



The logo features the word "FRIANT" in a large, stylized, serif font, with a horizontal line above it that tapers at both ends. Below "FRIANT" is the text "WATER USERS AUTHORITY" in a smaller, all-caps, serif font.

Kole M. Upton
Chairman of the Board

Harvey A. Bailey
Vice Chairman

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Dan Fults
General Manager

Gary W. Sawyers
General Counsel

September 12, 2003

Ms. Sammie Cervantes
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825
VIA FACSIMILE: 916-227-7554

Subject: Comments on the Draft Environmental Impact
Statement/Environmental Impact Report on the Environmental
Water Account

Member Agencies:

Arvin-Edison W.S.D.
Arwell Island W.D.
Chowchilla W.D.
Delano-Earlimart I.D.
Exeter I.D.
Fresno I.D.
Hills Valley I.D.
Ivanhoe I.D.
Kern-Tulare W.D.
Lindmore I.D.
Lindsay-Strathmore I.D.
Lower Tule River I.D.
Madera I.D.
Orange Cove I.D.
Pixley I.D.
Porterville I.D.
Rag Gulch W.D.
Saucelito I.D.
Shafter-Wasco I.D.
So. San Joaquin M.U.D.
Stone Corral I.D.
Tea Pot Dome W.D.
Terra Bella I.D.
Tulare I.D.

Dear Ms. Cervantes:

The Friant Water Users Authority (Authority) is in receipt of the subject Draft EIS/EIR and supplementary related compact disks and documents. These materials were received by the Authority in a package with a cover letter from you dated July 28, 2003. The Authority appreciates the opportunity to provide comment on this topic on behalf of the Authority's member districts. In general, the Authority members believe that continuance and magnitude of the Environmental Water Account (EWA) should be subject to substantiated scientific benefit to fisheries, be cost effective, and consider social and economic impacts upon third parties.

The Authority operates and maintains the Friant-Kern Canal, a conveyance feature of the Central Valley Project. The Authority consists of twenty-four member water, irrigation and public utility districts serving the agricultural water needs of some one million acres and 15,000 mostly small family farms on the east side of the southern San Joaquin Valley. Friant Division water supplies are also relied upon by several cities and towns, including the City of Fresno, as a major portion of their municipal and industrial water supplies.

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Due to the amount of the information contained in the Draft EIS/EIR, the Authority is still reviewing the documents and requests that the comment period be extended by 90 days so that additional comments may be provided.

However, our preliminary review notes the following areas of primary concern at this time regarding the EWA Draft EIS/EIR:

1. Biological Benefits
2. Accountability
3. Water Marketing/Pricing Impacts
4. Funding Source Uncertainty
5. Groundwater Consequences
6. Extent of the Study Area
7. CVPLA Yield Replacement Relationship
8. Consideration of Potential "Napa Proposal" effects on EWA Activities
9. Infrastructure Assets

Biological Benefits

In the 2002 EWA Science Panel discussion one of the EWA's four biggest issues was the need for more scientific analysis and synthesis to provide a better foundation for management. There seems to be questionable benefits for fish and fishery protection actions taken by EWA. The Draft EIS/EIR overstates the benefits of the EWA actions to fish populations. On pages 255 through 259 in Chapter 9, the document suggests that the environmentally preferred alternative will reduce *average annual salvage* by about 136,000 delta smelt, 1.1 million salmon, 29,000 steelhead, 1 million splittail and 9 million striped bass. However, on Tables 9-56, 9-57, 9-58, 9-59 and 9-60 these numbers are shown to be *total estimated salvage* reductions over the 15 year modeling period. In addition, recently conducted analysis of the EWA affects on fish, such as the winter run salmon, indicate negligible positive impacts. The document should include additional supporting information relative to biological benefits to be derived by the EWA.

Accountability

The preferred environmental alternative and associated Action Specific Implementation Plan lack the quantifiable measures of performance that would be expected with such a broad reaching program. These documents have no apparent accountability for effective use of water or financial resources. The lack of these performance measures raises a question as to whether the draft EIS/EIR has fully considered the range of impacts and appropriate mitigation measures that will be required to implement such a program and the associated costs and benefits. Given the proposed size of the program and associated significant costs, a determination should be made as to whether EWA is the most suitable use of limited financial resources for fish protection activities (relative cost/benefit analysis).

Water Marketing/Pricing Impacts

In this Draft EIS/EIR, the EWA is not proposing any new sources of water. The program intends to purchase 'assets' from willing sellers and in doing so, the EWA could "corner the market" with respect to acquiring limited water available from willing sellers. The economic analysis admittedly does not address the potential impacts of increasing water/energy costs and/or

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impacts of groundwater overdraft upon water short districts/growers and their supporting communities as a result of an aggressive and well funded water purchaser entering the market. In addition, based upon statements made by DWR personnel at the August 28, 2003 public meeting in Fresno, the reference to 600,000 acre feet is not necessarily a maximum quantity of water that could be acquired by the EWA, but rather, water acquisition will be driven in part by the cost and quantity available. This statement leaves a greater uncertainty as to the size and potential economic impact of the program, especially upon third parties. Potential economic impacts to third parties that otherwise rely on the same sources of water needs to be fully and adequately addressed in the document.

Funding Source Uncertainty

The funding mechanisms and the potential reimbursement by water contractors are not explicit in the Draft document. Without an understanding of the funding source it is impossible to understand financial impacts of the program on CVP and SWP water contractors. For example, use of CVPIA and Water and Related Resources funds may have a direct economic impact upon CVP water contractors and should be addressed in the Draft EIS/EIR.

Groundwater Impacts

There are numerous unavoidable impacts to groundwater levels and local economies which could be severe for the Southern San Joaquin Valley. These impacts are inadequately addressed in the draft EIS/EIR. The document assumes that impacts of any purchases of banked groundwater in the export service area will be evaluated by the environmental documentation associated with that groundwater bank. This piecemeal approach to environmental documentation does not adequately address the cumulative impacts of multiple groundwater banks working in the same area. As most of those that live and work in the current overdrafted Southern San Joaquin Valley realize, the removal of significant supplies of water to the region will result in a long term cumulative impact.

Extent of the Study Area

The current extent of the Study Area includes all portions of the Central Valley Project's Friant Division. It should be noted and the map(s) modified accordingly to reflect that the Friant Division receives its supply from Friant Dam and is not associated with south of the delta exports (except by virtue of the exchange of water with the Exchange Contractors). Friant irrigation districts that may receive a portion of their water supplies via delta exports (e.g., Cross Valley CVP contractors) could be noted as delta exporters.

CVPIA Actions Yield Replacement Impacts

The CVPIA (Section 3408 (j)) mandates that the Secretary of the Interior develop a least-cost plan to replace the yield of the CVP by the amount dedicated to fish and wildlife purposes. The Draft EIS/EIR should address if and how the EWA impacts the CVPIA yield replacement requirement.

Consideration of Potential "Napa Proposal" effects on EWA Activities

Recently, federal and state water contractors developed a proposal (the Napa Proposal) to increase water supplies for south of delta contractors. While much work on the proposal will undoubtedly occur over the next few months, implementation of the proposal could have

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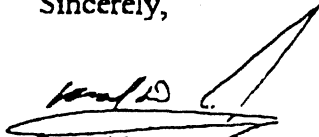
profound affects on the delta and fish. The Draft EIS/EIR should evaluate potential impacts associated with the Napa Proposal and the affect upon the EWA, or alternatively, delay finalizing the EIR/EIS until certainty exists with respect to revised water operations in the delta.

Infrastructure Assets

New to EWA activities is the inclusion of physical infrastructure as assets to be utilized by EWA based in part on comments made by DWR staff at the August 28, 2003 public meeting in Fresno. If EWA is in fact contemplating acquiring storage or conveyance facilities, the Draft EIS/EIR should adequately state what type of infrastructure is being considered, the potential cost and benefits, and the impacts upon water users and the environment.

The Authority appreciates the opportunity to provide comments on the proposed project. While we understand the need for creative water management programs to enhance the environment and protect water supplies, the full impacts associated with the current and proposed EWA program must be determined prior to implementation. We look forward to future evaluation and discussion of our concerns and those of other interested parties.

Sincerely,



Ronald D. Jacobsma
Interim General Manager

cc: FWUA Member Districts
Mario Santoyo, FWUA
Bernice Sullivan, FWUA
Douglas DeFlicht, FWUA
Gary W. Sawyers, esq. Law Office of Gary W. Sawyers
William H. Luce, Jr., U.S. Bureau of Reclamation
Robert Stackhouse, CVPWA
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RJ:tm