

RECLAMATION


Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

2018 Short Term 5 year Warren Act Contract between the United States and Placer County Water Agency

Central California Area Office, Folsom California
FONSI CCAO 17-06

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Background

The Environmental Assessment for the 2018 Short Term 5 year Warren Act Contract between the United States and Placer County Water Agency (PCWA) examines the environmental effects of authorizing a Short Term 5 Year Warren Act Contract (Contract) between U.S. Bureau of Reclamation (Reclamation) and PCWA. The Warren Act of 1911 (43 U.S.C. Section 523) provides authorization to the Secretary of the Interior to enter into contracts with water purveyors to convey non-Project water through Federal facilities. Pursuant to the Warren Act, Reclamation will enter into a Contract for conveyance of up to 100 acre-feet per year (AFY) of non-Project water to be conveyed through Folsom Reservoir.

Alternatives Including Proposed Action

No Action Alternative

Under the No Action Alternative, Reclamation would not enter into a Contract with PCWA. There would be no contractual mechanism for PCWA to convey their non-Project water rights water from the MFP Reservoirs to the Los Lagos subdivision in Placer County. PCWA would deliver Project water to meet the water needs of their customers in the Los Lagos subdivision in Placer County.

Proposed Action

Reclamation proposes to enter into a Contract for conveyance of up to 100 AFY of non-Project water to be conveyed through Folsom Reservoir. The Contract would allow PCWA to convey their non-Project water to the residents of Los Lagos for M&I purposes. The five year duration allows the Contract to expire at the end of February 2023, consistent with Reclamation's water year.

Under the Proposed Action, PCWA would release water from its MFP reservoirs into the Middle Fork American River, which subsequently flows into the North Fork American River. From the North Fork American River, the released water would flow into Folsom Reservoir. The water released from the MFP reservoirs will reach Folsom Lake and receipt of the water is determined by Reclamation and set to avoid impacts on the cold water pool in Folsom Reservoir for fish habitat. PCWA would use their intake pump to divert their water at Folsom Reservoir and deliver the water to the Los Lagos subdivision in Placer County.

In the event a long-term contract is executed, the proposed Contract, then-in-effect, would be superseded by a long-term contract. The long-term contract would undergo separate analysis to meet NEPA requirements. For purposes of this EA the following requirements are assumed under the Proposed Action:

- A five year period is considered in this analysis.
- There would be no increase in the amount of water delivered to Los Lagos subdivision in Placer County.

- All non-Project Water conveyed and delivered to PCWA would be used for M&I purposes only.
- Reclamation would continue to comply with commitments made or requirements imposed by applicable environmental documents, such as existing biological opinions (BOs) including any obligations imposed on Reclamation resulting from re-consultations.
- Reclamation would implement its obligations resulting from Court Orders issued in actions challenging applicable BOs that take effect during the temporary contract.

Findings

The Environmental Assessment was posted for public review and comment from December 8, 2017 to December 22, 2017 on Reclamation's NEPA document website (<https://www.usbr.gov/mp/nepa/>). Reclamation received no comments. In accordance with NEPA, the Central California Area 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 list describes why impacts from the Proposed Action are not significant:

1. Indian Trust Assets (ITA) - There are no known ITA's or treaty rights exercised by tribes, nor are there any reservations or trust lands located within or adjacent to the Proposed Action that will be affected. The Proposed Action does not have a potential to affect ITA. (512 DM 2 Policy Memorandum dated December 15, 1993).
2. Indian Sacred Sites - There are no identified Indian Sacred Sites within the action area and therefore this project will not inhibit use or access to any Indian Sacred Sites. (EO 13007 and 512 DM 3).
3. Implementing the Proposed Action will not have any disproportionately negative impact on low-income populations and communities (EO 12898).
4. Cultural Resources - The Proposed Action does not involve the types of activities that have the potential to affect historic properties pursuant to the regulations at 36 CFR Part 800.3(a) (1). Land use would remain unchanged and no new construction or new ground disturbing activities would occur in the renewal water service contract areas. Impacts to cultural resources in the American River Division counties within the Proposed Action's area of potential effect are defined in the Long-term Contract Renewals in the American River Division EIS (BOR, 2005). (40 CFR 1508.27(b)(10)).
5. Biological Resources – Implementation of the Proposed Action would not change or impact biological resources within the action area. Reclamation is currently operating the overall Project facilities to meet all regulatory requirements, downstream water needs,

and environmental requirements and would continue to do so. Biological resources, under the proposed action will be identical to the No Action Alternative. The No Action Alternative includes the operations of the Project consistent with all requirements of the Continued Long-term Operations of the Project and State Water Project as described in the United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) 2008/2009 Biological Opinions. The requirements described in those Biological Opinions include Reasonable and Prudent Alternatives (RPAs) for environmental effects of the Coordinated Operations of the Project and State Water Project to federally listed species. The actions recommended in the Biological Opinion to protect sensitive species in the American River include an annual water temperature management plan for steelhead, use of CVPIA Section 3406(b)(2) water supplies to supplement flows in the lower American River, flow and temperature requirements, and examinations of potential improvements to fish passage and structural temperature control options. There would be no impact to biological resources under the No Action Alternative.

6. The Contract would allow for the delivery of the same quantity of water from the same source to the same location for the same M&I uses that are currently occurring under the existing Contract. Water deliveries would be made through the existing Project facilities. The Proposed Action does not require the construction of new facilities, installation of new features, or the modification of existing facilities. The water would be delivered for beneficial M&I uses within Los Lagos, within PCWA's water service area.
7. Public health and safety -The Proposed Action will not significantly affect public health and safety. (40 CFR 1508.27(b)(3)).
8. Important natural resources - The Proposed Action will not significantly impact natural resources and unique geographic characteristics such as 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 (EO 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant areas. (40 CFR 1508.27(b) (3) and 43 CFR 46.215(b)).
9. There is no potential for the effects to be considered highly controversial. (40 CFR 1508.27(b)(4)).
10. Uncertain or unknown risks - The Proposed Action will not have effects on the human environment that are highly uncertain or involve unique or unknown risks. (40 CFR 1508.27(b)(5)).

11. 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)).
12. The Proposed Action will not have cumulatively significant impacts. (40 CFR 1508.27(b)(7)).
13. Facility operations -The Proposed Action would not result in changes to Folsom Reservoir operations or Folsom Reservoir's cold water pool volume and therefore, would not have any additional effect on Reclamation's ability to meet downstream fisheries requirements. Execution of the Contract will not increase the volume of water delivery to Los Lagos subdivision or change the point of intake therefore; the action will have no effect on the volume of Folsom Reservoir operations or its cold-water pool. Under the proposed action, Reclamation would continue to implement all current regulatory actions and would not alter operations of Project facilities, water storage or release patterns from Project facilities.
14. Reclamation is obligated to ensure fulfillment of any environmental commitments prescribed to mitigate or eliminate impacts resulting from implementation of the Proposed Action. The following commitments are assumed under the Proposed Action:
 - Reclamation will continue to implement all current regulatory actions.
 - Water delivery quantities and patterns, Project reservoir storage and operations, surface water elevations, and release patterns will not change under the Proposed Action.
 - The water conveyed to Los Lagos subdivision will only be utilized for M&I purposes and the quantity will not exceed 100 AFY.