

DRAFT FINDING OF NO SIGNIFICANT IMPACT

Fresno Irrigation District's Installation of a Temporary Pumping Facility for the Introduction of Kings River Water into the Friant-Kern Canal at the Gould Canal for Transfer and/or Exchange



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U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
Sacramento, California

Recommended by: _____ **Date:** _____
Natural Resources Specialist

Approved by: _____ **Date:** _____
Program Manager

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BACKGROUND

The State of California is currently experiencing unprecedented water management challenges due to severe drought in recent years. Both the State and Federal water projects are forecasting very low storage conditions in all major reservoirs. In addition, Friant Division Central Valley Project (CVP) contractors have recently experienced reduced water supply allocations due to hydrologic conditions and implementation of the Stipulation of Settlement in *NRDC, et al., v. Kirk Rodgers, et al.* (Settlement). Based on hydrologic conditions, the U.S. Department of the Interior, Bureau of Reclamation (Reclamation) declared an initial allocation of 0 percent Class 1 and Class 2 supplies for the CVP Friant Division contractors for the 2014 Contract Year (a Contract Year is from March 1 through the last day of February of the following year). As a result, CVP Friant Division contractors have a need to find alternative sources of water to fulfill demands.

The planning and environmental review necessary to implement the Settlement is authorized under Section 3406(c)(1) of the Central Valley Project Improvement Act (CVPIA) (Public Law 102-575) and the San Joaquin River Restoration Settlement Act (Act), included in Public Law 111-11, the Omnibus Public Land Management Act of 2009. The Secretary of the Interior is authorized and directed to implement the terms and conditions of the Settlement through the Act. The San Joaquin River Restoration Program (SJRRP) is implementing the Settlement.

Paragraph 13(i) of the Settlement provides guidance on how to manage any unreleased Restoration Flows starting in 2014, including but not limited to options to enter into mutually acceptable agreements with Friant Division long-term contractors or third parties. Any mutual agreements negotiated to facilitate the actions under Paragraph 13(i) will be negotiated so as not to increase water supply reductions to Friant Division long-term contractors beyond what would have been caused by releases in accordance with the hydrograph releases in Exhibit B of the Settlement. The PEIS/R acknowledges that such agreements may require additional analysis pursuant to the National Environmental Policy Act of 1969, as amended (NEPA) and/or the California Environmental Quality Act (CEQA). Inasmuch, relevant information in the PEIS/R is incorporated by reference in the attached Draft Environmental Assessment (EA), *Fresno Irrigation District's Installation of a Temporary Pumping Facility for the Introduction of Kings River Water into the Friant-Kern Canal at the Gould Canal for Transfer and/or Exchange*.

PROPOSED ACTION

Reclamation proposes to do the following: (1) enter into an exchange agreement with the Fresno Irrigation District (District) for the return of previously banked Unreleased Restoration Flows, (2) enter into Warren Act contracts and/or exchange agreements for the introduction and conveyance of the District's available water supply into and through Friant Division facilities, and (3) issue a land use authorization to the District for the

installation, operation, and maintenance of temporary pumping facilities within its right-of-way at or near the Gould Canal. The Proposed Action is located primarily in Fresno and Tulare counties and involves construction activities in Fresno County at the intersection of the Gould and Friant-Kern canals at Friant-Kern Canal milepost 27.7.

The Proposed Action will be subject to the following parameters:

- No native or untilled land (fallow for three consecutive years or more) will be cultivated with the water involved in this action.
- The water under this action will be used for existing agricultural or municipal and industrial uses.
- The agreements will be between willing sellers and willing buyers.
- The agreements shall be limited to existing contractual amounts and will not increase overall consumptive use.
- The agreements for agricultural water will be used on lands irrigated within the last three consecutive years.
- The agreements will not lead to any land conversions.
- The agreements shall comply with all applicable Federal, State, Local or Tribal laws or requirements imposed for the protection of the environment and ITAs.
- The agreements will not alter the flow regime of natural water bodies such as rivers, streams, creeks, ponds, pools, wetlands, etc., so as to avoid detrimental effects on fish and wildlife, and their habitats.
- Prior to installation and removal of the facilities, a biological survey will be conducted to verify absence of species of concern. If species of concern are identified, relevant measures identified in the Conservation Strategy presented in Chapter 2, "Description of Alternatives," of the SJRRP PEIS/R, including avoidance and minimization measures, will be implemented, as appropriate.
- Any non-Project water introduced into Friant Division facilities will be required to meet Reclamation's then-current water quality criteria.

FINDINGS

In accordance with section 102(2)(c) of NEPA, Reclamation has determined that the Proposed Action is not a major federal action that would significantly affect the quality of the human environment. Therefore an Environmental Impact Statement is not required for implementing the Proposed Action. This Finding of No Significant Impact is supported by the attached Draft EA.

The following factors support this determination:

1. The Proposed Action will not significantly impact aesthetics. Based on a review of maps and aerial photographs, the Proposed Action will not cause visual changes inconsistent with the existing visual context of the construction site, and will not cause visual changes in other areas. The Proposed Action will have no effect on scenic resources, nor will it create any substantial source of light or glare.
2. The Proposed Action will not significantly impact air quality. No applicable air quality plan or air quality standard will be violated. Project-related toxic air contaminant emissions from off-road diesel equipment will not be anticipated to expose sensitive receptors to substantial pollutant concentrations because the use of mobilized equipment will be temporary and diesel particulate matter is highly dispersive.
3. The Proposed Action will not significantly impact terrestrial biological resources. No species of concern were identified in the vicinity of the construction footprint, including access roads and staging areas; therefore construction is not anticipated to result in disturbance of ecologically sensitive lands due to construction activities. Prior to installation and removal of the facilities, Reclamation will conduct a biological survey to verify absence of species of concern. If any species of concern are identified, measures, including modifications to construction design, as necessary, will be implemented, as appropriate, to avoid impacts to species of concern. No land use changes or additional disturbance will occur as a result of project operations or construction, therefore no habitat changes will occur that could potentially affect listed species, critical habitats, or species covered under the Migratory Bird Treaty Act (MBTA).
4. The Proposed Action will not alter aquatic ecosystems or have the potential to affect fisheries.
5. The Proposed Action will not impact cultural resources. The Proposed Action is the type of undertaking that does not have the potential to cause effects to historic properties, should such properties be present, pursuant to the NHPA Section 106 regulations codified at 36 CFR § 800.3(a)(1).
6. The Proposed Action will not impact geology and soils. The Proposed Action will not result in the loss of availability of mineral resources, increase the potential for loss of topsoil, or put people at risk associated with geologic hazards.
7. The Proposed Action will not significantly impact hydrology and water quality. The Proposed Action will not impact the overall existing operation of water districts or their facilities. Reclamation will sample Kings River water in the Gould Canal to ensure that the water introduced into the Friant-Kern Canal will meet existing water quality criteria, consistent with the parameters described in Section 2.2.4. Because this water is of high quality and will be tested to ensure

water quality criteria compliance, this delivery will not result in any additional violations of existing water quality standards or substantial water quality changes that will adversely affect beneficial uses.

8. The Proposed Action will not significantly impact land use or agricultural resources. Under the Proposed Action, there will not be any land conversions and no land fallowing will be deferred as a result of the delivery of Kings River water supply for up to five years. No new lands will be brought into agricultural production as a result of this action, because water deliveries will remain within existing contractual amounts.
9. The Proposed Action will not significantly impact noise. The Proposed Action construction site is not located near sensitive receptors, and the Proposed Action will therefore not cause impacts related to noise or vibration.
10. The Proposed Action will provide benefits to public health. Under the Proposed Action, Kings River water, which is of relatively high quality, could be used alone or combined with local groundwater supplies to meet some or all of the drinking water demand in some areas. This will provide a human health benefit.
11. The Proposed Action will not significantly impact transportation and utilities. The Proposed Action involves minimal construction activities and will not impair transportation or circulation. The Proposed Action includes modifications to an existing power supply to power electric pumps, but will not cause a substantial increase in power consumption or otherwise impact utilities.
12. The Proposed Action will provide socioeconomic benefits. The Proposed Action will minimize drought-related water supply impacts to those contractors who will receive Kings River supplies from the Friant Division facilities. This could minimize drought-related impacts to crop harvests and reduce adverse impacts to associated incomes within Fresno, Kern, Kings, Madera, Merced, and/or Tulare counties.
13. The Proposed Action will not affect any Indian Trust Assets.
14. The Proposed Action will not disproportionately impact minority and disadvantaged populations or communities. The Proposed Action will minimize drought-related water supply impacts to those contractors who will receive Kings River supplies from the Friant Division facilities. This will minimize drought-related impacts to crop harvests and reduce adverse impacts to minority or low-income farm laborers that will occur without the Proposed Action.
15. The Proposed Action, when added to other actions, would not have a cumulatively considerable contribution to any cumulative adverse impacts. The Proposed Action would have no impact on land use, biological resources, cultural resources, ITAs, or Indian Sacred Sites, and would have beneficial impacts on water resources and public health; and therefore would not contribute to adverse cumulative impacts on these resources areas. The Proposed Action would have

minor impacts on air quality and global climate change; however, because of the minor and temporary nature of these impacts, the Proposed Action would not have a cumulatively considerable contribution to a cumulative adverse impact on these resource areas.

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