

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Westlands Water District 5-year Warren Act Contract for Kings River Flood Flows in the San Luis Canal

FONSI-17-023



U.S. Department of the Interior
Bureau of Reclamation
South-Central California Area Office

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Mission Statements

The Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

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.

BUREAU OF RECLAMATION
South-Central California Area Office, Fresno, California


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8/4/2017
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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 an environmental impact statement is not required for conveyance of up to 50,000 acre-feet per year (AFY) of available Kings River flood flows to Westlands Water District (Westlands) over a 5-year period using the San Luis Canal. This Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA)-17-023, *Westlands Water District 5-year Warren Act Contract for Kings River Flood Flows in the San Luis Canal* and is hereby incorporated by reference.

Reclamation provided the public with an opportunity to comment on the FONSI and Draft EA between July 13, 2017 and July 27, 2017. Two comments were received. The comment letters and Reclamation's response to comments are included in Appendix A of EA-17-023.

Background

Depending on hydrologic conditions, seasonal flood flows from the Kings River have reached the Mendota Pool via the Fresno Slough. Historically, the Kings River Water Association (Water Association) entered into agreements with water users, such as Westlands, that have access to the Mendota Pool and Fresno Slough for diversion of the Kings River flood flows.

Westlands has an agreement with the Water Association for Kings River flood flows and is able to take the flood flows off the Fresno Slough via laterals 6-1 and 7-1 (Figure 1). However, many of the parcels that could be serviced by these two laterals within Westlands have been retired. Therefore, in 2011 Westlands requested approval from Reclamation to convey up to 50,000 AFY of Kings River flood flows (hereafter referred to as Non-Project water) in the San Luis Canal over a 5-year period. Reclamation analyzed the proposal in EA-11-002 (Reclamation 2012). Based on specific environmental commitments, including water quality requirements, Reclamation determined that the conveyance of up to 50,000 AFY of Non-Project water in the San Luis Canal over a 5-year period would not significantly affect the quality of the human environment and a FONSI was signed on January 26, 2012. FONSI/EA-11-002 is hereby incorporated by reference.

Reclamation subsequently executed a 5-year Warren Act Contract with Westlands for introduction of the Non-Project water into the San Luis Canal. However, due to recent hydrological conditions (i.e. severe drought over the last several years) introduction of the Non-Project water only occurred twice during the current wet hydrologic year (March and April 2017).

As Westlands 5-year Warren Act Contract expired at the end of June 2017, Westlands has requested a new 5-year Warren Act Contract that would allow the continued conveyance of up to 50,000 AFY of Non-Project water in the San Luis Canal when it is available.

Proposed Action

Reclamation proposes to execute a new 5-year Warren Act Contract with Westlands, which would allow the continued conveyance of up to 50,000 AFY of available Non-Project water in the San Luis Canal for use in-district.

Non-Project water would be introduced into the San Luis Canal at Milepost (MP) 113.00 (Lateral 6-1) and/or MP 115.43 (Lateral 7-1). The water would then be conveyed and diverted into Westlands' existing turnouts along the San Luis Canal, including the Pleasant Valley Canal system and any approved existing temporary agricultural diversions used within Westlands service area.

The Non-Project water would only be introduced into the San Luis Canal when there is excess capacity, as determined by Reclamation in coordination with the California Department of Water Resources (DWR).

Environmental Commitments

Westlands shall implement the environmental protection measures listed in Table 1 of EA-17-023 to reduce environmental consequences associated with the Proposed Action. Environmental consequences for resource areas assume the measures specified would be fully implemented.

Findings

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

Resources Eliminated from Detailed Analysis

As described in Table 2 of EA-17-023, Reclamation analyzed the affected environment and determined that the Proposed Action does not have the potential to cause direct, indirect, or cumulative adverse effects to the following resources: air quality, cultural resources, environmental justice, global climate change, Indian Sacred Sites, or Indian Trust Assets.

Biological Resources

Under the Proposed Action, there would be no land conversion or construction, and no change in the availability or quality of aquatic habitat at Mendota Pool. As a result, there would be no effect on unlisted migratory birds, the California Least Tern, valley elderberry longhorn beetle, San Joaquin woolly-threads, San Joaquin kit fox, giant garter snake, or blunt-nosed leopard lizard. If the Western Yellow-billed Cuckoo migrates overhead during the Proposed Action, it would not be impacted. No other Federally protected species occur in the Proposed Action Area.

With implementation of the environmental commitments included in Table 1 of EA 17-023 and based upon the nature of this action, Reclamation has determined there would be No Effect to proposed or listed species or critical habitat under the Endangered Species Act of 1973, as amended (16 U.S.C. §1531 et seq.) and no take of birds protected under the Migratory Bird Treaty Act (16 U.S.C. §703 et seq.).

Water Resources

The Proposed Action would allow the continued conveyance of up to 50,000 AFY of Westlands acquired Non-Project water in the San Luis Canal over the next five years. Westlands would only divert the Kings River flood flows from the Fresno Slough and/or Mendota Pool when such water is available during flood conditions. The Water Association determines when flood conditions are occurring on the Kings River. Per the Water Association, flood flows under the Proposed Action would occur when “significant runoff from the Kings River results in the temporary availability of Kings River water in excess of the demands of the members of the Water Association (referred to as “Available Water” in the agreement between the Water Association and Westlands). Therefore, similar to the No Action Alternative, Kings River flood flows would continue to be diverted by those with water rights to the water (first right to divert), those that also have agreements with the Water Association, and/or continue to flow out to the Delta consistent with the Water Association’s management of the Kings River flood flows.

Introduction and conveyance of Non-Project water in the San Luis Canal is dependent on available capacity and operational constraints; therefore, the Proposed Action would not interfere with the normal operations of Federal or State facilities nor would it impede Reclamation or DWR’s obligations to deliver water to other contractors or to local fish and wildlife habitat.

The conveyance of Non-Project water would utilize existing facilities and would not require new infrastructure, modifications of existing facilities, or ground disturbing activities. The Non-Project water would be used for existing purposes and no native or untilled land (fallow for three years or more) would be cultivated with this water.

In addition, all waters introduced and conveyed within federal facilities must meet Reclamation’s then-current water quality standards. If, through monitoring, the Non-Project water fails to meet these standards, the water would not be introduced until subsequent testing has demonstrated that the water quality has met the criteria outlined in Reclamation’s then current water quality standards. As described in Section 3.3.1 of EA-17-023, previous introductions of the Non-Project has met Reclamation’s requirements and been of better quality than baseline conditions in the San Luis Canal. Reclamation anticipates this would be similar during future introductions. Therefore, no adverse impacts to water quality is anticipated as a result of the Proposed Action.

Cumulative Impacts

Cumulative impacts result from incremental impacts of the Proposed Action when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment.

Biological Resources

As the Proposed Action would not result in any direct or indirect impacts to Federally protected species or their habitat, it would not contribute cumulatively to any impacts on those resources.

Water Resources

Reclamation has reviewed existing or foreseeable projects in the same geographic area that could affect or could be affected by the Proposed Action as Reclamation and CVP contractors have

been working on various water management projects, including this one, in order to better manage limited water supplies due to current and future hydrologic conditions as well as regulatory requirements. This and similar projects would have a cumulatively beneficial effect on water supplies.

As in the past, hydrological conditions and other factors are likely to result in fluctuating water supplies which drive requests for water service actions. Water districts provide water to their customers based on customers' demands and available water supplies and timing, while attempting to minimize costs. Farmers irrigate and grow crops based on these conditions and factors, and myriad water service actions are approved and executed each year to facilitate water needs. It is likely that during the drought, more districts will request exchanges, transfers, and Warren Act contracts (conveyance of Non-Project water in federal facilities) due to hydrologic conditions. Each water service transaction involving Reclamation undergoes environmental review prior to approval.

Capacity in the San Luis Canal is limited, and if many water actions were scheduled to take place concurrently they could cumulatively compete for space. However, Non-Project water would only be allowed to enter the San Luis Canal for conveyance if excess capacity is available. As such, the Proposed Action would not limit the ability of other users to make use of the facilities.

The Proposed Action and other similar projects would not hinder the normal operations of the CVP and Reclamation's obligation to deliver water to its contractors or to local fish and wildlife habitat. Since the Proposed Action would not involve construction or modification of facilities, nor interfere with CVP operations, there would be no cumulative impacts to existing facilities or other contractors.

As the flood flows would be consistent with the Water Association's overall management of Kings River flood flows there would be no cumulatively adverse impacts to flood control management.