


RECLAMATION

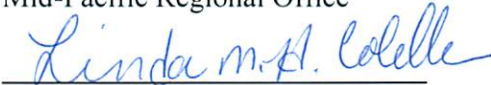
Managing Water in the West

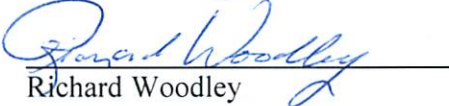
FINDING OF NO SIGNIFICANT IMPACT (FONSI-17-32-MP)

Amendment to the Agreement for the Acquisition of Water from Merced Irrigation District for the East Bear Creek Unit of the San Luis National Wildlife Refuge (2017-2018)

Mid-Pacific Regional Office, Sacramento, CA

Prepared by:  Date: 11/15/17
Shelly Hatleberg
Natural Resource Specialist
Mid-Pacific Regional Office

Reviewed by:  Date: 11/15/17
Linda Colella
Water Acquisition Program
Mid-Pacific Regional Office

Approved by:  Date: 11/15/17
Richard Woodley
Regional Resources Manager
Mid-Pacific Regional Office

Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to 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.

Background

This Environmental Assessment (EA) examines the environmental effects of the Department of the Interior Refuge Water Supply Program's (RWSP) amendment to an existing contract with Merced Irrigation District (MID) to acquire up to 8,863 acre-feet (AF) of water for the East Bear Creek Unit of the San Luis National Wildlife Refuge Complex (Refuge) through August 25, 2018. 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 (CVPIA), which authorizes new water supply contracts for fish and wildlife purposes. The proposed acquisition would provide water to the Refuge through August 25, 2018.

This Finding of No Significant Impact (FONSI) is supported by Reclamation's EA Number 17-32-MP, and is hereby attached and incorporated by reference.

Alternatives Including Proposed Action

No Action Alternative

Under the No Action Alternative, Reclamation would not purchase water from MID for delivery to the Refuge and requirements under CVPIA may not be met. Absent this amendment, water available for acquisition from MID in 2017 and 2018 would be held in storage in Lake McClure.

Proposed Action Alternative

The Proposed Action is for Reclamation to enter into an amended agreement with MID for a temporary water acquisition of up to 8,863 AF to help meet water supply needs for the Refuge through August 25, 2018 (Amendment to Agreement No. 17-WC-20-5097). The acquired water would be delivered to the Refuge via Bear Creek and diverted by the Refuge's existing pumping plant on Bear Creek. Deliveries to the Refuge will cross the Eastside Canal which is owned and operated by the Stevinson Water District (SWD), therefore the supply of water between November 2017 and August 2018 is dependent on an agreement between the MID and SWD. The exact amount of water to be acquired each month will vary based upon the actual water needs of the East Bear Creek Unit as determined by the Refuge Representative and the actual amount of water made available to Reclamation by MID, as determined by MID.

Findings

In accordance with NEPA, the Mid-Pacific Regional Office of Reclamation has found that approval of the Proposed Action is not a major federal action that will significantly affect the quality of the human environment. Consequently, an environmental impact statement is not required.

The following are the reasons why the impacts from the Proposed Action are not significant:

1. The Proposed Action will not significantly affect public health or safety (40 CFR 1508.27(b)(2)).
2. The Proposed Action will not significantly affect natural resources and unique geographical characteristics such as proximity to historic or cultural resources; parks, recreation, and refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order (EO) 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas (40 CFR 1508.27(b)(3) and 43 CFR 46.215(b)).
3. There is no potential for the effects to be considered highly controversial (40 CFR 1508.27(b)(4)).
4. The Proposed Action will not have possible effects on the human environment that are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5)).
5. The Proposed Action will neither establish a precedent for future actions with significant effects nor represent a decision in principle about a future consideration (40 CFR 1508.27(b)(6)).
6. The Proposed Action will not have a cumulatively significant impacts (40 CFR 1508.27(b)(7)).
7. The Proposed Action will not significantly affect historic properties (40 CFR 1508.27(b)(8)).
8. The Proposed Action will not significantly affect listed or proposed threatened or endangered species, or its habitat that has been determined to be critical under the Endangered Species Act of 1973 (40 CFR 1508.27(b)(9)).
9. The Proposed Action will not threaten a violation of Federal, state, tribal or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)).
10. The Proposed Action will not affect any Indian Trust Assets (512 DM 2, Policy Memorandum dated December 15, 1993).
11. Implementing the Proposed Action will not disproportionately affect minorities or low-income populations and communities (EO 12898).
12. The Proposed Action will not limit access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (EO 13007 and 512 DM 3).

RECLAMATION

Managing Water in the West

Environmental Assessment

Amendment to the Agreement for the Acquisition of Water from Merced Irrigation District for the East Bear Creek Unit of the San Luis National Wildlife Refuge (2017- 2018)

EA-17-32-MP



U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region

November 2017

Mission Statements

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List of Acronyms and Abbreviations

| | |
|-------------|---|
| AF | Acre-feet |
| Agreement | Agreement No. 17-WC-20-5097 |
| CFR | Code of Federal Regulations |
| CVPIA | Central Valley Project Improvement Act |
| EA | Environmental Assessment |
| IL4 | Incremental Level 4 |
| ITA | Indian Trust Assets |
| L2 | Level 2 |
| L4 | Level 4 |
| MID | Merced Irrigation District |
| NEPA | National Environmental Policy Act |
| Reclamation | Bureau of Reclamation |
| Refuge | East Bear Creek Unit of the San Luis National Wildlife Refuge Complex |
| RWSP | Department of the Interior Refuge Water Supply Program |
| Service | U.S. Fish and Wildlife Service |

Section 1.0 Introduction

1.1 Background

This Environmental Assessment (EA) examines the environmental effects of the Department of the Interior Refuge Water Supply Program's (RWSP) amendment to an existing contract with Merced Irrigation District (MID) to acquire up to 8,863 acre-feet (AF) of water for the East Bear Creek Unit of the San Luis National Wildlife Refuge Complex (Refuge) through August 25, 2018. 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 (CVPIA), which authorizes new water supply contracts for fish and wildlife purposes. The proposed acquisition would provide water to the Refuge through August 25, 2018.

In August 2017, the Bureau of Reclamation (Reclamation) prepared an Environmental Assessment/Finding of No Significant Impact (EA/FONSI) for the acquisition of up to 3,331 AF of water from MID for the Refuge under Agreement No. 17-WC-20-5097 (Agreement). That Agreement, which expired on October 31, 2017, is being amended to increase the amount of acquired water for the Refuge (up to 8,863 AF) and extend the term of the contract (through August 25, 2018) and is the subject of this document. A total of 1,488 AF of water was delivered to the Refuge under that Agreement between September 20 and October 31, 2017.

Section 3406(d)(1) of the CVPIA requires the Secretary of the Interior to provide firm delivery of Level 2 and Level 4 water supplies to the various wetland habitat areas identified in Reclamation's *Report on Refuge Water Supply Investigations* (Reclamation, 1989) and the *San Joaquin Basin Action Plan/Kesterson Mitigation Plan* (Interior, 1989). These reports describe water needs and delivery requirements for each wetland habitat area to accomplish the stated refuge management objectives. In the Reclamation report (1989), the average annual historical supplies were termed "Level 2" (L2), and the supplies needed for optimum habitat management were termed "Level 4" (L4). L2 water is derived primarily from the Central Valley Project's annual yield and equals approximately 422,000 acre-feet (AF). L4 water is equal to approximately 555,000 AF with the incremental difference of 133,000 AF between the two supplies being called "Incremental Level 4" (IL4) water. The RWSP acquires IL4 water supplies from willing sellers. The overall general impacts of implementing the CVPIA, including providing L4 water supplies is addressed in a Final Programmatic Environmental Impact Statement (Interior, 1999).

1.2 Need for the Proposal

The purpose of the water acquisition is to enhance and maintain wetland habitats for the benefit of migratory waterfowl and wetland-dependent wildlife in the San Joaquin Valley. The notable difference between obtaining water supplies for optimum management (L4) and average annual deliveries (L2) is that L4 water supplies allow for the management of habitat diversity. Habitat management includes timing and duration of fall and late winter flooding, summer water for food production, and permanent wetland habitat maintenance (Reclamation, 2000).

Under Section 3406(d)(1) of the CVPIA, the Secretary of the Interior is authorized and directed to acquire and provide sufficient water supplies necessary to meet L2 and L4 refuge water needs as identified in the *San Joaquin Basin Action Plan/Kesterson Mitigation Plan* (Interior, 1989). Reclamation has determined that this acquisition of water from MID would allow Reclamation to increase the supply of water available to meet the needs of the Refuge.

The need for the amendment remains unchanged from the August 2017 EA/FONSI.

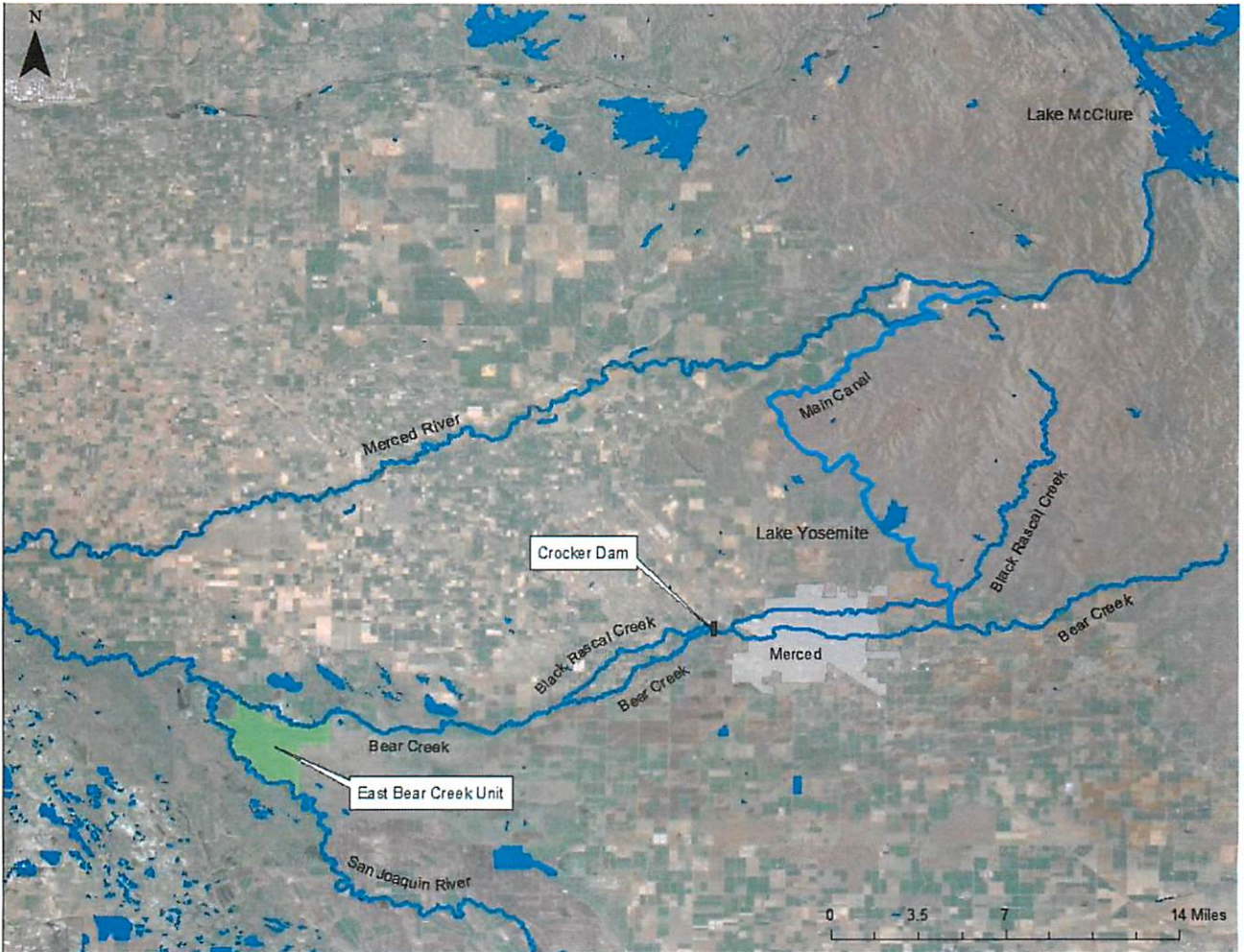


Figure 1 Project Location

1.3 Potential Resource Issues

This EA analyzes the affected environment of the Proposed Action and No Action alternatives in order to determine the potential impacts and cumulative effects to the following environmental resources:

- Water Resources
- Biological Resources

1.4 Resources Not Analyzed in Detail

Department of the Interior Regulations, Executive Orders, and Reclamation guidelines require a discussion of the following resource areas when preparing environmental documentation.

Cultural Resources

No significant impacts to historic properties would result from the Proposed Action. This is the type of undertaking that does not have the potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1). There would be no new construction or ground-disturbing activities and no changes in land use as a result of this action. In such cases Reclamation has no further obligations pursuant to Section 106 of the National Historic Preservation Act of 1966 and consultation with the California State Historic Preservation Officer is not required.

Indian Sacred Sites

Sacred sites are defined in Executive Order 13007 (May 24, 1996) as "any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site." The Proposed Action would not be located on or impact any Federal lands and therefore would not affect any Indian sacred sites.

Indian Trust Assets

The Proposed Action does not have a potential to affect Indian Trust Assets. There will be no construction or ground-disturbing activities and no changes in land use as a result of this action. The nearest ITA is a Public Domain Allotment approximately 29 miles northeast of the project location.

Environmental Justice

The Proposed Action would result in no significant changes in agricultural communities or practices and is therefore not likely to affect agricultural employment, which employs a higher proportion of low-income and minority workers than are employed in the general workforce. Accordingly, the Proposed Action would not have any significant or disproportionately negative impact on low-income or minority individuals within the project area.

Section 2.0 Alternatives

2.1 No Action Alternative

Under the No Action Alternative, Reclamation would not purchase water from MID for delivery to the Refuge and requirements under CVPIA may not be met. Absent this amendment, water available for acquisition from MID in 2017 and 2018 would be held in storage in Lake McClure.

2.2 Proposed Action Alternative

The Proposed Action is for Reclamation to enter into an amended agreement with MID for a temporary water acquisition of up to 8,863 AF to help meet water supply needs for the Refuge through August 25, 2018 (Amendment to Agreement No. 17-WC-20-5097).

The acquired water would be delivered to the Refuge via Bear Creek and diverted by the Refuge's existing pumping plant on Bear Creek. Deliveries to the Refuge will cross the Eastside Canal which is owned and operated by the Stevinson Water District (SWD), therefore the supply of water between November 2017 and August 2018 is dependent on an agreement between the MID and SWD.

The exact amount of water to be acquired each month will vary based upon the actual water needs of the East Bear Creek Unit as determined by the Refuge Representative and the actual amount of water made available to Reclamation by MID, as determined by MID.

Section 3.0 Affected Environment & Environmental Consequences

This section identifies the potentially affected environment and the environmental consequences involved with the Proposed Action as compared to the No Action Alternative. If Reclamation did not purchase up to 8,863AF of stored water from MID, there would be no change in management, and the Service would continue to manage the refuge without enhancing conditions for wildlife as required in CVPIA. There will be no further discussion of effects from the no action alternative as conditions would remain unchanged from current conditions.

3.1 Water Resources

Affected Environment

The Merced River flows westerly from Yosemite National Park to the San Joaquin River. MID has a variety of Merced River water rights including pre-1914 water rights. MID's principal storage is Lake McClure, located on the Merced River, along with Lake McSwain, a regulating reservoir downstream of Lake McClure. Surface water is delivered to MID customers via a system of 790 miles of canals, laterals, and pipelines (City of Merced 2001). Lake McClure filled to capacity in 2017, and was storing 656,341 AF on November 12, 2017 (<http://www.mercedid.com/index.cfm/water/water-watch/> accessed November 15, 2017).

The Refuge is located east of the San Joaquin River, in Merced County. The Refuge includes Bear Creek and contains natural grasslands, vernal pools, riparian floodplain habitat, irrigated pasture and small-grain production lands. The Refuge is managed primarily for migratory waterfowl, shorebirds, marsh and water birds and their associated habitat types, as well as for listed species.

The Merced River flows into the San Joaquin River. Diversions of water at New Melones Reservoir, Millerton Lake, New Don Pedro Reservoir, and Lake McClure have significantly reduced the flows in the San Joaquin River (SWRCB, 2000). Reduced flows, combined with surface and subsurface saline discharge have caused salinity issues in the southern Delta.

Environmental Consequences

The 8,863 AF of water purchased from MID represents less than one percent of total storage from November 12, 2017. Removing this amount of water from storage in 2017 would have no effect on how MID operates its reservoirs, and MID would continue to operate as defined in its current water rights and licenses.

The Proposed Action would result in beneficial effects on Bear Creek flows when water is sent downstream to the Refuge from Lake McClure. Due to the short-term period of this acquisition and the amount of water proposed for acquisition, little to no indirect or direct surface water or groundwater effects would occur. Additionally, water delivered to the Refuge wetland areas on a schedule that meets Refuge water needs would allow the Service to enhance management of the Refuge, resulting in beneficial effect to wetland habitat areas.

Reclamation must provide sufficient fresh water to meet the SWRCB Vernalis flow and salinity objectives (SWRCB 2000). To avoid impacting Reclamation's Stanislaus River operations, releases from storage by MID would be required to be coordinated with Reclamation so that the replenishment of stored water in Lake McClure does not impact the releases of New Melones Reservoir or Reclamation's ability to meet these objectives. This requirement will be enforced through a refill agreement between Reclamation and MID.

3.2 Biological Resources

Affected Environment

The habitats present at the Refuge are natural valley grasslands and developed marsh. The Refuge is managed primarily for migratory waterfowl, shorebirds, marsh and water birds, and their associated habitat types as well as for listed species.

The Refuge, as part of the San Luis National Wildlife Refuge, provides wetland habitat as a major wintering ground and migratory stopover point for large concentrations of waterfowl, shorebirds and other waterbirds (USFWS 2012a). A rich botanical community of native bunchgrasses, native and exotic annual grasses, forbs, native shrubs, trees, and a variety of animal species are found within these areas.

Environmental Consequences

The acquisition of water supplies under the Proposed Action would result in the Refuge temporarily receiving more water than the average amount of water utilized from intermittent Bear Creek flows under existing conditions. The additional water supplies are expected to be delivered November 2017 through August 25, 2018, per the Amended Agreement. The water would allow for improved management of the wetland habitat areas to benefit migratory and breeding waterfowl and other water birds within the Refuge per refuge management plans. There would be no change in facilities or operational conditions at the refuge, and no construction would be needed to facilitate use of this water.

The Proposed Action would result in short-term benefits to vegetation and wildlife resources at the Refuge, and there would be no effects to wildlife, including federally listed species.

3.3 Cumulative Impacts

According to the Council on Environmental Quality regulations for implementing the procedural provisions of NEPA, a cumulative impact is defined as *the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions*. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time. Because there would be no negative effects from implementing the Proposed Action, there would be no cumulative effects to consider.

Section 4.0 Consultation

Agencies and persons consulted during preparation of this document.

- U.S. Fish and Wildlife Service
- Merced Irrigation District

Section 5.0 References

- California Environmental Protection Agency, State Water Resources Control Board. 2000. *Revised Water Right Decision 1641*.
- City of Merced. 2001. *Merced Water Supply Plan Update, Final Status Report*. Prepared by CH2M Hill for City of Merced, Merced Irrigation District and UC California Merced.
- MID website, <http://www.mercedid.com/index.cfm/water/water-watch/>, November 15, 2017.
- U.S. Department of the Interior, Bureau of Reclamation. 2017. *Acquisition of Up to 3,331 Acre-Feet of Water from Merced Irrigation District for the East Bear Creek Unit of the San Luis National Wildlife Refuge (2017)*. Environmental Assessment (EA-17-19-MP). August 2017.
- _____. Bureau of Reclamation and California Department of Water Resources (DWR). 2012. *San Joaquin River Restoration Program*. Final PEIS/EIR
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- U.S. Fish and Wildlife Service. 2012a. San Luis National Wildlife Refuge. http://www.fws.gov/sanluis/sanluis_info.htm Accessed: September 5, 2012.