FINDING OF NO SIGNIFICANT IMPACT

Short-Term Recirculation of Recaptured San Joaquin River Restoration Program Restoration Flows

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FONSI Number: 18-1-SJRRP

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BACKGROUND

In 1988, a coalition of environmental groups, led by the Natural Resources Defense Council (NRDC), filed a lawsuit challenging the renewal of long-term water service contracts between the United States and Central Valley Project Friant Division. After more than 18 years of litigation, *NRDC, et al., v. Kirk Rodgers, et al.*, a settlement was reached (Settlement). On September 31, 2006, the Settling Parties, including NRDC, Friant Water Users Authority (now represented by the Friant Water Authority (FWA), and the U.S. Departments of the Interior and Commerce, agreed on the terms and conditions of the Settlement, which was subsequently approved by the U.S. Eastern District Court of California on October 23, 2006. The Settlement establishes two primary goals:

- Restoration Goal – To restore and maintain fish populations in "good condition" in the main stem of the San Joaquin River below Friant Dam to the confluence of the Merced River, including naturally reproducing and self-sustaining populations of salmon and other fish.

- Water Management Goal – To reduce or avoid adverse water supply impacts on all of the Friant Contractors that may result from the Interim Flows and Restoration Flows provided for in the Settlement.

The San Joaquin River Restoration Program (SJRRP) Programmatic Environmental Impact Statement/Report (PEIS/R) was completed in 2012. The PEIS/R analyzed at a project-level the reoperation of Friant Dam to release Restoration Flows to the San Joaquin River, making water supplies available to Friant Division long-term contractors at a pre-established rate, and the recapture of Restoration Flows at existing facilities within the Restoration Area and the Delta. One of the program-level actions identified in the PEIS/R includes Settlement Paragraph 16(a) actions for the recirculation of recaptured Interim and Restoration flows. The PEIS/R states that Reclamation will monitor and report the quantity and timing of Interim and Restoration flows that are available for recirculation to the Friant Division long-term contractors.

In 2013, Reclamation completed the *Recirculation of Recaptured Water Year 2013-2017 San Joaquin River Restoration Program Flows Final Environmental Assessment and Finding of No Significant Impact*, which analyzed and disclosed the potential impacts of the execution of direct delivery, transfer and exchange agreements to recirculate up to 260,000 acre-feet of water per year from San Luis Reservoir (SLR), recaptured as a result of SJRRP Water Year 2013-2017 Interim and Restoration Flows. Interim Flows ended in 2013, and Restoration Flows began in 2014. In 2017, Reclamation completed the *2017 Transfer of Recaptured San Joaquin River Restoration Flows to Pleasant Valley Water District Finding of No Significant Impact.* In February 2018, Reclamation completed the *2018 Recapture of San Joaquin River Restoration Flows at Patterson Irrigation District and/or Banta-Carbona Irrigation District Finding of No Significant Impact.*

Reclamation recaptured about 90,200 acre-feet of Restoration Flows in 2013, then had no Restoration Flows in 2014 and 2015 due to critically dry hydrologic conditions. Restoration Flows resumed in March, 2016, but channel capacity constraints limited releases and only about 10,300 acre-feet of Restoration Flows were recaptured in 2016. The very wet hydrology in 2017 resulted in flood releases until mid-July, which are not recapturable under Reclamation's water rights, so only 27,400 acre-feet were recaptured in 2017.

The Water Management Goal of the Settlement includes a requirement for the development and implementation of a plan for recirculation, recapture, reuse, exchange or transfer of Restoration Flows for the purpose of reducing or avoiding impacts to water deliveries to all of the participating Friant Division long-term contractors. Reclamation is currently preparing this long-term plan and an environmental impact statement/report (EIS/R) to analyze and disclose the potential impacts of implementing the long-term plan.

PROPOSED ACTION

Reclamation proposes to continue to implement the execution of direct delivery, transfer and exchange agreements to recirculate up to 260,000 acre-feet of recaptured Restoration Flow water per year from SLR to Friant Division long-term contractors, as analyzed in the attached *Recirculation of Recaptured Water Year 2013-2017 San Joaquin River Restoration Program Flows Final Environmental Assessment* (EA) until completion of the long-term plan, EIS/R and Record of Decision, anticipated in the next few years. Reclamation will make the recaptured Restoration Flows water available in south-of-Delta facilities (SOD Facilities) (e.g. SLR, O'Neill Forebay, Delta Mendota Canal, California Aqueduct, etc.) for recirculation and beneficial use by the Friant Contractors. Recirculation to the Friant Contractors will be accomplished through direct delivery, exchange, and/or transfer. This could require the exchange and/or transfer of recaptured Restoration Flows water among Friant Contractors or non-Friant Contractors. Implementation of the proposed action will contribute to meeting Reclamation's obligation pursuant to the Settlement to reduce or avoid the adverse water supply impacts on all of the Friant Contractors that may result from the release of Restoration Flows. The proposed action is further described in the attached EA. No changes have occurred that would result in additional or more substantial impacts from what was analyzed and disclosed in the attached EA.

FINDINGS

In accordance with the National Environmental Policy Act of 1969, as amended, Reclamation has found that the proposed action of the short-term execution of direct delivery, transfer and exchange agreements to recirculate up to 260,000 acre-feet of recaptured Restoration Flow water per year from SLR is not a major federal action that would significantly affect the quality of the human environment and an environmental impact statement is not required. This finding of no significant impact is based on the following, as further described in the attached EA:

The proposed action does not involve or assess the construction of new facilities or modification of existing facilities. Reclamation will facilitate the proposed action in accordance with stipulations present in existing contracts and use existing Federal, state, and local facilities to implement the proposed action. The recaptured Restoration Flows water will be recirculated to

the listed Friant Contractors whose supplies may be impacted by the release of Restoration Flows, as described in the 2013 EA and 2017 FONSI.

Friant Contractors may exchange or transfer their water to other Friant Contractors or non-Friant Contractors, but not in excess of existing water contract amounts. Friant Contractors would make their recirculation water available in SOD Facilities to non-Friant Contractors. In exchange, the non-Friant Contractors would make a local supply of water available to the Friant Contractors. This action could involve a Friant Contractor acting on behalf of several other Friant Contractors to facilitate an exchange in Millerton Lake for integration into the Friant Division's CVP Water supply. Exchanges may provide for less than a 1:1 return of water to Friant Contractors and may take several years to fully execute. All water directly delivered, exchanged, or transferred will remain within existing contractual amounts and contract service areas for those water contractors.

The proposed action would provide for the "pre-delivery" of recaptured Restoration Flows pursuant to two potential scenarios. For the first scenario, the Friant Contractors could take pre-delivery of a portion of the estimated recaptured volume and exchange, direct delivery, or transfer the water for the purpose of accomplishing the Water Management Goal provided in the Settlement subject to all of the following conditions:

- When there is surplus (Section 215) water available in the Delta;
- When there is conveyance and storage capacity in SOD Facilities that would not otherwise be used to convey and store CVP Project Water or Non-Project water for any Westside CVP Contractor;
- When SLR is full and will remain full during the "pre-delivery" period;
- When the volume of recaptured water for that year can be reasonably determined by Reclamation;
- As Restoration Flows are released and recaptured in accordance with the Settlement hydrograph; the recaptured water will be used first to balance out any of this "pre-delivery" water.

For the second scenario, during those periods when "low point" in SLR is not an issue, nor anticipated to become an issue, Reclamation may provide for the "pre-delivery" of up to 20,000 acre-feet of water or the volume of recaptured Restoration Flow water reasonably expected to be available for recirculation within the subsequent 3 months, whichever is less. In order to ensure the "pre-delivery" of water does not affect Reclamation's ability to meet its existing contractual obligations from SOD Facilities or jeopardize the Secretary's ability to avoid or fully mitigate for impacts resulting from the implementation of the SJRRP to the south-of-Delta contractors, Reclamation will require the requesting Friant Contractor to provide a guaranteed backstop water supply including an assured conveyance in the event the calculated volume of recirculation water does not materialize. The backstop water will be used to refill any of the "pre-delivery" water in the same water year and must not impede other transfers and/or exchanges. As Restoration Flows are released and recaptured in accordance with the Settlement hydrograph, the recaptured water will be used first to refill any of this "pre-delivery" water.

Reclamation will coordinate all proposed "pre-delivery" of water with the FWA, San Luis Delta-Mendota Water Authority, San Joaquin River Exchange Contractors Authority, and any other potentially affected parties to ensure that water supply impacts to any affected parties are avoided and/or fully mitigated consistent with the PEIS/R. Implementation of the proposed action will not result in any involuntary reduction in contract water allocations or jeopardize the Secretary's ability to avoid or fully mitigate for impacts resulting from the implementation of the SJRRP to the south-of-Delta contractors.

The proposed action does not cover the direct discharge of recirculated Restoration Flows from SOD Facilities into the Friant Kern Canal. This action would require completion of additional environmental analysis and documentation, as appropriate.

Contractors included in this proposed action will notify Reclamation in advance of any proposed direct delivery, exchange, or transfer so that Reclamation can determine if the action is consistent with the EA, PEIS/R, and existing contracts, and can coordinate with involved water contractors to ensure there is capacity within existing facilities to implement the action. In addition, coordination will ensure that Reclamation's obligations to deliver water to other contractors, wildlife refuges, and other requirements will not be adversely impacted.

Reclamation will evaluate any water contractors, as described in the attached EA that may be currently outside the existing CVP place-of-use in order to determine future agreements or modifications to existing permits or approvals that may be necessary in order to legally transfer, exchange, or deliver recaptured Restoration Flows.

Exchanges and transfers under the proposed action will be subject to the following parameters:

- No native or untilled land (fallow for three consecutive years or more) will be cultivated with the water involved in these actions.
- Transferred water can be either Agricultural (Ag) or Municipal and Industrial (M&I) water.
- The ultimate purpose of use can be for Ag, M&I, fish and wildlife, or groundwater recharge.
- All transfers and exchanges will be between willing sellers and willing buyers.
- Transfers or exchanges will occur without new construction or modifications to facilities.
- Transfers or exchanges are limited to existing supply and will not increase overall consumptive use.
- Transfers or exchanges for Ag will be used on lands irrigated within the last three consecutive years.
- Transfers or exchanges will not lead to any land conversions.
- Transfers or exchanges will comply with all applicable Federal, State, Local or Tribal laws or requirements imposed for the protection of the environment and Indian Trust Assets (ITAs).
- Transfers or exchanges cannot alter the flow regime of natural water bodies such as rivers, streams, creeks, ponds, pools, wetlands, etc., so as not to have a detrimental effect on fish or wildlife, or their habitats.

Table 1: Contract Amounts for Friant Contractors and SOD Contractors

Friant Contractors	Class 1 CVP Supply (AF/year)	Class 2 CVP Supply (AF/year)
Arvin-Edison WSD (PWRPA member)	40,000	311,675
Chowchilla Water District (WD)	55,000	160,000
City of Fresno	60,000	0
City of Lindsay	2,500	0
City of Orange Cove	1,400	0
County of Madera	200	0
Delano-Earlimart Irrigation District (ID)	108,800	74,500
Exeter Irrigation District	11,100	19,000
Fresno Co. Waterworks No. 18	150	0
Fresno ID	0	75,000
Garfield WD	3,500	0
Gravelly Ford WD	0	14,000
Hills Valley WD	1,250	0
International WD	1,200	0
Ivanhoe WD	6,500	500
Kaweah Delta Water CD	1,200	7,400
Kern-Tulare WD – partial assignment	0	5,000
Lewis Creek WD	1,200	0
Lindmore ID	33,000	22,000
Lindsay-Strathmore ID	27,500	0
Lower Tule River ID	61,200	238,000
Madera ID	85,000	186,000
Orange Cove ID	39,200	0
Porterville ID	15,000	30,000
Saucelito ID	21,500	32,800
Shafter-Wasco ID	50,000	39,600
Southern San Joaquin MUD	97,000	50,000
Stone Corral ID	10,000	0
Tea Pot Dome WD	7,200	0
Terra Bella ID	29,000	0
Tri-Valley WD	400	0
Tulare ID	30,000	141,000

Non-Friant Contractors	Supply (AF/year)
City of Avenal	3,500
Banta-Carbona ID (PWRPA member)	20,000
Byron-Bethany ID	20,600
City of Coalinga	10,000
Coelho Family Trust	2,080
Del Puerto ID	140,210
Dudley Ridge Water District	45,350
Eagle Field WD	4,550
Fresno County	3,000
Fresno Slough WD	4,000
Grasslands WD	Level 2 and/or Level 4
Hills Valley ID	3,346
City of Huron	3,000
James ID (PWRPA member)	35,300

Kern County Water Agency *Includes Belridge WSD, Kern Delta WD, Rosedale-Rio Brave WSD, Semitropic WSD, Buena Vista WSD, Cawelo WD (also a PWPRA member), Berrenda Mesa WD, Henry Miller WD, Lost Hills WD, Tehachapi-Cummings WD, Tejon-Castaic WD, West Kern WD, and Wheeler Ridge – Maricopa WD*	982,730
Non-Friant Contractors	**Supply (AF/year)**
CVPIA San Joaquin Valley National Wildlife Refuges served by the DMC or San Luis Unit	Level 2 and/or Level 4
CVPIA State Wildlife Areas	Level 2 and/or Level 4
Kern-Tulare WD Includes Rag Gulch WD	40,000
Laguna WD	800
Lower Tule River ID	31,102
Mercy Springs WD	2,842
Metropolitan WD of Southern California	1,911,500
North Kern WSD	6,000 to 394,000 (variable)
Oro Loma WD	4,600
Pacheco WD	10,080
Panoche WD	94,000
Patterson ID	16,500
Pixley ID	31,102
Rosedale-Rio Bravo WSD	29,900
San Benito County WD	43,800
San Joaquin River Exchange Contractors Water Authority	840,000
San Luis WD	125,080
Santa Clara Valley WD (PWRPA member)	152,500
Sonoma County Water Agency (PWRPA member)	76,000
The West Side ID (PWRPA member)	5,000
City of Tracy Includes Westside ID and Banta-Carbona ID	29,333
Tranquility ID	13,800
Tranquility PUD	70
Tri-Valley Water District	1,142
Tulare County	5,308
Tulare Lake Basin WSD	87,471
West Stanislaus ID	50,000
Westlands WD Includes partial assignments	1,150,000
Princeton-Cordora-Glenn ID	
Provident ID	
Reclamation District 108	

The proposed action will help supplement any surface water need that a particular water district or districts could have in the short term. Therefore, this proposed action is temporary in nature and will have no adverse impact to water resources, given the parameters as described above and in the attached EA.

The proposed action will not result in changes to land use and therefore, will have no adverse impacts to land use. There will be no land conversions or land fallowing as a result of the delivery, transfer or exchange of recaptured Restoration Flow water. The proposed action is short-term and would not provide a long-term reliable supply to support long-term land use changes.

The proposed action will not result in adverse impacts to biological resources. The proposed action will have no effect on listed species, designated critical habitat, essential fish habitat, or species listed under the Migratory Bird Treaty Act. Existing facilities will be used to transfer and exchange water and water will be delivered to existing agricultural lands. No land use or habitat changes will occur as a result of the proposed action.

The proposed action is an undertaking as defined in Section 301 (7) of the National Historic Preservation Act (NHPA) and subject to Section 106 review. The actions as described above will not modify existing facilities, and will not have the potential to cause effect to historic properties if they are present. The recirculation of water as described would occur through existing facilities and within current water service area boundaries, without modification to existing facilities, construction of new facilities, or change in land use, thus the proposed action has no potential to cause effects on historic properties pursuant to 36 CFR Part 800.3(a)(l).

The proposed action will not result in adverse impacts to ITAs or Indian sacred sites.

The proposed action will not adversely impact socioeconomic resources. There will be no increases or decreases of agricultural production, urbanization, construction, or other changes as a result of the transfer and exchange of water between the districts. The proposed action will assist in sustaining existing agricultural production.

The proposed action will not disproportionately impact economically disadvantaged or minority populations. Water transfers and exchanges will not result in employment gain or loss, but could result in sustained job rates for agricultural workers in the short term.

The proposed action will not result in adverse impacts to air quality. The movement of water between districts will be done via gravity flow and/or pumped using electric motors which have no direct emissions. The proposed action will not involve any construction or land disturbance that could lead to fugitive dust emissions or exhaust emissions associated with the operation of construction equipment.

The proposed action will not result in adverse impacts to or be affected by potential global climate change, given its short term nature. The majority of power utilized in CVP facilities is generated by hydroelectric power by CVP facilities. Therefore, the energy used to run the facilities does not typically result in the burning of fossil fuels. All water moved under this

temporary action will be within existing contract totals and will not increase deliveries to contractors, thus, not resulting in increased pumping in conveyance facilities. Greenhouse gas emissions will not be anticipated to substantially increase under the proposed action in a quantity that will result in an impact to overall global climate change.

Contract execution for the transfer and exchange of recirculation water will not have any controversial or highly uncertain effects, or involve unique or unknown environmental risks. The proposed action will not trigger other water service actions and does not contribute to cumulative effects to physical resources when added to other water service actions. The canals, distribution, rivers, creeks, and conveyance facilities associated with the proposed action are managed primarily for agricultural supplies. The proposed action will not interfere with the deliveries, operations, or cause substantial adverse changes to the conveyance facilities.

The proposed transfers, when considered with other actions, do not contribute to significant increases or decreases in environmental conditions. These water service actions are proposed to occur only to distribute up to a maximum of 260,000 AF per year of recaptured Restoration Flows. These transfer actions are not precedent-setting. The proposed action will not considerably contribute to any cumulative impacts on any resources areas. Overall, there would be no cumulative impacts caused by the proposed action beyond those discussed in the PEIS/R.