

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Refuge Level 2 Exchange Agreement for Tertiary Treated Water Project

FONSI Number 16-14-MP

Recommended by:

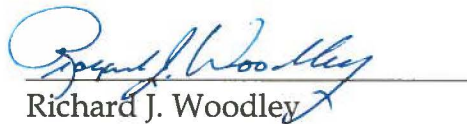


Date:

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**U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region**

Introduction

The Bureau of Reclamation (Reclamation) proposes entering into an agreement with the Panoche Water District (PWD) and the San Luis Water District (SLWD) for the exchange of Refuge Level 2 (L2) water from the Central Valley Project (CVP) for tertiary treated recycled water (Proposed Action). Collectively, PWD and SLWD will be referred to as the “Districts”. The term of the Agreement will be one year and is expected to begin in Fall 2016.

Alternatives Including the Proposed Action

No Action:

The No Action Alternative would consist of Reclamation not entering into an agreement with the Districts to fund the exchange of L2 water for tertiary treated recycled water supplies to help meet the East Bear Creek Unit of the San Luis National Wildlife Refuge Complex’s (EBC Refuge) demand. The delivery of water to the EBC Refuge from Gallo Farms for purposes defined in this EA would not occur. The Districts would not be able to utilize L2 water, and the IL4 portion of this exchange would not provide water to other South of Delta (SOD) Central Valley Project Improvement Act (CVPIA) refuges.

Proposed Action:

The Proposed Action involves Reclamation entering into an agreement with the Districts to exchange L2 water for tertiary treated recycled water acquired by the Districts from Gallo Farms. The Districts would provide the EBC Refuge up to 6,000 acre-feet per year (AFY) of tertiary treated recycled water acquired from Gallo Farms (Acquired Water); where the Acquired Water would leave the Gallo Point of Discharge into a natural channel where there is an existing pipe inlet and standpipe to Bear Creek. The Acquired Water will then blend with other instream flows (if existing) in Bear Creek, the combined waters would travel to the EBC Refuge pump station, approximately 5 miles west. The original source of the Acquired Water comes from the City of Atwood’s Bert Crane Treatment Facility. The term of the Agreement will be one year and is expected to begin in Fall 2016.

The Acquired Water would be metered at the discharge point on Gallo Farms to measure the volume of tertiary treated recycled water being discharged. A conveyance loss factor of 10% has been estimated based on a review of the type of channel flow, time of year and current condition of the channel. Water quality sampling of the Acquired Water will be conducted according to a monitoring plan to provide representative concentrations of the tertiary treated recycled water quality prior to discharge to Bear Creek.

The Acquired Water would be pumped onto EBC Refuge land and be used for the benefit of wildlife. The Districts will provide Reclamation up to 6,000 AFY of Acquired Water for the EBC Refuge, and Reclamation will deliver to the Districts one acre-foot of Refuge L2 Water for every two acre-feet of Acquired Water discharged to Bear Creek (up to 3,000 AFY Refuge L2 Water). The Proposed Action would also provide up 3,000 AFY of IL4 water to SOD CVPIA refuges.

Public Comment

A comment letter dated August 30, 2016 was received from California Department of Fish and Wildlife (CDFW). This letter presented comments and questions regarding the project description, surface water resources, water quality analysis, biological resources, and included a request to include economic analysis. CDFW requested that a revised Draft EA be prepared and recirculated. Reclamation considered every aspect of this comment letter in the decision to enter into an exchange agreement with the Districts; below is a discussion of the substantive issues raised regarding the analysis and how it was used in Reclamation's decision. Reclamation's decision is whether or not to enter into an exchange agreement that will allow for: (1) tertiary treated recycled water to be provided to the EBC Refuge, (2) IL4 water to be provided to SOD CVPIA refuges, and (3) L2 water to be provided to the Districts.

Scope of the Action & Surface Water Supplies

The action being analyzed in the EA is Reclamation's decision to enter into an exchange agreement with the Districts to allow for: (1) up to 6,000 AFY of tertiary treated recycled water to be provided to the EBC Refuge, (2) up to 3,000 AFY of IL4 water to be provided to SOD CVPIA refuges, and (3) up to 3,000 AFY of CVP water to be provided to the Districts. It appears that CDFW's understanding of the current water management situation at the EBC Refuge and how the exchange mechanics of the agreement work to help benefit other SOD Refuges is not fully understood. For clarification, it should be noted that this is a one year project that is designed to collect data and information to determine if a longer term exchange agreement might be feasible. Historically, and up till recently, EBC Refuge has not been able to receive Level 2 (L2) water supplies from CVP Project supply due to a lack of surface water conveyance facilities that can deliver CVP water to this Refuge. The water that the EBC Refuge has typically received is water acquired via various agreements with water purveyors within the local watershed. The exchange allows for water that otherwise would not be delivered to the EBC Refuge to get to it. The water exchanged for the tertiary treated recycled water delivered to the EBC Refuge would be CVP water supplies directly provided to the Districts and to other SOD refuges. The other SOD refuges would not receive any tertiary treated recycled water. Only the EBC Refuge would receive this tertiary treated recycled water. Furthermore, the Proposed Action does not impact the L2 allocation for any of the SOD refuges.

CDFW suggests that the proposed action could have an impact on the EBC Refuge's L2 supply. Since Reclamation is not currently delivering CVP L2 supplies to the EBC Refuge and has never delivered CVP L2 supplies to it, the proposed action would have no impact on its L2 supplies. CDFW recommends providing a schedule for water deliveries to ensure that water deliveries could coincide with the EBC Refuge's water and habitat needs. The EBC Refuge manager and the Districts will work together to develop a water delivery schedule that is mutually agreeable. The EBC Refuge will not take water when it is not needed. During periods when water is not needed and not being delivered to the EBC Refuge, no exchange for L2 water would occur.

Economic Impacts to Districts, Reclamation, and Refuges

CDFW cites a need to include an economic analysis in the EA. Based on National Environmental Policy Act (NEPA) (42 USC 4321-4347), including Council on Environmental Quality (CEQ) and Department of Interior regulations (40 CFR 1508.9 and 43 CFR 46.310), an economic analysis is not required to complete an EA.

Water Quality and Environmental Consequences

Reclamation will oversee a very thorough Water Quality Monitoring Plan (WQMP) for this action. The WQMP was developed after coordination with water quality specialists within Reclamation and within the U.S. Fish and Wildlife Service (USFWS). Reclamation and USFWS will closely review the information and data collected to ensure that there would be no significant impacts to water resources and to fish and wildlife. The thresholds and requirements included in the WQMP ensure any potential impacts are adequately addressed. As indicated by the water quality information collected for the City of Atwater's NPDES permit and from other recent projects in the local area, Reclamation determined that water quality will not be adversely impacted by this short term project.

Concerning Chemicals of Emerging Concern (CEC), the State Water Resources Control Board and the California Regional Water Quality Control Board (CRWQCB) recognize that there is not a lot of scientific information available concerning CECs in watersheds. Preparation of an EA does not require the collection of new data to complete the analysis required. NEPA requires Federal agencies to consider the best available scientific information for inclusion in NEPA documentation. Reclamation and USFWS met to discuss the CEC comments cited in CDFW's letter, and have determined that slightly changing the WQMP to incorporate CEC samples taken prior to initiating the exchange action would help to establish background information on CECs related to the action. The WQMP has been changed in response to this comment. Reclamation is aware that CRWQCB is working on gaining a better understanding of CECs in the Central Valley and trying to determine how best to monitor for CECs related to regulatory actions. As information is collected and studies are completed on CECs in the area, further information should be available to help assess CEC effects on future refuge water supply projects.

Biological Resources - Fish and Wildlife

The quality of water provided to the EBC Refuge will be thoroughly assessed through regular monitoring. Adequate water quality thresholds have been established based on the best available biological science. At any point during this short term project, delivery of water to the EBC Refuge can be halted or curtailed. If the tertiary treated water deliveries to the EBC Refuge are halted or curtailed, the L2 exchange with the Districts will also be halted or curtailed. Reclamation does not expect any adverse impacts to fish and wildlife as a result of providing tertiary treated water to the EBC Refuge. The giant garter snake is not known to occur at the EBC Refuge or in the local vicinity.

Findings

Based on the attached EA, Reclamation finds that the Proposed Action is not a major Federal action that will significantly affect the quality of the human environment. The EA describes the existing environmental resources in the area of the Proposed Action, and evaluates the effects of

the No Action and Proposed Action alternatives on specific resources. This EA was prepared in accordance with NEPA, CEQ regulations (40 CFR 1500-1508), and Department of the Interior regulations (43 CFR Part 46). Effects on several environmental resources were examined and found to be absent or minor. That analysis is provided in the attached EA, and the analysis in the EA is hereby incorporated by reference.

Following are the reasons why the Proposed Action's impacts are not significant:

1. The Proposed Action will not significantly affect public health or safety (40 CFR 1508.27(b)(3)).
2. The Proposed Action will not significantly impact natural resources and unique geographical characteristics such as historic or cultural resources; parks, recreation, and refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order (EO) 11990); flood plains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas (40 CFR 1508.27(b)(3) and 43 CFR 46.215(b)).
3. The Proposed Action will not have possible effects on the human environment that are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5)).
4. The Proposed Action will neither establish a precedent for future actions with significant effects nor represent a decision in principle about a future consideration (40 CFR 1508.27(b)(6)).
5. There is no potential for the effects to be considered highly controversial (40 CFR 1508.27(b)(4)).
6. The Proposed Action will not have significant cumulative impacts (40 CFR 1508.27(b)(7)).
7. The Proposed Action has no potential to affect historic properties (40 CFR 1508.27(b)(8)).
8. The Proposed Action will not result in adverse impacts to water resources or land resources. The Proposed Action would not impact surface water supplies because a net increase or decrease in CVP surface water supplies delivered south of the Delta would not occur. The total amount of CVP surface water delivered south of the Delta would remain the same. Surface water would be provided for reasonable and beneficial use within the EBC Refuge, to meet habitat needs for wildlife. The Districts would receive Refuge L2 surface water supplies through exchange. Delivering Refuge L2 water to the Districts would not trigger new surface water resources' impacts or impacts of greater magnitude than those impacts already considered in the exchange parties' CVP water service contracts.

The Proposed Action would include implementation of a WQMP (Appendix A of the EA) to ensure that water quality standards are not exceeded. If water quality monitoring indicates unsuitable water quality, water deliveries under this project to Bear Creek and to the EBC Refuge would be modified or curtailed as necessary to stay in compliance with established thresholds. Further detail is provided in the WQMP. The 2015 water quality analyses conducted

on the City of Atwater's treated water samples are included in a table in Appendix B of the EA. The WQMP includes monitoring of specific CECs in addition to the monitoring that the City of Atwater undertakes.

9. The Proposed Action will not affect listed or proposed threatened or endangered species (40 CFR 1508.27(b)(9)).

10. The Proposed Action will not violate federal, state, tribal or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)).

11. The Proposed Action will not affect any Indian Trust Assets (512 DM 2, Policy Memorandum dated December 15, 1993).

12. Implementing the Proposed Action will not disproportionately affect minorities or low-income populations and communities (EO 12898).

13. 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 (EO 13007 and 512 DM 3).