

RECLAMATION

Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Sacramento Suburban Water District

Long-Term Warren Act Contract

FONSI CCAO 18-01

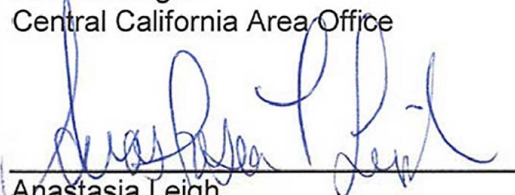
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Date: Sep 24 2018

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Date: 9/25/2018

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Date: 10/11/2018



Background

This Finding of No Significant Impact (FONSI) for the issuance of a Long-Term Warren Act contract (LTWAC) between Sacramento Suburban Water District (SSWD) and the Bureau of Reclamation's Central California Area Office (Reclamation), has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended; the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of the NEPA of 1969 (40 Code of Federal Regulations [CFR] Parts 1500-1508); and Department of the Interior regulations (43 CFR Part 46).

The Warren Act (43 U.S.C. §523) of 1911 provides authorization to the Secretary of the Interior to enter into WACs with water purveyors to carry non-Central Valley Project (i.e., non-CVP water) through federal facilities. Section 305 of the Reclamation States Emergency Drought Relief Act of 1991 (106 Stat. 59) allowed Reclamation to enter into Warren Act contracts for purposes other than for irrigation. Therefore, these contracts would provide for the impounding, storage, and conveyance of non-CVP water for domestic, municipal, fish and wildlife, industrial, and other beneficial uses using any CVP facilities identified in the law, including Folsom Reservoir.

The proposed action would execute a "wet-year only" contract, delivering annually up to 29,000 acre-feet per year (AFY) of Placer County Water Agency (PCWA) Middle Fork Project (MFP) water through Folsom Reservoir for municipal and industrial (M&I) uses in SSWD's service area in north Sacramento County for the purpose of groundwater stabilization in that region. The term of the contract would be 27-years; from the date of issuance through December 31, 2045. This LTWAC water delivery would be made through existing facilities and no new construction is required.

Reclamation prepared the SSWD LTWAC Environmental Assessment (EA). The EA concludes that execution of SSWD's LTWAC would not have a significant effect on the human environment. Therefore, an environmental impact statement is not required and will not be prepared for this project.

Alternatives Including Proposed Action

No Action Alternative

Further consideration of possible alternatives to the Proposed Action determined that the range of alternatives available to meet even the most basic purposes and need for the action is extremely limited. Diversion at Folsom Reservoir is necessary in order to avoid substantial additional investment, facilities construction and environmental impact associated with the development of alternative diversion and/or conveyance facilities. In addition, the feasibility of such alternative facilities is unknown. Also, any reduction in the total amount of the proposed 29,000 AFY diversion in wet years would be inconsistent with the basic purpose of the LTWAC which is to reduce reliance on groundwater resources within the SSWD service area.

Therefore, the EA considers two possible actions: the No Action Alternative and the Proposed Action. The No Action Alternative reflects future conditions without the Proposed Action and serves as a basis of comparison for determining potential effects to the human environment. Under the No Action Alternative, 29,000 AFY of non-Central Valley Project (Non-CVP) water would be diverted at PCWA's American River Pump Station for use within PCWA's service area.

Proposed Action

As noted previously, the Proposed Action is a “wet-year only” contract that would allow the diversion of up to 29,000 AFY of PCWA MFP water from Folsom Reservoir to serve customers in the SSWD’s service area. The “wet-year only” contract conditions reflect existing minimum in-stream flow agreements for water deliveries to the contractor according to the following restrictions:

- a) In years when the projected March-to-November unimpaired inflow to Folsom Reservoir is greater than 1,600,000 AF; or
- b) Notwithstanding a) above, in a December, January, and February following a March through November period when the unimpaired inflow was less than 1,600,000 AF, when and after water is being released from Folsom Reservoir for flood protection.

No changes in land use or construction related activities are included as part of this action; the proposed surface water supply would only be an in-lieu replacement of an already existing water supply (groundwater) and not an additional water supply. Therefore, direct impacts on resources related to facilities construction and indirect impacts related to growth and development due to the Proposed Action would not occur.

Public Review of the EA

Reclamation prepared, and posted on its website, the SSWD LTWAC Environmental Assessment (EA) for public review and comment. The public review period began on June 8, 2018, and ended on July 9, 2018. A comment letter was received from AquAlliance. Below is a discussion of the substantive issues raised regarding the analysis and how it was used in Reclamation’s decision. The comments summarized below cover the following topics: 1) NEPA sufficiency; 2) cumulative effects of Proposed Action; 3) ITA and cultural resources; 4) fish and wildlife; 5) reasonably foreseeably actions; 6) hydrologic analysis, and 7) water reliability nexus.

Scope of the Action

Reclamation’s decision is the approval or disapproval of the proposed LTWAC authorizing conveyance of non-CVP water through Federal facilities. The Proposed Action does not include a Federal water transfer approval. Reclamation has no discretionary action tied to the use of this water once it is conveyed outside of Reclamation’s Federal facility. The Commenter suggested that the analysis lacked consideration of water transfers. Past and potential future transfers are separate actions and subject to their own environmental review under NEPA and/or CEQA, as appropriate.

NEPA sufficiency

The Commenter stated that the level of analysis was inappropriate given the level of impacts and should have concluded in an EIS.

Reclamation’s EA fully complies with §1508.9. The EA relies upon the determination of the significance of Proposed Action’s contribution to future regional hydrological conditions in relation to past, ongoing and foreseeable future impacts on regional hydrological conditions and related resources.

The review of the Proposed Action’s potential impact on environmental and human resources as presented in the EA, is comprehensive and is in compliance with NEPA requirements. The need for the suggested EIS is not justified given the lack of significant adverse effects directly, indirectly or cumulatively attributable to the Proposed Action.

Cumulative Effects of Proposed Action

The Long-Term Operations EIS/EIR provides a recent and comprehensive assessment of cumulative conditions related to ongoing and projected operation the Central Valley Project and State Water Project, addressing specifically resources and facilities to be used to implement the proposed SSWD LTWAC. As such, it is the best available resource to present the cumulative context for determining the Proposed Action's contribution to the cumulative effects of past, ongoing, and future water projects on Folsom Reservoir operations and lower American River hydrology and resources. Furthermore, as described in detail in the EA, this action would have minimal effect on water supplies, hydrology, and CVP/SWP operations. As such, the contribution of the Proposed Action's cumulative impacts on surface hydrology and related resources would be discountable.

ITA and Cultural Resources

Reclamation reviewed the potential for the Proposed Action to cause effects on historic properties. Reclamation's finding of no potential to affect cultural resources [pursuant to 36 CFR § 800.3(a)(1)] concluded our responsibilities to fulfill Section 106 of the NHPA—i.e., no further need to consult. In addition, the Proposed Action does not have a potential to affect Indian Trust Assets.

Fish and Wildlife

The Commenter's contention that the action should mitigate for any impacts on fish and wildlife, appears to be based on the assertion that the proposed project would cause future growth and development within areas served by SSWD. As described in the EA, the analysis concluded that growth and development within the LTWAC Service Area is not contingent on water provided under the Proposed Action nor would it be induced by the Proposed Action.

Reasonably foreseeable actions

Potential growth inducing impacts and future water transfers were addressed in the EA. The modeling analysis detailed in the EA provides a good indication of how the project will operate in the future under a wide range of hydrologic conditions. Furthermore, the wet-year only restriction does not allow SSWD to identify this water supply as a firm water supply to meet growth obligations within its service area under the State requirements.

Hydrologic Analysis

CalSim II contains assumptions about physical characteristics, minimum flow requirements, Delta Outflow requirements, consumptive demands and hydrology on a monthly time step. Testing the project alternatives using the known hydrologic variability provides a good indication of how the project will operate in the future under a wide range of hydrologic conditions.

Water reliability nexus

The nexus between water supply availability, current and future demands, and planned or anticipated population growth and associated urban/rural development was identified and discussed. A generalized discussions of this nexus, in the context of the County's General Plan provisions, was also evaluated.

Finally, we refer the Commenter to the Sacramento Suburban Water District 2015 Urban Water Management Plan ([2015 Urban Water Management Plan](#)) for expanded detail concerning past impacts related to area groundwater use. That plan provides considerable detail regarding historical, current, and projected groundwater conditions within the SSWD's service areas.

Findings

Based on the attached Final EA for the SSWD LTWAC, which is hereby incorporated by reference, Reclamation finds that the proposed action is not a major federal action that would significantly affect the quality of the human environment. Following are the reasons why the impacts of 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 is not likely to result in effects to the human environment that are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5)).
3. 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)).
4. Effects of the proposed action have no potential to be considered highly controversial (40 CFR 1508.27(b)(4)).
5. The proposed action will not have significant cumulative impacts to the human environment (40 CFR 1508.27(b)(7)).
6. The proposed action has no potential to affect historic properties (40 CFR 1508.27(b)(8)) because no ground disturbing activities or construction activities are included or will result from the execution of the LTWAC. Therefore, Reclamation has no further obligation under Title 54 U.S.C. § 306108, commonly known as Section 106 of the National Historic Preservation Act, pursuant to 36 C.F.R. § 800.3(a)(1).
7. The CalSim II¹ modeling analysis conducted for the implementation of LTWAC (November 2017) found that there was no effect to Folsom Reservoir operations or cold water pool management. Therefore, Reclamation has concluded no effects to the operation of Folsom Reservoir based on flows or management of the cold water pool and their ability to meet downstream fisheries requirements for Central Valley steelhead, and fall/spring-run Chinook salmon as a result of the LTWAC.
8. The EA determined that no new construction would occur as a direct or indirect result of the proposed action. In addition, the delivery of water made available to customers within the LTWAC service area would in no way influence growth and development within the service area due to the availability of existing alternate sources of water. Based on this result, there would be no effect on terrestrial and riparian special-status species relative to the environmental baseline within the LTWAC service area.
9. The proposed action will not violate 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), as there are no tribes possessing legal property interested held in trust by the United States in the water involved with this action, nor is there such a property interest in the lands designated to receive the water proposed in this action.

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 significantly adversely affect the physical integrity of such sacred sites (EO 13007 and 512 DM 3). No sacred sites are known to exist within the proposed LTWAC action area.

ⁱ CalSim is the model used to simulate California State Water Project (SWP)/Central Valley Project (CVP) operations. CalSim-II is the latest version of CalSim available for use.