

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

**County of Fresno, Arvin-Edison
Water Storage District, Lower Tule
River Irrigation District, and Terra
Bella River Irrigation District
Request for Approvals of Water
Transfers to Serve the Millerton
New Town Development**

FONSI-12-079



U.S. Department of the Interior
Bureau of Reclamation

March 2016

Mission Statements

The mission of the Department of the Interior is to protect and manage the Nation's natural resources and cultural heritage; provide scientific and other information about those resources; and honor its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

BUREAU OF RECLAMATION
South-Central California Area Office, Fresno, California

FONSI-12-079

**County of Fresno, Arvin-Edison Water
Storage District, Lower Tule River
Irrigation District, and Terra Bella River
Irrigation District Request for Approvals
of Water Transfers to Serve the Millerton
New Town Development**



Prepared by: Molly Burns
Natural Resources Specialist



Date



Concurred by: Ned Gruenhagen
Wildlife Biologist



Date



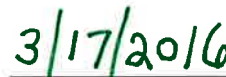
Concurred by: Rain L. Emerson
Supervisory Natural Resources Specialist



Date



Approved by: Michael P. Jackson, P.E.
Area Manager



Date

"Happy St. Patrick's Day"


Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the South-Central California Area Office of the Bureau of Reclamation (Reclamation), has determined that the long term transfer of water from the Arvin Edison Water Storage District (Arvin-Edison), Terra Bella Irrigation District (Terra Bella), and Lower Tule Irrigation District (Lower Tule) water districts to The County of Fresno (County) for delivery to the Millerton New Town development (MNT) is not a major federal action that will significantly affect the quality of the human environment and an environmental impact statement is not required. This Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA) 12-079 *County of Fresno, Arvin-Edison Water Storage District, Lower Tule River Irrigation District, and Terra Bella River Irrigation District Request for Approvals of Water Transfers to Serve the Millerton New Town Development*, and is hereby incorporated by reference.

Reclamation provided the public with an opportunity to comment on the Draft FONSI and Draft EA between January 27, 2016 and February 26, 2016. No comments were received.

Background

The County, a Central Valley Project (CVP) Cross Valley contractor, entered into a water service contract (Contract No. 14-06-200-8292A) with Reclamation in 1976 for 3,000 acre-feet (AF) per year (AFY) of CVP water from the Sacramento-San Joaquin River Delta (Delta) to serve the anticipated foothill developments near Millerton Lake. The County has multiple service areas that provide water for municipal and industrial (M&I) purposes to specific developments within its CVP service area (see Figure 1 in EA 12-079). At this time, these are the only areas approved to receive CVP water within the County's CVP service area. As the County has approved additional developments within its CVP service area (MNT), the County has requested approval from Reclamation to provide CVP water to all areas within the MNT Specific Plan Area. In addition, the County has negotiated agreements with Arvin-Edison, Terra Bella, and Lower Tule for long-term transfers to serve MNT. Arvin-Edison, Terra Bella, and Lower Tule have also requested approval from Reclamation for their respective long-term transfers to the County.

Proposed Action

Under the Proposed Action, Reclamation would approve the delivery of CVP M&I supplies to additional areas within the County's service area. In addition, Reclamation would approve three long-term water transfers, (through February 28, 2025 with concurrent 9 year renewals after applicable environmental reviews) to the County from Arvin-Edison, Terra Bella, and Lower Tule as described in Section 2.2 of EA-12-079.

Environmental Commitments

Reclamation, the County, project proponents, Arvin-Edison, Lower Tule, and Terra Bella shall implement the environmental protection measures listed in Table 1 of EA-12-079 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 following findings:

Resources Eliminated from Detailed Analysis

As described in Table 2 of EA-12-079, Reclamation analyzed the affected environment and determined that the Proposed Action does not have the potential to cause direct, indirect, or cumulative adverse effects to the following resources: environmental justice, Indian Sacred Sites, Indian Trust Assets, land use, and socioeconomic resources.

Air Quality

Water for the proposed transfers would be delivered through existing infrastructure directly from Millerton Lake to MNT. No expansion of the pumping facilities would be required to deliver this water to the development and pumping would fall under the requirements of existing air quality permits from the San Joaquin Air Pollution Control District (Air District) for use of these pumps. Any exceedances would be reviewed by the Air District and mitigated by the project proponents to ensure air quality impacts are minimized.

Air quality impacts due to construction and operational activities related to MNT and its planned uses were analyzed and mitigated in the MNT Specific Plan Environmental Impact Report (EIR) (Land Use Associates 1984). As shown in Table 3 of EA-12-079 annual criteria pollutant emissions for construction of MNT do not exceed the Air District's *de minimis* thresholds; however, emissions at full buildout of the development exceed the thresholds for reactive organic gasses (ROG), carbon monoxide (CO), nitrogen oxides (NO_x), and inhalable particulate matter between 2.5 and 10 microns in diameter (PM₁₀). The MNT EIR reported air quality impacts were deemed substantially adverse. As described in Table 1 in EA-12-079 and included in the Mitigation Measures and Monitoring Program Matrix (Appendix A of EA-12-079), air quality impacts resulting from the MNT development will be minimized by environmental commitments as approved by the Air District. Any air quality exceedances would be reviewed by the Air District and mitigated by the project proponents to ensure air quality impacts are minimized.

Biological Resources

Reclamation determined that the Proposed Action may affect but is not likely to adversely affect the Central Valley steelhead and Central Valley spring-run Chinook salmon and submitted a biological evaluation to the National Marine Fisheries Service (NMFS) for informal consultation. NMFS concurred with this determination on May 5, 2015 (See Appendix F of EA-12-079).

Reclamation determined that the Proposed Action may affect, and is likely to adversely affect California tiger salamander, vernal pool fairy shrimp, and their respective designated critical habitat. Reclamation also determined that the Proposed Action may affect, but is not likely to

adversely affect conservancy fairy shrimp, valley elderberry longhorn beetle, fleshy owl's clover, San Joaquin Valley Orcutt grass, hairy Orcutt grass, vernal pool tadpole shrimp, longhorn fairy shrimp, Greene's tuctoria, and San Joaquin kit fox. A biological assessment was submitted to the Fish and Wildlife Service (FWS) for formal and informal consultation. FWS concurred with Reclamation's determination on August 28, 2015 (see Appendix G of EA-12-079). A more detailed analysis of biological effects is included in Section 3.3.2 of EA-12-079.

Cultural Resources

The Proposed Action has the potential to impact unknown buried archaeological resources that may be present with no surface manifestation. Mitigation measures identified within Table 1 in EA-12-079 would ensure unknown cultural resources and/or human remains are protected in accordance with federal and state laws should they be inadvertently discovered during construction.

Global Climate

Emissions of carbon dioxide equivalents are estimated to be 20,615 metric tons, which is below the Environmental Protection Agency's 25,000 metric tons per year threshold for annually reporting greenhouse gas (GHG) emissions. Accordingly, the Proposed Action would result in below *de minimis* impacts to global climate change.

Water Resources

As described, in Section 1.1 of EA-12-079 the MNT EIR estimated that total water needs for MNT would annually average about 1,343 AF (3.68 AF/day x 365 days) at full build-out. Under the Proposed Action, a cumulative total of up to 2,290 AF of Friant Division CVP water would be annually transferred to the County to meet the needs of the development. Therefore, the base supply from Arvin-Edison (up to 1,520 AFY) would meet all demands at full build-out and would be further supplemented by Terra Bella (up to 770 AFY). Lower-Tule would also provide a back-up supply of up to 1,520 AFY should Arvin-Edison be unable to deliver its' transferred water in any given year. As shown in Table 6 of EA -12-079, Friant Division Class 1 contractors have received more than 50 percent of their Class 1 allocation in most years; however, due to ongoing drought conditions and low reservoir storage levels Friant Division Contractors received an unprecedented 0 percent Class 1 allocation for 2014 and 2015. It is possible that over the term of the proposed transfers that this could occur again and a CVP water supply may not be available for delivery to the development. Should this occur, Arvin-Edison has determined that they would be able to provide water supplies from other sources besides Friant assuring a long-term water supply to the development.

Cumulative Impacts

Cumulative impacts result from incremental impacts of the Proposed Action when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment.

Air Quality

The majority of the installation and operation emissions for the Proposed Action are well below the *de minimis* thresholds established by the Air District. However, upon build-out, ROG, CO, NO_x, and PM₁₀ emissions are estimated to exceed the Air District's thresholds of significance.

The proponent will work with the Air District to mitigate these impacts in order to offset emissions as described above. As a result, the Proposed Action is not expected to contribute to cumulative adverse impacts to air quality.

Biological Resources

Several other development projects in the vicinity of the MNT Specific Plan Area may affect species, particularly California tiger salamander and vernal pool species, and/or critical habitat. River Ranch Estates is a proposed 1,800-acre development within the 15,000-acre Rio Mesa growth area. Rio Mesa is a 15,000-acre area north of Fresno along the Madera County side of the San Joaquin River. The effects of this development, which would rely on water from the San Joaquin River, are also the subject of a separate Endangered Species Act consultation. The North Fork Village-1 Specific Plan site is located about one mile northwest of Friant in Madera County. The project is a proposed 2,238-acre development that includes residential and commercial facilities. Up to 2,966 dwelling units would be built. Several other residential developments have also been proposed on the north side of Millerton Lake.

Other types of developments or projects have also been proposed in the vicinity of the Action Area, including a project to widen Millerton Road to a 4-lane divided road from Friant to Sky Harbor Road. A new casino is proposed at Big Sandy Rancheria on 48 acres of trust land east of Friant near the intersection of Auberry and Millerton roads. This project is also likely to require additional infrastructural construction such as roads and pipelines in the surrounding areas. Any State, local or private actions that could be related to a federal action, such as road construction or urban development, would be examined under consultation for the federal Action.

Within the vicinity of the Action Area, future state, local, or private actions are most likely to affect California tiger salamander and vernal pool plants and animals through the loss and degradation of habitat as a result of urbanization and road and utility right-of-way expansion, through direct effects related to construction, and indirect effects associated with increased traffic and unregulated use of occupied habitat by humans and their pets. Few state, local, or private actions are expected to occur in the vicinity of the Action Area without the completion of a Section 7 consultation with Reclamation, the Army Corps of Engineers, or the Federal Highway Administration. Those without a federal nexus are expected to complete a Section 10 consultation.

To address cumulative effects associated with future non-federal actions, MNT development proponents participated in the creation of an Open Space and Natural Resource Plan for the Millerton, Dry Creek, and Sierra Foothill areas that established mitigation fees to be used for the protection of sensitive resources. Resource protection shall occur through the preservation of key habitat areas and open and continuous wildlife corridors, and zoning restrictions such as lighting restrictions on hilltops to mitigate glare. The impact fee per housing unit was set in 1999 and shall be adjusted for inflation.

A conceptual MNT Open Space and Natural Resource Plan was developed partially in response to the larger Open Space and Natural Resource Plan. In 1999, a group of developers, biologists, and land managers who were collectively interested in the preservation of the natural resources of the Millerton area drafted an outline of the MNT Open Space and Natural Resource Plan to be administered by a board of directors and to be implemented according to an adopted "Articles of Organization." The geographic area covered by the conceptual plan is the entire MNT Specific

Plan Area. Development of the MNT Specific Plan Area will generate fees that shall be paid to the Sierra Foothill Conservancy for the purchase of conservation easements on open space parcels in the area. The Sierra Foothill Conservancy has targeted parcels on McKenzie Table, Big Table, and in the Sierra foothills adjacent to these geologically unique landforms for acquisition or conservation easement.

Proponents of the MNT and other developments in the region also entered into a settlement agreement with California Department of Fish and Wildlife, under which the developers will contribute \$500 per new development unit in the MNT Specific Plan Area to a fund to be used by California Department of Fish and Wildlife to protect, conserve, restore, enhance, manage, and maintain fish, wildlife, native plants and their habitats in the San Joaquin River area from Friant Dam to Vernalis, California. These contributions will allow California Department of Fish and Wildlife to make improvements to habitat for listed species, including Central Valley Spring-run Chinook salmon and Central Valley Evolutionarily Significant Unit steelhead.

Consequently, implementation of the Proposed Action will contribute to the mitigation of cumulative impacts that may result from future regional development.

Cultural Resources

Cultural resources are located within and adjacent to the Proposed Action's direct area of potential effects. Moreover, the records search and archival research indicate that the region is sensitive for both prehistoric and historical resources. Construction of the MNT development could affect known cultural resources and has the potential to affect unknown buried archaeological resources, as archaeological sites may be present with no surface manifestation. However, project design includes avoiding destruction of and provides protective measures that would result in no adverse effects to known cultural resources. Furthermore, other cumulative projects would be required to conform to the appropriate regulatory framework(s), including local preservation ordinances, and/or Section 106 of the National Historic Preservation Act. Adherence to these frameworks would help insure that potential impacts to cultural resources are considered and mitigated. The Proposed Action would also comply with these requirements. Accordingly, no cumulatively significant impacts to cultural resources would occur.

Global Climate Change

Impacts from GHG are considered to be cumulative impacts; however, delivery of water with or without the Proposed Action is part of the existing baseline conditions of the CVP and is not expected to produce additional GHG that could contribute to global climate change. In addition, estimated annual CO₂ emissions required for the Proposed Action is 20,615 metric tons per year, which is below the 25,000 metric tons per year threshold for reporting GHG emissions. As a result, the Proposed Action is not expected to contribute cumulative adverse impacts to global climate change. In addition, measures in the Mitigation Measures and Monitoring Program Matrix (Appendix A of EA-12-079) would be implemented to further reduce GHG emissions associated with the development.

CVP water allocations are made dependent on hydrologic conditions and environmental requirements. Since Reclamation operations and allocations are flexible, any changes in hydrologic conditions due to global climate change would be addressed within Reclamation's operation flexibility and therefore water resource changes due to climate change would be the same with or without the Proposed Action

Water Resources

The cumulative total of transferred water to the County would not exceed 2,290 AFY and would be drawn by the County through existing infrastructure at Millerton Lake. This water is already allocated to districts, and with this transfer to MNT, there will be no additional impacts on CVP supplies.