

# RECLAMATION

*Managing Water in the West*

Draft FINDING OF NO SIGNIFICANT IMPACT

## **Modifications to the Storage and Conveyance of Yuba Accord Water in Federal Facilities for South of Delta Central Valley Project Contractors**

FONSI-16-010



U.S. Department of the Interior  
Bureau of Reclamation

May 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-16-010**

**Modifications to the Storage and  
Conveyance of Yuba Accord Water in  
Federal Facilities for South of Delta  
Central Valley Project Contractors**

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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 executing additional Warren Act Contracts for the storage and conveyance of Yuba Accord Water 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 draft Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA) 16-010, *Modification to the Storage and Conveyance of Yuba Accord Water in Federal Facilities for South of Delta Central Valley Project Contractors*, and is hereby incorporated by reference.

No final decision shall be made on the FONSI until public review has been completed and comments, if any, considered.

## Background

The San Luis & Delta-Mendota Water Authority (Authority) entered into an agreement with the Yuba County Water Agency and the California Department of Water Resources (DWR) for up to 80,000 acre-feet per year (AF/Y) of Yuba Accord<sup>1</sup> water for nine of its Member Districts. Under the agreement, the purchased Yuba Accord water, minus a 20-30 percent loss from carriage through the Delta, would be pumped by DWR and delivered to the Authority at O'Neill Forebay. As the delivery of this water to the participating Member Districts requires conveyance through federal facilities, the Authority requested approval from Reclamation. Reclamation analyzed the introduction, conveyance, and storage of up to 80,000 AF/Y of the Yuba Accord water in EA-13-014 (Reclamation 2013). Reclamation determined that the proposed execution of a series of Warren Act Contracts and/or exchange agreements over a 25-year period with the participating Member Districts for specific annual amounts of the 80,000 AF would not significantly affect the quality of the human environment and a FONSI was issued on June 18, 2013. FONSI/EA-13-014 is incorporated by reference.

Additional Member Districts (Byron-Bethany Irrigation District and Mercy Springs Water District) have since been added to the Yuba Accord agreement. As these districts were not previously covered in EA-13-014, Reclamation is preparing this EA to address their addition as well as other changes in the project description not analyzed in EA-13-014.

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<sup>1</sup> The Lower Yuba River Accord (Yuba Accord) provides supplemental dry year water supplies to state and Federal water contractors under a Water Purchase Agreement.

## Proposed Action

Reclamation proposes to issue a series of Warren Act contracts and/or exchange agreements with Byron-Bethany Irrigation District and Mercy Springs Water District (recent additions to the Yuba Accord agreement) for the introduction, conveyance, and storage of Yuba Accord water in federal facilities when excess capacity is available. The amount to be conveyed to the two districts would be within the 80,000 AF total and timeframe (through December 2023) previously analyzed in EA-13-014. It is possible that other Member Districts not currently participating in the Yuba Accord agreement may choose to participate in the future. As such, Reclamation proposes to issue Warren Act contracts and/or exchange agreements with those Member Districts (see Table 1 of EA 16-010) that choose to participate in the future, if applicable.

The total quantity of Yuba Accord water delivered to those participating under the agreement would not exceed 80,000 AF/Y. The total amount of water would be distributed amongst those participating as agreed to by the signatories of the agreement. In addition, participating Member Districts may transfer and/or exchange their portion of the Yuba Accord water amongst themselves in accordance with Article 10(c) of the Warren Act contract.

Introduction, conveyance, and storage of the Yuba Accord water would be in the same manner as described in EA-13-014. The transfer and exchange of water amongst the participating districts would occur within the federal facilities shown in Figure 3 of EA 16-010.

## Environmental Commitments

The participating Member Districts shall implement the environmental protection measures listed in Table 2 of EA-16-010 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 3 of EA-16-010, 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: air quality, cultural resources, environmental justice, global climate change, Indian Sacred Sites, Indian Trust Assets, land use, or socioeconomic.

### Biological Resources

The action area consists of agricultural fields that provide some habitat values for a few species on page 14 of EA 16-010; however, there is routine disturbance due to on-going farming practices. The Proposed Action would not involve the conversion of any land fallowed and untilled for three or more years. The Proposed Action also would not change the land use

patterns of the cultivated or fallowed fields that do have some value to listed species or birds protected by the Migratory Bird Treaty Act.

The movement and pumping of the water is covered in the 2008 U.S. Fish and Wildlife Service (Service) and 2009 National Marine Fisheries Service (NMFS) biological opinions on the Coordinated Long-term Operations of the Central Valley Project (CVP) and State Water Project (SWP). Both biological opinions were previously challenged in Court, and following lengthy proceedings, the United States District Court for the Eastern District of California remanded the biological opinions, and Reclamation was ordered by the Court to comply with NEPA before accepting the Reasonable Proven Alternatives. In March and December 2014, the Biological Opinions issued by the Service and NMFS, respectively, were upheld by the Ninth Circuit Court of Appeals, although certain requirements (such as an obligation for Reclamation to follow a NEPA process) were left in place. Reclamation has completed environmental documentation (Reclamation 2016) to comply with the Court's decisions and continues to comply with the biological opinions associated with coordinated long-term operations of the CVP and SWP.

The now upheld biological opinions cover 48,000 AF/Y (60,000 AF minus 20% conveyance losses) of Component 1 Yuba Accord water, and the remainder is covered under the 600,000 AF/Y of transferred water (the total amount that would be transferred under this Proposed Action plus other transfers is under 600,000 AF). As a result, the effects on the Delta smelt and its critical habitat, and the effects on the Central Valley steelhead, Central Valley spring-run chinook salmon, Sacramento River winter-run chinook salmon, North American green sturgeon and critical habitat for these species, and the Southern Resident killer whales have already been addressed.

Reclamation also completed consultation pursuant to the Magnusson-Stevens Fishery Conservation and Management Act with NMFS on the impacts to Essential Fish Habitat for Chinook salmon as a result of the pumping (NMFS 2009).

## **Water Resources**

The total amount (up to 80,000 AF/Y) of Yuba water would move through the Delta and through CVP facilities as previously analyzed in EA-13-014. A portion of the water would be delivered to Byron-Bethany Irrigation District and Mercy Springs Water District as well as those south-of-Delta CVP contractors listed in Table 1 that choose to participate in the Yuba Accord agreement in the future. Transfer and/or exchange of the Yuba water amongst those participating Member Districts would also require use of the same facilities as previously analyzed. All water would be used for existing purposes to offset reduced CVP water supply allocations. This would provide a beneficial impact to water resources within the participating Member District's service areas.

## **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.

***Biological Resources***

There would be no new cumulative impacts to species from the Proposed Action beyond those addressed in the existing biological opinions (Service 2008 and NMFS 2009). The cumulative impacts on affected biological resources would continue to be minimized through compliance with the existing minimization measures required by the Service and NMFS.

***Water Resources***

Because the Proposed Action would involve neither construction, modification, nor interference with operations, there would be no cumulative impacts to existing facilities or other contractors. Because water quality of the non-Project water would be identical to CVP water, there would be no cumulative impacts to water quality involving water delivered through CVP facilities.