FINDING OF NO SIGNIFICANT IMPACT

2018 Recapture of San Joaquin River Restoration Flows at Patterson Irrigation District and/or Banta-Carbona Irrigation District

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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).

Reclamation is proposing to recapture San Joaquin River Restoration Flows (Restoration Flows) at Patterson Irrigation District (PID) and/or Banta-Carbona Irrigation District (BCID) for the purpose of contributing to meeting the Water Management Goal for Water Contract Year 2018. PID is located near the City of Patterson in Stanislaus County, California along the San Joaquin River downstream from the Merced River. BCID is located near the City of Tracy in San Joaquin County, California downstream from the San Joaquin River and Stanislaus River confluence.

Under the proposed action, Reclamation would enter into a one-year agreement with PID for recapture of up to 28,979 acre-feet (AF) of Restoration Flows and/or a one year agreement with BCID for the recapture of up to 47,090 AF of Restoration Flows, for a maximum of up to 76,069 AF total. The amount of Restoration Flows recaptured will be dependent on hydrologic conditions and the availability of Restoration Flows, as well as recapture and conveyance capacity. The proposed action is expected to be implemented whenever hydrologic conditions allow for the release of Restoration Flows that become

available for recapture at PID and BCID. Reclamation has requested California State Water Resources Control Board (SWRCB) approval for the temporary diversion of Restoration Flows from the San Joaquin River at PID and BCID's screened diversion facilities on the San Joaquin River. It will include the diversion at BCID in the Delta exports calculation described in the SWRCB Water Right Decision 1641. Recapture of Restoration Flows under the proposed action will not be implemented until SWRCB approval is received and could continue until February 28, 2019 depending on the availability of Restoration Flows, and recapture and conveyance capacity at PID and BCID.

There will be no expansion of use of PID's or BCID's existing water rights or operations. The areas defined within this proposed action are currently within the Central Valley Project (CVP) place-of-use. PID and BCID will divert Restoration Flows from the San Joaquin River using their existing screened diversion facility, subject to the availability of capacity in PID and BCID systems. These diverted Restoration Flows will be conveyed through PID and BCID facilities to the Delta Mendota Canal and then to the San Luis Unit facilities for recirculation to the Friant Contractors.

Reclamation analyzed and disclosed the effects of a similar proposed action in the attached 2016 *One-Year Recapture of San Joaquin River Restoration Flows at Patterson Irrigation District and/or Banta-Carbona Irrigation District Environmental Assessment* (EA). Due to hydrologic and biologic conditions, the proposed action analyzed in the 2016 EA was only implemented from November 9 – 24 in Water Contract Year 2016. Reclamation implemented a similar proposed action in Water Contract Year 2017, based on the analysis in the EA and *2017 Recapture of San Joaquin River Restoration Flows at Patterson Irrigation District and/or Banta-Carbona Irrigation District Finding of No Significant Impact*. Due to flood management operations through mid-July and CVP facility capacity limitations into the fall, recapture started October 30, 2017 and will continue through the end of February 2018. The total volume of Restoration Flows recaptured at PID and BCID is approximately 12,300 acre-feet.

No changes have occurred that would result in additional or more substantial impacts from what was analyzed and disclosed in the 2016 EA. Therefore, Reclamation is proposing to implement the proposed action, as further described in the attached EA, during Water Year 2018.

FINDINGS

The SJRRP Programmatic Environmental Impact Statement/Report (PEIS/R) was completed in 2012. The PEIS/R analyzes, at a programmatic level, the potential recapture of Restoration Flows at several diversion locations, including existing facilities at the PID facility between the Tuolumne and Merced River confluences and BCID facility downstream from the Stanislaus confluence. The attached EA was prepared to evaluate, at a project-specific level, the potential environmental impacts associated with the no action alternative and three action alternatives, including the proposed action. The EA analyzes only the recapture of Restoration Flows. The EA does not analyze the recirculation of recaptured water within CVP facilities, State Water Project facilities, and

private facilities (e.g., San Luis Reservoir) of the Friant Contractors, as this was analyzed and disclosed in the April 2013 *Recirculation of Recaptured Water Year 2013-2017 San Joaquin River Restoration Program Flows Environmental Assessment* and February 2018 *Short-Term Recirculation of Recaptured San Joaquin River Restoration Program Restoration Flows Finding of No Significant Impact.*

In accordance with the National Environmental Policy Act of 1969, as amended, Reclamation has found that the proposed action of recapturing a total of up to 76,069 AF of SJRRP Restoration Flows at PID and/or BCID in Water Year 2018 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 further described in the attached EA:

- The proposed action will have no effect on the following resources: air quality, biological resources, climate change and greenhouse gases, agricultural resources, Indian Trust Assets, Indian sacred sites, land use, and environmental justice.

- The recapture and conveyance of Restoration Flows would be implemented only to the extent that doing so would not reduce the ability of PID to meet the water demands of its growers or increase PID's cost of water service consistent with PID's ability and costs to meet those demands. The areas defined within this action are currently within the CVP place-of-use. The portion of flows that would be recaptured at PID and BCID would be minimal in comparison to the availability of flows in the San Joaquin River. Because the recapture at BCID would be added to the Delta Exports calculation, the proposed action would have no impact on the Net Delta Outflow Index as defined by D-1641. The proposed action would not result in any violations of existing water quality standards or substantial water quality changes that would adversely affect beneficial uses, or have substantive impacts on public health. To ensure that the action has no adverse impact on the Restoration Goal, downstream water quality, or fisheries, consistent with Paragraph 16(a)(1), Reclamation will implement a recapture monitoring plan, including monitoring Restoration Flows, lower San Joaquin River flows and water quality. Reclamation will coordinate weekly with PID and BCID, or more frequently during Restoration Flow changes, to forecast and track availability and recapture of Restoration Flows. In support of the Restoration Goal and fisheries, Reclamation will monitor existing flow gages along the lower San Joaquin River to ensure that recapture is not impacting flow connectivity. In support of downstream water quality, Reclamation will monitor temperature and electrical conductivity at existing San Joaquin River gages and temporary data loggers or take weekly manual samples downstream from PID and/or BCID when recapture is taking place. It is reasonable to assume there would be reduced groundwater pumping in the Friant Division districts that receive the recaptured water that would be recirculated.

- The proposed action would be an undertaking as defined in Section 301(7) of the National Historic Preservation Act (NHPA) and subject to Section 106 review.

The actions as described above would not modify existing facilities, and would not have the potential to cause effect to historic properties if they are present. The recapture of water as described would occur through existing facilities or within current water service area boundaries, without modification to existing facilities, construction of new facilities, or change in land use. Thus, the recapture of the Restoration Flows has no potential to cause effects on historic properties pursuant to 36 CFR Part 800.3(a)(1).

- The proposed recapture, when added to other actions, would not contribute to significant cumulative increases or decreases in environmental conditions in any resource category.