

# RECLAMATION

*Managing Water in the West*

Finding of No Significant Impact 17-29-MP

## Level 4 Water One-year Purchase Agreement with Modesto Properties (2017)

Refuge Water Supply Program  
Bureau of Reclamation, Mid-Pacific Region  
Sacramento, California

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## **Mission Statements**

The Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors 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.

# Introduction

This document addresses the Department of the Interior Refuge Water Supply Program's (RWSP) One-year Water Purchase Agreement of up to 6,000 acre-feet (AF) of groundwater from Modesto Properties for the East Bear Creek Unit of the San Luis National Wildlife Refuge Complex (Refuge) (Proposed Action). The Proposed Action would also make available up to 6,000 AF of Incremental Level 4 (IL4) water to South of Delta (SOD) Refuges.

The Proposed Action is being undertaken pursuant to, and would be in full compliance with, Sections 3406(b)(3) and 3406(d)(2) of Title XXXIV of the Act of October 1992 (106 Stat. 4706) Central Valley Project Improvement Act (CVPIA), which authorizes new water supply contracts for fish and wildlife purposes.

This Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA)/FONSI Number 16-22-MP, and is hereby attached and incorporated by reference.

## Alternatives Including Proposed Action

### No Action Alternative

The No Action Alternative would consist of Reclamation not entering into an agreement with Modesto Properties to fund the purchase of Level 4 (L4) water supplies to help meet Refuge demand. The delivery of groundwater to the Refuge from Modesto Properties for purposes defined in the EA/FONSI (October 2016) would not occur. Other SOD Refuges would also not receive up to 6,000 AF of Refuge IL4 water.

### Proposed Action

The Proposed Action involves Reclamation entering into a one-year agreement with Modesto Properties to purchase up to 6,000 AF groundwater for L4 supplies for the Refuge. Groundwater would be discharged directly into Bear Creek and delivered to the Refuge to meet a component of its L4 water demand. Modesto Properties will oversee and coordinate the delivery of groundwater supplies to the Refuge. Operationally, once the Modesto Properties wetlands are at capacity, the groundwater wells would continue delivering water into Bear Creek via two existing structures. The water would then travel down Bear Creek less than one mile to the Refuge's pump station, prior to the confluence of the San Joaquin River where it would be lifted onto the Refuge. The rate of discharge to Bear Creek would be controlled at the two existing discharge structures that have historically been used to draw down the Modesto Properties wetlands and to allow flood waters to pass through the property. The Proposed Action would also make available up to 6,000 AF of Incremental Level 4 (IL4) water to South of Delta (SOD) Refuges.

Modesto Properties will be responsible for all water quality monitoring associated with the development of these groundwater supplies and insure that all water quality monitoring criteria and standards identified in the Monitoring and Mitigation Plan (see Appendix 2 of the EA/FONSI) are met. The Refuge will provide Reclamation monthly volumetric totals of the water pumped at the Refuge pump station.

The U.S. Fish and Wildlife Service (USFWS) plans to start taking delivery of L4 water at the Refuge in the fall of 2017. When the purchase agreement with Reclamation is executed and deliveries of groundwater to the Refuge begins, the purchase can be initiated.

Modesto Properties would be responsible for well operations and maintenance and for coordinating the delivery of groundwater into Bear Creek at times when the Refuge requests such water. Reclamation and USFWS staff would have access to the wells in order to independently test water quality and monitor flow. If water quality monitoring results do not meet the criteria set forth in the Monitoring and Mitigation Plan, Modesto Properties would notify Reclamation and the purchase would cease until water quality criteria can be met.

## Findings

In accordance with NEPA, the Mid-Pacific Regional Office of Reclamation has found that approval of the Proposed Action is not a major federal action that will significantly affect the quality of the human environment. Consequently, an environmental impact statement is not required.

Following are the reasons why the impacts from the proposed action are not significant:

1. The Proposed Action will not significantly affect public health or safety (40 CFR 1508.27(b)(2)).
2. The Proposed Action will not significantly affect natural resources and unique geographical characteristics such as proximity to 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); floodplains (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. There is no potential for effects of the Proposed Action to be considered highly controversial (40 CFR 1508.27(b)(4)).
4. 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)).

5. 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)).
6. The Proposed Action will not have a cumulatively significant impacts (40 CFR 1508.27(b)(7)).
7. The Proposed Action will not significantly affect historic properties (40 CFR 1508.27(b)(8)).
8. The Proposed Action will not significantly affect listed or proposed threatened or endangered species, or its habitat that has been determined to be critical under the Endangered Species Act of 1973 (40 CFR 1508.27(b)(9)).
9. The Proposed Action will not threaten a violation of Federal, state, tribal or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)).
10. The Proposed Action will not affect any Indian Trust Assets (512 DM 2, Policy Memorandum dated December 15, 1993).
11. Implementing the Proposed Action will not disproportionately affect minorities or low-income populations and communities (EO 12898).
12. The Proposed Action will not limit access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (EO 13007 and 512 DM 3).
13. The Proposed Action will not result in adverse impacts to water or land resources nor would it result in any substantial change or impact to CVP operations, or to Delta pumping by the CVP. The purchased water would be delivered to the Refuge via Bear Creek. Implementation of the Monitoring and Mitigation Plan (Appendix 2 of EA/FONSI) would ensure that conveyance of water under the Proposed Action would not adversely impact existing water supplies or water quality. The Proposed Action would not adversely impact water conveyance facilities or activities within the Refuge. Groundwater would be produced from 5 existing electrically powered wells and 2 existing wells power by diesel generators. The actual amount of groundwater pumped would be dependent on the productivity of the wells and other factors, such as water quality and groundwater drawdown. All groundwater produced by the wells would be discharged into Bear Creek and mixed with other waters in the creek (when present). All groundwater produced for the proposed action would be used for refuge management purposes within the Refuge. Pumping would only occur if monitoring data indicates that water quality is suitable for refuge use and water quality standards provided in the Monitoring and Mitigation Plan are being met.

Modesto Properties will monitor groundwater depths at the wells 24 hours prior to pumping, and then measure again at approximately midpoint of the pumping period and prior to shutting down the wells at the end of the pumping period. They will then take another measure of groundwater depth approximately 24 hours after the pumping period ends to evaluate the recovery of groundwater levels.

Modesto Properties will closely monitor water quality at the wells during the Proposed Action. The three major water quality constituents of concern are salinity (measured in TDS), boron and selenium. These parameters were monitored during the 2015-2016 pilot project and no significant changes in water quality were detected. If any of the future water quality data collected over the life of the Proposed Action indicates that the use of a well(s) may adversely impact water quality, the mitigation measures, incorporated into the Proposed Action, as well as in the Monitoring and Mitigation Plan, (both provided in the October 2016 EA/FONSI), will be implemented. If monitoring indicates that threshold values are exceeded, mitigation measures will be implemented within 24 hours of identifying an exceedance.

Two of the seven wells pump from the aquifer above and below the Corcoran Clay (Wells 5 and 21), however, these two wells will be used mainly as secondary supply to maintain 10 cubic feet per second (cfs) during flood up of the Modesto Properties wetlands and to get water to the Refuge's pumping plant for purposes of the proposed action. If the other primary wells (Wells 18, 20 and 24) are able to achieve 10 cfs, then Wells 5 and 21 would not be utilized. Pumping groundwater from below the Corcoran Clay will only be temporary and may not occur at all.

Due to the limited amount of proposed groundwater pumping, the Proposed Action is not expected to have adverse impacts to groundwater resources or subsidence trends.

14. The Proposed Action will not have significant air quality impacts. There would be no construction or ground disturbance. The Proposed Action involves operating two existing diesel generators (80 horsepower and 139 horsepower) to pump groundwater intermittently when the other 5 electric powered well pumps are not able to maintain a 10 to 15 cfs flow rate into Bear Creek. These diesel engine-powered wells pumps would only be used as necessary and shut off when the electric well pumps can maintain the flows required to meet USFWS demands at the Refuge pump station. As backup wells, they would be operated for up to 3 months a year, between October and January, emitting far below federal conformity and local thresholds. Therefore, the Proposed Action is exempt from the General Conformity Regulations, and a Federal general conformity analysis report is not required. The Proposed Action would not conflict with or obstruct the California State Implementation Plan.