

RECLAMATION


Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Additional Points of Delivery for Panoche Water District's Non-Project Groundwater to Westlands Water District

FONSI-14-022

Recommended by:


Rain L. Emerson
Supervisory Natural Resources Specialist
South-Central California Area Office

Date:

07/02/2014

Concurred by:

See Appendix A
Archaeologist
Mid-Pacific Regional Office

Date: Appendix A in EA-14-022

Concurred by:

See Appendix B
Native American Affairs Specialist
Mid-Pacific Regional Office

Date: Appendix B in EA-14-022


Concurred by:


Jennifer L. Lewis
Wildlife Biologist
South-Central California Area Office

Date:

7.7.14


Concurred by:


David E. Hyatt
Acting Chief, Resources Management Division
South-Central California Area Office

Date:

7/7/14

Approved by:


for Michael Jackson
Area Manager
South-Central California Area Office

Date:

7/8/14



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 (EIS) is not required for the approval of additional points of delivery along the San Luis Canal (SLC) to Westlands Water District (Westlands) for groundwater introduced into the Delta-Mendota Canal (DMC) by Panoche Water District (Panoche) pursuant to Warren Act Contract No. 13-WC-20-4386.

This Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA)-14-022, *Additional Points of Delivery for Panoche Water District's Non-Project Groundwater to Westlands Water District*, and is hereby incorporated by reference.

Reclamation provided the public with an opportunity to comment on the Draft FONSI and Draft EA between June 16, 2014 and June 30, 2014. No comments were received.

Background

In 2012, the San Luis & Delta-Mendota Water Authority (SLDMWA), on behalf of eight of its member agencies, requested approval from Reclamation to pump groundwater into the DMC for storage and conveyance to South-of-Delta (SOD) Central Valley Project (CVP) contractors over a 10-year period (referred to as the DMC Groundwater Pump-in Program). Reclamation analyzed the 10-year Groundwater Pump-in Program in EA-12-061. Based on specific environmental commitments included in the DMC Groundwater Pump-in Program, including water quality requirements, Reclamation determined that the cumulative introduction, storage, and conveyance of up to 50,000 acre-feet (AF) per year of groundwater would not significantly affect the quality of the human environment and a FONSI was executed on January 10, 2013.

On May 1, 2013, Reclamation executed a temporary 5-year Warren Act contract (Contract No. 13-WC-20-4386) with Panoche for the annual introduction of up to 10,000 AF of its non-CVP groundwater into the DMC as part of the DMC Groundwater Pump-in Program. Points of delivery for this non-CVP groundwater include Panoche's existing turnouts on the DMC and SLC.

In 2014, Panoche requested approval from Reclamation to include additional points of delivery for up to 5,000 AF of this water through February 28, 2015 to Westlands turnouts along the SLC (see Figure 1-1 in EA-14-022).

Proposed Action

Reclamation proposes to approve additional points of delivery for up to 5,000 AF of Panoche's non-CVP groundwater introduced into the DMC as part of the DMC Groundwater Pump-in Program through February 28, 2015. The 5,000 AF is included in the up to 10,000 AF provided for under Panoche's existing 5-year Warren Act contract which is included in the cumulative total (50,000 AF per year) allowed under the DMC Groundwater Pump-in Program. The additional points of delivery would include existing turnouts along the SLC for Westlands. As shown in Figure 2-1 of EA-14-022, storage in San Luis Reservoir and delivery via the SLC is

done by exchanging Panoche's introduced non-CVP groundwater with Reclamation for an equivalent amount of CVP water.

Environmental Commitments

As required by Panoche's Warren Act contract and analyzed in EA-12-061, Panoche shall continue to implement the environmental commitments required for the DMC Groundwater Pump-in Program. In addition, Westlands would implement the environmental protection measures listed in Table 2-1 of EA-14-022 to reduce environmental consequences associated with the Proposed Action. Environmental consequences for resource areas assume the measures specified would be fully implemented.

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:

Findings

Water Resources

Under the Proposed Action, Panoche would continue to introduce up to 10,000 AF of groundwater into the DMC pursuant to its existing Warren Act contract. Up to 5,000 AF of this groundwater would be delivered to Westlands via existing turnouts along the SLC. No additional groundwater pumping would occur in order to provide this water to Westlands beyond what was previously approved and analyzed in EA-12-061.

Land Use

The additional points of delivery of up to 5,000 AF of Panoche's non-CVP groundwater would be used to irrigate existing permanent crops in Westlands. The water would not be used to place untilled or new lands into production, or to convert undeveloped land to other uses. There would be no change in land use as a result of the Proposed Action.

Geological Resources

All of Panoche's wells are included in the subsidence monitoring program required for the DMC Groundwater Pump-in Program. As these have previously been covered and no additional pumping would be needed for this action, no additional effects would occur as a result of the Proposed Action.

Biological Resources

The flow regime of natural waterways or natural watercourses such as rivers, streams, creeks, ponds, pools, wetlands, etc., would not be altered as a result of the Proposed Action. In addition, the Proposed Action would not involve the conversion of any land fallowed and untilled for three or more years. As such, Reclamation has determined there would be no effect to proposed or listed species or critical habitat under the Endangered Species Act of 1973, as amended (16 U.S.C. §1531 et seq.). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service is necessary. Reclamation has also determined that there would be no take of birds protected under the Migratory Bird Treaty Act (16 U.S.C. §703 et seq.) as none would be affected by the Proposed Action.

Cultural Resources

The Proposed Action would facilitate the flow of water through existing facilities to existing users. As no construction or modification of facilities would be needed in order to complete the Proposed Action, Reclamation has determined that these activities have no potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1). See Appendix A of EA-14-022 for Reclamation's determination.

Indian Sacred Sites

The Proposed Action will not limit access to or ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.

Indian Trust Assets

The Proposed Action would not impact Indian Trust Assets as there are none in the Proposed Action area. See Appendix B of EA-14-022 for Reclamation's determination.

Socioeconomic Resources

The Proposed Action would have beneficial impacts on socioeconomic resources for Westlands as the additional groundwater would be used to help sustain existing crops and maintain farming within the district.

Environmental Justice

The Proposed Action would not cause dislocation, changes in employment, or increase flood, drought, or disease nor would it disproportionately impact economically disadvantaged or minority populations.

Air Quality

The pumping of wells for the DMC Groundwater Pump-in Program was previously analyzed in EA-12-061 which found emissions of all of the proposed pumps to be well below the *de minimis* thresholds for the San Joaquin Valley Air Pollution Control District. No additional pumping would occur as a result of the Proposed Action, as such, there would be no additional impacts beyond those previously covered and a conformity analysis pursuant to the Clean Air Act is not required.

Global Climate and Energy Use

The pumping of wells for the DMC Groundwater Pump-in Program was previously analyzed in EA-12-061 which found emissions of all of the proposed pumps to be well below the *de minimis* thresholds for the Environmental Protection Agency. No additional pumping would occur as a result of the Proposed Action, as such, there would be no additional impacts beyond those previously covered. Global climate change is expected to have some effect on the snow pack of the Sierra Nevada and the runoff regime. Current data are not yet clear on the hydrologic changes and how they will affect the San Joaquin Valley. CVP water allocations are made dependent on hydrologic conditions and environmental requirements. Since Reclamation operations and allocations are flexible, any changes in hydrologic conditions due to global climate change would be addressed within Reclamation's operation flexibility.

Cumulative Impacts

Cumulative impacts result from incremental impacts of the Proposed Action when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Reclamation has reviewed existing or foreseeable projects in the same geographic area that could affect or could be affected by the Proposed Action. 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. It is likely that in 2014, more districts will request transfers and Warren Act contracts due to hydrologic conditions. Each water service transaction involving Reclamation undergoes environmental review prior to approval.

The Proposed Action and other similar projects would not hinder the normal operations of the CVP and Reclamation's obligation to deliver water to its contractors or to local fish and wildlife habitat. Since the Proposed Action would not involve construction or modification of facilities, nor interfere with CVP or State Water Project operations, there would be no cumulative impacts to existing facilities or other contractors.

Capacity in the DMC and SLC is limited, and if many water actions were scheduled to take place concurrently they could cumulatively compete for space. However, non-CVP water would only be allowed to enter the DMC for conveyance through federal facilities, including the SLC, if excess capacity is available. As such, the Proposed Action would not limit the ability of other users to make use of the facilities.

As the Proposed Action is not expected to result in any direct or indirect adverse impacts to land use, biological resources, cultural resources, Indian Sacred Sites, Indian Trust Assets, socioeconomics, minority or disadvantaged populations, air quality or global climate and energy use, there would be no cumulative adverse impacts to these resources.

RECLAMATION

Managing Water in the West

Final Environmental Assessment

Additional Points of Delivery for Panoche Water District's Non- Project Groundwater to Westlands Water District

EA-14-022



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

July 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.

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Section 1 Introduction

The Bureau of Reclamation (Reclamation) provided the public with an opportunity to comment on the Draft Finding of No Significant Impact (FONSI) and Draft Environmental Assessment (EA) between June 16, 2014 and June 30, 2014. No comments were received. Changes between this Final EA and the Draft EA, which are not minor editorial changes, are indicated by vertical lines in the left margin of this document.

1.1 Background

In 2012, the San Luis & Delta-Mendota Water Authority (SLDMWA), on behalf of eight of its member agencies, requested approval from Reclamation to pump groundwater into the Delta-Mendota Canal (DMC) for storage and conveyance to South-of-Delta (SOD) Central Valley Project (CVP) contractors over a 10-year period (referred to as the DMC Groundwater Pump-in Program). Reclamation analyzed the 10-year Groundwater Pump-in Program in EA-12-061 (Reclamation 2013). Based on specific environmental commitments included in the DMC Groundwater Pump-in Program, including water quality requirements, Reclamation determined that the cumulative introduction, storage, and conveyance of up to 50,000 acre-feet (AF) per year of groundwater would not significantly affect the quality of the human environment and a FONSI was executed on January 10, 2013.

On May 1, 2013, Reclamation executed a temporary 5-year Warren Act contract (Contract No. 13-WC-20-4386) with Panoche Water District (Panoche) for the annual introduction and storage of up to 10,000 AF of its non-CVP groundwater into the DMC as part of the DMC Groundwater Pump-in Program. Points of delivery for this non-CVP groundwater include Panoche's existing turnouts on the DMC and San Luis Canal (SLC). As described in EA-12-061, storage and delivery via the SLC is done by exchanging with Reclamation introduced non-CVP water for an equivalent amount of CVP water.

In 2014, Panoche requested approval from Reclamation to include additional points of delivery for up to 5,000 AF of this water through February 28, 2015 to Westlands Water District (Westlands) turnouts along the SLC (Figure 1-1).

1.2 Need for the Proposed Action

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, SOD CVP contractors experienced reduced water supply allocations from 2007 to 2013 due to hydrologic conditions and regulatory requirements. Based on hydrologic conditions, Reclamation declared an initial allocation of 0 percent for SOD CVP contractors for the 2014 Contract Year. As a result, SOD CVP contractors, such as Westlands, have a need to find alternative sources of water to fulfill demands.

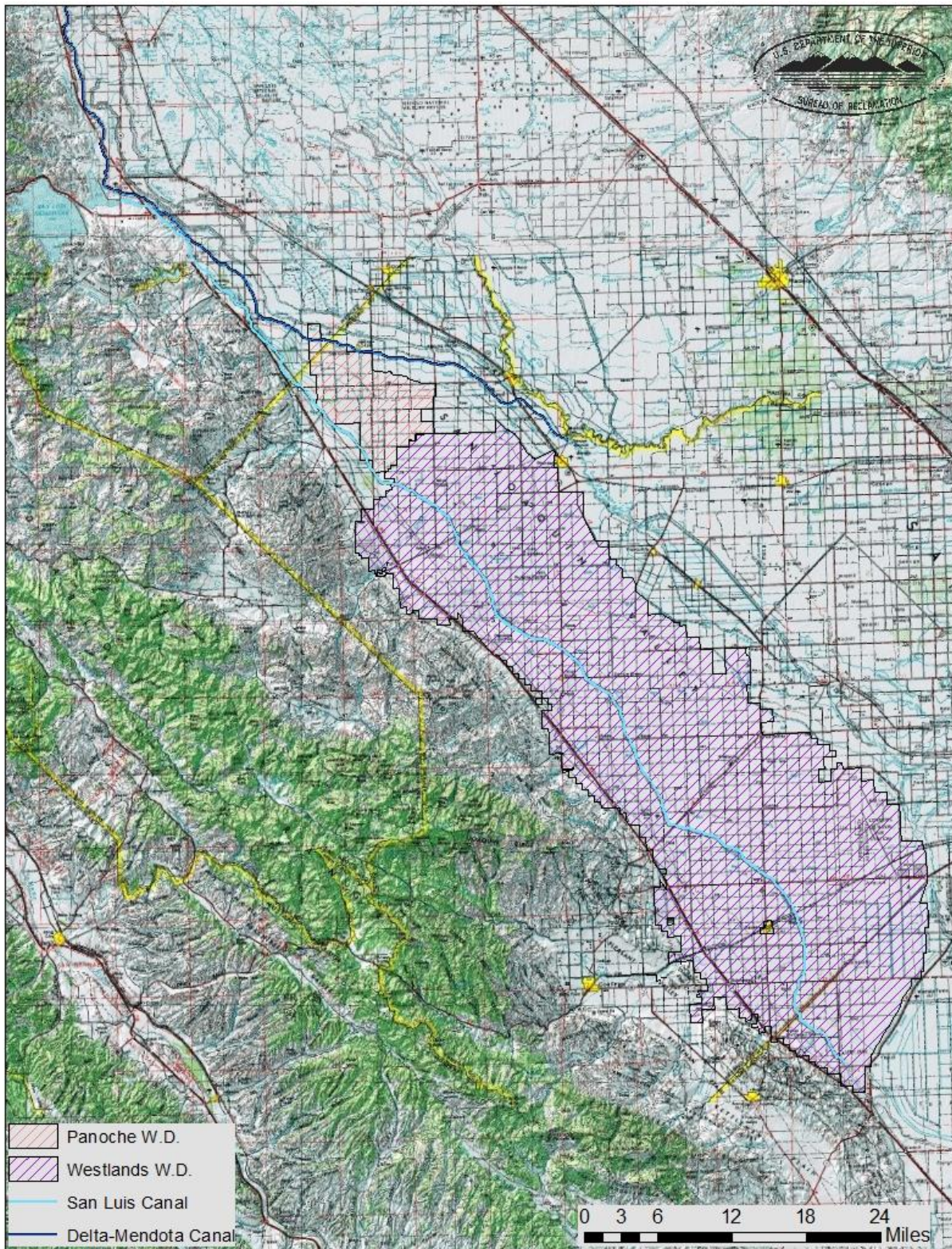


Figure 1-1 Proposed Action Area

Section 2 Alternatives Including the Proposed Action

This EA considers two possible actions: the No Action Alternative and the Proposed Action. The No Action Alternative reflects future conditions without the Proposed Action and serves as a basis of comparison for determining potential effects to the human environment.

2.1 No Action Alternative

Under the No Action Alternative, Reclamation would not approve additional points of delivery for Panoche's non-CVP groundwater introduced under its existing 5-year Warren Act contract. Panoche's groundwater would continue to be introduced, stored, and/or conveyed to Panoche's previously approved points of delivery as analyzed in EA-12-061. Westlands would not receive this additional source of water.

2.2 Proposed Action

Reclamation proposes to approve additional points of delivery for up to 5,000 AF of Panoche's non-CVP groundwater introduced into the DMC as part of the DMC Groundwater Pump-in Program through February 28, 2015. The 5,000 AF is included in the up to 10,000 AF provided for under Panoche's existing 5-year Warren Act contract which is included in the cumulative total (50,000 AF per year) allowed under the DMC Groundwater Pump-in Program. The additional points of delivery would include existing turnouts along the SLC for Westlands (see Figure 1-1). As shown in Figure 2-1, storage in San Luis Reservoir and delivery via the SLC is done by exchanging Panoche's introduced non-CVP groundwater with Reclamation for an equivalent amount of CVP water.

2.2.1 Environmental Commitments

As required by Panoche's Warren Act contract and analyzed in EA-12-061, Panoche shall continue to implement the environmental commitments required for the DMC Groundwater Pump-in Program. In addition, Westlands would implement the environmental protection measures listed in Table 2-1 to reduce potential environmental consequences due to the Proposed Action. Environmental consequences for resource areas assume the measures specified would be fully implemented.

Table 2-1 Environmental Protection Measures and Commitments

Resource	Protection Measure
Biological Resources	No native or untilled land (fallow for three consecutive years or more) may be cultivated with this water without additional environmental analysis and approval.
	The Proposed Action cannot alter the flow regime of natural waterways or natural watercourses such as rivers, streams, creeks, ponds, pools, wetlands, etc., so as to have a detrimental effect on fish or wildlife or their habitats.
	The Proposed Action shall 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 (MBTA).
Various Resources	Use of the water shall comply with all federal, state, local, and tribal law, and requirements imposed for protection of the environment and Indian Trust Assets.

Resource	Protection Measure
	No land conversions may occur as a result of the Proposed Action.
	No new construction or modification of existing facilities may occur in order to complete the Proposed Action.

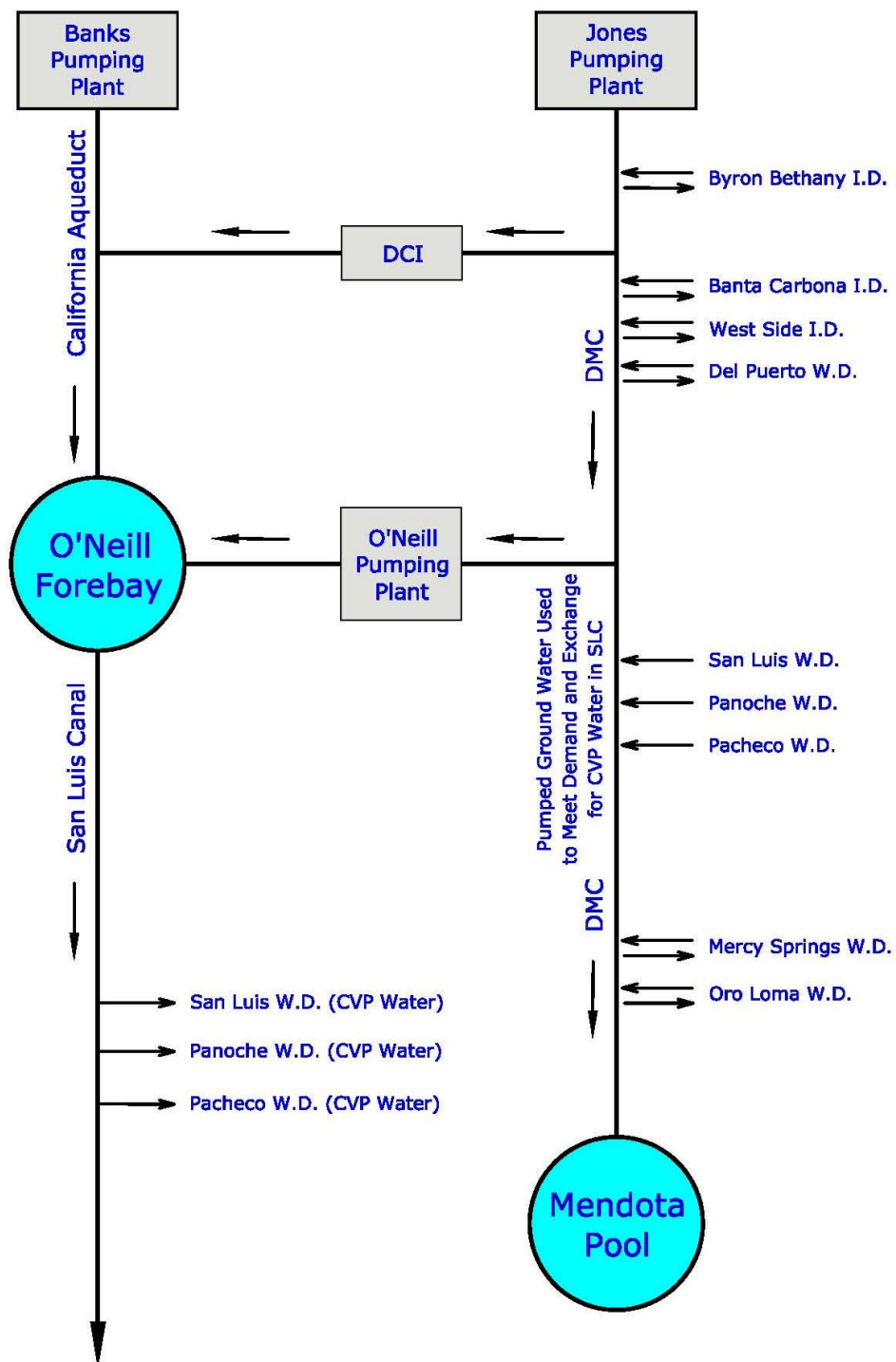


Figure 2-1 Groundwater Pump-in Program Schematic

Section 3 Affected Environment and Environmental Consequences

The only difference between the Proposed Action analyzed in this EA and the action analyzed in EA-12-061 is the delivery of up to 5,000 AF of Panoche's non-CVP groundwater to Westlands from its existing turnouts on the SLC. The environmental impacts analyzed within Section 3 of EA-12-061 are still valid and adequately assesses the environmental effects from this Proposed Action, which is hereby incorporated by reference. Potential impacts to the following resources were re-considered as a result of this proposal and were still found to be minor. Brief explanations of impacts are provided in Table 3-1.

Table 3-1 Resources Eliminated from Further Analysis

Resource	Reason Eliminated
Land Use	The additional points of delivery of up to 5,000 AF of Panoche's non-CVP groundwater would be used to irrigate existing permanent crops in Westlands. The water would not be used to place untilled or new lands into production, or to convert undeveloped land to other uses. There would be no change in land use as a result of the Proposed Action.
Geology	All of Panoche's wells are included in the subsidence monitoring program required for the DMC Groundwater Pump-in Program. As these have previously been covered and no additional pumping would be needed for this action, no additional effects would occur as a result of the Proposed Action.
Cultural Resources	The Proposed Action would facilitate the flow of water through existing facilities to existing users. As no construction or modification of facilities would be needed in order to complete the Proposed Action, Reclamation has determined that these activities have no potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1). See Appendix A for Reclamation's determination.
Indian Sacred Sites	The Proposed Action would not limit access to or ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.
Indian Trust Assets	The Proposed Action would not impact Indian Trust Assets as there are none in the Proposed Action area. See Appendix B for Reclamation's determination.
Socioeconomics	The Proposed Action would have beneficial impacts on socioeconomic resources for Westlands as the additional groundwater would be used to help sustain existing crops and maintain farming within the district.
Environmental Justice	The Proposed Action would not cause dislocation, changes in employment, or increase flood, drought, or disease nor would it disproportionately impact economically disadvantaged or minority populations.
Air Quality	The pumping of wells for the DMC Groundwater Pump-in Program was previously analyzed in EA-12-061 which found emissions of all of the proposed pumps to be well below the <i>de minimis</i> thresholds for the San Joaquin Valley Air Pollution Control District. No additional pumping would occur as a result of the Proposed Action, as such, there would be no additional impacts beyond those previously covered and a conformity analysis pursuant to the Clean Air Act is not required.
Global Climate and Energy Use	The pumping of wells for the DMC Groundwater Pump-in Program was previously analyzed in EA-12-061 which found emissions of all of the proposed pumps to be well below the <i>de minimis</i> thresholds for the Environmental Protection Agency. No additional pumping would occur as a result of the Proposed Action, as such, there would be no additional impacts beyond those previously covered. Global climate change is expected to have some effect on the snow pack of the Sierra Nevada and the runoff regime. Current data are not yet clear on the hydrologic changes and how they will affect the San Joaquin Valley. CVP water allocations are made dependent on hydrologic conditions and environmental requirements. Since Reclamation operations and allocations are flexible, any changes in hydrologic conditions due to global climate change would be addressed within Reclamation's operation flexibility.

3.1 Water Resources

3.1.1 Affected Environment

The affected environment is the same as described in Section 3.1 of EA-12-061 (Reclamation 2013). Rather than repeating the same information that has been incorporated by reference into this document, the affected environment and environmental consequences section in this EA will focus on updates or changes.

Central Valley Project

CVP water is used for the irrigation of agricultural areas, for municipal and industrial (M&I) uses, for the restoration of fisheries and aquatic habitat in the waterways that have been affected by water development, for wildlife refuges, and for other purposes. The largest use of CVP water is for agricultural irrigation. The greatest demand for irrigation water occurs in mid to late summer, as crops mature and crop water use increases. During the winter, farmers in the CVP also use water for frost control, pre-irrigation of fields to saturate the upper soil and for irrigation when precipitation is insufficient.

The amount of CVP water available each year for contractors is based, among other considerations, on the storage of winter precipitation and the control of spring runoff in the Sacramento and San Joaquin River basins. Reclamation's delivery of CVP water diverted from these rivers is determined by State water right permits, judicial decisions, and State and Federal obligations to prior rights holders, to maintain water quality, to enhance environmental conditions, and to prevent flooding.

SOD CVP agricultural allocations averaged 47 percent from 2005 to 2014 (Table 3-2). Over the last five years the average allocation was 37 percent with a range of 0 to 80 percent. A 100 percent allocation was only received once in the last 10 years (2006). Due to operational constraints and fluctuating hydrologic conditions, water allocations in the future are likely to be similar to those shown in Table 3-2.

Table 3-2 Ten Year Average SOD Agricultural Allocation

Contract Year	Agricultural Allocations (%)¹
2014 ²	0
2013	20
2012	40
2011	80
2010	45
2009	10
2008	40
2007	50
2006	100
2005	85
Average	47

¹As percentage of Water Service Contract total
²Initial 2014 allocation.
Source: http://www.usbr.gov/mp/cvo/vungvari/water_allocations_historical.pdf

Westlands Water District

Westlands provides irrigation water to over 570,000 acres of annual and permanent crops in Fresno and Kings Counties. Westlands receives CVP water both from the DMC and the SLC

with the majority of its CVP supply diverted from the SLC. All water is metered at the point of delivery through more than 3,200 agricultural and 250 M&I meter locations. Westlands' permanent distribution system consists of 1,034 miles of closed, buried pipeline. The district also operates and maintains the 12-mile-long, concrete-lined, Coalinga Canal, the Pleasant Valley Pumping Plant, and the laterals that supply CVP water to the communities of Coalinga and Huron.

3.1.2 Environmental Consequences

No Action

Under the No Action Alternative, Reclamation would not approve the additional points of delivery of up to 5,000 AF of Panoche's non-CVP groundwater water to Westlands via the SLC. Panoche's non-CVP groundwater would continue to be pumped into the DMC for direct conveyance to Panoche and/or later return to Panoche's service area via exchange with Reclamation pursuant to the existing Warren Act Contract previously analyzed in EA-12-061. Any additional water supply needs within Westlands would need to be met from other sources, such as purchasing surface water supplies or from additional groundwater pumping.

Proposed Action

Under the Proposed Action, Panoche would continue to introduce up to 10,000 AF of groundwater into the DMC pursuant to its existing Warren Act contract. Up to 5,000 AF of this groundwater would be delivered to Westlands via existing turnouts along the SLC. No additional groundwater pumping would occur in order to provide this water to Westlands beyond what was previously approved and analyzed in EA-12-061.

Cumulative Impacts

Cumulative impacts result from incremental impacts of the Proposed Action when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Reclamation has reviewed existing or foreseeable projects in the same geographic area that could affect or could be affected by the Proposed Action. 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. It is likely that in 2014, more districts will request transfers and Warren Act contracts due to hydrologic conditions. Each water service transaction involving Reclamation undergoes environmental review prior to approval.

The Proposed Action and other similar projects would not hinder the normal operations of the CVP and Reclamation's obligation to deliver water to its contractors or to local fish and wildlife habitat. Since the Proposed Action would not involve construction or modification of facilities, nor interfere with CVP or State Water Project operations, there would be no cumulative impacts to existing facilities or other contractors.

Capacity in the DMC and SLC is limited, and if many water actions were scheduled to take place concurrently they could cumulatively compete for space. However, non-CVP water would only be allowed to enter the DMC for conveyance through federal facilities, including the SLC, if excess capacity is available. As such, the Proposed Action would not limit the ability of other users to make use of the facilities.

3.2 Biological Resources

3.2.1 Affected Environment

The Proposed Action area includes the CVP service areas of Panoche and Westlands. These service areas are primarily cultivated agricultural lands and include field crops, vineyards, and orchards. These areas are associated with irrigation water delivery systems and drainage canals. There is some urban development, although limited, and any non-agricultural vegetation frequently includes weedy non-native annual and biennial plants.

A list of federal listed threatened and endangered species that occur within or near Panoche and Westlands and/or may be affected as a result of the Proposed Action was obtained on May 27, 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: 140527102811). The list is for the following U.S. Geological Survey 7½ minute quadrangles: which are overlapped by the districts: Stratford, Westhaven, Kettleman City, Huron, Gujarral Hills, Avenal, La Cima, Coalinga, Burrel, Vanguard, Lemoore, Five Points, Westside, Harris Ranch, Calflax, Tres Pecos Farms, Lillis Ranch, Domengine Ranch, San Joaquin, Helm, Tranquillity, Coit Ranch, Levis, Cantua Creek, Chaney Ranch, Chounet Ranch, Tumey Hills, Monocline Ridge, Firebaugh, Dos Palos, Hammonds Ranch, and Broadview Farms. Reclamation also queried the California Natural Diversity Database (CNDDDB), and combined the USFWS and CNDDDB (2014) information with information in Reclamation's files to create Table 3-3. In addition to the federally listed species shown in Table 3-3, western burrowing owl (*Athene cunicularia hypugaea*) and Swainson's hawk (*Buteo swainsoni*), both protected by the federal Migratory Bird Treaty Act (MBTA), may be present.

Table 3-3 Federal Protected Species with Potential to be Present in the Proposed Action Area

Species	Status ¹	Summary basis for Effects determination
AMPHIBIANS		
California red-legged frog (<i>Rana draytonii</i>)	T	No effect determination; suitable habitat not present
California tiger salamander, central population (<i>Ambystoma californiense</i>)	T	No effect determination; suitable habitat not present.
BIRDS		
California condor (<i>Gymnogyps californianus</i>)	E	No effect determination; suitable habitat not present.
Western snowy plover (<i>Charadrius alexandrinus nivosus</i>)	T	No effect determination; suitable habitat not present.
FISH		
Central Valley steelhead (<i>Oncorhynchus mykiss</i>)	T (NMFS)	No effect determination; suitable habitat not present.
Delta smelt (<i>Hypomesus transpacificus</i>)	T	No effect determination; suitable habitat not present.

Species	Status ¹	Summary basis for Effects determination
INVERTEBRATES		
Valley elderberry longhorn beetle (<i>Desmocerus californicus dimorphus</i>)	T	No effect determination; no land use change, conversion of cultivated or fallowed fields, construction or modification of existing facilities would occur as a result of the Proposed Action.
Vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	T	No effect determination; suitable habitat not present.
Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>)	E	No effect determination; suitable habitat not present.
MAMMALS		
Buena Vista Lake shrew (<i>Sorex ornatus relictus</i>)	X	No effect determination; suitable habitat not present.
Fresno kangaroo rat (<i>Dipodomys nitratoides exilis</i>)	E, X	No effect determination; suitable habitat not present.
San Joaquin kit fox (<i>Vulpes macrotis mutica</i>)	E	No effect determination; although suitable habitat may be present, no land use change, conversion of cultivated or fallowed fields, construction or modification of existing facilities would occur as a result of the Proposed Action.
Giant kangaroo rat (<i>Dipodomys ingens</i>)	E	No effect determination; suitable habitat not present.
Tipton kangaroo rat (<i>Dipodomys nitratoides nitratoides</i>)	E	No effect determination; suitable habitat not present.
PLANTS		
California jewelflower (<i>Caulanthus californicus</i>)	E	No effect determination; suitable habitat not present.
Palmdale-bracted bird's-beak (<i>Cordylanthus palmatus</i>)	E	No effect determination; suitable habitat not present.
San Joaquin woolly-threads (<i>Monolopia congdonii</i>)	E	No effect determination; no land use change, conversion of cultivated or fallowed fields, construction or modification of existing facilities would occur as a result of the Proposed Action.
REPTILES		
Blunt-nosed leopard lizard (<i>Gambelia sila</i>)	E	No effect determination; no land use change, conversion of cultivated or fallowed fields, construction or modification of existing facilities would occur as a result of the Proposed Action. Agricultural lands do not provide suitable habitat.
Giant garter snake (<i>Thamnophis gigas</i>)	T	No effect determination; no land use change, adverse water quality changes, conversion of cultivated or fallowed fields, construction or modification of existing facilities would occur as a result of the Proposed Action.
1 Status= Federally protected species under the Endangered Species Act unless otherwise specified E: Listed as Endangered NMFS: Species under the jurisdiction of the National Marine Fisheries Service T: Listed as Threatened X: Critical Habitat designated for this species		

Since most of the lands in the Action area are either cropland or in urban development, none of the special-status species potentially present would regularly use these lands except for the western burrowing owl, Swainson's hawk, and San Joaquin kit fox. As such, this section will only focus on those species.

Western Burrowing Owls

The burrowing owl is a yearlong-resident that exhibits high site fidelity to breeding areas and nesting burrows (Rich 1984, Lutz and Plumpton 1999, Ronan 2002). They use ground squirrel and other mammal burrows, which they appropriate and enlarge for their own purposes (Martin 1973). Habitat for burrowing owls consists of open, well-drained soil; short, sparse vegetation; and underground burrows (Klute et al. 2003). They are typically found in short-grass grasslands, open scrub habitats, and a variety of open, human-altered environments, such as golf courses, airport runways, canal banks, and agricultural fields. Burrows are an essential habitat component for burrowing owls and would most likely be rare due to rodent population control measures and the general operations and maintenance activities of croplands which require frequent ground disturbance.

Swainson's Hawk

Swainson's hawks are found in the grasslands and agricultural lands of California's Central Valley during spring and summer. They exhibit a high degree of nest site fidelity and nests are constructed in trees in mature riparian forest, lone trees or groves of oaks, other trees in agricultural fields, and mature roadside trees (Bloom 1980). Swainson's hawks require large, open grasslands with abundant prey in association with suitable nest trees. They have adapted to the use of some croplands, predominantly alfalfa, but also grain, tomatoes, beets and other row crops for foraging (Estep 1989).

San Joaquin Kit Fox

The range for the San Joaquin kit fox includes suitable habitat dispersed throughout the San Joaquin Valley floor and into surrounding foothills (USFWS 1998). Foraging habitat includes grassland, woodland, and open scrub. Denning habitat includes open, flat areas with loose, generally sandy or loamy soils (Egoscue 1956, 1962). Dens are essential for the survival and reproduction of the San Joaquin kit fox. Ground squirrel burrows are often used by kit foxes for dens as they are reputedly poor diggers (Jensen 1972, Morrell 1972).

Agricultural lands inherently present challenges for kit foxes. Ground disturbance is frequent (e.g., tilling, maintenance, harvesting), which can destroy dens. Chemical applications, including fertilizers, defoliants, and pesticides are common practice, thus limiting the availability of prey. Agricultural lands are generally not suitable for long-term occupation by kit foxes, although lands adjacent to natural habitats may be used for occasional foraging (Warrick et al. 2007). For a complete review, please refer to the San Joaquin Kit Fox (*Vulpes macrotis mutica*) 5-Year Review: Summary and Evaluation (USFWS 2010).

3.2.2 Environmental Consequences

No Action

Under the No Action Alternative, Reclamation would not approve additional points of delivery for Panoche's non-CVP groundwater introduced under its existing 5-year Warren Act contract. Panoche would continue to convey this water to previously approved points of delivery as analyzed in EA-12-061.

Westlands may be unable to sustain permanent crops within their service area. These lands may become fallow but the short contract period of 5 years would not likely cause substantial land use

changes. The condition of biological resources under the No Action Alternative would remain the same as existing conditions described above. As a result, the No Action alternative would not result in adverse effects on fish, vegetation, or wildlife resources located in the Action area.

Proposed Action

The flow regime of natural waterways or natural watercourses such as rivers, streams, creeks, ponds, pools, wetlands, etc., would not be altered as a result of the Proposed Action. In addition, the Proposed Action would not involve the conversion of any land fallowed and untilled for three or more years. As such, Reclamation has determined there would be no effect to proposed or listed species or critical habitat under the Endangered Species Act of 1973, as amended (16 U.S.C. §1531 et seq.). Therefore, no consultation with the USFWS or NMFS is necessary. Reclamation has also determined that there would be no take of birds protected under the MBTA (16 U.S.C. §703 et seq.) as none would be affected by the Proposed Action.

Cumulative Impacts

As the Proposed Action is not expected to result in any direct or indirect impacts to biological resources, there would be no cumulative impacts.

Section 4 Consultation and Coordination

4.1 Public Review Period

Reclamation provided the public with an opportunity to comment on the Draft FONSI and Draft EA during a 15-day public review period.

Section 5 Preparers and Reviewers

Rain L. Emerson, M.S., Supervisory Natural Resources Specialist, SCCAO
Jennifer L. Lewis, PhD., Wildlife Biologist, SCCAO
William Soule, Archaeologist, MP-153
Patricia Rivera, Native American Affairs Specialist, MP-400
Ned Gruenhagen, PhD., Acting Supervisory Wildlife Biologist – reviewer
David E. Hyatt, Acting Resources Management Division Chief – reviewer

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Appendix A

Reclamation's Cultural Resources Determination

CULTURAL RESOURCE COMPLIANCE
Reclamation Division of Environmental Affairs
MP-153

MP-153 Tracking Number: 14-SCAO-174

Project Name: Additional Points of Delivery for Panoche Water District's Non-Project Groundwater to Westlands Water District

NEPA Document: EA-14-022

NEPA Contact: Rain Emerson, Natural Resource Specialist

MP 153 Cultural Resources Reviewer: Scott Williams, Archaeologist 

Date: 6/10/14

Reclamation proposes to approve additional points of delivery for up to 5,000 Acre feet (AF) of Panoche's non-CVP groundwater introduced into the Delta-Mendota Canal (DMC) as part of the DMC Groundwater Pump-in Program through February 28, 2015. The 5,000 AF is included in the up to 10,000 AF provided for under Panoche's existing 5-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).

As stated above, The 5,000 AF is included in the up to 10,000 AF provided for under Panoche's existing 5-year Warren Act contract. The additional points of delivery would include existing turnouts along the SLC for Westlands (see Figure 1-1). As shown in Figure 2-1, storage in San Luis Reservoir and delivery via the SLC is done by exchanging Panoche's introduced non-CVP groundwater with Reclamation for an equivalent amount of CVP water. The 5,000 AF is included in the cumulative total (50,000 AF per year) allowed under the DMC Groundwater Pump-in Program. No new construction or modification of existing facilities are proposed to complete the Proposed Action.

After reviewing the materials submitted by SCAO, I concur with a determination in EA 14-022 which states that neither the proposed action nor the no action alternative have the potential to cause effects to historic properties pursuant to the NHPA Section 106 regulations codified at 36 CFR Part 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)

Appendix B

Reclamation's Indian Trust Assets Determination



Emerson, Rain <remerson@usbr.gov>

Re: EA-14-022 Project Description for Review

RIVERA, PATRICIA <privera@usbr.gov>
To: "Emerson, Rain" <remerson@usbr.gov>

Tue, Jun 10, 2014 at 9:07 AM

Rain,

I reviewed the proposed action to approve additional points of delivery for up to 5,000 acre-feet (AF) of Panoche Water District's non-Central Valley Project (CVP) groundwater introduced into the Delta-Mendota Canal (DMC) as part of the DMC Groundwater Pump-in Program through February 28, 2015. The 5,000 AF is included in the up to 10,000 AF provided for under Panoche's existing 5-year Warren Act contract. The additional points of delivery would include existing turnouts along the San Luis Canal (SLC) for Westlands Water District. Storage in San Luis Reservoir and delivery via the SLC is done by exchanging Panoche's introduced non-CVP groundwater with Reclamation for an equivalent amount of CVP water. The 5,000 AF is included in the cumulative total (50,000 AF per year) allowed under the DMC Groundwater Pump-in Program.

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

Patricia Rivera
Native American Affairs Program Manager
US Bureau of Reclamation
Mid-Pacific Region
2800 Sacramento, California 95825
(916) 978-5194

Kristi please long in -admin.