RECLAMATION

Managing Water in the West

Final Environmental Assessment

Recirculation of Recaptured Water Year 2013-2017 San Joaquin River Restoration Program Flows

U.S. Department of the Interior
Bureau of Reclamation
Mid Pacific Region
Sacramento, California

April 2013

Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

Table of Contents

List of Acronyms and Abbreviations

AF	acre-feet
APE	Area of Potential Effects
BO	Biological Opinion
CAA	Clean Air Act
CFR	Code of Federal Regulations
cfs	cubic-feet per second
CVC	Cross Valley Canal
CVP	Central Valley Project
CVPIA	Central Valley Project Improvement Act
DMC	Delta-Mendota Canal
DWR	Department of Water Resources
EA	environmental assessment
EA/IS	Environmental Assessment/Initial Study
EFH	Essential Fish Habitat
ESA	Endangered Species Act
FKC	Friant-Kern Canal
FONSI	Finding of No Significant Impact
FWCA	Fish and Wildlife Coordination Act
FWUA	Friant Water Users Authority
GHG	green house gases
ITA	Indian Trust Assets
MBTA	Migratory Bird Treaty Act
National Register	Nation Register of Historic Places
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NRDC	National Resources Defense Council
NWR	National Wildlife Refuge
Reclamation	Bureau of Reclamation
Settlement	Stipulation of Settlement in *NRDC, et al., v. Kirk Rodgers, et al.*
SJRRP	San Joaquin River Restoration Program
SLR	San Luis Reservoir
SWP	State Water Project
SWRCB	State Water Resources Control Board
USC	United States Code
USFWS	U.S. Fish and Wildlife Service
WY	Water Year

Definitions

Central Valley Project (CVP): U.S. Bureau of Reclamation federal water project in California that was originated in 1933 to provide irrigation and municipal water by regulating and storing water in reservoirs and delivering it via a series of canals and pumping facilities throughout the Central Valley. The CVP also provides energy generation and flood control.

Class 1 Water: The supply of water stored in or flowing through Millerton Lake which, subject to the contingencies described in the water service or repayment contracts, will be available for delivery from Millerton Lake and the Friant-Kern and Madera Canals as a dependable water supply during each Contract Year.

Class 2 Water: The supply of water which can be made available subject to the contingencies described in the water service or repayment contracts for delivery from Millerton Lake and the Friant-Kern and Madera Canals in addition to the supply of Class 1 water. Because of it uncertainty as to availability and time of occurrence, such water will be undependable in character and will be furnished only if, as, and when it can be made available.

Friant Division: The combined CVP facilities of Friant Dam, Millerton Lake, Friant-Kern Canal, and Madera Canal that are used to store, delivery, transport, and deliver Project Water to the Friant Division Service Areas.

Friant Division Service Area: The area within which CVP water may be served to Friant Division water users as defined by project authorizations and the State Water Resources Control Board.

Long-Term Contractors: All parties who have water service or repayment contracts for a specified quantity of Class 1 and/or Class 2 water from the Friant Division of the CVP with the United States pursuant to Federal Reclamation law.

Project Water: All water that is developed, diverted, stored, or delivered for the benefit of the Friant Division Service Area available in accordance with the statutes authorizing the Friant Division, and in accordance with the terms and conditions of water rights permits acquired pursuant to California Law.

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Section 1 Introduction

Pursuant to the National Environmental Policy Act, the Department of the Interior, Bureau of Reclamation (Reclamation) is preparing this Final Environmental Assessment for the Recirculation of Recaptured Water Year 2013-2017 (Final WY 2013-2017 Recirculation EA or Final EA) San Joaquin River Restoration Program (SJRRP) Flows (Proposed Action). This Final EA is being prepared to analyze the impacts to the human environment from recirculating recaptured WY 2013-2017 SJRRP Interim and Restoration Flows. Because Interim and Restoration Flows and their associated actions are directly related to the Proposed Action, this Final EA incorporates by reference the entire environmental impact assessment performed in the SJRRP Program Environmental Impact Statement/Environmental Impact Report (PEIS/R) and associated Record of Decision (ROD), signed September 28, 2012.

Overview of the Final WY 2013-2017 Recirculation EA

The National Environmental Policy Act (NEPA) requires that an EA include the need for the proposed action, the proposed action and alternatives, the probable environmental impacts of the proposed action, and the agencies and persons consulted during the preparation of the EA. Reclamation policy states that the public draft EA and FONSI is placed on the Reclamation NEPA database and a press release is sent to notify the public of the comment period for the document. The Final WY 2013-2017 Recirculation EA includes all comments received on the Draft Environmental Assessment for Recirculation of Recaptured Water Year 2013-2017 San Joaquin River Restoration Program Flows (Draft WY 2013-2017 Recirculation EA) and the responses to those comments. The Final WY 2013-2017 Recirculation EA also includes clarifications to text in the Draft WY 2013-17 Recirculation EA based on comments received during the comment period in the form of an errata. The Final WY 2013-2017 Recirculation EA serves as the factual support document for the conclusions in the corresponding FONSI.

This Final EA is composed of two documents: the Draft WY 2013-2017 Recirculation EA and this Final WY 2013-2017 Recirculation EA. The Draft WY 2013-2017 Recirculation EA was available for public review on March 4, 2013 and a notice was sent to potentially interested parties for a two-week public review period that closed on March 18, 2013. The comment period was further extended to March 22, 2013 based on public request. This Final WY 2013-2017 Recirculation EA contains a list of commentors on the Draft WY 2013-2017 Recirculation EA and their comment letters. Both volumes of the Draft and Final WY 2013-2017 Recirculation EAs must be read together. This Final WY 2013-2017 Recirculation EA does not repeat the information in the Draft WY 2013-2017 Recirculation EA.

Section 1503.4, Response to Comments, of the Council on Environmental Quality's (CEQ) Regulations on Implementing NEPA, states that if changes in response to comments are minor and are confined to making factual corrections or an explanation of why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position, then the agencies may write them on errata sheets and attach them to the statement instead of rewriting the draft statement. Further, any revisions made to the text do not change the overall environmental impacts released in the document. In such cases only the comments, the responses, and the changes and not the final statement need to be circulated. As

no substantive comments were received related to modification of alternatives or impacts, development and evaluation of alternatives not previously given serious consideration by the agency, or suggestions on improvements or modifications to existing analysis in the document (NEPA CEQ Regulation 1503(a)), the responses to comments are provided in Section 3 and the Draft WY 2013-2017 Recirculation EA need not be recirculated for additional public review and comment.

Additionally, Section 1502.9 (b), Draft, Final, and Supplemental Statements of the CEQ NEPA Regulations states "Final environmental impact statements shall respond to comments as required in Part 1503 of this chapter. The agency shall discuss at appropriate points in the final statement any responsible opposing view which was not adequately discussed in the draft statement and shall indicate the agency's response to the issues raised." Section 1502.9 (c) goes on to state "Agencies: 1) Shall prepare supplements to either the draft or final environmental impact statement is: (i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts." A supplemental document or recirculation of the Draft WY 2013-2017 Recirculation EA has not occurred because no comments posed or options presented in this Final WY 2013-2017 Recirculation EA have been shown to have a bearing or change on the environmental impact findings of the Proposed Action.

Section 2 Comments

This section contains copies of comment letters received from agencies and organizations. Table 2 indicates the commenting entity and abbreviation used to identify commentors. Individual comments within a comment letter are delineated by the abbreviation and sequential number (e.g., SLDMWA-1). Responses to comments are provided in Section 3 – Responses to Comments and are numbered corresponding to the numbers assigned in the letter. Modifications to the Draft WY 2012 Recirculation EA made in response to comments are included in Section 4 of this Final WY 2012 Recirculation EA (the Errata Section of the document).

Table 2:
Summary of Comment Letters Received and
Abbreviations Used to Identify and Respond to Comments

Abbreviation	Agency	Affiliation
AEWSD	Arvin-Edison Water Storage District	Local Agency
CDFW	California Department of Fish and Wildlife	State Agency
NRDC	Natural Resources Defense Council and The Bay Institute	Organization
Paramount	Paramount Farming Company	Business
SLDWMA	San Luis & Delta-Mendota Water Authority	Local Agency
SJREC	San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resources Management Coalition	Local Agency/Organization

2.1 Comments from Arvin Edison Water Storage District

ARVIN-EDISON WATER STORAGE DISTRICT

20401 BEAR MOUNTAIN BOULEVARD
MAILING ADDRESS: P.O. BOX 175
ARVIN, CALIFORNIA 93203-0175

TELEPHONE (661) 854-5573
FAX (661) 854-5213

EMAIL arvined@aewsd.org

PRESIDENT
HOWARD R. FRICK

VICE PRESIDENT
EDWIN A. CAMP

SECRETARY-TREASURER
JOHN C. MOORE

ENGINEER-MANAGER
STEVEN C. COLLUP

ASSISTANT MANAGER
DAVID A. NIXON

STAFF ENGINEER
JEEVAN S. MUHAR

DIRECTORS
DIVISION 1 RONALD R. LEHR
DIVISION 2 JEFFREY G. GIUMARRA
DIVISION 3 HOWARD R. FRICK
DIVISION 4 DONALD M. JOHNSTON
DIVISION 5 JOHN C. MOORE
DIVISION 6 EDWIN A. CAMP
DIVISION 7 CHARLES FANUCCHI
DIVISION 8 DONALD VALPREDO
DIVISION 9 KEVIN E. PASCOE

March 21, 2013

VIA E-MAIL: mbanonis@usbr.gov **and** mmanzo@usbr.gov

Michelle Banonis and Mario Manzo
U.S. Department of the Interior
BUREAU OF RECLAMATION
2800 Cottage Way, MP-170
Sacramento, CA 95825

RE: Draft Environmental Assessment (EA) and Draft Findings of No Significant Impact (FONSI) – Recirculation of Recaptured Water Year 2013-2017 San Joaquin River Restoration Program (SJRRP) Flows

Dear Michelle and Mario:

Thank you for the opportunity to provide comments on the subject matter. As you are aware, Arvin-Edison Water Storage District (AEWSD or District) is substantially impacted by the SJRRP, and subsequently, has significant interest in the various provisions intended to mitigate impacts, including, but not limited to, Recirculation programs. Our comments upon review of the EA/FONSI, and subsequent discussions with Reclamation staff, are as follows:

The EA covers a wide range of activities and programs that will greatly increase the opportunities for AEWSD to put its share of the Recirculation Water to beneficial use and the District greatly appreciates not only Reclamations efforts but also the timeliness. Due to Reclamations timely EA, districts now have the better part of the water year to effect potential programs for Recirculation Water.

Water Quality: One of AEWSD's remaining primary concerns is that of potential water quality impacts to our Friant supply. AEWSD understands the current Recirculation plan does not allow for the physical discharge of California Aqueduct/Cross Valley Canal water into the Friant-Kern Canal (FKC) from the following statement:

"The Proposed Action does not cover the direct discharge of recirculation water from SOD facilities into the Friant-Kern Canal. If this action is proposed as an option for the recirculation of WY 2013-2017 Interim and Restoration flows, it would require additional NEPA analysis and review."

If and when Reclamation analyses the impacts of discharges into the FKC from the CVC, we believe an EIS is the appropriate environmental documentation.

AEWSD-1

Limits on Recirculation Water: The EA proposes that Recirculation Water allocated to a district, when taken with their contract supplies, will be capped at the contract total for each district during that year of recirculation supplies. While this may be acceptable for this year, as the SJRRP is still in its infancy, that restriction is not in fact consistent with the San Joaquin River Settlement Act. The recirculation of recaptured water, like the availability of RWA water, or benefits from Part III funding, is not intended to just fill contract totals, but instead is intended to mitigate for past (or future) impacts, whether those impacts were incurred in the present year or previous years. Subsequently, once the accounting for unmitigated impacts is adopted and in-effect, the only limit to accepting Recirculation Water should be to the extent unmitigated losses remain on a Friant district's account. AEWSD-2

Pre-delivery of Recirculation Water: The EA proposes to allow for pre-delivery during times of periods of excess supplies/capacities in SOD facilities. Pre-delivery allows for flexibility during delivery of the Recirculation Water. In addition to the "excess supplies/capacity" test, AEWSD believes Reclamation should allow for pre-delivery up to the estimated total recirculation amount for the year so the water can be beneficially used to better match irrigation demand patterns. The pre-delivery aspect could be managed similarly to contract allocations (percentage). AEWSD-3

Please provide a written response if the above mentioned understanding is inaccurate and/or not applicable. Thank you and please call or email with any questions, comments or concerns.

Sincerely,

Steve Collup
Engineer Manager

cc: Jeevan Muhar, Staff Engineer
Ernest Conant, Young Wooldridge
Mike Day, Provost & Pritchard

SCC:JSM:sj\AEWSD\USBR\Envro.docs\AE Comments 2013 EA Recirculation Plan 03 13.doc

2.2 Comments from California Department of Fish and Wildlife

Banonis, Michelle <mbanonis@usbr.gov>

Comments: Draft Environmental Documents for Recirculation of Recaptured San Joaquin River Restoration Program Flows

Cary, Brian@Wildlife <Brian.Cary@wildlife.ca.gov> Fri, Mar 22, 2013 at 1:36 PM
To: "mbanonis@usbr.gov" <mbanonis@usbr.gov>
Cc: "rickortega79@yahoo.com" <rickortega79@yahoo.com>, "Dale Garrison (dale_garrison@fws.gov)" <dale_garrison@fws.gov>

Ms. Banonis,

Within the Draft Environmental Assessment, Recirculation of Recaptured Water Year 2013-2017 San Joaquin River Restoration Program Flows I noted several errors in need of correction. The CVPIA specifically identifies 14 Refuges south of Delta. Reclamation delivers water to these refuges though contractual agreements between Reclamation and US Fish and Wildlife Service, California Department of Fish and Wildlife (CDFW), and Grassland Water District. The States CVPIA Wildlife Areas need to be identified. CDFW-1

- Table 1 (p. 13). State CVPIA Wildlife Areas need to be identified. CDFW-2
- Section 3.1. Should be titled CVPIA Refuges to capture both CVPIA NWRs and State CVPIA WAs CDFW-3
- Section 3.1 Although the draft document captures federal CVPIA NWRs and Grassland Water District, State CVPIA Wildlife Areas are not identified. State CVPIA Wildlife Areas need to be included.
    - Grassland Water District was not identified in CVPIA. Mentioned in the CVPIA were the private wetlands of the Grassland Resource Conservation District. CDFW-4
- Page 35. Salt Slough Unit is identified as a unit within the NWR system. Salt Slough is a unit within CDFWs North Grassland Wildlife Area. Additionally, the other CDFW CVPIA Wildlife Areas (i.e. China Island unit within the North Grasslands WA, Mendota WA, Los Banos WA, and Volta WA) need to be included in this section. CDFW-5
- Spelling correction- "Freitas" NWR not "Freitia" NWR CDFW-6

Thank you

Brian Cary

Environmental Scientist

CVPIA Refuge Water Supply Coordinator

California Department of Fish and Wildlife

830 S Street

Sacramento CA 95811

(916) 445-1747

2.3 Comments from Natural Resources Defense Council and The Bay Institute

NRDC and TBI Preliminary Comments on the Draft Environmental Assessment Recirculation of Recaptured Water Year 2013-2017 San Joaquin River Restoration Program Flows
March 22, 2013

The Natural Resources Defense Council (NRDC) and The Bay Institute (TBI) appreciate the opportunity to provide comments on the Bureau of Reclamation's Draft Environmental Assessment Recirculation of Recaptured Water Year 2013-2017 San Joaquin River Restoration Program Flows. We offer the following comments in an effort to strengthen the document, as it is important to the successful implementation of the Water Management Goal of the San Joaquin River Restoration Settlement. We look forward to your response and to working with the Restoration Program as it carries out this and other important projects.

1. Reclamation has the primary responsibility to affirmatively ensure recaptured and recirculation of flows will not adversely affect the Settlement's Restoration Goal, downstream water quality or fisheries as required by Paragraph 16(a)(1) of the Settlement. The draft EA does not adequately assess how recirculation can impact meeting these requirements nor set guidelines for recapture or recirculation consistent with 16(a)(1). While the EA tiers to and incorporates the PEIS' conclusions (pages 3-5) with respect to the impacts on the Restoration Goal, downstream fisheries, and water quality, there is no discussion otherwise in the document. The EA also relies on the Record of Decision (ROD) to address the issue. To that extent, the ROD explicitly states that, "Alternative C1 would be implemented consistent with Paragraph 16(a)(1) of the Settlement….". It is therefore reasonable to require the EA to discuss potential impacts and explain how Reclamation intends to comply with those Settlement requirements. NRDC-1

2. The EA does not clearly explain how it addresses recapture in light of the fact that the EA only covers recirculation. The ability to recirculate flows is greatly dependent on the means of recapture. The EA incorporates by reference the programmatic environmental document and states that it provides coverage for recapture of flows. However, neither document provides project-specific analysis of the potential impacts related to recapture. As such, the EA should better explain the range of opportunities for recapture and their potential impacts. We also recommend that the document include a clear definition of recapture and recirculation. NRDC-2

3. The EA should provide a short description of the potential programs that may be employed by each of the districts listed in the affected environment section and how they might be involved in a potential recirculation program. The EA attempts to describe a range of potential programs in light of not knowing in advance which ones may be used. While this is understandable given how variables affecting recapture and recirculation opportunities can vary from year to year, the EA should at least describe the known or possible programs including those proposed in 2013 involving Friant-Kern reverse pumping and transferring recaptured water to the East side of the River from the Arroyo Canal . Along these lines, it NRDC-3

would be helpful to have further explanation why Reclamation believes the NOD contractors could be potential agencies receiving recirculation water.

NRDC-3, continued

4. A greater degree of detail is needed to explain how Reclamation will provide "pre-delivery of WY 2013-2017 SJRRP Flows during periods of excess water" in a way that is consistent with the Settlement. The Settlement does not specifically provide for pre-delivery of recaptured water. While this might be an effective water management tool, the EA should further explain the specific conditions that would trigger an opportunity to pre-deliver recirculation water consistent with paragraph 16.

NRDC-4

2.4 Comments from Paramount Farming Company

PARAMOUNT
FARMING COMPANY

33141 E. Lerdo Highway
Bakersfield, CA 93308-9767

Bus: (661) 399-4456
Fax: (661) 399-1735

March 22, 2013

VIA MAIL AND E-MAIL

Michelle Banonis
Bureau of Reclamation
2800 Cottage Way, MP–170
Sacramento, CA 95825
mbanonis@usbr.gov

Re: Comments on the Draft Environmental Assessment and Draft Finding of No Significant Impact for the Recirculation of Recaptured Water Year 2013 – 2017 San Joaquin River Restoration Program

Dear Ms. Banonis:

Paramount Farming Company, as agent for Paramount Land Company LLC and Paramount Pomegranate Orchards LLC ("Paramount") submits the following comments on the San Joaquin River Restoration Program ("SJRRP" or "Program") Draft Environmental Assessment Recirculation of Recaptured Water Year 2013 - 2017 ("Draft EA") and Draft Finding of No Significant Impact Recirculation of Recaptured Water Year 2013-2017 ("Draft FONSI").

Paramount owns New Columbia Ranch, located on the east side of Reach 2B of the San Joaquin River, just upstream from the Mendota Pool and downstream from the historic Whitehouse Gauging Station near the head of Lone Willow Slough. Paramount also holds rights to the water of the San Joaquin River and its sloughs and exercises those rights to divert flows. Paramount will be directly affected by the SJRRP in a number of ways and has previously submitted comment letters on documents related to the Program. Please accept the following comments on the Draft EA and Draft FONSI.

1. ***NEPA Does Not Allow Segmented Review of Projects.***

Page 56 of Section 3.1.2.2. of the Draft EA states, "…the Proposed Action is strictly limited to Interim and Restoration flows that are recaptured and stored for WY 2013-2017. Therefore, this action is temporary and short-term in nature and not intended to extend beyond WY 2017."

The Draft EA and Draft FONSI only cover the Bureau of Reclamation's ("Reclamation") activities related to recapture and recirculation of Interim and Restoration Flows from Water Year 2013 to Water Year 2017. To the extent that Reclamation intends to extend these operations beyond Water Year 2017 and potentially construct facilities during or beyond Water Year 2017 as part of the Program, Reclamation is required, under National Environmental Policy Act ("NEPA") to address the effects, including cumulative impacts, of these extended operations

Paramount-1

in a comprehensive environmental document and not on a segmented annual or multi-year basis. *See Save the Yaak Comm. v. Block*, 840 F.2d 714, 720 (9th Cir. 1988). Paramount-1, continued

2. Analysis of environmental impacts for "recirculation" and "recapture" of Interim and Restoration Flows.

Section 16 of the Settlement describes creating a "plan for recirculation, recapture, reuse, exchange or transfer of the Interim Flows and Restoration Flows for the purpose of reducing or avoiding impacts to water deliveries to all of the Friant Contractors caused by the Interim Flows and Restoration Flows."

Paramount supports the recirculation, recapture, reuse, exchange or transfer of the Interim Flows and Restoration Flows provided Reclamation ensures no impacts to third parties occur. Section 1.2, "Purpose and Need" of the Draft EA states, "The purpose of the Proposed Action is to implement the provisions of the Settlement pertaining to the Water Management Goal for Water Years (WY) 2013-2017 Interim Flows and Restoration Flows (SJRRP Flows) March 1, 2013, through February 28, 2018. The need for the action is to reduce or avoid water supply impacts to Friant Contractors by providing mechanisms to ensure that recirculation, recapture, reuse, exchange, or transfer of SJRRP Flows occurs."

The above properly includes the "recirculation" and "recapture" of Interim and Restoration Flows, however Section 3.1.2.2 states, "This document intends only to focus on recirculation of flows. Recirculation, in this document, means moving recaptured SJRRP water from storage facilities back to the Friant Division long-term contractors or facilitating the transfers or exchanges necessary to meet the terms of the Settlement."

Neither the Draft EA nor the Draft FONSI assess the impacts of recapture. Paramount feels this is insufficient and Reclamation needs to analyze and assess the environmental impacts of the water being delivered into storage facilities prior to recirculation. It is incomplete to not assess the recapture of the Interim and Restoration Flows, which is necessary for the existence and creation of Recirculated Water. Looking at just one aspect is not truly analyzing the impacts of the proposed action. The Draft EA states that recapture of Interim and Restoration Flows at existing facilities was analyzed in the PEIS/R, however a programmatic analysis is insufficient and certain significant changed conditions were not analyzed in the PEIS/R that must be addressed in the Draft EA and Draft FONSI. Paramount-2

Section 1.2 explains the Draft EA relies on the "SJRRP Program Environmental Impact Statement/Impact Report (PEIS/R) that was finalized in July 2012 and the corresponding Record of Decision (ROD) that was issued on September 28, 2012." A programmatic analysis is insufficient and certain changed conditions, most notably, significant subsidence in areas that Interim and Restoration Flows will pass through in order to accomplish the recirculation and recapture, were not analyzed in the PEIS/R that must be addressed in the Draft EA. Paramount-3

Page 6 of the Draft EA briefly reviews several diversion locations for the potential recapture of SJRRP Flows. The Draft EA should analyze and clearly state that these are subject and subordinate to all existing, lawful uses to ensure current water rights holders and existing or future water contractors are not impacted. The Draft EA should also analyze the recapture of SJRRP Flows by such water rights holders. Paramount-4

Additionally, the Draft EA states Reclamation, "will not involve or assess the construction of new facilities and will only examine the recirculation of water using existing facilities within the CVP and State Water Project (SWP) with existing contractors until a long-term recirculation plan can adequately be developed." Construction of certain facilities was contemplated and required in the Settlement and an absence of such facilities may negatively impact third parties, such as leading to seepage on private property. Reclamation needs to ensure proper analysis is conducted as it relates to "recirculation" and "recapture" activities to ensure no third party impacts occur by virtue of the lack of construction of facilities required or contemplated as part of the Program in the Settlement. Paramount-5

3. Coordination of Draft EA activities.

With respect to delivery of the Recirculated Water from storage, Section 2.2, page 11 states, "Contractors outlined in this EA would notify Reclamation in advance of any proposed direct delivery, exchange, or transfer so that Reclamation can determine if the action is consistent with the EA and existing contracts, and can coordinate with involved water contractors to ensure there is capacity within existing facilities to take the action. In addition, coordination would ensure that Reclamation's obligations to deliver water to other contractors, wildlife refuges, and other requirements would not be adversely impacted." Page 5 of the Draft FONSI recites this same requirement for coordination among various interest holders.

It is suggested to change the above to read, "…would ensure that Reclamation's obligations to deliver water to other contractors, potential future contractors, wildlife refuges, and other requirements would not be adversely impacted nor would the delivery capabilities of other water rights holders receiving water supplies from the systems from which the Recirculated Water was being delivered be adversely impacted."

The Draft EA and Draft FONSI should recognize the delivery rights of water rights holders beyond current contractors and should recognize that Reclamation may enter into contracts in the future with entities that do not currently have a contract with Reclamation. Therefore, it is further suggested that Reclamation avoid adverse impacts to such water rights holders whenever Reclamation itself enters into a direct delivery, exchange or transfer agreement to recirculate Interim or Restoration Flows as described on page 8 of Section 2.2 of the Draft EA and page 3 of the Draft FONSI. Paramount-6

Thank you for considering and responding to the above comments. Should you have questions, please contact myself or Kimberly Brown.

Sincerely,

William D. Phillimore
Executive Vice President

2.5 San Luis & Delta-Mendota Water Authority

VIA E-MAIL (MBANONIS@USBR.GOV)

March 22, 2013

Michelle Banonis
Bureau of Reclamation
2800 Cottage Way, MP-170
Sacramento, CA 95825

Email: MBANONIS@USBR.GOB

RE: Draft Environmental Assessment for Recirculation of Recaptured Water Year 2013-2017 San Joaquin River Restoration Program Interim Flows

Dear Ms. Banonis:

This letter is in response to the February, 2013, public draft of the U.S. Bureau of Reclamation (Reclamation) Draft Environmental Assessment (DEA) for "Recirculation of Recaptured Water Year 2013-2017 San Joaquin River Restoration Program Interim Flows." The San Luis & Delta Mendota Water Authority (Authority) has reviewed the draft document and submits the attached comments.

The DEA only analyze the environmental effects of completing the requirement of the recaptured water for recirculation to the Friant Contractors and incorporates by reference information from the Final Programmatic Environmental Impact Statement /Environmental Impact Report for the San Joaquin River Restoration Program (PEIS/IR) for the recapture of the San Joaquin River Restoration Program Interim Flows. The Authority is generally supportive of the recirculation of the recaptured water as long as the quantity of recaptured water is calculated and determined in the manner described in the PEIS/IR and is consistent with the provisions of Paragraph 16(a) of the Settlement, with Section 10004(a)(4) and Section 10004(g).

The Authority appreciates the opportunity to comment on the DWA. If there are any questions, please contact the undersigned at 209-832-6200.

Sincerely yours,

Frances C. Mizuno, PE
Assistant Executive Director

Attachments

cc: Dan Nelson, SLDMWA
Jon Rubin, SLDMWA

15990 KELSO ROAD
BYRON, CA
94514
209 832-6200
209 833-1034 FAX

Draft Environmental Assessment Recirculatoin of Recaptured Water Year 2013-3017 San Joaquin River Restoration Program
San Luis & Delta-Mendota Water Authority Comments

SLDMWA Comment No.	EA Section	Page #	Paragraph	SLDMWA Comments	
1	1.1	1	2	The document states, "The Settlement identifies the need for a plan for recirculation, recapture, reuse, exchange or transfer of Interim and Restoration Flows to reduce or avoid impacts to Friant Divison Long-Term Contractors." The Settlement is broader than what is stated as it also includes third party protections. Section 10004(f) of the Act states the following: EFFECT ON CONTRACT WATER ALLOCATIONS.—Except as otherwise provided in this section, the implementation of the Settlement and the reintroduction of California Central Valley Spring Run Chinook salmon pursuant to the Settlement and section 10011, shall not result in the involuntary reduction in contract water allocations to Central Valley Project long-term contractors, other than Friant Division long-term contractors. Section 10004(g) of the Act states the following: EFFECT ON EXISTING WATER CONTRACTS.—Except as provided in the Settlement and this part, nothing in this part shall modify or amend the rights and obligations of the parties to any existing water service, repayment, purchase or exchange contract. Section 10004(a)(4) of the Act authorizes and directions the Secretary of the Interior to: "[i]mplement the terms and conditions of paragraph 16 of the Settlement related to recirculation, recapture, reuse, exchange, or transfer of water released for Restoration Flows or Interim Flows, for the purpose of accomplishing the Water Management Goal of the Settlement, subject to (A) applicable provisions of California water law; (B) the Secretary's use of Central Valley Project facilities to make Project water (other than water released from Friant Dam pursuant to the Settlement) and water acquired through transfers available to existing south-of-Delta Central Valley Project contractors; and (C) the Secretary's performance of the Agreement of November 24, 1986, between the United States of America and the Department of Water Resources of the State of California for the coordinated operation of the Central Valley Project and the State Water Project as authorized by Congress in section 2(d) of the Act of August 26, 1937 (50 Stat. 850, 100 Stat. 3051), including any agreement to resolve conflicts arising from said Agreement." These third party protections needs to be stated in Section 1.1 to the full extent of the Settlement Act.	SLDMWA - 1
2	1.3	2	2	The document only analyze the environmental effects of completing the requirement of the recaptured water to the Friant Contractors. The Authority is supportive of the recirculation of the recaptured water as long as the quantity of recaptured water is calculated and determined in the manner described in the Final PEIS/EIR for the San Joaquin River Restoration Program and consistent with the provisions of Paragraph 16(a) of the Settlement, with Section 10004(a)(4) and Section 10004(g).	SLDMWA - 2

3	2.1	8	1	The document states that under the No Action Alternative, "Recaptured water in SLR that would not be recirculated would be potentially result in increased evaporative loss to some degree and may spill if not delivered out of the reservoir." This conclusion is not accurate. If recaptured water is not recirculated, the recaptured water could be put to beneficial use by Non-Friant Contracts including the Authority Member Agencies.	SLDMWA - 3
4	2.2	8	1	Under the Proposed Action, the document states, "The Proposed Action would assist in Reclamation meeting its obligation pursuant to the Settlement and Act to reduce or avoid the adverse water supply impacts on all of the Friant Contractors that may result from the WY 2013-2017 SJRRP Flows." This statement overstates the law. The law specifically requires the Secretary of Interior to, "commence activities pursuant to applicable law and provisions of this Settlement to develop and implement...[a] plan for recirculation, recapture, reuse, exchange or transfer of the Interim Flows and Restoration Flows for the purpose of reducing or avoiding impacts to water deliveires to all fo the Friant Contractors caused by the Interim Flows and Restoration Flows."	SLDMWA - 4
5	2.2	9	2	The use of "recirculation" water should be revisited. The appropriate term should be "recaptured" water.	SLDMWA - 5
6	2.2	9	3	The second sentence in this paragraph states, "Thus it is unknown what any water year type..." The word, "any" should be stricken.	SLDMWA - 6
7	2.2	10	2	The document provides several examples of how recaptured water can be recirculated to Friant Contractors. The recirculation of recapture water stored in SLR must have no averse impact on all other CVP and SWP water stored in SLR, and therefore must have a lower priority than CVP and SWP water, particularly when deliveries from the SLR are restricted by 2'/day drawdown criteria.	SLDMWA - 7
8	2.2	10	3	The proposed action includes the pre-delivery of WY 2013-2017 SJRRP Flows during the period of excess water supply and capacity in SOD facilities. The Authority is opposed to any pre-delivery of WY 21013-2017 SJRRP water prior to it being recaptured. The document states that the pre-delivery will only occur during periods of excess water supply and capacity in SOD Facilities. We do not see any time in the forseeable future where there will be a situation of excess water supply and capacity in SOD Facilities. In addition, there is no way to predict catastrophic levee failures (seismic event) in the delta or at the Delta pumps which would leave the only source of water being the SLR for SOD Contractors and therefore the risk of impact falls solely on SOD CVP and SWP Contractors. Although the document does explain how Reclamation will determine a reasonable volume of water that is in excess of demands and coordinate with the Authority and others to make available for pre-delivery fo water to Friant Contractors and that this mechanism would not result in any involuntary reduction in contract water supply, it does not explain how impact to project contractors will be mitigated if the water pre-delivered exceeds the actual quantity of recaptured water.	SLDMWA - 8
9	2.2	11 and 1	Table 1	The information in the table should be reviewed and verified as Westlands Water District's Contract Supply that includes the assignments for the districts identified is incorrect. In addition, it is not clear as to the purpose for identify PWRPA members.	SLDMWA - 9

10	3	14		In order for the findings and conclusions in Section 3 to be accurate, the Program must be implemented consistent with the Program design as set forth in the Programatic Environmental Impact Statement/Environmental Impact Report (PEIS/EIR) for San Joaquin River Restoration Program. If the Program is altered and the Program does not adhere to the no adverse impact to SOD Contractor requirement, the analysis in this Section would be incomplete.	SLDMWA - 10
11	3	14	1	This paragraph is not clear. What is meant by "existing physical environment conditions"? What is "existing releases and recapture of Interim Flows?" What is meant by "water stored in SOD Facilites" and "is immediately ready for transfer?"	SLDMWA - 11
12	3.1.2	55	1	See comment No. 4 above	SLDMWA - 12
13	3.1.2.2	55	1	See comment No. 2 above	SLDMWA - 13
14	3.1.2.2	56	1	The statement, "The recirculation of recaptured Interim and Restoration flows will not increase deliveries to any water districts." is an incorrect statement. The maximum quantity of water to be delivered to water districts should be consistent with the districts contract quantity.	SLDMWA - 14
15	3.3.1	58	3	The draft EA does not clearly identify which biological opinions cover "all deliveries, transfers, and exchanges are occurring between the SLR, Millerton Lake, and all points south or inland through existing conveyance or supply facilities covered under existing biological opinions (BO)." Reclamation must identify the specific biological opinions referenced and explain why Reclamation believes they cover "all deliveries, transfers, and exchanges..."	SLDMWA - 15
16	3.3.2.1	59	1	See comment No. 4 above	SLDMWA - 16

2.6 Comments from San Joaquin River Exchange Contractors Water Authority and the San Joaquin River Resource Management Coalition

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THOMAS M. BERLINER
DIRECT DIAL: +1 415 957 3333
PERSONAL FAX: +1 415 520 5835
E-MAIL: tmberliner@duanemorris.com

www.duanemorris.com

March 22, 2013

Michelle Banonis
United States Bureau of Reclamation
2800 Cottage Way, MP-170
Sacramento, California 95825
EMAIL: MBANONIS@USBR.GOV

Re: Comments of the San Joaquin River Exchange Contractors Water Authority and the San Joaquin River Resource Management Coalition to the "Draft Environmental Assessment – Recirculation of Recaptured Water Year 2013-2017 San Joaquin River Restoration Program Flows"

Dear Ms. Banonis:

The following comments are submitted on behalf of the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) and the San Joaquin River Resource Management Coalition (RMC) (referred to hereafter for convenience as "Exchange Contractors") to the Draft Environmental Assessment (DEA) for the "Recirculation of Recaptured Water Year 2013-2017 San Joaquin River Restoration Program Flows."

Thank you for the opportunity to provide these comments. The Exchange Contractors will not repeat their interests in the continued implementation of the San Joaquin River Restoration Program (SJRRP or Restoration Program) as it has been well documented in the past. (See the Exchange Contractor's comments to the Programmatic Environmental Impact Statement/Environmental Impact Report (PEIS/R)).

The DEA states that the purpose of the proposed action is to implement provisions of the water management goal for water years (WY) 2013-2017 commencing March 1, 2013 through February 28, 2018. The DEA incorporates by reference information from the PEIS/R including Chapter 3, "Considerations for Describing the Affected Environment and Environmental Consequences," Chapter 12, "Hydrology-Groundwater," Chapter 13, "Hydrology-Surface Water Supplies and Facilities Operations," and Chapter 26, "Cumulative Impacts."

The proposed action includes what is termed "pre-delivery" of WY2013-2017 SJRRP flows during periods of excess water supply and capacity in SOD Facilities. (DEA page 10.) Will Reclamation consider those times when SOD Contractors or the Exchange Contractors are not receiving 100 percent of their supply to allow for pre-delivery of SJRRP flows as part of the proposed action? The Exchange Contractors, on certain occasions, are reduced in their water supply by 25 percent based on criteria established between Reclamation and the Exchange Contractors. If there is excess water supply and capacity in SOD facilities during a time when the Exchange Contractors are at their reduced level of supply, the Exchange Contractors would expect that the shortage would be made up before any water would be provided to other contractors with lower rights of priority.

SJREC-1

The DEA does not include a discussion of the recapture of Interim and Restoration Flows. Reclamation contends the analysis of the environmental impacts of the recapture of Interim and Restoration Flows is discussed in the SJRRP PEIS/R. Therefore, Reclamation states that those impacts will not be discussed in the DEA. Rather, the DEA only focuses on the recirculation aspect of the release and recapture program whereby water is moved from storage facilities back to the Friant division contractors or for transfer or exchange. (DEA page 55.) Yet, neither the PEIS/R nor the DEA discuss the continued problem of dramatic subsidence that is affecting the San Joaquin River, the flood control bypass system (Eastside Bypass), and lands adjacent thereto as a result of pumping in areas outside of the Exchange Contractors' service area east of Sack Dam. This area of subsidence is directly in the path or paths of restoration flows. The Exchange Contractors have submitted comments previously concerning the subsidence problem. At this time, the subsidence has continued and is more substantial than when commented upon previously.

SJREC-2

In response to comments from the Exchange Contractors, Reclamation noted that the release of restoration flows will be limited by channel capacity or flows that would "not significantly increase flood risk." (See, for example, EC1-73 at PEIS/R 3.8-249. July 2012.)

At the time Reclamation issued its response to comments, it was well aware of a subsidence problem located east of Sack Dam. Reclamation had already been in discussions with the Exchange Contractors, the Department of Water Resources and other agencies regarding the subsidence problem. Formal comments addressing the subsidence problem were submitted by the Exchange Contractors on several occasions. Each of the referenced letters referred to below is in the possession of Reclamation and each is incorporated into these comments. Since the letters are already in the possession of Reclamation, they are not physically included with this letter. However, if Reclamation would like copies of any of the letters, please contact the undersigned.

On June 18, 2012 the Exchange Contractors submitted a protest to the long term change petition that raised the issue of subsidence. (See page 42 of the letter.)

SJREC-3

Attached to the June 18 letter was a report entitled "Recent Subsidence in the Study Area of the San Joaquin River Restoration Program."

On June 25, 2012, the Exchange Contractors submitted comments to Reclamation regarding the "Framework for Implementation." That letter also raised the issue of subsidence.

By letter dated August 15, 2012, the Exchange Contractors submitted supplemental comments to the Final PEIS/R based on new information that again informed Reclamation and the Department of Water Resources (DWR) of the significance of the subsidence.

In addition, on August 31, 2012, the Exchange Contractors sent a letter to the State Water Resources Control Board (Water Board) providing them with information concerning the subsidence problem. A copy of that letter was sent to Reclamation.

In addition to the above letters and information regarding subsidence set forth in those letters, there has been subsequent work done by Reclamation, the Exchange Contractors and others to understand the significance of the subsidence problem. The following additional information has been developed.

Recently developed additional data regarding subsidence.

Since submittal of the above-referenced documentation regarding subsidence, deep groundwater pumping has continued thereby exacerbating subsidence in the areas of the Eastside bypass and San Joaquin River. Attached hereto are three subsidence maps prepared by Reclamation showing subsidence at NGS stations during different times steps and showing different geographic depictions from large-scale down to a focus at the most significant points of subsidence. Also attached is a graph showing subsidence from 2008-2012 along the Eastside bypass. Together these documents demonstrate up to 5 feet of subsidence during this time.

These rates of subsidence have been unabated since last year. As discussed previously, this subsidence threatens the flood control capacity of the Eastside bypass and the flow through capacity of the San Joaquin River channel. Thus far, Reclamation has not analyzed the impact of this subsidence on the restoration program including flow capacity as well as facilities that are necessary for the implementation of the SJRRP. For example, improvements to Sack Dam and the Arroyo Canal are currently on hold due to the subsidence problem. SJREC-3, continued

Incorporation of prior comments regarding recirculation.

On March 25, 2011 the Exchange Contractors submitted comments to the "Draft Environmental Assessment, Recirculation of Recaptured Water Year 2011 San Joaquin River

SJREC-4

Restoration Program Interim Flows and the Draft Finding of No Significant Impact." The "overall comments" section of that letter is incorporated herein by reference with the following exceptions: the comments will apply to the DEA for WY2013-2017, the references to a single year water transfer are not applicable and the references to the then-yet-to-be issued PEIS/R are not applicable. SJREC-4, continued

The Exchange Contractors and the RMC appreciate this opportunity to comment on the DEA. If you have any questions regarding these comments, please contact the undersigned at 415-957-3333.

Very truly yours,

Thomas M. Berliner

Thomas M. Berliner
DUANE MORRIS LLP

TMB:tbw
Attachments

cc. Steve Chedester, SJRECWA
Mari Locke Martin, SJRRMC
Jon Rubin, Esq., SLDMWA

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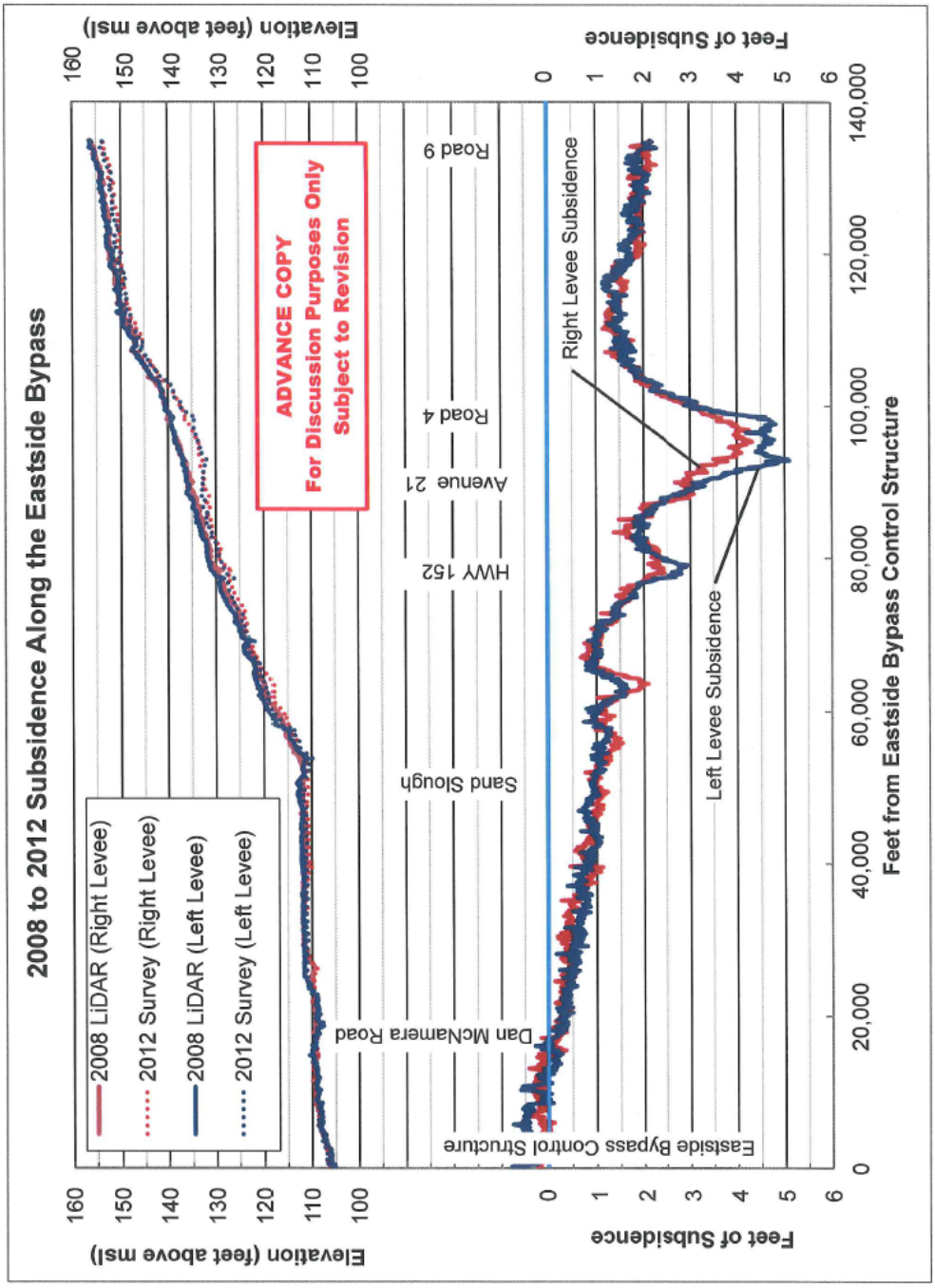
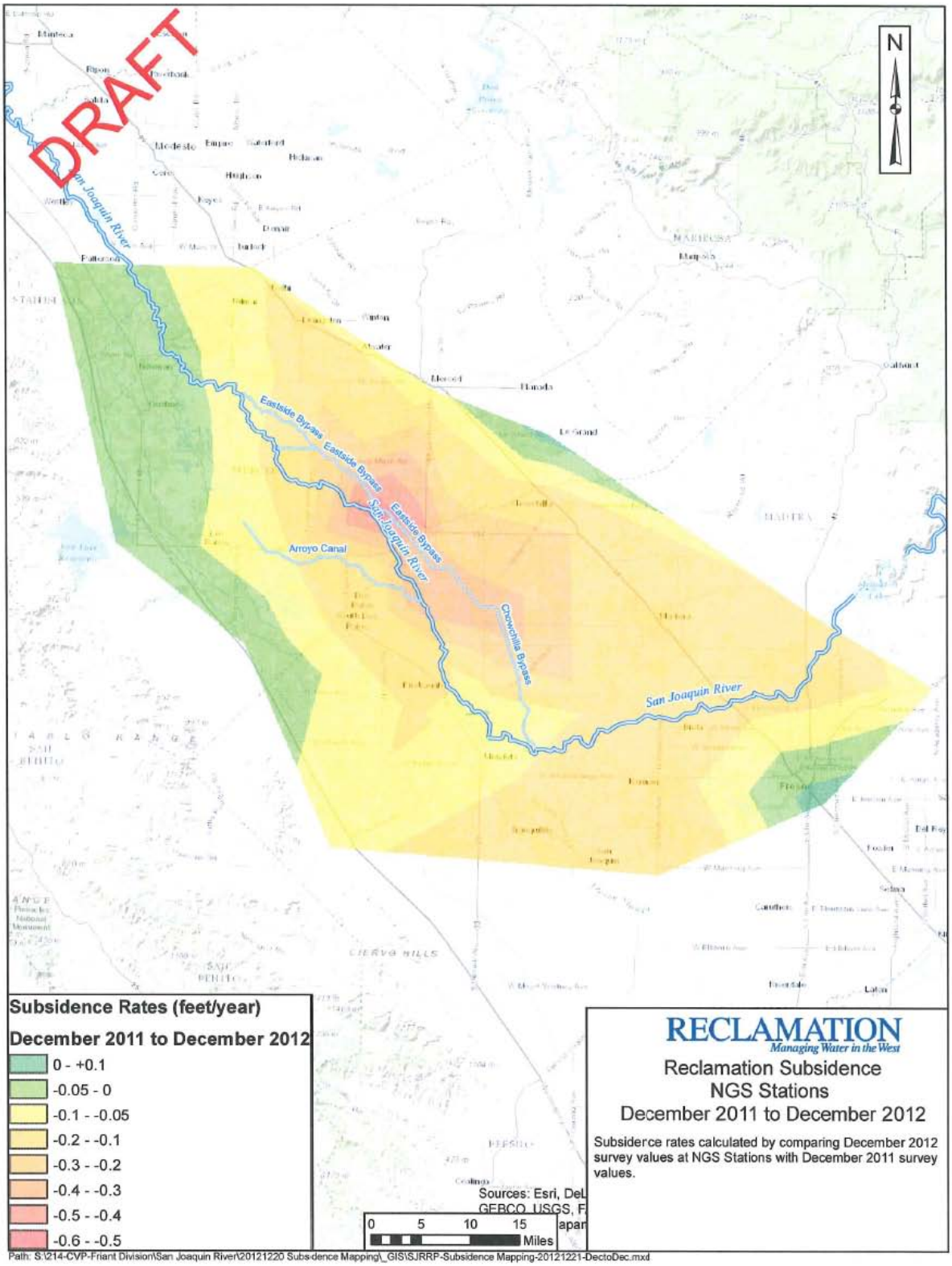

2008 to 2012 Subsidence Along the Eastside Bypass
2008 LiDAR (Right Levee)
2012 Survey (Right Levee)
2008 LiDAR (Left Levee)
2012 Survey (Left Levee)
ADVANCE COPY
For Discussion Purposes Only
Subject to Revision
Elevation (feet above msl)
Feet of Subsidence
Dan McNamera Road
Sand Slough
HWY 152
Avenue 21
Road 4
Road 9
Eastside Bypass Control Structure
Right Levee Subsidence
Left Levee Subsidence
Feet from Eastside Bypass Control Structure


DRAFT
N
San Joaquin River
Eastside Bypass
Eastside Bypass
Eastside Bypass
Arroyo Canal
Chowchilla Bypass
San Joaquin River
Subsidence Rates (feet/year)
December 2011 to December 2012
0 - +0.1
-0.05 - 0
-0.1 - -0.05
-0.2 - -0.1
-0.3 - -0.2
-0.4 - -0.3
-0.5 - -0.4
-0.6 - -0.5
0 5 10 15
Miles
RECLAMATION
Managing Water in the West
Reclamation Subsidence
NGS Stations
December 2011 to December 2012
Subsidence rates calculated by comparing December 2012 survey values at NGS Stations with December 2011 survey values.
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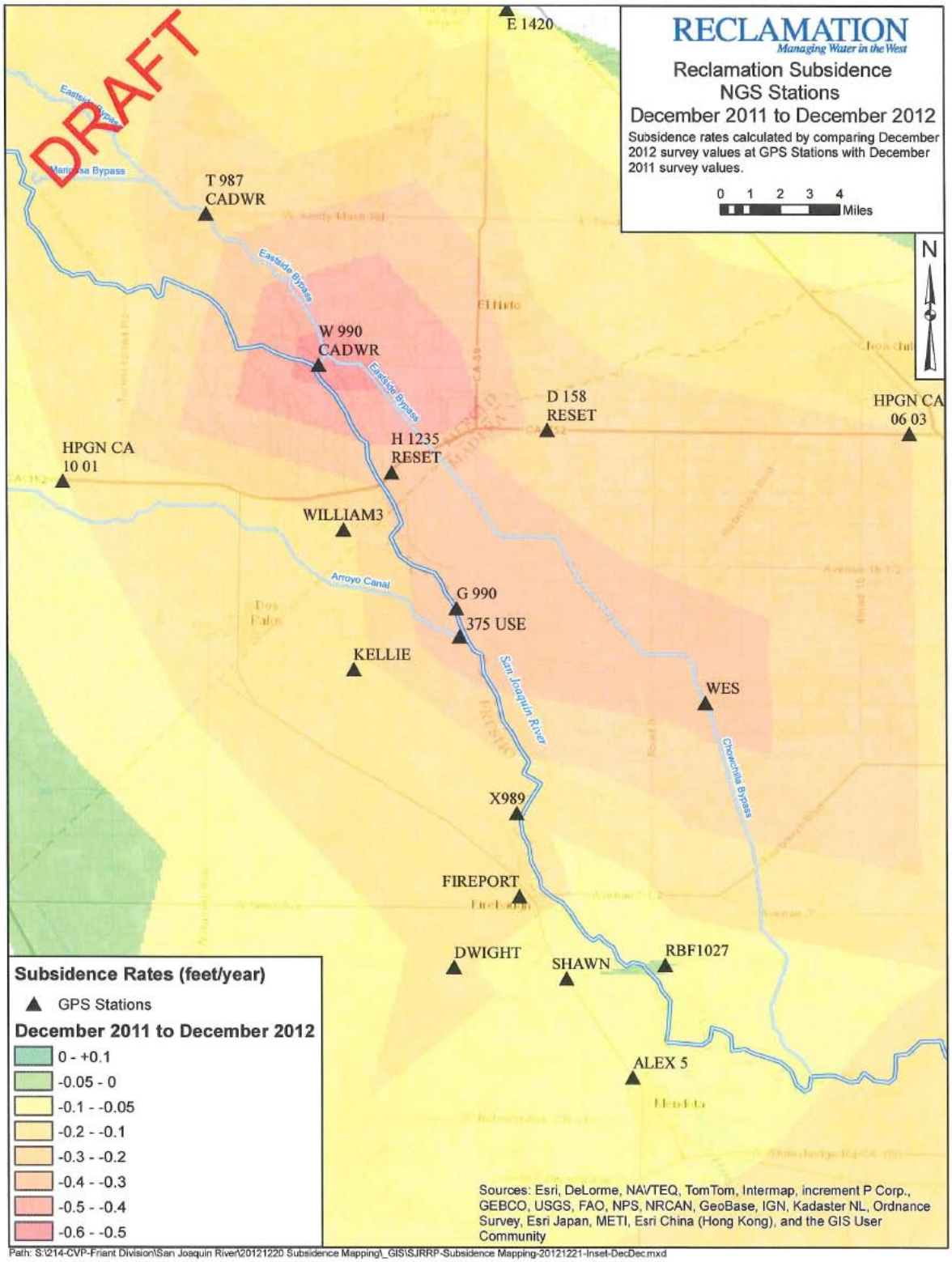
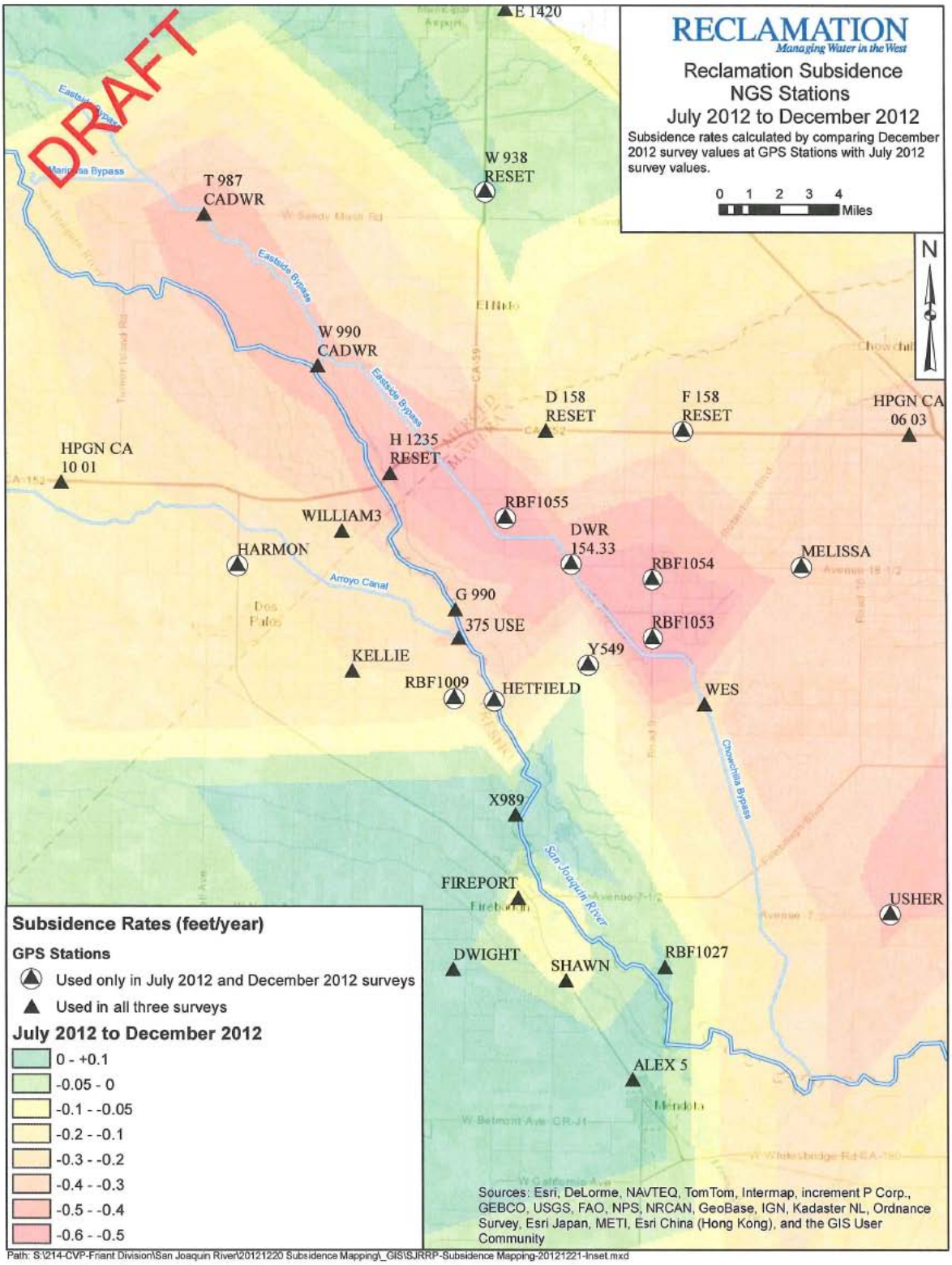

DRAFT
RECLAMATION
Managing Water in the West
Reclamation Subsidence
NGS Stations
December 2011 to December 2012
Subsidence rates calculated by comparing December 2012 survey values at GPS Stations with December 2011 survey values.
0 1 2 3 4
Miles
N
E 1420
T 987
CADWR
W 990
CADWR
D 158
RESET
HPGN CA
06 03
HPGN CA
10 01
H 1235
RESET
WILLIAM3
G 990
375 USE
KELLIE
WES
X989
FIREPORT
DWIGHT
SHAWN
RBF1027
ALEX 5
Eastside Bypass
Mariposa Bypass
Arroyo Canal
San Joaquin River
Chowchilla Bypass
Subsidence Rates (feet/year)
GPS Stations
December 2011 to December 2012
0 - +0.1
-0.05 - 0
-0.1 - -0.05
-0.2 - -0.1
-0.3 - -0.2
-0.4 - -0.3
-0.5 - -0.4
-0.6 - -0.5
Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), and the GIS User Community
Path: S:\214-CVP-Friant Division\San Joaquin River\20121220 Subsidence Mapping_GIS\SJRRP-Subsidence Mapping-20121221-Inset-DecDec.mxd


DRAFT
RECLAMATION
Managing Water in the West
Reclamation Subsidence
NGS Stations
July 2012 to December 2012
Subsidence rates calculated by comparing December 2012 survey values at GPS Stations with July 2012 survey values.
0 1 2 3 4
Miles
N
E 1420
W 938
RESET
T 987
CADWR
W 990
CADWR
D 158
RESET
F 158
RESET
HPGN CA
06 03
HPGN CA
10 01
H 1235
RESET
RBF1055
WILLIAM3
DWR
154.33
HARMON
RBF1054
MELISSA
Arroyo Canal
G 990
375 USE
RBF1053
Y549
KELLIE
RBF1009
HETFIELD
WES
X989
Chowchilla Bypass
San Joaquin River
FIREPORT
USHER
DWIGHT
SHAWN
RBF1027
ALEX 5
Eastside Bypass
Mariposa Bypass
Subsidence Rates (feet/year)
GPS Stations
Used only in July 2012 and December 2012 surveys
Used in all three surveys
July 2012 to December 2012
0 - +0.1
-0.05 - 0
-0.1 - -0.05
-0.2 - -0.1
-0.3 - -0.2
-0.4 - -0.3
-0.5 - -0.4
-0.6 - -0.5
Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), and the GIS User Community
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Section 3 Responses to Comments

The following responses were prepared to answer questions or comments received on the Draft WY 2013-2017 Recirculation EA and Draft Finding of No Significant Impact (Draft FONSI). Sections 3.1 through 3.6 break down each commenter separately and provide responses to comments as outlined in the letters presented in Sections 2.1 through 2.6.

3.1 Responses to Comments from Arvin-Edison Water Storage District

AEWSD – 1:

Reclamation will commence the appropriate NEPA analysis if there are any potential changes related to the discharge of water from South-of-Delta facilities into the Friant-Kern Canal. The information would be reviewed to determine the most appropriate form of environmental review under NEPA based on major areas of interest identified by CEQ, such as the level of environmental impact or public concern.

AEWSD – 2:

The Proposed Action analyzed in the EA is only to assess the environmental impacts to the human environment for the recirculation of water recaptured as a result of the release of WY 2013-2017 SJRRP Interim and Restoration Flows. Therefore, any speculation on actions within other years is not reviewed or discussed in this document and outside of the scope of this EA. The overall plan for recirculation, recapture, reuse, exchange or transfer of the Interim and Restoration Flows for the long-term will be analyzed in future environmental documentation once additional information on these future actions is known.

AEWSD – 3:

Additional language has been included in the errata of this Final EA which discusses conditions that are placed on pre-delivery of water. This information is also outlined in Section 3.5 Responses to Comments from San Luis & Delta-Mendota Water Authority (SLDMWA) and Response to Comment SLDMWA-8. The inclusion of this language and conditions does not change the environmental impact determinations made in the document.

3.2 Response to Comments from California Department of Fish and Wildlife

CDWF – 1:
A general change has been incorporated into the document which species that both state and federal CVPIA refuges and wildlife areas are included as potential recipients of recaptured SJRRP Interim or Restoration Flows. These changes are reflected in the appropriate areas of the errata.

CDFW – 2:
Text revised in the errata to include state CVPIA wildlife areas as noted by the commenter.

CDFW – 3:
Text revised in the errata to include both federal CVPIA refuges and state CVPIA wildlife areas.

CDFW – 4:
Text included in the errata to include the state CVPIA wildlife areas and Grassland Water District.

CDFW – 5:
Corrections made based on commenter's suggestions and other state CVPIA wildlife areas are included. These changes are reflected in the errata.

CDFW – 6:
The misspelling of "Freita" is changed to "Freitas" and is reflected in the errata in the appropriate location(s).

3.3 Response to Comments from Natural Resources Defense Council

NRDC-1

The Implementing Agencies engaged in implementing the Settlement work to monitor multiple parameters related to stream stage, flow, water quality, and temperature in relation to implementation of the SJRRP. While there are two main goals related to the implementation of the program - the Restoration and Water Management Goals - they are carried out concurrently and in coordination with one another. Therefore, monitoring activities associated with chemical and physical parameters of the San Joaquin River are an important part of the SJRRP and have been occurring, and will continue to occur, during the commencement of the recirculation of Interim and Restoration Flows and in coordination with Water Management Goal activities. Coordination between the actions of the Water Management Goal and the Restoration Goal would continue throughout the undertaking of this action, consistent with Settlement paragraph 16(a)(1) to ensure "no adverse impact on the Restoration Goal, downstream water quality or fisheries."

NRDC-2

The commenter is incorrect in their assertion that the PEIS/R, by incorporation into the Draft WY 2013-2017 Recirculation EA, does not address the "project-specific analysis of the potential impacts related to recapture." The PEIS/R distinctly points out that recapture is addressed on a project-level in the document, most notably in a sub-section prominently entitled "Recapture Interim and Restoration Flows" starting on page 2-30 of the April 2011 Draft PEIS/R. This section outlines the specific maximum quantity of recaptured water, the mechanisms for recapture, and the locations where recapture could occur at a project-level. Additionally, SJRRP recapture is outlined in each relevant resource area section in the document and the environmental impacts of recapture are identified and discussed accordingly in each appropriate section.

Additionally, explanations of recapture and recirculation of SJRRP Interim and Restoration Flows and associated actions are defined by the following excerpts from the PEIS/R:

"[Alternative C1] includes the operation of Friant Dam, and a range of actions to achieve the Restoration and Water Management goals. [Alternative C1] includes the potential for recapture of Interim and Restoration flows in the Restoration Area and Interim and Restoration flows in the Delta using existing diversion facilities, and the potential for recirculation of all recaptured Interim and Restoration flows."

"Any increase in Restoration Area or Delta exports directly resulting from the Interim or Restoration flows would be available for recirculation to the Friant Division; however, recirculation of recaptured water to the Friant Division could require subsequent exchange agreements between Reclamation, DWR, Friant Division long-term contractors, and other south-of-Delta CVP/SWP contractors who are not included in the action alternatives. As previously described, recirculation would be subject to available capacity and existing operational constraints within CVP/SWP storage and conveyance facilities."

NRDC-3

The Draft EA outlines a series of potential recirculation actions and the conditions under which those actions can be carried out in accordance with the Draft EA. There are numerous possible ways that the Friant Division long-term contractors could recirculate Interim and Restoration

Flows. Rather than attempting to identify each action or provide examples that may constrain these actions, the Draft EA identifies a broad range of actions and the conditions that each action must comply with. If proposed recirculation actions vary from the conditions identified in the EA, including transfers, exchanges, deliveries, or other mechanisms identified in this EA, Reclamation would pursue separate NEPA documentation, as appropriate, in order to evaluate environmental impacts.

The commenter gives one example of "transferring water to the East side of the River from the Arroyo Canal." In this instance, Reclamation recently produced and is currently providing for public comment an EA which addresses the action of transferring and/or exchanging water between Madera Irrigation District and Chowchilla Irrigation District and the Red Top Area landowners via movement of water from the Arroyo Canal. Reclamation would follow suit for any other mechanisms of recirculation that would not meet the standard definition provided in the Draft WY 2013-2017 Recirculation EA, namely that there would be no new facilities or construction. Further, were it to be determined that the environmental impacts of a recirculation action may exceed the impacts identified in the Draft WY 2013-2017 Recirculation EA, a new or supplemented NEPA document would be prepared to appropriately address these concerns.

NRDC-4

Additional language has been included in the errata of this Final EA which discusses conditions that are placed on pre-delivery of water. This information is also outlined in Section 3.5 Responses to Comments from SLDMWA, comment response SLDMWA-8. The inclusion of this language and conditions does not change the environmental impact determinations made in the document.

3.4 Response to Comments from Paramount Farming Company

Paramount – 1

The commenter identifies concerns related to 1) potential segmentation of a NEPA analysis and, 2) refers to *Save the Yaak Comm. v. Block* in their comment to run a relationship to legal precedent related to segmented or multi-year environmental reviews. Responses to this comment are addressed below.

1) Reclamation and the California Department of Water Resources prepared the PEIS/R. The PEIS/R includes an analysis of both the project-level and program-level actions associated with the long-term implementation of the SJRRP. Project-level actions include the operation of Friant Dam and downstream control structures and the recapture of Interim and Restoration Flows. Program-level actions include the recirculation of recaptured Interim and Restoration Flows and common restoration actions (such and physical alternations to river reaches within the Restoration Area). The PEIS/R addressed the overall impacts of both project- and program-level actions and also addressed the cumulative impacts associated with the project related to all reasonably-foreseeable future actions. The PEIS/R, therefore, avoids segmentation concerns as it addresses the whole of the program, its implementation, and its environmental impacts and methods to offset or avoid impacts.

2) The commenter's reference to *Save the Yaak Comm. v. Block* may be inadvertently misplaced in referring to NEPA segmentation in relation to case law precedent and comparing it to the environmental documentation prepared for the SJRRP. In the case referenced by the commenter, the Ninth Circuit Court of Appeals' concerns were founded on the basis that the U.S. Forest Service had awarded road reconstruction contracts even prior to the preparation of the federal agency's NEPA documentation. Thus, the court determined that the timeliness of the EA was inappropriate and that the federal agency did not take a "hard look" at the environmental consequences of its actions. Additionally, the U.S. Forest Service had prepared an EA with a "clear nexus between timber contracts and the improvement of the road" although they failed to disclose that connection in the assessment of the action or its cumulative impacts. This differs from the SJRRP, in which the PEIS/R fully acknowledges and discloses the environmental impacts of the implementation of the Settlement as authorized by the Act, at great length and detail, and the cumulative impacts thereof. Thus, the case referred and the related judicial ruling cannot be compared to the SJRRP process on an equal footing.

Paramount – 2

Please see Response to Comment NRDC-2. The PEIS/R, by incorporation into the Draft WY 2013-2017 Recirculation EA, addressed recapture on a project-level in that document, most notably in a sub-section prominently entitled "Recapture Interim and Restoration Flows" starting on page 2-30 of the April 2011 Draft PEIS/R. This section outlines the specific maximum quantity of recaptured water, the mechanisms for recapture, and the locations where recapture could occur at a project-level. Additionally, SJRRP recapture is outlined in each relevant resource area section in the document and the environmental impacts of recapture are identified and discussed accordingly in each appropriate section.

Paramount – 3

It is unclear what portion of recirculation cannot be fully accomplished based on the commenter's concerns. Specifically, the commenter references subsidence, but provides no basis or evidence as to why a re-analysis or detailed discussion related to this topic should occur to address the topic in specific relation to the Proposed Action identified in the EA. Recirculation would occur in accordance with the terms of the Settlement and as authorized by the Act. If conditions change as a result of subsidence, or any other new environmental concern(s), Reclamation would address these issues and prepare environmental documentation, as appropriate and required by law.

Paramount – 4

See response to comment Paramount-3. Recapture of Interim and Restoration Flows was addressed in the PEIS/R at a project-level of detail and is not further analyzed in the Draft or Final EA. As described in the Final PEIS/R and ROD, any mutual agreements negotiated to facilitate delivery of water to Friant Division contractors using CVP/SWP facilities would be negotiated so as not to impact CVP/SWP deliveries or operation of the CVP/SWP.

The commenter indicates that a reference should be made to all lawful diversions off of the San Joaquin River. Reclamation will continue to respect all relevant, lawful diversion and their respective prioritization of use, as identified by the California State Water Resources Control Board (SWRCB), contractual agreements, or under California water law.

Paramount – 5

The commenter confuses a temporary water recirculation action between water years 2013 and 2017 with the Phase I and II actions, as identified in Paragraph 11(a) and (b) of the Settlement. The actions related to water recirculation between water years 2013 and 2017 are temporary in nature and would involve the utilization of existing facilities in order to recirculate recaptured SJRRP Interim and Restoration Flows via direct deliveries, exchanges, and transfers to or from the Friant Contractors. Phase I and II Settlement actions include modifications to the San Joaquin River to ensure fish passage, fish survival, and flow conveyance. Recirculation for the period of water years 2013-2017, is anticipated to utilize existing facilities and remain within existing contract totals for contractors. Therefore, environmental impacts are not anticipated in the context of NEPA to third parties.

Paramount – 6

See Response to Comment Paramount -4. Reclamation cannot accept the language provided by the commenter as the terms are relatively vague, ambiguous, and do not clearly identify who "potential future contractors" may be or their relative prioritization with respect to water rights. As stated previously, Reclamation would continue to respect relevant, lawful diversions and their respective prioritization of use as identified by the SWRCB, contractual agreements, and California water law.

3.5 Responses to Comments from San Luis & Delta-Mendota Water Authority

SLDMWA – 1:
Reclamation will continue to implement the Settlement consistent with and as authorized by the Act. Re-stating the terms of the Act or articulating the protections already offered forth in the PEIS/R are not necessary as Reclamation must implement the action consistent with law and do not change the environmental impact determinations made in the document.

SLDMWA – 2:
The SJRRP will continue to monitor and facilitate the recirculation of recaptured water to the Friant Division Long-Term Contractors, as specified in the Draft WY 2013-2017 Recirculation EA. Reclamation will continue to abide by constraints put forward by the Settlement, the PEIS/R ROD, and the Act.

SLDMWA – 3:
The commenter indicates that, in absence of the Proposed Action, the conclusion that evaporative loss or spill could occur is inaccurate as the water could be put to beneficial use by non-Friant contractors. On March 28, 2013, the SWRCB issued a temporary urgency change Order that allows for recapture of Interim Flows for the next 180 days. Condition 8 of this Order states that "Any San Joaquin River Settlement Interim Flows that are recaptured and stored or routed through San Luis Reservoir shall be used consistent with the Settlement and Settlement Act. The water need not be delivered back to the Friant Division Contractors, but may be made available to others through transfers, exchanges and sales. Reclamation shall document that it has taken all practicable measures to provide contract water to the Friant Division Contractors, while complying with all other conditions of this water right." A similar condition has been included in past Orders issued by the State Board for the release and protection of Interim Flows.

In the absence of the Proposed Action and consistent with the Settlement, Act, and existing laws, contacts, and operating agreements, Reclamation would seek to hold the recaptured Interim and Restoration Flows in San Luis Reservoir until: (1) an action was approved to recirculate this water to the Friant Division Contractors; (2) the recapture water spilled as San Luis Reservoir filled. In the event that the water was spilled, it would no longer be considered recaptured water and could put to beneficial use by non-Friant contractors. While this may occur, the EA works to document the broadest range of potential impacts as a result of both the No Action and the Action alternatives. In order to properly categorize the range of No Action versus Action alternatives, it was assumed that some years may result in potential spill or inevitable evaporative loss as a result of being inable to move water. Therefore, this lower range represents what could happen if demand were low and recapture high.

SLDWMA – 4:
It is unclear what the commenter is requesting. Additionally, this comment does not appear to raise issues or concerns specific to the environmental analysis presented in the Draft WY 2013-2017 Recirculation EA and does not result in significant environmental impacts, a substantive increase in the severity of an environmental impact, or create a feasible project alternative that would clearly lessen environmental impacts.

SLDMWA – 5:
This comment was taken into consideration and was revised in the errata, based on comments provided by the commenter.

SLDMWA – 6:
The language has been changed based on the comment and is reflected in the errata.

SLDMWA – 7:
As stated in the PEIS/R ROD and the Draft EA, recirculation would be subject to available capacity within CVP/SWP storage and conveyance facilities. Available capacity is capacity that is left after satisfying all statutory and contractual obligations to existing water service or supply contracts, exchange contracts, settlement contracts, transfers, or other agreements involving or intended to benefit CVP/SWP contractors served water through CVP/SWP facilities. This would include any operational criteria at San Luis Reservoir.

SLDMWA – 8
Based on discussions between Reclamation and SLDWMA, the following language has been drafted in order to best respond to this comment and is provided in the errata:

"The Proposed Action would provide for the "pre-delivery" of recaptured WY 2013-2017 SJRRP Flows pursuant to two potential scenarios. For the first scenario, the Friant Contractors could take pre-delivery of a portion of the estimated recaptured volume and exchange, directly deliver, or transfer the water for the purpose of accomplishing the Water Management Goal provided in the Settlement subject to all of the following conditions:

- When there is surplus (Section 215) water available in the Delta:
- When there is conveyance and storage capacity in SOD Facilities that would not otherwise be used to convey and store CVP Project Water or Non-Project Water for any Westside CVP Contractor:
- When the San Luis Reservoir is full and will remain full during the "pre-delivery" period:
- When the volume of recaptured water for that year can be reasonably determined by Reclamation;
- As WY 2013-2017 SJRRP Flows are actually released and recaptured in accordance with the Settlement hydrograph; the recaptured water would be used first to balance out any of this "pre-delivery" water.

For the second scenario, during those periods when "low point" in San Luis Reservoir is not an issue, nor anticipated to become an issue, Reclamation may provide for the "pre-delivery" of up to 20,000 acre-feet of water or the volume of SJRRP water reasonably expected to be available for recirculation within the subsequent 3 months, whichever is less. In order to ensure the "pre-delivery" of water does not affect Reclamation's ability to meet its existing contractual obligations from SOD Facilities or jeopardize the Secretary's ability to avoid or fully mitigate for impacts resulting from the implementation of the SJRRP to the SOD contractors, Reclamation shall require the requesting Friant Contractor to provide a guaranteed backstop water supply including an assured conveyance in the event the calculated volume of recirculation water does not materialize. The backstop water would be used to refill any of the "pre-delivery" water in the same Water Year and must not impede other transfers and/or exchanges. As WY 2013-2017

SJRRP Flows are actually released and recaptured in accordance with the Settlement hydrograph, the recaptured water would be used first to refill any of this "pre-delivery" water For example, Reclamation calculates in June that 3,000 AF will be available to Friant Contractor A during the subsequent 3 months (July, August, and September). Friant Contractor A has an exchange agreement with Contractor B, but Contractor B can only make use of water in June. Contractor B has a supply of at least 3,000 AF of water that it could make available in July, August, or September if the estimated amount of recaptured water does not subsequently materialize. Accordingly, Contractor B takes delivery of the 3,000 AF in June and guarantee's refill with an alternate firm supply including assured conveyance as a backstop in case the estimated quantity of recaptured water does not subsequently materialize. The backstop water would be used to refill any of the "pre-delivery" water in the same Water Year As WY 2013-2017 SJRRP Flows are actually released and recaptured in accordance with the Settlement hydrograph, the recaptured water would be used first to refill any of this "pre-delivery" water

As another example, Reclamation calculates in June that 5,000 AF will be available to Friant Contractor A during the subsequent 3 months (July, August, and September). Friant Contractor A has a transfer agreement with CVP Westside Contractor Z and CVP Westside Contractor Z wants to make use of the water in June. CVP Westside Contractor Z has a supply of at least 5,000 AF of CVP that it could make available in July, August, or September if the estimated quantity of recaptured water doesn't subsequently materialize. Accordingly, CVP Contractor Z takes delivery of the 5,000 AF in June and guarantee's its CVP supply as a backstop in case the estimated quantity of recaptured water doesn't subsequently materialize. The backstop water would be used to refill any of the "pre-delivery" water in the same Water Year. As WY 2013-2017 SJRRP Flows are actually released and recaptured in accordance with the Settlement hydrograph, the recaptured water would be used first to refill any of this "pre-delivery" water

Reclamation shall coordinate all proposed "pre-delivery" of water with the FWA, San Luis Delta-Mendota Water Authority, San Joaquin River Exchange Contractors Authority, and any other affected parties to ensure that water supply impacts to any affected parties are avoided and/or fully mitigated consistent with the EA,FONSI and the San Joaquin River Restoration Program EIS/EIR. This mechanism would not result in any involuntary reduction in contract water allocations and jeopardize the Secretary's ability to avoid or fully mitigate for impacts resulting from the implementation of the SJRRP to the SOD contractors."

SLDMWA – 9

Changes to Table 1 have been made based on comments provided.

SLDWMA – 10

Reclamation will continue to abide by commitments made in the PEIS/R ROD and will continue to implement the Settlement, including this action, consistent with the Act.

SLDMWA – 11

"Existing environmental conditions" generally mean the state of the San Joaquin River in the Restoration Area as of February 2013. This means the river in relation to the advent of Interim and/or Restoration Flows. Existing "releases and recapture of Interim Flows" on the San Joaquin River include the release of Interim Flows since September 2009, in order to collect data. "Water stored in SOD facilities" means water recaptured at either facilities within the Restoration Area and stored within SOD facilities and/or water recaptured in the lower San

Joaquin River and/or Delta as a result of the release of SJRRP Interim or Restoration Flows. "Immediately ready for transfer" means the volume of available water has been identified, applicable agreements for transferring and conveying the water have been agreed upon and executed, and there is sufficient physical capacity to move the water.

SLDWMA – 12
See Response to Comment SLDMWA – 4 above.

SLDMWA – 13
See Response to Comment SLDMWA – 2 above.

SLDMWA – 14
The language in this section has been revised to read "The recirculation of recaptured Interim and Restoration Flows will not increase contract totals to any water district." This change is reflected in the errata.

SLDMWA – 15
The Draft WY 2013-2017 Recirculation EA discusses the biological constraints to which the Proposed Action is subject. Section 3.3 Biological Resources, "Existing Biological Opinions" discusses the existing Biological Opinion on Implementation of the CVPIA and Continued Operation and Maintenance of the CVP, 2000, and the Biological Opinion on the U.S. Bureau of Reclamation Long-Term Contract Renewal of Friant Division and Cross-Valley Unit Contracts, 2001. This information is further discussed on pages 58 through 60 of the Draft WY 2013-2017 Recirculation EA.

SLDMWA – 16
See Response to Comment SLDMWA – 4.

3.6 Response to Comments from San Joaquin River Exchange Contractors Water Authority and the San Joaquin River Resource Management Coalition

SJREC – 1:
The Proposed Action does include pre-delivery of recaptured WY 2013-2017 SJRRP Interim and Restoration Flows. The response to SLDWMA-8 and changes provided in the errata provide a response to the comment.

SJREC – 2:
Please see Response to Comment NRDC-2. The PEIS/R, which is incorporated into the Draft WY 2013-2017 Recirculation EA, addressed recapture on a project-level in that document, most notably in a sub-section entitled "Recapture Interim and Restoration Flows" starting on page 2-30 of the April 2011 Draft PEIS/R. This section outlines the specific maximum quantity of recaptured water, the mechanisms for recapture, and the locations where recapture could occur at a project-level. Additionally, SJRRP recapture is outlined in each relevant resource area section in the document and the environmental impacts of recapture are identified and discussed accordingly in each appropriate section.

The PEIS/R does address subsidence, albeit at a lesser rate than that identified in the planning and design process for the Arroyo Canal Fish Screen and Sack Dam Fish Passage Project. See Section 8.0 of the ROD for a summary description of how and where subsidence was addressed in the PEIS/R. Three important factors should be noted:

1. Were it not for the SJRRP, Reclamation would not have discovered the increasing and alarming rate of subsidence in its investigations for the SJRRP;
2. Reclamation is not the direct or proximate cause of subsidence adjacent to the Restoration Area. It may be reasonably noted by inference that the result of this subsidence is due to increased and continued groundwater pumping/overdraft within the area, unrelated to Reclamation's implementation of the SJRRP and the recirculation of recaptured Interim and Restoration Flows;
3. Reclamation is continuing to work to design and adjust to the currently changing land subsidence and to amend designs and planning accordingly in response to this information as it becomes available.

SJREC – 3:
The SJREC expresses a variety of concerns related to subsidence. First, the SJREC expresses concerns that Reclamation has published environmental documents without acknowledging the existence of subsidence. Reclamation was aware of the potential for subsidence due to overdraft of groundwater and subsidence was addressed in the PEIS/R (see Section 8.0 of the ROD for a summary description of how and where subsidence was addressed in the PEIS/R). Secondly, the SJRRP has not caused, nor does it contribute to land subsidence in the Restoration Area. To the contrary, implementing the SJRRP would result in a benefit to the SJREC and neighboring landowners potentially suffering from land subsidence as implementing the SJRRP results in additional water in the San Joaquin River, contributing to groundwater recharge, albeit at a local level. Finally, the SJRRP is working to take the existing rate of subsidence into account and appropriately design and account for the potential effects on SJRRP actions and activities. This includes additional design activities for the Arroyo Canal Fish Screen and Sack Dam Fish Passage Project and addressing the potential loss in channel capacity through the Channel Capacity Advisory Group efforts and Reclamation's annual determination of channel capacity.

In addition, Reclamation has worked collaboratively with the SJREC and others to better understand subsidence in the Restoration Area, including hosting weekly coordination calls with SJRRP staff, the Department of Water Resources, the U.S. Geological Survey, and the SJREC and its member districts. Without this leadership role by Reclamation, arguably, the current subsidence issue would not have been discovered and, if discovered, the comprehensive understanding of the issue that exists today, including the investment in monitoring made by Reclamation, would not exist. Reclamation has also taken proactive actions to work with SJREC and its member districts to find ways to address the subsidence issues and provide surface water supplies to replace groundwater overdraft. As part of this effort, Reclamation recently released a draft Environmental Assessment that allows for temporary, one-year transfer of recaptured SJRRP WY 2013 Interim Flows from Madera and Chowchilla Irrigation Districts to the Red Top area, the heart of the subsidence area near Sack Dam. Reclamation has been and continues to be well aware of the subsidence issue and has taken a leadership role in better defining the issue and assisting in potential resolutions.

Subsidence, which a substantial concern for channel capacity, flood control, and infrastructure along the San Joaquin River, does not directly impact and is not directly impacted by the Proposed Action. The Proposed Action includes the recirculation of Interim and Restoration Flows previously released from Friant Dam as part of the SJRRP. As stated in the PEIS/R ROD, Reclamation will determine annual channel capacity as part of the Channel Capacity Advisory Group. This analysis will take into consideration the subsidence issue. The determination of channel capcity and the release and recapture of Interim and Restoration Flows is outside of the scope of the Proposed Action. The Proposed Action includes the recirculation of these flows. In the event that less Interim and Restoration Flows are released into river due to subsidence, then there would be less water to recirculate under the Proposed Action.

SJREC – 4:

Comment noted and all referenced documents are concurrently integrated into previous and current environmental analysis.

Section 4 Errata

Based on comments received on the Draft WY 2013-2017 Recirculation EA, some revisions to the text were identified through review and responses to comments and are provided below. The revisions to the Draft WY 2013-2017 Reciculation EA are on component of the materials that comprise the Final WY 2013-2017 Recirculation EA. This errata sheet identifies certain modifications and corrections to the Draft WY 2013-2017 Recirculation EA, which have been identified in response to public and agency comments received during the public review and comment period. The changes presented below provide additional clarification, additional information, and/or correct minor errors. The changes do not alter the conclusions related to environmental impacts that were presented in the Draft WY 2013-2017 EA. Additions to the Draft WY 2013-2017 Recirculation EA are included in double underline and deletions are included in ~~strikethrough~~.

Section 2.2 – Proposed Action: Page 9, paragraph 2 is revised as follows:
The Proposed Action would include direct deliveries of ~~recirculation~~ recaptured water from SLR to Friant Contractors through existing CVP, SWP, and local facilities. The Proposed Action would also include transfers of recirculation water among Friant Contractors and/or non-Friant Contractors. The transfers would use existing CVP, SWP, and local facilities. This may require several agreements, but do not include any new construction.

Section 2.2 – Proposed Action: Page 9, paragraph 3 is revised as follows:
Water year types for WY 2013-2017 are speculative at this time because these are assessed with hydrologic data presented on an annual basis. Thus, it is unknown what ~~any~~ water year types will occur during the duration of the analysis in this EA. Therefore, the 260,000 AF number is provided as a maximum possible amount available in any given year. With the advent of Interim Flows during WY 2010, 2011, and 2012 and subsequent recapture of flows during each of those consecutive years, the 260,000 AF number has not been reached. However, to allow for full disclosure of the largest amount of potential environmental impacts and to adequately address the total maximum amount of Interim and Restoration flows to be recirculated, this EA assumes the largest possible total quantity.

Section 2.2 – Proposed Action: Page 10, last paragraph is stricken and additional clarifying text added:
~~The Proposed Action would provide for the pre-delivery of WY 2013-2017 SJRRP Flows during periods of excess water supply and capacity in SOD Facilities. While infrequent, there are times when water and capacity is available in SOD Facilities that is in excess of the demands of existing south-of-delta CVP contractors. Through this mechanism Reclamation would: calculate the reasonable volume of water that could be made available in SOD Facilities that is in excess of the demands of existing south-of-Delta CVP contractors; calculate the reasonable volume of WY 2013-2017 SJRRP Flows that is expected to be recaptured within the subsequent 3 months or other reasonably foreseeable timeframe; determine the demand and ability of the Friant Contractors to use pre-delivered water; coordinate with the FWA, San Luis Delta-Mendota Water Authority, San Joaquin River Exchange Contractors Authority, and any other affected parties; make the water available for pre-delivery to Friant Contractors; and, record the amount of water pre-delivered to the Friant Contractors. As WY 2013-2017 SJRRP Flows are actually released and recaptured in accordance with the Settlement hydrograph, the recaptured water~~

~~would be used first to balance out any pre-delivered water. This mechanism would not result in any involuntary reduction in contract water allocations.~~

The Proposed Action would provide for the "pre-delivery" of recaptured WY 2013-2017 SJRRP Flows pursuant to two potential scenarios. For the first scenario, the Friant Contractors could take pre-delivery of a portion of the estimated recaptured volume and exchange, directly deliver, or transfer the water for the purpose of accomplishing the Water Management Goal provided in the Settlement subject to all of the following conditions:

- When there is surplus (Section 215) water available in the Delta:
- When there is conveyance and storage capacity in SOD Facilities that would not otherwise be used to convey and store CVP Project Water or Non-Project Water for any Westside CVP Contractor:
- When the San Luis Reservoir is full and will remain full during the "pre-delivery" period:
- When the volume of recaptured water for that year can be reasonably determined by Reclamation;
- As WY 2013-2017 SJRRP Flows are actually released and recaptured in accordance with the Settlement hydrograph; the recaptured water would be used first to balance out any of this "pre-delivery" water.

For the second scenario, during those periods when "low point" in San Luis Reservoir is not an issue, nor anticipated to become an issue, Reclamation may provide for the "pre-delivery" of up to 20,000 acre-feet of water or the volume of SJRRP water reasonably expected to be available for recirculation within the subsequent 3 months, whichever is less. In order to ensure the "pre-delivery" of water does not affect Reclamation's ability to meet its existing contractual obligations from SOD Facilities or jeopardize the Secretary's ability to avoid or fully mitigate for impacts resulting from the implementation of the SJRRP to the SOD contractors, Reclamation shall require the requesting Friant Contractor to provide a guaranteed backstop water supply including an assured conveyance in the event the calculated volume of recirculation water does not materialize. The backstop water would be used to refill any of the "pre-delivery" water in the same Water Year and must not impede other transfers and/or exchanges. As WY 2013-2017 SJRRP Flows are actually released and recaptured in accordance with the Settlement hydrograph, the recaptured water would be used first to refill any of this "pre-delivery" water For example, Reclamation calculates in June that 3,000 AF will be available to Friant Contractor A during the subsequent 3 months (July, August, and September). Friant Contractor A has an exchange agreement with Contractor B, but Contractor B can only make use of water in June. Contractor B has a supply of at least 3,000 AF of water that it could make available in July, August, or September if the estimated amount of recaptured water does not subsequently materialize. Accordingly, Contractor B takes delivery of the 3,000 AF in June and guarantee's refill with an alternate firm supply including assured conveyance as a backstop in case the estimated quantity of recaptured water does not subsequently materialize. The backstop water would be used to refill any of the "pre-delivery" water in the same Water Year As WY 2013-2017 SJRRP Flows are actually released and recaptured in accordance with the Settlement hydrograph, the recaptured water would be used first to refill any of this "pre-delivery" water

As another example, Reclamation calculates in June that 5,000 AF will be available to Friant Contractor A during the subsequent 3 months (July, August, and September). Friant Contractor A has a transfer agreement with CVP Westside Contractor Z and CVP Westside

Contractor Z wants to make use of the water in June. CVP Westside Contractor Z has a supply of at least 5,000 AF of CVP that it could make available in July, August, or September if the estimated quantity of recaptured water doesn't subsequently materialize. Accordingly, CVP Contractor Z takes delivery of the 5,000 AF in June and guarantee's its CVP supply as a backstop in case the estimated quantity of recaptured water doesn't subsequently materialize. The backstop water would be used to refill any of the "pre-delivery" water in the same Water Year. As WY 2013-2017 SJRRP Flows are actually released and recaptured in accordance with the Settlement hydrograph, the recaptured water would be used first to refill any of this "pre-delivery" water

Reclamation shall coordinate all proposed "pre-delivery" of water with the FWA, San Luis Delta-Mendota Water Authority, San Joaquin River Exchange Contractors Authority, and any other affected parties to ensure that water supply impacts to any affected parties are avoided and/or fully mitigated consistent with the EA,FONSI and the San Joaquin River Restoration Program EIS/EIR. This mechanism would not result in any involuntary reduction in contract water allocations and jeopardize the Secretary's ability to avoid or fully mitigate for impacts resulting from the implementation of the SJRRP to the SOD contractors.

Section 2.2 – Proposed Action: Page 13, Table 1 is revised as follows:

Table 1: Contract Amounts for Friant Contractors and SOD Contractors**

Non-Friant Contractors	**Supply (AF/year)**
CVPIA San Joaquin Valley National Wildlife Refuges served by the DMC or San Luis Unit	Level 2 and/or Level 4
CVPIA State Wildlife Areas	Level 2 and/or Level 4
Kern-Tulare WD Includes Rag Gulch WD	40,000
Laguna WD	800
Lower Tule River ID	31,102
Mercy Springs WD	2,842
Metropolitan WD of Southern California	1,911,500
North Kern WSD	6,000 to 394,000 (variable)
Oro Loma WD	4,600
Pacheco WD	10,080
Panoche WD	94,000
Patterson ID	16,500
Pixley ID	31,102
Rosedale-Rio Bravo WSD	29,900
San Benito County WD	43,800
San Joaquin River Exchange Contractors Water Authority	840,000
San Luis WD	125,080
Santa Clara Valley WD (PWRPA member)	152,500
Sonoma County Water Agency (PWRPA member)	76,000
The West Side ID (PWRPA member)	5,000
City of Tracy Includes Westside ID and Banta-Carbona ID	29,333
Tranquility ID	13,800
Tranquility PUD	70
Tri-Valley Water District	1,142
Tulare County	5,308
Tulare Lake Basin WSD	88,922
West Stanislaus ID ~~(PWRPA member)~~	50,000
Westlands WD ~~(PWRPA member)~~ Includes partial assignments ~~Mercy Springs WD, Centinella WD, Widren WD, and Broadview WD, Oro Loma WD~~	1,150,000

Princeton-Cordora-Glenn ID ~~(PWRPA member)~~	
Provident ID ~~(PWPRA member)~~	
Reclamation District 108 ~~(PWRPA member)~~	

*** Table appended to conserve space. The remainder of Table 1 remains unchanged.*

Section 3.1.1 – Non-Friant Contractors, National Wildlife Refuges: Page 15, the title and text has been revised:

~~**National Wildlife Refuges**~~

- ~~National Wildlife Refuges~~

CVPIA Refuges and Wildlife Areas

- National Wildlife Refuges
- State Wildlife Areas

Section 3.1.1 – Non-Friant Contractors, Grasslands Water District: Page 22, the following text has been revised:

Grasslands Water District

The Grasslands Water District (GWD) is a California Water District formed under Section 34000 of the State Water Code that was established to received and distribute CVP water. GWD is approximately 51,537 acres in size with the majority of this land in wetland habitat, to which the district delivers CVP water. GWD's primary function is the delivery of water to landowners within its boundaries. The canal system for carrying out this task is approximately 110 miles in length and is operated and maintained by GWD. The area within GWD contains approximately 165 separate ownerships, most of which are hunting or duck clubs. Perpetual easements have been purchased by the USFWS to help preserve wetland-dependant migratory bird habitat on approximately 31,000 acres serviced by GWD. GWD receive its water in the form of Level 2 and Level 4 supplies and provides water to lands within the Grasslands Resource Conservation District.

Section 3.1.1 – Non-Friant Contractors, National Wildlife Refuges: Page 35, the following text has been revised:

CVPIA ~~**National Wildlife**~~ **Refuges and Wildlife Areas**

There are several federal refuges and state wildlife areas located in areas that normally receive CVPIA Level 2 and Level 4 water supplies, and may be able to receive recaptured WY 2013-2017 recaptured flows. The~~se~~ federal refuges are ~~those~~ located in the San Joaquin Valley and are served by the DMC or the San Luis Unit. The refuges typically contain a mixture of heavily managed waterfowl habitat, vernal pools, grasslands, floodplain, irrigated pasture land, and permanent or seasonal wetlands. The refuges that may be able to take advantage of the opportunity to obtain recaptured water through the mechanisms of delivery, transfer, or exchange include the East Bear Creek Unit, Merced National Wildlife Refuge, San Joaquin National Wildlife Refuge, Pixley National Wildlife Refuge, Kern National Wildlife Refuge, ~~Salt Slough Unit,~~ San Luis Unit, Freitias Unit, West Bear Creek Unit, and the Kesterson Unit. The state wildlife areas work to supply suitable habitat for the preservation of game and non-game plants and animals, protect surrounding agricultural lands from depredating waterfowl by providing feeding and resting areas, and furnish access to public lands for hunting and fishing. State wildlife areas that could take advantage of the opportunity to obtain recaptured SJRRP flows include Los Banos Wildlife Area, Volta Wildlife Area, North Grasslands Wildlife Area – China Island Unit, North Grasslands Wildlife Area – Salt Slough Unit, and Mendota Wildlife Area

3.1.2.2 – Water Resources, Environmental Consequences, Proposed Action: Page 56, first paragraph is revised as follows:

The Proposed Action would provide recirculated water for the Friant Division long-term contractors from SLR and provide a mechanism for transfers and exchanges between Friant contractors and to SOD contractors and MWD. The recirculation of recaptured Interim and Restoration flows will not increase ~~deliveries~~ contract totals to any water district. All water delivered, transferred, or exchanged shall remain within existing contract totals for those districts, each of which had previous contract amounts. Further, the Proposed Action is this EA does not exceed those existing contract amounts. Further, the Proposed Action is strictly limited to Interim and Restoration flows that are recaptured and stored for WY 2013-2017. Therefore, this action is temporary and short-term in nature and not intended to extend beyond WY 2017.

Section 5 List of Preparers and Reviewers

Mario Manzo, Project Manager, San Joaquin River Restoration Program
Michelle Banonis, Natural Resources Specialist, San Joaquin River Restoration Program

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