

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Warren Act Contract for Conveyance from Turlock to Del Puerto Water District

FONSI-13-050



U.S. Department of the Interior
Bureau of Reclamation

April 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-13-050

**Warren Act Contract for Conveyance
from Turlock to Del Puerto Water District**



Prepared by: Stacy L. Holt
Natural Resources Specialist

04/21/2016
Date



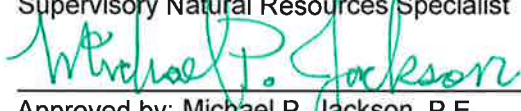
Concurred by: Jennifer L. Lewis
Wildlife Biologist

04/26/2016
Date



Concurred by: Rain L. Emerson
Supervisory Natural Resources Specialist

05/05/2016
Date



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

5/10/2016
Date

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 an environmental impact statement is not required to issue Warren Act Contract(s) for conveyance and storage of non-Project water between the City of Turlock (Turlock) and Del Puerto Water District (Del Puerto). This Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA-13-050), *Warren Act Contract for Conveyance from Turlock to Del Puerto Water District*, which is hereby incorporated by reference.

Reclamation provided the public with an opportunity to comment on the Draft FONSI and Draft EA between April 1, 2014 and May 1, 2014. No comments were received.

Background

Del Puerto is a Central Valley Project (CVP) Contractor located on the west side of the San Joaquin Valley, south of the Sacramento-San Joaquin Delta (Delta). Del Puerto's water supplies have been reduced in recent years because of regulatory limitations and adverse hydrologic conditions. As a result, Del Puerto is pursuing additional supplies for their agricultural customers.

Turlock is located in southern Stanislaus County, on California Highway 99 between Merced and Modesto. Turlock's Regional Water Quality Control Facility currently discharges treated, recycled water to the San Joaquin River by way of the Harding Drain pursuant to National Pollutant Discharge Elimination System (NPDES) permit number CA0078948. This water meets California standards for unrestricted use, and is available for a variety of purposes, including agricultural irrigation, as acquired under Section 1485 of the California State Water Code. Turlock has agreed to provide up to 13,400 acre-feet (AF) per year of this non-Project water to Del Puerto on a recurring basis. The general location of the parties involved in the proposal is shown in Figure 1 of EA-13-050.

Since the non-Project water would need to be conveyed in the federal Delta-Mendota Canal (DMC) and possibly stored in federal facilities, Turlock and Del Puerto have requested that Reclamation issue Warren Act Contract(s) for conveyance and storage of the non-Project water. The non-Project water would supplement a deficient CVP water supply and would be used for irrigation on existing lands in Del Puerto that currently receives CVP water.

Proposed Action

Reclamation proposes to execute a series of Warren Act Contracts for conveyance and storage of up to 13,400 AF per year of recycled, treated water from Turlock to Del Puerto. The contracts

would be no longer than five years in length individually and no longer than twenty-five years in total. The path by which the water would be conveyed is shown in Figures 2 and 3 of EA-13-050 and described below.

Water would enter the San Joaquin River at Turlock's existing discharge point, and would travel down the river to Patterson Irrigation District (Patterson). Patterson would pump the water at their intakes, which are protected by a National Marine Fisheries Service (NMFS) permitted fish screen, and convey it through their existing water delivery facilities to the DMC. The water would either be diverted directly by Del Puerto or stored in San Luis Reservoir for later delivery to Del Puerto via exchange with Reclamation. Conveyance losses of 5 percent would be assessed in Federal facilities.

The Proposed Action would utilize existing facilities and no new infrastructure, modifications of facilities, or ground disturbing activities would be needed for movement of this water. No native or untilled land (fallow for three years or more) would be cultivated with water involved with these actions.

Environmental Commitments

Reclamation, the City, and Del Puerto shall implement the environmental protection measures listed in Table 1 of EA-13-050 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-13-050, 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, and social justice.

Water Resources

Under the Proposed Action, water would enter the San Joaquin River at Turlock's existing discharge point and travel down the river to Patterson. Patterson would pump the water at their NMFS-permitted intakes and convey it through their existing water delivery facilities for introduction into the DMC. The non-Project water would either be diverted directly by Del Puerto through their existing turnouts or stored in San Luis Reservoir for later delivery to Del Puerto via exchange with Reclamation.

The Proposed Action would utilize existing facilities and no new infrastructure, modifications of facilities, or ground disturbing activities would be needed for movement of this water. No native

or untilled land (fallow for three years or more) would be cultivated with water involved with these actions (see Table 1 in EA-13-050).

Biological Resources

The effects to biological resources by conveying up to 13,400 AF per year of recycled, treated water to Del Puerto for agricultural practices would be similar to the No Action Alternative. Most of the habitat types required by species protected under Endangered Species Act do not occur in Del Puerto's service boundary. Any encountered biological resources are likely to be those associated with actively cultivated land.

Under the Proposed Action, the water would be conveyed in existing facilities to established agricultural lands. No native lands or lands fallowed and untilled for three or more years would be disturbed as this water would be used on existing farmed lands. If changes to native or fallowed lands are proposed in the future separate environmental review would be required. No critical habitat occurs within Del Puerto's service boundary; therefore, no critical habitat primary constituent elements would be affected. 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.

Potential impacts to listed anadromous fish species, their critical habitat, and essential fish habitat resulting from the operation of Patterson fish screen and intake canal on the San Joaquin River were previously addressed in a concurrence letter issued by the National Marine Fisheries Service (NMFS) to Reclamation (NMFS 2007). NMFS concurred that Patterson's intake canal was not likely to adversely affect the Central Valley steelhead and their designated habitat, as long as no more than four percent of the flow of the San Joaquin River is diverted through the intake at a capacity of 195 cubic feet per second (cfs). Under the Proposed Action, no greater than two percent of the total river flow, including this Action, would be diverted and Patterson's operations would not exceed existing coverage (Central Valley Regional Water Quality Control Board 2010). For these reasons, Reclamation has determined that the Proposed Action would have no affect beyond those previously covered for Central Valley spring-run Chinook salmon evolutionarily significant unit and Central Valley steelhead. In addition, the Proposed Action would not affect essential fish habitat for Pacific salmon.

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.

Water Resources

Reclamation has reviewed existing or foreseeable projects in the same geographic area that could affect or could be affected by the Proposed Action. Reclamation and CVP contractors have been working on various drought-related projects, including this one, in order to manage limited water supplies due to current hydrologic conditions and regulatory requirements. This and similar projects would have a cumulative beneficial effect on water supply during these critically dry years.

As in the past, hydrological conditions and other factors are likely to result in fluctuating water supplies which drive requests for water service actions. Water districts provide water to their customers based on available water supplies and timing, while attempting to minimize costs. Farmers irrigate and grow crops based on these conditions and factors, and a myriad of water service actions are approved and executed each year to facilitate water needs. It is likely that over the course of the Proposed Action, districts will request various water service actions, such as transfers, exchanges, and Warren Act contracts (conveyance of non-Project water in CVP facilities). Each water service transaction involving Reclamation undergoes environmental review prior to approval.

The Proposed Action would make use of existing approved capacity and would not increase diversions at the Patterson intake above the previously NMFS-approved amount. The diversion may represent a short-term net loss of water to the San Joaquin River, since the water to be conveyed to Del Puerto would have otherwise flowed to the Delta, or sold to another water user. A portion of the water directed to Del Puerto would infiltrate to local groundwater, a portion would evaporate, and a portion would drain following existing surface drainage routes. Due to the relatively small volume of water being considered, this change in hydrologic patterns within the basin is considered minor in the context of overall trends

Biological Resources

With incorporation of the environmental protection measures listed in Table 1 of EA-13-050, the Proposed Action would not contribute cumulatively to any impacts to terrestrial special-status species because no land use change would result from the Action. The diversion of discharged water from Turlock to Del Puerto via Patterson's intake canal, when added to other past, present, and reasonably foreseeable future actions, would not result in additional cumulative impacts on the biological resources of the study area and downstream impacts than those already analyzed (NMFS 2007). This determination relies on Patterson complying with the existing approved pumping capacity (195 cfs) and that the decrease in flow to the San Joaquin River from the Proposed Action would be less than four percent per NMFS' requirements. As the Proposed Action itself is unlikely to impact special-status plant, fish or wildlife resources, it is also unlikely to contribute to cumulative impacts on those resources.