



— BUREAU OF —  
RECLAMATION

# FINDING OF NO SIGNIFICANT IMPACT (FONSI-21-03-BDO, CGB- EA-2021-015)

## 5-Year Refuge Level 4 Groundwater Purchase from Modesto Properties and Level 2 Exchange with San Luis Water District Project (2021-2026)

**Bay-Delta Office, Sacramento, CA**

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## **Mission Statements**

The Department of the Interior (DOI) conserves and manages the Nation's natural resources and cultural heritage for the benefit and enjoyment of the American people, provides scientific and other information about natural resources and natural hazards to address societal challenges and create opportunities for the American people, and honors the Nation's trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities to help them prosper.

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.

# Background

In October 2016, the Bureau of Reclamation (Reclamation) prepared an Environmental Assessment (EA) that analyzed the Department of the Interior Refuge Water Supply Program entering into a five-year agreement with the San Luis Water District (District) for the exchange of Refuge Level 2 (L2) water from the Central Valley Project for groundwater pumped from the Modesto Properties. The exchange was scheduled to occur from October 2016 through October 2021. It involved up to 6,000 acre-feet per year (AFY) of groundwater pumped by the District in cooperation with Modesto Properties. Up to 6,000 AFY of this water was delivered to the East Bear Creek Unit (EBCU) of the U.S. Fish and Wildlife Service's (USFWS) San Luis National Wildlife Refuge and up to 3,000 AFY of exchanged water was delivered to South of Delta (SOD) Refuges and to the District. In addition, the EA contained analyses of the acquisition, either through direct purchase or exchange, up to 6,000 AF of Level 4 (L4) groundwater supplies for SOD Refuges in lieu or in combination with the exchange for a period of five years. As a result of the analysis in the October 2016 EA, Reclamation signed a Finding of No Significant Impact (FONSI) in October 2016.

Reclamation is now amending the date of the contract through February 2026 for the same amount of water, which is the subject of this FONSI. The proposed acquisition is being undertaken pursuant to, and would be in full compliance with, Section 3406(d)(2) of Title XXXIV of the Act of October 1992 (106 Stat. 4706) Central Valley Project Improvement Act, which authorizes new water supply contracts for fish and wildlife purposes. Analyses and background information from the 2016 EA and FONSI are incorporated by reference and can be located at the following link:

[https://www.usbr.gov/mp/nepa/nepa\\_project\\_details.php?Project\\_ID=26827](https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=26827)

## Alternatives Including Proposed Action

### No Action Alternative

Under the No Action Alternative, Reclamation would not approve the purchase of Incremental Level 4 (IL4) or the exchange of L2 water supplies with the District with the period ending February 28, 2026. The proposed up to 6,000 AFY of groundwater to be pumped as part of the Proposed Action would not be delivered to the EBCU. This could leave the refuge completely dry unless alternative sources of water can be acquired and conveyed to EBCU. The District would not receive L2 water supplies (equivalent to 50 % of the up to 6,000 AFY delivered to the EBCU) delivered by Reclamation to help meet the District's water needs and other SOD refuges would not receive up to 3,000 AFY of Refuge IL4 water.

### Proposed Action Alternative

Consistent with applicable water rights, Federal and state laws, and subject to the terms and conditions of the contracts, Reclamation proposes to continue to purchase up to 6,000 AFY of groundwater from Modesto Properties. The District would continue funding over a five-year period the costs associated with pumping groundwater supplies up to 6,000 AFY from existing private wells located within the Modesto Properties in exchange for L2 water supply (up to 3,000 AFY). The total amount of groundwater to be purchased and/or exchanged will not exceed 6,000 AFY in total.

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The pumped groundwater would be discharged directly into Bear Creek and delivered to the EBCU to meet a component of its IL4 water demand. When the water is being exchanged with the District, the District, in cooperation with Modesto Properties, will oversee and coordinate the delivery of groundwater supplies to the EBCU. Operationally, once the Modesto Properties wetlands are at capacity, the groundwater wells would begin delivering water into Bear Creek via two existing structures. The water would then travel down Bear Creek less than one mile to the EBCU's pump station, prior to the confluence of the San Joaquin River where it would be lifted onto the EBCU. 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.

Once the EBCU schedules delivery of its IL4 water supplies, Reclamation proposes to purchase water directly from Modesto Properties or have the District fund the cost to pump and deliver up to 6,000 AFY of groundwater in exchange for up to 3,000 AFY of L2 water. For every 2 AF of groundwater made available by the District to the EBCU, the District will receive 1 AF of L2 water. The L2 exchange water will be made available to the District each month following the delivery of groundwater to the EBCU.

Under the direct purchase agreements, Modesto Properties is responsible for all water quality monitoring associated with the development of the groundwater supplies. Modesto Properties shall ensure that all water quality monitoring criteria and standards identified are met.

Reclamation also proposes to enter into an amended agreement with the District for the exchange of water. The District, in cooperation with Modesto Properties, will be responsible for all water quality monitoring associated with the development of these groundwater supplies and ensure that all water quality monitoring criteria and standards identified are met. The EBCU will provide the District and Reclamation monthly volumetric totals of the water pumped at the EBCU pump station.

The USFWS may begin requesting delivery of L4 water at the EBCU in March of 2021 and plans to receive scheduled water deliveries through February of 2026.

Under the exchange agreement the District, in cooperation with Modesto Properties, would be responsible for well operations and maintenance and coordinating the delivery of groundwater into Bear Creek at times when the EBCU requests such water under the exchange agreement. 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 Reclamation's Monitoring and Mitigation Plan, the District and Modesto Properties would notify Reclamation and the exchange or purchase would cease until water quality criteria can be met.

The Proposed Action remains unchanged from the 2016 FONSI and EA, aside from the updated five-year timeline of March 2021 through February 2026.

## Findings

Reclamation considered potential short-term and long-term effects of the Proposed Action, both beneficial and adverse. Following are the reasons why the impacts of the Proposed Action are not significant, with respect to the affected environment and degree of effects of the action (40 CFR 1501.3(b)).

1. Cultural Resources: Reclamation has determined that the proposed action is the type of undertaking that does not have the potential to cause effects on historic properties, should such properties be present, pursuant to 36 CFR § 800.3(a)(1). As such, Reclamation has no further obligations under 54 U.S.C. § 306108, commonly known as Section 106 of the National Historic Preservation Act.
2. Section 7 Endangered Species Act (ESA): The Proposed Action will not significantly impact listed threatened or endangered species or their designated critical habitat. Reclamation has determined that the Proposed Action will have No Effect on ESA-listed species. Overall, the Proposed Action would provide a benefit to waterfowl, shorebirds, and raptors, as the water would be used for refuge management to sustain wetland habitats.
3. The Proposed Action will not significantly affect public health or safety (40 CFR 1501.3(b)(2)(iii)).
4. The Proposed Action will not violate Federal, state, Tribal or local law protecting the environment (40 CFR 1501.3(b)(2)(iv)).
5. The Proposed Action will not affect any Indian Trust Assets (512 DM 2, Policy Memorandum – July 2, 1993).
6. Implementing the Proposed Action will not disproportionately affect minorities or low-income populations and communities (EO 12898 – February 11, 1994).
7. The Proposed Action will not limit access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007 – May 24, 1996 and 512 DM 3 – June 5, 1998).