

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Refuge Level 2 Water Exchange between the United States and Panoche Water District Resulting in Additional Incremental Level 4 Refuge Water

FONSI Number 15-10-MP

Recommended by:


Bradley C. Hubbard
Natural Resource Specialist
Mid-Pacific Regional Office

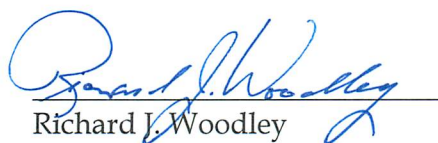
Date: 8/3/2015

Concurred by:


Timothy G. Rust
Fish and Wildlife Program Manager
Mid-Pacific Regional Office

Date: 8/10/15

Approved by:


Richard J. Woodley
Resources Management Division Chief
Mid-Pacific Regional Office

Date: 8/11/15



**U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region**

Background

Reclamation is responsible for providing L2 and IL4 water to 19 designated federal, state, and privately owned/managed wetlands and wildlife areas (refuges), including the GRCD. L2 water supplies are primarily provided from Central Valley Project (CVP) supplies, while IL4 supplies are provided from other sources. The Proposed Action is needed to provide L2 and IL4 water supplies to the GRCD wetlands to provide habitat for migratory waterfowl during this period of extreme water shortage south of the Delta that limits available L2 and IL4 supplies for the GRCD.

Alternatives Including the Proposed Action

No Action: The No Action Alternative would consist of Reclamation not approving the exchange of L2 water supplies from the GWD to the District. The proposed 4,000 AF of groundwater to be developed as part of this Proposed Action would not be delivered to the GRCD this year. The District would not receive L2 water supplies (equivalent to 50% of the 4,000 AF delivered to GRCD) delivered by Reclamation to help meet refuge and agricultural water needs.

Proposed Action: The District proposes to fund the costs associated with the delivery of groundwater supplies from four private wells located in the vicinity of Los Banos, near the GWD (up to 4,000 AF) in exchange for refuge L2 water supply (up to 2,000 AF). The developed groundwater would discharge directly into the GWD's San Luis Canal conveyance system and be delivered to the GRCD's private wetlands to meet a component of its L2 and IL4 water supply demands. The GWD will oversee and coordinate the delivery of groundwater supplies to the GRCD.

The location of the District's wells and the wetlands within the GRCD that will receive the groundwater are shown in the attached environmental assessment (EA). The approximate GPS coordinates for the four wells are:

Well R1 = Latitude 37.0899; Longitude 120.8317
Well R3 = Latitude 37.0854; Longitude 120.8408
Well R4 = Latitude 37.0714; Longitude 120.8260
Well R10 = Latitude 37.0351; Longitude 120.8083

Once the GWD begins receiving scheduled deliveries of its L2 water supply in the late summer/fall of 2015, it is proposed that the District fund the cost to develop and deliver up to 4,000 AF of groundwater in exchange for up to 2,000 AF of L2 water during the GRCD L2 delivery period this water year (2015/16). For every 2 AF of groundwater delivered to the GWD for the GRCD, the District will receive 1 AF of L2 water. The L2 exchange water will be made available to the District each month following the delivery of groundwater to the GWD. This 2:1 exchange will result in a net refuge water supply benefit of up to 2,000 AF of IL4 water at no cost to Reclamation and up to 2,000 AF of new water supply for the District.

The District will enter into an agreement with Reclamation for the exchange of water. The District, in cooperation with the GWD, will be responsible for all water quality monitoring associated with the development of these groundwater supplies and insure that all water quality monitoring criteria and standards identified in the Monitoring and Mitigation Plan included in the EA are met. The GWD will provide monthly volumetric totals to the District and Reclamation.

The GWD is planning to start taking delivery of its L2 water in the late summer or fall of 2015 and plans to receive L2 water deliveries through the end of the water year (February 28, 2016). When the exchange agreement with Reclamation is executed and the GRCD starts taking delivery of its scheduled L2 water the exchange can be initiated. It is anticipated the wells will be operated for exchange purposes through the end of February 2016.

The District would be responsible for well operations and maintenance and for coordinating the pumping of groundwater into the GWD's facilities at times when the GWD requests such water. The GWD would have access to the wells in order to test water quality and monitor flow. If water quality monitoring results do not meet the criteria set forth in the Monitoring and Mitigation Plan, GWD would notify Reclamation and the exchange would cease until water quality criteria can be met.

Public Comment

Reclamation provided agencies and the public an opportunity to comment from July 14 through July 28, 2015. One comment letter was received during the comment period from the Friant Water Authority (FWA), dated July 28, 2015. FWA's comment letter is very similar to the comment letter that was submitted on November 28, 2014, and again asserts that Reclamation is improperly delivering water to the wildlife refuges. FWA claims that due to this improper action by Reclamation, the Proposed Action's description and environmental analysis are inadequate.

Reclamation's position on this claim has not changed from last year. Reclamation disagrees with FWA's interpretation of the Central Valley Project Improvement Act (CVPIA) with respect to refuge water deliveries. CVPIA Section 3406 provides refuges a statutory commitment of water. Annually, Reclamation delivers such commitment water to the wildlife refuges, as scheduled by refuge managers, pursuant to the CVPIA.

Findings

Based on the attached EA, Reclamation finds that the Proposed Action is not a major Federal action that will significantly affect the quality of the human environment. The EA describes the existing environmental resources in the area of the Proposed Action, and evaluates the effects of the No Action and Proposed Action alternatives on specific resources. This EA was prepared in accordance with National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR 1500-1508), and Department of the Interior Regulations (43 CFR Part 46).

Effects on several environmental resources were examined and found to be absent or minor. That analysis is provided in the attached EA, and the analysis in the EA is hereby incorporated by reference.

Following are the reasons why the Proposed Action's impacts are not significant:

1. The Proposed Action will not significantly affect public health or safety (40 CFR 1508.27(b)(3)).
2. The Proposed Action will not significantly impact natural resources and unique geographical characteristics such as historic or cultural resources; parks, recreation, and refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order (EO) 11990); flood plains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas (40 CFR 1508.27(b)(3) and 43 CFR 46.215(b)).
3. The Proposed Action will not have possible effects on the human environment that are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5)).
4. The Proposed Action will neither establish a precedent for future actions with significant effects nor represent a decision in principle about a future consideration (40 CFR 1508.27(b)(6)).
5. There is no potential for the effects to be considered highly controversial (40 CFR 1508.27(b)(4)).
6. The Proposed Action will not have significant cumulative impacts (40 CFR 1508.27(b)(7)).
7. The Proposed Action has no potential to affect historic properties (40 CFR 1508.27(b)(8)).
8. The Proposed Action will not affect listed or proposed threatened or endangered species (40 CFR 1508.27(b)(9)).
9. The Proposed Action will not violate federal, state, tribal or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)).
10. The Proposed Action will not affect any Indian Trust Assets (512 DM 2, Policy Memorandum dated December 15, 1993).
11. Implementing the Proposed Action will not disproportionately affect minorities or low-income populations and communities (EO 12898).
12. The Proposed Action will not limit access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007 and 512 DM 3).