

Finding of No Significant Impact

Water Year 2010 Interim Flows Project

SAN JOAQUIN RIVER
RESTORATION PROGRAM



U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
MID-PACIFIC REGION
SACRAMENTO, CALIFORNIA

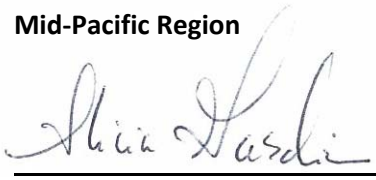
FINDING OF NO SIGNIFICANT IMPACT

WATER YEAR 2010 INTERIM FLOWS PROJECT
SAN JOAQUIN RIVER RESTORATION PROGRAM

FONSI-09-09-MP

Recommended by:  _____ Date: 9-25-09

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PROPOSED ACTION

The U.S. Department of the Interior, Bureau of Reclamation (Reclamation), proposes to temporarily change Friant Dam operations in Water Year 2010 (WY 2010) (October 1, 2009, to September 30, 2010) to release Interim Flows from Friant Dam into the San Joaquin River and potentially downstream as far as the Sacramento-San Joaquin Delta (Delta). The Interim Flows would be recaptured by existing water diversion facilities along the San Joaquin River and/or in the Delta for agricultural, municipal and industrial, or fish and wildlife uses. Potential diversion locations for recapturing Interim Flow releases include the Mendota Pool, Arroyo Canal, the Lone Tree Unit of the Merced National Wildlife Refuge (NWR), the East Bear Creek Unit of the San Luis NWR, and the Central Valley Project and State Water Project Delta export facilities. The Proposed Action is specified in the Stipulation of Settlement (Settlement) in *NRDC, et al. v. Kirk Rodgers, et al.*, and is part of the San Joaquin River Restoration Program (SJRRP). The Proposed Action is located primarily in Fresno, Madera, and Merced counties and involves no construction activities.

The purpose of the Proposed Action is to implement the provisions of the Settlement pertaining to WY 2010 and to collect relevant data to guide future releases of Interim Flows and Restoration Flows under the SJRRP. Interim Flows are specified in the Settlement, which was approved by the United States District Court in October 2006. The action will facilitate collection of relevant data to guide future releases of Interim Flows and Restoration Flows under the SJRRP. Public Law 111-11 authorizes Reclamation to implement the WY 2010 Interim Flows consistent with the Settlement.

FINDINGS

In accordance with Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, and the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA (40 Code and Federal Regulations (CFR) Parts 1500-1508), the Mid-Pacific Region of Reclamation finds that the Proposed Action is not a major Federal action that will significantly impact the quality of the human environment. Therefore, an Environmental Impact Statement is not required for implementing the Proposed Action. This Finding of No Significant Impact (FONSI) is supported by the attached Environmental Assessment (EA), *Water Year 2010 Interim Flows Project*. Consistent with Public Law 111-11, the EA includes a description of seepage and flow monitoring programs associated with the proposed action.

The following factors support this determination:

1. The Proposed Action will not significantly impact aesthetics. WY 2010 Interim Flows will have minimal affect on scenic vistas and the visual quality of Millerton Lake and the San Joaquin River. The Proposed Action will have no effect on scenic resources, nor would it create any substantial source of light or glare.

2. The Proposed Action will not significantly impact agricultural resources. During temporary periods of WY 2010, Interim Flows may inundate some areas of productive farmland and active grazing lands in the bypasses, but these flows would remain within the existing low flow channel, which typically carries flows under existing conditions. The Proposed Action will not convert lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses, nor require any zoning changes or result in conflicts with Williamson Act contracts.
3. The Proposed Action will not significantly impact air quality. No applicable air quality plan or air quality standard would be violated. Project-related toxic air contaminant emissions from off-road diesel equipment would not be anticipated to expose sensitive receptors to substantial pollutant concentrations because the use of mobilized equipment would be temporary and diesel particulate matter is highly dispersive. The Proposed Action would also not create, exacerbate, or change existing objectionable odors that would affect a substantial number of people.
4. The Proposed Action will not significantly impact terrestrial biological resources after implementation of a mitigation measure to control and manage the spread of invasive plant species. WY 2010 Interim Flows will increase the quantity of water flowing down the San Joaquin River. These hydrologic alterations have the potential to result in the spread of the following five invasive species already present in the San Joaquin River system: red sesbania, salt cedar, giant reed, Chinese tallow, and sponge plant. The spread of these invasive species has the potential to impact existing riparian habitat and sensitive natural communities and water delivery systems. For mitigation, Reclamation shall monitor these species along affected portions of the San Joaquin River and bypass system (before and after WY 2010 Interim Flows) and control and manage these species, as specified in the Invasive Vegetation Monitoring and Management Plan included as Appendix F, in the EA. With mitigation, the impacts would be less than significant.
5. The Proposed Action will not significantly impact fisheries resources. Regulated flows in the San Joaquin River upstream of the Merced River resulting from WY 2010 Interim Flows will be similar to or greater than those in the No-Action Alternative under all potential hydrologic conditions. Irrespective of any changes to VAMP flow releases, minimum instream fish and water quality flow requirements in the Merced, Tuolumne, or Stanislaus rivers will be maintained. The Proposed Action will be implemented in accordance with the U.S. Fish and Wildlife Service (USFWS) 2008 CVP/SWP Operations Biological Opinion (BO), the National Marine Fisheries Service (NMFS) 2009 CVP/SWP Operations BO, and all other prevailing and relevant laws, regulations, BOs, and court orders in place at the time water is recaptured in the Delta.

6. Reclamation will comply with the Section 106 process as outlined in the regulations at 36 CFR Part 800, prior to implementing the Proposed Action.
7. The Proposed Action will not significantly impact geology and soils. The WY 2010 Interim Flows would not increase the risk of seismic activity or related ground failure or landslides, but could potentially increase stream soil erosion characteristics and change geomorphologic characteristics. A temporary increase in groundwater pumping could occur. The WY 2010 Interim Flows would have no impact on the risks to life or property due to expansive soils. The WY 2010 Interim Flows would also have no impact on wastewater disposal systems and the demand for wastewater disposal.
8. The Proposed Action will not significantly impact hazards and hazardous materials. The Proposed Action would not involve any construction or the routine transport or disposal of any hazardous materials, with the exception of herbicides applied by hand during invasive plant species control. The chance of a spill is very low, and the small quantities that could be applied would not create a significant hazard to the public or the environment through routine transport, use, or disposal of these chemicals. Implementing the Proposed Action will not involve any construction that would affect hazardous materials sites or affect existing airport use or air traffic patterns. The Proposed Action will not impair or interfere with implementation of adopted emergency response plans or emergency evaluations plans.
9. The Proposed Action will not significantly impact hydrology and water quality. The Proposed Action would not substantially deplete groundwater supplies or interfere with groundwater recharge because of a decrease in deliveries to CVP contractors, including the Friant Division long-term contractors. WY 2010 Interim Flows would follow existing channels and would not increase the rate or amount of surface runoff. WY 2010 Interim Flows would also not exceed existing channel capacity and would not include the release of flows in addition to flood flows, if any.
10. The Proposed Action will not significantly impact land use and planning. Under the WY 2010 Interim flows, San Mateo Road and Dan McNamara Road could be temporarily inundated with water, temporarily affecting local circulation, but the Proposed Action includes creation and implementation of a detour plan that would provide convenient and parallel roadway access and avoid physically dividing an established community. The Proposed Action will not conflict with any applicable land use plan, policy, or regulation of an agency because the WY 2010 Interim flows will be temporary and periodic and would not cause physical changes to land.
11. The Proposed Action will have no impact to mineral resources. The flows released under the Proposed Action would not be of a sufficient quantity to impact mining operations and reclamation activities.

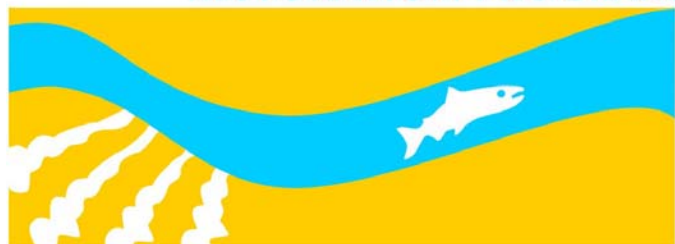
12. The Proposed Action will not significantly impact noise. Noise sources related to implementing the Proposed Action would be from plant survey and removal activities that are scheduled to begin in spring and fall 2011, respectively. Increased recreation and vegetation surveys would not result in noise levels in excess of applicable standards because project activities are limited to daylight hours, which are normally exempted from local noise standards. The Proposed Action will not create a substantial permanent increase in ambient noise levels because noise resulting from vegetation removal, vegetation surveys, and minor increases in the number of recreationists under the Proposed Action will not cause substantial permanent increases in noise levels.
13. The Proposed Action will not significantly impact public services. Implementing the Proposed Action has the potential for a temporary indirect impact on public services by increasing recreation opportunities along the San Joaquin River. Reach 1, which has the greatest existing public access and instream flows, is not expected to receive significantly increased recreational use from the Interim Flows. Similarly, the downstream reaches, some of which only have flows during limited high-flow periods and all with limited or no public access, are not expected to receive significantly increased recreational use from the Interim Flows. Therefore, additional fire protection and police protection would not be needed, and demand on parks is not expected to substantially increase. Implementing the Proposed Action will not change demands on schools because the Proposed Action does not involve housing or indirectly cause housing to be built.
14. The Proposed Action will not significantly impact recreation. Interim Flows under the Proposed Action will enhance the use of the San Joaquin River by boaters (primarily canoers and kayakers on Reach 1) by potentially increasing the time that flow would be in ideal flow ranges and extending boatable flows in the river.
15. The Proposed Action will not significantly impact transportation and traffic. The impact on traffic and the levels of service for roads, highways, and intersections would be less than significant because the number of people visiting the area by car is not expected to increase. With the implementation of appropriate detours, inundation of San Mateo Road and Dan McNamara Road will not result in inadequate emergency services. The Proposed Action would have no impact on air traffic patterns, road hazards, or parking capacity.
16. The Proposed Action will not significantly impact utilities and service systems. WY 2010 Interim Flows would have no impact on wastewater treatment requirements, wastewater treatment demand, water treatment facilities, wastewater treatment facilities, storm drainage facilities, or solid waste generation. The Proposed Action would have a less-than-significant impact on water deliveries because potential reduction in water deliveries to the Friant Division long-term contractors would be limited to the 1-year duration of the project.

17. The Proposed Action will not have any socioeconomic impacts. The Proposed Action involves no construction activities and is temporary. Existing population and housing trends, employment and labor force trends, prominent business and industry types, and government and finance conditions within the study area will not be affected by the Proposed Action.
18. The Proposed Action will not affect any Indian Trust Assets.
19. The Proposed Action will not disproportionately impact minority and disadvantaged populations or communities. Because of the limited duration (1 year) and extent of the Proposed Action, and the findings that all impacts to related resources areas are less than significant or have no effect whatsoever, it is concluded that the Federal Action under consideration will not disproportionately burden minority groups, low-income populations or Native American Tribes.
20. The Proposed Action has been developed and will be managed in such a way as to avoid potentially significant impacts to listed species. Documentation was obtained from National Marine Fisheries Service (NMFS) on September 23, 2009 and from U.S. Fish and Wildlife Service (USFWS) on July 15, 2009 and September 24, 2009, concurring with Reclamation's determination that the Proposed Action is not likely to adversely affect listed species or designated critical habitat.

Mitigated Negative Declaration

Water Year 2010 Interim Flows Project

SAN JOAQUIN RIVER
RESTORATION PROGRAM



State of California

The Resources Agency

DEPARTMENT OF WATER RESOURCES

MITIGATED NEGATIVE DECLARATION

Water Year 2010 Interim Flows Project – San Joaquin River Restoration Program

Lead Agency: California Department of Water Resources

Project Description: The U.S. Department of the Interior, Bureau of Reclamation, would temporarily change Friant Dam operations in Water Year 2010 (WY 2010) (October 1, 2009 to September 30, 2010) to release Interim Flows from Friant Dam into the San Joaquin River and potentially downstream as far as the Sacramento-San Joaquin Delta (Delta). The WY 2010 Interim Flows would be recaptured by existing water diversion facilities along the San Joaquin River and/or in the Delta for agricultural, municipal and industrial, or fish and wildlife uses. Potential diversion locations for recapturing WY 2010 Interim Flow releases are Mendota Pool, Arroyo Canal, the Lone Tree Unit of the Merced National Wildlife Refuge (NWR), the East Bear Creek Unit of the San Luis NWR, and Central Valley Project and State Water Project Delta export facilities. The Proposed Project is specified in the Stipulation of Settlement (Settlement) in *NRDC, et al. v. Kirk Rodgers, et al.* and is part of the San Joaquin River Restoration Program (SJRRP). The Proposed Project is located primarily in Fresno, Madera, and Merced counties and would involve no construction activities.

The purpose of the Proposed Project is to implement the provisions of the Settlement pertaining to WY 2010 Interim Flows, and collect relevant data to guide future releases of Interim Flows and Restoration Flows under the SJRRP. The need for the project is specified in the Settlement, which is court-mandated and requires Interim Flows to be released under a specific water release schedule in WY 2010.

Consistent with a Memorandum of Understanding with the Settling Parties and the State, the California Natural Resources Agency will play a major role in funding and implementing actions called for in the Settlement and in the Act. The California Department of Water Resources (DWR), along with several other State organizations, will implement actions needed to route WY 2010 Interim Flows through the Restoration Area. Because of DWR's greater role in the SJRRP, DWR will serve as the lead agency under the California Environmental Quality Act (CEQA).

Proposed Finding: An Initial Study (IS) has been prepared to assess the Proposed Project's potential impacts on the physical environment and the significance of those impacts. Based on the results of the IS, the Proposed Project would not have any significant impacts on the environment once mitigation measures were implemented. Preparation of an Environmental Impact Report is not required. This finding also supports the State Water Resources Control

Board's decision that the Proposed Project would have no unreasonable effects on fish, wildlife, or other instream beneficial uses and would not injure any legal user to the water under California Water Code Section 1725 et. seq. , which is exempt from the requirements of CEQA pursuant to Water Code Section 1729, in conjunction with a petition under Section 1707 to change the purpose of use of waters.

Basis for Proposed Finding: The proposed finding is supported by the following conclusions in the IS:

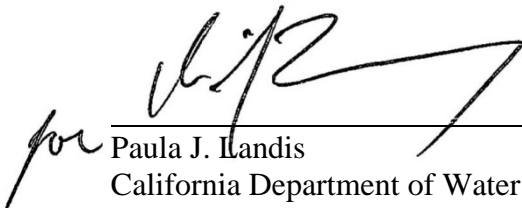
1. The Proposed Project would result in no impacts to cultural resources, mineral resources, or population and housing.
2. The Proposed Project would result in either no impacts or impacts that are less than significant to aesthetics, agricultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, fisheries land use and planning, noise, public services, recreation, transportation and traffic, and utilities and service systems.
3. The Proposed Project would result in impacts that are less than significant on air quality.
4. The Proposed Project would result in no impacts, impacts that are less than significant (beneficial and adverse), and impacts that are less than significant with mitigation on terrestrial biological resources. WY 2010 Interim Flows would increase the quantity of water flowing down the San Joaquin River when Interim Flows are being released.. These hydrologic alterations would introduce and spread five invasive species already present in the river system: red sesbania, salt cedar, giant reed, sponge plant, and Chinese tallow. For mitigation, Reclamation shall monitor these species along affected portions of the San Joaquin River and bypass system (before and after WY 2010 Interim Flows) and control and manage these species as specified in the Invasive Vegetation Monitoring and Management Plan included as Appendix F in the IS. With mitigation, the impacts would be less than significant.
5. The Proposed Project would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, reduce the number or restrict the range of a special-status species, or eliminate important examples of California history or prehistory.
6. The Proposed Project would not achieve short-term environmental goals to the disadvantage of long-term environmental goals.
7. The Proposed Project would not have environmental effects that are individually limited but cumulatively considerable.
8. The Proposed Project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.
9. No substantial evidence exists that the Proposed Project would have a significant negative or adverse effect on the environment.

10. The Proposed Project would incorporate all applicable mitigation measures, as listed below and fully described in the IS.

The following mitigation measures will be implemented as part of the project to avoid or minimize potential environmental impacts. Implementation of these mitigation measures would reduce the potential environmental impacts of the Proposed Project to less-than-significant levels:

- **Mitigation Measure Bio-1: *Implement an Invasive Vegetation Management Plan.*** Reclamation and DWR shall monitor red sesbania, salt cedar, giant reed, Chinese tallow, and sponge plant along affected portions of the San Joaquin River and bypass system (before and after WY 2010 Interim Flows) and control and manage these species as specified in the Invasive Species Monitoring and Management Plan included as Appendix F.

In accordance with Section 21082.1 of CEQA, DWR has independently reviewed and analyzed the IS and Mitigated Negative Declaration (MND) for the Proposed Project and finds that the IS and MND reflect the independent judgment of DWR. The lead agency further finds that the project mitigation measures will be implemented as stated in the IS and MND. This MND is filed in accordance with CEQA and State CEQA Guidelines.



for Paula J. Landis
California Department of Water Resources

9/25/2009

Date

Mitigation Monitoring Program

Water Year 2010 Interim Flows Project
San Joaquin River Restoration Program

State Clearinghouse # 2009061019

Introduction

In accordance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), the California Department of Water Resources (DWR) and the U.S. Department of the Interior, Bureau of Reclamation (Reclamation) prepared a joint Environmental Assessment and Initial Study/Mitigated Negative Declaration (EA/IS/MND) that identifies potentially significant effects related to the release of Water Year 2010 Interim Flows from Friant Dam in the San Joaquin River. DWR is the lead agency under CEQA and Reclamation is the lead agency under NEPA. The EA/IS/MND also identifies mitigation measures that would reduce or eliminate these significant effects.

Section 21081.6 of the California Public Resources Code and Section 15091(d) and 15097 of the State CEQA Guidelines require public agencies “to adopt a reporting or monitoring program for changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment.” A Mitigation Monitoring Program (MMP) is required for the proposed project because the EA/IS/MND for the project identified potentially significant adverse impacts related to the release of Interim Flows, and mitigation measures have been identified to reduce these potentially significant adverse impacts to less-than-significant levels.

This MMP will be adopted by DWR when DWR approves the Proposed Action or an alternative to the Proposed Action.

Purpose of the Mitigation Monitoring Program

This MMP has been prepared to ensure that all required mitigation measures are implemented and completed according to schedule and maintained in a satisfactory manner during project design, construction, and implementation, as required. The MMP may be modified by DWR during project implementation, as necessary, in response to changing conditions or other refinements. A summary table (attached) has been prepared to assist the responsible parties in implementing the MMP. The table identifies individual mitigation measures, monitoring/mitigation timing, responsible person/agency for implementing the measure, monitoring procedures, and a record of implementation of the mitigation measures. The numbering of mitigation measures follows the numbering sequence found in the EA/IS/MND.

Roles and Responsibilities

Unless otherwise specified herein, DWR and Reclamation are responsible for taking all actions necessary to implement the mitigation measures according to the specifications provided for each measure and for demonstrating that the action has been successfully

Mitigation Monitoring Program

completed. DWR and Reclamation at its discretion may delegate implementation responsibility or portions thereof to a licensed contractor.

DWR and Reclamation will be responsible for overall administration of the MMP.

Mitigation Monitoring Program Summary Table

The MMP Summary Table that follows should guide DWR and Reclamation in its evaluation and records of the implementation of mitigation measures.

The column categories identified in the MMP Summary Table are described below:

Mitigation Number: Lists the mitigation measures by number.

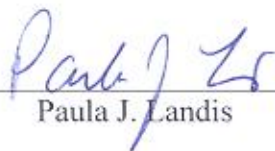
Mitigation Measure: Provides the text of the mitigation measures, which are each a condition of project approval, identified in the EA/IS/MND.

Timing/Schedule: Lists the time frame in which the mitigation is expected to take place.

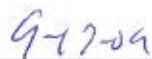
Implementation Responsibility: Identifies the entity responsible for complying with the requirements of the mitigation measure.

Implementation and Verification: Verifies compliance. The "Action" column describes the type of action taken to verify implementation. The "Date Completed" column is to be dated and initialed by the project manager, or his/her designee, based on the documentation provided qualified contractors, or through personal verification by DWR/Reclamation representatives.

I (1) certify that I have reviewed this MMP prepared for the EA/IS/MND and find it to be in compliance with the requirements of CEQA, (2) adopt the MMP on behalf of DWR, and (3) agree to implement the MMP as part of EA/IS/MND.



Paula J. Landis



Date

Summary Table
Mitigation Monitoring Program for the Water Year 2010 Interim Flows Project - San Joaquin River Restoration Program

Mitigation Number	Mitigation Measure	Timing/Schedule	Implementation Responsibility	Implementation & Verification	
				Action	Date Completed
Bio-1	<p>Minimize the potential spread of five invasive species as a result of WY 2010 Interim Flows.</p> <p>To reduce the potential spread of red sesbania, salt cedar, giant reed, Chinese tallow, and sponge plant along affected portions of the San Joaquin River and bypass system, Reclamation shall control and manage these species as specified in the Invasive Vegetation Management Plan included as Appendix F.</p>	Prior to and post release of WY 2010 Interim Flows	Reclamation		