

Submission for SIP Section 5.3 Exception for Use of
Copper to Control Weeds in Irrigation and
Stormwater Canals and Ditches

Water Quality Order
No. 2013-0002-DWQ

Madera-Chowchilla Water & Power Authority
P.O. Box 905
327 S. Chowchilla Blvd.
Chowchilla, CA 93610
(559) 665-3747 Office
(559) 665-3740 Fax

May 18, 2017

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1. DESCRIPTION OF PROPOSED ACTION

For information regarding a detailed description of the proposed action, including the proposed method of the completed action, refer to the Madera-Chowchilla Water & Power Authority (MCWPA or Authority) Initial Study and Mitigated Negative Declaration in the attachments section of this document.

2. SCHEDULE

The seasonal exception would cover intermittent, periodic discharges that would occur any time between the months of March and October during the irrigation season. These discharges would last no longer than a period of several hours out of each 14 to 21 day period in an irrigation season. An average irrigation season for the MCWPA is approximately five months.

3. WATER QUALITY MONITORING PLAN

MCWPA will conduct water quality monitoring according to the requirements stated in the Statewide General National Pollutant Discharge Elimination System Permit for the Discharge of Aquatic Pesticides for Aquatic Weed Control in Waters of the United States General Permit No. CAG990005 (Water Quality Order No. 2013-0002-DWQ).

4. CEQA DOCUMENTATION

The required CEQA Documents for a Section 5.3 Exception can be found in the Attachments. The Attachments include the following:

- Notice of Intent
- Initial Study/Mitigated Negative Declaration/CEQA Checklist
- Notice of Determination

In accordance with CEQA requirements, the necessary documents were posted with the Madera County Clerk Office as well as the Office of Planning and Research State Clearinghouse.

5. CONTINGENCY PLANS

If an exception is not granted, the Authority's ability to deliver agricultural water to farmers will be severely diminished and impacts would be manifested in reducing agricultural production in Madera County. The operation of all delivery gates in the Madera Canal to control discharges during treatment periods is not feasible because of the significant quantity of water conveyed within the Madera Canal and because of the detrimental impact of major fluctuations in water deliveries to farmers and neighboring water agencies. The increased

presence of algae in the distribution system will reduce the volume of water that can be delivered and decrease the ability to accurately control water deliveries. Without the ability to control algae growth in MCWPA canals and pipelines, the implementation of highly water efficient irrigation methods employed by farmers supplied by MCWPA will not be possible. In the event that an exception is not granted, irrigation methods by ends users may need to revert to less water conservative means. This also affect water agencies that receive water from MCWPA, including Madera Irrigation District, Madera Water District, and Chowchilla Water District.

6. IDENTIFICATION OF ALTERNATIVE WATER SUPPLY

MCWPA receives water from Friant Dam (Central Valley Project Water). The water stored at Friant is a combination of runoff generated by rainstorms and snowpack melt. The MCWPA does not have a source of water other than Friant Dam. If the MCWPA is not able to effectively manage its water supplies, irrigated agriculture will increase its dependence on groundwater leading to a domestic and agricultural water shortage crisis in Madera County.

7. RESIDUAL WASTE DISPOSAL PLANS

Typical MCWPA operations include the distribution of water to the Fresno River, Ash Slough, Berenda Slough, Dry Creek and the Madera Canal Equalization Reservoir. However, the concentration of these algaecides is not significant enough to hinder beneficial use of the environment (e.g. cropland). As result, the MCWPA did not develop waste disposal plan.

ATTACHMENT A - NOTICE OF COMPLETION

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: NPDES Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power Authority

Lead Agency: Madera-Chowchilla Water & Power Authority Contact Person: Douglas Welch
 Mailing Address: P.O. BOX 905, 327 S. Chowchilla Blvd. Phone: 559-665-3747
 City: Chowchilla Zip: 93610 County: Madera,

Project Location: County: Madera City/Nearest Community: Madera

Cross Streets: See Attached Map Zip Code: N/A

Longitude/Latitude (degrees, minutes and seconds): N/A ° N/A ' N/A " N / N/A ° N/A ' N/A " W Total Acres: N/A

Assessor's Parcel No.: N/A Section: N/A Twp.: N/A Range: N/A Base: N/A

Within 2 Miles: State Hwy #: 41, 145 Waterways: See Attached Map

Airports: N/A Railways: N/A Schools: N/A

Document Type:

- CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplement/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) Draft EIS Other: _____
 Mit Neg Dec Other: _____

Local Action Type:

- General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other: N/A

Development Type:

- Residential: Units _____ Acres _____
 Office: Sq.ft. _____ Acres _____ Employees _____
 Commercial: Sq.ft. _____ Acres _____ Employees _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____
 Educational: _____
 Recreational: _____
 Water Facilities: Type Irrigation MGD _____
 Transportation: Type _____
 Mining: Mineral _____
 Power: Type _____ MW _____
 Waste Treatment: Type _____ MGD _____
 Hazardous Waste: Type _____
 Other: Aquatic Weed Management with Herbicides

Project Issues Discussed in Document:

- Aesthetic/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Archeological/Historical Geologic/Seismic Sewer Capacity Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Growth Inducement
 Coastal Zone Noise Solid Waste Land Use
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Cumulative Effects
 Economic/Jobs Public Services/Facilities Traffic/Circulation Other: _____

Present Land Use/Zoning/General Plan Designation:

Federal Land, Resource Conservation/Agriculture
Project Description: (please use a separate page if necessary)
 Please see attached project description.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

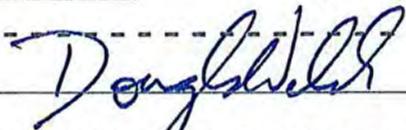
- | | |
|--|---|
| <input type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Emergency Management Agency | <input type="checkbox"/> Parks & Recreation, Department of |
| <input type="checkbox"/> California Highway Patrol | <input checked="" type="checkbox"/> Pesticide Regulation, Department of |
| <input type="checkbox"/> Caltrans District # _____ | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input checked="" type="checkbox"/> Regional WQCB # <u>5</u> |
| <input type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Resources Recycling and Recovery, Department of |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Education, Department of | <input checked="" type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Rights |
| <input checked="" type="checkbox"/> Fish & Game Region # <u>4</u> | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Food & Agriculture, Department of | <input checked="" type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> General Services, Department of | <input checked="" type="checkbox"/> Other: <u>Madera County Ag Commissioner</u> |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Housing & Community Development | |
| <input type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date 11/04/2016 Ending Date ~~12/04/2016~~ 12/05/2016

Lead Agency (Complete if applicable):

Consulting Firm: <u>N/A</u>	Applicant: <u>N/A</u>
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Contact: _____	Phone: _____
Phone: _____	

Signature of Lead Agency Representative:  Date: 10/27/16

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Notice of Completion & Environmental Document Transmittal (continued)

Madera-Chowchilla Water & Power Authority

Project Description:

The NPDES Permit for which this report is made provides for the categorical exception from numeric water quality criteria and objectives for priority pollutants for the application of aquatic pesticides by public entities in the exercise of resource or pest management activities (Water Quality Order No. 2013-0002-DWQ). As a special district of the State of California, Madera-Chowchilla Water & Power Authority is eligible for coverage under, and has applied for a General NPDES Permit relating to the application of aquatic pesticides directly to MCWPA agricultural water.

MCWPA's aquatic herbicide use includes the application of copper sulfate into the MCWPA canals to control algae, at a 14 to 21 day interval throughout the irrigation season. Copper is applied at a quantity at or below Environmental Protection Agency approved label prescribed usage.

The micro-irrigation methods employed throughout MCWP's service area allow for the most conservative use of available water resources, however, their implementation is contingent upon a water supply with limited algal population, and therefore the use of copper in the MCWPA canals is critical.

MWPA's established copper sulfate application points maximize the distance from each potential natural creeks' receiving point and minimize impacts on receiving waters by promoting dilution and settling processes. With additional mitigation measures and a monitoring plan, the aquatic pesticide application plan (APAP) is designed to be implemented to minimize impacts to less than significant.

ATTACHMENT B - NOTICE OF INTENT

**Notice of Intent to Adopt a
Mitigated Negative Declaration**

This is to advise that Madera-Chowchilla Water & Power Authority (MCWPA) has prepared a Mitigated Negative Declaration for the project identified below. As mandated by State law, the minimum public review period for this document is 30 days. The document referenced in the draft Mitigated Negative Declaration is available for review at the Chowchilla Water District office, 327 South Chowchilla Boulevard, Chowchilla, CA 93610.

The comment period for this document opens on November 4, 2016 and closes on December 5 at 5:00 pm. Testimony at any future public hearings may be limited to those issues raised during the public review period either orally or submitted in writing by 5:00 pm the day the comment period closes.

Project Title:

National Pollutant Discharge Elimination System (NPDES) Permit for the Maintenance and Operations of Madera-Chowchilla Water & Power Authority

Project Location:

The various facilities within Madera County.

Project Description:

The NPDES Permit for which this report is made provides for the categorical exception from numeric water quality criteria and objectives for priority pollutants for the application of aquatic pesticides by public entities in the exercise of resource or pest management activities (Water Quality Order No. 2013-0002-DWQ). As a special district of the State of California, Madera-Chowchilla Water & Power Authority is eligible for coverage under, and has applied for a General NPDES Permit relating to the application of aquatic pesticides directly to MCWPA agricultural water.

MCWPA's aquatic herbicide use includes the application of copper sulfate into the MCWPA canals to control algae, at a 14 to 21 day interval throughout the irrigation season. Copper is applied at a quantity at or below Environmental Protection Agency approved label prescribed usage.

The micro-irrigation methods employed throughout MCWPA's service area allow for the most conservative use of available water resources, however, their implementation is contingent upon a water supply with limited algal population, and therefore the use of copper in the MCWPA canals is critical.

MWPA's established copper sulfate application points maximize the distance from each potential natural creeks' receiving point and minimize impacts on receiving waters by promoting dilution and settling processes. With additional mitigation measures and a monitoring plan, the aquatic pesticide application plan (APAP) is designed to be implemented to minimize impacts to less than significant.

Preparation and Public Review:

The Initial Study and Proposed Mitigated Negative Declaration were prepared by Madera-Chowchilla Water & Power Authority. Copies of the Initial Study and Proposed Mitigated Negative Declaration for this Project, as well as materials used in the preparation of the Initial Study, may be reviewed at Chowchillas Irrigation District's office at the address below on weekdays between the hours of 8:00 a.m. and 5:00 p.m.:

Chowchilla Water District
327 S. Chowchilla Blvd.
Chowchilla, CA 93610
(559) 665-3747 Office
(559) 665-3740 Fax

A copy of the Mitigated Negative Declaration is also available for review on the Madera Irrigation District Website: <http://madera-id.org/>

The public review period for the Initial Study and Proposed Mitigated Negative Declaration will close on November 4, 2016. If you have not responded with comments to the Proposed Mitigated Negative Declaration by the December 5, 2016 closing date, it will be assumed that you do not have any comments regarding the environmental assessment for this Project. Please address any comments, in writing, to Douglas Welch, General Manager, Chowchilla Water District, 327 South Chowchilla Boulevard, Chowchilla, CA 93610, on or before 5:00 p.m., December 5, 2016.

ATTACHMENT C - INITIAL STUDY/MITIGATED NEGATIVE
DECLARATION/CEQA CHECKLIST

MITIGATED NEGATIVE DECLARATION

To whom it may concern:

Pursuant to the California Environmental Quality Act of 1970 (CEQA) and the State CEQA Guidelines, Madera-Chowchilla Water & Power Authority (MCWPA) has prepared an Initial Study to determine possible environmental impacts of the following described project.

Lead Agency/Project Proponent:

Madera-Chowchilla Water & Power Authority

Project Title:

National Pollutant Discharge Elimination System Permit for the Use of Copper to Control Aquatic Weeds in Irrigation and Stormwater Canals and Ditches Operated by Madera-Chowchilla Water & Power Authority.

State Clearinghouse Number:

[to be assigned]

Project Location:

Madera-Chowchilla Water & Power operates and maintains the Madera Canal water distribution system, which is approximately 35.9 miles of open flow canal. The canal begins at Millerton Lake, a reservoir on the San Joaquin River which serves as the county line between Fresno County to the south and Madera County to the north. The canal runs northwest along the eastern edge of the San Joaquin Valley, ending at the Chowchilla River near Berenda Slough and Ash Slough.
(see vicinity map)

Description of proposed project:

Madera-Chowchilla Water & Power Authority proposes to apply pesticides containing copper sulfate to control algae and aquatic weeds in canals within MCWPA's service area.

The micro-irrigation methods employed throughout MCWPA's service area allow for the most conservative use of available water resources; however, their implementation is contingent upon a water supply with limited algal population, and therefore the use of copper in the MCWPA canal system is critical.

MCWPA's aquatic herbicide use includes the application of copper sulfate into the Madera Canal System to control algae and aquatic weeds, at a 14 to 21-day interval throughout the irrigation season. Copper is applied at a quantity at or below Environmental Protection Agency (EPA) approved label prescribed usage. These applications generally occur during the months of March through October. Water from MCWPA facilities may be into Cottonwood Creek, Dry Creek, Berenda Creek, Ash Slough, Berenda Slough, and the Fresno River. The application of copper products is implemented when other methods of algae treatment are not feasible or are found to be ineffective. MCWPA regularly reviews the use of aquatic pesticides to minimize the use of copper products, while still effectively treating algae.

The application of the pesticides may result in the discharge of copper sulfate into waters of the United States pursuant to the provisions of an application General National Pollutant Discharge Elimination System (NPDES) Permit by the State Water Resources Control Board (SWRCB). A NPDES permit is required for the application of aquatic pesticides to provide a categorical exception from numeric water quality criteria and objectives. As a special district of the State of California, the MCWPA is eligible for coverage under, and has applied for, a General NPDES Permit relating to the application of aquatic pesticides, including pesticides containing copper sulfate, into the District's canals.

MCWPA has determined that it should obtain a categorical exception to conduct its algae and aquatic weed control activities. The State Water Resources Control Board requires that agencies applying for the categorical exception submit a technical report and evidence that an environmental analysis has been completed under the California Environmental Quality Act (CEQA).

MCWPA's established copper sulfate application points maximize the distance from each potential natural creek or river receiving point and minimize impacts on receiving waters by promoting dilution and settling processes. With additional mitigation measures, and a monitoring plan, the aquatic pesticide application plan (APAP) is designed to be implemented to minimize impacts to less than significant.

This Mitigated Negative Declaration was prepared to evaluate the environmental impacts associated with obtaining an NPDES Permit categorical exception from California Toxics Rule (CTR) numeric water quality criteria and objectives for priority pollutants for the application of aquatic pesticides by public entities in the exercise of resource or pest management activities. As a special district of the State of California, Madera-Chowchilla Water & Power Authority, is eligible for coverage under, and is applying for this exception for the application of aquatic pesticides directly to waters within MCWPA facilities.

Proposed Findings:

Madera-Chowchilla Water & Power Authority, having reviewed the Initial Study for the project, and the recommendation of District staff, does hereby find and declare that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to. A Mitigated Negative Declaration will be prepared.

The proposed project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section 15065 of the CEQA Guidelines. The facts supporting these findings are presented in the attached Initial Study prepared for the project, and in reference materials cited in the Initial Study.

Mitigation Measures:

Proposed language: "Madera Irrigation District hereby finds that the adoption and implementation of the following mitigation measures will reduce to less than significant or avoid significant effects of the proposed project."

Hazards and Hazardous Waste:

HAZ-1. Copper application will be in measured amounts, in accordance with the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and registered product label requirements specifying applications rates and requirements.

HAZ-2. The chemical will be applied as far as possible upstream from potential points of discharge into streams and rivers.

HAZ-3. Authority personnel shall conduct monitoring of water quality levels in accordance with monitoring and reporting requirements of the NPDES Permit, which shall be reported to the State Water Resources Control Board and the Central Valley Regional Water Quality Control Board.

Proposed Conclusion:

“Madera-Chowchilla Water & Power Authority hereby finds that the Mitigated Negative Declaration was prepared pursuant to the California Environmental Quality Act and reflects its independent judgment.”

Public review:

Any person may object to dispensing with an EIR or respond to the findings included in this document. Information related to the project can be found at the Madera Irrigation District at the address provided below. Any person who wishes to examine or obtain a copy of this document, or other pertinent information, may inquire at the MID office during regular business hours. A copy of the Initial Study and Proposed Mitigated Negative Declaration is also available for review on the Madera Irrigation District Website: <http://madera-id.org/>

Proposed negative declaration date:

4/5/2017

Negative declaration review period ends:

5/15/2017

The location and custodian of the documents and any other materials that constitute the record of proceedings upon which the City of Fresno based its decision to adopt this Mitigated Negative Declaration are as follows:

Custodian:
Andrea Kwock Sandoval
Board Secretary
Madera Irrigation District
12152 Road 28 ¼
Madera, CA 93636

Draft Initial Study

1. Project title:

National Pollutant Discharge Elimination System Permit for the Use of Copper to Control Aquatic Weeds in Irrigation and Stormwater Canals and Ditches Operated by Madera-Chowchilla Water & Power Authority.

2. Lead agency name and address:

Madera-Chowchilla Water & Power Authority
P.O. Box 905
327 S. Chowchilla Blvd.
Chowchilla, CA 93610

3. Contact person and phone number:

Douglas Welch, 559-665-3747

4. Project location:

See Vicinity Map

5. Project sponsor's name and address:

Madera-Chowchilla Water & Power Authority
P.O. Box 905
327 S. Chowchilla Blvd.
Chowchilla, CA 93610

6. General plan designation

Federal Land, Resources Conservation/Agricultural

7. Zoning:

Federal Land, Resources Conservation/Agricultural

8. Project description (Describe the who action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation.)

In accordance with State Water Resources Control Board Order No. 2013-0002-DWQ and the State Board's Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP), any discharge of aquatic pesticides from public entities to waters of the United States is required to meet water quality-based effluent limitations. Section 5.3 of the SIP allows public entities to receive exceptions from meeting its requirements for resource or pest management. A prerequisite to acquiring an exception includes providing California Environmental Quality Act (CEQA) documentation.

Madera-Chowchilla Water & Power Authority is a special district of the State of California. As such, MID is seeking a Statewide Aquatic Pesticide National Pollutant Discharge Elimination System (NPDES) Permit (Permit) known as:

WATER QUALITY ORDER NO. 2013-0002-DWQ

STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR THE DISCHARGE OF AQUATIC PESTICIDES FOR AQUATIC WEED CONTROL IN WATERS OF THE UNITED STATES GENERAL PERMIT NO. CAG990005.

Madera-Chowchilla Water & Power Authority is covered under this NPDES Permit for aquatic pest management within its water distribution facilities. This initial study was prepared as a prerequisite for the SIP requirements to allow for a short-term/seasonal categorical exception from California Toxic Rule (CTR) derived SIP numeric water quality objectives. These requirements apply to copper applications within MCWPA facilities along with discharges made from MCWPA facilities to waters of the United States.

As part of MCWPA's regular maintenance program, an Aquatic Pesticide Application Plan (APAP) is in place to effectively manage the control of aquatic pests. The control of aquatic pests is vital to MCWPA operations and necessary to maintain delivery of high quality water to MCWPA end users. Failure to adequately control algal populations not only reduces the volume of water that may be delivered at one time, it also discourages farmers utilizing micro irrigation techniques from utilizing surface water. Maintaining the use of these water conservative methods is contingent upon maintaining a surface water supply with a limited algal population. All applications within MCWPA facilities are made in accordance with label restriction approved by the United States Environmental Protection Agency.

MCWPA's application of aquatic pesticides directly into distribution facilities includes the application of copper sulfate. Copper sulfate is applied to the head of the canal system, and downstream of the Madera Canal Equalization Reservoir. Copper sulfate is applied at quantities at or below the product's label recommended usage. All applications are performed or supervised by pest control advisors certified by the California Department of Pesticide Regulation. Copper sulfate is applied at locations that maximize the distance from each of the potential stream and river discharge points.

9. Briefly describe the project's surroundings:

Madera-Chowchilla Water & Power operates and maintains the Madera Canal water distribution system, which is approximately 35.9 miles of open flow canal. Most the Madera Canal is encompassed by agricultural and rural development northeast of Madera, CA.

10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement.):

California State Water Resources Control Board

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to the Public Resources Code section 21080.3.1? If so, has consultation begun?

18 contacts/tribes were mailed letters regarding the proposed project, and at least 30 days was provided to request consultation. Only one response was received, which was from Table Mountain Rancheria. After a brief phone call, it was determined that the project would have no significant impact, and no further consultation was requested.

Environmental factors potentially affected:

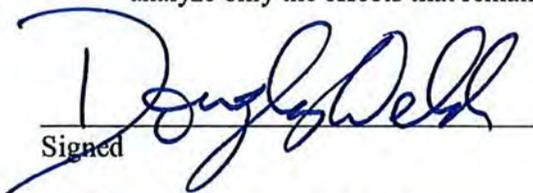
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology/Soils
<input type="checkbox"/> Hazards & Hazardous	<input type="checkbox"/> Hydrology/Water Quality	<input type="checkbox"/> Land Use/Planning
<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Population/Housing
<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation/Traffic
<input type="checkbox"/> Tribal Cultural Resources	<input type="checkbox"/> Utilities/Service Systems	<input type="checkbox"/> Mandatory Findings of Significance

Determination:

(To be completed by the Lead Agency) On the Basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.


Signed

4/11/17
Date

Douglas Welch
Printed Name

For

Evaluation of Environmental Impacts:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
I. AESTHETICS – Would the project:				
a) Have a substantial adverse effect on a scenic vista?				✓
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				✓
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				✓
<p>Discussion</p> <p>Items a) and b): No Impact. No designated scenic vistas or state scenic highways overlook any of the project site, therefore no impact would occur.</p> <p>Item c): No Impact. The project involves the application of aquatic pesticides to MID canals to control a variety of aquatic weeds. These weeds are typically at or below the water's surface. Upon control, the removal of these weeds would be unnoticed and as a result not degrade the visual character of the project site.</p> <p>Item d): No Impact. The project is done during the daylight hours, therefore no light sources are needed and no light or glare is produced.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<p>II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				√
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				√
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), or timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				√
d) Result in the loss of forest land or conversion of forest land to non-forest use?				√
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				√
<p>Discussion</p> <p>Items a) through e): No Impact. The project would not result in any impact to agricultural or forest resources. The project does not contemplate the conversion of any prime farmland, unique farmlands, or farmland of statewide importance to nonagricultural uses. The project does not propose to modify the zoning of any agriculturally-zoned property, or convert any prime farmlands, unique farmlands, or farmland of statewide importance to a nonagricultural use. The project does not contemplate the conversion of any forest land to non-forest use. The project does not propose to modify the zoning of any forest land (as defined in Public Resources Code section 12220(g)), or timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)). Rather, the project accomplishes objectives that maintain and enhance agricultural land uses.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
III. AIR QUALITY: Where Available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				✓
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				✓
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				✓
d) Expose sensitive receptors to substantial pollutant concentrations?			✓	
e) Create objectionable odors affecting a substantial number of people?			✓	
Discussion <p>Items a) and b): No Impact. The project requires the use of pick-up trucks and similar vehicles for purposes of transporting aquatic pesticides to locations where they are needed. Pick-up trucks are also used for purposes of site reconnaissance before, during, and after application of aquatic pesticides. Short-term vehicle emissions will be generated during aquatic pesticide application; however, they will be minor and last only from March to October. To minimize impacts, all equipment will be properly tuned and muffled and unnecessary idling will be minimized.</p> <p>MCWPA's facilities are located within the San Joaquin Valley Air Pollution Control District. The application of aquatic pesticides does not conflict with the SJVAPCD's air quality attainment plans, violate any air quality standard or contribute to an existing or projected violation available from the SJVAPCD.</p> <p>Item c): No Impact. The application of aquatic pesticides does not conflict with the SJVAPCD's air quality attainment plans, violate any air quality standard or contribute to an existing or projected violation available from the SJVAPCD.</p> <p>Items d) and e): Less than Significant Impact. Aquatic pesticides are applied by MCWPA personnel or their contractors in agricultural areas rarely frequented by people. Applications will not be made within a half-mile of sensitive receptors, including schools, playgrounds, health care facilities, day care facilities, and athletic facilities. However, future development may include such facilities in the next 5 years. The Project does not contemplate that MCWPA will apply the aquatic pesticides using airborne methods; rather, MCWPA crews will directly apply the aquatic pesticides to the affected areas, thereby eliminating airborne dispersal of pollutants and potentially objectionable odors. As such, the impact to any sensitive receptors would be less than significant.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES: -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			✓	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			✓	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling hydrological interruption or other means?				✓
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				✓
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓

Discussion

Item a): **Less than Significant Impact.** A special status species evaluation was performed within, and around the project area to identify species that could occur in the project vicinity (Jensen, 2016). Table 1 lists the 29 special status species known to occur in the region. Of the 29 special status plant and animal species known to occur in the region, no plants and relatively few animals have the potential to occur in the Madera Canal, Madera Canal Equalization Reservoir, and natural drainages along the canal system. The 12 special status animals that do potentially occur in the study area would not be significantly impacted by the periodic application of copper sulfate to the Madera Canal. Five of these species, the California tiger salamander, western spadefoot, Swainson's hawk, northern harrier, and burrowing owl, would not occur in or use inundated areas of the study area, and would therefore not be exposed to copper sulfate. The remaining seven species could use or occur in inundated areas of the study area, and could

conceivably be exposed to copper sulfate from time to time. However, these species would not be adversely affected by ingesting or coming into contact with copper for the following reasons:

- 1) The western pond turtle and tricolored blackbird would use riparian drainages far downstream of copper sulfate application locations, where copper concentrations are expected to remain low
- 2) The bald eagle may hunt for fish and waterfowl in the ER and any of the study area's riparian drainages from time to time, including one drainage relatively close to a copper sulfate application location; however, copper accumulations in prey species are not expected to ever reach levels that could be harmful to the birds that feed on them
- 3) The pallid bat, western mastiff bat, spotted bat, and American badger may drink from the Madera Canal or other waters of the study area from time to time; however, copper concentrations in the study area are not expected to ever reach levels that would be harmful to mammals

Item b): **Less than Significant Impact.** The proposed project area does not include sensitive natural communities identified in any local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (FWS).

Item c): **No impact.** The application of aquatic herbicides will not adversely affect existing wetlands. The proposed project does not include the removal, filling, discharge to, or hydrological interruption of any wetlands.

Item d): **No Impact.** The application of aquatic herbicides would not affect the movement of any wildlife species, nor will it affect migratory wildlife corridors or impede the use of native wildlife nursery sites.

Items e) and f): **No impact.** The application of aquatic herbicides is not expected to conflict with provisions of any adopted and/or applicable conservation plans.

Table 1

LIST OF SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY

PLANTS (adapted from CDFW 2016a and CNPS 2016)

Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Act

Species	Status	Habitat	*Occurrence in the Study Area
Succulent Owl's-Clover (<i>Castilleja campestris</i> ssp. <i>succulenta</i>)	FT, CE CNPS 1B	Occurs in vernal pools of the Central Valley that are often acidic; blooms April-May; elevation 160-2460 ft.	Absent. Suitable habitat is absent from the study area.
San Joaquin Valley Orcutt Grass (<i>Orcuttia inaequalis</i>)	FT, CE CNPS 1B	Occurs in vernal pools of the Central Valley; blooms April-September; elevation 100-2480 ft.	Absent. Suitable habitat is absent from the study area.
Hairy Orcutt Grass (<i>Orcuttia pilosa</i>)	FT, CE CNPS 1B	Occurs in vernal pools of the Central Valley; blooms May-September; elevation 180-660 ft.	Absent. Suitable habitat is absent from the study area.
Hartweg's Golden Sunburst (<i>Pseudobahia bahiifolia</i>)	FE, CE CNPS 1B	Occurs in cismontane woodland, valley and foothill grassland in clay soils, typically of the Rocklin series; blooms March-April; elevation 100-1000 ft.	Absent. Suitable habitat is absent from the study area. Although some soils of the Rocklin series adjoin the Madera Canal east of Highway 41, the Madera Canal itself is highly managed and not suitable for this species.
Greene's Tuctoria (<i>Tuctoria greenei</i>)	FE, CR CNPS 1B	Occurs in vernal pools of the Central Valley; blooms May-September; elevation 100-3510 ft.	Absent. Suitable habitat is absent from the study area.

Table 1

LIST OF SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY

PLANTS – continued

CNPS Listed Plants

Species	Status	Habitat	*Occurrence in the Study Area
Lesser Saltscare (<i>Atriplex minuscula</i>)	CNPS 1B	Occurs in cismontane woodland and valley and foothill grasslands of the San Joaquin Valley; alkaline/sandy soils; blooms May-October; elevation 50-660 ft.	Unlikely. This species could theoretically occur in dry washes of the study area; however, no populations of this species are known from the project vicinity. The closest occurrence of lesser saltscare is located approximately 7 miles southwest of the study area at its western terminus; the record is from 1921.
Hoover's Calycadenia (<i>Calycadenia hooveri</i>)	CNPS 1B	Occurs in cismontane woodland and rocky valley and foothill grasslands; blooms July-September; elevation 210-990 ft.	Absent. Suitable habitat is absent from the study area.
Spiny-Sepaled Button-Celery (<i>Eryngium spinosepalum</i>)	CNPS 1B	Occurs in vernal pools and valley and foothill grasslands of the San Joaquin Valley and the Tulare Basin; blooms April-May; elevation 330-840 ft.	Unlikely. Although this species is typically found in vernal pools, it could conceivably occur in Hildreth and Berenda Creeks, both of which flow through grassland and appear to experience seasonal ponding. However, no <i>Eryngium</i> species were observed during the field surveys. The CNDDDB lists 3 occurrences of spiny-sepaled button-celery within 1 mile of the study area, all in vernal pools.
Madera Leptosiphon (<i>Leptosiphon serrulatus</i>)	CNPS 1B	Occurs in cismontane woodland, foothill grasslands, and lower montane forest from Madera County south through Kern County; blooms April-May; elevation 1,000-4,300ft.	Absent. Suitable habitat is absent from the study area, and the study area is situated outside of this species' elevational range.
Orange Lupine (<i>Lupinus citrinus</i> var. <i>citrinus</i>)	CNPS 1B	Occurs in chaparral, cismontane woodland, and lower montane coniferous forest; blooms April-July; elevation 1,200-5,500 ft.	Absent. Suitable habitat is absent from the study area, and the study area is situated outside of this species' elevational range.
Shining Navarretia (<i>Navarretia nigelliformis</i> ssp. <i>radians</i>)	CNPS 1B	Occurs in cismontane woodland, vernal pools, valley and foothill grasslands; blooms May-July; elevation 660-3280 ft.	Unlikely. The study area is situated at the lower limits of this species' elevational range, and there are no modern occurrences of the species in the project vicinity. The only known occurrences within 8 miles of the study area were recorded in 1927 and 1938.

Table 1

LIST OF SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY

ANIMALS (adapted from CDFW 2016a and USFWS 2016)

Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Act

Species	Status	Habitat	*Occurrence in the Study Area
Vernal Pool Fairy Shrimp (<i>Branchinecta lynchi</i>)	FT	Occurs in vernal pools, clear to tea-colored water in grass or mud-bottomed swales, and basalt depression pools.	Absent. Suitable habitat for this species is absent from the study area.
Vernal Pool Tadpole Shrimp (<i>Lepidurus packardii</i>)	FE	Occurs in vernal pools of California containing clear to highly turbid water.	Absent. Suitable habitat for this species is absent from the study area.
Valley Elderberry Longhorn Beetle (VELB) (<i>Desmocerus californicus dimorphus</i>)	FT	Lives in mature elderberry shrubs of the Central Valley and Sierra foothills.	Absent. Per recent findings by the U.S. Fish and Wildlife Service, the range of the VELB does not include Madera County.
California Tiger Salamander (CTS) (<i>Ambystoma californiense</i>)	FT, CT	Found primarily in annual grasslands; requires vernal pools for breeding and rodent burrows for aestivation. Ninety-five percent aestivate within 0.4 miles from the breeding pond (Trenham and Shaffer 2005), while outliers can aestivate up to 1.3 miles away (Orloff 2011).	Possible. The CTS is well documented in the project vicinity, with 23 CNDDDB occurrences within 1 mile of the study area; ten of these are in vernal pool / grassland habitat within 100 feet of the Madera Canal. The study area's waterways and reservoir are not suitable as breeding habitat for the CTS; however, based on its prevalence on surrounding lands, it is conceivably possible that individuals of the species aestivate in rodent burrows in the upper banks of the canal or dry washes from time to time.
Swainson's Hawk (<i>Buteo swainsoni</i>)	CT	Breeds in stands with few trees in juniper-sage flats, riparian areas, and in oak savannah. Requires adjacent suitable foraging areas such as grasslands or alfalfa fields supporting rodent populations.	Likely. Swainson's hawks have been documented nesting in eucalyptus trees at the Madera Canal's crossing of Highway 41 and Highway 145, and could forage over the study area's dry washes and possibly also the canal banks.
Bald Eagle (<i>Haliaeetus leucocephalus</i>)	CE, CFP	Winters near Central Valley reservoirs. Mostly feeds on fish in large bodies of water or rivers.	Possible. Although mature trees suitable for nesting by this species occur along the Fresno River and Ash and Berenda Sloughs, regular human disturbance on surrounding agricultural lands would be expected to discourage nesting by this species. Bald eagles could forage over the ER or the study
Western Yellow-billed Cuckoo (<i>Coccyzus americanus occidentalis</i>)	FC, CE	Once a common breeding species in riparian habitats of lowland California, the western yellow-billed cuckoo today breeds consistently in only two California	Absent. This species is believed to have been extirpated from the project vicinity. The only known occurrence within 10 miles of the study area is from 1883.

Table 1

LIST OF SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY

ANIMALS -Continued (adapted from CDFW 2016a and USFWS 2016)

Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Act

Species	Status	Habitat	*Occurrence in the Study Area
San Joaquin Kit Fox (<i>Vulpes macrotis mutica</i>)	FE, CT	Frequents desert alkali scrub and annual grasslands and may forage in adjacent agricultural habitats. Utilizes enlarged (6 to 10 inches in diameter) ground squirrel burrows as denning habitat.	Unlikely. Although grassland habitats adjacent to the waterways of the study area are theoretically suitable for this species, the kit fox rarely occurs along the eastern margin of the San Joaquin Valley. The CNDDDB lists two occurrences of this species within 10 miles of the study area. The closer of the two was recorded just 0.8 mile southeast of the study area in Friant; however, the observation was of a kit fox that was believed to have been domesticated and brought to Friant from the west Valley (Dale Williams, pers. comm.).
		localities: along the Sacramento and South Fork Kern River.	

State Species of Special Concern

Hardhead (<i>Mylopharodon conocephalus</i>)	CSC	Occurs in low- to mid-elevation streams in the Sacramento-San Joaquin watershed. Prefers clear, deep pools with rocky or sandy substrate. Generally absent from streams in which non-native fish predominate, as well as from streams heavily altered by human activity.	Unlikely. Although the hardhead may have traditionally occurred in some of the larger natural drainages of the study area, such as the Fresno River or Ash/Berenda Slough, these drainages are no longer suitable for this species due to their managed flow regimes, lack of deep pools, and likely preponderance of non-native fish.
Western Spadefoot (<i>Spea hammondi</i>)	CSC	Mainly occurs in grasslands of San Joaquin Valley. Vernal pools or other temporary wetlands are required for breeding. Aestivates in underground refugia such as rodent burrows, typically within 1200 ft. of aquatic habitat.	Possible. The CNDDDB lists 15 occurrences of the western spadefoot within 1 mile of the study area; seven of these are in vernal pool / grassland habitat within 100 feet of the Madera Canal. The study area's waterways and reservoir are not suitable as breeding habitat for this species, but the spadefoot could aestivate in rodent burrows in the upper banks of the Madera Canal or dry washes.

Table 1

LIST OF SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINTY

Animals - Continued

State Species of Special Concern

Species	Status	Habitat	*Occurrence in the Study Area
Western Pond Turtle (<i>Emys marmorata</i>)	CSC	Open slow-moving water or ponds with rocks and logs for basking. Nesting occurs in open areas, on a variety of soil types, and up to ¼ mile away from water.	Likely. At the time of the field survey, the Fresno River and Berenda Slough appeared suitable for this species. The western pond turtle is known to occur elsewhere on the Fresno River. The study area's remaining waterways and the ER are unsuitable due to insufficient inundation and/or lack of emergent vegetation and basking structures.
Burrowing Owl (<i>Athene cunicularia</i>)	CSC	Frequents open, dry annual or perennial grasslands, deserts, and scrublands characterized by low growing vegetation. Dependent upon burrowing mammals, most notably the California ground squirrel, for nest burrows.	Possible. Burrowing owls could roost or nest in California ground squirrel burrows in the upper banks of the Madera Canal and the study area's dry washes, and forage in the dry washes. The CNDDDB lists five burrowing owl occurrences within 3 miles of the site; the closest of these was recorded 0.2 mile north of the Madera Canal near its crossing of Highway 145.
Northern Harrier (<i>Circus cyaneus</i>)	CSC	Frequents meadows, grasslands, open rangelands, freshwater emergent wetlands; uncommon in wooded habitats. Nests on the ground in high vegetation.	Present. Breeding habitat is absent from the study area, but harriers could forage over the dry washes and possibly also the canal banks. A harrier was observed flying over the Madera Canal during the field survey.
Tricolored Blackbird (<i>Agelaius tricolor</i>)	CSC	Forages in grassland and cropland habitats; nests in large colonies in dense emergent wetland vegetation and willow thickets.	Possible. This species could potentially nest in dense willow thickets and blackberry patches associated with the Fresno River or Berenda Slough. The dry washes of the study area could be used for foraging from time to time.
Pallid Bat (<i>Antrozous pallidus</i>)	CSC	Found in grasslands, chaparral, and woodlands, where it feeds on ground- and vegetation-dwelling arthropods. Prefers to roost in rock crevices, but may also use tree cavities, caves, bridges, and buildings.	Possible. The pallid bat may roost in the study area's bridges or riparian trees, and forage in dry portions of the study area.
Western Mastiff Bat (<i>Eumops perotis californicus</i>)	CSC	Found in open, arid to semi-arid habitats, where it feeds on insects in flight. Roosts most commonly in crevices in cliff faces, but may also	Possible. The western mastiff bat may roost in the study area's riparian trees, and forage in flight anywhere over the study area.

		use high buildings, trees, and tunnels.	
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Table 1			
LIST OF SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINTY			
Animals - Continued			
State Species of Special Concern			
Species	Status	Habitat	*Occurrence in the Study Area
Spotted Bat (<i>Euderma maculatum</i>)	CSC	Typically associated with prominent rocky habitats where it roosts in crevices. Often found near streams or other sources of water. Feeds on insects, primarily moths, in flight.	Possible. Roosting habitat for this species is absent from the study area, but spotted bats may forage in flight over any of the study area's habitats.
American Badger (<i>Taxidea taxus</i>)	CSC	Found in drier open stages of most shrub, forest and herbaceous habitats with friable soils.	Possible. Grassland habitats surrounding much of the study area are suitable for this species. Badgers may den or forage in the study area's natural drainages during dry periods. Possible badger dens were identified along Berenda Creek during the field survey.

***Explanation of Occurrence Designations and Status Codes**

Present: Species observed on the site at time of field surveys or during recent past.

Likely: Species not observed on the site, but it may reasonably be expected to occur there on a regular basis.

Possible: Species not observed on the site, but it could occur there from time to time.

Unlikely: Species not observed on the site, and would not be expected to occur there except, perhaps, as a transient.

Absent: Species not observed on the site, and precluded from occurring there due to absence of suitable habitat.

STATUS CODES

FE Federally Endangered

FT Federally Threatened

FPE Federally Endangered (Proposed)

FPT Federally Threatened (Proposed)

FC Federal Candidate

CE California Endangered

CT California Threatened

CCT California Threatened (Candidate)

CFP California Fully Protected

CSC California Species of Special Concern

CNPS California Native Plant Society Listing

1A Plants Presumed Extinct in California

1B Plants Rare, Threatened, or Endangered in California and elsewhere

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES: Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				✓
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				✓
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓
d) Disturb any human remains, including those interred outside of dedicated cemeteries?				✓
<p>Discussion</p> <p>Items a) through d): No Impact. The project is confined to the MCWPA's canals. No known historical or archaeological resource, unique paleontological resource, unique geologic feature, or human remains in or out of formal cemeteries will be impacted.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS: Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				√
1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				√
2) Strong seismic ground shaking?				√
3) Seismic-related ground failure, including liquefaction?				√
4) Landslides?				√
b) Results in substantial soil erosion or the loss of topsoil?				√
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				√
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				√
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				√
<p>Discussion</p> <p>Items a) through e): No Impact. The project consists of applying pesticides containing copper-sulfate to canals within MCWPA's jurisdiction. The project does not include any new structures, ground disturbances, or other elements that could expose persons or property to geological hazards. There would be no risk of landslide or erosion of topsoil.</p> <p>The Project would not require a septic or other wastewater system, as workers would use existing facilities in the operation areas of the reservoirs. No impacts to soils or geologic conditions will occur. The United States Bureau of Reclamation inspects the canal yearly for structural integrity and proper management.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS: Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			√	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing greenhouse gas emissions?			√	
<p>Discussion</p> <p>Items a), b):</p> <p>No new facilities would be needed as a result of the project, and as a result no construction-related emissions of pollutants, including criteria pollutants and greenhouse gases, would be produced. The project requires the use of pick-up trucks and similar vehicles for purposes of transporting aquatic pesticides to locations where they are needed. Pick-up trucks are also used for purposes of site reconnaissance before, during, and after application of aquatic pesticides. Short-term vehicle emissions will be generated during aquatic pesticide application; however, they will be minor and last only from March to October. To minimize impacts, all equipment will be properly tuned and muffled and unnecessary idling will be minimized. The proposed project would have a less than significant impact.</p>				
	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		√		
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		√		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			√	

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				√
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			√	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			√	
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				√
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				√

Discussion

Items a) and b): **Less than significant with mitigation.** The project would involve handling aquatic pesticides which are regulated hazardous materials. Acute exposure of aquatic pesticides to humans can cause eye, skin, and respiratory irritation, and can be harmful if swallowed. Use of this material would create a potential for spills that could affect worker safety and the environment. The spills could occur potentially at MCWPA's facilities, at the point of application, or during transport.

Such hazards, however, are unlikely. Aquatic herbicides are safely transported: chemical transport vehicles are inspected regularly and a driver with a hazardous materials endorsement on his driver's license is used, as needed; Department of Transportation regulations are followed; and MCWPA has an excellent record due to training and efforts toward safety. MCWPA also has an excellent record regarding safe herbicide use: applications are supervised or performed by individuals holding a Pest Control Advisor License, herbicide labels are followed, applicable laws and regulations are followed, and Pest Control Recommendations are used. MCWPA does not dispose of hazardous materials, but does properly return herbicide containers to the manufacturer as specified by the label instructions.

Despite the fact that, when used according to label instructions by qualified personnel, impacts of copper containing aquatic herbicides have no significant impact, the Authority will implement mitigation measures to continue operating without a significant impact, and reduce any future impacts to a less than significant level. These mitigation measures are:

HAZ-1. Copper application will be in measured amounts, in accordance with the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and registered product label requirements specifying applications rates and requirements.

HAZ-2. The chemical will be applied as far as possible upstream from potential points of discharge into streams and rivers.

HAZ-3. Authority personnel shall conduct monitoring of water quality levels in accordance with monitoring and reporting requirements of the NPDES Permit, which shall be reported to the State Water Resources Control Board and the Central Valley Regional Water Quality Control Board.

Item c): **No impact.** A small number of applications will be made within a quarter-mile of schools, playgrounds, and athletic facilities. However, the Project does not contemplate that MCWPA will apply the aquatic pesticides using airborne methods; rather, MCWPA crews will directly apply the aquatic pesticides to the affected areas, thereby eliminating airborne dispersal of pollutants and potentially objectionable odors. As such, the Project would not result in a safety hazard for people residing or working in the project area, and any such impacts would be less than significant.

Item d): **No impact.** The project sites are not listed on any hazardous waste site lists compiled in Government Code Section 65962.5.

Items e) and f): **Less Than Significant Impact.** There are no airports within two miles of potential applications to the Madera Canal, the Project does not contemplate that MCWPA will apply the aquatic pesticides using airborne methods; rather, MCWPA crews will directly apply the aquatic pesticides to the affected areas, thereby eliminating airborne dispersal of pollutants and potentially objectionable odors. As such, the Project would not result in a safety hazard for people residing or working in the project area, and any such impacts would be less than significant.

Item g): **No impact.** The proposed project would not impact emergency evacuation routes because public roadways are not affected by the Project.

Item h): **No impact.** The project will not increase fire hazards at the project sites. Truck access and parking near application sites is done in such a manner so as to minimize muffler contact with dry grass.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY: Would the project:				
a) Violate any water quality standards or waste discharge requirements.		✓		
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				✓
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				✓
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				✓
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				✓
f) Otherwise substantially degrade water quality?			✓	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				✓
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				✓
j) Inundation by seiche, tsunami, or mudflow?				✓

Items a), f): **Less than significant impact with mitigation.** Although chemical applications will result in short term exceedance of CTR numeric water quality standards related to aquatic life within the treatment area, this exceedance is necessary to control the target pests within MCWPA facilities. However, a short term or seasonal exception is not required for the exceedance of water quality criteria within the treatment area. Thus, this type of exceedance is not pertinent to this initial study.

MCWPA implements best management practices which determine the points and concentrations of copper applications within MCWPA facilities. These practices maximize the travel path to a potential point of discharge to a river or stream. As a result, the amount of copper that may potentially discharge into rivers and streams is minimal. Thus environmental effects related to these discharges are insignificant.

Current Draft Statewide NPDES permit requirements include water quality objectives that are not to be exceeded within the receiving US bodies of waters. This is to be implemented by monitoring the treated area and downstream of the treated area for residual copper concentrations. Water quality samples are to be taken up to 24 hours before a copper application, within 24 hours after an application, and up to 7 days after an application. Monitoring results are to be reported to the State Water Resources Control Board and the Central Valley Regional Water Quality Control Board for their review given that NPDES Permit continuation is contingent upon CTR criteria compliance.

Despite the fact that, when used according to label instructions by qualified personnel, impacts of copper containing aquatic herbicides have no significant impact, the Authority will implement mitigation measures to continue operating without a significant impact, and reduce any future impacts to a less than significant level. These mitigation measures are: HAZ-1, HAZ-2, and HAZ-3.

- Item b): **No impact.** The proposed project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The proposed project will have no effect on water levels in pre-existing wells because it will not alter groundwater hydrology.
- Item c): **No impact.** The proposed project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site. The addition of the herbicides to irrigation water does not cause erosion or siltation.
- Item d): **No impact.** The proposed project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river. The application also will not substantially increase the rate or amount of surface runoff in a manner which would result in the alteration course of a stream or river. The application will not substantially increase the rate or amount of surface runoff. Treated systems are earthen ditches or concrete-lined channels and are not part of any stream or river. Aquatic herbicide application does not alter runoff. Applications are usually performed during dry summer months and, therefore, do not contribute to flooding.
- Item e): **No impact.** The application of aquatic herbicides to irrigation water will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. The systems treated are earthen ditches or concrete-lined irrigation channels and are not part of any stormwater drainage system. Treated water is not allowed to run off as or into stormwater drainage. Treated water is retained after application and eventually used within the MID canal system.
- Item g): **No impact.** The proposed project will not result in housing being constructed within a 100-year flood plain. The application of aquatic herbicides does *not* involve construction of housing structures.
- Item h): **No impact.** The proposed project will not place within a 100-year flood hazard area structures which would impede or redirect flood flows. The application of aquatic herbicides does not involve construction of housing structures. No flood flows will be impeded or redirected, as the application typically, occurs during dry summer months.
- Item i): **No impact.** The proposed project will not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam. The application of aquatic herbicides could not cause flooding or the failure of a levee or dam.

Item j): **No impact.** The project will not expose people, structures, or land to hazards such as seiches, tsunamis, or mudflows. Application of aquatic herbicides could not contribute to the kinds of seismic activities that would cause tsunamis or contribute to mudflows because of the relatively level ground on which these systems exist.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
IX. LAND USE AND PLANNING: Would the project:				
a) Physically divide an established community?				✓
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓
<p>Discussion</p> <p>Item a): No Impact. The project will be implemented within the Authority's existing canals. Nearby housing, if any, is rural and will not be affected. The proposed Project would not result in any division of an established community. Therefore, no impact would occur.</p> <p>Item b): No Impact. The project will not create any new land uses or alter any existing uses and would not conflict with any applicable land use plan, policy or agency regulation. No impact will occur.</p> <p>Item c): No Impact. Refer to Section 3.4, item f). No conflict, and therefore no impact will occur.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
X. MINERAL RESOURCES: Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓
<p>Discussion</p> <p>Item a) and b): No Impact. The project involves the addition of copper-based aquatic pesticides to the Authority's canals and has no impact on the availability of any known mineral resource recovery site.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XI. NOISE: Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				✓
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				✓
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				✓
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				✓
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			✓	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			✓	
<p>Discussion</p> <p>Items a) through d): No Impact. Activity occurs in rural and agricultural areas that commonly have other machinery operating that include tractors, generators, large groundwater and irrigation pumps and heavy trucks. The incidental noise and vibration generated by the project is temporary and inconsequential relative to existing noise sources and thus will have no impact.</p> <p>Items e) and f): Less Than Significant Impact. There are no airports within two miles of potential applications to the Madera Canal, the Project does not contemplate that MCWPA will apply the aquatic pesticides using airborne methods; rather, MCWPA crews will directly apply the aquatic pesticides to the affected areas. The only noise associated with the direct application of the aquatic pesticides would be the use of vehicles to access the affected area, which would not generate excessive noise. As such, the Project would not result in excessive noise levels for people residing or working near a public airport or private air strip, and any such impacts would be less than significant.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XII. POPULATION AND HOUSING: Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✓
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓
<p>Discussion</p> <p>Items a) through c): No Impact. No new homes, roads or other infrastructure will be required. No displacement of existing homes or people will occur. No impact will occur.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XIII. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, responses times or other performance objectives for any of the public services:				
Fire protection?				✓
Police protection?				✓
Schools?				✓
Parks?				✓
Other public facilities?				✓
<p>Discussion</p> <p>Item a) through c): No Impact. The project will not alter or require the construction of new schools, parks, or other public facilities, nor will it increase the need for police and fire services beyond existing conditions.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XIV. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✓
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓
<p>Discussion</p> <p>Items a) and b): No Impact. The project takes place in MCWPA canals. MCWPA's strictly prohibits unauthorized personnel in and around canals. MCWPA also posts signs prohibiting trespassing and swimming.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC: Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				✓
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				✓
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				✓
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				✓
e) Result in inadequate emergency access?				✓
f) Result in inadequate parking capacity?				✓
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				✓
<p>Discussion</p> <p>Item a) and b): No Impact. The project involves the use of light to medium duty trucks between March and October in primarily rural areas. This will not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.</p> <p>Item c): No Impact. The project has no influence on air traffic and as a result it has no impact.</p> <p>Items d) through g): No Impact. The project does not involve changes in road design or encourage incompatible road or highway uses. The project also does not impact emergency access or parking. Further, the project does not impact or conflict with adopted policies, plans, or programs supporting alternative transportation.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVI. TRIBAL CULTURAL RESOURCES: Would the project:				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				✓
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1 (k), or				✓
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				✓
Discussion				
<p>Item a): No Impact. The proposed project is limited to existing waterways and channels. It will not involve ground disturbances that would affect tribal cultural resources.</p> <p>The Native American Heritage Commission (NAHC) was contacted to perform a records search for cultural resources in the project area. The NAHC identified one area near the project to have cultural resources present (Lanes Bridge Quadrangle). Attempts were made to reach the contact person for this area using the phone number provided by the NAHC, but the information was outdated. The NAHC did not have additional contact information available.</p> <p>The NAHC also provided contact information of 17 other individuals/tribes. Formal letters were mailed to each contact regarding the proposed project, and provided an opportunity to request consultation. Each contact was provided at least 30 days to request consultation. Only one response was received from Table Mountain Rancheria (TMR) seeking further project information. The issues were resolved through discussions between MID representatives on behalf of MCWPA and TMR.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS: Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				✓
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				✓
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✓
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				✓
g) Comply with federal, state, and local statutes and regulations related to solid waste?				✓
<p>Discussion</p> <p>Items a), b), e), f), g): No Impact. The project does not discharge to a wastewater treatment plant and does not generate any solid waste. All containers used to store and transport copper-based aquatic pesticides are returned to the vendor for reuse.</p> <p>Item c): No Impact. The project will maintain and enhance existing water delivery capacity in MCWPA facilities and not accumulate, and does not contemplate the construction of any storm water drainage facilities, or the expansion of existing facilities.</p> <p>Item d): No Impact. The proposed project does not include the consumptive use of water supplies. The project does not require additional water rights.</p>				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to 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, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			✓	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			✓	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Note: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.3, 21093, 21094, 21151, Public Resources Code; Sundstrom v. County of Mendocino, 202 Cal.App.3d 296 (1988); Leonoff v. Monterey Board of Supervisors, 222 Cal.App.3d 1337 (1990).		✓		
Discussion				
<p>Item a): Less than significant with mitigation. The project involves the application of aquatic pesticides to MCWPA canals at concentrations that temporarily exceed CTR water quality objectives. As described herein, significant evidence suggests that when used according to label directions by qualified personnel, CTR exceedence is short-term and impacts of these aquatic pesticides are less than significant.</p> <p>All applications are regulated by the Department of Pesticide Regulation and are made according to label requirements in accordance to the Federal Insecticide, Fungicide, and Rodenticide Act. These requirements are strictly adhered to during copper applications. Application treatment levels are below those allowed by the label. Monitoring will be done in accordance with monitoring and reporting requirements of the NPDES Permit. Monitoring results are reported to the Central Valley Regional Water Quality Control Board and State Water Resources Control Board.</p> <p>As explained above, any impacts would be less than significant following the adoption of mitigation measures.</p> <p>Item b): Less than significant impact. A water quality monitoring plan is in place according to the requirements of the Statewide NPDES Permit for aquatic pesticide use. This plan will determine potential future negative impacts on waters that are outside of the treatment area. Should the monitoring plan reveal an</p>				

ATTACHMENT D - LIST OF MITIGATION MEASURES

Hazards and Hazardous Waste/Hydrology and Water Quality:

HAZ-1. Copper application will be in measured amounts, in accordance with the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and registered product label requirements specifying applications rates and requirements.

HAZ-2. The chemical will be applied as far as possible upstream from potential points of discharge into streams and rivers.

HAZ-3. Authority personnel shall conduct monitoring of water quality levels in accordance with monitoring and reporting requirements of the NPDES Permit, which shall be reported to the State Water Resources Control Board and the Central Valley Regional Water Quality Control Board.

ATTACHMENT E - WORKS CITED

Jensen, R. (2016). *Special Status Species Evaluation, Madera Canal Copper Sulfate Treatment Project, Madera County, California*. Oakhurst.

ATTACHMENT F - PERSONS AND AGENCIES CONTACTED

- Native American Heritage Commission (Sacramento)
- Elizabeth D. Kipp, Big Sandy Rancheria
- Carol Bill, Cold Springs Rancheria of Mono Indians
- Robert Ledger, Dumna Wo-Wah Tribal Government
- Florence Dick, Dunlap Band of Mono Indians
- Stan Alec, Kings River Choinumni Farm Tribe
- Delia Dominguez, Kltanemuk &. Yowlumne Tejon Indians
- Charlotte Lange, Mono Lake Indian Community
- Ron Goode, North Fork Mono Tribe
- Maryann McGovran, North Fork Rancheria of Mono Indians
- Katherine Erolinda Perez, North Valley Yokuts Tribe
- Claudia Gonzales, Picayune Rancheria of Chukchansi
- Rueben Barrios, Santa Rosa Rancheria Tachi Yokut Tribe
- Lois Martin, Southern Sierra Miwuk Nation
- Leanne Walker-Grant, Table Mountain Rancheria
- David Alvarez, Traditional Choinumni Tribe
- Neil Peyron, Tule River Indian Tribe
- Kenneth Woodrow, Wuksache Indian Tribe/Eshom Valley Band

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January 18, 2017

Via U.S. Certified Mail

Re: Cultural Resources Inventory for National Pollutant Discharge Elimination System Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power Authority

Big Sandy Rancheria
P.O. Box 337
Auberry, CA 93602

Dear Elizabeth D. Kipp,

Your contact information was provided to me by the Native American Heritage Commission (NAHC) as an individual who may have knowledge of cultural resources in Madera County. Madera Irrigation District (MID) is working with the Madera-Chowchilla Water and Power Authority (MCWPA) to identify potential cultural resources. The MCWPA plans to undertake a copper sulfate application project within the Madera Canal (see attached map), which is subject to the California Environmental Quality Act (CEQA).

I am asking for your assistance in identifying known cultural elements within this project area or close proximity. If you have any information regarding these locations or know of someone that does, please contact me via phone or letter using the information provided below.

Regards,

Ramon (Eddie) Mendez, PE
Project Engineer
Madera Irrigation District
12152 Road 28 1/4
Madera CA, 93637
(559) 673-3514 ext. 209

Enclosures: Project Description
Project Map

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Re: Cultural Resources Inventory for National Pollutant Discharge Elimination System Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power Authority

Cold Springs Rancheria of Mono Indians
P.O. Box 209
Tollhouse, CA 93667

Dear Carol Bill,

Your contact information was provided to me by the Native American Heritage Commission (NAHC) as an individual who may have knowledge of cultural resources in Madera County. Madera Irrigation District (MID) is working with the Madera-Chowchilla Water and Power Authority (MCWPA) to identify potential cultural resources. The MCWPA plans to undertake a copper sulfate application project within the Madera Canal (see attached map), which is subject to the California Environmental Quality Act (CEQA).

I am asking for your assistance in identifying known cultural elements within this project area or close proximity. If you have any information regarding these locations or know of someone that does, please contact me via phone or letter using the information provided below.

Regards,

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Re: Cultural Resources Inventory for National Pollutant Discharge Elimination System Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power Authority

Dumna Wo-Wah Tribal Government
2216 East Hammond Street
Fresno, CA 93703

Dear Robert Ledger,

Your contact information was provided to me by the Native American Heritage Commission (NAHC) as an individual who may have knowledge of cultural resources in Madera County. Madera Irrigation District (MID) is working with the Madera-Chowchilla Water and Power Authority (MCWPA) to identify potential cultural resources. The MCWPA plans to undertake a copper sulfate application project within the Madera Canal (see attached map), which is subject to the California Environmental Quality Act (CEQA).

I am asking for your assistance in identifying known cultural elements within this project area or close proximity. If you have any information regarding these locations or know of someone that does, please contact me via phone or letter using the information provided below.

Regards,

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Re: Cultural Resources Inventory for National Pollutant Discharge Elimination System Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power Authority

Dunlap Band of Mono Indians
P.O. Box 44
Dunlap, CA 93621

Dear Florence Dick,

Your contact information was provided to me by the Native American Heritage Commission (NAHC) as an individual who may have knowledge of cultural resources in Madera County. Madera Irrigation District (MID) is working with the Madera-Chowchilla Water and Power Authority (MCWPA) to identify potential cultural resources. The MCWPA plans to undertake a copper sulfate application project within the Madera Canal (see attached map), which is subject to the California Environmental Quality Act (CEQA).

I am asking for your assistance in identifying known cultural elements within this project area or close proximity. If you have any information regarding these locations or know of someone that does, please contact me via phone or letter using the information provided below.

Regards,

Ramon (Eddie) Mendez, PE
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January 18, 2017

Via U.S. Certified Mail

Re: Cultural Resources Inventory for National Pollutant Discharge Elimination System Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power Authority

Kings River Choinumni Farm Tribe
3515 East Fedora Avenue
Fresno, CA 93726

Dear Stan Alec,

Your contact information was provided to me by the Native American Heritage Commission (NAHC) as an individual who may have knowledge of cultural resources in Madera County. Madera Irrigation District (MID) is working with the Madera-Chowchilla Water and Power Authority (MCWPA) to identify potential cultural resources. The MCWPA plans to undertake a copper sulfate application project within the Madera Canal (see attached map), which is subject to the California Environmental Quality Act (CEQA).

I am asking for your assistance in identifying known cultural elements within this project area or close proximity. If you have any information regarding these locations or know of someone that does, please contact me via phone or letter using the information provided below.

Regards,

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Re: Cultural Resources Inventory for National Pollutant Discharge Elimination System Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power Authority

Kltanemuk &. Yowlumne Tejon Indians
115 Radio Street
Bakersfield, CA 93305

Dear Delia Dominguez,

Your contact information was provided to me by the Native American Heritage Commission (NAHC) as an individual who may have knowledge of cultural resources in Madera County. Madera Irrigation District (MID) is working with the Madera-Chowchilla Water and Power Authority (MCWPA) to identify potential cultural resources. The MCWPA plans to undertake a copper sulfate application project within the Madera Canal (see attached map), which is subject to the California Environmental Quality Act (CEQA).

I am asking for your assistance in identifying known cultural elements within this project area or close proximity. If you have any information regarding these locations or know of someone that does, please contact me via phone or letter using the information provided below.

Regards,

Ramon (Eddie) Mendez, PE
Project Engineer
Madera Irrigation District
12152 Road 28 1/4
Madera CA, 93637
(559) 673-3514 ext. 209

Enclosures: Project Description
Project Map

Phone (559) 673-3514

www.madera-id.org

General Manager
Thomas Greci

Assistant
General Manager
Dina Cadenazzi Nolan

Legal Counsel
John P. Kinsey



Board of Directors

Division 1
David Loquaci
Division 2
Rick Cosyns
Division 3
Brian Davis
Division 4
James Erickson
Division 5
Carl Janzen

January 18, 2017

Via U.S. Certified Mail

Re: Cultural Resources Inventory for National Pollutant Discharge Elimination System Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power Authority

Mono Lake Indian Community
P.O. Box 117
Big Pine, CA 93513

Dear Charlotte Lange,

Your contact information was provided to me by the Native American Heritage Commission (NAHC) as an individual who may have knowledge of cultural resources in Madera County. Madera Irrigation District (MID) is working with the Madera-Chowchilla Water and Power Authority (MCWPA) to identify potential cultural resources. The MCWPA plans to undertake a copper sulfate application project within the Madera Canal (see attached map), which is subject to the California Environmental Quality Act (CEQA).

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January 18, 2017

Via U.S. Certified Mail

Re: Cultural Resources Inventory for National Pollutant Discharge Elimination System Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power Authority

North Fork Mono Tribe
13396 Tollhouse Road
Clovis, CA 93619

Dear Ron Goode,

Your contact information was provided to me by the Native American Heritage Commission (NAHC) as an individual who may have knowledge of cultural resources in Madera County. Madera Irrigation District (MID) is working with the Madera-Chowchilla Water and Power Authority (MCWPA) to identify potential cultural resources. The MCWPA plans to undertake a copper sulfate application project within the Madera Canal (see attached map), which is subject to the California Environmental Quality Act (CEQA).

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January 18, 2017

Via U.S. Certified Mail

Re: Cultural Resources Inventory for National Pollutant Discharge Elimination System Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power Authority

North Fork Rancheria of Mono Indians
P.O. Box 929
North Fork, CA 93643

Dear Maryann McGovran,

Your contact information was provided to me by the Native American Heritage Commission (NAHC) as an individual who may have knowledge of cultural resources in Madera County. Madera Irrigation District (MID) is working with the Madera-Chowchilla Water and Power Authority (MCWPA) to identify potential cultural resources. The MCWPA plans to undertake a copper sulfate application project within the Madera Canal (see attached map), which is subject to the California Environmental Quality Act (CEQA).

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January 18, 2017

Via U.S. Certified Mail

Re: Cultural Resources Inventory for National Pollutant Discharge Elimination System Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power Authority

North Valley Yokuts Tribe
P.O. Box 717
Linden, CA 95236

Dear Katherine Erolinda Perez,

Your contact information was provided to me by the Native American Heritage Commission (NAHC) as an individual who may have knowledge of cultural resources in Madera County. Madera Irrigation District (MID) is working with the Madera-Chowchilla Water and Power Authority (MCWPA) to identify potential cultural resources. The MCWPA plans to undertake a copper sulfate application project within the Madera Canal (see attached map), which is subject to the California Environmental Quality Act (CEQA).

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January 18, 2017

Via U.S. Certified Mail

Re: Cultural Resources Inventory for National Pollutant Discharge Elimination System Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power Authority

Picayune Rancheria of Chukchansi
8080 Palm Ave, Suite 207
Fresno, CA 93711

Dear Claudia Gonzales,

Your contact information was provided to me by the Native American Heritage Commission (NAHC) as an individual who may have knowledge of cultural resources in Madera County. Madera Irrigation District (MID) is working with the Madera-Chowchilla Water and Power Authority (MCWPA) to identify potential cultural resources. The MCWPA plans to undertake a copper sulfate application project within the Madera Canal (see attached map), which is subject to the California Environmental Quality Act (CEQA).

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January 18, 2017

Via U.S. Certified Mail

Re: Cultural Resources Inventory for National Pollutant Discharge Elimination System Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power Authority

Santa Rosa Rancheria Tachi Yokut Tribe
P.O. Box 8
Lemoore, CA 93245

Dear Rueben Barrios,

Your contact information was provided to me by the Native American Heritage Commission (NAHC) as an individual who may have knowledge of cultural resources in Madera County. Madera Irrigation District (MID) is working with the Madera-Chowchilla Water and Power Authority (MCWPA) to identify potential cultural resources. The MCWPA plans to undertake a copper sulfate application project within the Madera Canal (see attached map), which is subject to the California Environmental Quality Act (CEQA).

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January 18, 2017

Via U.S. Certified Mail

Re: Cultural Resources Inventory for National Pollutant Discharge Elimination System Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power Authority

Southern Sierra Miwuk Nation
P.O. Box 186
Mariposa, CA 95338

Dear Lois Martin,

Your contact information was provided to me by the Native American Heritage Commission (NAHC) as an individual who may have knowledge of cultural resources in Madera County. Madera Irrigation District (MID) is working with the Madera-Chowchilla Water and Power Authority (MCWPA) to identify potential cultural resources. The MCWPA plans to undertake a copper sulfate application project within the Madera Canal (see attached map), which is subject to the California Environmental Quality Act (CEQA).

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January 18, 2017

Via U.S. Certified Mail

Re: Cultural Resources Inventory for National Pollutant Discharge Elimination System Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power Authority

Table Mountain Rancheria
P.O. Box 410
Friant, CA 93626

Dear Leanne Walker-Grant,

Your contact information was provided to me by the Native American Heritage Commission (NAHC) as an individual who may have knowledge of cultural resources in Madera County. Madera Irrigation District (MID) is working with the Madera-Chowchilla Water and Power Authority (MCWPA) to identify potential cultural resources. The MCWPA plans to undertake a copper sulfate application project within the Madera Canal (see attached map), which is subject to the California Environmental Quality Act (CEQA).

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January 18, 2017

Via U.S. Certified Mail

Re: Cultural Resources Inventory for National Pollutant Discharge Elimination System Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power Authority

Traditional Choinumni Tribe
2415 E. Houston Avenue
Fresno, CA 93720

Dear David Alvarez,

Your contact information was provided to me by the Native American Heritage Commission (NAHC) as an individual who may have knowledge of cultural resources in Madera County. Madera Irrigation District (MID) is working with the Madera-Chowchilla Water and Power Authority (MCWPA) to identify potential cultural resources. The MCWPA plans to undertake a copper sulfate application project within the Madera Canal (see attached map), which is subject to the California Environmental Quality Act (CEQA).

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January 18, 2017

Via U.S. Certified Mail

Re: Cultural Resources Inventory for National Pollutant Discharge Elimination System Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power Authority

Tule River Indian Tribe
P.O. Box 589
Porterville, CA 93258

Dear Neil Peyron,

Your contact information was provided to me by the Native American Heritage Commission (NAHC) as an individual who may have knowledge of cultural resources in Madera County. Madera Irrigation District (MID) is working with the Madera-Chowchilla Water and Power Authority (MCWPA) to identify potential cultural resources. The MCWPA plans to undertake a copper sulfate application project within the Madera Canal (see attached map), which is subject to the California Environmental Quality Act (CEQA).

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January 18, 2017

Via U.S. Certified Mail

Re: Cultural Resources Inventory for National Pollutant Discharge Elimination System Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power Authority

Wuksache Indian Tribe/Eshom Valley Band
1179 Rock Haven Ct.
Salinas, CA 93906

Dear Kenneth Woodrow,

Your contact information was provided to me by the Native American Heritage Commission (NAHC) as an individual who may have knowledge of cultural resources in Madera County. Madera Irrigation District (MID) is working with the Madera-Chowchilla Water and Power Authority (MCWPA) to identify potential cultural resources. The MCWPA plans to undertake a copper sulfate application project within the Madera Canal (see attached map), which is subject to the California Environmental Quality Act (CEQA).

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Project Engineer
Madera Irrigation District
12152 Road 28 1/4
Madera CA, 93637
(559) 673-3514 ext. 209

Enclosures: Project Description
Project Map



TABLE MOUNTAIN RANCHERIA

TRIBAL GOVERNMENT OFFICE

CERTIFIED 7522 9654

January 30, 2017

Leanne Walker-Grant
Tribal Chairperson

Beverly J. Hunter
Tribal Vice-Chairperson

Craig Martinez
Tribal Secretary/Treasurer

Matthew W. Jones
Tribal Council Member

Richard L. Jones
Tribal Council Member

Ramon (Eddie) Mendez, PE
Project Engineer
Madera Irrigation District
12152 Road 28 ¼
Madera, Ca. 93637

RE: Cultural Resources Inventory for National Pollutant Discharge Elimination System Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power Authority

Dear: Ramon Mendez

Table Mountain Rancheria is responding to your letter dated, January 18, 2017, regarding, Cultural Resources Inventory for National Pollutant Discharge Elimination System Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power Authority. Thank you for notifying Table Mountain Rancheria of the potential development and request for consultation. The Rancheria is very interested in this project as it lies within our cultural area of interest.

If you have already conducted a record search, please provide Table Mountain Rancheria with copies of any cultural resource report you may have.

At this time, please contact our office at (559) 325-0351 or rpennell@tmr.org to coordinate a discussion and meeting date regarding your project.

23736

Sky Harbour Road

Post Office

Box 410

Friant

California

93626

(559) 822-2587

Fax

(559) 822-2693

Sincerely,

Robert Pennell
Tribal Cultural Resources Director

ATTACHMENT G - LIST OF PREPARERS

- 1) Ramon E Mendez, PE, Madera Irrigation District
- 2) Sean Smith, PE, Madera Irrigation District

ATTACHMENT H - VICINITY MAPS

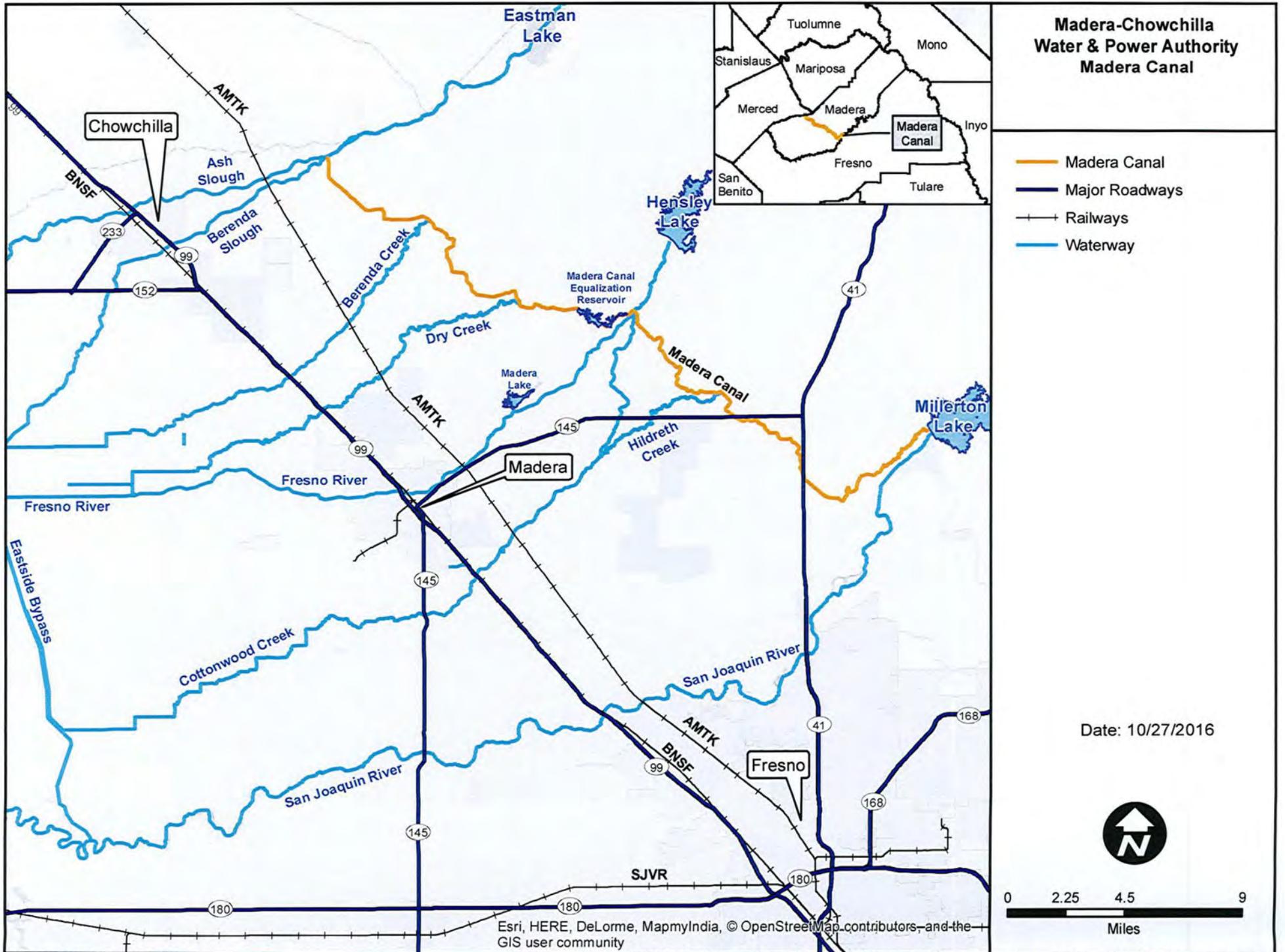


Date: 10/27/2016

**Project Vicinity Map
Madera Chowchilla
Water & Power Authority**

-  County Boundaries
-  Project Area
-  Madera Canal





ATTACHMENT I - STATE CLEARINGHOUSE LETTER

DEC 5 '16 4:22 PM

W



STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

December 1, 2016

Douglas Welch
Madera-Chowchilla Water & Power Authority
P.O. Box 905
327 S. Chowchilla Boulevard
Chowchilla, CA 93610

Subject: NPDES Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power Authority
SCH#: 2016111001

Dear Douglas Welch:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 30, 2016, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2016111001
Project Title NPDES Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power
Lead Agency Authority
Madera-Chowchilla Water & Power Authority

Type MND Mitigated Negative Declaration

Description The NPDES Permit for which this report is made provides for the categorical exception from numeric water quality criteria and objectives for priority pollutants for the application of aquatic pesticides by public entities in the exercise of resource or pest management activities (Water quality order no. 2013-0002-DWQ). As a special district of California, Madera-Chowchilla Water & Power Authority is eligible for coverage under, and has applied for a general NPDES Permit relating to the application of aquatic pesticides directly to MCWPA agricultural water.

Lead Agency Contact

Name Douglas Welch
Agency Madera-Chowchilla Water & Power Authority
Phone 559-665-3747 **Fax**
email
Address P.O. Box 905
327 S. Chowchilla Boulevard
City Chowchilla **State** CA **Zip** 93610

Project Location

County Madera
City Madera
Region
Lat / Long
Cross Streets
Parcel No.

Township	Range	Section	Base
-----------------	--------------	----------------	-------------

Proximity to:

Highways 41, 145
Airports
Railways
Waterways
Schools
Land Use Federal land, resource conservation/agriculture

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 4; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 6; State Water Resources Control Board, Division of Drinking Water; State Water Resources Control Board, Division of Drinking Water, District 11; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Bd., Region 5 (Fresno); Native American Heritage Commission

Date Received 11/01/2016 **Start of Review** 11/01/2016 **End of Review** 11/30/2016

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100
 West Sacramento, CA 95691
 Phone (916) 373-3710
 Fax (916) 373-5471
 Email: nahc@nahc.ca.gov
 Website: <http://www.nahc.ca.gov>
 Twitter: @CA_NAHC



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 11/23/16
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Governor's Office of Planning & Research

NOV 23 2016

STATE CLEARINGHOUSE

November 23, 2016

Douglas Welch
 Madera-Chowchilla Water & Power Authority
 327 S. Chowchilla Blvd./ P.O. Box 905
 Chowchilla, CA 93610

Re: SCH# 2016111001, NPDES Permit for the Maintenance and Operations of the Madera-Chowchilla Water & Power Authority Project, City of Madera; Madera County, California

Dear Mr. Welch:

The Native American Heritage Commission (NAHC) has reviewed the Mitigated Negative Declaration prepared for the project referenced above. The review included the Project Description/Introduction, and Section 5, Cultural Resources in the initial Study, prepared by the County of San Luis Obispo. We have the following concerns:

- There is no Tribal Cultural Resources section or subsection in the Executive Summary as per California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>
- There are no mitigation measures specifically addressing Tribal Cultural Resources separately. Mitigation measures must take Tribal Cultural Resources into consideration as required under AB-52, with or without consultation occurring.
- There is no information in the document of any contact or consultation with California Native American tribes for this project.

The California Environmental Quality Act (CEQA)¹, specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.² If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.³ In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52).⁴ **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** AB 52 created a separate category for "tribal cultural resources"⁵, that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment."⁶ Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.⁷ Your project may also be subject to **Senate Bill 18 (SB 18)** (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. **Both SB 18 and AB 52 have tribal consultation requirements.** Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966⁸ may also apply.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws

¹ Pub. Resources Code § 21000 et seq.

² Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)

³ Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15064 (a)(1)

⁴ Government Code 65352.3

⁵ Pub. Resources Code § 21074

⁶ Pub. Resources Code § 21084.2

⁷ Pub. Resources Code § 21084.3 (a)

⁸ 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.

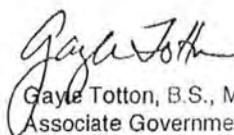
Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>. Additional information regarding AB 52 can be found online at http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf, entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

Please contact me at gayle.totton@nahc.ca.gov or call (916) 373-3710 if you have any questions.

Sincerely,



Gayle Totton, B.S., M.A., Ph.D
Associate Governmental Project Analyst

Attachment

cc: State Clearinghouse

Pertinent Statutory Information:

Under AB 52:

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice.

A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project,⁹ and **prior to the release of a negative declaration, mitigated negative declaration or environmental impact report.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18)."¹⁰

The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects.¹¹

1. The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.¹²

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall **not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10.** Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.¹³

If a project may have a significant impact on a tribal cultural resource, the **lead agency's environmental document shall discuss** both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.¹⁴

Consultation with a tribe shall be considered concluded when either of the following occurs:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.¹⁵

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.¹⁶

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, **the lead agency shall consider feasible mitigation** pursuant to Public Resources Code section 21084.3 (b).¹⁷

An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

⁹ Pub. Resources Code § 21080.3.1, subs. (d) and (e)

¹⁰ Pub. Resources Code § 21080.3.1 (b)

¹¹ Pub. Resources Code § 21080.3.2 (a)

¹² Pub. Resources Code § 21080.3.2 (a)

¹³ Pub. Resources Code § 21082.3 (c)(1)

¹⁴ Pub. Resources Code § 21082.3 (b)

¹⁵ Pub. Resources Code § 21080.3.2 (b)

¹⁶ Pub. Resources Code § 21082.3 (a)

¹⁷ Pub. Resources Code § 21082.3 (e)

- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.¹⁸

This process should be documented in the Tribal Cultural Resources section of your environmental document.

Under SB 18:

Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5097.993 of the Public Resources Code that are located within the city or county's jurisdiction. Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

- SB 18 applies to **local governments** and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf
- **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe**¹⁹
- **There is no Statutory Time Limit on Tribal Consultation under the law.**
- **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research,²⁰ the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.²¹
- **Conclusion Tribal Consultation:** Consultation should be concluded at the point in which:
 - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.²²

NAHC Recommendations for Cultural Resources Assessments:

- Contact the NAHC for:
 - A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
 - The request form can be found at <http://nahc.ca.gov/resources/forms/>.
- Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - If part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have been already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

¹⁸ Pub. Resources Code § 21082.3 (d)

¹⁹ (Gov. Code § 65352.3 (a)(2)).

²⁰ pursuant to Gov. Code section 65040.2,

²¹ (Gov. Code § 65352.3 (b)).

²² (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- o Avoidance and preservation of the resources in place, including, but not limited to:
 - Planning and construction to avoid the resources and protect the cultural and natural context.
 - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- o Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protecting the cultural character and integrity of the resource.
 - Protecting the traditional use of the resource.
 - Protecting the confidentiality of the resource.
- o Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- o Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.²³
- o Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.²⁴

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- o Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.²⁵ In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- o Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- o Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

²³ (Civ. Code § 815.3 (c)).

²⁴ (Pub. Resources Code § 5097.991).

²⁵ per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

ATTACHMENT J - NOTICE OF DETERMINATION & DFW
ENVIRONMENTAL FILING FEE RECEIPT



State of California - Department of Fish and Wildlife
2017 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (Rev. 01/01/17) Previously DFG 753.5a

Print **StartOver** **Finalize&Email**

RECEIPT NUMBER:
 20 — 04/14/2017 — 0011
 STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY Madera-Chowchilla Water and Power Authority	LEAD AGENCY EMAIL	DATE 04/14/2017
COUNTY/STATE AGENCY OF FILING Madera		DOCUMENT NUMBER 2017011

PROJECT TITLE
 National Pollutant Discharge Elimination System Permit for the Maintenance & Operations of the Madera -Chowchilla Water & Power Authority

PROJECT APPLICANT NAME Madera Chowchilla Water and Power Authority	PROJECT APPLICANT EMAIL	PHONE NUMBER (559)673-3514
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PROJECT APPLICANT ADDRESS 12152 Road 28 1/4	CITY Madera	STATE CA	ZIP CODE 93637
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PROJECT APPLICANT (Check appropriate box)

Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,078.25	\$	0.00
<input checked="" type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,216.25	\$	2,216.25
<input type="checkbox"/> Certified Regulatory Program document (CRP)	\$1,046.50	\$	0.00

- Exempt from fee
- Notice of Exemption (attach)
 - CDFW No Effect Determination (attach)
- Fee previously paid (attach previously issued cash receipt copy)

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
<input checked="" type="checkbox"/> County documentary handling fee		\$	50.00
<input type="checkbox"/> Other		\$	

PAYMENT METHOD:

Cash Credit Check Other

TOTAL RECEIVED \$ 2,266.25

SIGNATURE <i>X Catherine Martinez</i>	AGENCY OF FILING PRINTED NAME AND TITLE CATHERINE MARTINEZ, DEPUTY CLERK
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2017011
Appendix D

FILED
Notice of Determination MADERA COUNTY

To: 2017 APR 14 PM 12: 25
 Office of Planning and Research
U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
County of: Madera, CA
Address: 200 W 4th St
Madera, CA 93637

From: Madera-Chowchilla Water and Power Authority
Public Agency: Madera-Chowchilla Water and Power Authority
Address: P.O. Box 905
327 S. Chowchilla Blvd. Chowchilla, CA 93610
Contact: Douglas Welch
Phone: (556) 674-8891

Lead Agency (if different from above):
Address: _____
Contact: _____
Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2016111001

Project Title: National Pollutant Discharge Elimination System Permit for the Maintenance & Operations of the Madera-Chowchilla Water & Power Authority

Project Applicant: Madera-Chowchilla Water & Power Authority (MCWPA)

Project Location (include county): Various MCWPA facilities in Madera County

Project Description:
The NPDES Permit for which this notice is made provides for the categorical exception from numeric water quality criteria and objectives for priority pollutants for the application of aquatic pesticides by public entities in the exercise of resource or pest management activities (Water Quality Order No. 2013-0002-DWQ). As a special district of the State of California, Madera-Chowchilla Water & Power Authority is eligible for coverage under, and has applied for a General NPDES Permit relating to the application of aquatic pesticides directly to MCWPA agricultural water.

This is to advise that the Madera-Chowchilla Water and Power Authority has approved the above
(Lead Agency or Responsible Agency)

described project on 4/5/2017 and has made the following determinations regarding the above
(date)
described project.

- 1. The project [will will not] have a significant effect on the environment.
- 2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
- 3. Mitigation measures [were were not] made a condition of the approval of the project.
- 4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
- 5. A statement of Overriding Considerations [was was not] adopted for this project.
- 6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
Madera Irrigation District, 12152 Road 28 1/4, Madera, CA 93637

Signature (Public Agency): Douglas Welch Title: General Manager

Date: 4/11/17 Date Received for filing at OPR: _____

6990

Rebecca Martinez
Clerk - Recorder
200 W. 4th Street
Madera, CA 93637-3548
(559) 675-7721

P Public
Receipt # 417988 04/14/17 03:19PM
Description Fee
Fish & Game Adm \$50.00
Fish & Game Trs \$2,216.25
Total Amount Due \$2,266.25
Total Paid
Check# 6990 \$2,266.25

Customer Signature:

Thank You
PLEASE RETAIN THIS FOR YOUR RECORDS

MADERA IRRIGATION DISTRICT SRF

Date	Invoice Number	Comment	Amount	Discount Amount	Net Amount
4/7/2017	FEE 040717	Environmental filling fee Job # 23-15-4	2,266.25	0.00	2,266.25

Check: 006990 4/7/2017 MADERA COUNTY CLERK Check Total: 2,266.25

PRINTED IN

ALL FORMS CONNECTION 559-439-5956

LR2202LH1