

FINDING OF NO SIGNIFICANT IMPACT

**Delivery and Use of Unreleased San Joaquin River Restoration
Flows for Water Contract Years 2016-2025**

United States Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
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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). The SJRRP Programmatic Environmental Impact Statement/Report (PEIS/R) was completed in 2012. The PEIS/R analyzed, at a programmatic level, the management of Unreleased Restoration Flows (URFs). In support of the Restoration Goal, Reclamation is proposing a ten year program to bank, store, exchange, or sell unreleasable SJRRP Restoration Flows from Friant Dam with a range of potential parties, including Central Valley Project Friant Division long-term contractors and others within the Millerton Place of Use. The proposed action is further described in the attached environmental assessment (EA).

FINDINGS

The attached EA was prepared to evaluate the potential environmental impacts associated with the Proposed Action and the No Action Alternative. In accordance with the National Environmental Policy Act of 1969, as amended, Reclamation has found that the Proposed Action of delivery and use of URFs, 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 EA:

- **Air Quality** – The proposed action would not involve any construction and would use existing infrastructure for the delivery of URFs and therefore would not result in a substantial increase in long-term regional or local emissions. Furthermore, the quantity of water delivered for the proposed action would be approximately the same as the quantity of water that would be delivered under the No Action. In addition, no additional pumping is expected to occur. Therefore, emissions from pumping are not anticipated to be different between the proposed action and the No Action Alternative. Emissions from the proposed action would not be anticipated to violate air quality standards, contribute substantially to an existing or projected air quality violation, or conflict with or obstruct implementation of Air Resources Board and San Joaquin Valley Air Pollution Control District air planning efforts.
- **Biological Resources** – As no land use changes or additional disturbance would occur as a result of the proposed action, no habitat changes would occur that could potentially affect species, including those covered under the Endangered Species Act (ESA) and Migratory Bird Treaty Act (MBTA). Because there would be no land disturbance or land use changes associated with the proposed action, and any potential water sales would occur within the bounds of existing 2008 USFWS and 2009 NMFS Biological Opinions associated with the coordinated long-term operation of the CVP and SWP and environmental analyses, there would be no effect to vegetation and wildlife including ESA listed species, critical habitats, or species protected by the MBTA. The proposed action long-term impacts to water supply or water quality would be the same as the No Action Alternative; therefore it can be assumed that anadromous and Delta fish species, and their designated critical habitat, would not be affected by the action alternatives. While there are sensitive biological communities as identified by the California Natural Diversity Database (CNDDB) and threatened or endangered species identified under ESA potentially occurring in the project area, it is anticipated that there would be no impacts to these species for the proposed action as compared with the No Action Alternative.
- **Climate Change and Greenhouse Gas** – The proposed action is a 10-year action and is similar to the No Action Alternative in terms of the quantity of water that would be delivered. Therefore, the proposed action would not result in a difference in long-term regional or local emissions. Also, as compared with the No Action Alternative, the proposed action would not add to the global inventory of gases that would contribute to global climate change and would not result in increases in greenhouse gas emissions. Additionally, the proposed action would not be affected by long-term effects of climate change. The proposed action is adaptive to climate change by design, as the availability of Restoration Flows is based on hydrology and the most current runoff probabilities, which are responsive to a changing climate.

- **Cultural Resources** – The Proposed Action constitutes a Federal undertaking as defined in 36 CFR § 800.16(y). The Proposed Action would not include any construction activities and would use existing infrastructure for the delivery of URFs. As such, Reclamation determined that this undertaking has no potential to cause effects on historic properties, pursuant to 36 Code of Federal Regulations (CFR) Part 800.3(a)(1), and will have no impact on cultural resources.
- **Environmental Justice** – As compared to the No Action Alternative, the proposed action would not have a disproportionate impact on minority or low-income populations. The delivery and sales of water in the No Action Alternative and the Proposed Action would be to the same parties, therefore there would be no disproportionate impact to minority or low income populations.
- **Indian Trust Assets** – While there are known ITAs within the affected environment, the proposed action would have no impact to ITAs.
- **Land Use and Agricultural Resources** – The proposed action would not result in any land conversion, and no land fallowing or habitat restoration would be deferred as the actions would deliver the same volume of water as the No Action Alternative. As described above, no new lands would be brought into agricultural production as a result of the proposed action. Existing land use is not expected to change as a result of the implementation of the proposed action.
- **Water Resources** – The proposed action would result in the same volume of water delivered under existing water rights and permits as the No Action. Under the proposed action, the quantity of sales would be limited by URF availability and by the total CVP Class 1 and Class 2 contract amount for the Friant Division. These actions are already covered under existing licenses and permits and would therefore not have an impact to water resources.
- **Cumulative Impacts** – The proposed action, when added to other past, present, and reasonably foreseeable actions, would not contribute to significant cumulative increases or decreases in environmental conditions in any resource category.

