

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Central Valley Project Interim Renewal Contract for Cross Valley Contractors 2018-2020

FONSI-17-020



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

February 2018

Mission Statements

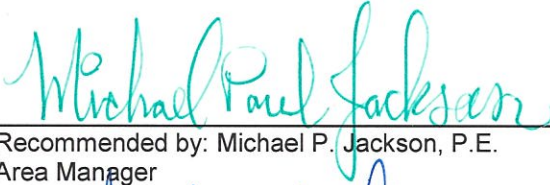
The Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

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-17-020

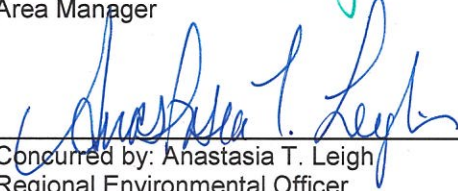
**Central Valley Project Interim Renewal
Contract for Cross Valley Contractors
2018-2020**



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 3404(c) of the Central Valley Project Improvement Act (CVPIA), the Bureau of Reclamation (Reclamation) proposes to execute eight Cross Valley Contractor interim renewal contracts beginning March 1, 2018 (Table 1). These eight interim renewal contracts would be renewed for a two-year period from March 1, 2018 through February 29, 2020. In the event a new long-term renewal contract for water service is executed, the interim renewal contract then-in-effect would be superseded by the long-term renewal contract.

Table 1 Contractors, Existing Contract, Contract Amounts, and Expiration Dates

Contractor	Contract Number	Contract Quantity (AFY)	Expiration of Existing Interim Renewal Contract
County of Fresno ¹	14-06-200-8292A-IR16	3,000	2/28/2018
County of Tulare ²	14-06-200-8293A-IR16	5,308	2/28/2018
Hills Valley Irrigation District ^{3*}	14-06-200-8466A-IR16	3,346	2/28/2018
Kern-Tulare Water District*	14-06-200-8601A-IR16	40,000	2/28/2018
Kern-Tulare Water District (from Rag Gulch Water District) ^{3,4}	14-06-200-8367A-IR16	13,300	2/28/2018
Lower Tule River Irrigation District*	14-06-200-8237A-IR16	31,102	2/28/2018
Pixley Irrigation District	14-06-200-8238A-IR16	31,102	2/28/2018
Tri-Valley Water District*	14-06-200-8565A-IR16	1,142	2/28/2018

¹County of Fresno includes Fresno County Service Area #34
²County of Tulare subcontractors include Alpaugh Irrigation District (100 AF), Atwell Water District (50 AF), Hills Valley ID (2,913 AF), Saucelito Irrigation District (100 AF)*, Stone Corral Irrigation District (950 AF)*, City of Lindsay (50 AF)*, Strathmore Public Utility District (400 AF), Styrotek, Inc. (45 AF), Smallwood Vineyards (400 AF), and City of Visalia (300 AF).
³Lower Tule River Irrigation District, Saucelito Irrigation District, Stone Corral Irrigation District, Tri-Valley Water District, Kern-Tulare Water District, Hills Valley Irrigation District, and City of Lindsay receive CVP water under more than one contract, either as Friant Division and/or Cross Valley Contractors.
⁴Kern Tulare Water District and Rag Gulch Water District consolidated on January 1, 2009.
*These contractors also receive CVP water under a Friant Division contract that is not part of the Proposed Action.

Reclamation prepared Environmental Assessment (EA)-17-020, *Central Valley Project Interim Renewal Contract for Cross Valley Contractors 2018-2020*, in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, to consider potential impacts of issuing a two-year renewal contract. The EA is tiered to the Central Valley Project Improvement Act (CVPIA) Programmatic Environmental Impact Statement (PEIS), October 1999. This FONSI is supported by EA-17-020, which is incorporated by reference.

Background

Interim renewal contracts have been and continue to be executed pursuant to 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. 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.

Alternatives Considered

No Action

Under the No Action alternative, Reclamation would not renew the Cross Valley Contractors interim renewal contracts set to expire February 28, 2018. The Cross Valley Contractors would no longer be able to collectively receive up to 128,300 acre-feet per year (AF/y) of Central Valley Project (CVP) water pursuant to the contracts listed in Table 1. Reclamation would continue to pursue execution of long-term renewal contracts with the Cross Valley Contractors, as mandated by Section 3404(c) of the CVPIA. However, until such time as the environmental documentation was completed for these long-term contracts, there would be no contractual mechanism for Reclamation to deliver up to 128,300 AF/y of CVP water to the Cross Valley Contractors and in the interim the existing water supply needs for the majority of the Districts' customers would be unmet.

Proposed Action

The Proposed Action includes two components: 1) execution of up to eight interim renewal contracts with the Cross Valley Contractors listed in Table 1, and 2) transfer approvals associated with the Cross Valley Contractors' exchange arrangements with individually proposed exchange partners that coincide with the interim renewal contracts as described in Section 2.2 of EA-17-020.

Environmental Commitments

Reclamation and the contractors shall implement the environmental protection measures included in Table 2 of EA-17-020 as well as all terms and conditions listed in the U.S. Fish and Wildlife Service (FWS) concurrence memorandum included in Appendix G of EA-17-020. Environmental consequences for resource areas assume the measures specified will be fully implemented.

Comments on the EA

Reclamation provided the public with an opportunity to comment on the Draft FONSI and Draft EA between January 19, 2018 and February 16, 2018. One comment letter was received from the Center for Biological Diversity, Planning and Conservation League, Center for Food Safety, Environmental Water Caucus, Sierra Club California, Institute for Fisheries Resources, and Southern California Watershed Alliance. The comment letter did not address specific comments on the analysis in EA-17-020 but generally asserts that "Reclamation must allow public review and comment on FWS' biological opinions regarding interim contract renewal" and that "Reclamation has prevented appropriate public comment on the actions Reclamation proposes to take" because Reclamation "failed to make available current biological opinions prepared by the United States Fish and Wildlife Service ("FWS") addressing the impacts of the IRCs on species

listed under the Endangered Species Act (“ESA”). As a matter of process, there is no requirement to share ESA consultation documents with the public prior to preparing NEPA documentation; however, Reclamation provided a discussion of the effects to ESA listed species in the EA, and that information was the same information used to consult with the FWS. As the letter indicates, Reclamation is required to ensure its actions do not jeopardize the continued existence of a species, and through consultation with the FWS has done so for this project. The concurrence memorandum received from the FWS is included as Appendix G of EA-17-020. No additional information was provided that changed the analysis contained in EA-17-020.

Findings

In accordance with NEPA, Reclamation determined that the 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 reasons are 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); flood plains (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 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).