

DRAFT

Finding of No Significant Impact

Interim Flows Project - Water Year 2012



June 2011

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
MID-PACIFIC REGION
SACRAMENTO, CALIFORNIA**

FINDING OF NO SIGNIFICANT IMPACT

**INTERIM FLOWS PROJECT - WATER YEAR 2012
SAN JOAQUIN RIVER RESTORATION PROGRAM**

Recommended:

**Michelle Banonis
Natural Resources Specialist
San Joaquin River Restoration Program
Mid-Pacific Region**

Date: _____

Concurred by:

**David Mooney, PhD
Program Engineer
San Joaquin River Restoration Program
Mid-Pacific Region**

Date: _____

Approved by:

**Alicia Forsythe
Program Manager
San Joaquin River Restoration Program
Mid-Pacific Region**

Date: _____

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PROPOSED ACTION

The San Joaquin River Restoration Program (SJRRP) was established in late 2006 to implement the Stipulation of Settlement in *NRDC, et al. v. Kirk Rodgers, et al.* (Settlement). As an initial action to guide implementation of the SJRRP as required by the Settlement, the U.S. Department of the Interior, Bureau of Reclamation (Reclamation), began modified releases from Friant Dam on October 1, 2009. As described in the Settlement, these initial releases from Friant Dam are referred to as Interim Flows. The intent of the Interim Flows Project is to allow data to be collected on flows, temperatures, fish needs, seepage losses, and water recirculation, recapture, and reuse. These data will be useful in evaluating channel characteristics and capacity, infiltration losses, levee stability and seepage, water temperature, fish management, and recapture conditions.

The Proposed Action includes extending the period of modified releases of water from Friant Dam for one additional year, Water Year (WY) 2012 (October 1, 2011 to September 30, 2012) in accordance with the flow schedule in Exhibit B of the Settlement, and in a manner consistent with Federal, State and local laws, and any agreements with downstream agencies, entities, and landowners. The Proposed Action includes continuation of activities necessary to convey the flows in the San Joaquin River from Friant Dam as far downstream as the Sacramento-San Joaquin River Delta (Delta), and to continue data collection and monitoring activities during Interim Flow releases consistent with the provisions and conditions described in the WY 2012 Interim Flows Supplemental Environmental Assessment (EA) prepared by Reclamation, including the Supplemental EA for the WY 2011 Interim Flows Project and the WY 2010 Interim Flows Final EA/Initial Study (EA/IS). Authorization for implementing the Settlement, including release of WY 2012 Interim Flows, is provided in the San Joaquin River Restoration Settlement Act (Act) (Public Law 111-11).

FINDINGS

In accordance with Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, and the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA (40 Code and Federal Regulations (CFR) Parts 1500-1508), the Mid-Pacific Region of Reclamation finds that the Proposed Action is not a major Federal action that will significantly impact the quality of the human environment. Therefore, an Environmental Impact Statement is not required for implementing the Proposed Action. This Finding of No Significant Impact (FONSI) is supported by the attached Supplemental Environmental Assessment (EA) for the Water Year 2012 Interim Flows Project, and supporting appendices and documents. Consistent with Public Law 111-11, the Supplemental EA includes a description of seepage and flow monitoring programs associated with the Proposed Action.

The affected environment and environmental consequences analyses as described in the Draft and Final Supplemental EA for the WY 2011 Interim Flows Project and the WY 2010 Interim Flows Final EA/IS were reviewed with the current/new available information described in the Draft and Final WY 2012 Interim Flows Supplemental EA. A summary of the environmental consequences as presented in the Supplemental EA are provided below.

1. The Proposed Action will not significantly impact aesthetics. WY 2012 Interim Flows will have minimal affect on scenic vistas and the visual quality of Millerton Lake and the San Joaquin River. The Proposed Action will have no effect on scenic resources, nor would it create any substantial source of light or glare.
2. The Proposed Action will not significantly impact agricultural and forest resources. WY 2012 Interim Flows may temporarily inundate some areas of active grazing lands in the bypasses, but these flows would remain within the existing low flow channel, which typically carries flows under existing conditions. The Proposed Action will not convert lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses, nor require any zoning changes or result in conflicts with Williamson Act contracts.
3. The Proposed Action will not significantly impact air quality. No applicable air quality plan or air quality standard would be violated. The Proposed Action would also not create, exacerbate, or change existing objectionable odors that would affect a substantial number of people, nor would it generate greenhouse gas emissions that would have a significant impact on the environment.
4. The Proposed Action will not result in significant impacts to terrestrial biological resources after implementation of a mitigation measure to control and manage the spread of invasive plant species. WY 2012 Interim Flows will increase the quantity of water flowing down the San Joaquin River. These hydrologic alterations have the potential to result in the spread of the following five invasive species already present in the San Joaquin River system: red sesbania, salt cedar, giant reed, Chinese tallow, and sponge plant. The spread of these invasive species has the potential to impact existing riparian habitat and sensitive natural communities and water delivery systems. For mitigation, Reclamation shall monitor these species along affected portions of the San Joaquin River and bypass system (before and after WY 2012 Interim Flows) and control and manage these species, as specified in the Invasive Vegetation Monitoring and Management Plan (included as Appendix F in the WY 2010 Interim Flows EA/IS). With mitigation, the impacts would be less than significant.
5. The Proposed Action will not significantly impact fisheries resources. Regulated flows in the San Joaquin River upstream of the Merced River resulting from WY 2012 Interim Flows will be similar to or greater than those in the No-Action Alternative under all potential hydrologic conditions. The Proposed Action will be implemented in accordance with the U.S. Fish and Wildlife Service (USFWS) 2008 Delta Smelt Biological Opinion for the Continued Long-term Operations of the Central Valley Project and State Water Project, the National Marine Fisheries Service (NMFS) 2009 Biological and Conference Opinion on the Continued Long-Term Operations of the Central Valley Project and State Water Project, and all other prevailing and relevant laws, regulations, biological opinions, and court orders in place at the time water is recaptured in the Delta.
6. The Proposed Action will not result in impacts cultural resources eligible for listing under the National Historic Preservation Act, 36 CFR Part 800. If any areas are identified for invasive species control that would require ground-disturbance, Reclamation would

undertake Section 106 compliance for those areas. The modification in flows from Friant Dam do not have the potential for impacts to resources as there would be no disturbance which could potentially alter or affect cultural resources.

7. The Proposed Action will not significantly impact geology and soils. The WY 2012 Interim Flows would not increase the risk of seismic activity or related ground failure or landslides, but could potentially increase stream soil erosion characteristics and change geomorphologic characteristics. A temporary increase in groundwater pumping could occur. The WY 2012 Interim Flows would have no impact on the risks to life or property due to expansive soils. The WY 2012 Interim Flows would also have no impact on wastewater disposal systems and the demand for wastewater disposal.
8. The Proposed Action will not significantly impact hazards and hazardous materials. The Proposed Action would not involve any construction or the routine transport or disposal of any hazardous materials, with the exception of herbicides applied by hand during invasive plant species control. The chance of a spill is very low, and the small quantities that could be applied would not create a significant hazard to the public or the environment through routine transport, use, or disposal of these chemicals. Implementing the Proposed Action will not involve any construction that would affect hazardous materials sites or affect existing airport use or air traffic patterns. The Proposed Action will not impair or interfere with implementation of adopted emergency response plans or emergency evaluations plans.
9. The Proposed Action will not significantly impact hydrology and water quality. The Proposed Action would not substantially deplete groundwater supplies or interfere with groundwater recharge because of a decrease in deliveries to CVP contractors, including the Friant Division long-term contractors. WY 2012 Interim Flows would follow existing channels and would not increase the rate or amount of surface runoff. WY 2012 Interim Flows would also not exceed existing channel capacity nor would it interfere with flood control releases.
10. The Proposed Action will not significantly impact land use and planning. Under the WY 2012 Interim Flows, San Mateo Road and Dan McNamara Road could be temporarily inundated with water, temporarily affecting local circulation, but the Proposed Action includes creation and submittal of a detour plan to local agencies that would provide convenient and parallel roadway access and avoid physically dividing an established community. The Proposed Action will not conflict with any applicable land use plan, policy, or regulation of an agency because the WY 2012 Interim Flows will be temporary and periodic.
11. The Proposed Action will have no impact to mineral resources. The flows released under the Proposed Action would not be of a sufficient quantity to impact any permitted or authorized mining operations and reclamation activities.
12. The Proposed Action will not significantly impact noise. Noise sources related to implementing the Proposed Action would be from data collection (vehicles, people, etc.). Data collection would not result in noise levels in excess of applicable standards because

project activities are limited to daylight hours, which are normally exempted from local noise standards. The Proposed Action will not create a substantial permanent increase in ambient noise levels because noise resulting from data collection and minor increases in the number of recreationists under the Proposed Action will not cause substantial permanent increases in noise levels.

13. The Proposed Action will not significantly impact public services. Implementing the Proposed Action has the potential for a temporary indirect impact on public services by increasing recreation opportunities along the San Joaquin River. Reach 1, which has the greatest existing public access and instream flows, is not expected to receive significantly increased recreational use from the Interim Flows. Similarly, the downstream reaches, some of which only have flows during limited high-flow periods and all with limited or no public access, are not expected to receive significantly increased recreational use from the Interim Flows. Therefore, additional fire protection and police protection would not be needed, and demand on parks is not expected to substantially increase. Implementing the Proposed Action will not change demands on schools because the Proposed Action does not involve housing or indirectly cause housing to be built.
14. The Proposed Action will not significantly impact recreation. Interim Flows under the Proposed Action could enhance the use of the San Joaquin River by boaters (primarily canoers and kayakers on Reach 1) by potentially increasing the time that flow would be in ideal flow ranges and extending boatable flows in the river.
15. The Proposed Action will not significantly impact transportation and traffic. The impact on traffic and the levels of service for roads, highways, and intersections would be less than significant because the number of people visiting the area by car is not expected to increase. With the implementation of appropriate detours, inundation of San Mateo Road and Dan McNamara Road will not result in inadequate emergency services. The Proposed Action would have no impact on air traffic patterns, road hazards, or parking capacity.
16. The Proposed Action will not significantly impact utilities and service systems. WY 2012 Interim Flows releases would have no impact on wastewater treatment requirements, wastewater treatment demand, water treatment facilities, wastewater treatment facilities, storm drainage facilities, or solid waste generation. Although the Proposed Action would involve reoperation of Friant Dam, and therefore change the distribution of water supplies (e.g., recapture and recirculation), the Proposed Action would not increase demand on water supplies or require new or expanded entitlements. The Proposed Action would have a less-than-significant impact on water deliveries.
17. The Proposed Action will not have socioeconomic impacts. The Proposed Action involves no construction activities and is temporary. Existing population and housing trends, employment and labor force trends, prominent business and industry types, and government and finance conditions within the study area will not be affected by the Proposed Action.

18. The Proposed Action will not affect any Indian Trust Assets as it is outside of the range of Tribal lands held in trust. The nearest Indian Trust Asset is Table Mountain Rancheria, which is approximately 3 miles east-southeast of the Restoration Area.
19. The Proposed Action will not disproportionately impact minority and disadvantaged populations or communities. Because of the limited duration and extent of the Proposed Action, and the findings that all impacts to related resources areas are less than significant or have no effect whatsoever, it is concluded that the Federal Action under consideration will not disproportionately burden minority groups, low-income populations, or Native American Tribes.
20. The Proposed Action has been developed and will be managed in such a way as to avoid potentially significant impacts to listed species and designated critical habitat. A Biological Assessment (BA) has been prepared for WY 2012 Interim Flows and will be submitted to USFWS and NMFS to initiate consultation. Reclamation will coordinate and consult with these agencies to ensure that listed species and/or designated critical habitat are not adversely affected as a result of Proposed Action.

For the WY 2012 Interim Flows Project, the Proposed Action would not result in any new significant effects or a substantial increase in impacts beyond those previously analyzed in the Draft and Final Supplemental EA for the WY 2011 Interim Flows Project and the WY 2010 Interim Flows Final EA/IS. Consistent with NEPA, changes to a proposed action with no new impacts beyond those previously disclosed, or changes that diminish impacts from a previous analysis, do not require additional analysis prior to implementation.

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