

RECLAMATION

Managing Water in the West

Draft Finding of No Significant Impact

Warren Act Contract for Conveyance from Turlock to Del Puerto Water District

FONSI-13-050

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**U.S. Department of the Interior
Bureau of Reclamation
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March 2014

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 to issue a for Warren Act Contract for Conveyance from Turlock to Del Puerto Water District. This Finding of No Significant Impact is supported by Reclamation's Environmental Assessment (EA) 13-050, *Warren Act Contract for Conveyance from Turlock to Del Puerto Water District*, which is hereby incorporated by reference.

Background

Del Puerto Water District (DPWD) is a Central Valley Project (CVP) Contractor located on the west side of the San Joaquin Valley, south of the Sacramento-San Joaquin Delta (Delta). DPWD's water supplies have been reduced in recent years because of regulatory limitations and adverse hydrologic conditions. As a result, DPWD is pursuing additional supplies for their agricultural customers.

The City of Turlock (Turlock) is located in southern Stanislaus County, on California 99 between Merced and Modesto. Turlock's Regional Water Quality Control Facility currently discharges treated, recycled water to the San Joaquin River by way of the Harding Drain. This water meets California standards for unrestricted use, and is available for a variety of purposes, including agricultural irrigation, as acquired under Section 1485 of the California State Water Code. Turlock has agreed to transfer up to 13,400 acre-feet (AF) per year of this non-CVP water to DPWD on a recurring basis.

Since the transferred water would need to be conveyed in the Delta-Mendota Canal (DMC), which is federally owned, Turlock and DPWD have requested that Reclamation issue a Warren Act Contract (WAC) for conveyance of 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 DPWD that currently receives CVP water.

Proposed Action

Reclamation proposes to execute a series of WAC for conveyance of up to 13,400 AF per year of recycled, treated water from the City of Turlock to DPWD. The contracts would be no longer than five years in length individually and no longer than twenty-five years in total. The path by which the water would be conveyed is shown in the EA and described below.

Water would enter the San Joaquin River at Turlock's existing discharge point, and would travel down the river to Patterson Irrigation District (PID). PID would pump the water at their intakes, which are protected by a permitted fish screen, and convey it through their existing water delivery facilities to the DMC. DPWD would then divert the water at their various intake points along the canal. Conveyance losses of 5% would be assessed in Federal facilities.

The Proposed Action 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

Reclamation, the City of Turlock and DPWD 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
Multiple	Reclamation shall evaluate the environmental impacts of the Warren Act Contract and update NEPA documentation as necessary prior to each renewal. This shall include a determination as to whether additional Endangered Species Act analysis is necessary.
Water Resources/Biological Resources	Dischargers to the DMC shall adhere to Delta-Mendota Canal water quality standards in effect at the time the WAC is issued.
Biological Resources	The Proposed Action does not include, nor does this EA evaluate, the conversion of any land fallowed and untilled for three or more years. The Proposed Action must not change the land use patterns of cultivated or fallowed fields that may have value to listed species or birds protected by the Migratory Bird Treaty Act.

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 Proposed Action would make use of existing approved capacity and would not increase diversions at the PID intake above the previously approved amount. The diversion would represent a short-term net loss of water to the San Joaquin River, since the water to be conveyed to DPWD would have otherwise flowed to the Delta, or would be sold to another water user. A portion of the water directed to DPWD would infiltrate to local groundwater, a portion would evaporate, and a portion would drain following existing surface drainage routes. Due to the relatively small volume of water being considered, this change in hydrologic patterns within the basin is considered minor in the context of overall trends.

Biological Resources

The effects to biological resources by conveying up to 13,400 AF per year of recycled, treated water to DPWD for agricultural practices would be similar to the No Action Alternative. Most of the habitat types required by species protected under Endangered Species Act do not occur in

DPWD's service boundary. Any encountered biological resources are likely to be those associated with actively cultivated land.

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. Changes to native or fallowed lands would require separate environmental review. No critical habitat occurs within DPWD's service boundary, so no critical habitat primary constituent elements would be affected. The Proposed Project 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.

Potential impacts to listed anadromous fish species and fish habitat resulting from the operation of PID's intake canal on the San Joaquin River were addressed in a concurrence letter issued by the National Marine Fisheries Service (NMFS) to Reclamation. Central Valley spring-run Chinook salmon and North American Green sturgeon were considered in the NMFS' concurrence letter but were assumed extirpated from the San Joaquin River, and instead their analysis focused on Central Valley steelhead and critical habitat. NMFS concurred PID's intake canal was not likely to affect the Central Valley steelhead and their designated habitat, as long as no more than four percent of the flow of the San Joaquin River is diverted through the intake at a capacity of 195 cfs. Under the Proposed Action, no greater than two percent of the total river flow, including this action, would be diverted and PID's operations would not exceed existing coverage. This reduction in river flow could potentially affect habitat conditions in the river for fish and their survival during their migration either to or from the river and coastal marine waters. For the reasons listed above, Reclamation has determined that the Proposed Action may impact Central Valley spring-run Chinook salmon ESU, Central Valley steelhead (DPS), and Southern DPS North American green sturgeon, but those effects would be discountable.

Essential Fish Habitat for Pacific salmon may be adversely affected. However, a decrease in flows on the San Joaquin River below the Merced River confluence would be minor in terms of changes in water levels and water temperature, and are unlikely to be measurable outside of typical day-to-day variations.

Socioeconomic Resources

The Proposed Action would support existing socioeconomic patterns in the area by providing a stable and predictable water supply for DPWD's customers.

Environmental Justice

A reliable source of water improves conditions for agricultural businesses, which translates into a better labor market for farm laborers. Since the laborers often come from minority and low-income populations, this provides a benefit to environmental justice groups.

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 for pumping 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 greenhouse gases (GHG) would be the case where 100% of the power is produced from fossil fuels. In a previous EA conducted for a similar action (EA 13-035), Reclamation calculated that pumping of 15,000 AF by PID could produce a maximum of 2,800 metric tons of GHG. That amount is below the reporting threshold of 25,000 metric tons established by EPA, and pumping the smaller volume of water involved with this action would similarly be expected to be below the threshold.

Accordingly, operations under the Proposed Action would result in below *de minimis* impacts to global climate change.

Cumulative Impacts

As in the past, hydrological conditions and other factors are likely to result in fluctuating water supplies which drive requests for water service actions. Water districts provide water to their customers based on available water supplies and timing, while attempting to minimize costs. Farmers irrigate and grow crops based on these conditions and factors, and a myriad of water service actions are approved and executed each year to facilitate water needs. Each water service transaction involving Reclamation undergoes environmental review prior to approval.

Capacity in federal canals is limited, and if many water actions were scheduled to take place concurrently they could cumulatively compete for space in the conveyance system. However, non-project water such as would be moved under the Proposed Action would only be allowed to enter the canal system if excess capacity is available, so it would not limit the ability of other users to make use of the facility.

With incorporation of the environmental protection measures listed above, the Proposed Action would not contribute cumulatively to any impacts to terrestrial special-status species because no land use change would result from the action. The diversion of discharged water from Turlock to DPWD via PID's intake canal, when added to other past, present, and reasonably foreseeable future actions, may affect but is unlikely to result in additional cumulative impacts on the biological resources of the study area and downstream impacts than those already analyzed. This determination relies on PID complying with existing approved pumping capacity (195 cfs) and the decrease in flow to the San Joaquin River from the Proposed Project is less than 4%, as per NMFS' guidelines. As the Proposed Action itself is unlikely to impact special-status plant, fish or wildlife resources, it is also unlikely to contribute to cumulative impacts on those resources.

Resources Eliminated from Further Analysis

Reclamation analyzed the affected environment and determined that neither Proposed Action nor the No Action Alternative have the potential to cause direct, indirect, or cumulative effects to the resources listed below:

- Cultural Resources
- Indian Trust Assets
- Indian Sacred Sites
- Land Use