

GRAVELLY FORD WATER DISTRICT

1836 West 5th Street
Madera, CA 93637

September 15, 2003

VIA FACSIMILE AND U.S. MAIL

Ms. Sammie Cervantes
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825
scervantes@mp.usbr.gov

Re: Comments on the Environmental Water Account Draft Environmental Impact Statement/Environmental Impact Report (DEIS/R)

Dear Ms. Cervantes:

The Gravelly Ford Water District (District) appreciates the opportunity to comment on the above referenced DEIS/R. The District is an agricultural district consisting of approximately 7,000 acres adjacent to the San Joaquin River in Madera County. The District has a contract for Class 2 water only from the Friant Division of the CVP and frequently relies on surplus flows on the San Joaquin River to meet the needs of our farmers. The Madera groundwater basin is considered by the State to severely overdrafted and any activities like the EWA, which could reduce the water available to the District and others in Madera County, would have an adverse impact on the District.

Due to the extremely large amount of information and data contained in the DEIS/R, we are still reviewing the documents and other relevant information necessary to fully understand and evaluate the potential impacts of EWA and the preferred alternative. We, therefore, request that the comment period be extended by 90 days so that additional comments may be provided. However, our preliminary review has identified several areas of significant concern at this time regarding the EWA DEIR/S.

Biological Benefits

The DEIS/R fails to quantify the benefits expected to be achieved by the EWA. The Proposed Action generally describes the types of actions to be taken and ascribes general statement of fishery benefits, but does not provide supporting data to correlate the proposed actions with any quantifiable benefits to the fishery. The discussion in Chapter 9 regarding the Sacramento-San

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Joaquin Delta Region describes some numeric improvements in X2, E/I ratio, Reverse Flows, and Salvage, but provides no relevant context for the gross annual numbers, nor any correlation with fish abundance or overall condition of the species. The EIR/S should include tables that show the relevant percentage changes and describe how that level of change will enhance the condition of the target fisheries.

In one section, the DEIS/R overstates the benefits of the EWA actions to fish populations. On pages 255 through 259 in Chapter 9, the document text states that the 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. This error should be corrected.

In addition, simply reducing take at the pumps by fractions of 1% does not necessarily translate to increased populations, much less the survival of species. For example, EWA effects on population levels as a result of reduced direct mortality (take) of salmon are small. Sheila Greene's presentation at a recent Salmon Workshop documents this. According to Ms. Greene, 2002-3 EWA actions reduced the direct mortality to winter run outmigrants by 0.014% of the estimated number entering the Delta. In 2001-2, the corresponding number was 0.009% of those entering the Delta and 0.12% of those leaving the Delta (surviving to Chipps Island). In that year, 0.07% of older juvenile salmon leaving the Delta were saved by EWA actions and 0.03% of the fry/smolt. Corresponding numbers in 2000-1 were, for winter run, 0.02% of those entering the Delta, 2.8% of those leaving, for older juveniles, 1.7% of those leaving the Delta, and for fry/smolt, 0.51% of those leaving the Delta. At the same workshop, NOAA Fisheries reported a 20% harvest-related mortality to winter run. The EIR/S needs to specify how such small reductions in take can justify the high cost and potential adverse impacts of implementing the EWA at the proposed levels.

The discussion and conclusions of the 2002 EWA Science Panel make it clear that the Science Panel has not been able to identify any ecological significance to reducing take at the levels achieved by EWA. They, in fact, note that the choice of focusing on take may be one of policy rather than science. Notwithstanding the creative language of the report, it is clear that there are questionable benefits for fish and fishery protection actions taken by EWA. Since the Science Panel has failed to identify any quantifiable benefit from the EWA actions for the first two years, there is little justification for continuing the program at current levels and certainly no justification for expanding the program to 600,000 AF.

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 DEIS/R 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

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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 the DEIS/R, the EWA is not proposing any new sources of water. The program is, in effect, a reallocation of supplies from existing uses to the environment. The DEIS/R fails to adequately evaluate the economic impacts of this reallocation on agriculture from two perspectives. The DEIS/R does not evaluate the full geographic scope of the potentially impacted area and fails to adequately address the impact of purchasing water at such unreasonably high prices that agricultural users who currently rely on water transfers to meet their needs are faced with reduced availability of water supplies and increased costs.

The economic analysis limits its analysis of economic impacts in the San Joaquin Valley to Fresno, Kern, Kings and Tulare Counties in the Export Service Area. Madera and Merced Counties could be impacted by the EWA both from the perspective of fallowed lands and reduced supply availability. The EIS/R must evaluate impacts in all areas that could be impacted.

More importantly, the economic analysis admittedly does not address the potential impacts of increasing water/energy costs and/or impacts of groundwater overdraft upon water-short agricultural users and their supporting communities as a result of an aggressive and well funded water purchaser entering the market. In Section 11.2, the DEIS/R uses some convoluted logic regarding CEQA and NEPA requirements to justify not addressing the significance of economic impacts. Furthermore, the DEIS/R discusses the concept of impacts based on reduced supply and higher cost to those who rely on water transfers, but does not consider it an impact worth quantifying. We disagree.

The impacts on water availability and pricing are real and will result in more than just economic impacts to farmers. If farmers are unable to purchase water at affordable prices, there will be adverse impacts to groundwater levels, with resultant subsidence in some areas. The EIR/S must consider the cumulative and long-term impacts to agriculture and associated communities that will result from reduced availability of currently available water supplies.

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 EIR/S.

Groundwater Impacts

There are numerous unavoidable impacts to groundwater levels and local economies that could be severe for the San Joaquin Valley. These impacts are inadequately addressed in the DEIS/R. 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

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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 areas of the San Joaquin Valley realize, the removal of significant supplies of water to the region will result in a long term cumulative impact.

In addition, the chapter on groundwater clearly indicates impacts to groundwater levels as a result of EWA purchases. The impacts of the "Flexible" purchase alternative are greater than for the Fixed purchase alternative. Groundwater level declines of the EWA purchases are compared to groundwater declines during droughts, but ignore the fact that the groundwater declines caused by EWA purchases are not confined to drought years and simply assume that wetter years will allow groundwater basins to recover. In areas like the San Joaquin Valley that are chronically overdrafted, any reduction in the net supply to the region is a long-term impact.

Air Quality Impacts

The analysis in the DEIS/R fails to consider the potential air quality impacts from land idling or increased groundwater pumping that result from reduced availability of water to agricultural users that rely on water transfers. The San Joaquin Valley has significant and well publicized air quality problems, and any program of this size that has the potential to worsen the problem should carefully evaluate and identify all of the potential ways that air quality could be impacted.

Energy Impacts

The DEIR/S identifies and evaluates potential impacts related to groundwater substitution and increased pumping at the SWP, CVP and other major pumping facilities. However, it fails to address impacts of energy use for increased pumping that may result from reduced availability of transfer water to those who rely on water markets for a portion of their supply. It also fails to address the impacts of pumping from groundwater banks.

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.

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.

Summary

In summary, the DEIS/R has not adequately identified or evaluated all of the potential impacts and needs to be revised accordingly. In addition, the document needs to provide adequate biological justification for the significant water and financial costs of the EWA.

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The District 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,



Tim Da Silva
President

Cc Madera Irrigation District