

RECLAMATION

Managing Water in the West

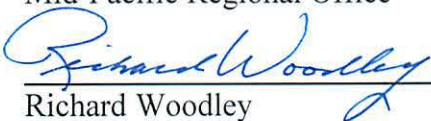
FINDING OF NO SIGNIFICANT IMPACT (FONSI-19-22-MP)

Extended Agreement for the Acquisition of Water from Merced Irrigation District for the East Bear Creek Unit of the San Luis National Wildlife Refuge (2019-2020)

Mid-Pacific Regional Office, Sacramento, CA

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Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to 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.

Background

In January 2018, the Bureau of Reclamation (Reclamation) signed a Finding of No Significant Impact (FONSI) for the Department of the Interior Refuge Water Supply Program's (RWSP) amendment to an existing contract with Merced Irrigation District (MID) to acquire up to 8,863 acre-feet (AF) of water for the East Bear Creek Unit of the San Luis National Wildlife Refuge Complex (Refuge) through August 25, 2018, including that some of the water provided would be from storage and/or water made available as a result of MID's reoperation of Lake Yosemite during flood control periods to create a more advantageous flow rate for the Refuge. In 2018 Reclamation extended the Agreement through July 15, 2019. Reclamation is now extending the date of the Agreement through August 16, 2020 for the same amount and sources of water for the Refuge, which is the subject of this FONSI.

The proposed acquisition is being undertaken pursuant to, and would be in full compliance with, Section 3406(d)(2) of Title XXXIV of the Act of October 1992 (106 Stat. 4706) Central Valley Project Improvement Act (CVPIA), which authorizes new water supply contracts for fish and wildlife purposes.

Prior to the current update, Reclamation signed a FONSI in 2012 for the acquisition of up to 7,363 AF of water from MID to the Refuge, some of which was made available from Lake Yosemite (FONSI 12-21-MP). The current FONSI is supported by Reclamation's FONSI 18-33-MP, FONSI 18-04-MP, EA/FONSI 17-32-MP and FONSI 12-21-MP, all of which are hereby attached and incorporated by reference.

Alternatives Including Proposed Action

No Action Alternative

Under the No Action Alternative, Reclamation would not continue to purchase water from MID through August 16, 2020 for delivery to the Refuge and requirements under CVPIA may not be met. Absent this extension, water available for acquisition from MID in 2019 and 2020 would be held in storage in Lake McClure and the reoperation of Lake Yosemite to provide water to East Bear Refuge would not occur.

Proposed Action Alternative

Consistent with applicable State water rights, Federal law, and subject to the terms and conditions of its water rights, licenses and contracts, MID will make available for Reclamation to acquire and pay for up to a total of 8,863 AF of storage water or water made available as a result of MID's reoperation of Lake Yosemite during flood control periods to create a more advantageous flow rate for the Refuge through August 16, 2020.

The Proposed Action is for Reclamation to enter into an amended agreement with MID for a temporary water acquisition of up to 8,863 AF to help meet water supply needs for the Refuge through August 16, 2020 (Fourth Amendment to Agreement No. 17-WC-20-5097). The acquired water would be delivered to the Refuge via Bear Creek and diverted by the Refuge's existing pumping plant on Bear Creek. Deliveries to the Refuge will cross the Eastside Canal which is owned and operated by the Stevinson Water District (SWD), therefore the supply of water between September 2019 and July 2020 is dependent on an agreement between the MID and SWD.

The exact amount of water to be acquired each month will vary based upon the actual water needs of the East Bear Creek Unit as determined by the Refuge Representative and the actual amount of water made available to Reclamation by MID, as determined by MID.

The Proposed Action remains unchanged other than extending the amended contract (17-WC-20-5097) through August 16, 2020.

Findings

In accordance with NEPA, the Mid-Pacific Regional 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 are the reasons 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); floodplains (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).