MWD
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

September 11, 2003 **FEDERAL EXPRESS**

Ms. Delores Brown
Chief, Mitigation and Restoration Branch
Department of Water Resources
3251 S Street
Sacramento, California 95816

Dear Ms. Brown:

Draft Environmental Impact Statement/
Environmental Impact Report on the Environmental Water Account

The Metropolitan Water District of Southern California (Metropolitan) has reviewed a copy of the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Environmental Water Account (EWA). The EWA is a cooperative CALFED management program to protect the native fish species of the Bay-Delta estuary through environmentally beneficial changes in the Federal Central Valley Project (CVP) and the State Water Project (SWP) operations at no uncompensated water cost to the CVP/SWP water users. Five federal and state agencies are involved in administering the EWA. The Bureau of Reclamation (Reclamation) and the Department of Water Resources (DWR) are responsible for acquiring water assets and for storing and conveying the assets through use of the CVP and SWP facilities. The California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service manage the EWA assets to protect and restore fish populations.

The Draft EIS/EIR describes the operation of the EWA, the environmental impacts it may have, and mitigation measures to reduce the significant impacts to less-than-significant levels. The EWA consists of two primary elements: (1) assisting in fish population protection and recovery for at-risk native fish species; and (2) increasing water supply reliability by reducing uncertainty associated with fish protection and recovery actions. The EWA enables timely reductions in export pumping at the Sacramento-San Joaquin Delta pumps, operated by DWR and Reclamation, to improve survival of and reduce injury to at-risk native fish species. The EWA acquires water to replace the supplies that would have otherwise been diverted by the CVP and SWP so that water supplies delivered to their contractors are not interrupted or reduced because

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of the Delta export pumping changes. This letter contains Metropolitan's views, as a potentially affected public agency, on the scope and content of the Draft EIS/EIR.

Metropolitan supports the creation of the EWA as part of the CALFED Record of Decision (ROD) and believes that the EWA will reduce conflict, increase water supply reliability, and help to reduce losses of endangered fish species at the export facilities.

General Comment

The EIS/EIR should clarify the rationale for the EWA to include up-to-date sound scientific principles. The EIS/EIS should reiterate that the adaptive management process is an integral component of the EWA program, as indicated in the CALFED Bay-Delta PEIS/EIR and CALFED ROD, from which this Draft EIS/EIR is tiered.

The Draft EIS/EIR is not consistent with the long-term commitments of the EWA and associated funding and permitting issues. Timeframes for program coverage should be reconsidered.

Comments on Executive Summary

Specific comments made to the Executive Summary should be applied to sections throughout the document, as applicable.

Pages ES-5 and ES-14. Expand discussions in the Executive Summary and throughout the document (i.e. Section 2.1.2, Asset Development) to include the entirety of the actions in the Environmental Water Account Operating Principles Agreement, such as the sale of EWA assets, described in Article II (f).

Page ES-10. Consider expanding wet year purchases to allow for up to 90,000 acre-foot of acquisitions (30,000 acre-foot/month over three months) plus carriage water losses to allow for a future that includes more reliable access to export capacity.

Page ES-11. Two methods of EWA asset development from the CALFED ROD and Operating Principles Agreement, exchanges and sale of EWA assets, appear to be missing from Table ES-2, which provides a comparison of EWA Alternatives.

Page ES-14. The EWA could raise reservoir levels by backing export cuts upstream. While the current draft discusses the increased Delta outflow resulting from export cuts, it does not address backing of water into upstream reservoirs and any resulting impacts from the resultant reduction of upstream releases.

Page ES-15. Exchange programs that could reduce groundwater fluctuations should be mentioned under groundwater resources.

Page ES-19. The water quality analysis in the Draft EIS/EIR does not provide sufficient information to make the conclusion that the increase in annual total salt and organic carbon load delivered to CVP and SWP water users is less than significant. As stated in our comments on Chapter 5, the Draft EIS/EIR should include consideration of water quality effects in wet and dry years, in addition to the mean of all 15 years studied. Further, the Draft EIS/EIR should consider water quality impacts, both changes in concentrations and loading, at a location in the water system that is more representative of water quality that urban Southern California receives, such as Edmonston Pumping Plant. This would take into consideration the water quality impacts of changes in the timing of water deliveries under the EWA alternatives.

Table ES3 (Summary Comparison of Effects of EWA Alternatives), page ES-21. The following effects, which are discussed in Chapter 9, are inconsistent with representations in the Executive Summary for Fisheries and Aquatic Ecosystems in the Delta and should be corrected.

- "Changes in Delta outflow and location of X2 affecting Delta fishery resources" are labeled "LTS" (less than significant). However, for each at-risk species analyzed in the draft EIS/EIR, Delta outflow would increase in most months and never be less than baseline. Further, the "position of X2 would move downstream or would not shift, relative to the Baseline...in all of the 75 months simulated..."(page 9-251). This information should be in Table ES3 and, as stated, a "beneficial" impact consistent with pages 9-251 and 9-300, for the Flexible Purchase (maximum) case. The Typical Water Purchase Scenario text provides similar conclusions on pages 9-261 and 9-262. A "Fixed Purchase Alternative" analysis of Delta fish effects on anything besides salvage was not noted -beyond just a four-line statement stating "Various EWA actions could potentially affect habitat conditions (Delta outflow,... X2, the export/inflow ratio, and...reverse flows)...." This statement should be followed by or reference an explanation of the meaning of "potentially affect habitat conditions." The basis for effects on Delta fishes for the Fixed Purchase Alternative should be included and revised in Table ES3. Both Delta outflow and X2 effects are labeled "Beneficial impact" and "Potentially beneficial impact," for the Flexible Purchase and Fixed Purchase alternatives, respectively, in the summary and comparison of alternatives in Table 9-75 on page 9-300.

- "Exceedence of the maximum export/inflow ratio identified in the SWRCB Interim Water Quality Control Plan" would be very rare, consistent with the plan, conducted when there would be little effect on fish, used at the discretion of the fish management agencies, and used to acquire EWA assets. The EIS/EIR should rephrase this "Exceedence of maximum export/inflow ratio..." as if it would be legal if undertaken. Note that no illegal connotation occur in the EIS/EIR where export/inflow ratio effects for February-June are labeled "Beneficial impact" and

"Potentially beneficial impact," for the Flexible Purchase and Fixed Purchase alternatives, respectively, in Table 9-75 on page 9-300.

- Increases in reverse flow that delayed juvenile salmon emigration were not apparent in Chapter 9. Reverse flow effects for February-June are labeled "Beneficial impact" and "Potentially beneficial impact" for the Flexible Purchase and Fixed Purchase alternatives, respectively, in Table 9-75 on page 9-300. Please reflect these impacts in Table ES3.

- Increases in annual CVP/SWP salvage estimates for Chinook salmon and steelhead were not apparent in Chapter 9. Rather, reductions occurred for each year for both species under the maximum and typical cases of the Flexible Purchase Alternative and under the Fixed Purchase Alternative. Therefore, the Draft EIS/EIR should characterize these EWA salvage effects as a "Beneficial impact" for the Flexible Purchase and Fixed Purchase alternatives, as in Table 9-75 on page 9-298.

- Delta smelt and Sacramento splittail each had 1 of 15 years when annual salvage increased by 398 and 603 fish, respectively. Since these losses are pointed out qualitatively in the Executive Summary, the Draft EIS/EIR should also disclose that there that overall delta smelt and splittail annual salvages were reduced on the average by tens of thousands to hundreds of thousands of fish, respectively. The reduction would seem to warrant a "benefit" label consistent with the "Beneficial impact" label for delta smelt and splittail salvage for both the Flexible Purchase and Fixed Purchase alternatives in Table 9-75 on page 9-299.

Comments on Chapter 2 through Chapter 22

Section 2.4.1.4, Augmenting Delta Outflows. This section assumes that all EWA cuts lead to increased outflow. This may be an overstatement, since EWA cuts can be linked to reduced reservoir releases in some cases. Section 2.4.1.4 should be revised to reflect this information.

Section 2.4.2, Asset Acquisition and Management. It is not clear whether the discussion in this section covers exchanges where EWA sends water to contractors prior to spill with only partial payback of the water. Metropolitan would like to ensure that the document covers the potential for unbalanced exchanges. The discussion in this section should be expanded to cover this scenario.

Section 2.4.3, Typical Year EWA Operations. This section states, "In near average water years, the acquisition target would be closer to 300,000 acre-feet or even higher." This value is significantly higher than recent estimates by EWA staff and should be revised downward.

Section 4.2.2, Significance Criteria. The document should consider that reductions in carryover are not significant unless they lead to reductions in deliveries. The same would be true for changes in timing of riverflows. Metropolitan requests that the Draft EIS/EIR reconsider the significance criteria listed in Section 4.2.2.

Section 4.2.5.4.2, Metropolitan Water District. Please revise the paragraphs in this section as follows:

"*EWA agencies' management of water via source shifting may change the pattern of reservoir level fluctuations.*" Metropolitan may have adequate alternative supplies and storage to provide for a maximum of 100,000 acre-feet of water that may be necessary for source shifting. It is anticipated that Metropolitan would participate in source shifting if adequate supplies were available for their water users. Because Metropolitan has developed a diverse portfolio of resources to utilize and depending on water supply conditions, the action would not affect the reliability of Metropolitan's water supplies during the deferment period (although additional operational actions had to be taken in the past to compensate for adverse water quality impacts). There are both water quality and capacity concerns with the payback of this deferment; however, because of Metropolitan's operational flexibility, the effect on water supply would be less than significant.

EWA agencies' management of water via predelivery would change the pattern of reservoir level fluctuations. EWA water would be supplied to Metropolitan from San Luis Reservoir (to protect water from spilling from San Luis Reservoir) prior to when it would be supplied under the Baseline Condition. Metropolitan would store the water for use later in the year. Because Metropolitan would be receiving the water earlier than it would under the Baseline Condition, the effect on water supply could be beneficial."

Section 4.2.10, Cumulative Effects. Please add "State Water Project Contractors (under "Article 55")" to the programs described in the first sentence of this section.

Section 5.2.5.1.4, Sacramento-San Joaquin Delta Region. This section states that any degradation of Delta quality (of whatever size) is contrary to CALFED objectives and would have an adverse effect. This section should be clarified to state that one of CALFED's general targets for water quality is to "continuously improve Delta water quality for all uses ...", (ROD, page 65). The continuous improvement water quality target is not meant to apply to individual projects but rather to implementation of a balanced CALFED Program that includes projects that will result in water quality improvement. EWA is implemented within the CALFED umbrella. The water quality impacts of EWA alternatives should be evaluated within the context of other CALFED projects that may improve Delta water quality. What matters is whether the overall package leads to an improvement.

Chapter 8, Air Quality: An analysis of air pollutant emission reductions due to lessened overall fossil fuel consumption resulting in purchases from crop idling transfers should be conducted. There could be substantial reductions in that reduced emissions will come from elimination of field preparation activities, seeding and herbicide/pesticide applications, harvesting and crop transport, and field discing of rice straw or other crop remnants. It is possible that the program involving sufficient crop idling-based transfers could internally offset a portion of increased emissions due to increased use of diesel pumps with groundwater substitution based transfers.

Chapter 8, Air Quality: An additional mitigation measure for groundwater substitution transfers (Section 8.2.7.1) should be considered. The EWA could allow for the development of a diesel pump retrofit program, involving program and non-program pumps converting "dirty diesel" pumps to clean diesel, propane, or electric in amounts necessary to offset maximum increases in air pollutant emissions in any given year. Such a program would create a long-term air quality net benefit due to utilization of these pumps in non-program years and program pumping in years of smaller EWA purchases. Such a program could avoid market-distorting effects of currently proposed mitigation measures.

Chapter 9, Fisheries and Aquatic Ecosystems/Hydrologic Modeling. The salvage analyses do not include monthly averages in any tables, yet the text is routinely providing numbers for monthly averages that are really totals of 15 monthly salvage estimates, and therefore, several times greater than true monthly averages. Please correct this inaccuracy in the document.

Table 9-4 (Fish Resources and Aquatic Habitat Impact Indicators and Evaluation Criteria), page 9-109. All of the Delta fish effects evaluation criteria listed in the table are negative. Beneficial effects criteria should be identified here also as they are identified in Table 9-75.

Section 9.2.10, Cumulative Effects, page 9-303. The statement that source shifting will occur only for the EWA is inaccurate. The Draft EIS/EIR should be revised to reflect that source shifting would not only occur under the EWA, but also has the potential to occur under a CVP/SWP agreement.

Section 11.2.5 and 11.2.6, Environmental Consequences/Environmental Impacts of the Flexible Purchase and Fixed Purchase Alternatives. Sections, 11.2.5 and 11.2.6, find that fallowing transfers represent a negative effect on local economies. EWA market transactions, however, can represent a long-term benefit to the agricultural economy, as these transactions will bring in outside supplementary revenue to growers, relieving stress on agricultural incomes, and providing more assurances to lenders, especially in years when the agricultural economic returns are not as favorable. The document should be revised to reflect this information.

Section 22.2, Delta Facility Improvement Projects. Revise the bullet list in this section to include "State Water Contractor purchases under Article 55".

Section 22.2.2.1.1, Banks Pumping Plant Increase to 8,500 cfs. This section should also mention that increased capacity at the Banks Pumping Plant will provide additional opportunities for EWA to pump surplus water in the winter, at a time not harmful to fish. This also helps to compensate for occasional higher water costs.

We appreciate the opportunity to provide input to your planning process and we look forward to receiving future environmental documentation, including a copy of the Final EIS/EIR, for this project. If we can be of further assistance, please contact Ms. Carissa Dunn at (213) 217-5652.

Very truly yours,

Laura J. Simonek

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