



— BUREAU OF —
RECLAMATION

FINDING OF NO SIGNIFICANT IMPACT (FONSI-20-02-BDO)
**Contract Amendment for the
Acquisition of Water from Merced
Irrigation District for the East Bear
Creek Unit of the San Luis National
Wildlife Refuge (2020-2021)**

Bay-Delta Office, Sacramento, CA

Recommended by: **DAVID MOONEY** Digitally signed by DAVID MOONEY
Date: 2020.10.28 12:30:16 -07'00'

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Ernest A. Conant
Regional Director

Mission Statements

The Department of the Interior (DOI) conserves and manages the Nation's natural resources and cultural heritage for the benefit and enjoyment of the American people, provides scientific and other information about natural resources and natural hazards to address societal challenges and create opportunities for the American people, and honors the Nation's trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities to help them prosper.

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 amended the contract through July 15, 2019. In 2019, Reclamation amended the contract through August 16, 2020. Reclamation is now amending the date of the contract through October 2021 for the same amount 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). In 2017, Reclamation prepared an amendment to the EA to include up to 8,863 AF of water from MID for the Refuge (EA/FONSI 17-32-MP). An additional FONSI (18-04-MP) was prepared that included water made available as a result of MID's reoperation of Lake Yosemite. This agreement was extended again in 2018 (FONSI 18-33-MP) and 2019 (FONSI 19-22-MP). The above documents support the current FONSI and are hereby 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 October 2021 for delivery to the Refuge and requirements under CVPIA may not be met. Absent this extension, water available for acquisition from MID in 2020 and 2021 from 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 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 October, 2021.

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 October 2021 (Fifth 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 October 2020 and October 2021 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 removing Lake McClure and extending the amended contract (17-WC-20-5097) through October 2021.

Findings

Reclamation considered potential short-term and long-term effects of the Proposed Action, both beneficial and adverse. Following are the reasons why the impacts of the Proposed Action are not significant, with respect to the affected environment and degree of effects of the action (40 CFR 1501.3(b)).

1. The Proposed Action will not significantly affect public health or safety (40 CFR 1501.3(b)(2)(iii)).
2. The Proposed Action will not violate federal, state, tribal or local law protecting the environment (40 CFR 1501.3(b)(2)(iv)).
3. The Proposed Action will not affect any Indian Trust Assets (512 DM 2, Policy Memorandum – July 2, 1993).

4. Implementing the Proposed Action will not disproportionately affect minorities or low-income populations and communities (EO 12898 – February 11, 1994).
5. 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 – May 24, 1996 and 512 DM 3 – June 5, 1998).