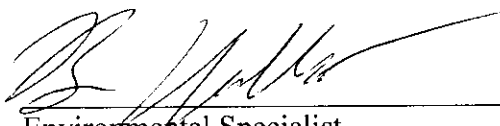
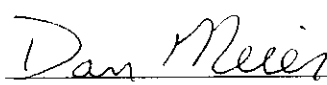


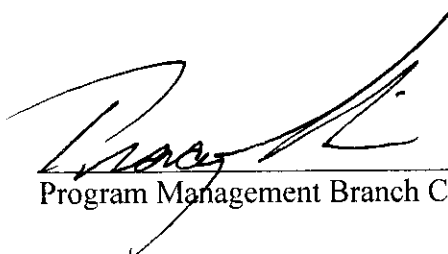
United States Department of Interior
Bureau of Reclamation
Mid-Pacific Region
Sacramento, CA

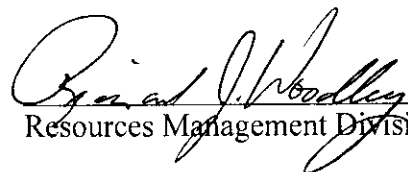
FINDING OF NO SIGNIFICANT IMPACT

ANNUAL ACQUISITION AND CONVEYANCE OF UP TO 20,000 ACRE-FEET OF
WATER TO MEET KERN NATIONAL WILDLIFE REFUGE LEVEL 4 WATER
SUPPLY NEEDS DURING WATER YEARS 2007-2011

Recommended:  9/6/2007
Environmental Specialist Date

Recommended:  9/7/07
Water Acquisition Program Manager Date

Concur:  9/7/07
Program Management Branch Chief Date

Approved:  9/7/07
Resources Management Division Chief Date

FONSI No. 07-09-MP

FINDING OF NO SIGNIFICANT IMPACT
ANNUAL ACQUISITION AND CONVEYANCE OF UP TO 20,000 ACRE-FEET OF
WATER TO MEET KERN NATIONAL WILDLIFE REFUGE LEVEL 4 WATER
SUPPLY NEEDS DURING WATER YEARS 2007-2011

There is a need to acquire water over the next five years to meet Kern National Wildlife Refuge (Kern NWR) Level 4 requirements to provide critical wetland habitats for the benefit of migratory waterfowl, other migratory birds, and wetland-dependent wildlife. Pursuant to Section 3406(d)(2) of the Central Valley Improvement Act (CVPIA), Reclamation seeks to provide Kern NWR with a portion of its Level 4 water. To meet CVPIA requirements, a firm water supply is needed from a willing seller(s). The purpose of the Proposed Action is to fulfill this need for reliable Level 4 water supplies by acquiring up to 20,000 acre-feet annually to meet Level 4 water supplies for Kern NWR during water years 2007 through 2011 (March 1 through February 28th or 29th).

The Proposed Action is for Reclamation to enter into annual agreements with Kern-Tulare Water District (KTWD) to acquire up to 20,000 acre-feet, annually, to meet Level 4 water supply needs for Kern NWR during water years 2007 through 2011 (March 1, 2007-February 29, 2012). Reclamation may annually purchase water acquired by KTWD through transfer from Friant Division CVP Contractors. Water annually transferred from the Friant Division CVP Contractors to KTWD is subject to annual transfer approval or acknowledgment by Reclamation. At the time that specific transfers are proposed, a supplemental Environmental Assessment will be required to address the annual transfer of Friant water to KTWD for the ultimate purpose of meeting Kern NWR water supply needs. KTWD will enter into annual agreements with Rosedale-Rio Bravo Water Storage District (Rosedale) to exchange the Friant water for Rosedale's State Water Project (SWP) water for delivery to Kern NWR.

Depending on available capacity, the Friant Water acquired by KTWD will be released from Millerton Reservoir and delivered to Rosedale through two possible routes. Using the first route, water would be delivered from the terminus of the Friant-Kern Canal into the Kern River channel. The Kern River Watermaster would take control of the Friant Unit CVP water entering the Kern River to allow for an operational exchange for Kern River water. Authorization of this delivery route would depend upon the water rights permits and licenses of the United States being broad enough in coverage to allow the use of the Kern River to convey CVP water. Using this first route, water would then travel in the Kern River channel and be diverted at Rosedale's inlet from the Kern River and delivered into spreading basins within Rosedale. Using the second route, water would be delivered from the Friant-Kern Canal into Arvin-Edison Water Storage District's turnout. Water would then be delivered through Arvin-Edison's intake canal, and then delivered into the Cross Valley Canal (CVC). Water would travel in the CVC and would be diverted at Rosedale's inlet from the CVC and delivered into spreading basins within Rosedale.

The Friant water acquired by KTWD and delivered to Rosedale will be banked in KTWD's groundwater account with Rosedale and subsequently exchanged for an equivalent amount of Rosedale's allocation of Kern County Water Agency's SWP Table A water for delivery to Kern NWR. The SWP exchange water would be provided by DWR at O'Neill Forebay. It would be conveyed by Reclamation in the CVP portion of the San Luis Joint-Use canal, and conveyed

("wheeled") by DWR from the end of the Joint-Use canal through the SWP California Aqueduct. Reclamation and DWR entered into an agreement (No. 04-WC-20-2897) to facilitate such wheeling of water for refuge water supply purposes with a term from May 1, 2002 through February 28, 2009. The term of this conveyance agreement will be extended for 5 years by DWR to February 28, 2014.

At California Aqueduct Reaches 10A or 12E, Buena Vista Water Storage District (Buena Vista) will turnout such SWP exchange water and convey it to the Kern NWR utilizing existing in-district canals. Reclamation currently has an existing conveyance agreement (No. 03FC203035) with Buena Vista for this purpose. Kern NWR is within the SWP place of use.

If the Friant Water acquired by KTWD is delivered to Rosedale during the same water year that SWP water is delivered to the refuge, then the water will be considered to have been delivered by exchange and 3% of the water delivered to Rosedale will remain in Rosedale to account for losses. However, if water acquired by KTWD was previously delivered to Rosedale during a different water year than the one in which it is returned to the refuge, the water will be considered to have been stored by KTWD in its groundwater account in Rosedale, and 10% of the water delivered to Rosedale will remain in Rosedale to account for banking losses.

If, in the future, KTWD's groundwater account in Rosedale is such that KTWD's ability to call upon water for in-district demands is insufficient due to having completed an exchange for delivery of water to Kern NWR under this proposal, then Rosedale will loan KTWD water from its groundwater account so that KTWD's future in-district deliveries will not be impacted by this proposal.

A related federal action includes an amendment to an approval letter issued January 14, 2005 by Reclamation to KTWD. The original approval allowed storage of CVP water in Rosedale up to 40,000 acre feet. The amendment request allows up to 60,000 acre feet in Kern Tulare's groundwater account in Rosedale during water years 2007 through 2011.

An Environmental Assessment (EA) was prepared that evaluates the potential environmental impacts, beneficial and adverse, associated with the Proposed Action and a No Action Alternative. The EA is attached for reference. In accordance with the National Environmental Policy Act of 1969, as amended, Reclamation has found that the acquisition of water from KTWD for use at Kern NWR will not result in a significant adverse impact on the environment. Therefore, an Environmental Impact Statement is not required.

This Finding of No Significant Impact (FONSI) is based upon the following:

1. Prior to delivery, the water acquired for the Proposed Action from the Friant CVP contractors will meet the water transfer provisions of Section 3405 (a) of the CVPIA and be subject to Reclamation's review, approval, and any specific terms and conditions that may be added by Reclamation. No changes in Delta pumping operations will occur with implementation of the Proposed Action.
2. No changes in land use will occur as a result of the Proposed Action.

3. The Proposed action will not affect any Federal or State-listed special status species.
4. Historic properties will not be affected by the proposed action because no new land use changes or new construction would occur.
5. The absence of Indian Trust Assets in areas affected by the water transfer precludes any impact.
6. Minority or disadvantaged populations or communities will not be adversely impacted by the Proposed Action.
7. The Proposed Action will not contribute to a cumulatively significant adverse impact when added to other past, present and reasonably foreseeable future actions, given the relatively small amount of water involved and the short-term and temporary nature of the water acquisition.