



— BUREAU OF —
RECLAMATION

FINDING OF NO SIGNIFICANT IMPACT FONSI-21-06-BDO (CGB-EA-2021-039)

Groundwater Actions to Offset Surface Water Diversions from the Sacramento River in Response to Drought in 2021

Central Valley Project, California
California-Great Basin Region

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Mission Statements

The U.S. 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.

Background

Reclamation will fund participating entities in the pilot project who operate existing groundwater wells to further offset surface water diversions from the Sacramento River, subject to certain conditions and the availability of funding. This pilot program is intended to incentivize further reductions above current commitments in order to make additional surface water supply available in the Sacramento River (Proposed Action).

The 2021 initial Central Valley Project (CVP) water supply allocation was announced in February. Since then, hydrologic conditions have degraded. The 2021 water year for the Sacramento-San Joaquin River Basin is currently the driest since 1977. Between the April 1 and May 1 forecasts, there was a 685,000 acre-foot reduction in the projected natural flow to the Sacramento, Feather, Yuba, and American rivers. The extremely dry conditions in the San Francisco Bay/Sacramento-San Joaquin Delta (Bay-Delta) watershed pose challenges to the effective management of the CVP and State Water Project (SWP), managed by Reclamation and the California Department of Water Resources (DWR).

The May 1 Bulletin 120 hydrological projections indicate a substantial risk to health and safety, reservoir storage levels, temperature control, minimum instream flow requirements, power generation, and the ability to repel salinity in the Bay-Delta. The Governor of California's May 10, 2021, Emergency Proclamation declared a state of drought conditions in the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake Watershed counties. Paragraph 3 of the Proclamation directs DWR and the State Water Resources Control Board to expeditiously consider requests to move water, where appropriate, to areas of need, including requests involving voluntary water transfers, forbearance agreements, water exchanges, or other means to support voluntary approaches where hydrology and other conditions allow.

Proposed Action

Surface water diversions are reduced when groundwater pumping occurs to offset those diversions. Under the Proposed Action, Reclamation will fund a pilot/demonstration project for use of existing groundwater wells during August through October 2021 to further offset surface water diversions from the Sacramento River in response to drought conditions, which is estimated to result in a reduction of up to approximately 60,000 acre-feet in surface water diversions by SRSCs from the Sacramento River. The quantity of water represents an approximate maximum; the actual total could be less. The voluntary reduction in surface water diversions by participating SRSCs is intended to assist in Reclamation's efforts to manage water for various beneficial purposes in the Sacramento Valley, including listed aquatic species, cities, farms, fish and birds. This groundwater pumping in lieu of surface water diversions would only occur after the fulfillment of transfer commitments from those wells participating in the transfer programs to SLDMWA and TCCA. Those wells that are not participating in the transfer program would not be subject to transfer commitments, and could participate in this proposed voluntary program immediately.

The voluntary groundwater pumping will occur at groundwater wells operated by participating SRSCs or their growers/landowners. Table 1 identifies the SRSCs potentially participating in the effort to voluntarily pump groundwater, including the estimated up-to quantity of groundwater pumping. The EA identifies the locations of approximately 160 groundwater wells proposed to be operated for the purpose of voluntary groundwater pumping analyzed under this EA. The pilot/demonstration wells would follow a regional approach to monitoring wells through the DWR network using telemetry or other methods of monitoring and specific triggers to avoid over pumping and water quality impacts and ensure a more conservative approach than those included in the LWT Program. New groundwater wells will not be installed as part of the Proposed Action.

Table 1 List of Entities and Potential Up-to Quantities for each Entity in the Proposed Action

Participating SRSC	Potential Up-To Voluntary Groundwater Pumping Quantity (AF)
Anderson-Cottonwood Irrigation District	3,000
Glenn-Colusa Irrigation District	25,000
Princeton-Codora-Glenn Irrigation District	8,000
Provident Irrigation District	8,000
Reclamation District No. 108	12,500
Reclamation District No. 1004	4,300
River Garden Farms	3,000
Sycamore Mutual Water Company	3,000

¹ The total quantity of voluntary groundwater pumping for all entities would not exceed 60,000 AF.

Regional groundwater levels under the Proposed Action would be, at a minimum, monitored monthly (or weekly as feasible) prior to, during, and following voluntary groundwater pumping. The monitoring would occur at wells monitored by DWR and participating SRSCs. The wells would be distributed throughout the areas where voluntary groundwater pumping occurs to provide a representative depiction of basin-wide groundwater levels. Reclamation and participating SRSCs would cooperate in selecting these wells. Existing monitoring networks available will be considered for use in this voluntary approach. Where appropriate, the groundwater monitoring networks associated with efforts to comply with the Sustainable Groundwater Management Act (SGMA) or networks associated with groundwater substitution transfers may be relied upon by Reclamation and SRSCs. In the case that groundwater level declines are detected during the period of groundwater pumping for the voluntary program, Reclamation will evaluate the affected area to assess which groundwater wells may need to reduce or cease pumping until groundwater levels recover to restart pumping. While a groundwater well may continue to be operated, it would not be in connection with the voluntary groundwater pumping approach funded by Reclamation. This real-time groundwater management program would allow the maximum use of groundwater, while minimizing effects, to conserve surface water supplies to meet Reclamation’s other objectives/requirements. In addition, the groundwater level data collected during this drier year with the proposed voluntary approach provides an opportunity to gather additional groundwater level data that would not be available absent the approach. Those additional data could be relied upon to assist with informing future groundwater management activities, such as voluntary groundwater pumping approaches during drier years, efforts associated with SGMA, and/or water transfers involving groundwater substitution.

Participants under the Proposed Action will comply with all applicable state and Federal laws. Participants will acquire all required and applicable permits or licenses from the appropriate Federal, State, or local authorities necessary for the delivery of water.

On June 30, 2021, Reclamation sent a letter response to SRSCs requests for WY 2021. This letter is included as Appendix B. As part of that letter, Reclamation shall provide each SRSC a letter of agreement identifying their participation in the Proposed Action identifying specific methodology. An example letter is included as Appendix B-2.

Environmental Commitments

Environmental Commitment 1 (EC 1) – Groundwater Monitoring

- Regional groundwater levels will be monitored. Reclamation will evaluate the affected area to assess which groundwater wells under the Proposed Action may need to reduce or cease pumping until groundwater levels recover. Groundwater levels will be monitored monthly (or weekly as feasible) prior to, during, and following the period of pumping for the voluntary effort, through March 2022. The monitoring would occur at wells monitored by DWR and participating SRSCs.

Environmental Commitment 2 (EC 2) – Air Quality

- All water agencies would operate their groundwater pumps in compliance with the local air quality rules and regulations. Under the Proposed Action, participants would provide evidence of registration of diesel energy sources with their local district.

Public Involvement

Publishing a draft EA is not required under the National Environmental Policy Act (NEPA) (43 CFR §46.305(b)). Reclamation is required to provide public notification and public involvement, to the extent practicable ((43 CFR §46.305(a)), such as a public notice, press release, or posting to Reclamation’s website. Reclamation provided the public with an opportunity to comment on the EA during the public review period. The document is available on Reclamation’s website:

https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=50127.

Reclamation posted the EA on July 7, 2021. Comments were requested by July 14, 2021. A notification was delivered through Reclamation’s California-Great Basin Region NEPA Notification email: sha-mpr-nepanotice@usbr.gov. Reclamation updated the EA to reflect substantial and informative comments and responded to comments in Appendix A to the EA. Agencies may revise the EA based on comments received without the need to initiate another comment period (43 CFR §46.305(b)).

Findings

In assessing the appropriate level of NEPA review, Reclamation determined the Proposed Action is not likely to have significant effects. In considering whether the effects of the Proposed Action are significant, Reclamation analyzed the affected environment and degree of the effects of the action.

The Council on Environmental Quality (CEQ) NEPA regulations provide that (40 CFR §1508.1(g)) “Effects or impacts means changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives, including those effects that occur at the same time and place as the proposed action or alternatives and may include effects that are later in time or farther removed in distance from the proposed action or alternatives.”

The Proposed Action will occur within existing facilities and there would be no effects to the following resources: Aesthetics; Geology, Soils, & Mineral Resources; Land Use; Population & Housing; Transportation & Traffic; Recreation; Hazards & Hazardous materials; Cultural Resources; Public Services & Utilities.

40 CFR §1501.3 Determine the Appropriate Level of NEPA Review

On July 16, 2020, CEQ published a final rule to update its regulations for Federal agencies to implement NEPA. On April 16, 2021, the Department of the Interior (DOI) released Secretarial Order (SO) 3399, which directed departments to “not apply the 2020 Rule in a manner that would change the application or level of NEPA that would have been applied to a proposed action before the 2020 Rule went into effect on September 14, 2020.” Reclamation therefore considered cumulative effects, as well as applying the requirements of the 2020 CEQ regulations, in consideration of SO 3399.

Endangered Species Act (40 CFR §1501.3(b)(1))

- Reclamation will coordinate with the USFWS and NMFS as appropriate under Section 7 of ESA. Reclamation has previously consulted with the agencies under Section 7 of ESA for operation of the CVP: NMFS LTO Endangered Species Act (ESA) Section 7 Biological Opinion, October 21, 2019 and USFWS LTO Biological Opinion, October 21, 2019. Reclamation’s operation of the CVP relies on these consultations to satisfy ESA compliance for anadromous fish and delta smelt, including for water transfers. Additionally, Reclamation consulted with the USFWS on the effects of approving water transfers involving crop idling and crop substitutions on Giant Garter Snake: USFWS Long-Term Water Transfers Project Biological Opinion, May 17, 2019.

Short-term and long-term effects (40 CFR §1501.3(b)(2)(i))

- Reclamation considered potential short-term and long-term effects of the Proposed Action (40 CFR §1501.3(b)(2)(i)). Effects to groundwater levels are expected to be short term as the Proposed Action will occur between August and October 2021 only. On average, groundwater pumping in the region accounts for 2.25-million-acre feet and can be as high as 4.5-million-acre feet in Dry years. The use of 60,000 acre-feet under this voluntary program is well within the range of historic groundwater use for the region. Therefore, a regional approach for groundwater monitoring to assess the overall impacts regionally, as well as an individual program monitoring program based on 3rd party complaints of well performance is appropriate for the Proposed Action. Groundwater levels will be monitored to avoid substantial drawdown of the water table. Monitoring of groundwater levels would occur through March 2022. The Proposed Action will gather additional groundwater level data that would not be available absent the approach. Those additional data could be relied upon to assist with informing future groundwater management activities.

Beneficial and adverse effects (40 CFR §1501.3(b)(2)(ii))

- Reclamation considered potential effects, both beneficial and adverse, of the Proposed Action (40 CFR §1501.3(b)(2)(ii)). Reclamation and the SRSCs will increase the availability of surface water for beneficial purposes in the Sacramento Valley, including listed aquatic species, fish, birds, farms and cities. The Proposed Action also will provide water for beneficial uses such as agriculture, reducing the need for surface diversions. The Proposed Action will have temporary beneficial effects to agricultural lands from increased reliability of water supplies in 2021. The Proposed Action does not take land out of production and allows some land to remain in production. The transfers will potentially support farm workers and other employment opportunities. The Proposed Action will result in potentially beneficial environmental justice and socioeconomic effects. By reducing reliance on surface water diversions in this very dry year, Reclamation and the SRSCs intend to increase availability of water for beneficial purposes in the Sacramento Valley, including listed aquatic species, fish, birds, farms and cities.

To avoid and minimize adverse impacts to groundwater levels, the monitoring approach will include reducing or ceasing pumping at wells under the Proposed Action until groundwater levels recover to restart pumping, where possible.

Public health or safety (40 CFR §1501.3(b)(2)(iii))

- The Proposed Action will not significantly affect public health or safety (40 CFR §1501.3(b)(2)(iii)). The Proposed Action will occur on private property using private utilities and would not result in changes to the use of public services or utilities. The Proposed Action would not create a new demand on services or utilities.

Federal, state, Tribal or local law protecting the environment (40 CFR §1501.3(b)(2)(iv))

- The Proposed Action will not violate Federal, state, Tribal or local law protecting the environment (40 CFR §1501.3(b)(2)(iv)). Participants under the Proposed Action will comply with all applicable water and air pollution laws and regulations of Federal and state law, obtain all required and applicable permits or licenses from the appropriate Federal, State, or local authorities necessary for the delivery of water; and will be responsible for compliance with all Federal, State, and local water quality standards applicable to surface and subsurface drainage and/or discharges generated through the use of CVP facilities or facilities or water provided within its water service area. Additional regulations and guidance relating to the environment are described below.

Additional Considerations (Executive Orders, Departmental Memos)

In addition to considerations under 40 CFR §1501.3, Reclamation made the following determinations based on other regulations, Executive Orders (EO), Secretarial Orders (SO), and Departmental Memos (DM).

The Proposed Action will occur within existing facilities and there will be no ground disturbing activities, changes in land use, or construction proposed that could disturb existing or potential cultural resources or historic properties. This type of undertaking does not have the potential to cause effects to historic properties, should such properties be present, pursuant to the Title 54 U.S.C. § 306108, commonly known as Section 106 of the National Historic Preservation Act (NHPA) regulations codified at 36 CFR §800.3(a)(1). This action would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by Reclamation (LND 02-01) (43 CFR §46.215 (g)).

Implementing the Proposed Action will not disproportionately affect minorities or low-income populations and communities (EO 12898 – February 11, 1994). The Proposed Action does not take land out of production and allows some land to remain in production. The Proposed Action would not involve activities that will cause dislocation, or increase flood, drought, or disease, or disproportionately impact economically disadvantaged or minority populations. The transfers will potentially support farm workers and other employment opportunities. The Proposed Action will result in potentially beneficial environmental justice and socioeconomic effects.

The Proposed Action will not significantly affect any Indian Trust Assets (512 DM 2, Policy Memorandum – July 2, 1993). Groundwater pumping under the Proposed Action would not decrease water supplies; affect the health of tribal members; or federally reserved hunting, gathering, or fishing rights.

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). The Proposed Action is not located on federal land and, therefore, would not affect or prohibit access to and ceremonial use of Indian sacred sites.