

DRAFT FINDING OF NO SIGNIFICANT IMPACT

**One-Year Recapture of San Joaquin River Restoration Flows at Patterson
Irrigation District and/or Banta-Carbona Irrigation District**

United States Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
Sacramento, California

Recommended: _____
Natural Resource Specialist Date

Concurred: _____
Project Manager Date

Concurred: _____
Deputy Program Manager – Water Management Goal Date

Approved: _____
Program Manager Date

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BACKGROUND

In 1988, a coalition of environmental groups, led by the Natural Resources Defense Council (NRDC), filed a lawsuit challenging the renewal of long-term water service contracts between the United States and Central Valley Project Friant Division. After more than 18 years of litigation, *NRDC, et al., v. Kirk Rodgers, et al.*, a settlement was reached (Settlement). On September 31, 2006, the Settling Parties, including NRDC, Friant Water Users Authority (now represented by the Friant Water Authority), and the U.S. Departments of the Interior and Commerce, agreed on the terms and conditions of the Settlement, which was subsequently approved by the U.S. Eastern District Court of California on October 23, 2006. The Settlement establishes two primary goals:

- Restoration Goal – To restore and maintain fish populations in “good condition” in the main stem of the San Joaquin River below Friant Dam to the confluence of the Merced River, including naturally reproducing and self-sustaining populations of salmon and other fish.
- Water Management Goal – To reduce or avoid adverse water supply impacts on all of the Friant Contractors that may result from the Interim Flows and Restoration Flows provided for in the Settlement.

The San Joaquin River Restoration Program (SJRRP) is being implemented in accordance with the Settlement by the U.S. Bureau of Reclamation (Reclamation), U.S. Fish and Wildlife Service (FWS), National Marine Fisheries Service (NMFS), State of California Department of Water Resources (DWR) and State of California Department of Fish and Wildlife (DFW).

Reclamation is proposing an action to recapture San Joaquin River Restoration Flows (Restoration Flows) at Patterson Irrigation District (PID) and/or Banta-Carbona Irrigation District (BCID) for the purpose of contributing to meeting the Water Management Goal for Water Contract Year 2016. PID is located near the City of Patterson, in Stanislaus County, California along the San Joaquin River downstream from the Merced River. BCID is located near the City of Tracy in San Joaquin County, California and is downstream from the San Joaquin River and Stanislaus River confluence.

Under the proposed action, Reclamation would enter into a one-year agreement with PID for recapture of up to 28,979 AF of Restoration Flows and/or a one year agreement with BCID for the recapture of up to 47,090 AF of Restoration Flows, for a maximum of up to 76,069 AF total. The amount of Restoration Flows recaptured will be dependent on hydrologic conditions and the availability of Restoration Flows, as well as recapture and conveyance capacity. This temporary action would begin on February 1, 2016, and would continue for a period of up to one year.

There would be no expansion of use of PID's existing water rights or operations. The areas defined within this proposed action are currently within the Central Valley Project (CVP) place-of-use. PID would divert Restoration Flows from the San Joaquin River using their existing screened diversion facility, subject to the availability of capacity in PID's system. These diverted Restoration Flows would be conveyed through PID facilities to the DMC and then to the San Luis Unit facilities for recirculation to the Friant Contractors. The proposed action is further described in the attached environmental assessment (EA).

FINDINGS

The SJRRP Programmatic Environmental Impact Statement/Report (PEIS/R) was completed in 2012. The PEIS/R analyzes, at a programmatic level, the potential recapture of Restoration flows at several diversion locations, including existing facilities at the PID facility between the Tuolumne and Merced River confluences and BCID facility downstream from the Stanislaus confluence. The attached EA was prepared to evaluate, at a project-specific level, the potential environmental impacts associated with the proposed action and the no action alternative. The EA analyzes only the recapture of Restoration Flows. The EA does not analyze the recirculation of recaptured water within CVP facilities, SWP, and private facilities (e.g., San Luis Reservoir) to the Friant Contractors, as this was analyzed and disclosed in the April 2013 *Recirculation of Recaptured Water Year 2013-2017 San Joaquin River Restoration Program Flows Environmental Assessment*.

In accordance with the National Environmental Policy Act of 1969, as amended, Reclamation has found that the proposed action of recapturing a total of up to 76,069 AF of SJRRP Restoration Flows at PID and/or BCID is not a major Federal action that would significantly affect the human environment. Therefore, an environmental impact statement is not required.

This finding of no significant impact is based on the following, as further described in the attached draft EA:

- The proposed action will have no effect on the following resources: air quality, biological resources, climate change and greenhouse gases, agricultural resources, Indian Trust Assets, socioeconomic resources, population and housing, land use, environmental justice, transportation, hazards and hazardous materials, geology and soils, and utilities and public services.
- The recapture and conveyance of Restoration Flows would be implemented only to the extent that doing so would not reduce the ability of PID to meet the water demands of its growers or increase PID's cost of water service consistent with PID's ability and costs to meet those demands. Reclamation will seek appropriate California State Water Resources Control Board approval for the temporary diversion of Restoration Flows from the San Joaquin River at PID and BCID's screened diversion facilities on the San Joaquin River, and include the diversion

at BCID in the Delta exports calculation described in the California State Water Resources Control Board Water Right Decision 1641. The areas defined within this action are currently within the CVP place-of-use. The portion of flows that would be recaptured at PID and BCID would be minimal in comparison to the availability of flows in the San Joaquin River. Because the recapture at BCID would be added to the Delta Exports calculation, the proposed action would have no impact on the Net Delta Outflow Index as defined by D-1641. The proposed action would not result in any violations of existing water quality standards or substantial water quality changes that would adversely affect beneficial uses, or have substantive impacts on public health. It is reasonable to assume that there would be reduced groundwater pumping in the Friant Division districts that receive the recaptured water that would be recirculated.

- The proposed action would be an undertaking as defined in Section 301(7) of the National Historic Preservation Act (NHPA) and subject to Section 106 review. The actions as described above would not modify existing facilities, and would not have the potential to cause effect to historic properties if they are present. The recapture of water as described would occur through existing facilities or within current water service area boundaries, without modification to existing facilities, construction of new facilities, or change in land use, thus the recapture of the Restoration Flows has no potential to cause effects on historic properties pursuant to 36 CFR Part 800.3(a)(1).
- The proposed recapture, when added to other actions, would not contribute to significant cumulative increases or decreases in environmental conditions in any resource category.