RECLAMATION
Managing Water in the West

Draft Finding of No Significant Impact

Warren Act Contract for Conveyance of up to 15,000 Acre-Feet from Merced Irrigation District to Westlands Water District and/or San Luis Water District

FONSI-13-035

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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 a Warren Act to facilitate the transfer of 15,000 acre-feet of water from Merced Irrigation District to Westlands Water District and/or San Luis Water District. This Finding of No Significant Impact is supported by Reclamation's Environmental Assessment (EA) 13-035, *Warren Act Contract for Conveyance of up to 15,000 Acre-Feet from Merced Irrigation District to Westlands Water District and/or San Luis Water District*, which is hereby incorporated by reference.

Background

Merced Irrigation District (MID) has agreed to transfer up to 15,000 acre-feet (AF) of MID non-Central Valley Project (CVP) water to Westlands Water District (WWD) and/or San Luis Water District (SLWD) in water year 2013-2014. WWD and SLWD have requested that the bureau of Reclamation (Reclamation) approve a Warren Act Contract (WAC) for conveyance of the non-project water in federal facilities. The transferred water would supplement a deficient CVP water supply and would be used for irrigation on existing lands in WWD and/or SLWD that currently receive CVP water. Concurrently with this request, MID has petitioned the State Water Resources Control Board for a change in place of use and point of rediversion and has identified a reservoir refill requirement for the water transfer as part of that request.

Proposed Action

Reclamation proposes to approve a conveyance WAC for the delivery of up to 15,000 AF of MID's non-CVP water to WWD and/or SLWD in the water year ending February 28, 2014. The path by which the water would be delivered is described below.

The transferred water would be released from storage in Lake McClure/New Exchequer dam by MID beginning in the fall of 2013, and would be conveyed in the Merced and San Joaquin Rivers. Water would be pumped from the river at the Patterson Irrigation District's (PID) licensed fish screened intakes, which are designed to limit entrainment and impingement of fish during pumping. PID would pump and convey 40 cubic feet per second (cfs), measured by San Luis and Delta-Mendota Water Authority (SLDMWA) at the discharge, to the Delta-Mendota Canal (DMC). The water would then be transported in the DMC, into the O'Neill Forebay for conveyance to WWD and/or SLWD through the San Luis Canal. Conveyance losses of 10% would be assessed in the San Joaquin River, and 5% losses would be assessed in the DMC.

Water released from the dam would be over and above the flows required to maintain compliance with the water quality and quantity requirements established by the State Water Resources Control Board's Decision 1641 (D-1641) and would not interfere with scheduled fall pulse flows. The proposed action would not impair the California Department of Water Resources (DWR) or Reclamation's ability to meet their other obligations and responsibilities.

This transfer would utilize existing facilities and no new infrastructure, modifications of facilities, or ground disturbing activities would be needed for movement of this water. No native

or untilled land (fallow for three years or more) would be cultivated with water involved with these actions.

Environmental Commitments

The proponents will implement the following environmental protection measures to reduce environmental consequences associated with the Proposed Action (Table 1). Environmental consequences for resource areas assume the measures specified would be fully implemented.

Table 1 Environmental Protection Measures and Commitments

Resource	Protection Measure
Habitat	No native or untilled land (fallow for three years or more) would be cultivated with water involved with these actions

Reclamation's South-Central California Area Office has initiated an Environmental Commitment Program in order to implement, track and evaluate the environmental commitments developed for the Proposed Action.

Findings

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.

Water Resources

The transferred water would be released from storage in Lake McClure/New Exchequer dam by MID beginning in the fall of 2013, and conveyed in the Merced and San Joaquin River. The water released would be over and above the flows required to maintain compliance with the water quality and quantity requirements established by the State Water Resources Control Board's Decision 1641 (D-1641) and would not interfere with scheduled fall pulse flows. This action would not impair the DWR or Reclamation's ability to meet their other obligations and responsibilities.

Water would be pumped at PID's licensed fish screened intakes, which are designed to limit entrainment and impingement of fish during pumping. PID would pump and convey up to 40 cfs, measured by SLDMWA at the discharge, to the DMC. The water would then be transported in the DMC into the O'Neill Forebay for conveyance to WWD and/or SLWD through the San Luis Canal.

While the EC of the San Joaquin River water is slightly higher than the water in the DMC, the introduction of San Joaquin River water at the anticipated rate is not expected to have an adverse effect on downstream users.

Biological Resources

Under the Proposed Action, the water would be conveyed in existing facilities to established agricultural lands. No native lands or lands fallowed and untilled for three or more years would be disturbed as this water would be used on existing farmed lands. The Proposed Action would not affect migratory birds, imperiled species, unique habitats, or species and habitats protected by Federal or State law. The only impacts to Central Valley steelhead would be those already

addressed by the National Marine Fishery Service. Essential Fish Habitat for the fall-run and late fall-run Chinook salmon is not expected to be affected. Increased flows on the Merced River would be minor in terms of changing the water levels and lowering the water temperature, and would occur during late summer, when the salmon are not present.

Socioeconomic Resources

Under the Proposed Action, the status quo of agriculture would be maintained. WWD and/or SLWD would use the MID water to balance out local deficiencies in water supply and promote efficient irrigation of crops. The most productive farmland would remain in production. Seasonal labor requirements would have very little change, and businesses that support agriculture would not be financially harmed.

Environmental Justice

The Proposed Action may support and maintain jobs that low-income and disadvantaged populations rely upon through increased irrigation water supply reliability. Therefore, there may be a slight beneficial impact to minority or disadvantaged populations as a result of the Proposed Action.

Air Quality

Under the Proposed Action, delivery of this water would require no modification of existing facilities or construction of new facilities. The water would be moved either via gravity or electric pumps which use power from existing sources. Although generation of electricity would produce air emissions, the amount required for this project cannot be quantified because it would depend on where and how the electricity is generated, which is not known. Emissions would be quantified and appropriately regulated at the point of generation, i.e. the power plant.

Energy Use and Global Climate

The Proposed Action involves the movement of water by electrical pumps. The electricity used to power the pumps could come from a variety of sources, including hydropower, landfill gas or burning of traditional fossil fuels. The scenario with the highest emissions of GHG's would be the case where 100% of the power is produced from fossil fuels.

It is estimated that delivering the full quantity of water through PID's facilities would require pumping at 1200 horsepower for 189 days. This corresponds to approximately 4,060,500 kilowatt-hours (kwh) of energy used. Per EPA's GHG Equivalencies Calculator, production of this much power would produce estimated emissions for CO_2 equivalences of around 2,800 metric tons per year of CO_2e. This is negligible compared to the EPA's 25,000 metric tons per year threshold for annually reporting GHG emissions. Accordingly, operations under the Proposed Action would result in below *de minimis* impacts to global climate change.

Cumulative Impacts

Existing or foreseeable projects, in addition to the proposed transfer from MID to WWD and/or SLWD, which could affect or could be affected by the Proposed Action or No Action alternative, include the following:

San Joaquin River Restoration The San Joaquin River Restoration Program (SJRRP) was established in late 2006 to implement the requirements of a settlement of NRDC, et al., v. Kirk

Rodgers, et al. The goal of the SJRRP is to establish a self-sustaining population of fish, primarily salmon, in the portion of the San Joaquin River between Friant Dam and the Merced River while minimizing adverse impacts to water users (DWR 2012). A Final Program Environmental Impact Statement/Report was issued in July 2012.

Additional Point of Delivery for Byron-Bethany Irrigation District's Non-Project Water to Westlands Water District Under a previous action (EA 09-156), Reclamation approved WACs of up to 10,000 AF of water by a variety of contractors to and through the Delta-Mendota Canal. In 2012 the previous approval was amended to allow up to 5,000 AF of the covered water to further be transferred to Westlands Water District. Reclamation issued Finding of No Significance (FONSI) 12-052 for this action on June 15, 2012.

Additional Point of Delivery for Patterson Irrigation District's Non-Project Water to Del Puerto Water District This action is similar to what is described above for Byron-Bethany Irrigation District, except that up to 10,000 AF would be transferred from Patterson Irrigation District to Del Puerto Water District. Reclamation issued FONSI 12-054 for this action on July 17, 2012.

Vista Verde Temporary Annual Transfer of Settlement Contract Water to Vista Verde-Owned Lands within Westlands Water District This action involved transfer of contract water from a property owned by Vista Verde farms to another property within Westlands Water District owned by the same company. Up to 1,140 AF are to be transferred each year from one property to the other. Reclamation issued FONSI 12-038 for this action on July 31, 2012.

Addition of Westlands Water District to the Arvin-Edison Water District and Westside Mutual Water Company Exchange Program In 2011, Reclamation approved an exchange of up to 50,000 AF of water between Arvin-Edison Water Storage District and Westside Mutual Water Company Exchange. Following this original approval, a request was received to allow Westlands Water District to participate in the same exchange. The Supplemental Environmental Assessment (SEA 12-030) for that action was approved on June 19, 2013.

Transfer from Central California Irrigation District and Firebaugh Canal Water District to San Luis, Panoche, Del Puerto and Westlands Water Districts Under this project, up to 20,500 AF of CVP water could be transferred from Central California Irrigation District and Firebaugh Canal to San Luis, Panoche, Del Puerto and Westlands Water District. In addition, up to 5,000 AF could be transferred from Firebaugh Water District to San Luis and Westlands Water District. The transfers would take place between July 2012 to December 31, 2012 and April 1, 2013 to December 31, 2013. Reclamation issued FONSI 12-006 for this project on July 27, 2012.

Oro Loma Water District Partial Assignment to Westlands Water District This action involved partial reassignment of Oro Loma Water District’s CVP water allocation to Westlands Water District. 4,000 of Oro Loma’s 4,600 AF of CVP contract water were assigned to Westlands Water District to meet their in-district needs. Reclamation issued FONSI 11-092 for the project on February 27, 2012.

Westlands Water District Conveyance of Kings River Flood Flows in the San Luis Canal Westlands Water District had an agreement with the Kings River Water Association to convey seasonal flood flows from the Kings River to lands within WWD's service area by way of their Laterals 6-1 and 7-1. However the land served by those laterals was retired and no longer needed the flood water. With this action, Reclamation allowed WWD to redirect up to 50,000 AF of the excess Kings River flood water to the San Luis Canal for use at other locations. Reclamation issued FONSI 11-002 for the project on January 26, 2012.

Central Valley Project Interim Renewal Contracts for Westlands Water District, Santa Clara Valley Water District, and Pajaro Valley Water Management Agency 2014-2016 Reclamation is currently considering renewal of six interim renewal contracts for water service in the Delta Division and San Luis Unit totaling 1,192,948 AF. These would be a continuation of previous agreements and would not provide new or different service to any of the affected contractors. Reclamation is evaluating this action under EA 13-023.

Delta-Mendota Canal Pump-In Project (2011-2012) The DMC pump-in program allows the member agencies of the San Luis & Delta-Mendota Water Authority to pump groundwater into the DMC for delivery to contractors during the period of March 1, 2011 through February 28, 2013. The member agencies are limited to no more than 10,000 AF individually, and 50,000 AF as a group. Reclamation issued FONSI 10-072 for this project on February 28, 2011.

Delta-Mendota Canal Pump-In Project (2012-2013) This project is similar to the DMC Pump-In Project above, but covers the time period from March 1, 2012 to February 28, 2013. Allowed water volumes are the same. Reclamation issued FONSI 12-005 for this project on May 8, 2012.

Delta-Mendota Canal Pump-In Project (2013-2024) This project is similar to the DMC Pump-In Project above, but covers the time period from March 1, 2013 to February 29, 2024. Allowed water volumes are the same. Reclamation issued FONSI 12-061 for this project on January 10, 2013.

Byron Bethany Irrigation District Long-term Exchange Agreement. Reclamation has received a request from Byron Bethany Irrigation District to enter into a 40-year contract for the introduction of up to 4,725 AF per year of their non-CVP surface water into the DMC for exchange with Reclamation. Reclamation is currently preparing EA 09-149 for the proposed project.

SLWD WAC - Bettencourt Well Pump-In along the SLC Under this action, Reclamation approved a five-year WAC for San Luis Water District to pump up to 1,500 AF of groundwater into the San Luis Canal per year. The WAC covers the period from July 2012 through February 28, 2017, and was evaluated under EA 11-003.

San Luis WD and Panoche WD Water Service Interim Renewal Contracts 2013-2015 Under EA 13-023, Reclamation approved interim renewal contracts for water service with San Luis Water District and Panoche Water District with water volumes of 125,080 and 94,000 AF respectively. These are a continuation of previous agreements and do not provide new or

different service to the contractors. The contracts cover the period from March 1, 2013 to February 28, 2015.

Water service actions like those described above do not result in increases or decreases of water diverted from rivers or reservoirs. No legal user of water would be injured due to the Proposed Action and No Action because the transfer water would only slightly increase, not decrease, streamflows below MID's Lake McClure. Increases would be minor and would not cause any water flows to increase above normal seasonal levels, or violate any regulatory requirements. Each water service transaction involving CVP and non-CVP water undergoes environmental review prior to approval. The Proposed Action and No Action alternative and other similar projects would not interfere with the projects listed above, nor would they hinder the normal operations of the CVP and Reclamation's obligation to deliver water to its contractors or to local fish and wildlife habitat. Neither alternative, when added to other water service actions, would result in cumulative effects to surface water resources beyond historical fluctuations and conditions.

GHG impacts are considered to be cumulative impacts. Full operation of the proposed project is estimated to produce no more than 2,800 metric tons of CO_2e, which is a *de minimis* amount compared to the threshold value of 25,000 metric tons. The Proposed Action, when added to other existing and proposed actions, would not contribute to significant cumulative impacts to global climate change.