

September 15, 2003

Ms. Sammie  
Cervantes U.S. Bureau of  
Reclamation MP-120  
2800 Cottage Way  
Sacramento, CA 95825

Subject: Comments on Draft

*Environmental Water Account Environmental Impact Statement/Environmental Impact Report (Draft EIR/EIS)*

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Dear Ms. Cervantes,

Thank you for this opportunity to comment on the *Draft EIR/EIS*. The Santa Clara Valley Water District is a contractor of both the Central Valley Project (CVP) and State Water Project (SWP), and relies on these imported supplies to meet, on average, approximately half the water needs of Santa Clara County. The District has strong interest in the Environmental Water Account (EWA) as a program to advance the recovery of listed species, while protecting the reliability of the District's water supplies. The District's Board of Directors has established governance policies that support comprehensive management of water resources in a practical, costeffective and environmentally-sensitive manner. The District has supported the EWA by providing assets (both groundwater storage and water transfers) for operation of the the 2001 and 2003 EWA programs. We look forward to continuing this partnership in the future.

At this time, the District is providing comments resulting from a preliminary review of this comprehensive document. Along with other Project contractors, the District respectfully requests an extension of the comment period at least 60 days. After the *Draft EIR/EIS* was released for comment, a series of meetings was held by representatives of the Department of Water Resources (DWR), the U.S. Bureau of Reclamation (USBR), and State and federal water contractors to work out issues related to joint operation of the SWP and CVP that would be reflected in the USBR's update of the CVP Operations Criteria and Plan. This discussion addressed not only operation of existing facilities, but development of the South Delta I mprovement Program, expansion of Banks Pumping Plant permitted capacity, the California Aqueduct-Delta Mendota Canal Intertie, and continuation of the Environmental Water Account. Subsequent meetings have been taking place for several weeks now among representatives of DWR, the USBR, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service and the Department of Fish and Game to further identify the range of EWA operations and assets that would be needed to advance recovery of fish under these new operational scenarios. In light of these important ongoing discussions, we believe that extending the timeframe for comment on the *Draft EIR/EIS* would provide opportunity for more meaningful comment.

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Project	CWP
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INITIAL \_\_\_\_\_ The mission of the Santa Clara Valley Water District is a healthy, safe and enhanced quality of living in Santa Clara County

Generally the *Draft EIR/EIS* is well-organized and contains a wealth of information. The complexity of the program and environmental impacts described makes the report difficult to understand in places, and we have included some suggestions on how the report might be made easier to understand. Like other programmatic documents, the *Draft EIR/EIS* is necessarily theoretical in nature and covers a broad range of activities. Nevertheless, it is required to have a clear and understandable project description that explains:

- Required assets, including the amounts of water that would be purchased under the various alternatives;
- How those amounts of water were determined, particularly under varying hydrologic and fisheries conditions;
- How the water would be stored and conveyed through the system under the range of conditions expected to occur; and
- How required assets will be funded, and economic impacts associated with asset acquisition.

The first bullet item is well-covered in the draft documents. The remaining three are described with varying degrees of detail, but not easy for the reader to find and understand. Graphical representations such as flow charts are needed to augment the narrative description. In general the project description in Appendix J is easier to understand than in the body of the *Draft EIR/EIS*.

Specific comments that focus primarily on Chapter 6 of the *Draft EIR/EIS* are contained in Attachment 1. Other general comments are provided below:

Asset Acquisition and Management (Appendix J, Section 2.4.3). Table 2-5 lists "Potential Asset Acquisitions and Management for the Proposed Action (Upper Limits)." For the Santa Clara Valley Water District, the only item marked is "Source Shifting/Pre-Delivery". Although Table 25 is not intended to be an exhaustive list of potential EWA sellers, the District should be identified as a potential source, given that a transfer agreement has been completed for 30,000 acre-feet of CVP water in 2003.

Decision-Making Process (Appendix J, Section 2.4.2.5). It would be very helpful to include further discussion of the EWAT, DAT, WOMT and CALFED Operations Group. The specific composition and purposes of the groups should be discussed, as well as opportunities for stakeholder input. It would be good to include a chart showing linkage to the CALFED Program and Bay Delta Authority.

Biological Benefits of the EWA. The *Draft EIR/EIS* appears to take a conservative approach to environmental impact evaluation by describing potential impacts in a worst case scenario. The District supports that approach, because it does a thorough job of meeting the disclosure requirements of the CEQA process. At the same time, more realistic, expected impacts should be disclosed, and it should be recognized that the fundamental purpose of the EWA is to advance recovery of fish. With the exception of Table ES-5, *Summary of Beneficial Effects of the EWA Alternative*, in the Executive Summary, the report was largely silent on program benefits. Additional discussion should be provided on biological benefits.

Ms. Sammie Cervantes

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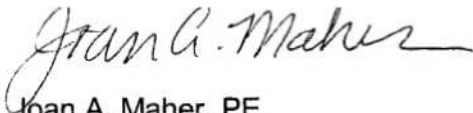
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Monitoring Program and Adaptive Management (Appendix J, Chapter 7). A critical feature of an ongoing EWA program is effective monitoring and evaluation to adapt operations as necessary to achieve biological benefits. Additional discussion is needed on existing monitoring programs, *and how those fit into the monitoring program described in the Draft EIR/EIS*.

Cumulative Impacts. As listed in Chapter 22, there are other water purchase programs in California that will compete for the same water. Chapter 22 should discuss existing or needed institutional arrangements to oversee, facilitate and coordinate these programs.

Again, thank you for this opportunity to comment. Please feel free to call me at (408) 265 2607 extension 2073, or Pat Showalter at extension 2939.

Sincerely,

A handwritten signature in cursive script that reads "Joan A. Maher". The signature is written in black ink and is positioned above the printed name.

Joan A. Maher, PE  
Imported Water Unit Manager

## Attachment 1

### Santa Clara Valley Water District's Specific Comments on the *Draft Environmental Water Account Environmental Impact Report/ Environmental Impact Statement*.

1. Executive Summary. Put the cumulative environmental impacts discussed in Chapter 22 in a table at the end of the Executive Summary similar to Tables ES-2-5.
2. Chapter 2. In Figure 2-3, Santa Clara County does not appear to be part of the Asset Acquisition and Management Areas.
3. Chapter 4, Section 4.1.4.1, Santa Clara Valley Water District. The last sentence of the first paragraph should be modified to read: "Imported water is conveyed to the district through two main conveyance systems: the South Bay Aqueduct, which conveys water from the SWP, and the San Felipe Division, which conveys CVP water from San Luis Reservoir."
4. Chapter 5. The evaluation of long-term averages for flow and reservoir level fluctuations will mask many impacts. Might be better to use the change in the range of reservoir level fluctuations in a month.
5. Chapter 6. Figures 6-7 and Figure 6-8: It is unclear if the contours shown on these figures represent depth to first water, or whether they represent piezometric head elevations measured in wells. Were these elevations measured from wells that were screened within a single aquifer, or are the wells screened in hydrologically distinct zones? More information is needed, preferably in notes on the figures.
6. Chapter 6. Pg. 6-44: The first paragraph should be modified to read: "...increased pumping of groundwater may induce increased recharge from a surface water body to groundwater, *or, in cases where groundwater naturally recharges surface bodies, from groundwater to a surface water body*, and thereby reduce the amount of surface water that is actually available to downstream users."
7. Chapter 6. Pg. 6-45: The first sentence should be modified to read, "Regional groundwater level declines are provided here to illustrate the magnitude of regional storage reduction and are not intended to measure significance *in the local context*."
8. Chapter 6. Pg. 6-46, 4<sup>th</sup> paragraph: Please define the terms "groundwater substitution" and "groundwater purchase".
9. Chapter 6. Pg. 6-47, Table 6-6: Please include units for EWA Acquisition Range.

10. Chapter 6. Pg. 6-48, third paragraph: This paragraph states that the Anderson Cottonwood ID will perform mitigation measures, and it states that these mitigation measures would reduce effects to less-than-significant levels. These statements are repeated for other irrigation districts discussed in Chapter 6. It would be more clear if the statements were revised to read as follows: "Planned mitigation measures are *required* to reduce effects to less than significant levels; if it is assessed that these planned mitigation measures cannot reduce effects to less than significant levels, then the proposed transfer will not take place." Please include examples of mitigation measures that could reduce groundwater impacts to less than significant levels, either here or in Section 6.2.7.
11. Chapter 6. References to the "well review" process, monitoring program, and Review Team throughout section 6.2.4 are confusing because these terms are not explained until the end of Chapter 6. Moving Section 6.2.7 before section 6.2.4 would address this problem.
12. Chapter 6. Section 6.2.4, which discusses potential environmental impacts and refers to monitoring and mitigation measures to avoid these impacts, would be easier to understand if it were prefaced with 6.2.7, which describes those groundwater mitigation measures. We suggest that Section 6.2.7 be inserted between sections 6.2.2 and 6.2.3.
13. Chapter 6. Pg. 6-56, Second paragraph: Reference to figure 6-21 should actually be a reference to 6-22.
14. Chapter 6. Pg. 6-56, last paragraph: The following sentence appears to be misplaced, since its relationship to the rest of the paragraph is unclear: "According to well data for Glenn Colusa ID., 60 percent of the district's domestic wells and 10 percent of their agricultural wells are 110 feet deep, or shallower."
15. Chapter 6. Pg. 6-62, first full paragraph: The statement that no significant impacts related to the distribution of reduced quality water would be likely because Glenn Colusa ID and RD 108 would be responsible for monitoring any degradation and mitigation any adverse effects is not convincing. Once groundwater quality is degraded, mitigation of degraded groundwater is difficult and sometimes not feasible. The statement that no impact is likely without any supporting information is not convincing.
16. Chapter 6. Pg. 6-63: please define "BMO".
17. Chapter 6. Pg. 6-64: first paragraph: Please explain describe the Technical Advisory Committee - with what organization is it associated, and who formed it?
18. Chapter 6. Pg. 6-121: Groundwater quality concerns associated with Semitropic WSD are discussed on this page. This discussion, however, needs to include issues associated with elevated arsenic concentrations in the Stored Water Recovery Unit within the Semitropic water bank.
19. Chapter 6. Pg. 6-144 - 6-145: It is useful to list specific well acceptance criteria, but references to supporting information that justifies these criteria is needed.

20. Chapter 6. On pages 6-141 - 6-145, the description of the groundwater monitoring, mitigation, and review measures seem to put the brunt of labor to evaluate raw data on the Project Agencies. According to these sections, the Project Agencies would take on the responsibility of reviewing existing groundwater levels, approving extraction wells, monitoring, and mitigation plans, providing recommendations to the seller regarding changes that should be made in the mitigation plans if needed (pg 6-142). The document lists specific information that needs to be submitted, including locations of proposed production wells, driller's logs, and other information such as aquifer performance tests or other local studies (pg 6-144), but it does not state that the seller should provide any assessment or compile and submit this data in a cohesive format. Instead, the implication appears to be that specific information and plans will be submitted to the Project Agencies, who will then evaluate the information and plans and determine if they are acceptable. However, on pg 6-146 to 6-147, the discussion of prepurchase groundwater evaluations states that selling agencies are to perform evaluations to investigate potential impacts from a proposed transfer but does not provide any specifics, nor does it tie these evaluations to the Project Agency review process. The discussion of the responsibilities of the purchasing agencies, selling agencies, and Project Agencies should be integrated to clearly describe the process for collection and evaluation of the data and the responsibilities of each party. .
21. Chapter 6. Pg. 6-146, Minimum Potential for Regional Effects in a Non-Overdrafted Subbasin: This section indicates that the seller does not need to perform a prepurchase groundwater evaluation if existing groundwater levels are high relative to historical fluctuations because groundwater transfers will likely not save potentially adverse effects. While it is likely that subsidence is unlikely to occur from a transfer under these conditions, a transfer could impact groundwater quality if the region contains groundwater of poor quality in some areas. A withdrawal of groundwater, depending upon where the groundwater is pumped, could spread impacted groundwater to areas of higher quality groundwater. Under these circumstances, it would be more prudent to recommend that a pre-purchase evaluation be performed to assess impacts to groundwater quality, even if groundwater elevations are high.
22. Chapter 6. On pages 6-146 through 6-149 indicates that the selling agency must establish a monitoring program that ~~assesses the effects of the transfer on the existing~~ groundwater system. This section should specify that a single report containing the required information should be submitted, and that the report should contain an assessment/evaluation section that analyzes the submitted data and provides conclusions regarding the effects of the transfer on the existing groundwater system.
23. Chapter 22. Add a table of the cumulative environmental impacts discussed, similar to Tables ES-2-5.
24. Appendix J, Chapter 2. The narrative describing the EWA Action Area does not seem to match the map shown in Figure 2-1. Specifically, the narrative includes Santa Clara County (Anderson Reservoir in particular) as part of the Export Service Area that is affected "directly or indirectly by EWA water asset acquisition, storage, conveyance, transfer, or release activities performed to support fish actions." Yet this area is not shown as part of the green hatched area in Figure 2-1. Similarly, in Figure 2-4 of Appendix J, Chapter 2, Santa Clara County does not appear to be part of the Asset Acquisition and Management Areas.

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