

RECLAMATION

Managing Water in the West

Draft Environmental Assessment

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

EA-10-47



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

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Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to 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.

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List of Acronyms and Abbreviations

ACOE	Army Corps of Engineers
AF	acre-feet
APE	area of potential effects
CFR	Code of Federal Regulations
cfs	cubic-feet per second
CVP	Central Valley Project
EA	environmental assessment
ESA	Endangered Species Act
FWCA	Fish and Wildlife Coordination Act
GHG	green house gases
ITA	Indian Trust Assets
MBTA	Migratory Bird Treaty Act
MID	Madera Irrigation District
National Register	Nation Register of Historic Places
NHPA	National Historic Preservation Act
Reclamation	Bureau of Reclamation
SHPO	State Historic Preservation Officer
SWRCB	State Water Resources Control Board
USFWS	U.S. Fish and Wildlife Service

Section 1 Purpose and Need for Action

1.1 Background

The Fresno River is a river in the San Joaquin Valley and is formed by two tributaries near a point called Yosemite Forks in the Sierra Nevada Mountain Range. The Fresno River then generally flows southwest towards Madera, passing through Hensley Lake along the way (Figure 1). Hensley Lake, a 90,000 acre-feet (AF) capacity reservoir, was formed when the United States Army Corps of Engineers (ACOE) completed construction of Hidden Dam in 1974. Operated and maintained by the ACOE, the earth-filled dam's primary purpose is flood control, but it is also used to regulate flows for irrigation and groundwater recharge. In 1978, Hensley Lake was opened to the public for recreation. Below Hidden Dam, the Fresno River is diverted by the John Franchi Diversion Dam, which is a 15-foot high, 263-foot-wide earth, concrete, and steel dam, into MID's distribution system. The dam was built by the Bureau of Reclamation (Reclamation) and is operated by Madera Irrigation District (MID). From this point, the Fresno River is normally dry except for occasions when water levels are high enough to spill over the dam.

In 1973, the State Water Resources Control Board approved Decision 1407, as amended, permitting Reclamation with water rights and other rights to divert and store flows from the Fresno River behind Hidden Dam in Hensley Lake (also referred to as the Hidden Unit) for Central Valley Project (CVP) purposes. Reclamation entered into a CVP contract with MID (No. 14-06-200-4020A-LTR1) to provide the District with the entire yield from the Hidden Unit.

1.2 Purpose and Need

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-CVP supplies) behind Hidden Dam in Hensley Lake for a period that could exceed 30 days. As such, MID needs a Warren Act contract with Reclamation for use of Hidden Unit facilities for storage and flow-through purposes. The Proposed Action would allow MID to better regulate its varied water resources and provide for improved overall water management flexibility.

1.3 Scope

This Environmental Assessment (EA) has been prepared to examine the potential direct and indirect impacts to the affected environment associated with the Proposed Action and No Action Alternative. Up to 36,000 AF of MID's non-CVP supplies could be stored, at any one time, behind Hidden Dam in Hensley Lake.

The Proposed Action would utilize existing facilities, including those of the Hidden Unit of the CVP. The temporal scope of this EA would be for up to 5 years, starting in 2010 and ending after the 2014 Contract Year (February 28, 2015).

1.4 Reclamation's Legal and Statutory Authorities and Jurisdiction Relevant to the Proposed Federal Action

Several Federal laws, permits, licenses and policy requirements have directed, limited or guided the National Environmental Policy Act analysis and decision-making process of this EA and include the following as amended, updated, and/or superseded:

- Title XXXIV Central Valley Project Improvement Act, October 30, 1992, Section 3405(a); and
- 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.

1.5 Potential Issues

Potentially affected resources and cumulative impacts in the project vicinity include:

- water resources
- land use
- biological resources
- cultural resources
- Indian Trust Assets (ITA)
- Indian sacred sites
- socioeconomic resources
- environmental justice
- global climate

The following was eliminated from detailed environmental analysis due to the reasons below:

- Air Quality
 - Comprehensive evaluation of air quality issues were eliminated from detailed environmental analysis because there would be no construction or ground disturbing activities that could lead to the introduction of fugitive dust and exhaust emissions into the Proposed Action area's air district. Water movement involved with the Proposed Action would be gravity fed through the conveyance facilities and not require the use of any gas and/or diesel pumps that could release emissions to impact air quality.

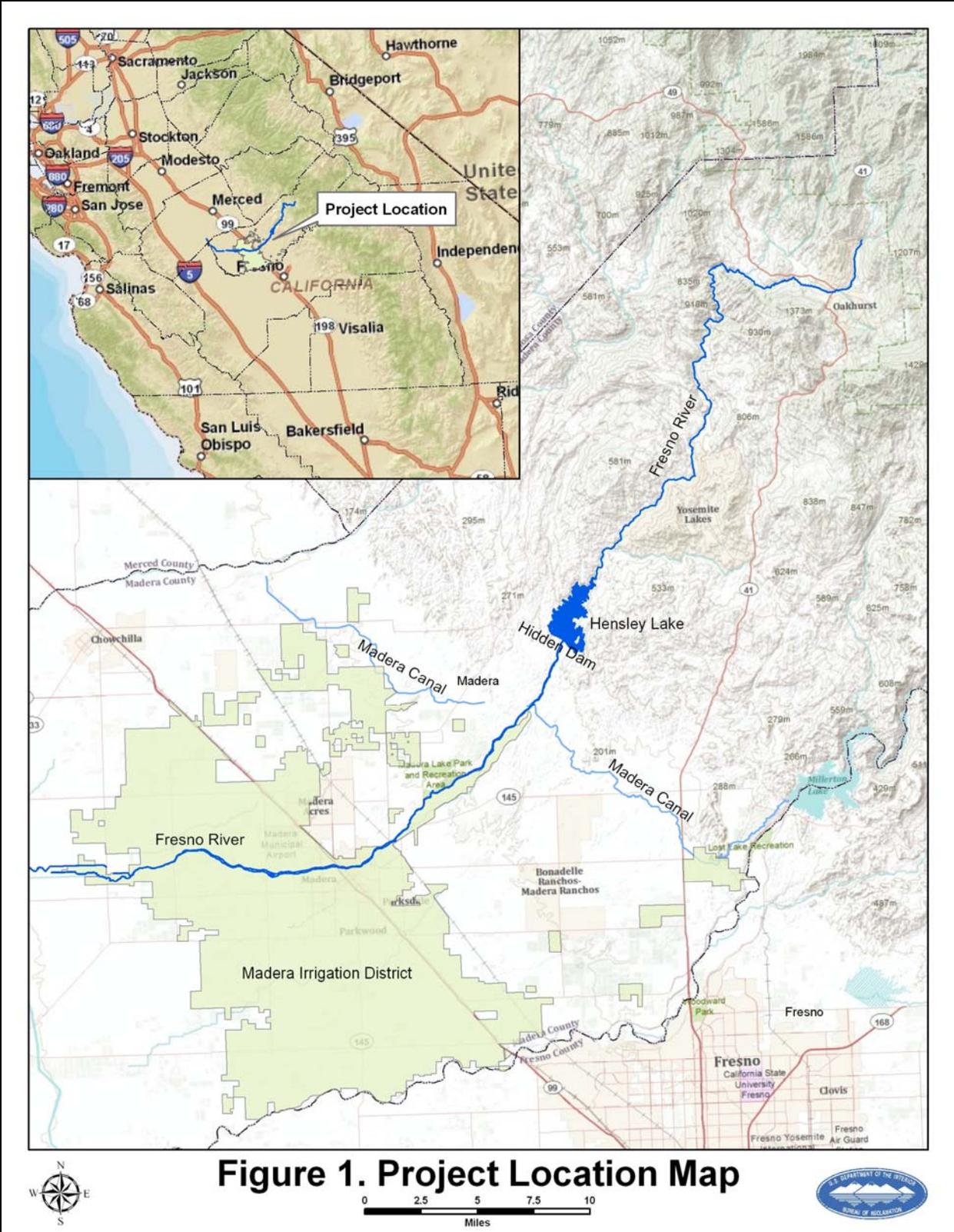


Figure 1

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Section 2 Alternatives Including the Proposed Action

This EA considers two possible actions: The No Action Alternative and the Proposed Action. The No Action Alternative reflects future conditions over the temporal scope of the project without the Proposed Action, and serves as a basis of comparison for determining potential effects to the human environment.

2.1 No Action Alternative

Under the No Action Alternative, Reclamation would not execute a Warren Act contract with MID that would allow the District to store its non-CVP supplies within the Hidden Unit. MID could construct new facilities to store their non-CVP supplies, which would duplicate a portion of CVP facilities and have potential environmental impacts. MID could sell their non-CVP water supplies to willing buyers; however, any such action would need to be consistent with its water rights and the water would have to be available during times when a potential buyer could beneficially use the water. Either option is outside the scope of this EA and may be subject to separate environmental review. MID would be able to continue conveying their North Fork Willow Creek water down the San Joaquin River and eventually through Friant Division CVP facilities for ultimate delivery to the district under an existing Warren Act contract and approval from Reclamation.

2.2 Proposed Action

Reclamation proposes to execute a Warren Act contract with MID, which would allow the district to store up to 36,000 AF total, at any one time, of its non-CVP supplies within the Hidden Unit of the CVP. The term of the Warren Act contract would be up to 5 years, and begin during the 2010 Contract Year and would end on the final day of the 2014 Contract Year (February 28, 2015).

MID's pre-1914 water rights to sources of non-CVP water that could potentially be stored within the Hidden Unit are as follows:

- Up to 50 cubic-feet per second (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) under 1875 claim of appropriative right;
- Up to 50 cfs of water imported from North Fork of Willow Creek through the Soquel Diversion from October 1 through July 31 the following year under 1873 claim of appropriative right; and
- Up to 200 cfs of water from the Fresno River at John Franchi Diversion Dam (which is inclusive of water imported from Big Creek and North Fork of Willow Creek) year-round under 1873 claim of appropriative right.

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.

In addition, the Proposed Action would include the following commitments:

- no native or untilled land (fallow for 3 consecutive years or more) would be cultivated with the water involved in these actions;
- no new construction or modification of existing facilities would be required;
- MID's non-CVP supplies would only be stored within the Hidden Unit when there is excess capacity available as determined by the ACOE;
- storage of MID's non-CVP supplies within Hidden Unit facilities would not impact downstream landowners with riparian water rights, minimum pool requirements required in Hensley Lake, and upstream Fresno River water uses;
- MID's stored non-CVP supplies would be first to spill from Hidden Dam for flood control purposes; and
- MID's non-CVP water released from Hidden Dam cannot 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.

Section 3 Affected Environment and Environmental Consequences

3.1 Water Resources

3.1.1 Affected Environment

As described in Section 1, the Fresno River and Hidden Unit facilities would be used as part of the Proposed Action. In addition, landowners downstream of the Hidden Unit facilities and MID have riparian water rights to the Fresno River.

MID entered into a long-term CVP contract with Reclamation for the entire yield from the Hidden Unit. Under the Hidden Unit contract, and for pricing purposes, the average annual supply available to MID is 24,000 AF. MID has a pre-1914 right to divert water from Big Creek and the North Fork of Willow Creek, which provide an annual average supply of 10,000 and 9,700 AF, respectively. MID also has a senior right to divert water from the Fresno River, the adjudicated and appropriative average annual supply is approximately 20,000 AF and is inclusive of the Big Creek and North Fork of Willow Creek diversions.

3.1.2 Environmental Consequences

3.1.2.1 No Action Alternative

Under the No Action Alternative, MID would not be able to utilize Hidden Unit facilities to regulate their non-CVP supplies and use the water when the timing of delivery is most beneficial to the District. There would be no impacts to MID's Hidden Unit CVP supplies, Hidden Unit facilities, or downstream landowners with riparian water rights to the Fresno River since conditions would remain the same as existing conditions.

3.1.2.2 Proposed Action

The Proposed Action would 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 adverse impacts to water resources as a result of the Proposed Action.

3.2 Land Use

3.2.1 Affected Environment

Some of the lands within the Hidden Unit are operated and maintained by the California Department of Parks and Recreation for recreational purposes.

MID encompasses an area of over 131,000 acres, of which roughly 94,000 are irrigated to mostly to grapes, almonds, and grasses. MID's non-CVP supplies would be used as permitted within the District's service area boundaries.

3.2.2 Environmental Consequences

3.2.2.1 No Action

Under the No Action Alternative, there would be no land use changes to recreational land use within the Hidden Unit since conditions would remain the same. There would be little to no land use changes within MID since the District could still receive some of their non-CVP supplies through Friant Division facilities and/or sell the water to willing buyers and use the money to purchase local supplies.

3.2.2.2 Proposed Action

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. MID's non-CVP supplies would only be stored within the Hidden Unit when capacity exists as to impact recreational land use around the facilities. MID would use their non-CVP supplies to irrigate existing agriculture and to supply domestic livestock ranches as has historically occurred. Therefore, the Proposed Action would not have any adverse impacts on existing land use.

3.3 Biological Resources

3.3.1 Affected Environment

By the mid-1940s, most of the valley's native habitat had been altered by man, and as a result, was severely degraded or destroyed. When the CVP began operations, over 30 percent of all natural habitats in the Central Valley and surrounding foothills had been converted to urban and agricultural land use (Reclamation 1999). Prior to widespread agriculture, land within the Proposed Action area provided habitat for a variety of plants and animals. With the advent of irrigated agriculture and urban development over the last 100 years, many species have become threatened and endangered because of habitat loss. Of the approximately 5.6 million acres of valley grasslands and San Joaquin saltbrush scrub, the primary natural habitats across the valley, less than 10 percent remains today. Much of the remaining habitat consists of isolated fragments supporting small, highly vulnerable populations (Reclamation 1999).

Reclamation requested an official species list from the United States Fish and Wildlife Service (USFWS) via the Sacramento Field Office's website:

http://www.fws.gov/sacramento/es/spp_lists/auto_list_form.cfm on September 23, 2010. The list is for the following USGS 7½ minute quadrangles that overlap MID: Bonita Ranch, Madera, Gregg, Herndon, Lanes Bridge, Biola, Gravelly Ford, Firebaugh NE, Berenda, Kismet, Daulton, and Raynor Creek (document number: 100923054838). Reclamation further queried the California Natural Diversity Database for records of protected species within 10 miles of the project location (CNDDDB 2010). This information, in addition to other information within Reclamation's files, was compiled into Table 1 below.

Table 1. Federally protected species with the potential to be present within or near the Proposed Action area			
<u>Species</u>	<u>Status</u> ¹	<u>Effects</u> ²	<u>Potential to Occur in Study Area</u> ³
Amphibians			
California red-legged frog (<i>Rana draytonii</i>)	T	NE	Absent. Suitable habitat absent. Extirpated from Proposed Action Area (USFWS 2002).

<u>Species</u>	<u>Status</u> ¹	<u>Effects</u> ²	<u>Potential to Occur in Study Area</u> ³
<u>Birds</u>			
Burrowing owl (<i>Athene cunicularia</i>)	MBTA	NE	Likely Present. Suitable habitat present; no conversion of native lands or lands fallowed for three years or less.
Swainson's hawk (<i>Buteo swainsoni</i>)	MBTA		Likely Present. Suitable habitat present; no conversion of native lands or lands fallowed for three years or less; current cropping patterns not expected to change.
<u>Fish</u>			
delta smelt (<i>Hypomesus transpacificus</i>)	T	NE	Absent. No natural waterways within the species' range will be affected by the proposed action. There will be no effect on Delta pumping.
Central Valley steelhead (<i>Oncorhynchus mykiss</i>)	T	NE	Absent. No natural waterways within the species' range will be affected by the proposed action. There will be no effect on Delta pumping.
<u>Invertebrates</u>			
Conservancy fairy shrimp (<i>Branchinecta conservatio</i>)	E, X	NE	Likely Present. Suitable habitat present; no conversion of native lands or lands fallowed for three years or less.
valley elderberry longhorn beetle (<i>Desmocerus californicus dimorphus</i>)	T	NE	Likely Present. Suitable habitat present; no conversion of native lands or lands fallowed for three years or less and no construction.
vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	T, X	NE	Likely Present. Suitable habitat present; no conversion of native lands or lands fallowed for three years or less.
vernal pool tadpole shrimp (<i>Lepidurus packardii</i>)	E, X	NE	Likely Present. Suitable habitat present; no conversion of native lands or lands fallowed for three years or less.
<u>Mammals</u>			
blunt-nosed leopard lizard (<i>Gambelia sila</i>)	E	NE	Possible. Not known from MID's service area, but northernmost population exists on nearby Madera Ranch; no conversion of native lands or lands fallowed for three years or less.
San Joaquin kit fox (<i>Vulpes macrotis mutica</i>)	E	NE	Possible. Can use ag lands to some degree. CNDDDB records near but not in MID's service area; no conversion of native lands or lands fallowed for three years or less.
<u>Plants</u>			
succulent owl's-clover (<i>Castilleja campestris</i> ssp. <i>succulenta</i>)	T, X	NE	Possible. CNDDDB records near but not in MID's service area; no conversion of native lands or lands fallowed for three years or less.
palmate-bracted bird's-beak (<i>Cordylanthus palmatus</i>)	E	NE	Unlikely. Requires seasonally flooded alkali grasslands and alkali scrub; some degraded potential habitat is present on Madera Ranch, but outside of service area; no conversion of native lands or lands fallowed for three years or less.

<u>Species</u>	<u>Status¹</u>	<u>Effects²</u>	<u>Potential to Occur in Study Area³</u>
San Joaquin Valley Orcutt grass (<i>Orcuttia inaequalis</i>)	T, X	NE	Possible. CNDDDB records near but not in MID's service area; no conversion of native lands or lands fallowed for three years or less.
hairy Orcutt grass (<i>Orcuttia pilosa</i>)	E, X	NE	Possible. CNDDDB records near but not in MID's service area; no conversion of native lands or lands fallowed for three years or less.
Greene's tuctoria (<i>Tuctoria greenei</i>)	E, X	NE	Possible. CNDDDB records near but not in MID's service area; no conversion of native lands or lands fallowed for three years or less.
<u>Reptiles</u>			
blunt-nosed leopard lizard (<i>Gambelia sila</i>)	E	NE	Unlikely. Requires open grasslands and saltbush scrub; northernmost population is present on Madera Ranch, but outside of service area; no conversion of native lands or lands fallowed for three years or less.
giant garter snake (<i>Thamnophis gigas</i>)	T	NE	Absent. Suitable habitat is absent from Project Area. Believed extirpated from Tulare Basin (Hanson and Brode 1980).
<p>1 Status= Listing of Federally protected species E: Listed as Endangered MBTA: Birds protected under the Migratory Bird Treaty Act T: Listed as Threatened X: Critical Habitat designated for this species</p> <p>2 Effects = Effect determination NE: No Effect</p> <p>3 Definition Of Occurrence Indicators Present: Species observed in area Possible: Species no observed at least in the last 10 years Absent: Species not observed in study area and habitat requirements not met</p> <p>4 CNDDDB = California Natural Diversity Database 2010</p>			

3.3.2 Environmental Consequences

3.3.2.1 No Action

Under the No Action Alternative, there would be no additional impacts to biological resources since conditions would remain the same as existing conditions. Although the Madera Ranch groundwater bank would be partially constructed within five years and would potentially store this water, all of the portions of the bank that would be subject to construction and flooding are actually outside of the service area.

3.3.2.2 Proposed Action

Effects are similar to the No Action Alternative. 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 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. No changes would occur at Hensley Lake. There would be no impacts to biological resources.

3.4 Cultural Resources

Cultural resources is a broad term that includes prehistoric, historic, architectural, and traditional cultural properties. The National Historic Preservation Act (NHPA) of 1966 is the primary Federal legislation that outlines the Federal Government's responsibility to cultural resources. Section 106 of the NHPA requires the Federal Government to take into consideration the effects of an undertaking on cultural resources listed on or eligible for inclusion in the National Register of Historic Places (National Register). Those resources that are on or eligible for inclusion in the National Register are referred to as historic properties.

The Section 106 process is outlined in the Federal regulations at 36 Code of Federal Regulations (CFR) Part 800. These regulations describe the process that the Federal agency (Reclamation) takes to identify cultural resources and the level of effect that the proposed undertaking would have on historic properties. In summary, Reclamation must first determine if the action is the type of action that has the potential to affect historic properties. If the action is the type of action to affect historic properties, Reclamation must identify the area of potential effects (APE), determine if historic properties are present within that APE, determine the effect that the undertaking will have on historic properties, and consult with the State Historic Preservation Office (SHPO), to seek concurrence on Reclamation's findings. In addition, Reclamation is required through the Section 106 process to consult with Indian Tribes concerning the identification of sites of religious or cultural significance, and consult with individuals or groups who are entitled to be consulting parties or have requested to be consulting parties. Reclamation uses the Section 106 process to identify and consider impacts to cultural resources that may be affected by actions outlined in this EA.

3.4.1 Affected Environment

The San Joaquin Valley is rich in historical and prehistoric cultural resources. Cultural resources in this area are generally prehistoric in nature and include remnants of native human populations that existed before European settlement. Prior to the 18th Century, many Native American tribes inhabited the Central Valley. It is possible that many cultural resources lie undiscovered across the valley. The San Joaquin Valley supported extensive populations of Native Americans, principally the Northern Valley Yokuts, in the prehistoric period. Cultural studies in the San Joaquin Valley have been limited. The conversion of land and intensive farming practices over the last century has probably disturbed many Native American cultural sites.

Resources within the scope of this project include historic features of the built environment, primarily those of the CVP. Components of the CVP have been determined eligible for inclusion in the National Register and have been prepared for inclusion in the National Register through a multiple property nomination. The CVP multiple property nomination is currently being reviewed for submission to the Keeper of the National Register for inclusion in the National Register.

3.4.2 Environmental Consequences

3.4.2.1 No Action

Under the No Action Alternative, there would be no Federal undertaking as described in the NHPA at Section 301(7). As a result, Reclamation would not be obligated to implement Section 106 of that NHPA and its implementing regulations at 36 CFR Part 800. Because there is no undertaking, impacts to cultural resources would not be evaluated through the Section 106 process. All operations would remain the same, resulting in no impacts to cultural resources.

3.4.2.2 Proposed Action

The Proposed Action as described in the Section 2.2 of this EA constitutes an undertaking as pursuant to Section 301(7) of the NHPA, initiating Section 106 of the NHPA and its implementing regulations at 36 CFR Part 800. Water diversion and/or storage would occur through existing facilities and the water would be provided within existing service area boundaries to areas that currently use water. The Proposed Action would not result in the modification of any existing facilities, construction of new facilities, change in land use, or growth. Because the Proposed Action would result in no physical alterations of existing facilities and no ground disturbance as stipulated in Section 2.2 of this 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 would result in no impacts to cultural resources (see Appendix A for cultural resources determination).

3.5 Indian Trust Assets

ITA are legal interests in assets that are held in trust by the U.S. Government for federally recognized Indian tribes or individuals. The trust relationship usually stems from a treaty, executive order, or act of Congress. The Secretary of the Interior is the trustee for the United States on behalf of federally recognized Indian tribes. “Assets” are anything owned that holds monetary value. “Legal interests” means there is a property interest for which there is a legal remedy, such a compensation or injunction, if there is improper interference. ITA cannot be sold, leased or otherwise alienated without the United States’ approval. Assets can be real property, physical assets, or intangible property rights, such as a lease, or right to use something; which may include lands, minerals and natural resources in addition to hunting, fishing, and water rights. Indian reservations, rancherias, and public domain allotments are examples of lands that are often considered trust assets. In some cases, ITA may be located off trust land.

Reclamation shares the Indian trust responsibility with all other agencies of the Executive Branch to protect and maintain ITA reserved by or granted to Indian tribes, or Indian individuals by treaty, statute, or Executive Order.

3.5.1 Affected Environment

The nearest ITA is a Public Domain Allotment approximately 10 miles northeast of the Proposed Action location.

3.5.2 Environmental Consequences

3.5.2.1 No Action Alternative

Under the No Action Alternative, Reclamation would not approve the exchange and conditions would remain the same as existing conditions; therefore, there would be no impacts to ITA.

3.5.2.2 Proposed Action

Execution of the Warren Act contract would not involve any construction on lands or impact water, hunting, and fishing rights associated with the nearest ITA listed in the affected environment. Therefore, the Proposed Action does not have a potential to affect ITA (refer to Appendix A for ITA determination).

3.6 Indian Sacred Sites

Executive Order 13007 provides that in managing Federal lands, each Federal agency with statutory or administrative responsibility for management of Federal lands will, to the extent practicable and as permitted by law, accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners, and avoid adversely affecting the physical integrity of such sacred sites.

3.6.1 Affected Environment

There are no known Indian sacred sites or access roads/paths leading to Indian sacred sites within the Proposed Action location.

3.6.2 Environmental Consequences

3.6.2.1 No Action

Under the No Action Alternative, there would be no impacts to Indian sacred sites since conditions would remain the same as existing conditions.

3.6.2.2 Proposed Action

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

3.7 Socioeconomic Resources

3.7.1 Affected Environment

The agricultural industry significantly contributes to the overall economic stability of the San Joaquin Valley. The CVP allocations each year allow farmers to plan for the types of crops to grow and to secure loans to purchase supplies. Depending upon the variable hydrological and economical conditions, water transfers and exchanges could be prompted. The economic variances may include fluctuating agricultural prices, insect infestation, changing hydrologic conditions, increased fuel and power costs.

3.7.2 Environmental Consequences

3.7.2.1 No Action Alternative

Under the No Action Alternative, there would be little to no impacts to socioeconomic resources since MID could either sell their non-CVP supplies and purchase local water supplies and/or receive a portion of their non-CVP supplies via Friant Division facilities.

3.7.2.2 Proposed Action

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

3.8 Environmental Justice

3.8.1 Affected Environment

The February 11, 1994, Executive Order 12898 requires federal agencies to ensure that their actions do not disproportionately impact minority and disadvantaged populations. The market for seasonal workers on local farms draws thousands of migrant workers, commonly of Hispanic origin from Mexico and Central America, into the San Joaquin Valley. Agriculture and related businesses are the main industry within MID, which provides employment opportunities for these minority and/or disadvantaged populations.

3.8.2 Environmental Consequences

3.8.2.1 No Action

Under the No Action Alternative, there would be little to no impacts to environmental justice since MID could either sell their non-CVP supplies and purchase local water supplies and/or receive a portion of their non-CVP supplies via Friant Division facilities. Employment of minority and disadvantaged populations for agriculture-related jobs in MID would still be within historical conditions.

3.8.2.2 Proposed Action

As noted in Section 3.7.2.2, the Proposed Action would 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 would help maintain the agriculture industry. As a result, farm-related jobs for minority and disadvantaged populations within MID would slightly benefit from a sustained agricultural economy. The Proposed Action would not cause dislocation, adverse changes in employment, or increase flood, drought, or disease within the affected environment. The Proposed Action would not disproportionately impact economically disadvantaged or minority populations.

3.9 Global Climate

3.9.1 Affected Environment

Climate change refers to significant change in measures of climate that last for decades or longer. Burning of fossil fuels is considered a major contributor to perceived global climate change. Carbon dioxide, which is produced when fossil fuels are burned, is a greenhouse gas (GHG) that effectively traps heat in the lower atmosphere. Some carbon dioxide is liberated naturally, but this may be augmented greatly through human activities. Increases in air temperature may lead to changes in precipitation patterns, runoff timing and volume, sea level rise, and changes in the amount of irrigation water needed due to modified evapotranspiration rates. These changes may lead to impacts to California's water resources and project operations. While there is general

consensus in their trend, the magnitudes and onset-timing of impacts are uncertain and are scenario-dependent (Anderson et al. 2008).

3.9.2 Environmental Consequences

3.9.2.1 No Action Alternative

The No Action Alternative would involve no change to the composition of GHG in the atmosphere and therefore would not contribute to global climate change.

3.9.2.2 Proposed Action

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 would be conveyed mostly via gravity and little, if any, additional pumping from electric motors would be required. While any increase in GHG emissions would add to the global inventory of gases that would contribute to global climate change, the Proposed Action would result in potentially minimal to no increases in GHG emissions and a net increase in GHG emissions among the pool of GHG would not be detectable.

3.10 Cumulative Impacts

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 purposes. The Proposed Action would only occur for up to five years, is short-term in scope, and would not contribute to adverse cumulative impacts to water resources.

The Proposed Action would have no impacts on land use, biological resources, cultural resources, ITA, and Indian sacred sites; therefore, would not contribute to cumulative impacts on these resources areas. Slight beneficial impacts to socioeconomics and environmental justice would be short-term and within the historical variations, and therefore would not contribute to cumulative impacts. GHG impacts are considered to be cumulative impacts. The Proposed Action, when added to other existing and future actions, would 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 (EPA 2009).

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

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Section 4 Consultation and Coordination

4.1 Public Review Period

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

4.2 Fish and Wildlife Coordination Act (16 USC § 661 et seq.)

The Fish and Wildlife Coordination Act (FWCA) requires that Reclamation consult with fish and wildlife agencies (federal and state) on all water development projects that could affect biological resources. The Proposed Action does not involve federal water development projects; therefore, the FWCA does not apply.

4.3 Endangered Species Act (16 USC § 1531 et seq.)

Section 7 of the ESA requires Federal agencies, in consultation with the Secretary of the Interior, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of the critical habitat of these species.

The Proposed Action would not change the land use patterns of the cultivated or fallowed fields that do have some value to listed species. In addition, the short duration of the water availability, the requirement that no native lands be converted without consultation with the USFWS, and the stringent requirements for transfers under applicable laws would prevent any adverse impact to any federally listed species or any critical habitat. Therefore, consultation with the USFWS is not required.

4.4 National Historic Preservation Act (16 USC § 470 et seq.)

The NHPA of 1966, as amended (16 USC 470 *et seq*), requires that federal agencies give the Advisory Council on Historic Preservation an opportunity to comment on the effects of an undertaking on historic properties, properties that are eligible for inclusion in the NRHP. The 36 CFR Part 800 regulations implement Section 106 of the NHPA.

Section 106 of the NHPA requires federal agencies to consider the effects of federal undertakings on historic properties, properties determined eligible for inclusion in the NRHP. Compliance with Section 106 follows a series of steps that are designed to identify interested parties, determine the APE, conduct cultural resource inventories, determine if historic properties are present within the APE, and assess effects on any identified historic properties. The activities associated with the Proposed Action would include no new ground disturbance, no change in land use, and the use of existing conveyance features to move water. Reclamation has determined that there would be no potential to affect historic properties by the Proposed Action pursuant to 36 CFR 800.3(a)(1), and consultation with the SHPO is not required (see Appendix A for cultural resources determination).

Section 5 List of Preparers and Reviewers

Michael Inthavong, Natural Resources Specialist, SCCAO
Amy Barnes, Archaeologist, MP-153
Patricia Rivera, Indian Trust Assets, MP-400
Shauna McDonald, Wildlife Biologist, SCCAO
Valerie Curley, Chief Contracts Administration Branch, SCCAO – Reviewer
Chuck Siek, Supervisory Natural Resources Specialist, SCCAO – Reviewer

Section 6 References

- Anderson, J., F. Chung, M. Anderson, L. Brekke, D. Easton, M. Ejetal, R. Peterson, and R. Snyder. 2008. Progress on Incorporating Climate Change into Management of California's Water Resources. *Climatic Change* (2008) 87 (Suppl 1):S91–S108 DOI 10.1007/s10584-007-9353-1.
- CNDDDB (California Natural Diversity Database). 2010. California Department of Fish and Game's Natural Diversity Database, Version 3.1.1. RareFind 3 (computer application). Last Updated: July 6, 2010.
- EPA (Environmental Protection Agency). 2009: Climate Change, Basic Information. <http://www.epa.gov/climatechange/basicinfo.html>, accessed September 23, 2009.
- Reclamation (Bureau of Reclamation). 1999. Final Programmatic Environmental Impact Statement for the Implementation of the CVPIA. October 1999.
- Reclamation (Bureau of Reclamation). 2001. Long-Term Renewal Contract Between the United States and Madera Irrigation District Providing for Project Water Service from Hidden Unit. Contract No. 14-06-4020A-LTR1. February 14, 2001.

Appendix A – ITA and Cultural Resources Determinations

Inthavong, Michael T

To: Inthavong, Michael T
Subject: FW: 10-47 Madera ID Storage in Hidden Dam Warren Act Contract (10-SCAO-297)

From: Barnes, Amy J
Sent: Tuesday, August 24, 2010 10:43 AM
To: Siek, Charles R
Cc: Goodsell, Joanne E; Leigh, Anastasia T; Bruce, Brandee E; Nickels, Adam M; Overly, Stephen A; Perry, Laureen (Laurie) M; Ramsey, Dawn
Subject: 10-47 Madera ID Storage in Hidden Dam Warren Act Contract (10-SCAO-297)

Tracking #10-SCAO-297

Project: 10-47 Madera ID Storage in Hidden Dam Warren Act Contract

Location: Fresno County.

The activities associated with Reclamation executing a five-year Warren Act contract with the Madera Irrigation District (MID) to store their non-project water in Hidden Dam will have no potential to affect historic properties. Reclamation is seeking a water rights license on its Fresno River water for MID's Central Valley Project (CVP) Hidden Unit contract because the Hidden Unit construction is now considered complete and the maximum beneficial water use has been reached. As a part of the State Board's licensing investigation, the State Board has determined that MID has been storing both their Fresno River prescriptive water rights confirmed by the 1916 Court Ordered Judgment No. 687 and Big Creek water it diverts under pre-1914 right behind Hidden Dam. The State Board has now requested MID obtain permission from Reclamation to store their Non-Project Water as a condition under Reclamation's licensing request for CVP Fresno River water.

As the proposed action will have no potential to affect historic properties, Reclamation's responsibilities under Section 106 of the National Historic Preservation Act are fulfilled.

Thank you for the opportunity to review the proposed action. Please place a copy of this concurrence and attached correspondence with the EA administrative record. The attached EA contains edits to the cultural resources sections.

Amy J. Barnes
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Inthavong, Michael T

To: Inthavong, Michael T
Subject: FW: ITA Request

From: Rivera, Patricia L
Sent: Tuesday, August 24, 2010 1:27 PM
To: Siek, Charles R
Subject: RE: ITA Request

Chuck,

I reviewed the proposed action to enter a 5-year storage temporary Warren Act with Madera ID as a condition to obtain a license for the CVP Fresno River water rights.

The Warren Act contract would allow MID to store their non-project water in excess capacity in Friant Division-Hidden Unit facilities.

The proposed action does not have a potential to affect Indian Trust Assets. The nearest ITA is a Public Domain Allotment approximately 10 miles NE of the project location.

Patricia