UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

July 14, 2011

Mr. Chuck Siek
Bureau of Reclamation
Mid-Pacific Region
South-Central California Area Office
1243 N Street
Fresno, California 03721

Subject: Final Environmental Impact Statement for the Madera Irrigation District Water Supply Enhancement Project (CEQ # 20110183)

Dear Mr. Siek:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA reviewed the Draft Environmental Impact Statement (DEIS) and provided comments to the Bureau of Reclamation (BOR) on September 25, 2009. We rated the DEIS as *Environmental Concerns – Insufficient Information (EC-2)* due to our concerns regarding the long-term feasibility of the project given increasingly constrained Central Valley Project supplies, and potentially significant impacts to vernal pools, rare alkali rain pools, and threatened and endangered species.

On January 11, 2010, EPA informed the U.S. Army Corps of Engineers (Corps) that the vernal and alkali pool complexes that would be impacted by the project were aquatic resources of national importance (ARNI) and recommended denial of the Clean Water Act Section 404 permit for the project. Since that time, EPA has worked closely with the Corps, BOR, Madera Irrigation District (MID), and other resource agencies, through numerous site visits and meetings, to improve the project. As a result of mutual cooperation of all parties and MID efforts to consider significant improvements to the project, the new "Reduced Alternative B", now the preferred alternative, will have substantially fewer environmental impacts.

Specifically, Reduced Alternative B uses fewer swales to minimize effects to vernal pools and limits the number of recharge basins to the minimum practicable. The acreage of swales to be flooded was reduced from 700 acres to 550 acres and direct impacts to vernal/alkali pools were reduced from over 6 acres to 3.5 acres. MID reduced the project footprint for the constructed recharge basins for Phase 2 of the project from 1000 to a maximum of 323 acres, should they be needed. Mitigation ratios were expanded and now 5,812 acres, including 27 acres of vernal/alkali pools, will be set aside and protected in perpetuity, with the California Rangeland Trust holding the conservation easement. Additionally, MID will also establish 7 acres of vernal pool habitat on-site. These impact reductions are substantial and we commend BOR and MID for providing the leadership that made this possible.

Impacts to threatened and endangered species will still occur. According to the U.S. Fish and Wildlife's Biological Opinion (BO), issued April 26, 2011, the project will result in the fragmentation, loss or degradation of 700 to 1,300 acres of habitat used for breeding, feeding and sheltering of listed species including the endangered Fresno kangaroo-rat, endangered blunt-nosed leopard lizard, threatened California tiger salamander and the endangered San Joaquin kit fox, and is expected to contribute to the continued decline of these species. In addition to the required terms and conditions, we recommend that the additional conservation recommendations identified in the BO be considered for inclusion in the environmental commitments.

We appreciate the opportunity to review the FEIS and acknowledge the additional information that was included in response to our comments. If you have any questions, please contact me at 415-972-3521, or contact Karen Vitulano, the lead reviewer for this document, at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,

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For

Kathleen Martyn Goforth, Manager
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cc: Kathy Norton, US Army Corps of Engineers
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