

RECLAMATION

Managing Water in the West

Draft FINDING OF NO SIGNIFICANT IMPACT

Central Valley Project Interim Renewal Contracts for Westlands Water District, Santa Clara Valley Water District, and Pajaro Valley Water Management Agency 2018-2020

FONSI-17-021



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

November 2017

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

FONSI-17-021

**Central Valley Project Interim Renewal
Contracts for Westlands Water District,
Santa Clara Valley Water District, and
Pajaro Valley Water Management Agency
2018-2020**

Recommended by: Michael P. Jackson, P.E.
Area Manager

Date

Concurred by: Anastasia T. Leigh
Regional Environmental Officer

Date

Approved by: David Murillo
Regional Director

Date

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 the proposed execution of the six Central Valley Project (CVP) San Luis Unit interim renewal contracts listed in Table 1 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 draft Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA)-17-021, *Central Valley Project Interim Renewal Contracts for Westlands Water District, Santa Clara Valley Water District, and Pajaro Valley Water Management Agency 2018-2020*, hereby incorporated by reference.

Table 1 Contractors, Current Contracts, and Existing Contract Amounts

Contractor	Contract Number	Contract Quantity (acre-feet per year)
Pajaro Valley Water Management Agency, Santa Clara Valley Water District, and Westlands Water District Distribution District #1 (3-way assignment from Mercy Springs Water District)	14-06-200-3365A-IR15-B	6,260
Westlands Water District	14-06-200-495A-IR5	1,150,000
Westlands Water District Distribution District #1 (full assignment from Broadview Water District)	14-06-200-8092-IR15	27,000
Westlands Water District Distribution District #1 (full assignment from Centinella Water District)	7-07-20-W0055-IR15-B	2,500
Westlands Water District Distribution District #2 (partial assignment from Mercy Springs Water District)	14-06-200-3365A-IR15-C	4,198
Westlands Water District Distribution District #1 (full assignment from Widren Water District)	14-06-200-8018-IR15-B	2,990

No final decision shall be made on the FONSI until public review has been completed and comments, if any, considered.

Background

Section 3404(c)(1) of the Central Valley Project Improvement Act (CVPIA) authorizes and directs Reclamation to prepare appropriate environmental review before renewing an existing water service contract for a period of twenty-five years. Section 3404(c) of the CVPIA further provides for the execution of interim renewal contracts for contracts which expired prior to completion of the CVPIA Programmatic Environmental Impact Statement (PEIS). Interim renewal contracts have been and continue to be undertaken under the authority of the CVPIA to provide a bridge between the expiration of the original long-term water service contracts and the execution of new long-term water service contracts as provided for in the CVPIA. The interim renewal contracts reflect current Reclamation law, including modifications resulting from the Reclamation Reform Act and applicable CVPIA requirements. The initial interim renewal contracts were negotiated beginning in 1994 for contractors whose long-term renewal contracts

were expiring, with an initial interim period not to exceed three years in length, and for subsequent renewals for periods of two years or less to provide continued water service. Many of the provisions from the interim renewal contracts were assumed to be part of the contract renewal provisions in the description of the PEIS Preferred Alternative.

Proposed Action

Under the Proposed Action, Westlands Water District (Westlands) would continue to receive up to 1,192,948 acre-feet (AF) per year and Santa Clara Valley Water District (Santa Clara) would continue to receive up to 6,260 AF per year of CVP water pursuant to the interim renewal contracts listed in Table 1.

Environmental Commitments

Reclamation and the contractors listed in Table 1 shall implement the environmental protection measures included in Table 2 of EA-17-021. Environmental consequences for resource areas assume the measures specified will 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:

Air Quality

Under the Proposed Action, CVP water would continue to be conveyed through existing facilities either via gravity or electric pumps which would not produce air pollutant emissions that impact air quality. In addition, there would be no construction or modification of facilities that could result in emissions; therefore, the Proposed Action would not exceed *de minimis* levels and a general conformity analysis is not required.

Biological Resources

CVP-wide impacts to biological resources were evaluated in the PEIS, and a USFWS biological opinion addressing potential CVP-wide impacts of the CVPIA was completed on November 21, 2000. In addition, the programmatic biological opinion and Essential Fish Habitat Conservation Recommendations prepared by NMFS for the CVPIA were completed on November 14, 2000. The Proposed Action would meet environmental commitments in existence as a result of existing biological opinions, including those for the CVPIA and the coordinated long-term operations of the CVP and State Water Project (SWP).

Interim renewal contracts contain provisions that allow for adjustments resulting from court decisions, new laws, and from changes in regulatory requirements imposed through re-consultations. Accordingly, to the extent that additional restrictions are imposed on CVP operations to protect threatened or endangered species, those restrictions would be implemented in the administration of the six interim water service contracts listed in Table 1. As such, the Proposed Action would not impact the efforts of the San Joaquin River Restoration Program and

would conform to any applicable requirements imposed under the federal Endangered Species Act or other applicable environmental laws.

Renewal of the existing interim renewal contracts would not provide the long-term water supply reliability required for conversion from agriculture to M&I uses as it only covers a two-year time period. The Proposed Action would not result in any change in existing water diversions from the Delta nor would it require construction of new facilities or modification of existing facilities for water deliveries. The CVP water supply for Westlands and Santa Clara pursuant to the six interim renewal contracts listed in Table 1 would continue to be used for agricultural and M&I purposes within their respective CVP service areas (see Appendix A in EA-17-021) as it has in the past. In addition, as described in Table 2 of EA-17-021, no native or untilled land (fallow for three consecutive years or more) may be cultivated with CVP water without additional environmental analysis and approval. Therefore, conditions of special status species and habitats are assumed to remain the same as current conditions described in the Affected Environment over the two-year period of the Proposed Action.

Reclamation anticipates that drainage production from the study area during the interim renewal period would continue to decrease based on existing trends, caused by the implementation of regional projects, separate from the interim renewal contracts, which increase irrigation efficiency and utilization of reuse areas for the application of drainwater in accordance with existing permits.

Reclamation also anticipates that ongoing trends toward use of higher efficiency irrigation systems and related changes in cropping (generally away from row crops and toward permanent crops) would continue under the Proposed Action. This is due in part because those trends are spurred by water shortages from the implementation of laws and regulations that reduce the quantity of CVP water available for delivery to south-of-Delta contractors. Consequently, species that utilize orchards and other permanent crops would benefit and those preferring row crops would be adversely affected. However, over the short interim period, these changes are not likely to be substantial.

Migratory Birds Changes in crop patterns toward more permanent crops and increased fallowing of land could result in less habitat for the Swainson's hawk and western burrowing owl; however, these effects have occurred previously and are likely to continue to occur in the future under either alternative. The Proposed Action would deliver water through existing facilities to existing irrigated agricultural lands which already receive delivered water. As delivery of CVP water under this alternative would support existing land use patterns, take would not occur as defined by the Migratory Bird Treaty Act.

Federally-listed Species Under the Proposed Action direct effects on federally listed species are related to ongoing farm practices such as pesticide use and choice of crops grown, which are not within the control or authority of Reclamation. Although orchards have been shown to allow greater kit fox foraging and movement (Warrick et al. 2007) than row crops, management of orchards to reduce rodent damage (e.g., use of anticoagulant baits) could make orchard operations harmful to kit fox. In addition, the resumption of agricultural activities on lands fallowed for more than one year has the potential to remove dens, reduce prey and force kit foxes

into unfamiliar areas (Cypher 2006). Discing of lands near native lands could also impact the blunt-nosed leopard lizard and San Joaquin woolly-threads if present as they may overlap slightly with the adjoining lands. These effects have occurred previously and are likely to continue to occur in the future under either alternative as they are the effect of farming practices and not an effect of the Proposed Action.

The Land Retirement Demonstration Project demonstrated groundwater level declines following land retirement in Westlands (Reclamation 2005i). These lands lie in the area through which, if any subsurface drainage passed from Westlands to the giant garter snake habitat in the Grassland wetlands, it would have to pass. Reclamation (2005i) showed a water table decline of over five feet within two years of land retirement. Groundwater modeling by Williamson and others (1989) describe the pre-developed groundwater flow system as having a large horizontal gradient and much smaller vertical gradient with groundwater moving from southwest to northeast. The average vertical gradient within the northern section of Westlands is approximately 20 times that of the horizontal-gradient. This allows drain water to move in a predominantly vertical direction, rather than horizontal direction. In addition, the transition of Westlands lands to efficient irrigation systems, in concert with land retirement and fallowing, has significantly reduced the volume of drain water being produced. As a result, the giant garter snake is extremely unlikely to be adversely affected by the Proposed Action.

As explained in Section 3.3.1 of EA-17-021, the California Least Tern has not been found to occur in the Proposed Action Area in the surveys conducted during the past few years, and none have been found in the region in seven years. As a result, they also are extremely unlikely to be adversely affected by the Proposed Action.

There would be no effects to salmonid species' designated critical habitat or green sturgeon since none inhabit or exist in Westlands or Santa Clara. Additionally, impacts to salmonid species and green sturgeon in the Delta from CVP operations are addressed in the CVP/SWP Coordinating Operations consultation.

Cultural Resources

There would be no impacts to cultural resources as a result of implementing the Proposed Action as the Proposed Action would facilitate the flow of water through existing facilities to existing users. No new construction or ground disturbing activities would occur as part of the Proposed Action. The pumping, conveyance, and storage of water would be confined to existing CVP facilities. Reclamation has determined that these activities have no potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1).

Environmental Justice

As the Proposed Action would be a continuation of current conditions, it would not cause dislocation, changes in employment, or increase flood, drought, or disease. The Proposed Action would not disproportionately impact economically disadvantaged or minority populations as there would be no changes to existing conditions.

Indian Sacred Sites

The Proposed Action would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or affect the physical integrity of such sacred sites. There would be no impacts to Indian sacred sites as a result of the Proposed Action.

Indian Trust Assets

The Proposed Action would not impact Indian Trust Assets as there are none in the Proposed Action area.

Land Use

The continuation of the interim renewal contracts listed in Table 1 would not result in a change in contract water quantities or a change in water use and would continue water deliveries within the contractors' respective service areas. Westlands is primarily agricultural and intends to remain so. In addition, the two year period of the Proposed Action does not provide any additional water supplies that could act as an incentive for conversion of native habitat or increased agricultural production acreage. Therefore, land use within each District would continue as it has in the past and there would be no impacts compared to the No Action alternative.

Socioeconomic Resources

The continuation of the interim renewal contracts listed in Table 1 would not result in a change in contract water quantities or a change in water use and would continue water deliveries within the contractors' respective service areas. As a result, the viability of farming practices would be maintained and there would be beneficial impacts to socioeconomics under the Proposed Action compared to the No Action alternative.

Water Resources

Based in part on the updated Water Needs Assessment for Westlands, there would be no change from conditions under the existing interim renewal contracts as CVP water would be placed to beneficial use within the authorized CVP place of use as it has in the past. Water delivery during the interim renewal contract period would be up to the respective contract totals and would not exceed historic quantities. Continuation of the interim renewal contracts would provide needed CVP water to meet M&I and agricultural demands in both Districts. As the delivery of CVP water would be done through existing infrastructure for existing uses within both Districts, the Proposed Action would not result in impacts to water resources.

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.

Air Quality

The Proposed Action would not result in cumulative air quality impacts as there are no direct or indirect air quality impacts.

Biological Resources

The Proposed Action, when added to other past, present, and reasonably foreseeable future actions, represent a continuation of existing conditions which are unlikely to result in cumulative impacts on the biological resources of the study area. The Proposed Action provides for the delivery of the same contractual amount of water to the same lands for existing purposes without the need for facility modification or construction.

Cultural Resources

The Proposed Action would not result in cumulative impacts to cultural resources as there are no direct or indirect impacts.

Environmental Justice

The Proposed Action would not differ from current or historical conditions, and would not disproportionately affect minority or low income populations in the future; therefore, there would be no cumulative impacts as a result of the Proposed Action.

Global Climate Change

The Intergovernmental Panel on Climate Change (IPCC) recently concluded that “warming of the climate system is unequivocal” and “most of the observed increase in globally average temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic greenhouse gas concentration” (IPCC 2007). Without additional meteorological monitoring systems, it is difficult to determine the spatial and temporal variability and change of climatic conditions, but increasing concentrations of greenhouse gases are anticipated to accelerate the rate of climate change.

The National Academy of Sciences has indicated there are uncertainties regarding how climate change may affect different regions. Global climate model predictions indicate that increases in temperature will not be equally distributed, but are likely to be accentuated at higher latitudes (IPCC 2007). Increases in temperatures would increase water vapor in the atmosphere and reduce soil moisture, increasing generalized drought conditions, while at the same time enhancing heavy storm events. Although large-scale spatial shifts in precipitation distribution may occur, these changes are more uncertain and difficult to predict.

The Proposed Action does not include construction of new facilities or modification to existing facilities. While pumping would be necessary to deliver CVP water, no additional electrical production beyond baseline conditions would occur. As such, there would be no additional impacts to global climate change. Global climate change is expected to have some effect on the snow pack of the Sierra Nevada and the runoff regime. It is anticipated that climate change would result in more short-duration high-rainfall events and less snowpack runoff in the winter and early spring months by 2030 compared to recent historical conditions (Reclamation 2016b, pg 16-26). However, the effects of this are long-term and are not expected to impact CVP operations within the two-year window of this action. Further, CVP water allocations are made dependent on hydrologic conditions and environmental requirements. Since Reclamation operations and allocations are flexible, any changes in hydrologic conditions due to global climate change would be addressed within Reclamation’s operation flexibility.

Indian Sacred Sites

The Proposed Action would not result in cumulative impacts to Indian Sacred Sites as there are none in the Proposed Action area.

Indian Trust Asset

The Proposed Action would not result in cumulative impacts to Indian Trust Assets as there are none in the Proposed Action area.

Land Use

The Proposed Action would maintain the status quo of delivering the same contractual amount of CVP water for existing purposes within each district without the need for additional facility modification or construction. As such, there would be no cumulative adverse impacts to land use.

Socioeconomic Resources

The Proposed Action would maintain the status quo of delivering the same contractual amount of CVP water for existing purposes within each district without the need for additional facility modification or construction. As such, there would be no cumulative adverse impacts to socioeconomics.

Water Resources

The CVPIA PEIS included full contract deliveries in the assumptions regarding future use. By including full deliveries, the impact assessments were able to adequately address the hydrologic, operational, and system-wide cumulative conditions expected under future conditions. The Proposed Action would maintain the status quo of delivering the same contractual amount of CVP water for existing purposes within each District without the need for additional facility modification or construction. As such, there would be no cumulative adverse impacts to water resources.