

# RECLAMATION

## *Managing Water in the West*

### Finding of No Significant Impact

# Tule River Water Warren Act Agreement

FONSI-14-039

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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 issuance of a Warren Act agreement to convey Tule River water in the Friant-Kern Canal (FKC). This Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA)-14-039, *Tule River Water Warren Act Agreement*, which is hereby incorporated by reference.

Reclamation offered the public an opportunity to comment on the Draft EA/FONSI from July 22 to August 6, 2014. One comment letter was received from Arvin-Edison Water Storage District. The letter, and Reclamation's response, may be found in Appendix A of the Final EA.

## Background

In recent years, California has experienced droughts that have reduced water supplies to many water districts. As a result of the drought, as well as environmental and regulatory restrictions, Friant Division Central Valley Project (CVP) water service contractors have received unprecedented initial 0 percent water supply allocations in 2014. The zero allocation follows previous dry years in 2012 and 2013, in which Friant Division CVP contractors received 57 and 62 percent of their full Class 1 contract supply, respectively.

In order to continue meeting their customers' needs, affected contractors are pursuing a range of additional water supplies, such as transfers, pumped groundwater and other surface water sources. Terra Bella Irrigation District (Terra Bella) has acquired 5,000 acre-feet (AF) of non-CVP Tule River water from Lower Tule River Irrigation District and Porterville Irrigation District. They would like to deliver this water to their customers for agricultural use by way of the FKC, from Milepost (MP) 97.36 to a turnout at MP 103.64. Terra Bella has requested a Warren Act agreement from Reclamation for conveyance of this non-CVP water in the FKC.

## Proposed Action

Reclamation proposes to issue a Warren Act agreement to Terra Bella under Article 18 of its Repayment Contract. Under the proposed agreement, the district would introduce a up to 5,000 AF of non-CVP Tule River water into the FKC through September of 2014.

Under the Proposed Action, Tule River water would be released from storage in Success Reservoir into the Tule River channel, and diverted 5 miles downstream at the Poplar Ditch head gate in Porterville. The water would then be conveyed 5.5 miles in Poplar Ditch to the downstream side of the FKC near Highway 190 (see Figure 2-1 in EA-14-039), where it would be contained and stored in a temporary pumping station installed by Terra Bella until they are ready to pump the water for introduction into the FKC. The temporary pumping station would be placed in the paved area between the ditch and FKC at MP 97.36 outside of Reclamation

rights-of-way (see Figure 2-1 in EA-14-039). No ground disturbance would be needed for the installation of the temporary pumping facility. Water pumped into the FKC would flow to MP 103.64, where Terra Bella would take it at their existing turnout.

### Environmental Commitments

Terra Bella 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
Air Quality	All pumps to be used shall meet the applicable emission standards set by the San Joaquin Valley Air Pollution Control District (SJVAPCD).
Water Quality	Non-CVP water must meet water quality standards prior to approval for conveyance (see Appendix D in EA-14-039). If testing indicates that water does not meet then-current standards, it may not be introduced into the FKC until water quality concerns are addressed.
Land Use/Biology	The non-CVP water involved in these actions must not be used to cultivate native or untilled land (fallow for three consecutive years or more).

## 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 allow non-CVP water to be conveyed in the FKC when excess capacity is available. This would allow the water to be delivered to Terra Bella's service area for agricultural use. There would be no modification of the FKC, and the capacity of the facility would remain the same.

Introduction and conveyance of non-CVP water is dependent on available capacity and operational constraints; therefore, the Proposed Action would not interfere with the normal operations of federal facilities nor would it impede any CVP obligations to deliver water to other contractors or to local fish and wildlife habitat.

The total quantity of water conveyed in the FKC under the Proposed Action would be limited to 5,000 AF. The quantity of water pumped into the FKC by Terra Bella would be delivered (less conveyance losses) and used for irrigation purposes. Some of the irrigation water would be lost to evapotranspiration, and some would also percolate back into the aquifer.

Non-CVP water introduced into the FKC must meet water quality standards prior to approval for conveyance (see Appendix D in EA-14-039). If testing shows that the water does not meet then-current standards, Terra Bella would not be allowed to discharge into the FKC until water quality concerns are addressed. This testing program is anticipated to adequately protect the quality of water in the canal and limit degradation of other users' supplies.

## **Land Use**

Under the Proposed Action, non-CVP water would be conveyed to Terra Bella to maintain current land uses by supporting existing crops. A temporary pumping station would be required, but it would be located on an existing paved area and would not have any long-term impact on land use.

## **Biological Resources**

Under the Proposed Action, federally listed, proposed or candidate species, and critical habitat protected under the Endangered Species Act (ESA; 16 USC § 1531 et seq.) would not be affected. Migratory birds protected under the Migratory Bird Treaty Act (MBTA; 16 USC § 703-712) also would not be affected. Many of the species and their critical habitat do not occur in the Proposed Action Area (see Table 3-2 in EA-14-039). Most of the habitat types required by species protected by the ESA do not occur in the Action area. The Proposed Action would not involve the conversion of any native habitat or land fallowed and untilled for three or more years. There would be no change in land use patterns of cultivated or fallowed fields that do have some value to listed species or to birds protected under the MBTA. Non-CVP water would not reach streams containing listed fish species; therefore there would be no effects to fish. No critical habitat would be affected by the Proposed Action. Based upon the reasons described above, Reclamation has determined there would be No Effect to listed species or designated critical habitat under the ESA and No Take of birds protected by the MBTA. As such, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service is required.

## **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 B in EA-14-039 for Reclamation's determination.

## **Indian Sacred Sites**

The Proposed Action would not limit access to ceremonial use of Indian Sacred Sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites. Therefore, there would be no impacts to Indian Sacred Sites as a result of the Proposed Action.

## **Indian Trust Assets**

The Proposed Action would not impact Indian Trust Assets as there are none in the Proposed Action area. See Appendix C in EA-14-039 for Reclamation's determination..

## **Socioeconomic Resources**

Under the Proposed Action, non-CVP water would be conveyed to Terra Bella to maintain current land uses by supporting existing crops. This would support agriculture, which is a benefit to the area's economy.

### **Environmental Justice**

The Proposed Action would support agriculture by making additional supplies of water available to support existing crops. Since farm laborers often come from minority and low-income communities, supporting farm employment is a benefit to those disadvantaged groups.

### **Air Quality**

There would be no construction or modification of facilities as a result of the Proposed Action, so there would be no construction-related emissions. The SJVAPCD requires pumps operated within the district to meet strict emission standards. With the requirement that equipment used for the Proposed Action must meet SJVAPCD standards, impacts to air quality should be discountable.

### **Energy Use and Global Climate**

The Proposed Action would not involve physical changes to the environment or construction activities that could impact global climate change. The combined greenhouse gas emissions of all pumps that could be used under the Proposed Action are not anticipated to approach the 25,000 tons of carbon dioxide equivalent per year threshold of significance set by the Environmental Protection Agency. The pumps would also have to meet SJVAPCD emission standards, which are set such that impacts from regulated emission sources would not cumulatively cause an adverse effect.

### **Cumulative Impacts**

Reclamation has reviewed existing or foreseeable projects in the same geographic area that could affect or could be affected by the Proposed Action as Reclamation and CVP contractors have been working on various drought-related projects, including this one, in order to manage limited water supplies due to current hydrologic conditions and regulatory requirements. This and similar projects would have a cumulative beneficial effect on water supply during this critically dry year.

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 exchanges, transfers, and Warren Act contracts (conveyance of non-CVP water in CVP facilities) due to hydrologic conditions. Each water service transaction involving Reclamation undergoes environmental review prior to approval.

The FKC is used to convey water for a variety of users from a variety of sources. The quality of water being introduced is tested regularly in order to limit the potential for degradation of mixed water supplies. This testing program is anticipated to adequately protect the quality of water in the FKC from the cumulative effects of this and other water conveyance actions.

Although capacity in the FKC is limited, Friant Water Authority and Reclamation actively operate it in order to balance competing demands. Non-CVP water such as the water which would be conveyed under the Proposed Action has a lower priority than CVP water. Therefore

the Proposed Action is not anticipated to cause conflicts or create other cumulative impacts to FKC operations.

Regarding land use, the Proposed Action would provide a source of water to support agriculture in a time of shortage. This helps to mitigate the impacts of California's ongoing drought. Several similar water-moving actions have been authorized or are currently under review. Cumulatively they are expected to provide a benefit to existing land uses.

With respect to socioeconomic resources, the Proposed Action would provide a source of water to support agriculture in a time of shortage. Because of agriculture's importance to the area's economy, any impacts, either positive or negative, tend to have a disproportionate and cumulative effect on employment and wages. Several similar water-moving actions have been authorized or are currently under review. Cumulatively they are expected to provide a benefit to the area's economic well-being and to the economic well-being of disadvantaged groups.

As the Proposed Action is not expected to result in any direct or indirect adverse impacts to cultural resources, Indian Sacred Sites, Indian Trust Assets, air quality or global climate, there would be no cumulative adverse impacts to these resources.