

# RECLAMATION

## *Managing Water in the West*

### Draft Finding of No Significant Impact

# Tule River Water 5-Year Warren Act Agreement

FONSI 15-014

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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. This Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA)-15-014, *Tule River Water 5-Year Warren Act Agreement*, which is hereby incorporated by reference.

## Background

In recent years California has experienced droughts that have reduced water supplies to many water districts. As a result, Friant Division Central Valley Project (CVP) water service contractors received unprecedented 0 percent water supply allocations in 2014, and again in 2015. The zero allocations follow 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. The historically low allocations are due to a combination of hydrologic, environmental, and regulatory conditions.

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. In 2014, Terra Bella Irrigation District acquired 5,000 acre-feet (AF) of non-CVP Tule River water from Lower Tule River Irrigation District and Porterville Irrigation District. Under an agreement with Reclamation, this non-CVP water was conveyed in the Friant-Kern Canal, from milepost 97.36 to a turnout at milepost 103.64, where it was used for agricultural purposes. Reclamation evaluated the 2014 action under EA/FONSI 14-039.

Terra Bella Irrigation District has now proposed a five-year agreement for the same conveyance arrangement. The annual volumes would be the same, and the points of introduction and withdrawal would be the same.

## Proposed Action

Reclamation proposes to issue a Warren Act agreement to Terra Bella Irrigation District under Article 18 of its Repayment Contract. Under the proposed agreement, the district would introduce up to 5,000 AF per year of non-CVP Tule River water into the Friant-Kern Canal, for a period of five years. Water would be introduced into the Friant-Kern Canal from June to August of each year,

subject to available capacity. Scheduling would be coordinated with Reclamation and the Friant Water Authority.

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 Friant-Kern Canal near Highway 190, where it would be contained and stored at a temporary pumping station installed by Terra Bella Irrigation District, until they are ready to pump the water for introduction into the Friant-Kern Canal. The temporary pumping station would be placed in the paved area between the ditch and Friant-Kern Canal at milepost 97.36 outside of Reclamation right-of-way. The pumping station would be installed each year, for use during the irrigation season, and then removed until it is needed the following year. No ground disturbance would be needed for the installation of the pumping station. Water pumped into the Friant-Kern Canal would flow to milepost 103.64, where Terra Bella Irrigation District would take it at their existing turnout.

### **Environmental Commitments**

Terra Bella Irrigation District shall implement the environmental protection measures listed in Table 2-1 of EA-15-014 to reduce environmental consequences associated with the Proposed Action. Environmental consequences for resource areas assume the measures specified would be fully implemented.

## **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 findings below. In addition, the potential for impacts to land use, socioeconomic resources and environmental justice were determined to be identical to those analyzed under EA/FONSI 14-039. Therefore no further analysis was required.

### **Water Resources**

The Proposed Action would allow non-CVP water to be conveyed in the Friant-Kern Canal when excess capacity is available. This would allow the water to be delivered to Terra Bella Irrigation District's service area for agricultural use. There would be no modification of the Friant-Kern-Canal, 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 Friant-Kern Canal under the Proposed Action would be limited to 5,000 AF per year. The quantity of water pumped into the Friant-Kern Canal by Terra Bella Irrigation District 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 Friant-Kern Canal must meet water quality standards prior to approval for conveyance (see Appendix C in EA-15-014). If testing shows that the water does not meet then-current standards, Terra Bella Irrigation District would not be allowed to discharge into the Friant-Kern Canal 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.

### **Biological Resources**

Under the Proposed Action, federally listed, proposed or candidate species, and critical habitat protected under the Endangered Species Act (16 USC § 1531 et seq.) would not be affected. Migratory birds protected under the Migratory Bird Treaty Act (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 because habitat types required by species protected by the Endangered Species Act do not occur in the Proposed 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 Migratory Bird Treaty Act. Non-CVP water would not reach streams containing listed fish species; therefore, there would be no effects to fish. Based upon the reasons described above, Reclamation has determined there would be No Effect to listed species or designated critical habitat under the Endangered Species Act and No Take of birds protected by the Migratory Bird Treaty Act. 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 A in EA-15-014 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 B in EA-14-039 for Reclamation's determination.

**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 San Joaquin Valley Air Pollution Control District requires pumps operated within the district to meet strict emission standards. With the requirement that equipment used for the Proposed Action must meet San Joaquin Valley Air Pollution Control District 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 San Joaquin Valley Air Pollution Control District 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. Many water transfers, Warren Act agreements and other supply management actions have been executed or are in process. These drought relief projects are expected to have a cumulative beneficial effect on water supply during the ongoing drought.

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 future years, 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 Friant-Kern Canal 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 Friant-Kern Canal from the cumulative effects of this and other water conveyance actions.

Although capacity in the Friant-Kern Canal is limited, the Friant Water Authority and Reclamation actively operate the canal 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 for conveyance in the Friant-Kern Canal and is required to be coordinated with Reclamation and the Friant Water Authority prior to introduction. Therefore the Proposed Action would not cause conflicts or other cumulative impacts to Friant-Kern Canal operations.

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.