

RECLAMATION

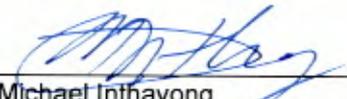
Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Root Creek Water District Surface Water Supply Project

FONSI-06-117

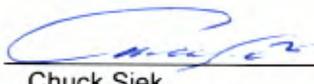
Recommended by:



Michael Inthavong
Natural Resources Specialist
South-Central California Area Office

Date: 12/23/2011

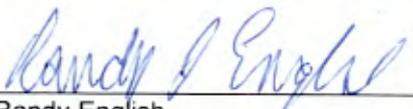
Concurred by:



Chuck Siek
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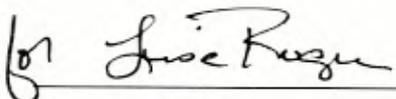
Concurred by:



Randy English
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South-Central California Area Office

Date: 12/30/11

Approved by:



Deputy Area Manager
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Date: 12/30/11



Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the South-Central California Area Office of the Bureau of Reclamation (Reclamation), has determined that issuing a permit to Madera Irrigation District (MID) for constructing two new turnouts on Lateral 6-2, approving long-term annual transfers from MID to Root Creek Water District (RCWD), executing a temporary, one-year water service contract for nonstorable flood flows with RCWD, and approving long-term annual exchanges between Shafter-Wasco Irrigation District (SWID) and RCWD is not a major Federal action that will significantly affect the quality of the human environment and an Environmental Impact Statement is not required. This Finding of No Significant Impact (FONSI) is supported by Reclamation's Final Environmental Assessment (EA) number EA-06-117, *Root Creek Water District Surface Water Supply Project*, and is hereby incorporated by reference.

Reclamation provided the public with an opportunity to comment on the Draft EA and Draft FONSI during a 30-day public comment period from July 6, 2011 through August 4, 2011. One set of comments were received and have been addressed in the Final EA.

Background / Proposed Action

RCWD is an agricultural district serving approximately 9,200 acres in Madera County. The lands within RCWD and the surrounding area rely primarily on groundwater for irrigation and as a result, the groundwater basin underlying the area is subject to severe overdraft. RCWD was formed for the purpose of obtaining surface water supplies and utilizing conjunctive use to reduce overdraft conditions within the district. Although located within the Friant Division of the Central Valley Project (CVP) service area, RCWD does not have a Federal water supply contract with Reclamation and must rely on water transfers with willing sellers to obtain surface water supplies.

In 2002, RCWD and MID reached an agreement where MID will annually transfer a portion of its available CVP supplies to RCWD. In 2006, RCWD reached an agreement with Westside Mutual Water Company, LLC (Westside), a California limited liability company, whereby Westside agreed to sell to RCWD banked groundwater or other non-CVP waters available to Westside each year as requested by RCWD. In 2009, RCWD reached an agreement with MID, SWID, and Westside that will provide RCWD with annual deliveries of Westside's non-CVP water via exchange for SWID CVP water supplies. As part of the 2002 agreement, MID has agreed to deliver RCWD's acquired surface water supplies through the Madera Canal and Lateral 6.2; however, there are no existing facilities in place by which to convey the water from Lateral 6.2 to RCWD's distribution system.

The Madera Canal and Lateral 6.2 are part of the CVP. Reclamation holds title to both conveyance facilities and Lateral 6.2 is operated and maintained by MID. MID has requested Reclamation to issue the district a permit, which will allow construction of two new turnouts on Lateral 6.2. In addition, RCWD has requested Reclamation approval for long-term annual transfers from MID up to year 2035, entering into a temporary Section 215 water service contract

for Contract Year 2011 (ending February 29, 2012), and long-term annual exchanges with SWID up to year 2035 (Proposed Action).

Findings

Reclamation's determination that implementation of the Proposed Action will result in no significant impact to the quality of the human environment is supported by the following:

Water Resources

SWID will only make available a like-amount for MID to convey to RCWD from which it receives from Westside and will not experience a net gain or loss in water supply. MID will only transfer their CVP supplies to RCWD after they have determined, at the time, that the district will still be able to provide the landowners within their district with adequate water supplies. Therefore, the Proposed Action will not adversely impact MID or SWID water supplies.

The Section 215 contract is temporary and will be in effect for the remainder of the 2011 Contract Year. If and when determined available by Reclamation, the Section 215 water will be provided to RCWD after all preceding obligations are met. Reclamation has historically entered into one-year Section 215 contracts with CVP and non-CVP contractors who are able to divert this water and put it to beneficial use, which will otherwise be non-storable for CVP purposes and possibly spilled from Friant Dam.

The Proposed Action will involve modifications to Lateral 6.2 and include construction within the O&M road. The excavation will be temporary, backfilled, and recompacted back to pre-construction activities. Reclamation engineers have reviewed and approved the designs for the new turnouts. MID has agreed to convey the water to RCWD but only when there is excess capacity as to not interfere with others who receive water from the Madera Canal and Lateral 6.2; therefore, no adverse impacts to Reclamation facilities or water delivery will occur.

Construction is expected to take two months to complete and occur in the fall when Root Creek has been historically dry. In addition, the pipeline alignment will be jack-and-bored under Root Creek; therefore, no impacts to Root Creek will occur.

The Proposed Action will help RCWD promote conjunctive use within its district and help alleviate the surrounding region's dependence on groundwater. There will be slight beneficial impacts to the Madera Groundwater Subbasin. There will be no impact to the Kern County Groundwater Subbasin since no net water is entering or leaving the region.

Land Use

The Proposed Action will supply reliable, high-quality surface water to RCWD to sustain existing agriculture. There will be temporary construction within Reclamation property and along an existing dirt farm road during excavation; however, these areas will be returned to pre-construction conditions upon completion of the Proposed Action. The pipeline will extend into private land; however, the landowner has given approval for the pipeline alignment into the property and will also benefit from having a more reliable distribution system and surface water supply for irrigation. The Proposed Action will not result in significant impacts to lands use.

Biological Resources

Under the Migratory Bird Treaty Act (MBTA), Reclamation has determined that the Proposed Action will have no effect to protected species. Swainson's hawks can forage in the limited open area along Later 6-2, and this area also may be suitable for burrowing owls; however, most of the land that will be disturbed is unsuited to raptors. Preconstruction surveys will be conducted before any ground-disturbing activities are to begin. If the surveys detect the presence of migratory birds, then the Proposed Action will be paused until Reclamation completes any consultation with the United Fish and Wildlife Service (USFWS) that may be necessary, and until any additional protective measures are identified and incorporated for the protection of migratory birds.

Under Section 7 of the Endangered Species Act (ESA), Reclamation has determined that the Proposed Action is not likely to adversely affect the San Joaquin kit fox (kit fox) and California tiger salamander (CTS). In addition, Reclamation has further determined that the Proposed Action will not affect critical habitat or other federally listed species, including anadromous fish. The USFWS provided concurrence with Reclamation's determination on December 21, 2011, which included recommendations for protection measures of three plant species. Reclamation has included the USFWS' recommendations as part of the proposed actions environmental protection measures.

Although San Joaquin kit foxes have been reported within 10 miles of the area to be disturbed, agricultural practices and disturbance such as disking for weed control has greatly degraded any habitat for denning. Avoidance measures will be implemented for kit fox and a preconstruction survey will be conducted prior to any ground-disturbing activities. If the presence of kit fox is detected during the survey then the Proposed Action will be paused while Reclamation revisits the ESA determination and completes any consultation with the USFWS that may be necessary.

Construction activities are expected to occur in early fall and take approximately 4 to 6 weeks to complete. A small number of small, shallow, inactive rodent burrows were found near areas that will be disturbed. Although potential breeding habitat for CTS is lacking within approximately 0.8 miles of areas to be disturbed, CTS may travel overland more than one mile. Consequently, avoidance measures will be implemented to avoid burrows and prevent impeding movement for CTS. Refer to Appendix C of EA-06-117 for environmental protection measures.

Because the areas to be disturbed are already highly disturbed and provide marginal habitat for wildlife by implementing the avoidance measures specified including conducting preconstruction surveys, the potential to affect wildlife, including listed species is negligible and the Proposed Action is anticipated to have no significant impacts on biological resources.

Cultural Resources

The Proposed Action is the type of activity that has the potential to affect historic properties. A records search, cultural resources survey, and Tribal consultation were performed. Reclamation determined that the Proposed Action will result in no adverse impacts to historic properties pursuant to 36 CFR Part 800.5(b) and consulted with the State Historic Preservation Officer (SHPO). The SHPO concurred with Reclamation's determination. Since no historic properties

will be adversely affected, there will be no significant impacts to cultural resources by implementing the Proposed Action.

Indian Trust Assets (ITA)

There are no tribes possessing legal property interests held in trust by the United States within the area involved with the Proposed Action; therefore, this action does not have a potential to impact ITA.

Indian Sacred Sites

Since no known Indian sacred sites have been identified either within or in close proximity, the Proposed Action will not impact Indian sacred sites and/or prohibit access to and ceremonial use of this resource.

Socioeconomic Resources

Continued heavy reliance on groundwater will lead to increased pumping costs within RCWD. The Proposed Action will provide RCWD with reliable surface water supplies and alleviate some of the district's reliance on groundwater pumping. There will be minor benefits to socioeconomics.

Environmental Justice

The Proposed Action will not cause dislocation, adverse changes in employment, or increase flood, drought, or disease to minority or low-income populations. The Proposed Action will result in increased conjunctive use in RCWD, which will provide the existing agricultural industry with a reliable surface supply of irrigation water. As a result, farm-related jobs for minority and disadvantaged populations within RCWD will slightly benefit from a sustained agricultural economy.

Air Quality

Short-term air quality impacts would be associated with construction, and would generally arise from dust generation (fugitive dust) and operation of construction equipment. Comparison of the estimated Proposed Action emissions with the thresholds for Federal conformity determinations and the local significance thresholds indicates that estimated emissions are well below these thresholds. In addition, RCWD will comply with the Regulation VIII – Rule 8021 control measures, of which one of these control measures includes the use of water with all “land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities” in order to suppress fugitive dust emission. The Proposed Action will result in no significant impacts to air quality.

Global Climate

The Proposed Action will involve short-term impacts consisting of emissions during construction, which have been estimated at about 84.3 metric tons for carbon dioxide (CO₂). In addition, the importation of surface water supplies as a result of the transfers and exchanges will be conveyed by gravity and help alleviate the need to pump groundwater, which utilizes electric pumps and involves CO₂ emissions. Accordingly, construction and operations under the Proposed Action will result in no significant impacts to the global climate or contribute to significant climate change.

Cumulative Impacts

The Proposed Action could move forward without the development of the Gateway Village project, which is a proposed subdivision development project nearby. However, the Proposed Action may indirectly contribute to the effects on resources that the residential development causes, most notably those to water and biological resources. Cumulatively, there will be no significant impacts contributed to the effects caused by the development project as there will be no net impacts to groundwater resources since the Gateway Village subdivision is estimated to utilize the same amount of groundwater that the farmers will have used if not for the Proposed Action. Similarly, there will be no significant effects to biological resources as the Proposed Action includes measures to reduce any potential impacts to CTS to negligible effects.

Transfers and exchanges proposed under the Proposed Action will not alter the baseline conditions of biological resources; similar amounts of water are being applied for similar existing lands uses, namely agricultural production. Water will be supplied to existing agricultural lands in-lieu of groundwater pumping. Land use changes will not occur under the Proposed Action. The Section 215 water that may be taken by RCWD through water year 2012 can incrementally increase the amount of water taken under this provision, although it will not cumulatively adversely impact biological resources. Other state or local actions in the area that may contribute cumulatively to changes in biological resources includes the Gateway Village development. Lands that will be affected are largely agricultural, providing limited habitat for wildlife. An Environmental Impact Report for this project has been finalized and determined that the project will have no adverse impact on biological resources. Overall, the Proposed Action will not contribute to cumulative significant impacts to biological resources.

Impacts to land use will be temporary during excavation for the buried pipeline since the areas disturbed will be returned to pre-construction conditions. Cumulative effects resulting in long-term surface water supply reliability for irrigation will be slightly beneficial for the overall land use by sustaining agriculture within the affected environment.

In Reclamation's consultation with the SHPO, the APE defined was that of a much larger area than just the pipeline alignment. The APE also included lands that could potentially receive this water via future connections to the pipeline. The SHPO agreed with the APE as defined by Reclamation and concurred that the Proposed Action will not result in adverse impacts to cultural resources. Since the APE covered reasonably foreseeable related actions, the Proposed Action will not contribute to cumulative significant impacts to cultural resources.

The Proposed Action will not contribute to cumulative impacts to ITA and Indian sacred sites, since the Proposed Action would have no effect on either resource.

Slight beneficial impacts to socioeconomics and environmental justice would be within historical variations, and therefore would not contribute to cumulative impacts.

According to Table 4, the Proposed Action would involve short-term emissions during construction, which are all well-below the annual threshold levels. Future construction-related projects for interconnecting turnouts on the pipeline are speculative in scope but would most likely be much smaller in scale to the Proposed Action, occur in subsequent years so to not

contribute and exceed the annual thresholds for emissions, and may require separate approval and environmental review. In addition, the pipeline as described in the Proposed Action would connect to existing distribution systems and does not require future turnouts/modifications in order to function. As a result, the Proposed Action would not contribute to cumulative adverse impacts to air quality.

GHG impacts are considered to be cumulative impacts. GHG generated by the Proposed Action is estimated to be 84.3 metric-tons of CO₂, which is well-below the EPA threshold (25,000 tons/year) magnitude required for reporting. In addition, long-term operation of the pipeline would utilize gravity to convey imported surface water supplies; thereby alleviating the need to pump groundwater, which utilizes electric motors and produces CO₂ emissions. While any increase in GHG emissions would add to the global inventory of gases that would contribute to global climate change, the Proposed Action would result in potentially minimal increases in GHG emission and the long-term operation of the pipeline would decrease electrically-driven groundwater pumps within RCWD.