

RECLAMATION


Managing Water in the West

FINDING OF NO SIGNIFICANT IMPACT

Sacramento Suburban Water District 5-year Warren Act Contract

FONSI CCAO 17-08

Recommended by:



Bonnie Van Pelt
Natural Resource Specialist
Central California Area Office

Date: 2-20-18


Concurred by:



Bradley Hubbard
Chief, Resources Management Division
Central California Area Office

Date: 2/20/2018

Approved by:



Drew F. Lessard
Area Manager
Central California Area Office

Date: 2/20/18

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BACKGROUND

This Finding of No Significant Impact (FONSI) for the execution of a 5-year Warren Act contract (WAC) 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 Warren Act contracts with water purveyors to carry non-Central Valley Project (i.e., non-CVP water) through federal facilities. These contracts 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" WAC, delivering annually up to 14,500 acre-feet per year (AFY) of Placer County Water Agency (PCWA) Middle Fork Project (MFP) water through Folsom Reservoir for municipal and industrial uses in SSWD's service area in north-central Sacramento County. The term of the WAC would be from March 1, 2018, through February 28, 2023. Water contract deliveries would be made through existing facilities and no new construction is required.

Reclamation prepared, and posted on its website, the SSWD 5-Year WAC Draft Environmental Assessment (Draft EA) for public review and comment. The public review period began on January 17, 2018, and ended on February 1, 2018. The Draft EA concluded that execution of SSWD's 5-year WAC 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 CONSIDERED

No Action

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 14,500 AFY diversion in wet years would be inconsistent with the basic purpose of the WAC 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, 14,500 AFY of 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" WAC that would allow the diversion of up to 14,500 AFY of PCWA MFP water from Folsom Reservoir to serve customers in the SSWD's service area. In order for SSWD to use the up to 14,500 AFY of PCWA MFP water currently available through an existing agreement, diversion at Folsom Reservoir is necessary in order to avoid substantial additional investment, facilities construction and likely environmental impact associated with the development of alternative diversion and/or conveyance facilities, the feasibility of which is unknown.

The "wet-year only" WAC 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.

FINDINGS

There were no comments received on the Draft EA. Based on the attached Final EA for the SSWD WAC, 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 will not significantly affect natural resources and unique geographical characteristics such as 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; 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. 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)).
4. 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)).
5. Effects of the Proposed Action have no potential to be considered highly controversial (40 CFR 1508.27(b)(4)).
6. The Proposed Action will not have significant cumulative impacts to the human environment (40 CFR 1508.27(b)(7)).
7. 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 a 5-year WAC (see cultural resource memo dated 6-27-2017; Tracking number 17-CCAO-211).
8. The CalSim IIⁱ modeling analysis conducted for the implementation of SSWD's long-term WAC (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 5-year WAC.
9. 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 5-year WAC 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 5-year WAC service area.
10. 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)).
11. 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.
12. Implementing the Proposed Action will not disproportionately affect minorities or low-income populations and communities (EO 12898).

13. 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 5-year WAC 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.

RECLAMATION

Managing Water in the West

Sacramento Suburban Water District Warren Act Contract— 2018 5-year Contract

Environmental Assessment

prepared by

**U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
Central California Area Office**



U.S. Department of the Interior
Bureau of Reclamation

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.

Introduction

The Bureau of Reclamation (Reclamation) proposes to enter into a 5-year, “wet year only”¹, Warren Act Contract (WAC) with the Sacramento Suburban Water District (SSWD) to facilitate the delivery of up to 14,500 acre feet per year (AFY) of Non-Central Valley Project (Non-CVP) Water through Folsom Reservoir for Municipal and Industrial (M&I) uses in SSWD’s service area in north-central Sacramento County. Water would be diverted at Folsom Dam and conveyed via an existing 84-inch conduit and North Fork Pipeline for treatment and distribution at the Sydney N. Peterson Water Treatment Plant (Peterson WTP) facilities, owned and operated by the San Juan Water District (SJWD). The water ultimately would be used within the North Service Area of SSWD’s service area in north-central Sacramento County that includes the former Northridge service area and the former Arcade service area (see Figure 1). The water also could be provided to areas adjacent to the North Service Area served by the Cal American Water Company. The entire area that could receive water diverted under the 5-year WAC is shown in Figure 1.

Purpose and Need for the Proposed Action

The purpose of executing the proposed contract is to allow for the conveyance of SSWD’s WAC water rights water through Folsom Reservoir to help meet the existing water supply needs in SSWD’s existing boundaries.

Proposed Action and Alternatives

The proposed action evaluated in this document is the execution of a “wet-year only”, 5-year WAC between Reclamation and SSWD to facilitate the delivery of up to 14,500 AFY of Non-CVP water through Folsom Reservoir for M&I uses in SSWD boundaries in north-central Sacramento County. The project would facilitate delivery of a substitute surface water supply when available, therefore reducing reliance on groundwater resources within the region. 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. The proposed action would execute a 5-year WAC with SSWD to convey Placer County Water Agency’s (PCWA) Middle Fork American River Project Waters (MFP) to SSWD through the facilities at Folsom Dam.

There are existing minimum in-stream flow agreements between PCWA and SSWD. As noted in the contract, the MFP water, under PCWA Permits 13856 and 13858, is made available to the contractor, SSWD, in accordance with the agreement between the contractor’s predecessor in interest, Northridge Water District, and PCWA Water District for a “Water Supply For Groundwater Stabilization,” (Agreement) dated June 1, 2000. This Agreement provided: That Non-CVP Water shall be delivered to the contractor only: a) in years when the projected March-to-November unimpaired inflows to Folsom Reservoir (UIFR) is greater than 1,600,000 acre feet

¹ The “wet year” condition under the contract is when unimpaired inflow to Folsom Reservoir exceeds 1.6 million acre-feet.

(AF); or b) Notwithstanding a) above, in a December, January, and February following a March through November period when the UIFR was less than 1,600,000 AF, when and after water is being released from Folsom Reservoir for flood protection.

Non-CVP water is conveyed through excess capacity in project facilities.

Excess Capacity is defined as, "... capacity in the Project Facilities in excess of that needed to meet the Project's authorized purposes, as determined solely by the Contracting Officer, which may be made available to convey and deliver Non-Project Water."

No Action Alternative

Under the no action alternative, Reclamation would not execute a 5-year WAC with SSWD.

National Environmental Policy Act (NEPA) Compliance

The purpose of this document is to meet Reclamation's obligations pursuant to the NEPA of 1969 (42 United States Code [U.S.C.] 4321 et seq.), Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] Parts 1500-1508), and the Departmental Manual (DM) 516 DM 1-7.

The proposed action does not qualify for categorical exclusion from NEPA review because a specific exclusion category for WACs is not available. The proposed action does, however, meet all the evaluation criteria to be categorically exempt because the proposed action does not: 1) have a significant effect on the quality of human environment and 2) involve unresolved conflicts concerning alternative uses of available resources.

In accordance with Reclamation's requirements for implementing NEPA, the draft EA for the SSWD 5-year WAC was circulated for review by agencies, stakeholders, and the public on January 17, 2018. No comments were received on the Draft EA.

Environmental Consequences

A draft EA which evaluates the potential effects of executing a long-term (25 year) Warren Act contract (LTWAC) for the same water sources identified in the proposed action was prepared by Reclamation in June 2017 (Reclamation 2017). The analysis contained in the June 2017 LTWAC EA is incorporated by reference into this document.

This section describes the potential environmental consequences (i.e., potential impacts) for the proposed action and the no action alternative. The resources and issues described in this document include:

- Water Supply and Hydrology
- Facility Operations
- Biological Resources
- Indian Trust Assets

This EA does not analyze resources for which it would be reasonable to assume that impacts do not occur. Specifically, potential effects to water quality, land use, recreation, air quality, soils, visual resources, transportation, noise, hazards, hazardous materials, public services, non-water utilities and service systems, and socioeconomics are not analyzed because they were not identified as potential issues during scoping for the LTWAC and it would not be reasonable to assume that the proposed 5-year WAC would result in any potential changes to these resources or services.

Water Supply and Hydrology

Proposed Action

Implementation of the proposed action does not change current hydrology for the water sources included in the proposed action. Potential changes in French Meadows and Hell Hole Reservoir storage and surface water elevation would not adversely affect water supply availability for CVP, State Water Project customers, and non-CVP American River water users. In addition, there would be no impacts on water supply availability at Folsom Reservoir or within the Lower American River (LAR) under the proposed action, relative to the no action alternative.

Existing minimum in-stream flow agreements would remain in effect and Non-CVP water shall be delivered to the contractor only:

- 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 Action

Implementation of the no action alternative does not change the current hydrology of the Middle Fork of the American River.

Cumulative Effects

The proposed action, when added to other past, present, and reasonably foreseeable future actions, does not result in cumulative effects to water supply or hydrology. There are no cumulative effects to water supply or hydrology because the proposed action is a 5-year contract, that is contingent on hydrologic conditions and existing agreements.

Conclusion

Implementation of the proposed action, relative to the no action alternative, would result in no adverse direct, indirect, or cumulative effects for the Middle Fork of the American River because in-stream flows would remain the same and existing minimum in-stream flow agreements would remain in effect. Therefore, implementation of the proposed action, relative to the no action alternative would result in no adverse impacts to water supply and hydrology.

Facility Operations

Proposed Action

The Draft Biological Assessment for the LTWAC included analysis to evaluate potential impacts to Folsom Reservoir operations and Reclamation's management of the cold water pool with implementation of the LTWAC. This analysis indicates that only minor changes in cold water pool volume would result in any change to Folsom Reservoir operations and therefore would not have an adverse effect on Reclamation's ability to meet downstream fisheries requirements (Reclamation BA 2017). Because the implementation of the LTWAC was found to not adversely affect Folsom Reservoir operations, it is reasonable to conclude that implementation of the proposed action, a 5-year WAC, would also not result in any adverse effects to Reclamation's operation of Folsom Reservoir or management of the cold water pool.

No Action

Implementation of the no action alternative has no impact to Folsom Reservoir facility operations or to the cold water pool in Folsom Reservoir. The water sources identified in the proposed action would continue to flow downstream into Folsom Reservoir.

Cumulative Effects

The proposed action, when added to other past, present, and reasonably foreseeable future actions, would have no result in any cumulative effects to Folsom Dam and Reservoir operations or cold water pool management because the proposed action is a 5-year WAC that is contingent on hydrologic conditions.

Conclusion

Implementation of the proposed action would not adversely affect Folsom Reservoir operations because the analysis conducted for implementation of the LTWAC found that there were no adverse effects to Folsom Reservoir operations. Therefore, it is reasonable to conclude that implementation of the proposed action, a 5-year WAC, would also not result in any adverse effects to Reclamation's operation of Folsom Reservoir or management of the cold water pool. There are no indirect or cumulative effects to Folsom Dam and Reservoir associated with the proposed action.

Biological Resources

Aquatic Resources

Central Valley steelhead and fall-run and spring-run Chinook salmon may occur in the American River below Folsom and Nimbus Dams. Spring-run Chinook salmon juveniles could enter and rear in the American River (i.e., non-natal rearing). American River steelhead and Chinook salmon populations consist of a mixture of hatchery and wild fish. Critical habitat for Central Valley steelhead and spring-run Chinook salmon includes the LAR.

Other federally listed aquatic species within the Sacramento-San Joaquin system include the Delta smelt, winter-run Chinook salmon, and green sturgeon. These species are not known to occur in the American River. Delta smelt occur in the main stem Sacramento River. Winter-run Chinook salmon primarily spawn in the main stem Sacramento River between Keswick Dam and the Red Bluff Diversion Dam. There have been no recent occurrences of green sturgeon (adults or juveniles) in the American River. Reclamation determined that there was no effect to Delta smelt, winter-run Chinook salmon, or green sturgeon because they do not occur in the action area.

Proposed Action

The proposed action will have no effects to operations, thus resulting in no changes in downstream flows or temperatures in the LAR. Therefore, Reclamation's determination of no effects to listed or proposed aquatic species, or designated or proposed critical habitat protected under the Endangered Species Act (ESA) is based on the following:

- The CalSim II modeling analysis (November 2017) for the LTWAC found that there was no effects to Folsom Reservoir operations or cold water pool management with implementation of a long-term WAC. Therefore it is reasonable to conclude that the implementation of a 5-year WAC (Proposed Action) would result in no effects to Reclamation's operation of Folsom Reservoir to meet downstream fisheries requirements for steelhead, and fall/spring-run Chinook salmon.
- Any changes from receiving additional non-project water into Folsom Lake and storing this water during wet water years would fall within the normal operations of the lake for wet year operations and will not result in biological effects in the river downstream of Nimbus Dam.

No Action

Implementation of the no action alternative would have no effect to listed or proposed species or designated or proposed critical habitat protected under the ESA.

Cumulative Effects

The proposed action, when added to other past, present, and reasonably foreseeable future actions, would not result in adverse cumulative effects to listed species or critical habitat because the contract is a short term 5-year action and only Non-CVP water that is measured and reported as entering Folsom Reservoir will be available for diversion. No interrelated to interdependent actions have been identified, associated with the proposed action.

Conclusion

Implementation of the proposed action would result in no effects to aquatic species and critical habitat protected under the ESA.

Cultural Resources

The area of potential effect for the proposed action is defined in the June 2017 LTWAC EA.

Proposed Action

The proposed action will not affect properties listed or eligible for listing in the National Register of Historic Places because no ground disturbing activities or construction activities are included or will result from the execution of a 5-year WAC (see cultural resource memo dated 6-27-2017; Tracking number 17-CCAO-211).

No Action

Implementation of the no action alternative would have no potential to affect historic properties. The PCWA's MFP is the source of the water and the contract conveyance will not exceed 14,500 AFY from March 1, 2018 through February 28, 2023. This water would not be used to place new or untilled lands into production, nor convert undeveloped land to other uses. Additionally, the movement of water would not require the construction of any new water diversion or conveyance facilities.

Cumulative Effects

The proposed action, when added to other past, present, and reasonably foreseeable future actions, would not result in adverse cumulative effects to historic properties because no land use changes or new development would occur in SSWD's existing federal service area.

Conclusion

Implementation of the proposed action, relative to the no action alternative, would result in no potential to effect historic properties pursuant to the regulations of CFR Part 800.3(a)(1).

Indian Trust Assets

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. The nearest Indian Trust Asset in the proposed project site is the Auburn Rancheria which is approximately 11 miles north-west of the project location.

Proposed action

Indian Trust Assets would not be affected with implementation of the proposed action because there are no assets present in SSWD's existing federal service area.

No Action

Indian Trust Assets would not be affected with implementation of the no action alternative because there are no assets present in SSWD's existing boundaries.

Cumulative Effects

The cumulative effect of the proposed action will have no adverse effects to Indian Trust Assets because a) the project only involves conveyance of Non-CVP Water through existing State and Federal facilities and will not directly or indirectly result in the construction of new facilities, b) there are no Indian Trust Asset's located within the area where this water will be delivered, and c) the Proposed Action, would extend the practice of delivery of PCWA water in wet years to SSWD that has historically occurred, and continues to occur as enabled by short-term Warren Act contracts.

Conclusion

There are no Indian Trust Assets identified within the action area, therefore no adverse impacts to Indian Trust Assets are anticipated with implementation of the proposed action.

References

Bureau of Reclamation (Reclamation). 2017. Draft Environmental Assessment for the Long-term Warren Act Contract Warren Act Contract (LTWAC) Between the United States and Sacramento Suburban Water District (SSWD). U.S. Department of the Interior, Bureau of Reclamation.

Bureau of Reclamation (Reclamation). 2017. Draft Biological Assessment for the Long-term Warren Act Contract Warren Act Contract (LTWAC) Between the United States and Sacramento Suburban Water District (SSWD). U.S. Department of the Interior, Bureau of Reclamation.

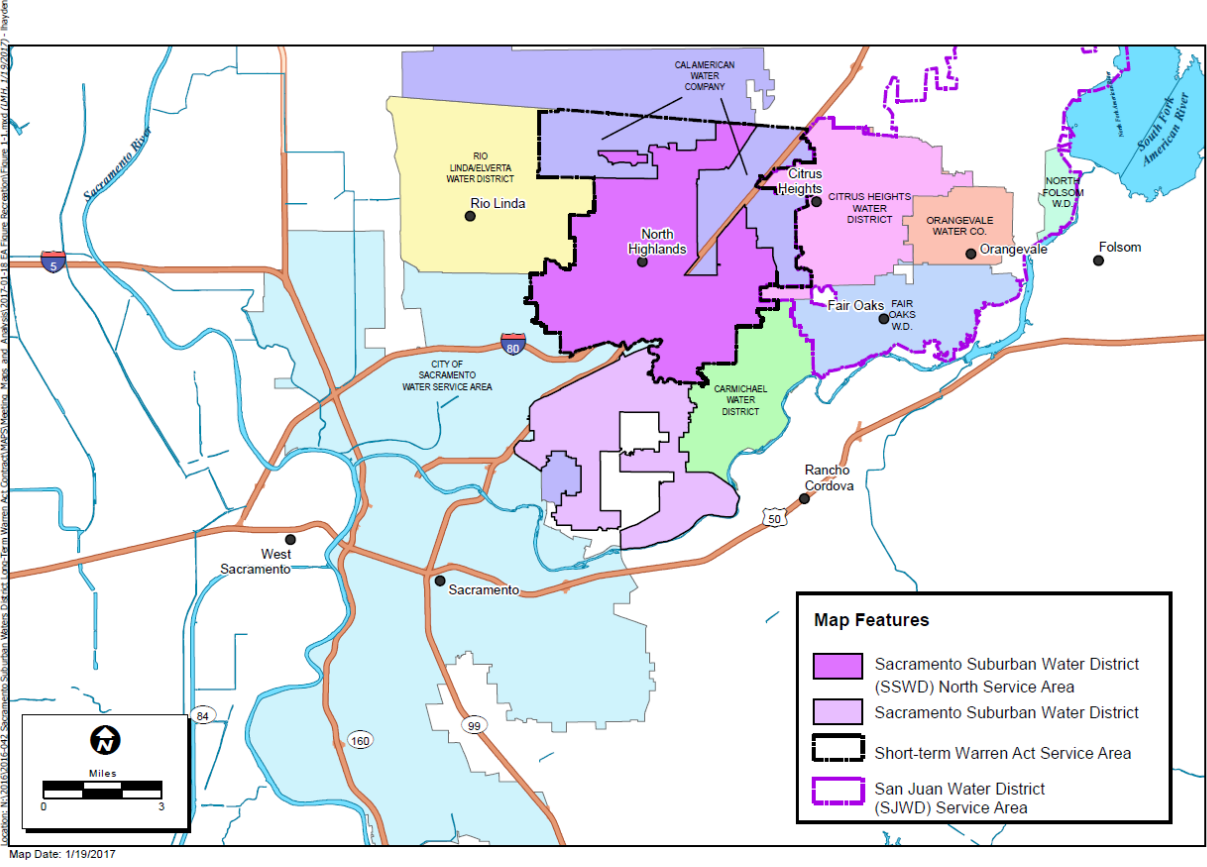


Figure 1. SSWD 5-year WAC Service Area
 2018 Sacramento Suburban Water District Warren Act Contract

Figure 1. SSWD 5-Year WAC Service Area