

RECLAMATION

Managing Water in the West

DRAFT FINDING OF NO SIGNIFICANT IMPACT

Madera Irrigation District – Hidden Unit 5-Year Warren Act Contract

FONSI-10-47

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Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the South-Central California Area Office of the Bureau of Reclamation (Reclamation), has determined that the execution of a Warren Act contract with Madera Irrigation District is not a major Federal action that would significantly affect the quality of the human environment and an Environmental Impact Statement is not required. This Draft Finding of No Significant Impact (FONSI) is supported by Reclamation's Draft Environmental Assessment (EA) number EA-10-47, *Madera Irrigation District – Hidden Unit 5-Year Warren Act Contract*, and is hereby incorporated by reference.

Reclamation intends to provide the public with an opportunity to comment on the Draft FONSI and Draft EA during a 21-day public comment period.

Background

MID has determined that it would be beneficial to, at times, store some of the water it has pre-1914 rights to divert from Big Creek, the North Fork of Willow Creek, and the Fresno River (non-Federal water) behind Hidden Dam in Hensley Lake for a period that could exceed 30 days. Hensley Lake and Hidden Dam are also known as the Hidden Unit and is part of the Central Valley Project (CVP). As such, MID needs a Warren Act contract with Reclamation for use of Hidden Unit facilities for storage and flow-through purposes. Up to 36,000 acre-feet (AF) of MID's non-CVP supplies could be stored, at any one time, behind Hidden Dam in Hensley Lake when excess capacity is available as determined by the United States Army Corps of Engineers (ACOE). MID's non-CVP supplies would enter Hensley Lake and pass through Hidden Dam or be stored and later released (at MID's request and coordinated with the ACOE) into the Fresno River for re-diversion into the District's service area to be used for agricultural purposes.

The Warren Act (Act as of February 21, 1911, CH. 141, {36 STAT. 925}) authorizes Reclamation to negotiate agreements to store and convey non-Federal water when excess capacity is available in Federal facilities.

The temporal scope of the Draft EA analyzed up to 5 years, starting in 2010 and ending after the 2014 Contract Year (February 28, 2015).

Findings

Water Resources

The Proposed Action will provide MID with the ability to regulate their non-CVP supplies by diverting and/or storing it within the Hidden Unit for later use when the timing of delivery is most beneficial to the District. MID would only be allowed to store non-CVP water within the Hidden Unit after downstream Fresno River water rights have been met and when there is excess capacity so as not to impact their own Hidden Unit CVP supplies, Hensley Lake minimum pool requirement of at least 5,000 AF, and Hidden Unit flood control operations. There would be no significant impacts to water resources as a result of the Proposed Action.

Land Use

The Proposed Action will utilize existing facilities and will not require construction of new facilities or modifications to existing facilities that will result in ground disturbance. MID's non-CVP supplies will only be stored within the Hidden Unit when capacity exists so as to not impact recreational land use around the facilities. MID will use their non-CVP supplies to irrigate existing agriculture and to supply domestic livestock ranches as has historically occurred. Therefore, the Proposed Action will not have any impacts on existing land use.

Biological Resources

Most of the habitat types required by species protected by the Endangered Species Act do not occur in the project area. The Proposed Action will not involve the conversion of any land fallowed and untilled for three or more years. The Proposed Action also will 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. Since no 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 will prevent effects on critical habitat. No changes will occur at Hensley Lake. There will be no impacts to biological resources.

Cultural Resources

Water diversion and/or storage will occur through existing facilities and the water will be provided within existing service area boundaries to areas that currently use water. The Proposed Action will not result in the modification of any existing facilities, construction of new facilities, change in land use, or growth. Because the Proposed Action will result in no physical alterations of existing facilities and no ground disturbance as stipulated in Section 2.2 of the Draft EA, Reclamation concludes that the Proposed Action has no potential to cause effect to historic properties pursuant to the regulations at 36 CFR Part 800.3(a)(1), and will result in no impacts to cultural resources.

Indian Trust Assets (ITA)

Execution of the Warren Act contract will not involve any construction on lands or impact water, hunting, and fishing rights associated with the nearest ITA listed in the affected environment of the Draft EA. Therefore, the Proposed Action does not have a potential to impact ITA.

Indian Sacred Sites

The Proposed Action involves diverting and storing water utilizing existing conveyance facilities. No construction or ground disturbing activities will be required that will have the potential to impact known or unknown Indian sacred sites and/or prohibit access to and ceremonial use of this resource. There will be no impacts to Indian sacred sites.

Socioeconomic Resources

The ability to store and deliver water at a schedule most beneficial to MID will allow the district to provide reliable water to their customers during the irrigation season and help maintain the agricultural industry. The Proposed Action will have minor beneficial impacts to socioeconomic resources.

Environmental Justice

The Proposed Action will provide MID with the ability to regulate its water supplies and deliver water to their customers when it is most beneficial during the irrigation season, which will help maintain the agriculture industry. As a result, farm-related jobs for minority and disadvantaged populations within MID will slightly benefit from a sustained agricultural economy. The Proposed Action will not cause dislocation, adverse changes in employment, or increase flood, drought, or disease within the affected environment. The Proposed Action will not disproportionately impact economically disadvantaged or minority populations.

Global Climate

Green house gases (GHG) generated by the Proposed Action is expected to be extremely small compared to sources contributing to potential climate change since the exchange of water will be conveyed mostly via gravity and little, if any, additional pumping from electric motors will be required. While any increase in GHG emissions will add to the global inventory of gases that will contribute to global climate change, the Proposed Action will result in potentially minimal to no increases in GHG emissions and a net increase in GHG emissions among the pool of GHG will not be detectable. There will be no significant impacts to global climate.

Cumulative Impacts

MID will only be allowed to store non-CVP water within the Hidden Unit after downstream Fresno River water rights have been met and when there is excess capacity so as not to impact their own Hidden Unit CVP supplies, Hensley Lake minimum pool requirement of at least 5,000 AF, and Hidden Unit flood control operations. The Proposed Action will only occur for up to five years, is short-term in scope, and will not contribute to significant cumulative impacts to water resources.

The Proposed Action will have no impacts on land use, biological resources, cultural resources, ITA, and Indian sacred sites; therefore, will not contribute to cumulative impacts on these resources areas. Slight beneficial impacts to socioeconomics and environmental justice will be short-term and within the historical variations, and therefore will not contribute to significant cumulative impacts. GHG impacts are considered to be cumulative impacts. The Proposed Action, when added to other existing and future actions, will not contribute to cumulative impacts to global climate change owing to the EPA threshold (25,000 tons/year) magnitude of GHG emissions requirement for reporting.

The Proposed Action, when added to other existing and foreseeable similar actions, do not contribute to significant increases or decreases in environmental conditions. Overall, there will be no significant cumulative impacts caused by the Proposed Action.