

# RECLAMATION

*Managing Water in the West*

## Draft Finding of No Significant Impact

# Madera Irrigation District Storage and Conveyance of Non-Project Water in Friant Division and Hidden Unit Facilities, 2013-2043

## Draft FONSI-11-016

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# Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the South-Central California Area Office of the Bureau of Reclamation (Reclamation), has determined that an environmental impact statement is not required for Madera Irrigation District Storage and Conveyance of Non-Project Water in Friant Division and Hidden Unit Facilities, 2013-2043. This Finding of No Significant Impact is supported by Reclamation's Environmental Assessment (EA) 11-016, which is hereby incorporated by reference.

## Background

Madera Irrigation District (District) has Central Valley Project (CVP) Friant Division and Hidden Unit repayment contracts with the United States Bureau of Reclamation (Reclamation).

The Warren Act (Act of February 21, 1911; Chapter 141, 36 Stat. 925) authorizes Reclamation to enter into contracts to impound, store, and/or convey non-project water when excess capacity is available in Federal facilities.

Previously, Reclamation entered into temporary (1-year or 5-year) Warren Act contracts with the District for conveyance of their non-Project Soquel water in Friant Division facilities. Reclamation and the District currently have a 5-year Warren Act Contract authorizing the conveyance of up to 10,000 acre-feet (af) per water year of non-CVP water during contract years 2009 through 2013 (March 1, 2009 – February 28, 2014). The execution of the contract was evaluated in Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) number 08-086 (Reclamation, 2009)

Reclamation also considered execution of a 5-year Warren Act contract with the District for storage of their non-Project Soquel, Big Creek, and Fresno River water in Hidden Unit facilities. Draft EA/FONSI 10-047 (Reclamation, 2010) reviewed the action and were released for public comment in September 2010, but were not adopted in final form. Those draft documents are incorporated by reference.

Due to regulatory, contractual, and policy changes, the District may now store, convey, and/or divert non-CVP water according to Article 18 of their repayment contracts, with Reclamation's approval but without the need for separate Warren Act contracts. Additionally, since issuance of the 5-year Warren Act contract referenced in EA 08-086, Reclamation's Mid-Pacific Region has been given authority to approve Warren Act requests exceeding 10,000 acre-feet in a single contract year.

Pursuant to the terms of their repayment contracts, the District requests approval of storage and conveyance of up to 25,000 af of non-CVP water in Friant Division facilities, and/or storage of up to 36,000 af of non-CVP water at any one time in Hidden Unit facilities. The District also requests an additional point of delivery of up to 500 af of non-CVP water to be delivered to Fresno County Water Works #18 facilities for ultimate delivery to Table Mountain Rancheria (TMR).

## Proposed Action

Reclamation would approve storage, conveyance, and/or diversion of non-CVP water in Federal facilities when excess capacity exists, according to Article 18 of the District's repayment contracts. Reclamation would also convey some of the District's non-CVP water to TMR. Approvals would be for varying lengths of time between the 2013 through 2042 Contract Years (March 1, 2013 - February 28, 2043).

Reclamation's approvals would not include modifications of Reclamation facilities; nor would they include construction of new turnouts, canals, pipelines, ditches, or conveyance systems. If such modifications or conveyance structures are required on Federal facilities or lands, additional environmental review would be required.

### Friant Division

Reclamation would store and/or convey the District's non-CVP supplies in Friant Division facilities. The District could store and/or convey up to 25,000 af per year, when excess capacity exists.

The non-CVP supplies would be released into the San Joaquin River, where they would pass through Millerton Lake, Friant Dam, and into either the Madera Canal, the Friant-Kern Canal (FKC), or continue down the San Joaquin River. The water would be delivered from the canals to existing turnouts, within thirty days of release from storage, when Reclamation determines that excess capacity exists.

The District's sources of non-CVP water that could potentially be stored and conveyed in Friant Division facilities include up to 50 cubic-feet per second (cfs) of water imported from North Fork Willow Creek through the Soquel Diversion from October 1 through July 31 the following year.

### Hidden Unit

Reclamation would allow the District to store its non-CVP supplies within the Hidden Unit of the CVP. The District could store up to 36,000 af at any one time, when excess capacity exists.

The non-CVP supplies would enter Hensley Lake and pass through Hidden Dam or be stored and later released (at the District's request) into the Fresno River for re-diversion by the District to be used for irrigation or other purposes. The re-diversion would either be through the District's own facilities along the Fresno River, or diverted through John A. Franchi Diversion Dam, which is a Reclamation facility that is managed by the District.

The District's water rights to sources of non-CVP water that could potentially be stored within the Hidden Unit are as follows:

- Up to 50 cfs of water imported from Big Creek from December 1 to July 15 the following year (except in April, when the water right is reduced to 20 cfs);
- Up to 50 cfs of water imported from North Fork Willow Creek through the Soquel Diversion from October 1 through July 31 the following year; and

- Up to 200 cfs of water from the Fresno River (which is inclusive of water imported from Big Creek and North Fork Willow Creek) year-round.

**Table Mountain Rancheria**

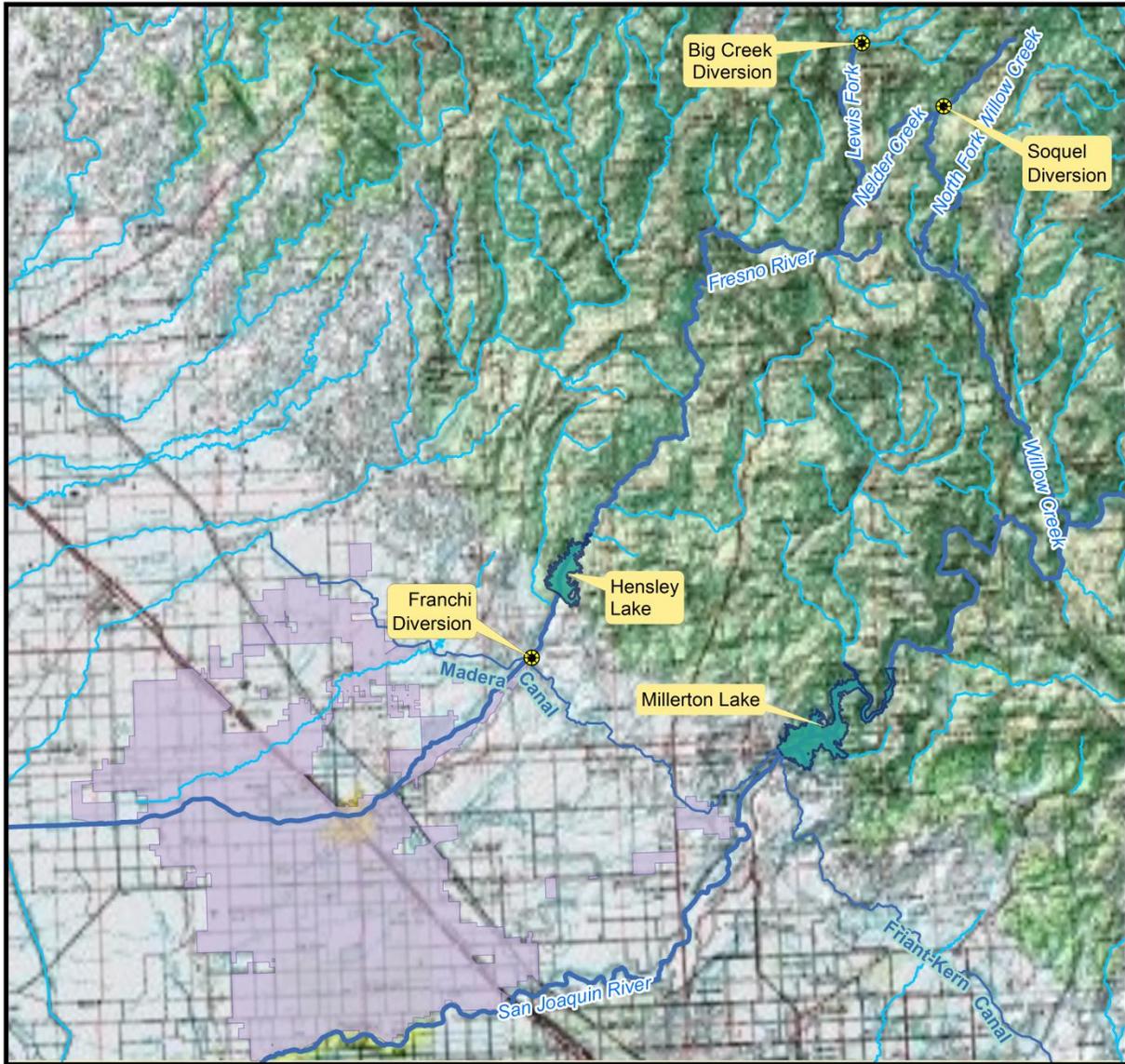
Reclamation would deliver up to 500 af of the District’s non-CVP water to Fresno County Water Works #18 facilities for ultimate delivery to TMR. TMR would use the water for on-site M&I purposes.

**Environmental Commitments**

Reclamation and the District would implement environmental protection measures listed in Table 1 to reduce environmental consequences associated with the Proposed Action. Environmental consequences for resource areas assume the measures specified would be fully implemented. Reclamation’s South-Central California Area Office has initiated an Environmental Commitment Program in order to implement, track and evaluate the environmental commitments developed for the Proposed Action. As part of this program, Reclamation would review the affected environment at five-year intervals or sooner if Reclamation determines that there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. If necessary, Reclamation would conduct additional environmental analyses to supplement this EA.

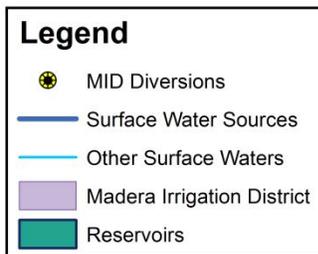
**Table 1 Environmental Protection Measures and Commitments for the Proposed Action**

Resource	Protection Measure
Biological / Water	The District’s non-CVP water released from Friant or Hidden Dams must not alter the flow regime of natural water bodies such as rivers, streams, creeks, ponds, pools, wetlands, etc., so as to have a detrimental effect on fish or wildlife, or their habitats.
Land	Native or untilled land (fallow for 3 consecutive years or more) must not be cultivated with the water involved in these actions.
Land / Water	Additional environmental review must be conducted if new construction or modification of existing facilities becomes necessary in order to complete the Proposed Action.
Land / Water	Additional environmental review must be conducted before the District’s non-CVP water is used in a manner beyond those described in the Proposed Action.
Water	The total of non-CVP water diverted, stored, and conveyed in Federal facilities must not exceed the District’s water rights.
Water	Storage and/or conveyance of the District’s non-CVP supplies within Friant Division and Hidden Unit facilities must not impact water users with senior water rights, downstream landowners with riparian water rights, or minimum pool requirements in Millerton and Hensley Lakes.
Water	The District’s non-CVP supplies would only be stored and/or conveyed within Friant Division facilities when there is excess capacity as determined by Reclamation.
Water	The District’s non-CVP supplies would only be stored within Hidden Unit facilities when there is excess capacity as determined by Reclamation and the Army Corps of Engineers (Corps).
Water	The District’s stored non-CVP supplies would be first to spill from Friant and Hidden Dams for flood control purposes.
Water	The Proposed Action must not interfere with the normal CVP operations.
Water	The District must comply with all provisions of Reclamation’s water quality and monitoring requirements for the Madera and Friant-Kern Canals that are in effect at the time. The current (2008) Water Quality Monitoring Plan for the Proposed Action is attached as Appendix C of EA-11-016.

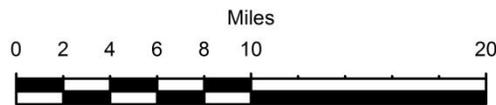


**EA-11-016**

**Figure 1 Map of Surface Water Sources**



Background Map Sources:  
ESRI, i-cubed, and USGS



**Figure 1 Course of the District's Non-CVP Water via the San Joaquin River, Friant Division Facilities, Fresno River, and Hidden Unit Facilities**

## Findings

Reclamation's finding that implementation of the Proposed Action will result in no significant impact to the quality of the human environment is supported by the following findings.

### **Water Resources**

Under the Proposed Action, Reclamation would approve storage, conveyance, and/or diversion of non-CVP water in Federal facilities when excess capacity exists, according to Article 18 of the District's repayment contracts. Under the Proposed Action, Reclamation would also allow Fresno County Water Works #18 to withdraw a portion of the District's non-CVP water from Millerton Lake, which it would then treat and ultimately deliver to TMR. As in the No Action Alternative, Reclamation would continue deliveries of CVP water supply in accordance with the terms and conditions of the District's CVP contracts.

MID and their predecessors have diverted the non-CVP water since the 1800's, so the diversion is part of the existing conditions. The District would continue to divert their non-CVP supplies under both the No Action Alternative and the Proposed Action, consistent with their existing water rights; therefore Reclamation's action would not result in additional impacts to the source watersheds.

The Proposed Action would not involve any construction activities or require any modifications to CVP facilities, and would not require any additional energy to convey the non-CVP water. The Proposed Action would not change any existing CVP water delivery diversion points and would not interfere with normal CVP operations. The District would only be allowed to store non-CVP water after downstream San Joaquin and Fresno River water rights have been met and when there is excess capacity so as not to impact Friant Division and Hidden Unit CVP supplies, Friant and Hidden Unit flood control operations, and the Hensley Lake minimum pool requirement of at least 5,000 AF.

The introduction of the District's non-CVP supplies into the Hidden Unit and Friant Division facilities would not degrade the quality of CVP water. The water originates in the Sierra Nevada, from water watershed, the same or substantially similar watersheds to the Federal facilities' source water. However, if Reclamation determines at any point that the Proposed Action could degrade water quality, then the applicable water quality and monitoring requirements would be followed. Reclamation's current requirements are attached in Appendix C of EA-11-016.

The Proposed Action would provide the District with the ability to regulate their non-CVP supplies by diverting and/or storing it within the Friant Division or Hidden Unit for later use when the timing of delivery provides for greater beneficial use of the surface water supplies. It could result in decreased groundwater pumping in MID, providing a potential benefit to groundwater levels.

### **Cumulative Impacts**

As there would be no adverse impacts and potentially beneficial impacts to surface water management and groundwater supplies, there would be no adverse cumulative impacts to water resources.

## **Land Use**

Under the Proposed Action, existing land uses would be maintained. The District would use their non-CVP supplies to irrigate existing agriculture and to supply domestic livestock ranches as has historically occurred. TMR would use the non-CVP supplies to support existing M&I uses. The Proposed Action would utilize existing facilities and would not require construction of new facilities or modifications to existing facilities that would result in ground disturbance. The District's non-CVP supplies would only be stored and conveyed within Friant Division and Hidden Unit facilities when excess capacity exists, so it would not impact recreational land use around the facilities. Therefore, the Proposed Action would not have any adverse impacts on land use; there may be an unquantified beneficial effect to prime and unique farmlands, by allowing for more flexible water management options.

### ***Cumulative Impacts***

Since the Proposed Action would not have any adverse impacts on land use, there would be no cumulative adverse impacts from the Proposed Action.

## **Biological Resources**

No effects to biological resources would occur under the Proposed Action. Most of the habitat types required by species protected by the Endangered Species Act (ESA) do not occur in the project area. The Proposed Action would not involve the conversion of any land fallowed and untilled for three or more years. The Proposed Action also would not change the land use patterns of the cultivated or fallowed fields that do have some value to listed species or birds protected by the Migratory Bird Treaty Act (MBTA). Since no modifications to natural stream courses or additional pumping would occur, there would be no effects on listed fish species. Critical habitat occurs within the area affected by the Proposed Action, but the restrictions against land conversion would prevent effects on critical habitat.

### ***Cumulative Impacts***

As the Proposed Action would not result in any direct or indirect impacts to biological resources, it would not contribute cumulatively to any impacts.

## **Cultural Resources**

There would be no modification of CVP storage or conveyance facilities and no activities that would result in ground disturbance under the Proposed Action. On June 4, 2013, Reclamation's Mid-Pacific Region, Cultural Resources Branch, determined that the Proposed Action involves the type of activity that has no potential to cause effects on historic properties, pursuant to 36 CFR Part 800.3(a)(1).

## **Indian Sacred Sites**

The Proposed Action would not limit access to ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites, since no new construction or ground disturbing activities would occur as part of the Proposed Action. Therefore, there would be no impacts to Indian Sacred Sites as a result of the Proposed Action.

**Indian Trust Assets**

Under the Proposed Action, TMR would receive up to 500 af of the District's non-CVP water. Existing and future M&I uses on TMR would have a more secure water supply. This would provide a beneficial effect to ITA.

***Cumulative Impacts***

Since the Proposed Action would provide a beneficial effect to M&I uses on TMR, it would provide a cumulatively beneficial effect when combined with any other past, present, and reasonably foreseeable actions on TMR.

**Socioeconomic Resources**

The ability to store and deliver water at a schedule most beneficial to the District would allow them to provide reliable water to their customers during the irrigation season and help maintain the local agricultural industry. It would also provide a more reliable source of water for TMR, which would help sustain existing government and business functions. The Proposed Action would have minor beneficial impacts to socioeconomic resources.

***Cumulative Impacts***

Since the Proposed Action would provide a beneficial effect to socioeconomic resources, it would provide a cumulatively beneficial effect when combined with any other past, present, and reasonably foreseeable actions.

**Environmental Justice**

The Proposed Action does not propose any features that would result in adverse human health or environmental effects, have any physical effects on minority or low-income populations, and/or alter socioeconomic conditions of populations that reside or work in the vicinity of the Proposed Action.

**Air Quality**

No new facilities would be needed as a result of the Proposed Action, so no construction-related emissions would be produced. The water in the Proposed Action would move via gravity, hence there would be no emissions from pumping. As a result, there would be no impacts to air quality as a result of the Proposed Action, and a conformity analysis is not required.

**Global Climate and Energy Use**

The Proposed Action would neither involve physical changes to the environment nor construction activities that could impact global climate change. No new facilities would be needed as a result of the Proposed Action, so no construction-related emissions would be produced. The water in the Proposed Action would move via gravity, hence there would be no energy used or GHG from pumping.

Since the Proposed Action would facilitate the District's diversion of their Soquel water to Bass Lake, hydroelectric power generation may be enhanced. Additionally, more flexible management of surface supplies may result in less groundwater pumping than the No Action Alternative. Due to energy production and reduction in pumping, the Proposed Action could have a beneficial effect on energy production and use; thus causing fewer indirect effects on global climate.

***Cumulative Impacts***

Since any increase in greenhouse gas emissions would result in a cumulative effect to the environment, any effects of the Proposed Action would be cumulative. As discussed under the Proposed Action, there may be a beneficial effect regarding energy use, and hence an reduction in greenhouse gas emissions.