

FINDING OF NO SIGNIFICANT IMPACT

**Water Year 2016-2026 Transfer and Exchange from Madera Irrigation District and
Chowchilla Water District to the Red Top Area**

United States Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
Sacramento, California

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BACKGROUND

In 1988, a coalition of environmental groups, led by the Natural Resources Defense Council (NRDC), filed a lawsuit challenging the renewal of long-term water service contracts between the United States and Central Valley Project Friant Division. After more than 18 years of litigation, *NRDC, et al., v. Kirk Rodgers, et al.*, a settlement was reached (Settlement). On September 31, 2006, the Settling Parties, including NRDC, Friant Water Users Authority (now represented by the Friant Water Authority), and the U.S. Departments of the Interior and Commerce, agreed on the terms and conditions of the Settlement, which was subsequently approved by the U.S. Eastern District Court of California on October 23, 2006. The Settlement establishes two primary goals:

- Restoration Goal – To restore and maintain fish populations in “good condition” in the main stem of the San Joaquin River below Friant Dam to the confluence of the Merced River, including naturally reproducing and self-sustaining populations of salmon and other fish.
- Water Management Goal – To reduce or avoid adverse water supply impacts on all of the Friant Contractors that may result from the Interim Flows and Restoration Flows provided for in the Settlement.

Madera Irrigation District (MID) and Chowchilla Water District (CWD), both Friant-Division Long-Term Contractors, desire to maximize the beneficial use of their water supplies by performing a transfer and/or exchange of surface water to the Red Top Area of Madera County over the next ten years. The landowners of the Red Top Area understand the importance of decreasing their reliability on deep aquifer pumping and moving to the shallower groundwater above the Corcoran Clay. MID and CWD are proposing to work with local water and irrigation districts on a willing buyer/willing seller basis so that local landowners of the Red Top Area can purchase surface water supplies to help augment their groundwater pumping and abate subsidence. The goal is to annually convey up to 10,000 acre feet of surface water supplies into the Red Top Area.

The water to be transferred could be a portion of MID’s or CWD’s water supplies that exceed their current demands or are physically incapable of being delivered to their districts. MID and CWD will meet existing obligations of their respective Districts to the Red Top Area in addition to the proposed transfer and/or exchange. Potential water supplies for the proposed transfer and/or exchange include recaptured Restoration Flows that would be made available to Friant to MID and CWD through direct diversion at the Mendota Pool or in San Luis Reservoir, routed through the DMC to the Mendota Pool, then through the Central California Irrigation District (CCID) Main Canal into the Poso Canal. Other water that could be made available under this action could include MID and/or CWD water supplies, including CVP water, made available under a willing seller/willing buyer arrangement and water from conserved and fallowed water programs.

These flows will be diverted through a new cast in place concrete box turnout in the Poso Canal and new 36 inch pipeline with a design flow rate of 40 cubic feet per second that will go underneath the San Joaquin River.

Under the proposed action, CCID will construct, operate and maintain the proposed facilities, and Reclamation will facilitate the proposed transfer and/or exchange. The proposed action is further described in the attached environmental assessment/initial study (EA/IS). As further described in the attached EA/IS, this analysis incorporates by reference, as applicable, the environmental analysis disclosed in the Water Transfer Program for the San Joaquin River Exchange Contractors Water Authority, 2014-2038, Environmental Impact Statement/Environmental Impact Report (EIS/EIR) (January 2013); the Recirculation of Recaptured Water Year 2013-2017 San Joaquin River Restoration Program Flows EA (February 2013); and the SJRRP Programmatic EIS/EIR (July 2012).

FINDINGS

The attached EA/IS was prepared to evaluate the potential environmental impacts associated with the proposed action and the no action alternative. In accordance with the National Environmental Policy Act of 1969, as amended, Reclamation has found that the proposed action of facilitating the transfer and/or exchange of up to 10,000 acre feet of water annually over the next 10 years from MID and CWD to the Red Top Area and constructing and operating a new turnout and pipeline to convey this water, as further described in the attached EA/IS, is not a major Federal action that would significantly affect the human environment. Therefore, an EIS is not required.

This finding of no significant impact is based on the following, as further described in the attached EA/IS:

- The Proposed Action will have no impacts to aesthetics, hazards, geology and soils, population and housing, public services and utilities, transportation, agricultural resources, land use, recreation, Indian Trust Assets (ITAs), Indian sacred sites, and environmental justice.
- The transfer will be subject to the following parameters: No native or untilled land (fallow for three consecutive years or more) will be cultivated with the water involved in this action; transferred water will only be used for agricultural purposes; the ultimate purpose of use is for irrigation and/or groundwater recharge; the transfer will be between willing sellers and willing buyers; the transfer will be limited to existing supply and will not increase overall consumptive use; the water will be used on lands irrigated within the last three consecutive years; the transfer will not lead to any land conversions. The transfer will comply with all applicable Federal, State, Local and Tribal laws or requirements imposed for the protection of the environment and ITAs. The transfer will not alter the flow regime of natural water bodies such as rivers, streams, creeks, ponds, pools, wetlands, etc., in order to not have a detrimental

effect on fish or wildlife, or their habitats.

- The proposed action will not generate a new supply of water. The transfer and/or exchange of water will not increase or decrease existing CVP or SWP allocations. The water being transferred will have a beneficial impact to the surrounding environment because the water will be utilized to temporarily reduce the rate of land subsidence as a result of decreased groundwater pumping and increased surface water supply deliveries.
- Construction activities will occur in the dry, and as described in Section 2.2.1 of the attached EA/IS, best management practices will be implemented to minimize the potential for impacts to water quality during construction.
- The proposed action will have no effect on special status plant species or designated critical habitat and minimal potential to affect fish and wildlife or their habitat. Implementation of preconstruction surveys and other avoidance and minimization measures consistent with the USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance and San Joaquin River Restoration Program Conservation Strategy, will reduce and avoid the potential for impacts to San Joaquin kit fox. Mitigation measures to reduce or eliminate potential direct and indirect impacts to nesting migratory birds include avoidance of project construction during the nesting season to the extent feasible, and preconstruction surveys and buffers around active nests if construction activity is to occur within the nesting season. The attached EA/IS further describes the measures included in the proposed action to avoid and minimize the potential for impacts to special status species. Reclamation has completed informal consultation with the Service on the effects of the proposed action on San Joaquin kit fox and Fresno kangaroo rat, and with NMFS on the effects of the proposed action on California Central Valley steelhead (*Oncorhynchus mykiss*), the San Joaquin River non-essential experimental population of spring-run Chinook salmon (*Oncorhynchus tshawytscha*) and Essential Fish Habitat.
- Construction of the pipeline could impact a minimal amount of riparian scrub habitat. To avoid, minimize and compensate for impacts to the extent feasible, CCID will complete a pre-construction survey. CCID will implement replacement plantings at a ratio of 3:1 for trees with a diameter at breast height (DBH) between 4-24 inches, and at a ratio of 10:1 for trees with a DBH greater than 24 inches.
- The proposed action involves the type of activity that has the potential to cause effects to historic properties pursuant to 36 CFR § 800.3(a)(1). Based on the results of cultural resources identification efforts and after seeking input from Indian tribes and other Native American organizations and individuals identified by the California Native American Heritage Commission (NAHC) as having a known interest in the project area, Reclamation reached a finding of “no historic

properties affected” for the proposed action, pursuant to 36 CFR § 800.4(d)(1). Reclamation has received concurrence from the State Historic Preservation Officer with this finding.

- Short-term air quality impacts will be associated with construction from dust generation and operation of construction equipment. However, project construction and operation under the proposed action will not result in adverse impacts to air quality beyond Federal thresholds, and Greenhouse Gas emissions would be *de minimis*.
- Noise from construction activities will not exceed the Fresno County General Plan “normally acceptable” noise standards of 75 decibels at the exterior of nearby residences. Additionally, noise from construction activities will be temporary limited to daytime hours. Best management practices will be implemented as appropriate and feasible in accordance with Fresno and Madera County General Plan policies.
- The proposed action, when added to other similar past, existing, and future actions will not considerably contribute to cumulative adverse impacts from construction activities due to the short term of construction activities. The proposed action will result in an increase in surface water availability in the Red Top Area and will contribute to improving groundwater conditions and reducing the rate of subsidence.