

FINDING OF NO SIGNIFICANT IMPACT

San Joaquin River Restoration Program Conveyance of Unreleased Restoration Flow Exchange Water in Firebaugh Wasteway

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Bureau of Reclamation
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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.

The San Joaquin River Restoration Program (SJRRP) is being implemented in accordance with the Settlement by the U.S. Bureau of Reclamation (Reclamation), U.S. Fish and Wildlife Service (FWS), National Marine Fisheries Service (NMFS), State of California Department of Water Resources (DWR) and State of California Department of Fish and Wildlife (DFW). The SJRRP Programmatic Environmental Impact Statement/Report (PEIS/R) was completed in 2012. The PEIS/R analyzed, at a programmatic level, the management of Unreleased Restoration Flows (URFs). In support of the Restoration Goal, Reclamation is implementing a ten year program to bank, store, exchange, or sell URFs from Friant Dam with a range of potential parties, including Central Valley Project Friant Division long-term contractors and others within the Millerton Place of Use. This program is further described and the potential impacts to the human environment of implementing this program are analyzed and disclosed in the attached Delivery and Use of Unreleased San Joaquin River Restoration Flows for Water Contract Years 2016-2025 Environmental Assessment (URF EA).

The Central California Irrigation District plans to drain Mendota Pool in late November 2016 for a period of 2 to 7 weeks for a dam safety inspection and maintenance work, which would temporarily disrupt SJRRP Restoration Flows. However, water from the San Luis Reservoir that has been exchanged for URF water could be conveyed via the Delta Mendota Canal, and the Firebaugh Wasteway (Wasteway). This would allow flow to continue below Sack Dam during the maintenance work except for a period of

approximately 10 days during which a dry riverbed below Sack Dam is required to construct infrastructure for the conveyance of water to the Red Top area. The proposed action would minimize the impact maintenance of the Mendota Dam would have on the SJRRP Restoration Administrator's goal of uninterrupted river connectivity in the SJRRP Restoration Area.

Reclamation is proposing to implement URF exchanges, consistent with the program described and analyzed in the attached EA to deliver URF water in exchange for water in San Luis Reservoir in December 2016 and January 2017; and would, as described above, convey this water from San Luis Reservoir to the DMC, to the Wasteway, and then into the San Joaquin River. The proposed action is anticipated to involve up to 5.2 thousand acre feet of water conveyed into the Wasteway, which would provide an approximately 70 cubic feet per second release from Sack Dam for 38 days (the maximum expected duration of Mendota Pool maintenance work).

FINDINGS

The proposed action would not have any additional impacts to the human environment beyond those analyzed and disclosed in the attached URF EA, which was posted for public review on January 8, 2016. In accordance with the National Environmental Policy Act of 1969, as amended, Reclamation has found that the proposed action, the conveyance of URF exchange water in the Wasteway, is not a major Federal action that would significantly affect the human environment. Therefore, an environmental impact statement is not required.

This finding of no significant impact is based on the following:

- As described in the attached URF EA, the proposed action will have no adverse impact on any resources beyond those analyzed and disclosed in the PEIS/R; specifically: air quality, climate change and greenhouse gases, cultural resources, environmental justice, Indian trust assets and Indian sacred sites, land use and agricultural resources, and water resources.
- The proposed action is not anticipated to substantially alter hydrodynamics or water quality in the DMC, Wasteway, or San Joaquin River channel, given the anticipated low volume and duration of flows. Selenium levels at Check 21 on the DMC are typically less than 0.4 ppb, well below the 2 ppb monthly average objective. The Wasteway is a straight 1.1 mile connector canal that runs between the DMC and the San Joaquin River. The Wasteway crosses under the Main Canal and Helm Ditch; and meets the San Joaquin River 7.5 miles downstream of Mendota Dam, just south (upstream) of the city of Firebaugh. The Wasteway is typically filled with slow-moving water from agricultural drainage and is periodically monitored for water quality. While some increases in turbidity may occur during initial releases into the Wasteway under the proposed action, these impacts are anticipated to be minor; and similar to actions that would occur under the no action alternative, as agricultural drain water is conveyed in the Wasteway under existing conditions; and these impacts will be temporary in nature. There is

minimal concern over water quality in the Wasteway at the present time. It is expected that the salinity of water that will be conveyed from San Luis Reservoir under the proposed action will be higher than water released from Friant Dam. There is no indication, however, that any potential changes in salinity level in the San Joaquin River channel under the proposed action would be significant given the minimal amount of flow involved and short duration of the proposed action.

- The Wasteway is vegetated with trees on the banks, and riparian scrub and aquatic vegetation within the channel. No special status species are anticipated to occur in the action area. Although not anticipated to occur in the action area, the proposed action will occur outside of the active season for giant garter snake. Therefore, they would not be present in the Wasteway if they were to occur in the action area, although that is not anticipated. The proposed action is not anticipated to change the habitat function and value of the Wasteway, given the short duration and minimal amount of flow under the proposed action. The proposed action will occur outside of the migratory bird nesting season. Under the proposed action, the velocity of flow at the connection of the DMC and the Wasteway are anticipated to be sufficient to deter passage of fish into the DMC. Therefore, the proposed action will have no effects to vegetation and wildlife, including Endangered Species Act listed species, critical habitats, essential fish habitat, or species protected by the Migratory Bird Treaty Act.
- The proposed action will not contribute to any cumulative effects.

