

RECLAMATION

Managing Water in the West

FINAL FINDING OF NO SIGNIFICANT IMPACT

Fresno County Water Works District No. 18 and Lower Tule River Irrigation District Request for Approvals Pursuant to the Friant Ranch Specific Plan

FONSI 11-097

Recommended by:

"FOR"


Rain Healer
Natural Resources Specialist
South-Central California Area Office

Date: 7/9/13

Concurred by:

See Appendix F of EA-11-097
Archaeologist/Architectural Historian
Mid-Pacific Regional Office

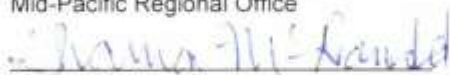
Date: See Appendix F

Concurred by:

See Appendix F of EA-11-097
Native American Affairs Specialist
Mid-Pacific Regional Office

Date: See Appendix F

Concurred by:


Shauna McDonald
Wildlife Biologist
South-Central California Area Office

Date: 7/9/13

Concurred by:


Chuck Siek
Supervisory Natural Resources Specialist
South-Central California Area Office


Date: 7/9/13

Concurred by:


Randy English
Chief, Resources Management Division
South-Central California Area Office

Date: 8/22/13

Approved by:


Michael Jackson
Area Manager
South-Central California Area Office

Date: 8/27/13



U.S. Department of the Interior
Bureau of Reclamation
South-Central California Area Office

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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 (EIS) is not required for the inclusion of 523.8 acres of the Friant Ranch Specific Plan area into Fresno County Waterworks District No. 18's (FCWW 18) service area, the permanent transfer of up to 2,000 acre-feet per year (AFY) of Lower Tule River Irrigation District's (LTRID) Friant Division Central Valley Project (CVP) water to FCWW 18, modification of existing infrastructure located near Friant Dam, and execution of a perpetual agreement with FCWW 18 for operation and maintenance (O&M) of Reclamation-owned facilities. This Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA)-11-097, *Fresno County Water Works District No. 18 and Lower Tule River Irrigation District Request for Approvals Pursuant to the Friant Ranch Specific Plan*, and is hereby incorporated by reference.

Reclamation provided the public with an opportunity to comment on the Draft FONSI and Draft EA between May 10, 2013 and June 10, 2013. No comments were received. Changes from the Draft EA that are not minor editorial changes are indicated by vertical lines in the left margin of this document.

Background

FCWW 18 is a Friant Division CVP contractor with Reclamation which serves the municipal and industrial (M&I) needs of the town of Friant, Millerton Lake State Recreation Area, and Reclamation employees at Friant Dam.

Fresno County analyzed potential impacts and mitigation associated with the development of residential and commercial uses within the Plan Area in the Friant Community Plan Update and Friant Ranch Specific Plan Environmental Impact Report (SCH# 2007101016) circulated for public review in 2009 and certified by Fresno County on February 1, 2011. Since certification, this environmental impact report has been challenged in court. At the trial level, Fresno County Superior Court Judge Peña wholly upheld the analysis relating to the water transfer, but mandated that the County take certain additional actions related to parks and traffic. (See Judgments in Fresno County Superior Court Cases *City of Fresno v. County of Fresno*, Case No. 11CECG00706, *San Joaquin River Parkway and Conservation Trust Inc., v. County of Fresno*, Case No. 11CECG00709, and *Sierra Club, Revive the San Joaquin, and League of Women Voters of Fresno v. County of Fresno*, Case No. 11CECG00726.) On or about February 19, 2013, Friant Ranch, L.P., City of Fresno, and Sierra Club et al. appealed the judgment in Case Nos. 11CECG00709, 11CECG00706, and 11CECG00726, respectively. These appeals stay the effect of the trial court's judgments and writs of mandate. As such, the Fresno County approvals associated with the Specific Plan remain in place and continue to have full force and effect.

The Friant Community Plan Update generally maintains the land use designations for the 1983 Friant Community Plan area (currently receiving water supplies from FCWW 18), but expands the Community Plan area to include planned growth within the Friant Ranch Specific Plan area.

The Friant Ranch Specific Plan Area is in Fresno County, California, north of the cities of Fresno and Clovis. This area is bounded by residential single-family homes to the north, Friant Road to the west, and a vacant open space to the south and east beyond the Friant-Kern Canal (FKC), which runs along the eastern edge of the Specific Plan Area. As planned and approved by Fresno County, the Friant Ranch Specific Plan and related mitigation provides for approximately 2,500 residential units and 250,000 square feet of commercial space, 482 acres of on-site open space conservation areas, and over 1,000 acres of off-site mitigation lands conserving agricultural and biological resources. The Friant Ranch Specific Plan identifies FCWW 18 as the water purveyor to serve the proposed development.

In March 2011, FCWW 18 petitioned the Fresno County Local Agency Formation Commission (LAFCo) to amend FCWW 18's sphere of influence to include approximately 520+/- acres of the proposed Friant Ranch Specific Plan area. On October 4, 2011, LAFCo approved the annexation and modified FCWW 18's sphere of influence to include the 520+/- acres as shown in Appendix B. The City of Fresno subsequently challenged this approval (City of Fresno v. Fresno County LAFCo Case No. 11CECG03812). A hearing on the merits of the case was held resulting in a decision to let the LAFCo approval stand.

EA-11-097 does not analyze the impacts of the build-out of the Friant Ranch Development because Reclamation does not have land use authority or jurisdiction over the development. The County, which has land use authority over the Friant Ranch Development, has approved the construction of the development. Impacts relating to the development were analyzed separately by the County under a certified Final Environmental Impact Report (SCH #2007101016) as described above.

In addition, the Friant Ranch Development required a United States Army Corps of Engineers (Corps) Clean Water Act Section 404 permit for the dredge and fill of Waters of the United States. As such, the Corps is the Federal lead agency for the development. On April 7, 2010, the United States Fish and Wildlife Service issued the Corps a non-jeopardy Biological Opinion for the Friant Ranch Specific Plan area (see Appendix C of EA-11-097). Although the Corps' approval concerns the entire development footprint of the Specific Plan Area, it does not involve Reclamation's Proposed Action; therefore, Reclamation drafted EA-11-097 to comply with its obligations pursuant to the National Environmental Policy Act, Endangered Species Act, National Historic Preservation Act, and other requirements as applicable.

Proposed Action

Reclamation proposes to approve the following: (1) the inclusion of 523.8 acres of the Friant Ranch Specific Plan area into FCWW 18's service area, (2) the permanent transfer of up to 2,000 AFY of LTRID's Friant Division CVP water to FCWW 18 consistent with the term of LTRID's 9(d) Repayment Contract, (3) modification of existing infrastructure located near Friant Dam, and (4) execution of a perpetual agreement with FCWW 18 to O&M Reclamation-owned facilities.

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:

Findings

Water Resources

The change in FCWW 18's CVP service area boundary to include 523.8 acres of the Friant Ranch Specific Plan area and the proposed improvements of the 24-inch pipeline will allow CVP water to be used to meet current and future M&I demands of the District. At full build-out, water supply demands for the Friant Ranch development will be 1,093 AFY which will be fully met by the permanent transfer of 2,000 AFY of LTRID's Class 1 water supply. Additional water from the transfer will be used by FCWW 18 to meet existing and growing demands within its current service area. The use of additional surface water supplies in FCWW 18, including the recapture and recirculation of water for landscaping uses, will provide slight beneficial impacts to groundwater resources within this area due to slight groundwater recharge.

With the completion of the Intertie Canal, LTRID is able to capture Tule River floodwater for groundwater recharge either by direct or in lieu recharge methods. The additional recharged water is then available to LTRID water users for pumping to meet consumptive crop demands under their rights to groundwater as overlying landowners, offsetting the District's need to provide an equivalent amount of LTRID's annual CVP surface water supplies. Therefore, the loss of 2,000 AF of LTRID's Friant Division Class 1 water supply will be made up through the operation of LTRID's new facilities and programs.

The proposed transfer is from an existing CVP Class 1 allocation from a Friant Division CVP contractor to another Friant Division CVP contractor. There will be no change in the point of diversion for the transferred water as the point of diversion from Millerton Lake will be the same; however, LTRID's 2,000 AF that had previously been conveyed down the FKC to LTRID will now be delivered from Friant Dam to FCWW 18's treatment plant. As the water is already part of the baseline conditions for diversion from Millerton Lake, there will be no increase in diversions as a result of this transfer; therefore, the proposed transfer will not interfere with Reclamation's obligations to deliver water to other contractors, wetland habitat areas, or for other environmental purposes such as the San Joaquin River Restoration Program.

The proposed improvements to the 24-inch pipeline and the execution of the O&M agreement with FCWW 18 as described in Section 2.2 of EA-11-097 will not impact water resources as ground disturbance will be limited to previously disturbed areas within the Friant Dam maintenance yard. In addition, pipeline improvements will increase the functionality of the existing infrastructure and thereby provide a beneficial impact to existing FCWW 18 and Reclamation facilities by increasing delivery capability and system redundancy for FCWW 18.

Land Use

Modification of the 24-inch pipeline and execution of an O&M agreement with FCWW 18 will not change land use or land use designations. During construction, temporary access routes will be installed as shown in Figure 2-1 of EA-11-097 to allow passage of traffic. If needed, similar routes will be created during O&M activities. As construction and O&M will be short-term and the area of disturbance will be returned to its current state, there will be no adverse impacts to land use in this area.

The proposed transfer and inclusion of 523.8 acres of the proposed Friant Ranch Specific Plan into FCWW 18 will allow the area to slowly be developed as analyzed in the Friant Ranch Specific Plan Environmental Impact Report (SCH# 2007101016) and approved by the County. The current land use (cattle grazing) will be changed over time; however, this change will be consistent with the Friant Ranch Specific Plan approved by Fresno County. The Proposed Action will not facilitate unplanned growth or land use changes, or conflict with established land uses; therefore, there will be no adverse impacts to land use in this area as a result of the Proposed Action.

The transfer of 2,000 AFY of LTRID's Class 1 allocation is approximately 3.3 percent of their total Class 1 supply and will be made up by additional Tule River water being brought into the district via their new Intertie Canal. As such, the Proposed Action will not reduce the overall availability of water to LTRID landowners and is not expected to cause fallowing or land use changes within LTRID.

Biological Resources

Biological resources found in the planned and approved development were identified and environmentally analyzed in the Friant Community Plan Update and Friant Ranch Specific Plan Environmental Impact Report (SCH# 2007101016) and mitigation measures were adopted to reduce environmental impacts associated with the construction and operation of planned development to less than significant levels. Moreover, the Service issued a Biological Opinion concluding no-jeopardy to any listed species from the proposed construction activities on April 7, 2010. The Biological Opinion imposes mitigation requirements to ensure protection of species through the Corps' 404 permit. There will be no additional adverse affect to biological resources beyond what is already covered and addressed by the Biological Opinion for the Corps 404 permit regarding the Proposed Action's increase to FCWW 18's service area boundary to serve the Friant Ranch Specific Plan area.

The change in conveyance of 2,000 AF of LTRID's Class 1 water will not cause adverse impacts to biological resources as the FKC is lined and the loss of water flowing down to Tulare County does not impact fish or other wildlife dependent upon the FKC. As described in EA-11-097, the loss of 2,000 AF from the CVP Friant Division within the LTRID boundaries will be made up through the operation of LTRID's new Intertie Canal. No new ground disturbance will occur in the LTRID service area as a result of the Proposed Action.

The area affected by the pipeline improvements and O&M Agreement is within the Reclamation maintenance yard, at the base of the Friant Dam. This area has been highly disturbed and is currently well maintained. The existing ground cover is generally gravel, pavement, and packed earth. It is not suitable habitat for any sensitive species. Reclamation has determined that the Proposed Action will have no effect on federally listed or proposed to be listed threatened or endangered species, designated critical habitat, or proposed critical habitat within this specific area.

Cultural Resources

As the Federal lead for Section 106, the Corps has fulfilled Reclamation and the Corps's collective responsibility for compliance with Section 106 through the execution of an

memorandum of Agreement with the State Historic Preservation Officer with the only exception being the improvements FCWW 18 will make to the existing pipeline(s). The improvements will involve sliplining a smaller diameter, high pressure pipe into the existing 24-inch diameter pipe. The pipeline improvement action has no potential to cause effects to cultural resources eligible for inclusion in the National Register pursuant to §800.3(a)(1). See Appendix F of EA-11-097 for Reclamation's determination.

Indian Sacred Sites

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. There will be no impacts to Indian sacred sites as a result of the Proposed Action.

Indian Trust Assets

Reclamation determined that the Proposed Action will not impact Indian Trust Assets as there are none in the Proposed Action area. See Appendix F of EA-11-097 for Reclamation's determination.

Environmental Justice

The Proposed Action will not cause dislocation, changes in employment, or increase flood, drought, or disease and will not disproportionately impact economically disadvantaged or minority populations.

Socioeconomic Resources

The Proposed Action will allow lands within the Friant Community Plan to be developed over time consistent with the Friant Ranch Specific Plan and Friant Community Plan adopted by Fresno County. As the development has been planned and approved by Fresno County, the Proposed Action will have beneficial impacts to socioeconomic impacts to the County, FCWW 18, and the development.

The proposed transfer is a small percentage of the overall water supplies available to LTRID. In addition, Tule River water made available for use in LTRID via the Tule River Intertie Project and its positive impacts on groundwater will be available to make up for this portion of their CVP Class 1 allocation. As such, the proposed transfer will not result in any economic uncertainty such that agricultural employment will be affected within LTRID. Therefore, the Proposed Action will have no significant effect on socioeconomic resources within LTRID.

Air Quality

There will be no air quality impacts due to the proposed transfer as the transferred water will be gravity fed from Friant Dam into FCWW 18's existing facilities. Air quality impacts due to the construction and operational activities related to the Friant Ranch development and its planned uses were analyzed and mitigated in the Friant Community Plan Update and Friant Ranch Specific Plan Environmental Impact Report (SCH# 2007101016) and were found to be significant and unavoidable. As such, a statement of overriding considerations was approved by Fresno County.

As noted above, there are no impacts as a result of the proposed transfer, and the inclusion of new lands into FCWW 18 does not have the potential to result in air quality impacts separate and apart from the build-out of the Friant Ranch Development approved by Fresno County. Thus the only potential for air quality emissions as a result of the Proposed Action will be generated during the proposed pipeline improvements and future O&M activities. Pipeline modifications will occur over a four-month period and will use the following equipment: backhoes, boom trucks, pipe jacking equipment, loaders, dump trucks, hauling trucks, concrete trucks, water trucks and asphalt paving equipment. Future O&M will likely be similar. Air emissions were calculated for the Proposed Action utilizing Sacramento Metropolitan Road Construction Emissions Model, Version 7.1.1. As shown in Table 3-6 of EA-11-097, calculated emissions are well below the *de minimus* thresholds for the San Joaquin Valley Air Pollution Control District; therefore, there will be no adverse air quality impacts associated with this Proposed Action and a conformity analysis pursuant to the Clean Air Act is not required.

Global Climate

Water under the Proposed Action is water that will be delivered via gravity from existing facilities under either alternative, and is therefore part of existing conditions. There will be no additional impacts to global climate change as a result of the proposed transfer.

Impacts to the global climate as a result of construction and operation of the planned and approved Friant Ranch development were identified and environmentally analyzed in the Friant Community Plan Update and Friant Ranch Specific Plan Environmental Impact Report (SCH# 2007101016) and approved by the County. Impacts resulting from development were determined to be significant and unavoidable and as such, Fresno County approved a statement of overriding considerations.

As noted above, there are no impacts as a result of the proposed transfer, and the inclusion of new lands into FCWW 18 does not have the potential to result in impacts separate and apart from the build-out of the Friant Ranch Development approved by Fresno County. Thus the only potential for contributions to global climate change as a result of the Proposed Action will be generated during the proposed pipeline improvements and future O&M activities. Construction emissions of carbon dioxide during the proposed pipeline modification are estimated to be 21.6 tons (19.6 metric tons). Any future repair to the pipelines will likely be similar. These emissions are negligible compared to the Environmental Protection Agency's 25,000 metric tons per year threshold for annually reporting greenhouse gases (GHG) emissions. Accordingly, the Proposed Action will result in below *de minimis* impacts to global climate change.

Cumulative Impacts

Cumulative impacts result from incremental impacts of the Proposed Action or No Action alternative 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. To determine whether cumulatively significant impacts to water resources are anticipated from the Proposed Action or the No Action alternative, the incremental effect of both alternatives were examined together with impacts from past, present, and reasonably foreseeable future actions in the same geographic area. This includes project

growth and zoning as detailed in the Fresno County General Plan, the Sierra North Regional Plan, and the Millerton New Town Specific Plan. Major development projects proposed within two miles of the Proposed Action area include: North Fork Village (1,000 units), River Ranch Estates (900 units), Tesoro Viejo (5,000 units), Mira Bella Development (56 units to date with 180 total units planned), Millerton New Town (3,499 units), Marina Estates (80 units), Brentwood at Brighton Crest (420 units), and Wellington Ranch (5,500 units).

Additional construction activities proposed for the area include: the construction of the Big Sandy Rancheria Casino, Millerton Road widening, Winchell Cove water pipeline maintenance project, and the construction of a new powerhouse below Friant Dam.

Water Resources

Cumulative impacts to water resources (hydrology, water quality, and water supply) from the proposed development of Friant Ranch were addressed in the Friant Community Plan Update and Friant Ranch Specific Plan Environmental Impact Report (SCH# 2007101016) which found that the proposed Friant Ranch development will not have cumulatively considerable impacts on these resources.

The 2,000 AF proposed for transfer from LTRID to FCWW 18 is part of the baseline conditions for diversion from Millerton Lake and will occur under either alternative. As there will be no increase in diversions as a result of this transfer, the proposed transfer will not cumulatively impact Reclamation's obligations to deliver water to other contractors, wetland habitat areas, or for other environmental purposes such as the San Joaquin River Restoration Program. In addition, as described above, the transfer of 2,000 AFY of LTRID's Class 1 allocation is approximately 3.3 percent of their total Class 1 supply and will be made up by additional Tule River water being brought into the district via their new Intertie Canal; therefore, there will be no cumulative adverse impacts to LTRID's available water supply.

The addition of up to 2,000 AF of LTRID's Class 1 water supply to FCWW 18's water supply will have a cumulatively beneficial impact to FCWW 18's overall water supply enabling the district to meet existing and future demands.

Land Use

In recent years, land use changes within the San Joaquin Valley have involved the urbanization of agricultural lands. These types of changes are typically driven by economic pressures and local government decisions and are as likely to occur under either alternative.

The Proposed Action will allow lands within the Friant Community Plan to be developed over time consistent with the Friant Ranch Specific Plan and Friant Community Plan adopted by Fresno County. The Proposed Action will not facilitate unplanned growth or land use changes, or conflict with established land uses; therefore, there will be no cumulatively adverse impacts to land use as a result of the Proposed Action.

Biological Resources

As there will be no additional adverse impacts to biological resources as a result of the Proposed Action that has not already been addressed by the Corps, no cumulative impacts are expected to occur.

Socioeconomic Resources

The Proposed Action will have cumulatively beneficial impacts to socioeconomic resources within FCWW 18, Fresno County, and the development as it will be consistent with the approved and planned growth for the Friant Ranch Specific Plan area. In addition, the Proposed Action will not change the existing socioeconomic setting of the Proposed Action area.

Air Quality

The Proposed Action, when added to other existing and proposed actions, will not contribute to cumulative impacts to air quality since construction activities are short-term and well below *de minimis* thresholds.

Global Climate

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 21.6 tons (19.6 metric tons) per year, which is well 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.

Other Resources

As there will be no direct or indirect impacts to Cultural Resources, Indian Sacred Sites, Indian Trust Assets or economically disadvantaged or minority populations, there will be no cumulative impacts to these resources.