

RECLAMATION

Managing Water in the West

Draft Environmental Assessment

Amendment to Banta-Carbona Irrigation District 5-Year Warren Act Contract

EA-14-006



**U.S. Department of the Interior
Bureau of Reclamation
South-Central California Area Office
Fresno, CA**

February 2014

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.

Section 1 Introduction

This Environmental Assessment (EA) has been prepared by the Bureau of Reclamation (Reclamation) to examine the potential direct, indirect, and cumulative environmental impacts associated with increasing Banta-Carbona Irrigation District's (BCID) conveyance of non-Project water within the Delta-Mendota Canal (DMC) and/or store within federal facilities from 10,000 acre-feet per year (AF/y) to 15,500 AF/y.

Reclamation prepared an EA in 2010 for BCID's initial five-year Warren Act Contract (EA-09-156) for Contract Years 2010 through 2014, ending on February 28, 2015. Due to on-going dry hydrologic conditions, BCID has requested an amendment to increase the amount of non-Project water the district would be allowed to annually convey and/or store within federal facilities. This proposal does not include a time extension to BCID's existing five-year Warren Act Contract.

1.1 Need for the Proposal

BCID asserts a Pre-1914 water right entitlement to San Joaquin River water and needs to convey an additional portion of those supplies to existing crops within their district that are need of supplemental irrigation water. In addition, the conveyance and/or storage of this non-Project water within federal facilities would provide BCID with the operational flexibility to control the timing of delivery and further optimize the use of their water supplies.

Section 2 Proposed Action and Alternatives

2.1 No Action Alternative

Reclamation would not approve BCID's request to convey additional non-Project water within the DMC beyond the 10,000 AF/y approved under the existing five-year Warren Act Contract.

2.2 Proposed Action

Reclamation would approve the increase in total amount of non-Project water BCID could convey in the DMC and/or store within federal facilities from 10,000 AF/y to 15,500 AF/y. The temporal scope for this approval would coincide with the existing five-year Warren Act Contract timeframe and conclude with Contract Year 2014 through and including February 28, 2015.

2.2.1 Environmental Protection Measures and Commitments

As part of this Proposed Action, the same environmental protection measures and commitments from Section 2.2 of EA-09-156, specifically the water quality monitoring section, will be implemented to avoid, minimize, and/or reduce potential environmental impacts associated with DMC water quality and capacity, and is hereby incorporated by reference.

Section 3 Affected Environment and Environmental Consequences

Potential impacts to the following resources were re-considered as a result of this proposal and were still found to be minor. There are no new adverse environmental impacts from what was analyzed within Section 3 of EA-09-156, which is hereby incorporated by reference. Brief explanations for the impacts are provided below:

- **Indian Sacred Sites:** The Proposed Action will not affect and/or prohibit access to and ceremonial use of Indian sacred sites.
- **Indian Trust Assets (ITA):** The Proposed Action does not have the potential to affect ITA (see Attachment A).
- **Environmental Justice:** There are no economically disadvantaged or minority populations that would be disproportionately affected by the Proposed Action.
- **Land Use:** The Proposed Action will provide irrigation supplies to existing agriculture and will not result in changes to existing land use.
- **Air Quality:** The Proposed Action will utilize gravity and electric or diesel pumps, and will not involve emissions that threaten to violate any local, state, or federal air quality standards.
- **Cultural Resources:** Neither the No Action Alternative or the Proposed Action have the potential to cause effects to historic properties pursuant to 36 CFR § 800.3(a)(1) (see Attachment A).
- **Greenhouse gas (GHG):** The Proposed Action will not involve emissions of GHGs that will be detectable to the point where a meaningful analysis can be performed. Trends and conditions related to the global climate will remain the same.

3.1 No Action Alternative

Under the No Action Alternative, there would be no change to existing conditions and current trends of the affected environment. BCID would continue to divert and use their water rights from the San Joaquin River as has historically occurred. In addition, BCID would still be able to convey and/or store up to 10,000 AF/y of this non-Project water within federal facilities consistent with the terms and conditions of the existing multi-year Warren Act Contract.

3.2 Proposed Action

3.2.1 Water Resources

Although BCID would be able to convey up to an additional 5,500 AF/y (15,500 AF/y total) of this non-Project supply in the DMC, the district would continue to use and divert their Pre-1914

water right from the San Joaquin River as has historically occurred. The Proposed Action will not result in BCID diverting more water from the San Joaquin River.

The Proposed Action would be allowed only if capacity exists within the federal facilities so as not to hinder the normal operations and Reclamation's obligation to deliver CVP water to its contractors and/or refuges. In addition, the same water quality monitoring regimen as noted in Section 2.2 of EA-09-156 will continue to be implemented to ensure that quality of water to downstream users will be of acceptable quality for agricultural and/or municipal and industrial purposes. If water quality monitoring detect that water as a result of the Proposed Action substantially degrades the quality of water in the DMC, then BCID will be required to cease the introduction of this source of non-Project water until the quality has been improved to acceptable levels.

3.2.2 Biological Resources

An updated species list for federal listed species that may be affected as a result of the Proposed Action was obtained on February 5, 2014, by accessing the U.S. Fish and Wildlife Service (USFWS) Database: http://www.fws.gov/sacramento/ES_Species/Lists/es_species_lists-form.cfm (Document Number: 140205040442, USFWS 2014). The list is for the following USGS 7½ minute quadrangles (quads): which overlapped BCID: Vernalis, Tracy, and Solyo. There were no additional listed species to analyze since EA-09-156.

Water quality levels would continue to be monitored, with the requirement of pumps ceasing if water quality objectives are exceeded, to avoid effects to wildlife. Also, Warren Act related water would not reach streams containing listed fish species. No critical habitat occurs within the area affected by the Proposed Action and so none of the primary constituent elements of any critical habitat would be affected. Therefore, Reclamation has determined there would be No Effect to listed species or designated critical habitat under the Endangered Species Act (16 U.S.C. §1531 et. seq.).

The Proposed Action would not involve the conversion of any land fallowed and untilled for three or more years. The Proposed Action also would not change the land use patterns of the cultivated or fallowed fields that do have some value to listed species or birds protected by the Migratory Bird Treaty Act.

3.3 Cumulative Impacts

There are no other known past, present, or reasonably foreseeable future actions that would cumulatively result in significant impacts to the human environment when taking into consideration the actions analyzed within this EA.

Section 4 Consultation and Coordination

Due to the nature of the proposal and consideration of potential impacts as a result of the Proposed Action, no consultation or coordination with other agencies were performed.

Attachment A – ITA and Cultural Resources Determinations



Inthavong, Michael <minthavong@usbr.gov>

Re: Admin ITA Request Form - EA-14-006

1 message

RIVERA, PATRICIA <privera@usbr.gov>

Mon, Feb 3, 2014 at 2:22 PM

To: "Inthavong, Michael" <minthavong@usbr.gov>

Cc: Kristi Seabrook <kseabrook@usbr.gov>, Mary Williams <marywilliams@usbr.gov>

Michael,

I reviewed the proposed action to approve BCID's request to increase the total amount of non-Project water they can convey/store in the Delta-Mendota Canal from 10,000 acre-feet/year to 15,500 acre-feet/year. BCID has an existing 5-Year Warren Act Contract originally analyzed in EA-09-156. There is no extension to the timeframe of the existing Warren Act Contract, which will end after Contract Year 2014 (Feb. 28, 2015). There is no ground-disturbing activities.

The proposed action does not have a potential to impact Indian Trust Assets.

Patricia Rivera
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CULTURAL RESOURCE COMPLIANCE
Reclamation Division of Environmental Affairs
MP-153

MP-153 Tracking Number: 14-MPRO-087

Project Name: Amendment to Banta-Carbona Irrigation District (BCID) Five-Year Warren Act Contract

NEPA Document: EA-14-006

NEPA Contact: Michael Inthavong, Natural Resource Specialist

MP 153 Cultural Resources Reviewer: William Soule, Archaeologist

Date: 02/052014

The undertaking by Reclamation is the approval of an amendment to the BCID's Five-Year Warren Act Contract. This is the type of undertaking that does not have the potential to cause effects to historic properties, should such historic properties be present, pursuant to the National Historic Preservation Act (NHPA) Section 106 regulations codified at 36 CFR Part 800.3(a)(1).

Under this action Reclamation would approve the increase in total amount of non-Project water BCID could convey in the Delta-Mendota Canal from 10,000 AF/y to 15,500 AF/y. The temporal scope for this approval would coincide with the existing Warren Act Contract timeframe and conclude with Contract Year 2014 (February 28, 2015).

After reviewing the materials submitted, I concur with a statement in EA-14-006 that neither this proposed action, nor the no action alternative, have the potential to cause effects to historic properties pursuant to 36 CFR § 800.3(a)(1). With this determination, Reclamation has no further NHPA Section 106 obligations. This memorandum is intended to convey the completion of the NHPA Section 106 process for this undertaking. Please retain a copy in the administrative record for this action. Should changes be made to this project, additional NHPA Section 106 review, possibly including consultation with the State Historic Preservation Officer, may be necessary. Thank you for providing the opportunity to comment.

CC: Cultural Resources Branch (MP-153), Anastasia Leigh – Regional Environmental Officer (MP-150)