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## TRINITY COUNTY

Board of Supervisors

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December 7, 2004

Joe Thompson  
Bureau of Reclamation  
South-Central California Area Office  
1243 N Street  
Fresno, CA 93721

RE: Comments on Draft Long-term Renewal of CVP Contracts for the Delta-Mendota Canal Unit EA/FONSI

Dear Mr. Thompson:

The County of Trinity (County) has had the opportunity to review the Draft Environmental Assessment/Finding of No Significant Impact (DEA/FONSI), by the Bureau of Reclamation (Bureau), concerning long-term contract renewals for the Delta-Mendota Canal Unit (DMC). We recommend that Reclamation withdraw the proposed EA and not sign a FONSI for this project. The DMC contract renewals should be addressed under NEPA as part of the Environmental Impact Statement for the San Luis Unit (SLU) water contract renewals because some of the DMC contract water districts such as Westlands are located partially in the San Luis Unit, and because some of the proposed DMC contract renewals are to districts which are proposed for purchase by San Luis Unit contractors. In addition, many of the drainage issues pertinent to the DMC contractors are also relevant to the San Luis Unit and should be included in conjunction with an analysis of the San Luis Unit water contract renewals and associated drainage issues.

The document is not a true disclosure document under NEPA because of the narrowed purpose and need, limited alternative development, and geographically narrowed impact analysis area. The document and proposed contracts is very deficient in numerous issue areas identified in the attached specific comments. The proposed long-term water contracts do not meet the intent of the Central Valley Project Improvement Act, nor statutory language regarding the priority of meeting Trinity River fishery and water contract obligations to Trinity County, Humboldt County and the Hoopa Valley and Yurok Tribes. The limited alternatives and scope of analysis preclude consideration of the increased cost of power to the Trinity Public Utilities District and related environmental justice issues in the Trinity River basin. The document does not disclose the impact of, nor solve the long-term drainage issues in the DMC project area and the San Luis unit. Renewal of the DMC and SLU water contracts is premature prior to

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completion of the San Luis Drainage Feature Re-Evaluation (SLDFRE) EIS and completion of Endangered Species Act consultation.

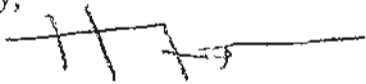
The EA and proposed FONSI are inadequate under NEPA, as the proposed project would clearly cause a significant impact on the environment, but the document does not disclose the significant impacts to the human environment. The EA/FONSI should be withdrawn and an EIS should be prepared, in conjunction with the renewal of long-term water contracts for the San Luis Unit.

Our specific comments on the EA/FONSI are attached. If you have any questions regarding our comments, please contact Principal Planner Tom Stokely at 530-628-5949.

Sincerely,

TRINITY COUNTY  
BOARD OF SUPERVISORS

By,



Howard R. Freeman, Chairman

cc: Rose Owens, Chairman Trinity County Public Utilities District  
Jill Geist, Chairman Humboldt County Board of Supervisors  
Clifford Lyle Marshall, Chairman Hoopa Valley Tribal Council  
Howard McConnell, Chairman Yurok Tribal Council

**TRINITY COUNTY'S SPECIFIC COMMENTS ON THE ENVIRONMENTAL ASSESSMENT AND PROPOSED FINDING OF NO SIGNIFICANT IMPACT FOR LONG-TERM RENEWAL OF THE DELTA-MENDOTA CANAL UNIT WATER CONTRACTS**

**Purpose and Need Must Be Revised to Include San Luis Unit and (San Luis Drainage Feature Re-evaluation) SLDFRE**

The Purpose and Need portion of the DMC DEA/FONSI unlawfully narrowly defines the scope of analysis and the range of alternatives possible. The analysis failed to take in account the larger scope of the project and the ramifications of agriculture on the west side of the valley to areas of origin such as the Trinity River basin and the larger CVP system. An EIS is required and it should be included in the analysis for renewal of long-term water contracts for the San Luis Unit of the CVP (SLU).

Specifically, the DEA/FONSI states that the purpose of this document is *"to renew the DMC Unit long-term water service contracts, consistent with Reclamation authority and all applicable state and federal laws"* (pg. 1-3). According to this statement, the renewal of the twenty long-term DMC contracts has already been decided with no other options taken into consideration. The No Action Alternative is the same as the Preferred Alternative, thus no change is shown for all of the narrow range of alternatives considered.

The proposed scope and alternatives are too narrow, thus unlawfully limiting alternatives considered for use of 500,000 AF of CVP water and associated lands in the DMC Unit of the CVP. Under the No Action Alternative and Purpose and Need, renewal of all of the Long-term contracts is the only option, and has allegedly already been accomplished. There should be other alternatives considered, and automatic renewal should not be the only choice available by the Bureau in dealing with issues related to the DMC contracts and the CVP State Water Permits held by Reclamation. Issues such as land retirement, dedication of water to public trust resources such as the Trinity River, and reconsideration of continued use of the Grasslands Bypass Project as it relates to creation of drainage problems as a result of CVP water deliveries all need to be disclosed and analyzed in a NEPA document, but are not in this EA. An EIS is required

The No Action Alternative should be the CVPIA Programmatic EIS No Action Alternative, not the CVPIA Programmatic EIS Action Alternative. The impacts of this project cannot be disclosed under the alternatives being considered because no difference exists between the No Action and Proposed Action alternatives. An EIS with a reasonable range of alternatives should be prepared.

The contracts being considered for renewal are integrally related to renewal of long-term water contracts for the San Luis Unit. Four water districts are included in the DMC unit, yet are not analyzed here- Westlands Water District, Panoche Water District, Pacheco Water District and San Luis Water District. Additionally, water from several of the DMC water district contracts being analyzed in the EA- Centinella, Widren and Broadview and Mercy Springs are being proposed for transfer to Westlands W.D., Pajaro Valley W.D. and Santa Clara Valley W.D. However, the limited scope of the EA automatically

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precludes evaluation and discussion of the impacts of increased water supply reliability to those other areas. In particular, due to the drainage issues concurrent in the DMC unit and the San Luis Unit (SLU), the renewal of contracts for both CVP units should be considered in one NEPA document- an EIS. The EA should be withdrawn and an EIS prepared.

Since the DMC and SLU long-term contract renewals will be significantly affected by completion of the San Luis Drainage Feature Re-Evaluation (SLDFRE) EIS, both sets of long-term contract renewals should be delayed until a ROD has been approved for the SLDFRE EIS, as well as appropriate compliance with the Endangered Species Act, including reinitiation of consultation for the Grasslands Bypass Project and completion of the Biological Opinion for the DMC and SLU long term water contract renewals. This NEPA document and the EIS for the SLU contracts are premature.

Contract Language is Inadequate to Comply with Existing Laws

Pursuant to an unanswered April 8, 2004 letter sent by the Trinity County Board of Supervisors to Mid-Pacific Regional Manager, Kirk Rodgers (attached), the Board of Supervisors has requested and continues to request specific language in all proposed CVP long-term water contracts as follows:

*"All water deliveries pursuant to this contract are limited by and subordinate to the Secretary's fiduciary duty, referred to in section 3406(b)(23) of the Central Valley Project Improvement Act, to meet instream fishery flow requirements of the Trinity River as specified in the Trinity River Flow Evaluation Final Report (June 1999).*

*All water deliveries pursuant to this contract are limited by and subordinate to terms and conditions 9 and 10 in the Bureau of Reclamation's Trinity River water permits (Permit No.'s 11967, 11968, 11969, 11970, 11971, 11972, and 11973", which require the following:*  
*"9. Permittee shall release sufficient water from Trinity and/or Lewiston Reservoirs into the Trinity River so that not less than an annual quantity of 50,000 acre-feet will be available for the beneficial use of Humboldt County and other downstream users." And*  
*"10. This permit shall be subject to the prior rights of the county in which the water sought to be appropriated originates to use such water as may be necessary for the development of the county, as provided in Section 10505 of the Water Code of California."*

Failure to include the above language will not subordinate DMC long-term water contracts to all applicable state and federal laws, which would be a violation of the Purpose of Need of this EA and project. We again request that the above language be included in this or any other related NEPA document and the proposed long-term water contracts, and our April 8, 2004 letter is hereby incorporated by reference into these EA comments. The clear Congressional and legal justification for inclusion of our proposed contract language is included in our April 8, 2004 letter, as well as an administrative appeal of this issue from the Hoopa Valley Tribe.

The EA does not include, as an appendix, the Water Needs Analysis for the DMC Unit of the CVP. This should be public information. The proposed action cannot be justified without full disclosure of this document. We hereby request that the Water Needs Assessment be included in any NEPA document for this proposed action, and that the Water Needs Assessment be analyzed and justified, rather than just blindly accepted as adequate.

The proposed contracts and EA do not include clear language about the ability to repay the debts of the CVP. Since the purpose and need includes all applicable state and federal laws and regulations, a revised NEPA document should include such an analysis and a mechanism to ensure CVP repayment through contract revisions.

The proposed long-term water contracts and the NEPA document should also include a specific reference to the Biological Opinions by USFWS and NOAA Fisheries for this project and related projects such as the CVP OCAP, the Grasslands Bypass Project, the Trinity River Record of Decision, etc. In order to obtain full disclosure of the impacts of this project (and to avoid deferred mitigation), the Biological Opinion(s) should be completed prior to release of the draft NEPA document.

Appropriate Water Conservation Plans, as required by CVPIA, must be filed and approved for all CVP contractors. Several of the water districts included in the proposed contract renewals do not have such plans completed and approved. This NEPA document and process is incomplete until said Districts comply with the legal requirements for WCP's. The proposed long-term water contract renewals and this NEPA document are premature.

#### **Relationship and Impacts to the Trinity River Not Adequately Disclosed**

The relationship between the Trinity River and the irrigation of the San Luis Unit and Delta Mendota Canal Unit is strong, albeit conveniently forgotten by many. The Trinity River Division of the CVP is integrally linked to development of CVP water to contracts south of the Delta, as shown in Trinity County's Exhibit to the 1998 Bay-Delta Water Rights Hearings. <see <http://www.snowcrest.net/tcrd/exhibits.htm>>. Exhibit 17 shows the 1959 expansion of the CVP service area associated with the Bureau of Reclamation's 7 state water permits to store and divert Trinity River water which included most of Westlands and particularly the soils with highest selenium concentrations. The expanded CVP service area also includes many of the areas that Westlands has identified as having high groundwater that are desirable for land retirement, including Broadview Water District (see map on page 2 of "*Why Land Retirement Makes Sense*" Westlands Water District, 2002 <<http://westlandswater.org/drainage/drainage1.htm>>).

Both the House (H.R. Rep. No. 602, 84<sup>th</sup> Cong., 1<sup>st</sup> sess. 4-5 (1955) and Senate committee reports (S. Rep. No. 1154, 84 Cong., 1<sup>st</sup> Sess. 5 (1955) for the 1955 Trinity River Act (P.L. 84-386) identify the western San Joaquin Valley as one of the three areas targeted to receive Trinity River water. Westlands signed its contract for CVP water in 1963, the same year that the late President John F. Kennedy dedicated the Trinity River Division (TRD) of the CVP. Westlands actively supported passage of the Trinity River Act of 1955 because it knew that it would receive the lion's share of the TRD's water. Now that it is recognized that these lands should not have been irrigated, the problem areas should be retired with at least consideration that the water to return to the county of origin, Trinity Lake and the Trinity River. A land retirement alternative with at least a portion of the water being returned to the Trinity River only makes sense. This will also help fulfill the Interior Secretary's trust obligations to the Hoopa Valley and Yurok tribes, as well as meet the fishery restoration goals for the Trinity River identified in the Trinity River Basin Fish and Wildlife Management Act of 1984, as amended and the Central Valley Project Improvement Act.

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Water and power from the Trinity River is used, in part, to fulfill DMC contract obligations. The Trinity River Division produces about 15% of the CVP water supply, and 25% to 30% of the CVP power supply. However, no mention is made of the additional commitment of Trinity River water being made to increase DMC contract rate of deliveries through approval of the proposed 25-year contracts.

**Environmental Study Limits are Arbitrarily Narrow and Therefore Don't Disclose All Impacts**

The limited geographic scope of the analysis is arbitrarily determined, and serves to preclude full disclosure of the human impacts from renewal of 500,000 AF of CVP water contracts for at least 25 years. This allows ignoring impacts to not only the areas of origin such as the Trinity and Sacramento rivers, but also to some of the areas intended for the water.

The DEA fails to adequately analyze land retirement and its effect on water needs, use, drainage, water transfers and assignments, and their consequent environmental effects. Currently there are plans in place or in advanced development to retire lands for irrigation in all or parts of Broadview, Widren, Centinella and Mercy Springs districts and other areas, and to transfer/assign the associated DMC Unit water to Westlands WD. Westland also has an agreement with Santa Clara and Pajaro WDs to allocate water derived from the DMC Unit. Some of these shifts take water outside the DMC Unit, outside Reclamation's overly narrow study area, and out of San Joaquin Valley. Westlands WD also has drainage problems, including selenium, boron, and salt contamination, and is guaranteed "drainage service" under the San Luis Unit authorizing act. Reclamation has failed to properly and adequately disclose and analyze the effects of land retirement on water needs by DMC contractors and the environmental effects of shifting water freed up by land retirement. If this water were applied in other DMC areas or in Westlands or other SLU contractor area, for example, how would this impact drainage amounts and contamination, disposal of the drainage, the functioning of the San Luis Drainage Feature plan and project, and affected environmental resources? The DEA fails to take the requisite hard look at these consequences of the action.

One third to one half of Westlands is currently considered to have significant drainage problems that will require land retirement or other solutions. Santa Clara and Pajaro WD's include areas with urban growth potential. The EA is woefully inadequate in disclosing the relationship to those other areas and their already significant environmental impacts from delivery of CVP water.

**An Inadequate Scope Results in Alternatives That Are Inadequate for Meaningful Analysis**

The range of alternatives presented in the DMC DEA/FONSI is deficient as the "No Action" alternative is improperly labeled and the other three alternatives are so close to one another, that they really are not different alternatives at all. Since the alternatives are minor, more alternatives should have been generated to show a reasonable range of alternatives to be used in making decisions for future use of CVP water. None of the alternatives looked at not renewing the contracts, reducing delivery of CVP water, CVPIA mandated fishery restoration flows, or land retirement. Due to legal shortcomings of the alternatives presented, a full EIS should be prepared.

The DEA/FONSI states specifically of page 2-13 that, "The first alternative, the No-Action Alternative, consists of renewing existing water service contracts as described by the Preferred Alternative of the CVPIA PEIS." The use of the term "No-Action" for this alternative is incorrect. A no-action alternative means exactly that, if there was no action, then the contracts would expire, and thus the No Action Alternative should have been the environmental effects of not continuing delivery of CVP water to the DMC Unit compared to renewing the contracts. The presumption that the no action alternative will renew and deliver water to contractors at full levels due to price tiering is not legally permissible. As a "status quo" alternative, it is not viable, and must be revised to demonstrate a true "No-Action" alternative under NEPA.

Another point under the "No-Action" alternative of the DMC DEA/FONSI is the water conservation guidelines (pg. 2-18). According to this section, the requirements are specifically stated as, "Reclamation policy has required contractors under continuing long-term water serviced contracts to comply with the Water Conservation Guidelines developed under the CVPIA and to submit water conservation plans." Though within this DEA/FONSI, it is specifically noted on page 3-24 & 25 that Tranquility ID, which irrigates 6,436 acres does not have a water conservation plan which is required by the CVPIA §3405(e), though the Bureau is proposing to extend their use of CVP water with a long-term contract. This may seem like an oversight of the Bureau, though it still is a violation of the CVPIA, and there needs to be full disclosure and rectification within the proposed contracts and an EIS before contracts renewals can precede.

We question the Bureau's rationale as to why a "Nonrenewal Alternative" was considered infeasible (pg. 2-22). It is a discretionary responsibility of the Secretary to make the decision to extend contracts, and it is not the Bureau's responsibility under federal law to automatically renew such contracts. According to Chapter 43 USC §485h, the renewal of any water delivery contract is stipulated that "the Secretary is authorized to enter into contracts to furnish water for municipal water supply or miscellaneous purposes." (43 USC §485h(c)) This authorization is not equivalent to a requirement that contracts be entered into or be renewed into the future perpetually. Also under this same chapter of the USC, "the Secretary, in his discretion, may enter into either short- or long-term contracts to furnish water for irrigation purposes." (43 USC §485h (e)) This section stipulates that the issue and renewal of contracts is an option, not a given right. Therefore, the Bureau is erroneous in its assessment for the rejection of a "Nonrenewal Alternative" under federal law, and should reconsider this type of alternative in an EIS.

#### Specific Issue Area Comments

##### **Power Analysis**

The lack of a clear distinction between the No Action and Preferred Alternative results in a failure to disclose impacts to CVP power customers, including Trinity Public Utilities District (TPUD). A logical assumption would be a No Action Alternative average of 55% of the total contracted amount of water, as compared to long-term plans to increase average deliveries to 70% or greater, as identified in the CALFED ROD and other documents such as the CVPIA PEIS and the CVP OCAP. The NEPA document should disclose the change in CVP Project Power use and CVP First Preference Customer costs, specifically including costs to TPUD.

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## Environmental Justice

Trinity County is a disadvantaged, low-income county, as described in State guidelines for various grant programs. Our poverty levels are similar to the City of Oakland, and well below state averages for both income and children covered by the school lunch program. Any increase in costs to TPUD should also evaluate Environmental Justice issues as they relate to Trinity County's low-income population and electricity costs.

## Indian Trust Assets

The DEA/FONSI failed to mention that there is a Federal Indian Trust responsibility associated with CVP water. Due to the narrowed scope of the DEA/FONSI, the Bureau failed to look beyond the DMC area and the resources imported into the area. This trust asset is related to the Trinity River, which is diverted from its streambed via trans-mountain diversion facilities, and into the CVP. The Hoopa Valley and Yurok tribes, located along the Trinity River and Lower Klamath River, have a long-standing right to the water of the Trinity River for the continued existence of the river's fisheries. Since time immemorial, they have subsisted off of fish, particularly salmon that swim upstream to spawn. The fishery was "not much less necessary to the existence of the Indians than the atmosphere they breathed." (*United States v. Winans*, 198 U.S. 371, 381 (1905)) Congress has enacted a number of laws intended to restore the Trinity River fishery, including: the 1955 Trinity River Act, the Trinity River Basin Fish and Wildlife Management Act of 1984 (P.L. 98-541, 98 Stat. 2721), the Trinity River Basin Fish and Wildlife Management Reauthorization Act of 1996, (P.L. 104-143, 110 Stat. 1338), and the Central Valley Project Improvement Act under §3406(b)(23) of the CVPIA. The CVPIA § 3406(b)(23) directed the Secretary to determine and, upon concurrence of the Tribe, implement permanent instream fishery flow requirements and operating criteria and procedures for the TRD to restore and maintain the Trinity River fishery. This section also required that the Trinity River Flow Study (TRFS) be done, which was completed in June 1999. In order for the TRFS to be implemented, environmental reviews were completed, and on December 19, 2000 the Trinity River Record of Decision (ROD) was signed by the Secretary of the Interior and the Hoopa Tribe. The ROD required the implementation of habitat improvement actions including instream fishery flow releases from the TRD corresponding with those recommended in the TRFS. The Trinity River EIS was upheld by the 9<sup>th</sup> Circuit of Appeals in *Westlands v. United States* on November 8, 2004 by stating, "nothing remains prohibiting the full implementation of the ROD, including its complete flow plan for the Trinity River". All water deliveries to the CVP are limited by and subordinate to the Secretary's fiduciary duty, referred to in section 3406(b)(23) of the CVPIA, to meet instream fishery flow requirements of the Trinity River as specified in the Trinity River Flow Evaluation Final Report.

## Soils & Geology

Of particular concern, is the impact of the continual irrigation of drainage-impacted soils within the DMC. The DEA/FONSI mentions specifically that the DMC "experiences drainage and salinity problems... as a result of irrigated agriculture in an area with shallow groundwater tables and little or no drainage outlet" (pg. 3-152). The

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DEA/FONSI fails to mention that there was a stipulation to receiving CVP water to the adjacent San Luis Unit contractors (which also includes some DMC contractors) from the beginning of the project. According to the San Luis Act of 1960 (P.L. 86-488) the Secretary of Interior was specifically prohibited from signing long term water contracts for the San Luis Unit (SLU) until the Secretary of the Interior:

*"...has... received satisfactory assurance from the State of California that it will make provision for a master drainage outlet and disposal channel for the San Joaquin Valley, as generally outlined in the California water plan, Bulletin Numbered 3, of the California Department of Water Resources, which will adequately serve, by connection therewith, the drainage system for the San Luis unit or has made provision for constructing the San Luis interceptor drain to the delta designed to meet the drainage requirements of the San Luis unit as generally outlined in the report of the Department of the Interior, entitled 'San Luis Unit, Central Valley Project,' dated December 17, 1956."*

Although the DMC is not specifically part of the SLU; Broadview WD and Widren WD will be transferred to Westlands WD; and Mercy Springs, WD Oro Loma WD, and Eagle Field WD which are part of the Panoche DD are in violation of this law due to no drainage system being put into place to service these areas. Many of the DMC contractors take part in the Grasslands Bypass Project, but due to a limited use period through 2009 and the continual accumulation of pollutants in this system, the drainage into this bypass is only temporary. Due to the artificial narrowing of the scope of the DMC DEA/FONSI, the document neglected to take into account or disclose this particular law, areas outside of the DMC, and Grasslands, and is grounds for either a revision or an EIS.

Within this section, all three alternatives have the same environmental consequences to soils and geology in regards to groundwater and land subsidence. In particular, all three are identical copies of one another, which leads one to assume that the environmental effects were not truly analyzed. The DEA/FONSI states that, "Soils may increase in salinity because salts may concentrate from an insufficient surface water supply for adequate leaching or because of poor quality, pumped groundwater." (pg. 3-154) However, this section fails to mention the continued input of salinity to soils from imported water, and what will happen in the future when they accumulate enough that the soils are no longer productive. Or the question of continually leaching soils of selenium and other contaminants from lands, and their effects on down-slope users. This shows that the scope of the DMC DEA/FONSI is narrow, and should be revised in an EIS that includes the SLU.

## **Groundwater**

Again, drainage of selenium, salts and other contaminants in water is the main concern. The DEA/FONSI specifically states, "Inadequate drainage and accumulating salts have been persistent problems along the west side and in parts of the east side of the San Joaquin River region...irrigation has been with imported water containing salts, resulting in rising groundwater and increasing soil salinity." (pg. 3-158) Yet, if referred back to the

San Luis Act of 1960 (P.L. 86-488), drainage service is a condition of receiving CVP water, though the Bureau neglected that fact and instead focused upon impacts due to groundwater pumping. There was no discussion of past and current problems such as the Kesterson Wildlife Refuge disaster, long term alternatives to the Grasslands Bypass project, groundwater leaching into the SJR which is already impaired, and is in regular violation of water quality standards, and is classified an Impaired Water Body for salt, selenium and other pollutants under the Clean Water Act §303(d). The lack of detailed analysis is due to the narrowed scope that was used for the analysis of environmental consequences, and should be revised.

The NEPA document should disclose and discuss proposed contract language regarding drainage.

#### **A Land Retirement Alternative- return water to environment**

The NEPA document should expand on Appendix A of the Trinity River Fishery Restoration Supplemental EIR, which contains an analysis of how much water could be saved by retirement of drainage lands in the project area for the SLDFRE. The analysis showed that land retirement could save 676,441 AF in total CVP contracted water, which would have been an actual reduction in demand of 454,519 AF in 2002. While the Trinity land retirement analysis only a portion of the lands within the DMC Unit. given that other drainage problems exist in the DMC area, additional lands could be considered for permanent land retirement and dedication of water to the environment, with resultant benefits from reduced drainage water, reduced CVP project power usage, increased ability to meet various water quality standards, etc.

#### **Additional Considerations for Land Retirement**

The EIS should include the following items:

1. A discussion of how the promised increase of 15% (or greater from 55% to 70%) in water supply reliability to "CVP south-of-delta agricultural service contractors" in the CALFED Record of Decision (page 41) will affect the total volumes of drainage created (including selenium loading) and need for drainage service throughout the entire DMC and San Luis units where selenium exists in soils and groundwater and is subject to leaching from irrigation practices. This should not be limited just to areas with shallow groundwater, but also to areas where there is deep percolation of contaminated drainage water into the confined aquifer.
2. Maps showing the soil (not shallow groundwater) concentrations in the DMC Unit and the San Luis Unit of selenium, chromium, boron and molybdenum. Existing maps for the SLDFRE showing the concentrations of these elements in shallow groundwater only does not give the entire picture.
3. Maps and a discussion of how long-term contract renewals for the SLU and DMC will affect elevated groundwater concentrations of salts, selenium, chromium, boron, and molybdenum. The analysis should include an evaluation and cost analysis of the leaching of those and other harmful elements into the deep aquifer underlying the Corcoran Clay Barrier, as well as the semi-confined aquifer in the western portion of the San Luis Unit.
4. Analysis of the biological and water quality effects of proposed discharges to the San Joaquin River from implementation of the proposed project at increased contract rate of delivery for the affected water contracts in the future, as opposed to a realistic No Action Alternative (55%).
5. An analysis, discussion and mitigation measures to avoid harming waterfowl covered by the Migratory Bird Treaty Act and other relevant laws including, but not limited to the California Fish and Game Code, the Clean Water Act and the Porter Cologne Act.

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