27. Commenters also cited sections of 40 CFR 1502 that pertain specifically to contents of an EIS; however, EAs are not subject to the same level of analysis as an EIS. Requirements for an EA are described in §1508.9, and are as follows:

"Environmental assessment":

- (a) Means a concise public document for which a Federal agency is responsible that serves to:
 - 1. Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.
 - 2. Aid an agency's compliance with the Act when no environmental impact statement is necessary.
 - 3. Facilitate preparation of a statement when one is necessary.
- (b) Shall include brief discussions of the need for the proposal, of alternatives as required by section 102(2)(E), of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.

Reclamation's EA fully complies with §1508.9. Commenters suggested that additional alternatives should have been discussed, including retirement of agricultural lands, regional self-sufficiency, additional agricultural water conservation, prioritization of transfer proposals, and several other alternatives related to California's and water users' responses to dry-year conditions. Reclamation's action is the approval or disapproval of the proposed transfers, and none of the Commenters suggested alternatives address this action. Commenters suggested that Reclamation should have elaborated on the purpose of the project; however, elaboration would not have further elucidated Reclamation's action, nor is it required as part of an EA.

In several instances Commenters cite Reclamation's description of what impacts could accrue to the environment from implementing water transfers, but then fail to recognize the remaining discussion regarding how potential impacts would be addressed to assure they do not occur. Commenters also imply that there is somehow unique or unknown risks associated with implementing water transfers, that water transfers are highly controversial, and that approval of temporary transfers would set a precedent for future action. Water transfers have been a part of California water management for several decades, and have been an important part of water management by Reclamation since the CVPIA was enacted in 1992. These actions are not highly controversial, are consistent with state and federal law, and their continuing use by the CVP for the past 21 years without significant impact hardly constitutes precedent setting action.

Groundwater Analysis

AquAlliance raised the issue of how determinations were made regarding short and long-term impacts to groundwater. This concern was also raised in 6 of the other 7 comment letters; below is further explanation of the information relied on for assessing impacts to groundwater.

Water Code §1745.10 provides that groundwater substitution transfers may not occur unless (a) they are consistent with a legally-adopted groundwater management plan; or (b) if no groundwater management plan has been adopted, the water supplier proposing a transfer has determined that the transfer will not

cause or contribute to long-term overdraft of the basin. Reclamation requires that proposed transfers meet these requirements, and we have carefully analyzed historic well data and determined that while groundwater elevations have fluctuated seasonally each year, groundwater elevations have remained relatively stable in basins from which transfers have occurred. Please see the attached well hydrographs representing the past twelve years of groundwater level data from the basins that are involved in these proposed transfers as evidence of these fluctuations and general recovery. In addition to Reclamation's requirements, districts that are required to comply with local groundwater management plans or ordinances have demonstrated their compliance to the satisfaction of the groundwater management entity.

Reclamation also requires each entity proposing to transfer water to comply with a monitoring program to determine: (1) the extent of surface water-groundwater interaction in the areas where the groundwater is pumped for the transfer, (2) the direct effects of transfer pumping on the groundwater basin, and (3) the magnitude and potential significance of any effects on other legal users of water. Reclamation also reviews information and data for each well that is proposed as a source of substitute water to ensure that there would be no significant impacts to fish and wildlife. Wells that are anticipated to have significant impacts to the environment are not approved for use as a source of substitute water for transfers. If, in the unlikely event a well is approved and later is shown to have impacts, transfer entities are required to mitigate impacts to other legal users of water, or the local environment and economy. Impacts that must be mitigated would include any contribution to long-term overdraft conditions, a reduction in water levels in non-participating wells, a change in the hydrologic regime of streams such that the ecological health of the stream is impaired, land subsidence, and degradation of groundwater quality. These requirements ensure any potential impacts are adequately addressed. As indicated by the attached graphs representing groundwater conditions in several basins underlying the proposed transfer areas, these conditions have been effective in the past for ensuring that no significant impacts occur, and that groundwater levels rebound to former levels.

Fish and Wildlife

Reclamation appreciates CDFW's offer to review all proposals received as part of the 2013 Water Transfer program; however, it is Reclamation's responsibility to consider potential impacts to federally-listed fish and wildlife species, and critical habitat, resulting from the proposed federal action. As such, Reclamation coordinates its efforts with the NMFS, USFWS, and the CDFW. On several occasions Reclamation, along with DWR, has met with CDFW to discuss impacts to the Giant Garter Snake, and other fish and wildlife species as a result of facilitating transfers. As CDFW knows, the twelve percent depletion factor was agreed to by legal entities that hold rights to water as a way to mitigate impacts that may accrue to stream flow as a consequence of groundwater substitution transfers; this mitigation was not developed to specifically address any potential impacts to fish and wildlife. As a matter of hydrology, these transfers reflect water that would have been diverted upstream of the Delta, and leaving this water in the Sacramento River to the Delta would augment flows and benefit species that depend on flow. For the period from July 1 through September 30, CDFW proposed a Sacramento River base flow criteria of 6,000 cubic feet per second (cfs) to benefit smolt outmigration. (Closing Comments: Numerical Flow Criteria Necessary to Protect Delta Public Trust Resources: California Department of Fish and Game, April 2010, p. 8.) The proposed temporary changes would add to this base flow during the July 1 through

September 30 time period. In addition, because groundwater would be used to continue agricultural operations, drainage would continue unchanged and wetlands and other minor stream courses would be unaffected. CDFW did not provide any additional information indicating that any fish or wildlife impacts would occur as part of the proposed transfers.

In related review processes, and as part of the SWRCB process, CDFW was provided a copy of the temporary change petitions filed with the SWRCB, and did not raise any issue with the proposed transfers to the SWRCB. CDFW also had an opportunity to comment on the proposed transfers by Anderson-Cottonwood Irrigation District (ACID) and Glenn-Colusa Irrigation District as part of the CEQA process, and only provided comments on the ACID initial study and proposed negative declaration. CDFW's comments on the initial study were similar to those provided on this EA, and though they indicated that transfers would need to comply with federal ESA requirements, they have not identified any impact to fish and wildlife associated with the ACID water transfer. In summary, CDFW did not provide any additional information during coordination meetings or through the review process regarding impacts that have not already been considered in the environmental review process. Reclamation has determined that there will be no effect to fish and wildlife from approval of these transfers.

Findings

In accordance with NEPA, the Mid-Pacific Regional Office of Reclamation has found that the approval of proposed water transfers in 2013 is not a major federal action that would significantly affect the quality of the human environment. Consequently, an Environmental Impact Statement is not required. This determination is supported by the following factors:

- 1. Water Resources:** Acquisition of water via groundwater substitution would change the rate and timing of flows in the Sacramento. Under the Proposed Action, Reclamation will continue to meet flow and temperature requirements, including Water Right Orders 90-5 and 91-1 temperature control planning requirements for the Sacramento River, which would minimize the effect of such changes in the rate and timing of river flows. Although there would be a change in timing and rate of river flows, the annual supply of water to Project or non-Project users that are not participating in transfers would not decrease.

Water transfers would be conveyed through existing facilities. Water transfers involving conveyance through the Delta will be implemented within the operational parameters of the Biological Opinions on the Continued Long-term Operations of the CVP/SWP and any other regulatory restrictions in place at the time of implementation of the water transfers. Under the Proposed Action, additional water supply would benefit water users who receive the transferred water. The Proposed Action would not adversely affect surface water resources.

- 2. Groundwater Resources:** Groundwater substitution transfers could affect groundwater hydrology. The potential effects would be decline in groundwater levels, interaction with surface water, land subsidence, and water quality impacts.

Well reviews and monitoring and mitigation plans will be implemented under the Proposed Action to minimize potential effects to groundwater resources. All plans will be coordinated and implemented in conjunction with local ordinances, basin management objectives, and all other applicable regulations. Required information is detailed in the Draft Technical Information Papers for Water Transfers in 2013 for groundwater substitution transfers.

The reviews and plans will be required from sellers for review by Reclamation during the transfer approval process. Reclamation will not approve transfers without adequate mitigation and monitoring plans. Therefore, the Proposed Action will not have a significant adverse impact on groundwater resources.

3. **Air Quality:** The estimated emissions for the Proposed Action would not violate any annual or daily federal, state, and local threshold for particulate matter (PM), ozone (O₃), and carbon monoxide (CO). The Proposed Action will not result in significant impacts to air quality.
4. **Biological Resources:** The conveyance of surface water down the Sacramento River and through the Delta system would not result in additional adverse effects to listed aquatic species or critical habitat, or increase the incidental take authorized, beyond what was already evaluated in the 2008 U.S. Fish and Wildlife Service and 2009 National Marine Fisheries Service biological opinions on the Continued Long-term Operations of the CVP/SWP.

The Proposed Action involves the transfers of up to 37,715 acre feet of water that would be used mostly by agricultural districts. The transferred water is meant to supplement, for 2013, water that the potential buyers are currently short, due to dry hydrological conditions limiting their CVP contractual amounts to currently 20 percent for south of Delta CVP contractors. The Proposed Action is temporary and would only provide supplemental surface water to existing agriculture that would result in no land conversion. No native lands, or those that have been untilled for three or more years would receive water under these transfers. When added to each buyer's CVP diversion for 2013, the supplemental water from the Proposed Action would not exceed each of the buyers' respective CVP maximum contract quantity. Similar to the discussion above for listed aquatic species, the Proposed Action would not result in additional adverse effects to listed terrestrial species or critical habitat, beyond what was already evaluated in formal and informal consultations with the U.S. Fish and Wildlife Service and National Marine Fisheries Service for the buyers' respective CVP interim renewal contracts or long-term contracts. Reclamation has determined that there will be no effect to giant garter snake from approval of these transfers.

5. **Cultural Resources:** The Proposed Action would allow for water transfers via groundwater substitution that originate in the Sacramento Valley and are conveyed through the Delta through existing facilities. No new construction, ground disturbing activities, or changes in land use would occur. Since the Proposed Action has no potential to affect historic properties, no cultural resources would be impacted as a result of the Proposed Action.
6. **Indian Trust Assets:** The Proposed Action does not have a potential to affect Indian Trust Assets.

- 7. Environmental Justice:** No significant changes in agricultural communities or practices would result from the Proposed Action. The groundwater substitution transfers in the Proposed Action would not cause any farm labor changes in the Sacramento Valley since no agricultural land would be taken out of production. Water transfers under the Proposed Action would provide water to agricultural users in the San Joaquin Valley. Increased water supply in agricultural areas would allow farmers to increase irrigation. Increased irrigation could increase farm employment as farmers produce more crops. This would be a beneficial effect to environmental justice populations. Accordingly, the Proposed Action would not have any significant or disproportionately negative impacts on low-income or minority individuals within the project area.
- 8. Cumulative Impacts:** The cumulative impacts analysis considers other potential water transfers that could occur in the 2013 transfer season, including non-CVP water transfers and other existing water transfer and groundwater programs, including the Lower Yuba River Accord. Given the short-term nature of the Proposed Action, environmental commitments and minimization measures, impacts to the previously discussed resource categories associated with the Proposed Action will not contribute to a cumulatively significant adverse impact when added to other past, present, and reasonably foreseeable future actions. The Proposed Action would not adversely affect the human environment and therefore would not contribute to any long-term effects on environmental resources. The Proposed Action will not result in cumulative impacts to any of the resources previously described.

Directions for Obtaining Groundwater Level Data

Manually look up data in DWR's CASGEM website

[CASGEM](#) (setup login if not previously done)

Public View

Well Information

State Well Number: 14N01E24Q001M

Well Details: View

View Hydrograph

Manually look up data in DWR's Water Data Library

[DWR Water Data Library](#)

Township: 14 North

Range: 01 East

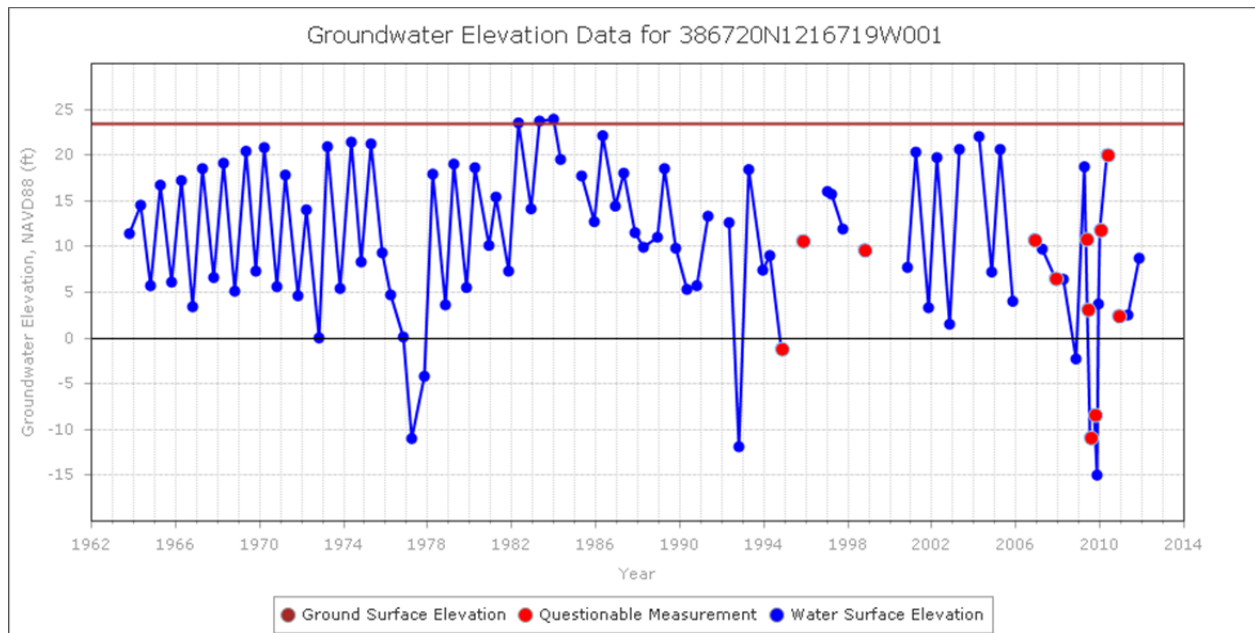
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Sections: 24

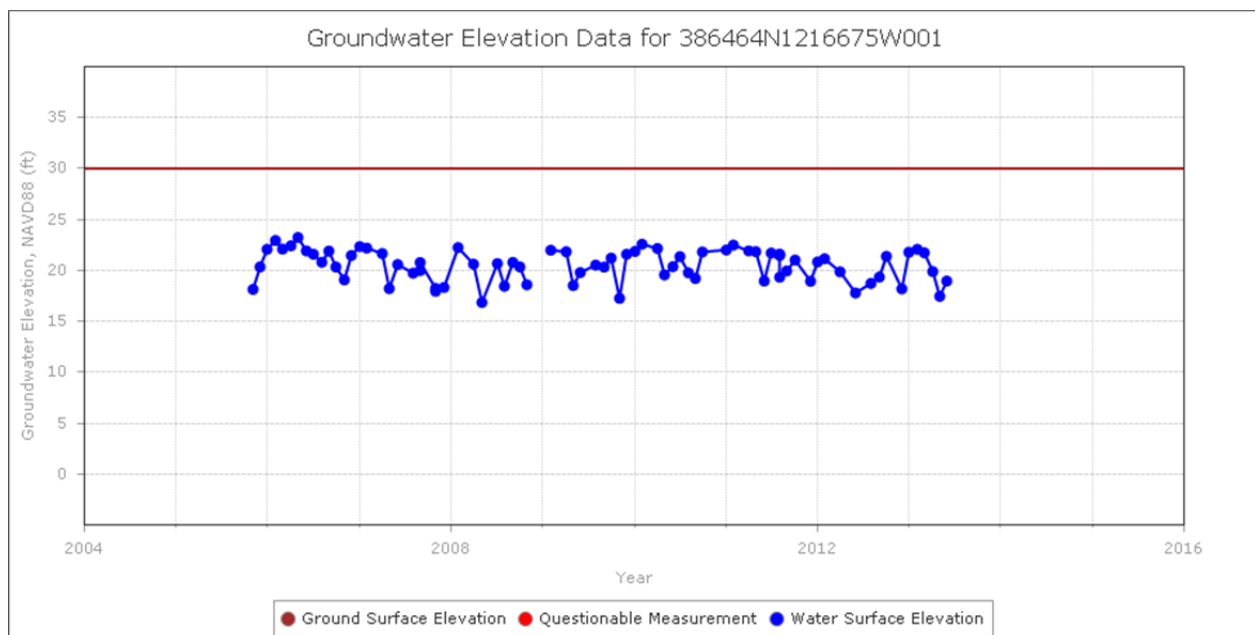
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Conaway Preservation Group

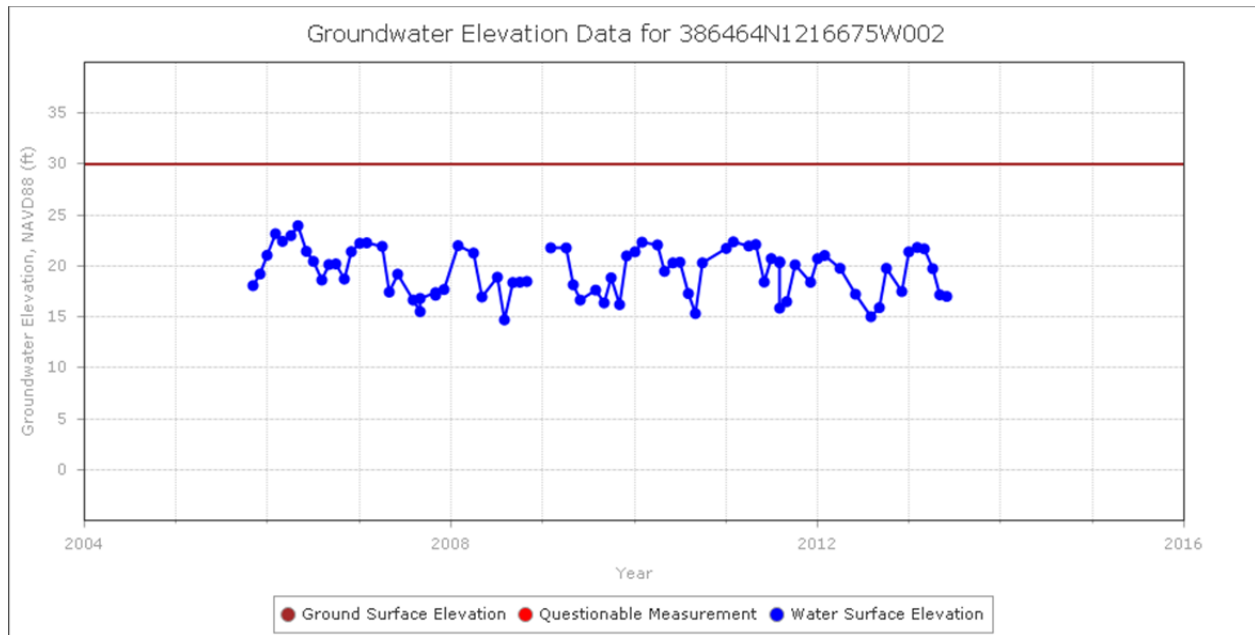
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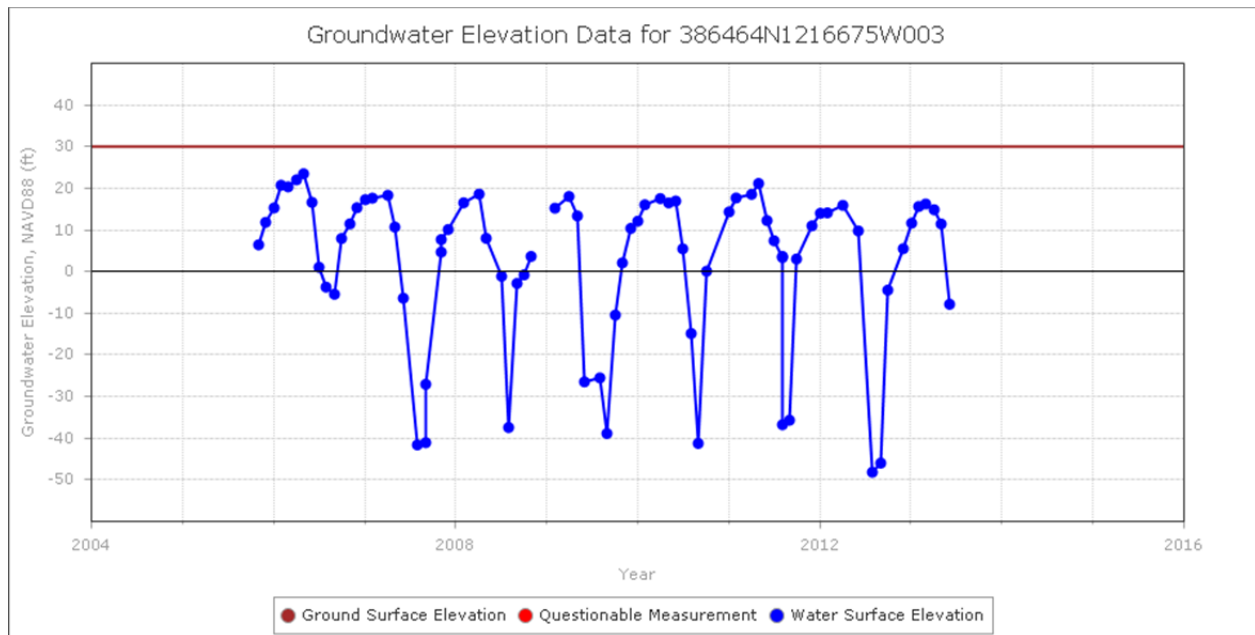
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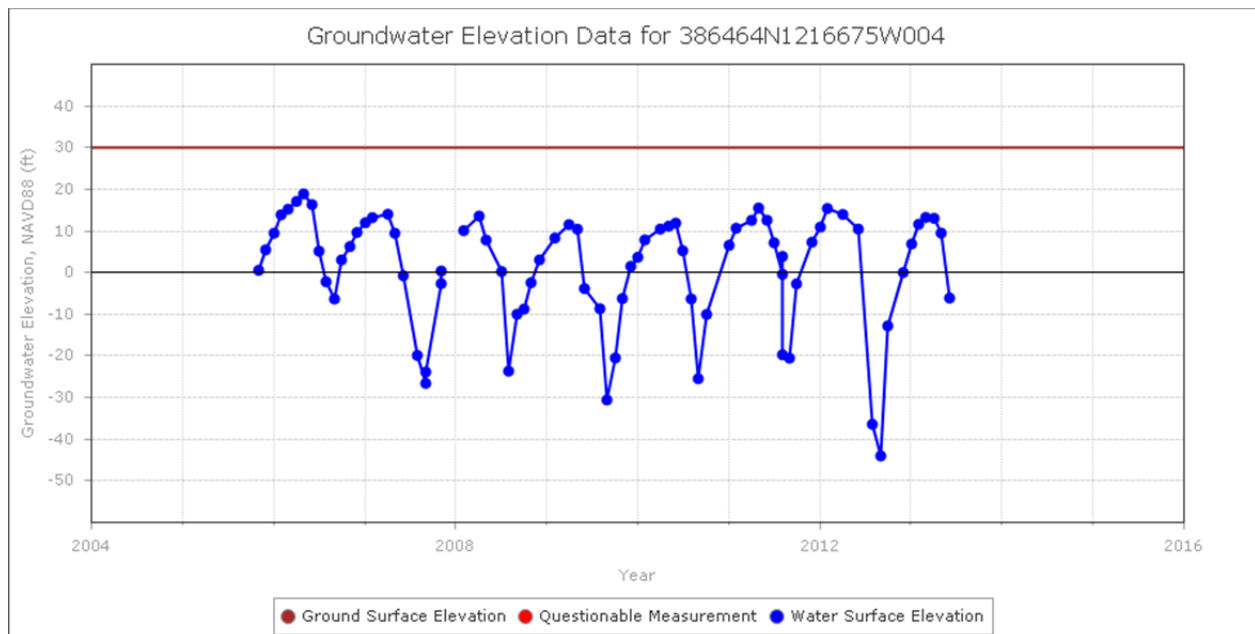
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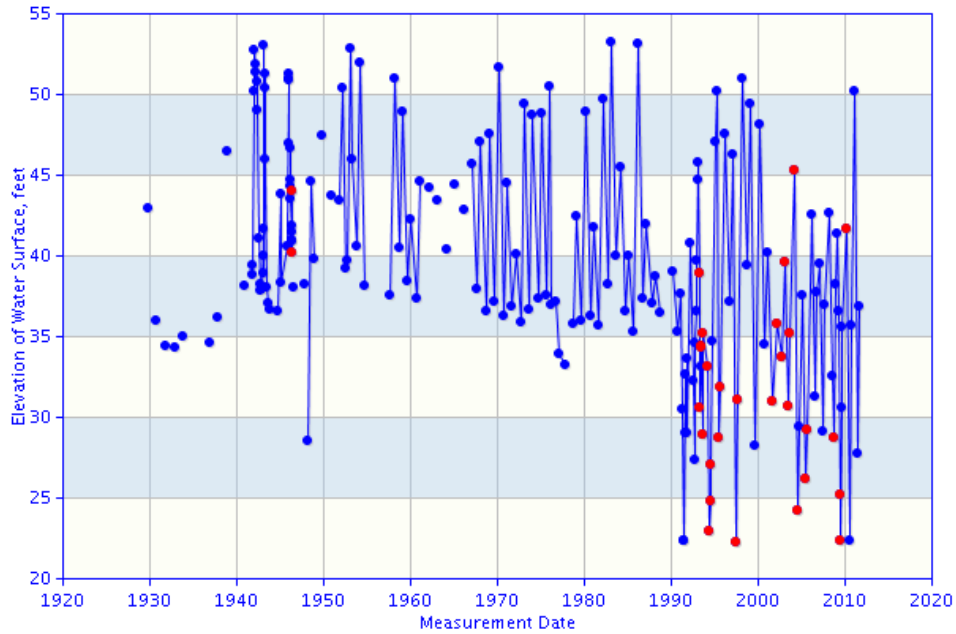
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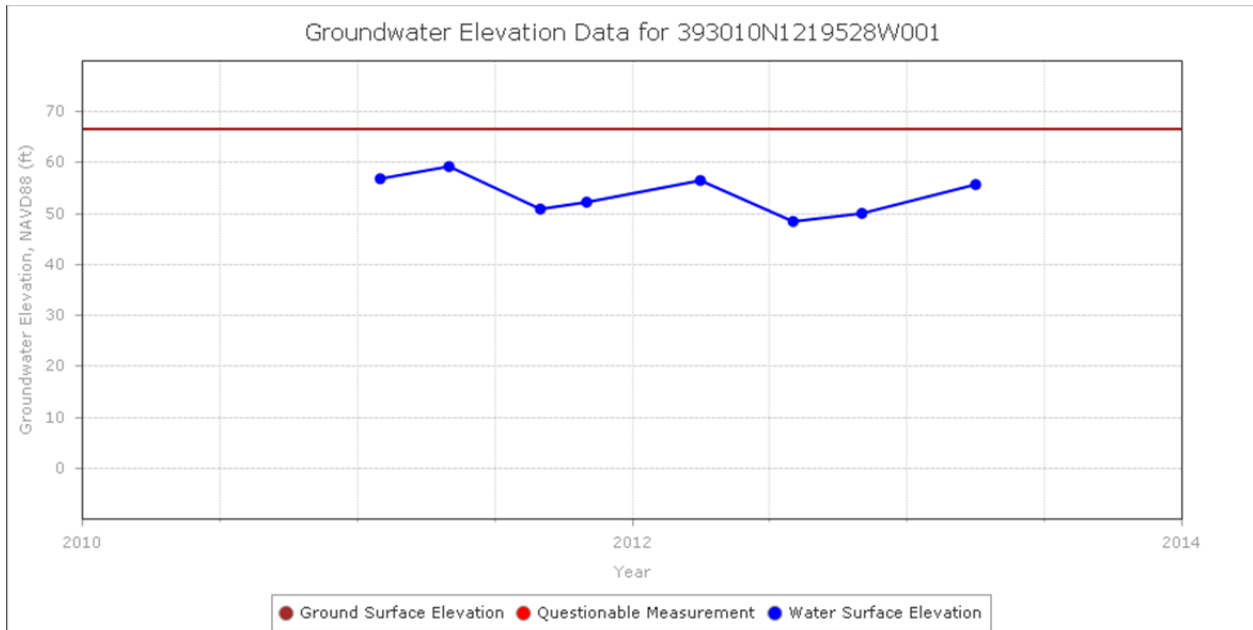
Eastside Mutual Water Company

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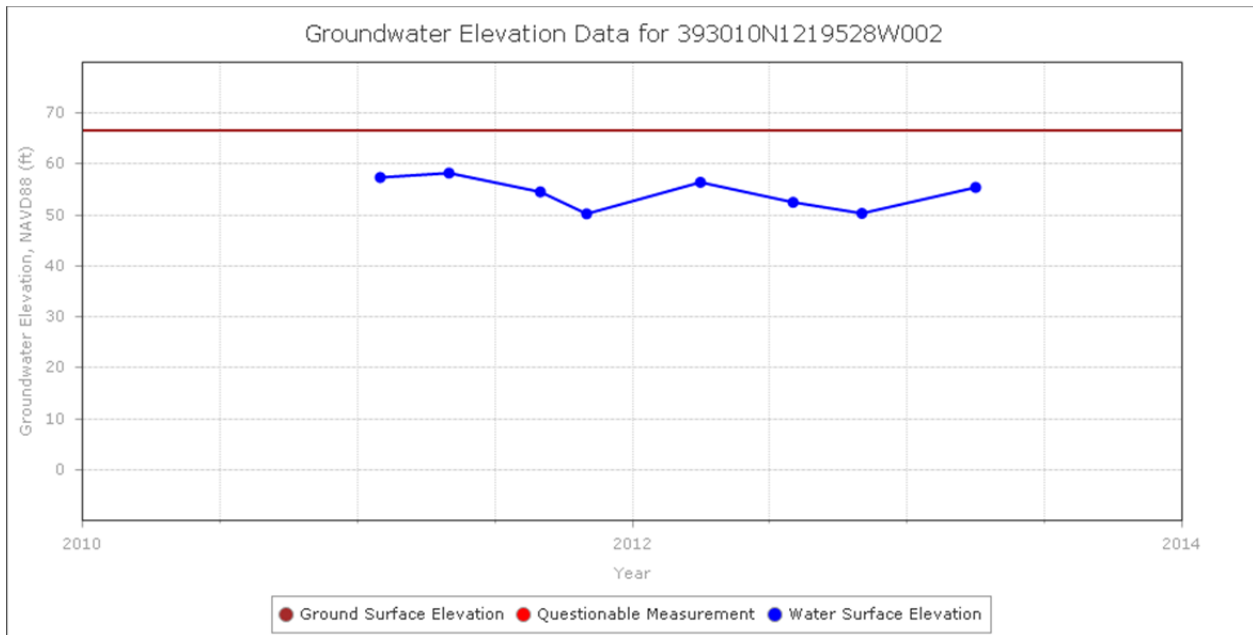
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Range: 01 West
Baseline: Mt. Diablo
Section: 20



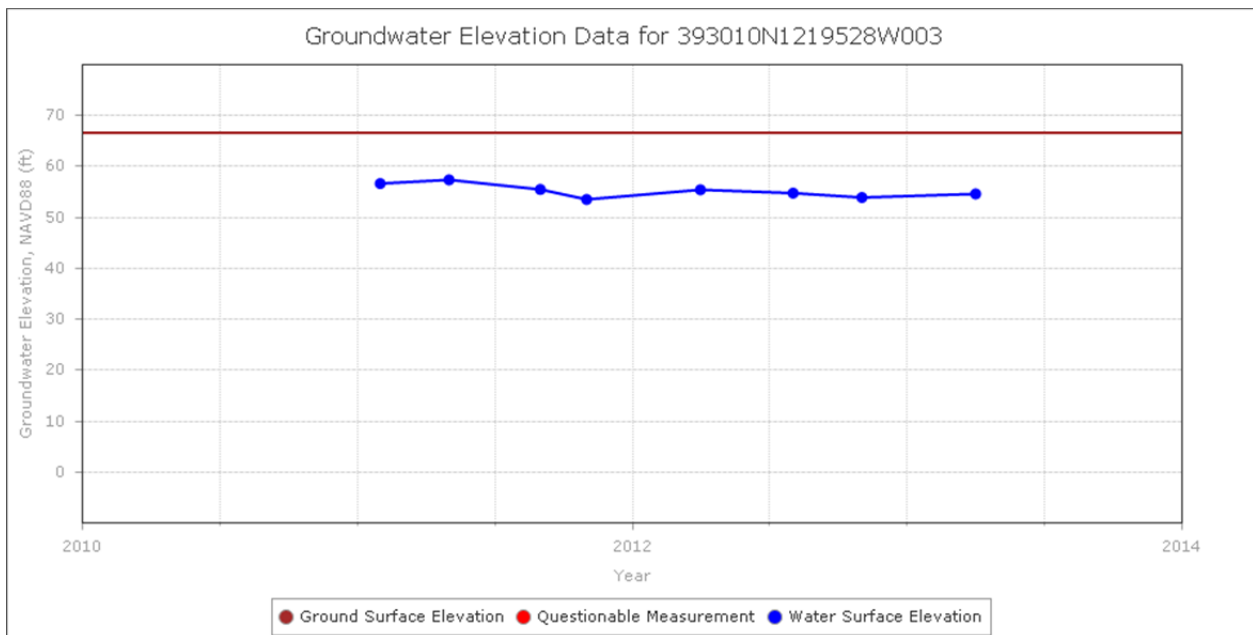
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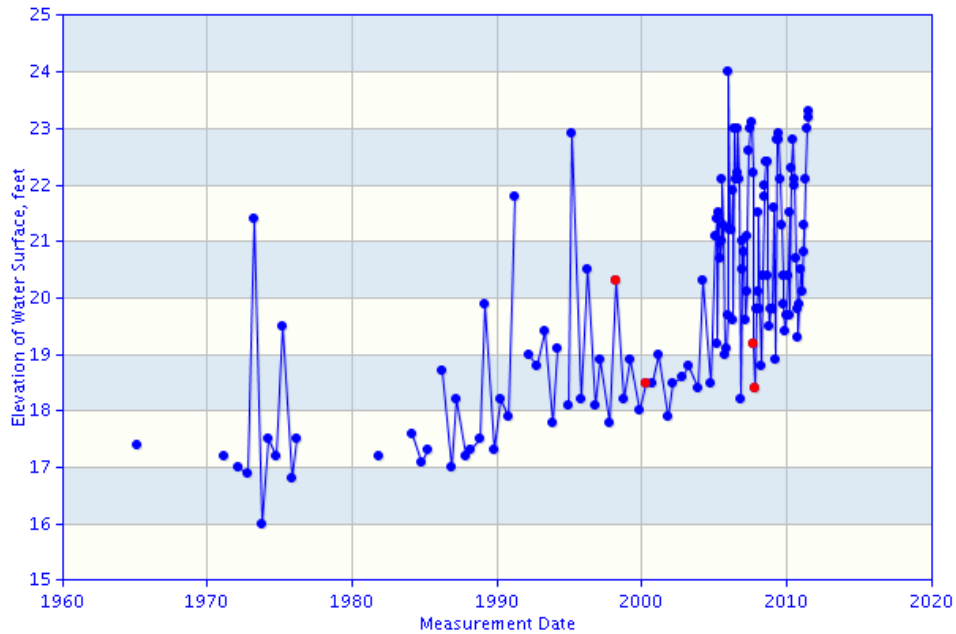
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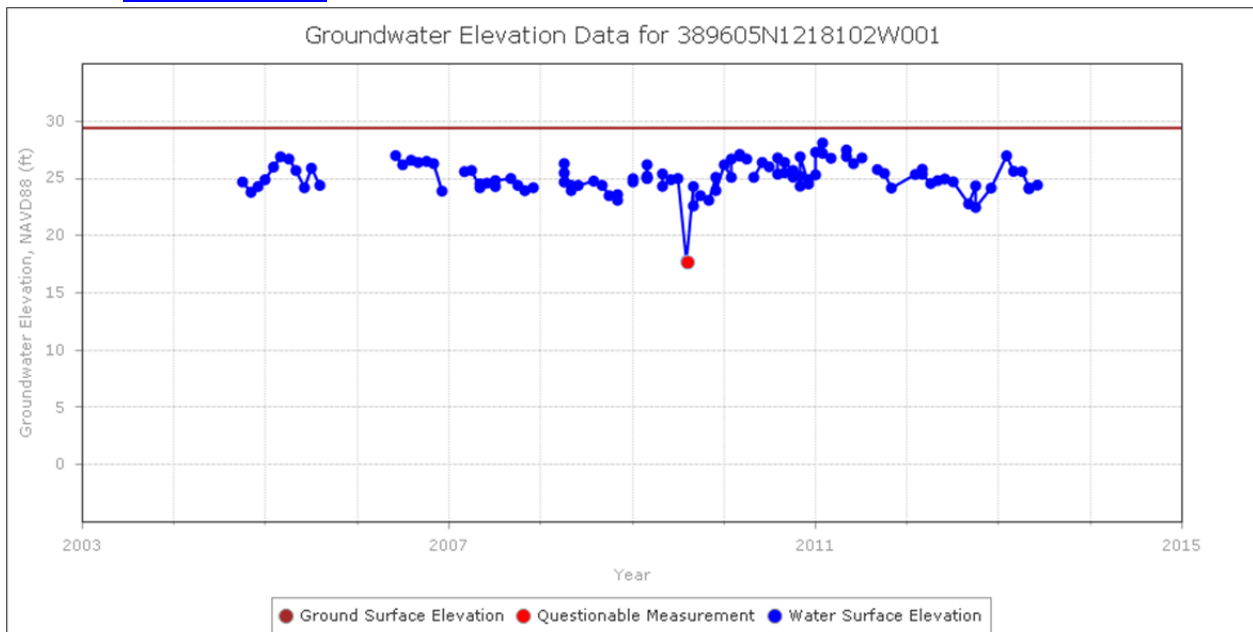
Pelger Mutual Water Company

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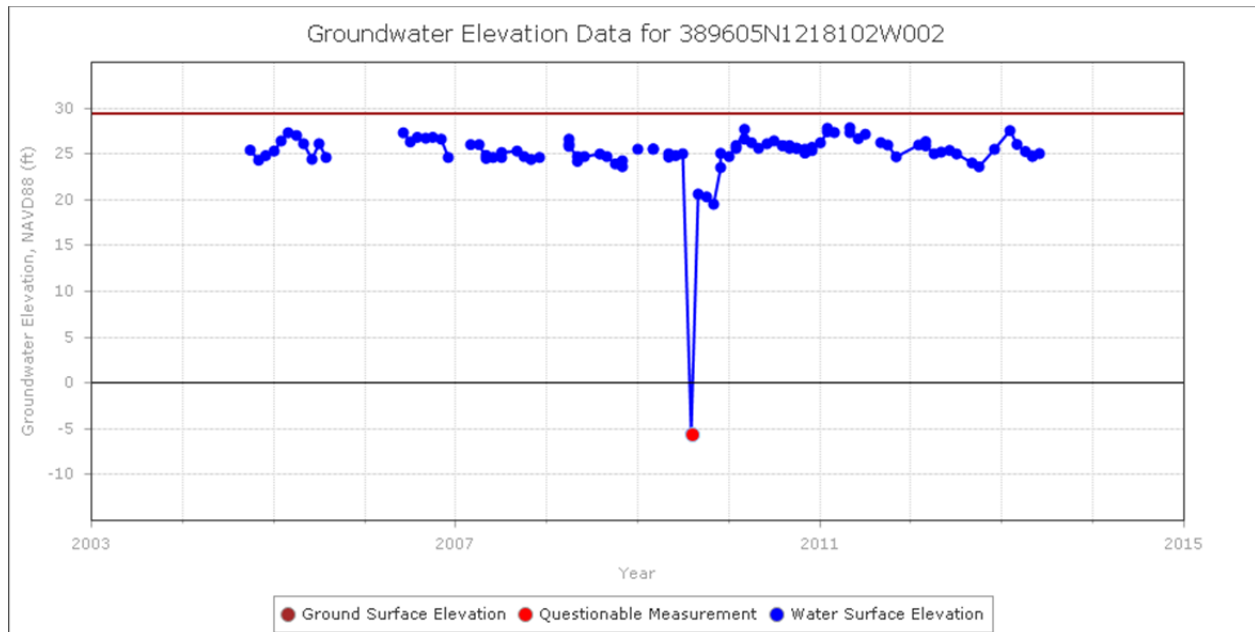
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Baseline: Mt. Diablo
Section: 17



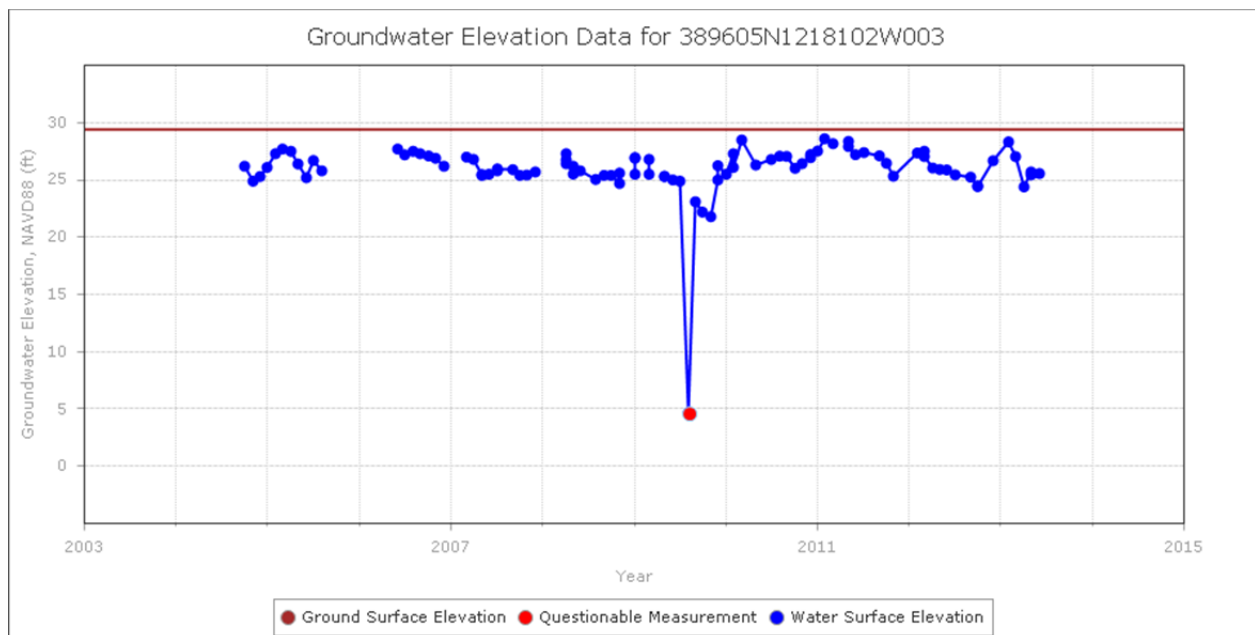
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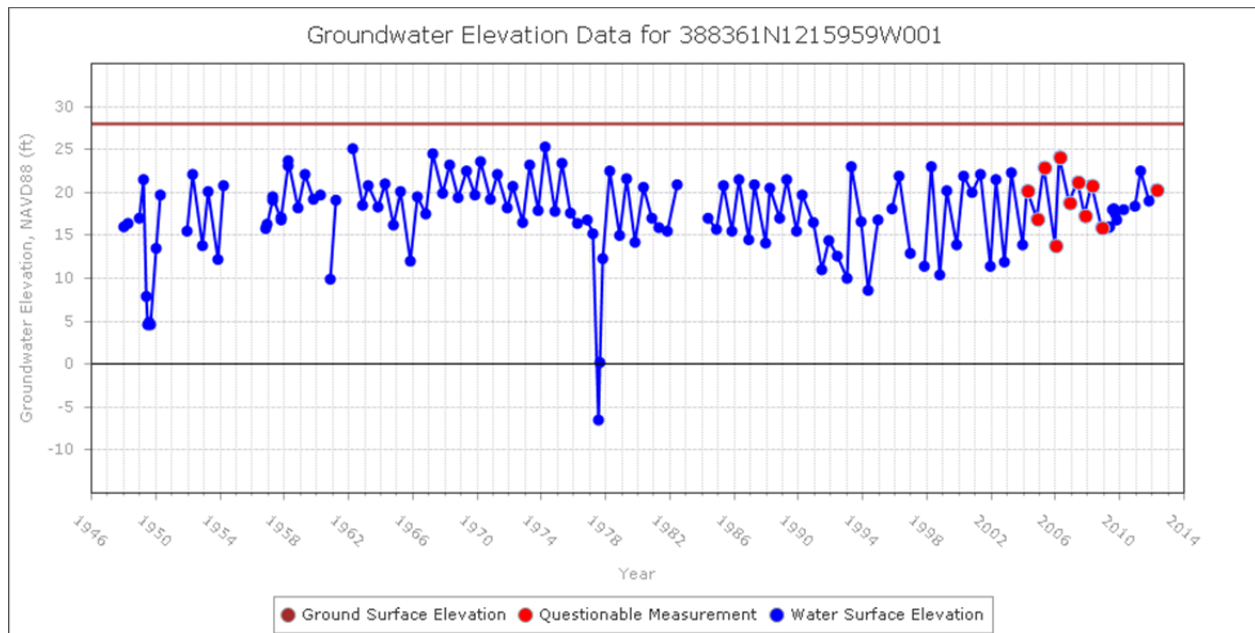


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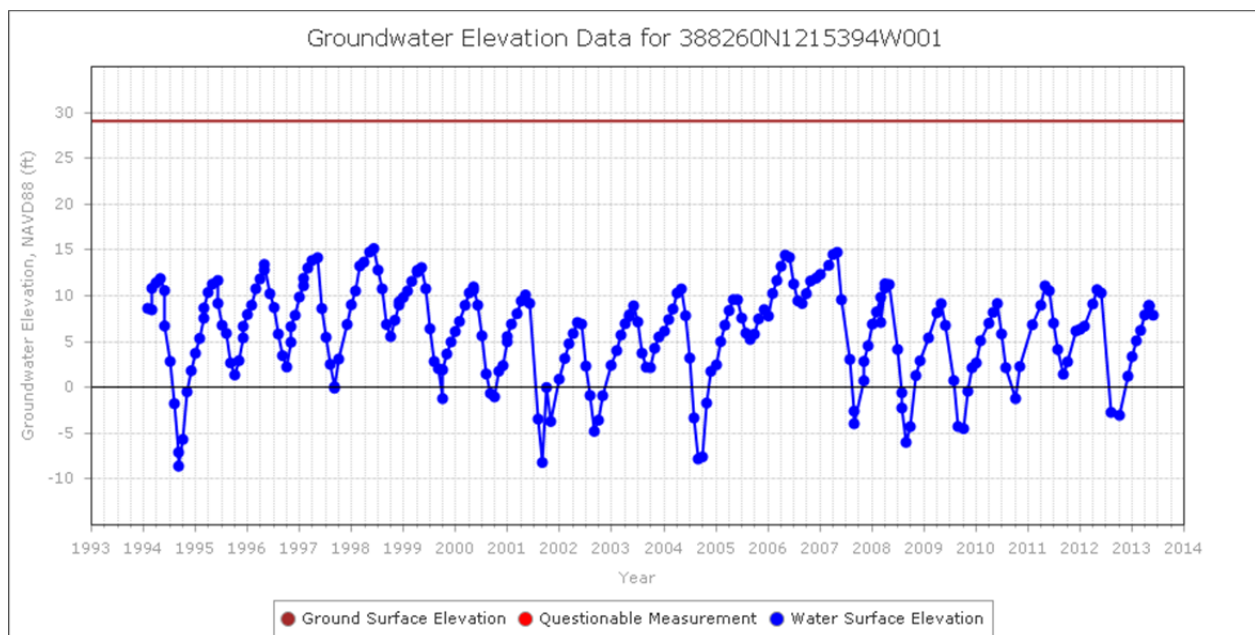


Pleasant Grove Verona Mutual Water Company

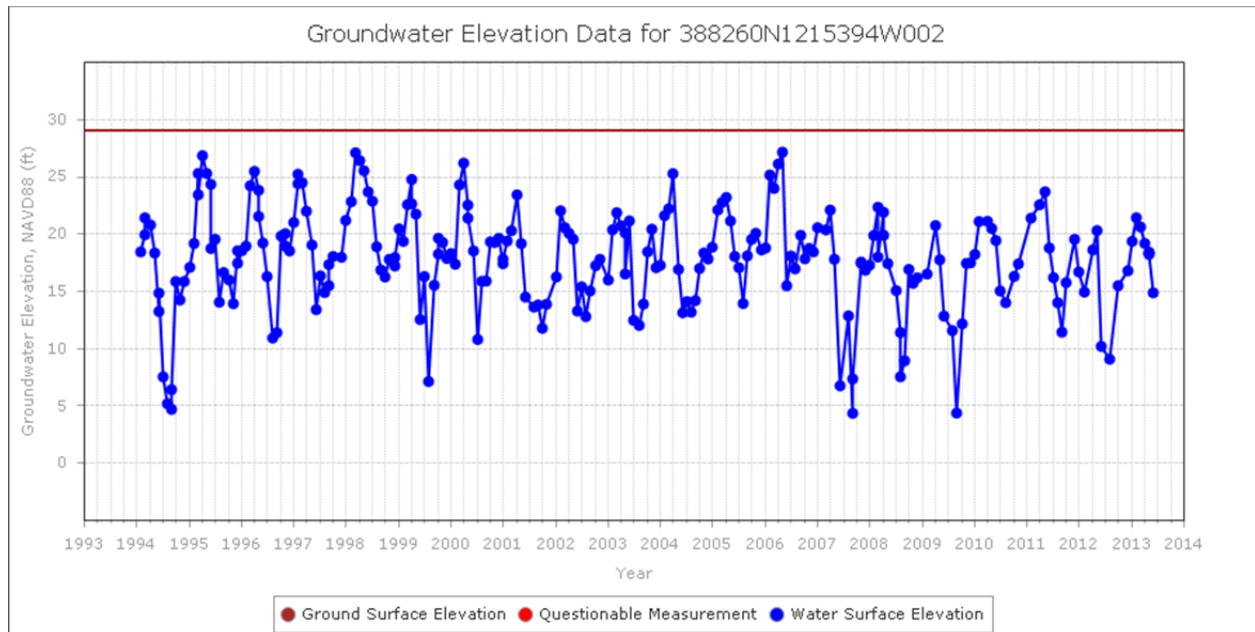
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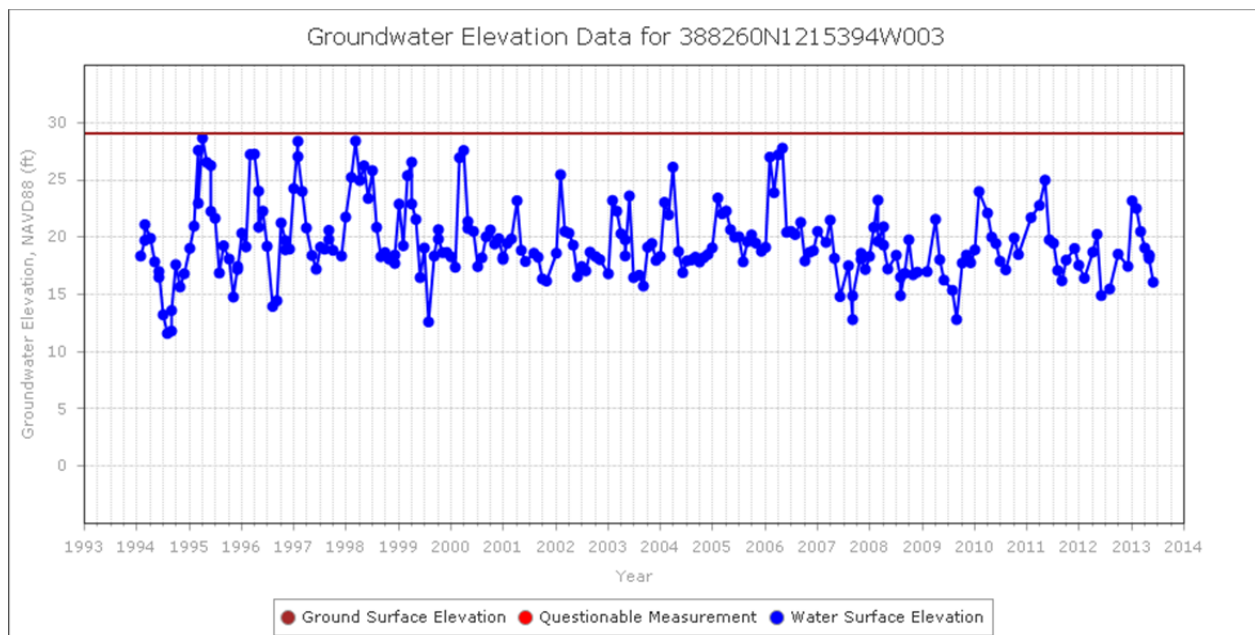
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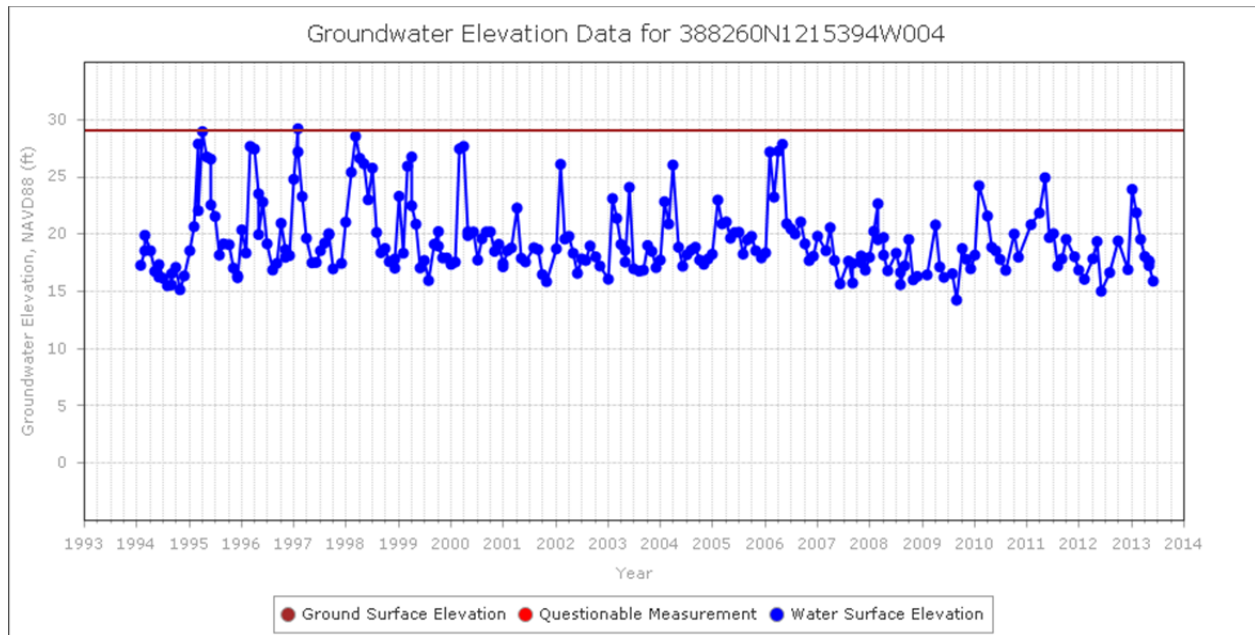
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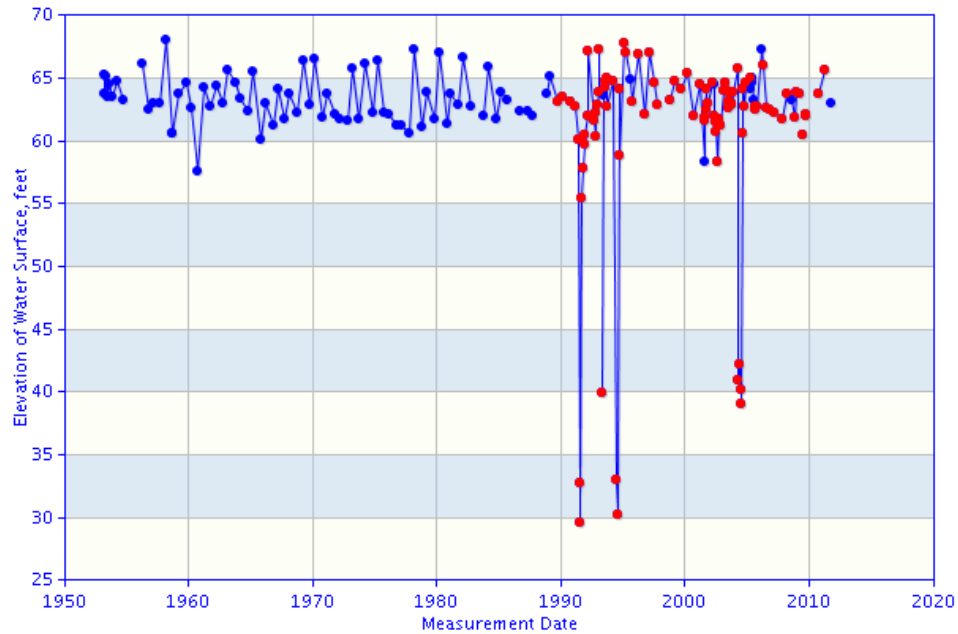
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Reclamation District No. 1004

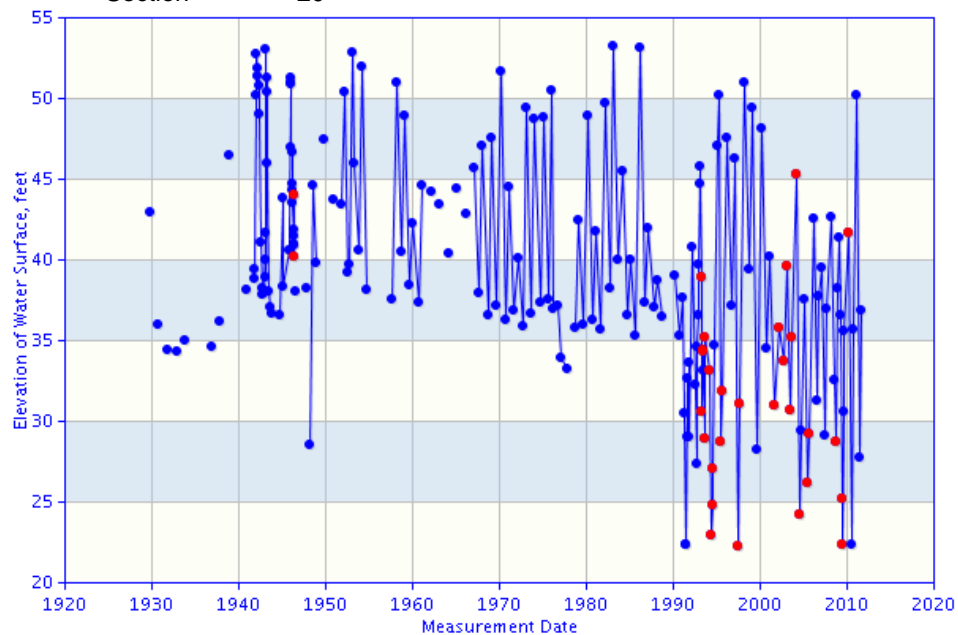
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Range: 01 West
Baseline: Mt. Diablo
Section: 22

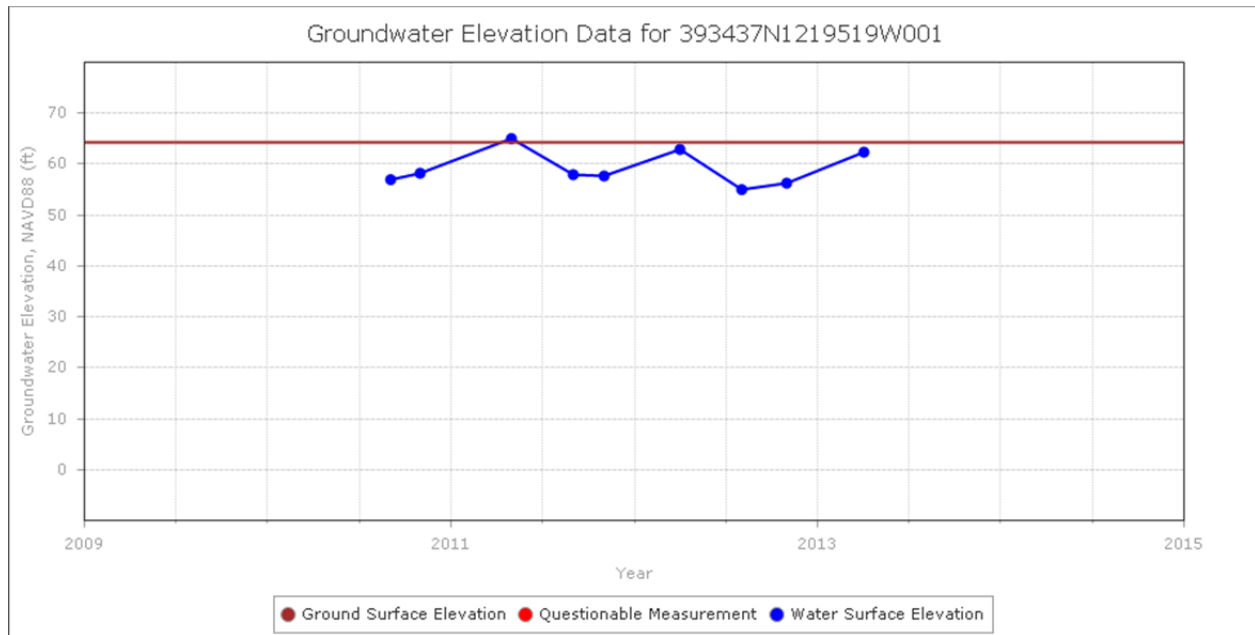


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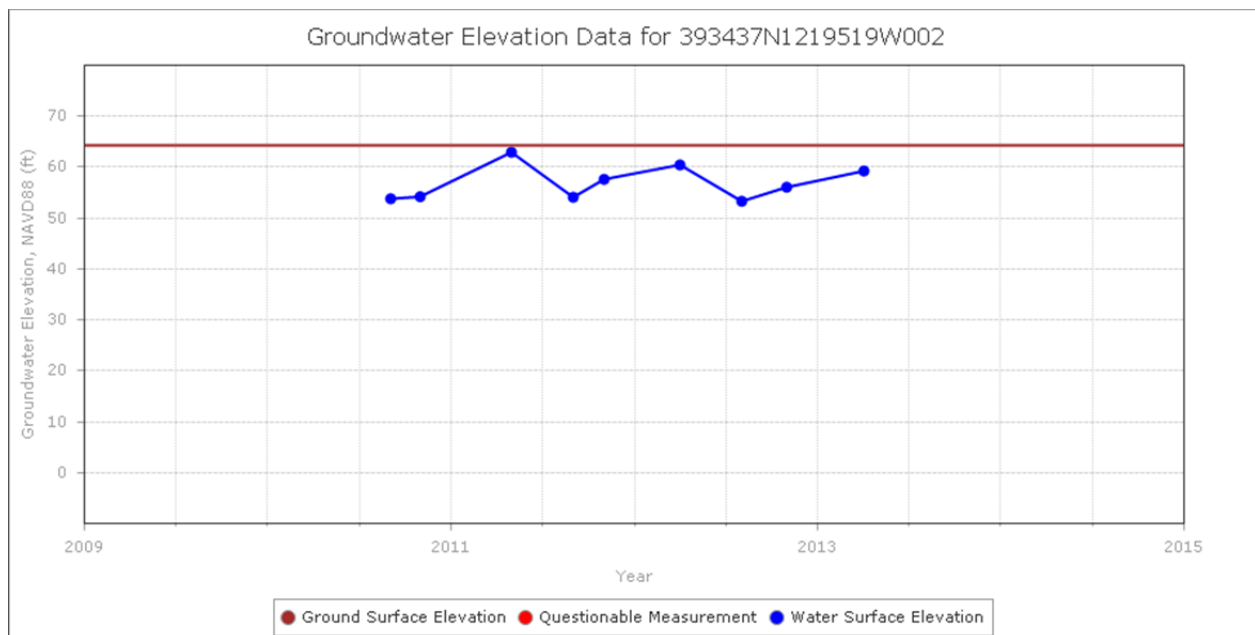
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Baseline: Mt. Diablo
Section: 20



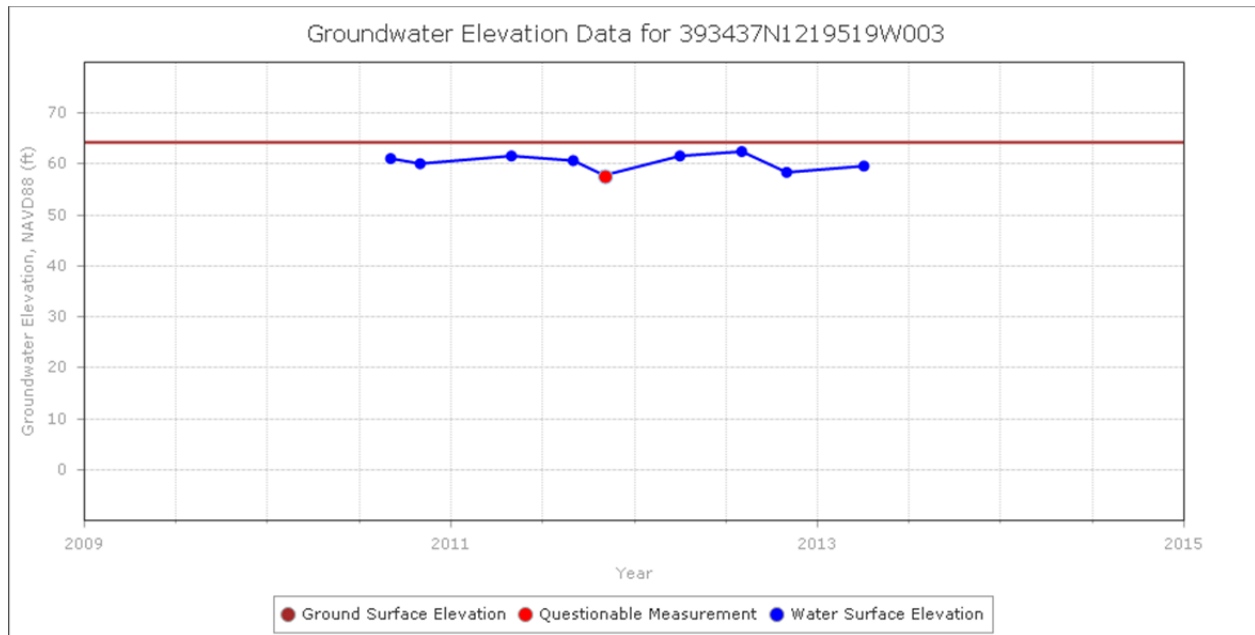
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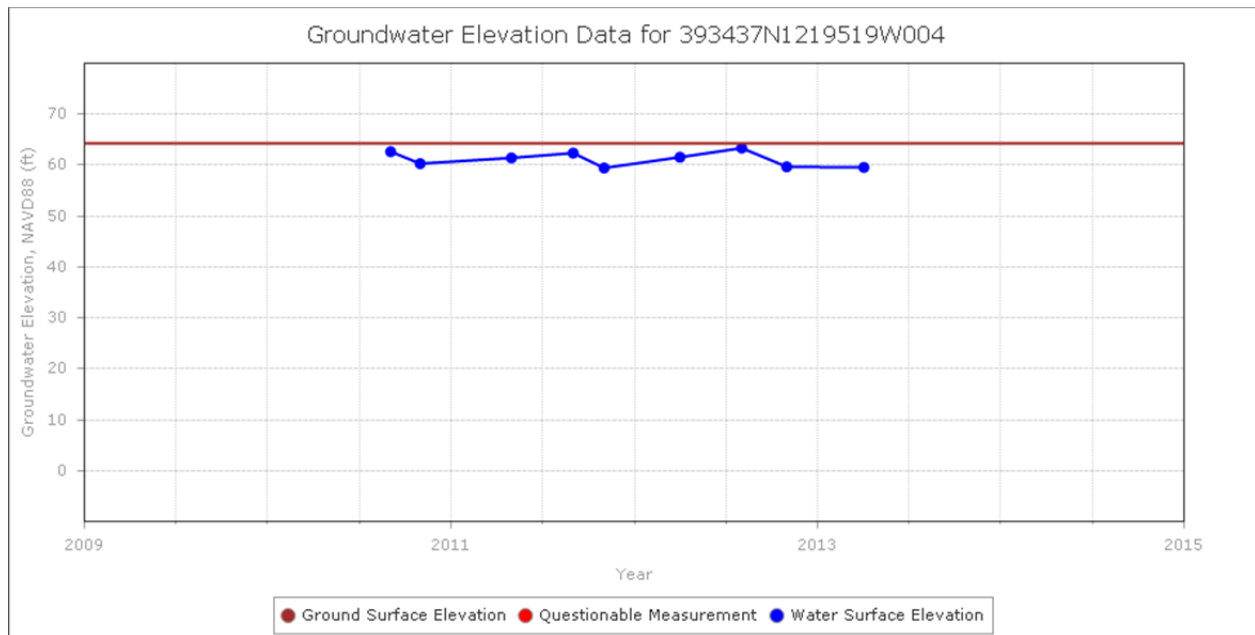
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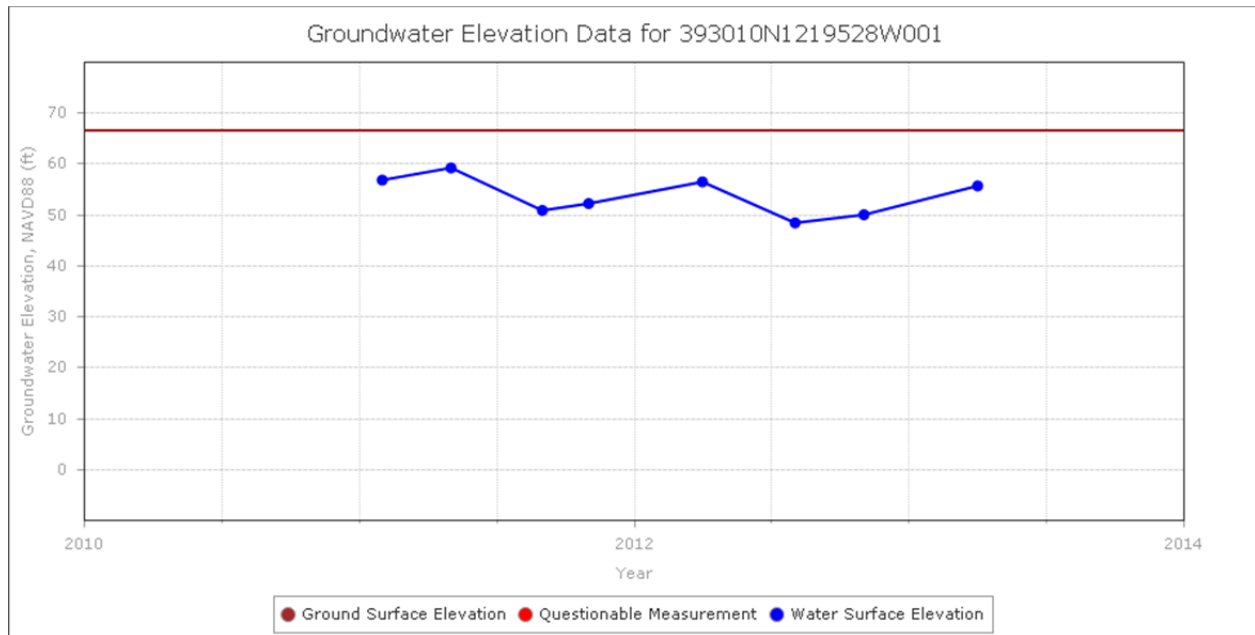
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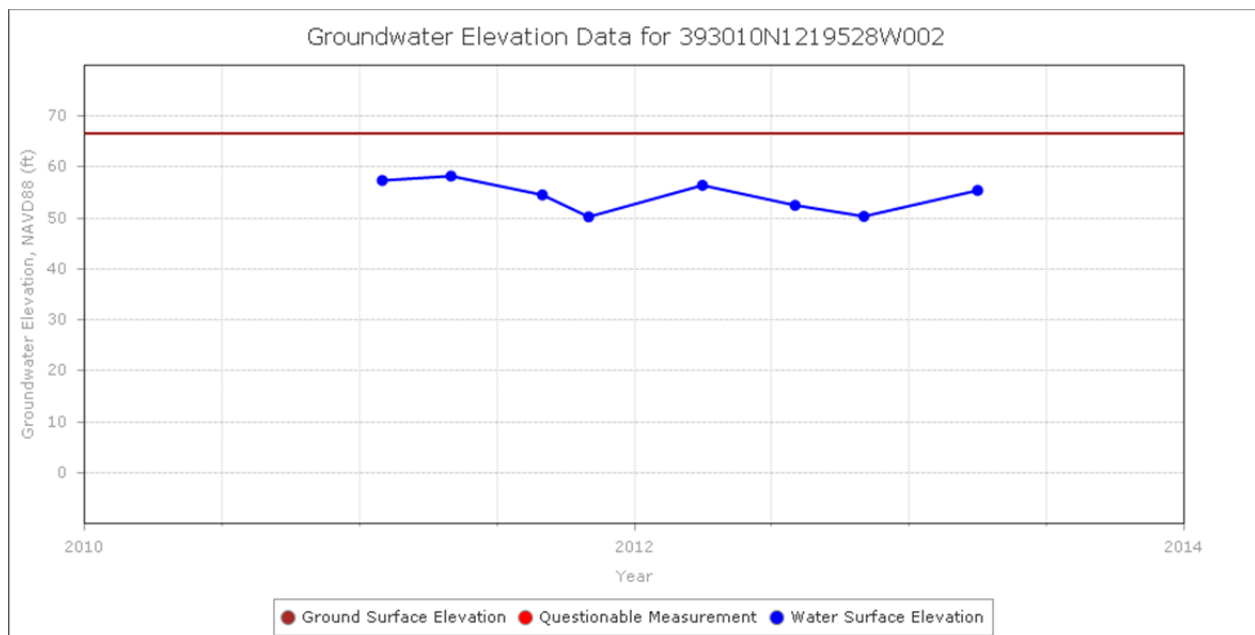
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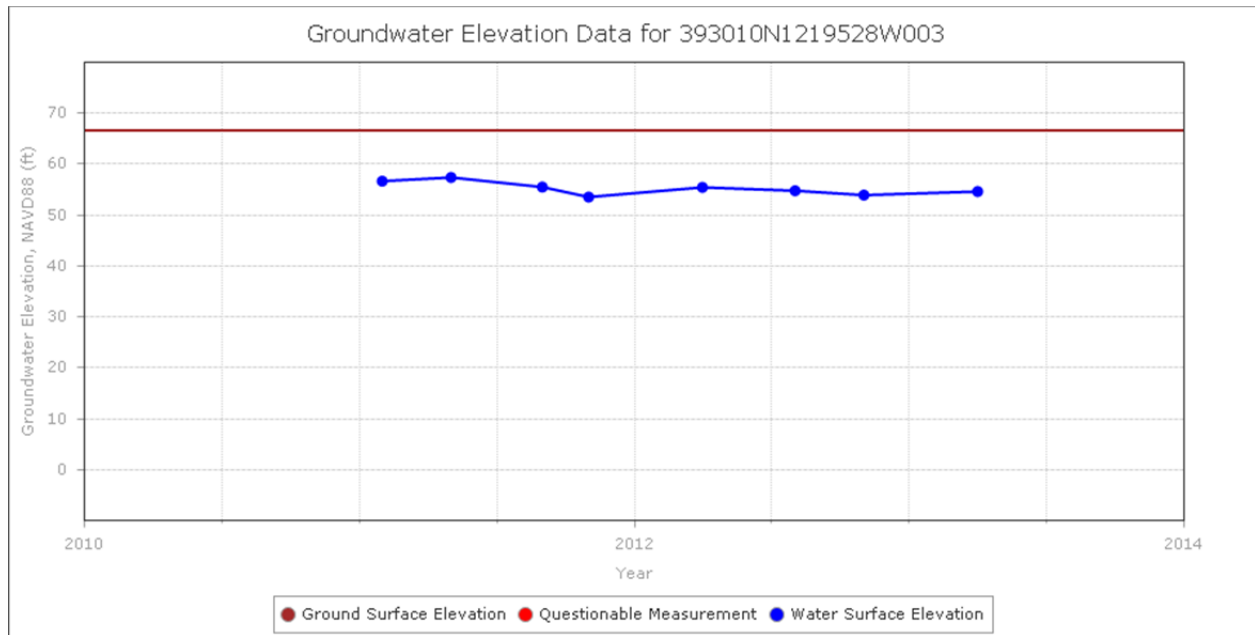
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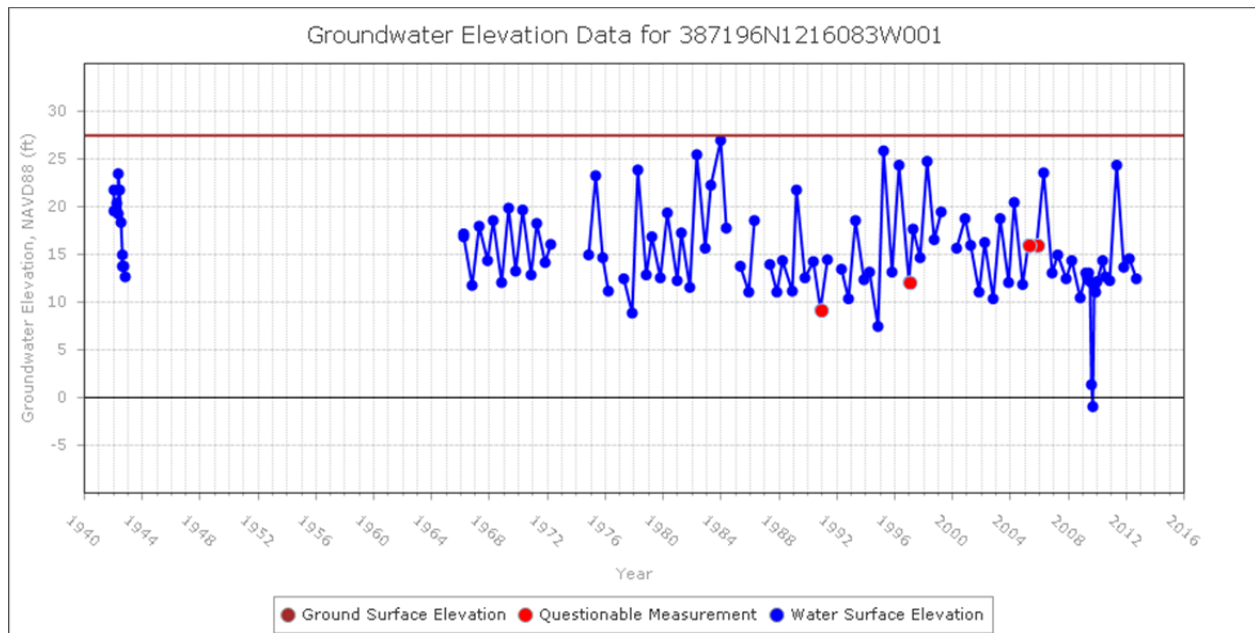


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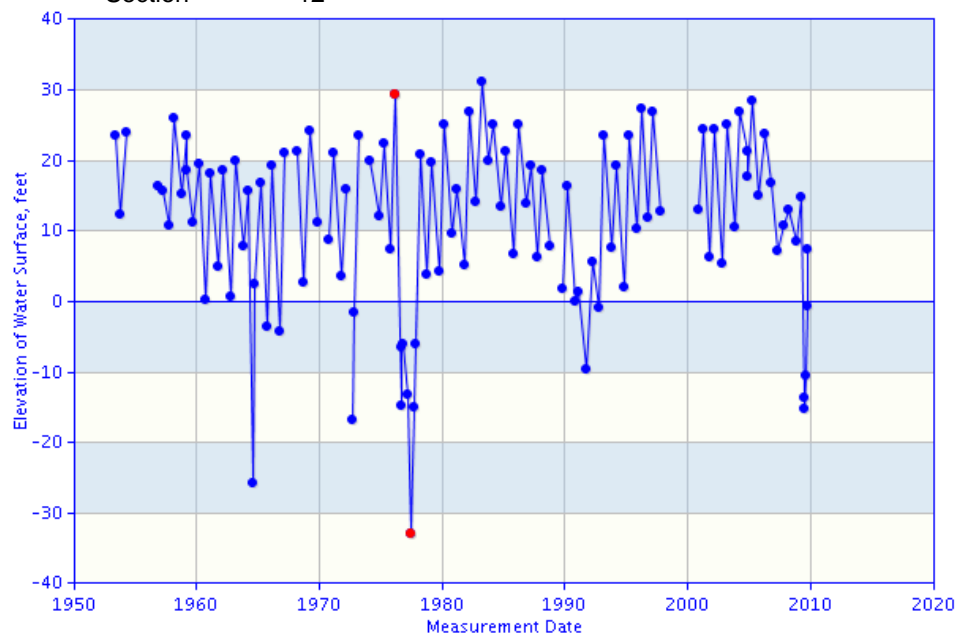
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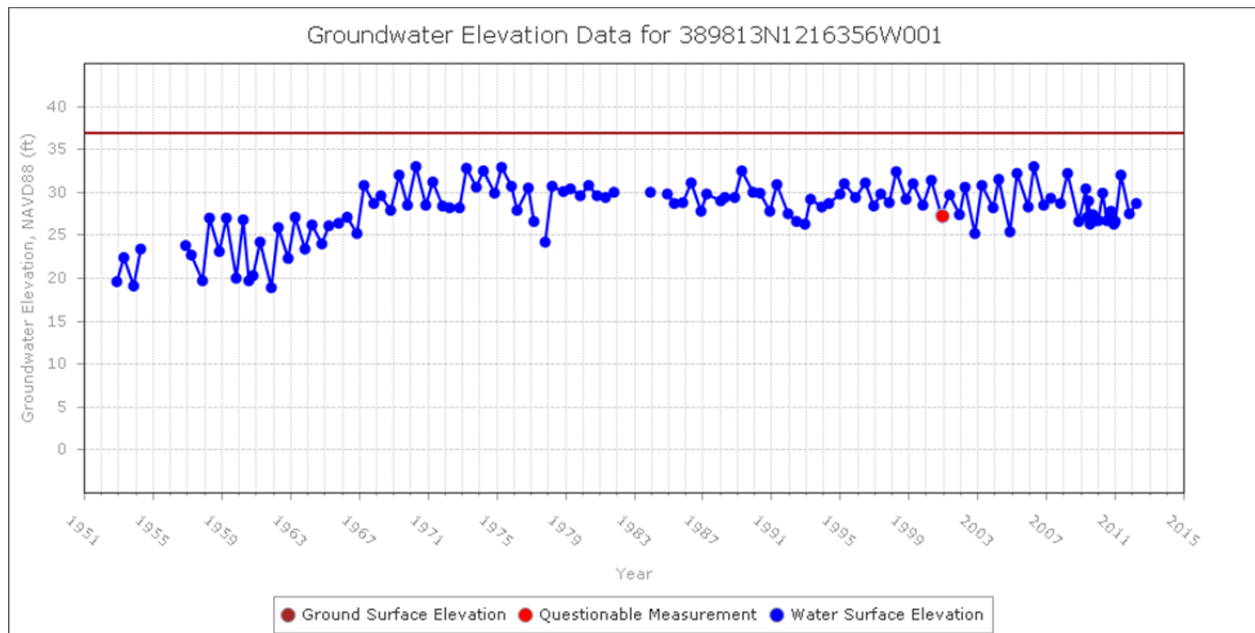
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Township: 10 North
Range: 02 East
Baseline: Mt. Diablo
Section: 12

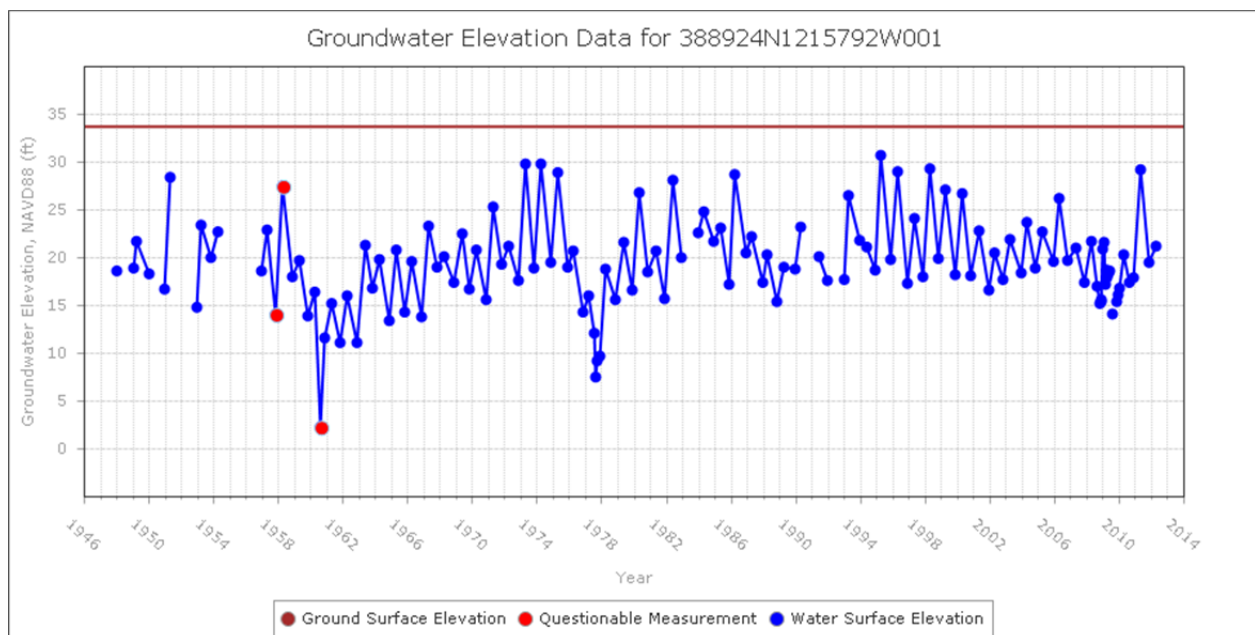


Garden Highway Mutual Water Company

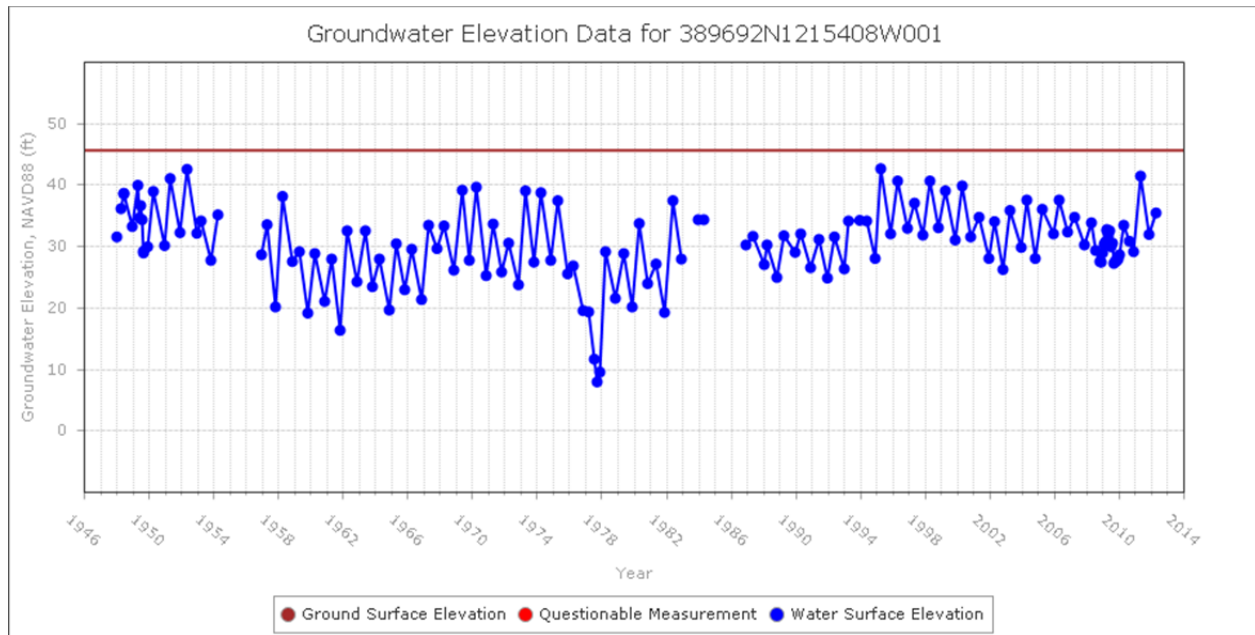
CASGEM [13N03E16A001M](#)



CASGEM [12N04E18D001M](#)

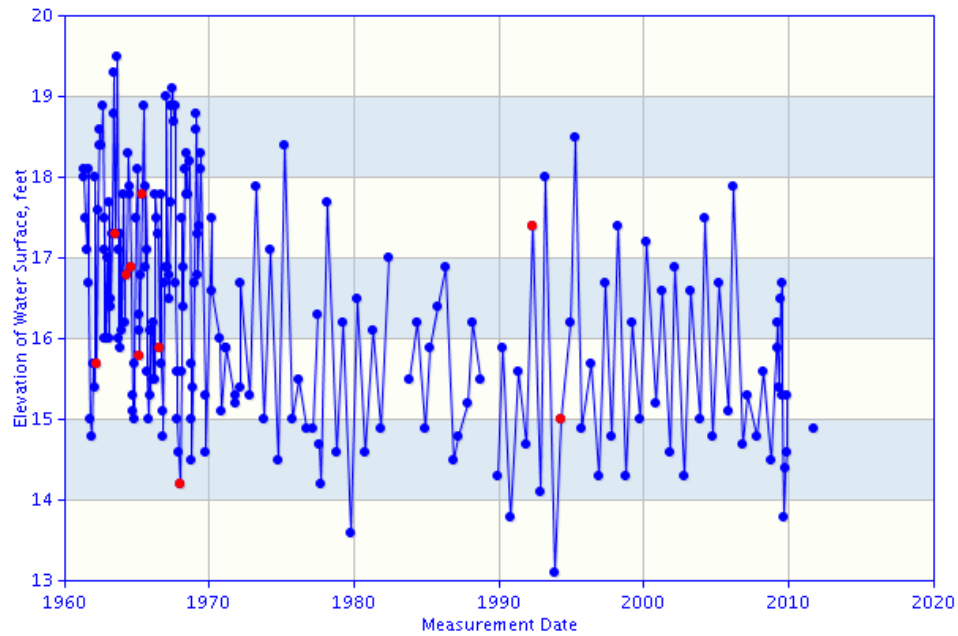


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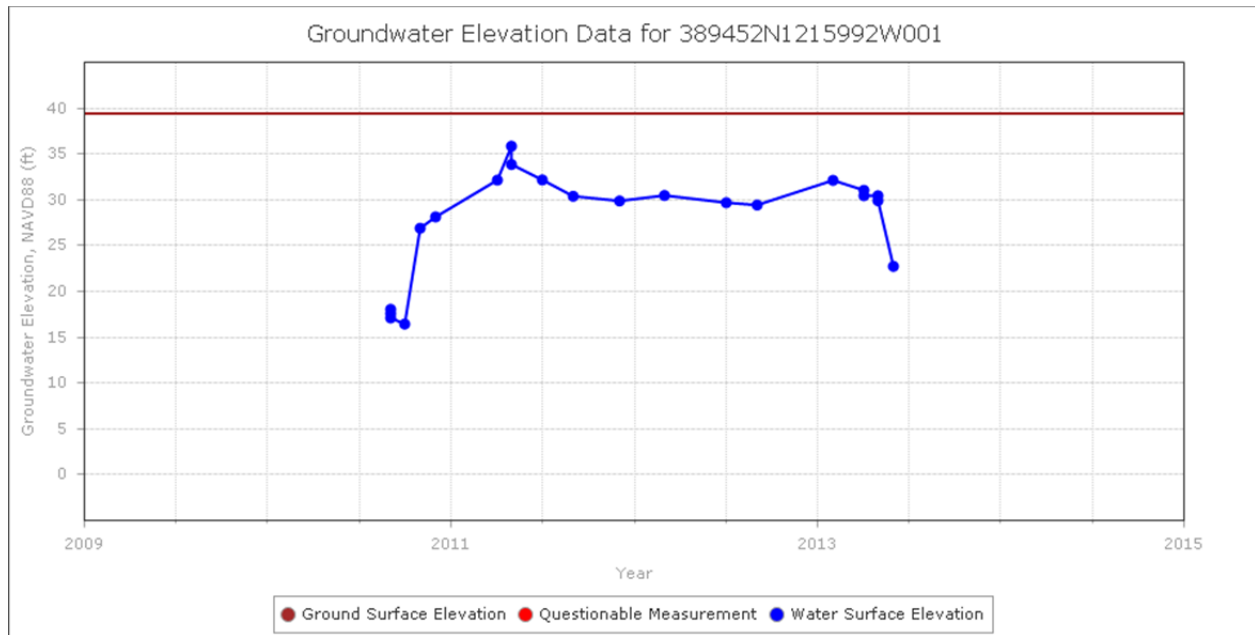


DWR Water Data Library Well # 12N02E23K001M

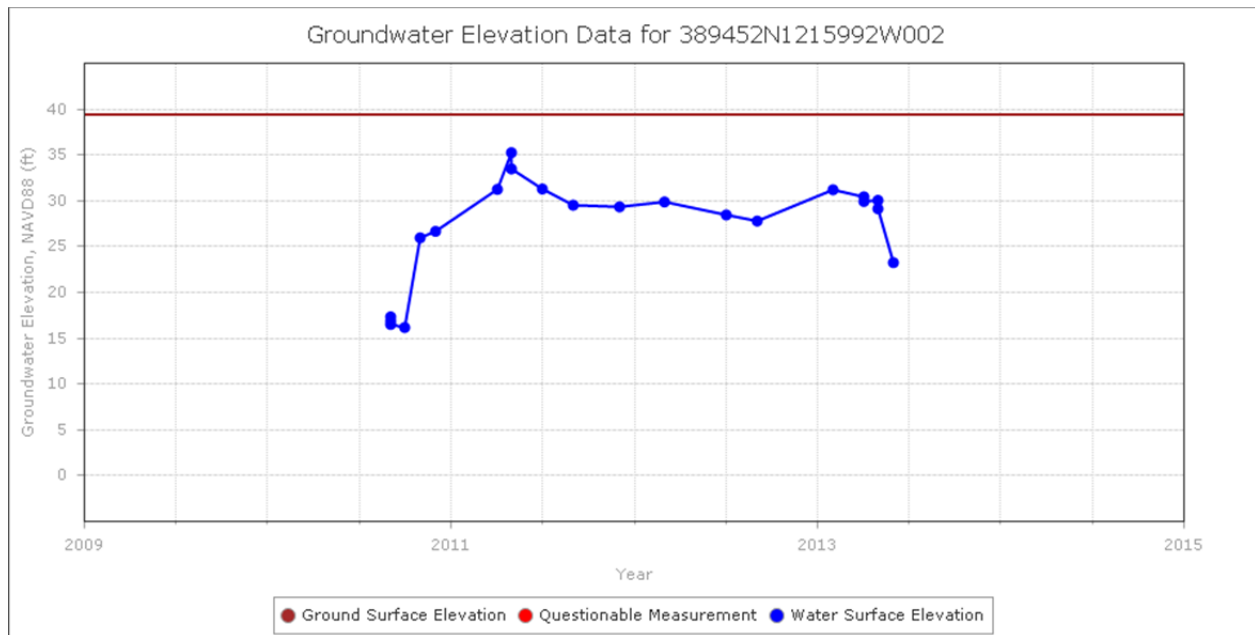
Township: 12 North
Range: 02 East
Baseline: Mt. Diablo
Section: 23



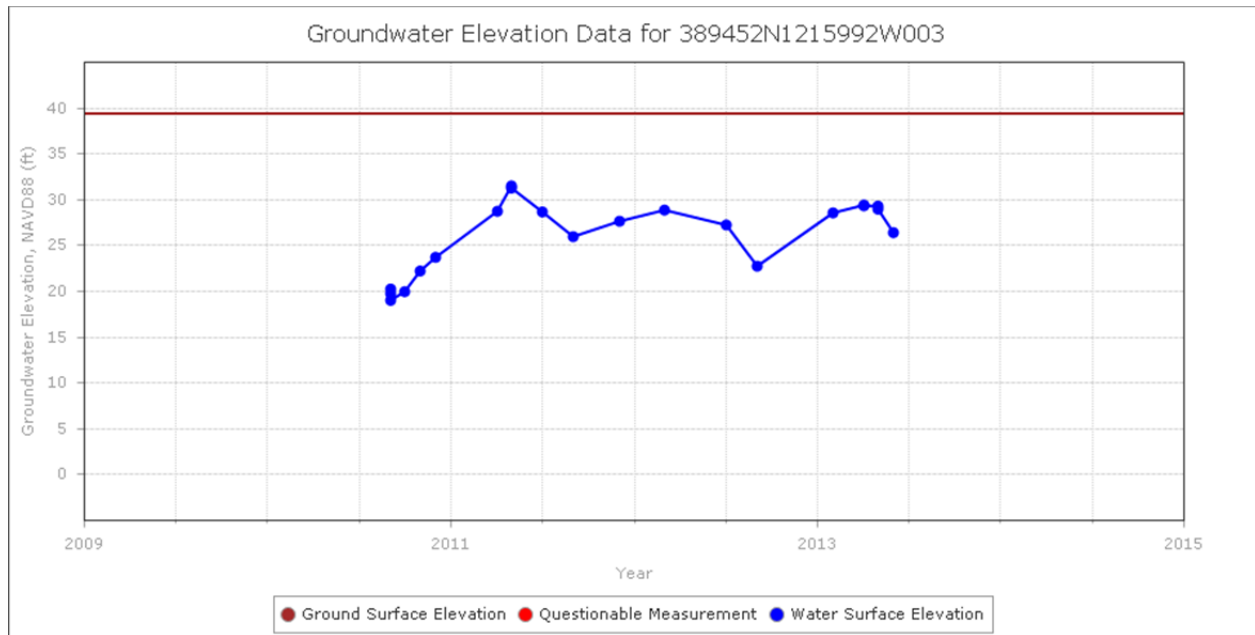
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CASGEM [13N03E26J003M](#)

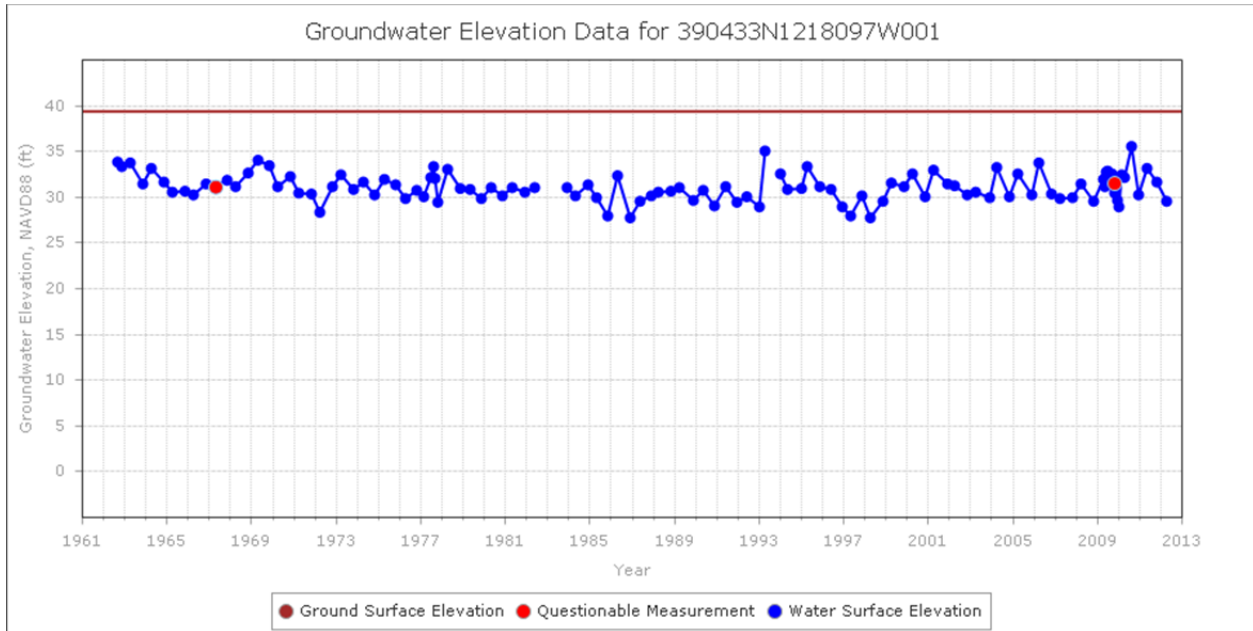


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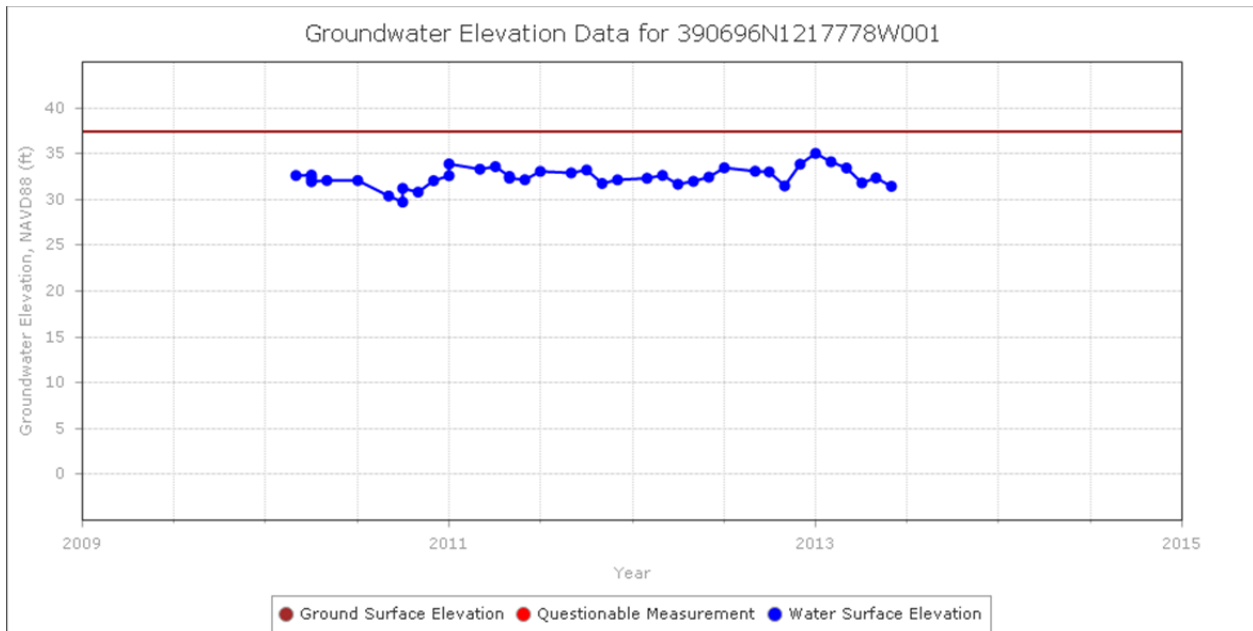


Tule Basin Farms

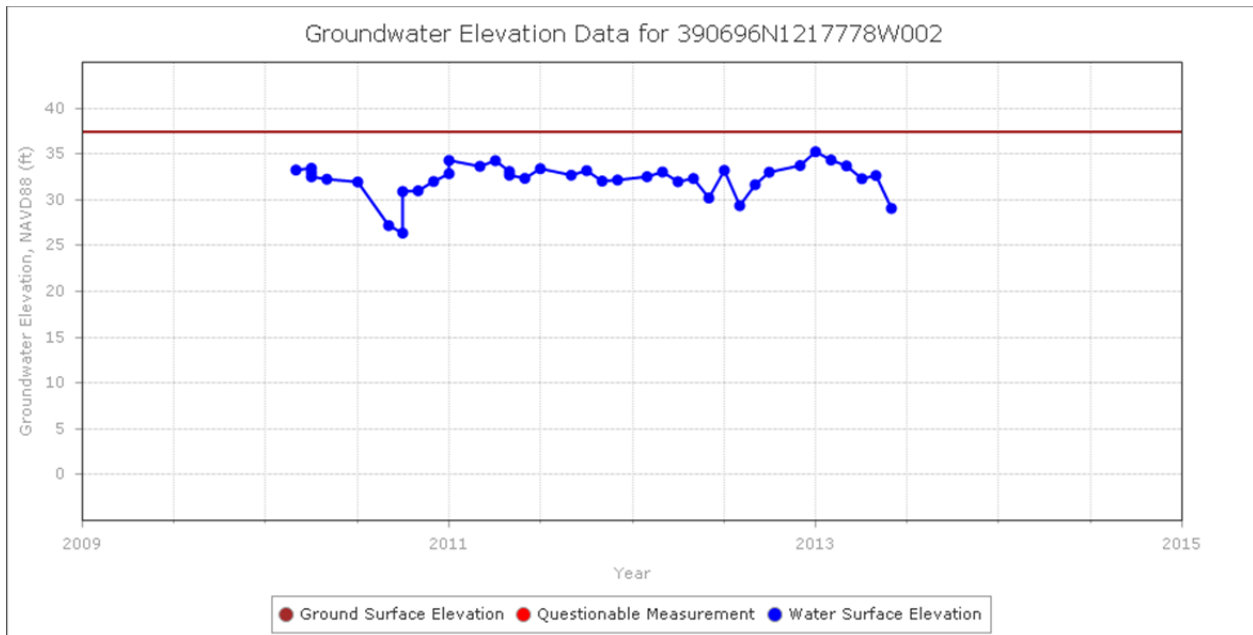
CASGEM [14N01E24Q001M](#)



CASGEM [14N02E17C001M](#)



CASGEM 14N02E17C002M



CASGEM 14N02E17C003M

