DELTA STEWARDSHIP COUNCIL
A California State Agency

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December 1, 2014

Mr. Brad Hubbard
U.S. Bureau of Reclamation
Planning Division
2800 Cottage Way
MP-410
Sacramento, CA 95825

RE: Proposed Long-Term Water Transfers EIS/R

Dear Mr. Hubbard:

The Delta Stewardship Council (Council) welcomes the opportunity to comment on the Long-Term Water Transfers Environmental Impact Statement/Environmental Impact Report (EIS/R) evaluating the potential impacts of alternatives to help address the Central Valley Project (CVP) water supply shortages (Project), being prepared jointly by the U.S. Bureau of Reclamation (Reclamation) and the San Luis & Delta-Mendota Water Authority (SLDMWA). The Council is an independent California state agency tasked with furthering California's coequal goals for the Delta through the implementation of the Delta Plan, a comprehensive, long-term Delta management plan. As defined in the California Water Code section 85054, the State's coequal goals include providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The Delta Plan highlights that north-to-south water transfers across the Delta can be an important tool for improving water supply reliability and includes several recommendations to identify and enhance opportunities for water transfers in furtherance of the coequal goals. The Plan also calls for improving water transfer procedures. 1

Even as the Council and Delta Plan support water transfers, they are only one important component for increasing water supply reliability and must be part of a larger suite of actions and projects. The Council has defined what the achievement of a more reliable water supply for California means:

(a) Better matching the state's demands for reasonable and beneficial uses of water to the available water supply. This will be done by promoting, improving, investing in, and implementing projects and programs that improve the resiliency of the state's water systems, increase water efficiency and conservation, increase water recycling and use of advanced water technologies, improve groundwater management, expand storage,

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

– CA Water Code §85054

and improve Delta conveyance and operations. The evaluation of progress toward improving reliability will take into account the inherent variability in water demands and supplies across California;

(b) Regions that use water from the Delta watershed will reduce their reliance on this water for reasonable and beneficial uses, and improve regional self-reliance, consistent with existing water rights and the State's area-of-origin statutes and Reasonable Use and Public Trust Doctrines. This will be done by improving, investing in, and implementing local and regional projects and programs that increase water conservation and efficiency, increase water recycling and use of advanced water technologies, expand storage, improve groundwater management, and enhance regional coordination of local and regional water supply development efforts;

(c) Water exported from the Delta will more closely match water supplies available to be exported, based on water year type and consistent with the coequal goal of protecting, restoring, and enhancing the Delta ecosystem. This will be done by improving conveyance in the Delta and expanding groundwater and surface storage both north and south of the Delta to optimize diversions in wet years when more water is available and conflicts with the ecosystem are less likely, and limit diversions in dry years when conflicts with the ecosystem are more likely. Delta water that is stored in wet years will be available for water users during dry years, when the limited amount of available water must remain in the Delta, making water deliveries more predictable and reliable. In addition, these improvements will decrease the vulnerability of Delta water supplies to disruption by natural disasters, such as, earthquakes, floods, and levee failures.

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The 2009 legislation that created the Council also provided the Council with regulatory authority over certain types of activities undertaken by local or state agencies, called covered actions, and requires that covered actions be consistent with the Delta Plan as cited in Water Code section 85225 *"A state or local public agency that proposed to undertake a covered action, prior to initiating the implementation of that covered action, shall prepare a written certification of consistency with detailed findings as to whether the covered action is consistent with the Delta Plan and shall submit that certification to the council."* The Council developed new regulations governing covered actions, which became effective on September 1, 2013, and included them in the Delta Plan. The water transfers that are identified in EIS/R may be considered covered actions. Typically the lead CEQA agency determines if a proposed activity is a covered action and would then file a certification of consistency with the Council. The Council strongly encourages all state and local agencies who propose to approve, fund, or

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carry out an action in the Delta, consult with the Council as early in the project's development as possible, to ensure the project is consistent with the Delta Plan. 2

The Council submits the following comments on the EIS/R:

- **The Council suggests that SLDMWA, on behalf of its participating member agencies as well as the Contra Costa Water District (CCWD) and East Bay Municipal Utility District (EBMUD), file a certification of consistency with the Council on the program of water transfers covered by this EIS/R and indicate in the EIS/R that these transfers are covered actions.** Water Code section 85057.5(a) defines a covered action as:

  …a plan, program, or project as defined pursuant to Section 21065 of the Public Resources Code that meets all of the following conditions:

  1. Will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh;
  2. Will be carried out, approved, or funded by the state or a local public agency;
  3. Is covered by one or more provisions of the Delta Plan;
  4. Will have a significant impact on the achievement of one or both of the coequal goals or the implementation of government-sponsored flood control programs to reduce risks to people, property, and state interests in the Delta. 3

  It appears that water transfers identified in the EIS/R meet the definition of a covered action. The preparation of the EIS/R indicates the Project meets the definition of a plan, program, or project as defined pursuant to Section 21065 of the Public Resources Code, the water transfers will take place at least partially in the Delta, will be undertaken by the participating agencies, will have a significant beneficial impact on water supply reliability, and implicate the following two regulatory policies that cover proposed water transfers through the Delta:

  WR P1 (23 CCR section 5003) - Reduce Reliance on the Delta through Improved Regional Water Self-Reliance. This policy covers a proposed action to export water from, transfer water through, or use water in the Delta

  WR P2 (23 CCR section 5004) – Transparency in Water Contracting. This policy covers:

  1. With regard to water from the State Water Project, a proposed action to enter into or amend a water supply or water transfer contract subject to California Department of Water Resources Guidelines 03-09 and/or 03-10 (each dated July 3, 2003), which are attached as Appendix 2A; and

2. With regard to water from the Central Valley Project, a proposed action to enter into or amend a water supply or water transfer contract subject to section 226 of P.L. 97-293, as amended or section 3405(a)(2)(B) of the Central Valley Project Improvement Act, Title XXXIV of Public Law 102-575, as amended, which are attached as Appendix 2B, and Rules and Regulations promulgated by the Secretary of the Interior to implement these laws.

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- **The EIS/R should acknowledge the Delta Plan and its regulatory policies.** As previously discussed, the Council's regulations apply to covered actions where water suppliers export water from, transfer water through, or use water in the Delta; and covered actions that include entering into or amending water supply or water transfer contracts. Therefore, the Council, and its role with respect to covered actions, should be included in the appropriate sections of the EIS/R.

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- **The EIS/R "Purpose and Need/Project Objectives" section of the EIS/R should include a quantitative assessment of the need for water transfers to help identify other possible reasonable alternatives.** CEQA requires the project objectives describe the underlying need for and purpose of the project. The EIS/R states the Project's objectives as:

    - Develop supplemental water supply for member agencies during times of CVP shortages to meet existing demands.
    - Meet the need of member agencies for a water supply that is immediately implementable and flexible and can respond to changes in hydrologic conditions and CVP allocations.

    However the EIS/R does not state what the water supply demand is for the participating agencies, nor does it state if that demand is changing over time, rather it merely identifies a list of potential buyers without any indication of the demands of those buyers. The EIS/R does describe how the member agencies' water supply from the CVP is variable, even with the use of water transfers. Table 1-1 indicates that the average CVP water supply allocation for the 2000 to 2014 period was 54% of contracted amounts for irrigation use and 83% of contracted amounts for municipal and industrial uses. Irrigation allocation was a full 100% only once during this period. Table 1-3 indicates that water transfers to SLDMWA member agencies occurred in 60% of the years between 2000 and 2014 though the amounts varied from several thousand acre-feet to over 169,000 acre-feet in 2009.

    Are the participating agencies' demands variable and able to adjust to a decrease in supply? Then potential alternatives to reduce demand in lieu of increasing supply

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should also be considered. Or are the participating agencies' water supply demands constrained only by their contracts and the ability of the federal and state projects to deliver water? Understanding the demand on the Delta as a water supply is important. It is California's policy to reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency. Each region that depends on water from the Delta watershed shall improve its regional self-reliance for water through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts (Water Code section 85021). 5

- **The EIS/R does not analyze the impacts of water transfers during periods when the state and federal water projects are unable to meet existing Delta water quality objectives.** In January 2014, Reclamation and the Department of Water Resources jointly filed a Temporary Urgency Change Petition (TUCP) for their water right permits and licenses for the state and federal water projects in response to extreme drought conditions in California. They requested temporary modification of requirements included in the State Water Resources Control Board's Revised Decision 1641; specifically the TUCP requested modifications to the requirement to meet the Delta Outflow Objective. The EIS/R does not analyze the potential impacts of water transfers on Water Quality (Chapter 3.2), Aquatic Resources (Chapter 3.7), Terrestrial Resources (Chapter 3.8), or any other potential Delta impact under these extreme conditions. Given that the current drought may continue into the period of time covered by the EIS/R and is likely to be a reoccurring event, the document should include an analysis of the impacts under extreme hydrologic conditions. 6

If you have any questions or would like to discuss the comments presented here, please feel free to contact me or my staff, Kevan Samsam at kevan.samsam@deltacouncil.ca.gov or (916) 445-5011. We look forward to engaging with Reclamation and its local partnering agencies on opportunities to further California's coequal goals and provide a more reliable water supply.

Sincerely,

Cindy Messer

Cindy Messer
Deputy Executive Officer

Cc: Frances Mizuno

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CALIFORNIA Water Boards

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State Water Resources Control Board

December 1, 2014

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COMMENTS ON THE LONG-TERM TRANSFERS DRAFT ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT

The State Water Resources Control Board (State Water Board) staff appreciates the opportunity to review and provide comments on the Long-Term Transfers Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR). Comments on the Draft EIS/EIR are due on December 1, 2014. State Water Board staff conducted an initial review of the Draft EIS/EIR. Upon further review, the State Water Board may have additional comments.

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State Water Board staff's comments are focused on groundwater issues associated with this project given the significant emphasis of the proposed project on groundwater substitution transfers and the recent California groundwater legislation that the State Water Board will have a role in implementing, specifically the Sustainable Groundwater Management Act of 2014 (SGMA). The SGMA requires development of local groundwater sustainability agencies and plans in certain basins, including most of the region covered by the proposed project, and requires sustainable groundwater management within 20 years of plan adoption. The legislation also provides the State Water Board direct authority to intervene when a groundwater basin is not sustainably managed.

Numerous water interests have long-relied on water transfers from the Sacramento Valley to meet their water supply demands. These transfers are in part made possible by groundwater substitution, and are important to the agricultural economy and municipal water supply needs of California. These transfers can be a critical component of long-term supply strategies for some water users. However, over-reliance on groundwater substitution can result in serious adverse impacts where the groundwater pumping occurs, and can result in depletion of groundwater resources, ecosystem impacts, subsidence, and water quality degradation, specifically during times of drought.

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The Draft EIS/EIR finds that potentially significant impacts to groundwater resources could occur, but that with the proposed monitoring and mitigation program in place, these impacts would be less than significant. However, it is not clear whether these determinations are supportable. Specifically, the Draft EIR/EIS appears to underestimate the impact of the proposed project on local groundwater, does not appear to adequately account for the effect of

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current drought conditions on groundwater availability, and reaches conclusions that do not appear to be supported by the available data. Specific comments are provided below. 3 con't

Comment #1: The Sustainable Groundwater Management Act

As mentioned above, California State Assembly Bill 1739 and Senate Bills 1168 and 1319 were passed by the Legislature in August 2014, and were signed into law by Governor Brown in September 2014. The package of bills constitutes the SGMA of 2014. The SGMA provides a framework for improved groundwater management by local authorities, and becomes effective January 1, 2015. The legislation requires that local agencies sustainably manage groundwater basins over a long-term planning horizon, and allows for state intervention by the State Water Board when additional efforts are needed to protect groundwater resources. The SGMA defines sustainable groundwater management, provides local agencies with tools and authorities to manage basins, and sets a timeline for implementation. Local groundwater sustainability agencies (GSAs) must be formed by June 2017, and groundwater sustainability plans (GSPs) must be completed for basins with the greatest need by 2022. Basins that must adopt a GSP must achieve sustainability within 20 years of plan adoption. 4

Sections 3.1.1.2.2, 3.2.1.2.2, 3.3.1.2, and 3.8.1.2 of the Draft EIS/EIR should be updated to include a discussion of the SGMA, which will be implemented during the 10-year timeframe (2015-2024) of the proposed project. The SGMA will affect the proposed buyer and seller regions in regard to their groundwater management, land use, water demands, and water availability. The SGMA also requires that GSAs, address groundwater quality issues and possible effects on groundwater dependent ecosystems (GDEs) caused by groundwater extraction. The Draft EIS/EIR should also be updated to address the management programs and regulatory requirements established under the SGMA, specifically new groundwater data that will be made available as part of a GSP that could be integrated into the proposed monitoring and mitigation program. The Draft EIS/EIR should also be updated to require that any transfers follow requirements (monitoring, reporting, and if necessary limits on pumping) required by a GSA or GSP.

Comment #2: Data and Modeling Issues

The Draft EIS/EIR indicates that the Sacramento Valley is “flexible and can respond to changes in hydrologic conditions and Central Valley Project (CVP) allocations (Executive Summary section 1.2)” as opposed to the southern Central Valley where there is a dire need for water. This conclusion appears to be based on an analysis of existing data primarily consisting of Department of Water Resources (DWR) hydrographs, supply availability data provided from potential sellers, and modeling results from the SACFEM2013 model. The State Water Board has the following comments regarding this assessment. 5

1. The analysis should include recent data showing significant groundwater depletions in the Sacramento Valley. There are several data sets and reports available from DWR that should be included in the analysis of groundwater availability, but are not. DWR has published a drought report (DWR, April 30th, 2014) showing groundwater declines for significant portions of the Sacramento Valley. The Draft EIR/EIS should include an analysis of how additional water extractions could affect local groundwater levels given the current groundwater elevations and drought status.

Section 3.1.1.3, page 3.1-5, describing the existing conditions of water supplies available for transfer should be updated to include groundwater data (e.g., DWR's California Statewide Groundwater Elevation Monitoring (CASGEM), basin prioritization results, etc.) to support the stated assumptions of the quantity of groundwater available in seller areas for transfer through groundwater substitution. 5 con't

2. The groundwater quality analysis should include additional assessments of groundwater quality, including the State Water Board's AB2222 report (Communities that Rely on Contaminated Groundwater Source for Drinking Water, available at: http://www.swrcb.ca.gov/water_issues/programs/gama/ab2222/index.shtml), GeoTracker data, and GeoTracker GAMA data to assure that potential impacts from mobilizing contaminant plumes and other groundwater quality impacts are adequately evaluated. 6

3. The statements in sections 3.2.2.4.1 page 3.2-28, and section 3.2.2.5.1, page 3.2-42, that "groundwater quality in the [seller service] area is generally good and sufficient for municipal, agricultural, domestic and industrial uses" is potentially overly broad. The conclusion does not account for current groundwater quality monitoring, including monitoring data from wells in the proposed seller areas that have been identified to be within close proximity of nitrate contamination.

   In order to accurately reflect the highly variable groundwater aquifer properties such as hydraulic conductivity and transmissivity, it is necessary to incorporate all well information within a data set. Most aquifers are neither homogeneous nor isotropic, and the hydraulic conductivity can be characterized differently in all directions. If the intent of the modeling analysis is to simulate the effects of the operation of high-productivity irrigation wells screened within the major producing zones, then it would be prudent to characterize these production zones with as much information as possible to avoid bias. In Section D.3.6, paragraph 3, the Draft EIS/EIR states that "all test data from wells that reported a well yield below 100 gallons per minute were eliminated from consideration, as were the test data from wells with a total depth less than 100 feet." Are the criteria for filtering the well test data mutually exclusive or inclusive? If a well had low yield data and was located 600 feet below the surface, then it should be included in the data set. This filtered data set contains one of the most important parameters in the model and can influence flow direction and velocities and should be characterized as accurately as possible. As a result of filtering the data, the results do not reflect heterogeneous/anisotropic conditions seen in the subsurface. These subtle differences in the subsurface are what comprise the hydrodynamic character of each aquifer and without this data, the conclusions drawn by the model are potentially unreliable. The Draft EIS/EIR should have a better description of model parameters and inputs, and the potential effects that inclusion/exclusion of certain types of data could have on model results. 7

4. The project model is based on an abbreviated calibration set from 1970 to 2003 that does not appear to represent current water use, precipitation, and drought conditions or future climate change scenarios, which are generally drier. Groundwater recharge in the northern part of the Central Valley is below normal due to drought conditions. 8

Consequently, it could take several years to recharge the volume of water exported during a single year of transfers. This project proposes to export as much as 512,000 acre-feet of water annually. With the current drought, basin yield for these projects could be well below the amount used for the project model. As such, the interpretations based on the model may underestimate impacts to the area.

Section 3.1.2, page 3.1-14, describing the assessment methods used to determine the environmental impacts associated with the project should be revisited. The water year time period (1970-2003) used for the model fails to account for current environmental conditions and water use trends. For example, the model assumes that water transfers occur in 12 out of the 33 year time period. However, the State Water Board's Division of Water Rights' Water Transfer Program records indicate that water transfers have occurred for the last six consecutive years of the current program's record (2009-2014). It is reasonable to expect that establishing a long-term transfer program would facilitate a higher frequency of water transfers, which would result in more frequent groundwater substitution transfers.

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In addition, known conditions do not appear to match what is shown in the Draft EIS/EIR. There are many wells in the northern Sacramento Valley that have cones of depression that cover large areas and are not accounted for. DWR maps show groundwater depletions in excess of 20 feet for shallow, intermediate, and deep groundwater aquifers from spring 2004 to spring 2013. The set of wells used to calibrate the model do not include wells that have undergone considerable groundwater elevation losses in excess of 20 feet within the last 10 years. The DWR potentiometric and groundwater elevation maps were created using over 200 wells around the northern Sacramento Valley. Choosing well locations and values that are not located within the cone of depression areas are not reflective of current conditions and will sway model results and how the system responds to future groundwater extraction.

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Comment #3: Monitoring and Mitigation

The Draft EIS/EIR references a Draft document titled Technical Information for Preparing Water Transfer Proposals and Addendum for providing guidance on the development of proposals for groundwater substitution water transfers; however, information on these documents were not described in detail. Based upon the information provided in the Draft EIS/EIR, there are several additions and clarifications that could strengthen the Mitigation and Monitoring Program (M&MP):

1. Groundwater elevation data captured by the sellers should be required to be submitted to DWR's CASGEM Program, and sellers should be required to submit their information to any GSA for development of the basin's GSP. Although the sellers may be able to address groundwater depletions within their own service areas, the groundwater extractions may influence areas far outside the boundaries of the seller agencies. The only way to assess basin-scale impacts of exporting hundreds of thousands of acre-feet of water is a comprehensive basin-scale monitoring program. Eventually, development of GSAs will produce basin-scale data repositories. However, those GSAs have not yet been developed. In the interim, CASGEM offers an existing method to compile and analyze the data. As an alternative, the sellers may submit the data to the State Water Board's GeoTracker GAMA system. Local water districts should also be involved in

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monitoring and mitigation processes so they can provide oversight on the entire area, manage disputes, and activate any mitigation processes.

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2. It is unclear why groundwater elevation monitoring reports should be submitted only to Reclamation. DWR, local agencies (e.g., GSAs, counties, local water districts, others), and the State Water Board all have regulatory mandates to protect and manage groundwater resources. At a minimum, the data provided through the monitoring reports should be made available to any public agency with local authority to manage groundwater. We suggest making the reports available on a publicly-accessible website or database.

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3. To ensure that impacts to water quality and other users do not occur as a result of this project, the M&MP program should require: sellers to incorporate existing water quality data from CASGEM, the State Water Board's AB 2222 report, GeoTracker GAMA, and GeoTracker; should require an analysis of known potential contaminant sites; and should require setbacks from known contaminant sites or plumes. Where appropriate, the programs should include an analysis of well screen intervals, water source, and potential contaminants in the area. The State Water Boards' GeoTracker system shows the location of thousands of leaking underground storage tanks, including sites within the seller's service areas. Leaking tanks typically affect the shallowest portions of an aquifer. Table 3.3-3 shows that many of the proposed sellers' wells are located in relatively shallow portions of the aquifer. For example, The Natomas Central MWC estimates that wells pumping at 5,500 gallons per minute (gpm) are located at depths as shallow as 150 feet below the ground surface. A contaminant can quickly and easily migrate from the surface to a depth of 150, particularly where the local geology is hydrogeologically conducive for rapid infiltration.

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4. The mitigation component is vague, and does not identify trigger points that activate a mitigation process. Nor does the mitigation plan identify who will require the mitigation, who will oversee the mitigation, and who will ensure that mitigation is completed. The document, in Section 3.3.4.1.3, describes a scenario where the seller would be responsible for self-initiating and managing the mitigation plan. Leaving the sellers to self-mitigate is a potential conflict of interest, and may result in scenarios where adverse impacts to groundwater and other resources go unaddressed.

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The M&MP requirements proposed in the Draft EIS/EIR (section 3.3.4.1, page 3.3-88) do not consider all local regulations. Of the 28 proposed seller agencies, 7 agencies have existing Groundwater Management Plans (GWMPs), which include M&M requirements that may be duplicative. The SGMA will require that additional seller districts be part of a GSP (which will replace any existing GWMPs). As with GWMPs, the GSPs will contain local M&MP requirements. The Draft EIS/EIR M&MP should be rewritten to ensure that proposed seller agency activities meet the regulatory requirements in the existing GWMPs or future GSPs.

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Comment #4: Groundwater/Surface Water Interactions and Groundwater Dependent Ecosystems

Section 3.1.2.4 makes assumptions regarding groundwater availability for groundwater substitution transfers in seller areas that may misrepresent existing groundwater conditions. While the Draft EIS/EIR acknowledges that groundwater/surface water interactions exist, and that groundwater can contribute an important percentage of stream baseflow, the document does not account for potential impacts to surface waters in the sellers' areas that are caused by significant groundwater depletion. As written, the Draft EIS/EIR implies that natural in-stream groundwater recharge has a direct impact on streamflows, but does not consider how groundwater depletion in the sellers' area might reduce surface water baseflow. Additionally, the Draft EIS/EIR assumes that current groundwater levels are being sustainably managed and that there is adequate groundwater available to ensure reliable water sources for the proposed groundwater substitution transfers. The Draft EIS/EIR makes this assumption without demonstrating that current conditions and ongoing practices are not impacting groundwater dependent ecosystems. 15

The Draft EIS/EIR includes a series of maps (figures 3.3-26 through 3.3-31) showing simulated change in groundwater head, for different depths, for the 1976 and 1990 transfer seasons. Those maps are illustrative, but do not represent current conditions. As noted above, transfers have taken place for the last six consecutive years. In combination with information that a single year's worth of drawdown could reduce shallow-aquifer levels by 15 to 20 feet (e.g., Figure 3.3-31, near the Cordua Irrigation District), there is significant concern that continued transfers will harm groundwater dependent ecosystems. Consecutive years of transfers could lower groundwater elevations to the point that ecosystems (including wetlands, springs, and streams) are disconnected from groundwater, causing harm to local species. 16

Section 3.8.2.1, page 3.8-31, describing the assessment methods used to determine transfer effects on groundwater dependent ecosystems leaves out critical information and appears to make incorrect assumptions in assessing harmful effects to groundwater-dependent ecosystems. (Section 3.8.2.1). The water year time period (pre-2003) used for the model, does not account for current environmental conditions and water use trends. Furthermore, the assumption that there will be no groundwater/surface water interaction where pre-transfer water levels are already more than 15 feet below ground surface is not supported. Baseflows may be disconnected to the stream course in one area of the catchment, but discharge to the land surface as streamflow or a spring in other areas of the basin. In addition, the logic appears to be circular, since pumping related to the proposed transfers can drive groundwater elevations to depths greater than 15 feet below ground surface. 17

Section 3.8.2.1 also discusses impacts to species that could occur where groundwater dependent ecosystems are cut off from their water source due to transfer-related pumping. The assumption that impacted species will be able to adjust to lowering groundwater levels in a single water year is not supported (Section 3.8.2.1.1, page 3.8-31). The 15-foot cutoff is based on a model run that uses decade-old data, and does not account for regional or basin specific geology that defines the extent of surface water-groundwater interactions. 18

The Draft EIS/EIR appears to disregard potential effects to groundwater dependent ecosystems that could occur in the sellers' area. A more thorough discussion of the effects of groundwater extraction on ecosystems in the sellers' area should be included in section 3.8.2.4, page 3.8-46. The associated impacts to the groundwater dependent ecosystems are determined to be not significant with the implementation of Mitigation Measure GW-1. However, the mitigation 19

appears to be inadequate (where the primary mitigation action is to reduce groundwater pumping). To prevent negative impacts to groundwater dependent ecosystems, the mitigation plan should require preventative actions rather than reactive approaches to ensure impacts do not occur. 19 con't

Comment #5: Groundwater Levels in the Buyers' Area

In Section 3.3 (Table 3.3-7, page 3.3-86 and again on page 3.3-87), the Draft EIS/EIR states that transfers could increase groundwater levels, eliminate or minimize land subsidence, and improve groundwater quality in the Buyer Service Area by reducing groundwater pumping during shortages. This statement is potentially misleading. In order to show that the transfers would increase groundwater levels (presumably through percolation of excess irrigation water, and/or conjunctive recharge), the Draft EIS/EIR should include a water balance for the buyer's areas. In all likelihood, the volume of the transfer would need to be significantly greater than the amounts proposed for long-term transfer in order to replace the amount of groundwater that is currently extracted to meet agricultural demands in the buyer's region. For example, the Draft EIS/EIR states that the average annual groundwater production in the San Joaquin basin is 0.9 million acre feet (Section 3.3, page 3.3-41), which is more than the sum of the proposed transfers. It is not plausible to assume that transfer water will solve the San Joaquin groundwater depletion issues, especially considering precipitation and mountain-front recharge amounts have decreased in response to the drought. While the transfers may slow the rate of groundwater decline in the buyer's area, there is no basis to state that the application of the transfer water alone will raise groundwater levels. Similarly, while the transfers may temporarily slow subsidence, unless the transfer water raises groundwater elevations above historic lows the additional water is unlikely to halt subsidence (although it may slow locally significant rates). It would be more productive to show a simple water balance for the respective buyer's areas, with a discussion of how much groundwater pumping, in addition to transfer water, is needed to sustain current and projected agricultural practices. 20

Please contact Erik Ekdahl at (916) 341-5316 or erik.ekdahl@waterboards.ca.gov, if you have any questions or would like to discuss this matter further.

Sincerely,

ORIGINAL SIGNED BY

Diane Riddle, Manager
Hearings & Special Program Section
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November 25, 2014

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Re: Long-Term Water Transfers Program Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR)

Dear Mr. Hubbard and Ms. Mizuno:

Butte County appreciates the opportunity to provide comments on the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the proposed Long-Term Water Transfers Program. Butte County and its surrounding region have a vested interest in assuring that the Long-Term Water Transfers Program has the least impact upon the community, agricultural economy and environment. Our region's water resources provide the life blood for our agricultural-based communities, economy and environment. Much of our local water supply comes from the various groundwater basins throughout the region that are recharged through these creeks and rivers. 1

We are troubled by the short amount of time afforded to provide comments on the EIS/EIR. It has been almost four years since the Bureau released the draft EIS/EIR scoping document. The Butte County Board of Supervisors submitted comments on the scoping document on February 22, 2011. Three years later the Bureau released a draft EIS/EIR, yet only provided the public 60 days to review, analyze and comment. The community has a strong interest in the Long-Term Water Transfers Program. So, in fairness, the Bureau of Reclamation (Bureau) should extend the comment period for at least ninety days.

Based on our preliminary review, we believe that the EIS/EIR is seriously flawed and will need to be revised and recirculated. The relied upon data is outdated, incomplete and selectively chosen. The result is that the EIS/EIR fails to meet the requirements of the National 2

Environmental Policy Act and the California Environmental Quality Act. Again, due to the inadequate amount of time afforded to comment, the comments provided by the Butte County Board of Supervisors do not reflect a full review of the document. 2

The Long-Term Water Transfers Program purports to assist water users south of the Delta with immediate implementable and flexible supplemental water supplies to alleviate shortages. The project objectives claim that shortages are expected due to hydrologic conditions, climatic variability, and regulatory requirements. Project justification intends to address unforeseen, short-term water supply challenges. The reality is that the circumstances facing the water users south of the Delta are neither short-term nor unforeseen. These water supply reliability challenges are baseline conditions that must be addressed at the local and regional level. Ironically, water users north of the Delta face similar challenges in terms of hydrologic conditions and climatic variability, but the EIS/EIR inadequately assesses these limitations. The project intends to establish a long-term water transfer program to meet the current and future demands south of the Delta, not based on any viable criteria. 3

Even though the EIS/EIR identified significant impacts in the Sacramento Valley, the methodology underestimated those impacts. The EIS/EIR identified significant impacts including lower groundwater elevations, changes to groundwater quality, reduction in groundwater recharge and decrease flows in surface water. However, it fails to take into account that the reduction in stream flows and the lowering of Lake Oroville that will harm the local economy. In addition to underestimating these impacts, the mitigation measures in the EIS/EIR are not viable and will not mitigate the significant impacts. The following specific examples highlight the flaws in the EIS/EIR and provides justification for a revised and recirculated EIS/EIR. 4

First, the description of the regulatory setting in Chapter 3 – Groundwater (section 3.3.1.2) is incomplete, misleading and inaccurate. The document makes no mention of the recently enacted Sustainable Groundwater Management Act. The implementation of the Sustainable Groundwater Management Act will occur during the ten year period of the water transfer program. The Sustainable Groundwater Management Act will affect the buyer and seller regions in regard to their groundwater management, land use, and water demands. The data and management programs developed through the Sustainable Groundwater Management Act will change the assumptions in the EIS/EIR.

Second, the EIS/EIR must reference and acknowledge Area of Origin provisions in the Water Code. Specifically, the EIS/EIR must reference Water Code 85031, which states, "*This division does not diminish, impair, or otherwise affect in any manner whatsoever any area of origin, watershed of origin, county of origin, or any other water rights protections, including, but not limited to, rights to water appropriated prior to December 19, 1914, provided under the law. This division does not limit or otherwise affect the application of Article 1.7 (commencing with Section 1215) of Chapter 1 of Part 2 of Division 2, Sections 10505, 10505.5, 11128, 11460, 11461, 11462, and 11463, and Sections 12200 to 12220, inclusive."* Honoring area of origin water rights is consistent with state water policy and a foundational element to California's water future. In addition, the EIS/EIR should also discuss how the project complies with SB1X, which calls for a reduced reliance on the Delta and to promote regional water supply reliability. 5

The description of the local regulatory setting in the EIS/EIR failed to reference the Butte County Groundwater Conservation Ordinance (Chapter 33 of the Butte County Code), which Butte County voters overwhelmingly adopted in 1996. The Groundwater Conservation Ordinance requires a permit for water transfers that include a groundwater substitution component. The primary purpose of this Ordinance is to ensure that an adequate independent environmental review occur and to assure that groundwater resources would not be adversely affected (i.e., overdraft, subsidence, saltwater intrusion) or result in uncompensated injury to overlying groundwater users and others. Additionally, the process of the Groundwater Conservation Ordinance brings a measure of transparency and public involvement that should be part of any water governance process. It is imperative that the proposed program adhere to the spirit and intent of local groundwater ordinances that have been codified since the Drought Water Bank held in the early 1990s. In this regard, the program needs to recognize that groundwater basins can extend across multiple administrative jurisdictions. Groundwater substitution transfers that occur in Colusa or Glenn counties have the potential, over the long term, to draw down groundwater sources shared with Butte County. 5

The EIS/EIR (Chapter 3, p. 21) includes a limited description of groundwater production, levels and storage in the Sacramento Valley. The section fails to report on the extensive data and analysis of groundwater conditions in this area. The EIS/EIR bases its analysis on a few selected wells, and provides a generalized description of regional groundwater conditions based on those wells. What is most troubling is the conclusion that the Sacramento Valley groundwater trends indicate that "wells in the basin have remained steady, declining moderately during extended droughts and recovering to pre-drought levels after subsequent wet periods." This conclusion misrepresents the reality of groundwater conditions in the Sacramento Valley. The EIS/EIR acknowledges that one of the selected wells, 21N03W33A004M, shows a steady decline but discounts this data as an anomaly. The EIS/EIR fails to adequately take into consideration that current groundwater conditions are being impacted beyond routine seasonal fluctuations and does not account for projected impacts from climate change. In some areas, BMO alert or trigger levels have been reached. There are a number of areas that have a steady decline in groundwater elevation unrelated to drought conditions. The EIS/EIR should have included a more comprehensive analyses of groundwater conditions and locally adopted Basin Management Objectives (BMO), clearly describing how BMOs will be utilized and how the program will address current conditions. 6

In addition to misrepresenting groundwater elevation data, the EIS/EIR also willfully ignored and misrepresented the current condition of streams and creeks in the Sacramento Valley. The Sacramento Valley subsidence monitoring data are readily available through the Department of Water Resources and the EIS/EIR should have included that data. For specific data and analysis of Butte County groundwater conditions, we invite the Bureau to review the annual Groundwater Status Report at:
http://www.buttecounty.net/waterresourceconservation/GroundwaterStatusReports.aspx.

We have concerns over the modeling methodology and the resultant appraisal of that data. Unfortunately, the limited amount of time afforded to comment precludes Butte County from conducting an in-depth analysis. However, a preliminary review of the modeling data raised a number of questions. One is the implication of the limited dataset to conduct the CalSim II 7

modeling analyses. The choice of data used to establish baseline conditions for the SACFEM2013 analysis is critical to identifying the impacts of the study. The reliance on data from 1970 to 2003 fails to take into account current conditions and trends. For example, the analysis of the data used lead to an assumption that 12 out of 33 years would result in groundwater substitution transfer events. However, recent experience (2000-2014) has shown that transfer programs have actually occurred in 9 of 15 years; more than one and a half times that of the analysis. A reasonable expectation is that having an established Long-Term Transfer Program would facilitate a higher frequency of water transfers and that, in turn, groundwater substitution transfers would occur in most years. The discrepancy between calculated expectations versus actual occurrences demonstrates an obvious fundamental flaw in the EIS/EIR that requires revision. 7

One of the most egregious flaws with the EIS/EIR is how the impacts from groundwater substitution transfer programs are identified and mitigated. According to the EIS/EIR (p. 3.3-61), "an impact would be potentially significant if implementation of groundwater substitution transfers or cropland idling would result in:

- A net reduction in groundwater levels that would result in adverse environmental effects or effects to non-transferring parties;
- Permanent land subsidence caused by significant groundwater level decline.
- Degradation in groundwater quality such that it would exceed regulatory standards or would substantially impair reasonably anticipated beneficial uses of groundwater;"

Based on our preliminary analysis, the EIS/EIR fails to adequately assess the impacts from groundwater substitution transfer programs. The EIS/EIR underestimates the effects and fails to adequately mitigate those effects in regards to determining whether there is a net reduction in groundwater levels that would result in adverse environmental effects or effects to non-transferring parties. As previously shown, the assumption that groundwater substitution would occur on a limited basis was false, so the simulated changes in water table elevations can only be assumed to be grossly underestimated. Additionally, the EIS/EIR conclusion that most wells in the Sacramento Valley are deeper than the resulting groundwater elevations is not true. In actuality, most of domestic wells are less than 100 feet. The combination of these two erroneous conclusions resulted in the EIS/EIR completely failing to assess the potential impacts of the groundwater substitutions to shallow domestic wells. The lowering of groundwater elevations from groundwater substitutions during a drought period would likely make a number of domestic wells inoperable. The conclusion that shallow wells would only see a reduction in yield and not go "dry" is equally untrue. During the past two drought periods, Butte County and the Sacramento Valley have responded to numerous incidents of domestic wells failing. The EIS/EIR must recognize and analyze how the Long-Term Transfer Program will contribute and exacerbate the impacts of a natural disaster to those who rely on domestic wells. 8

The EIS/EIR (Chapter 3.7) identified that the Long-Term Water Transfers Program will impact local streams and jeopardize critical ecosystems. Of particular concern is the calculated stream flow reduction in Little Chico Creek of more than 1 cubic foot per second and a reduction of more than 10%. The EIS/EIR categorized the impact to Little Chico Creek as a significant impact. Unfortunately, the EIS/EIR underestimated the impacts and relied on outdated 9

information again. As mentioned previously, the EIS/EIR underestimates the frequency of groundwater substitution events, and the data relied upon for analyses are outdated. The stream gaging data along Little Chico Creek was based on data from 1976 to 1995, and the CalSimII modelling results did not include data after 2003. Because the stream data relied upon in the EIS/EIR do not reflect current baseline conditions in the Sacramento Valley, it raises significant doubts to the validity of the conclusion that the resultant reduction in flows, particularly in Little Chico Creek, would not impact spring-run Chinook salmon. Therefore, the Bureau must reevaluate the environmental impacts to streams and aquatic ecosystems based on current data. 9

The environmental analysis identified a number of significant impacts requiring mitigation. Unfortunately, the proposed mitigation measures, particularly Mitigation Measure GW-1: Monitoring Program and Mitigation Plans, will not mitigate adverse environmental effects or minimize potential effects to other legal water users. The EIS/EIR, as written, does not include criteria or standards that must be met to mitigate significant impacts and the Monitoring Program (3.3.4.1.2) has vague and subjective standards for what constitutes as an acceptable monitoring network. The EIS/EIR should assess the existing monitoring network and identify monitoring gaps based on the locations of potential willing sellers.

Another fundamental flaw is the expectation that potential sellers be required to develop a mitigation plan. The initial premise of the mitigation plan is that the seller's monitoring program would indicate whether the operation of wells for groundwater substitution pumping are causing substantial adverse impacts. Unfortunately, because the definition of substantial adverse impacts is not defined, the process to monitor and mitigate third party impacts lacks clarity. First, the Long-Term Water Transfers Program must define the specific parameters for what constitutes substantial adverse impacts. Then the Long Term Water Transfers Program must have an unambiguous, transparent, locally vetted dispute resolution program. It is imperative that the Long-Term Water Transfers Program recognize that potential impacts associated with the transfer of water from the Sacramento Valley need to be addressed through this type of approach. 10

The description of potentially significant unavoidable impacts (Section 3.3.5) contains inaccurate statements and misleading information. First, it is unclear why the Northern Sacramento Valley Integrated Regional Water Management Plan (NSVIRWMP) is included in this section. It appears that the Bureau does not understand the policy and governance of the NSVIRWMP. The NSVIRWMP does not have programs or project priorities that could be construed as potentially causing significant unavoidable impacts. Similarly, the reference to and characterization of the Tuscan Aquifer Investigation Project is inaccurate. The Tuscan Aquifer Investigation Project was a scientific project that intended to improve the understanding of the recharge characteristics of the lower Tuscan Formation and the interconnectedness of the basin. The characterization that the Tuscan Aquifer Investigation Project "would increase pumping within (or near) the Seller Service Area" is categorically false. If the Bureau had taken the time to review the data and reports from the Tuscan Aquifer Investigation, they might have improved their analysis by using current scientific data. It is apparent that they chose not to do so and mischaracterized a scientific investigation. We demand that the Bureau remove the reference to the Tuscan Aquifer Investigation Project. 11

Finally, we have questions and concerns regarding the designated lead agencies in the EIS/EIR. The Department of Water Resources (DWR) should be designated as a lead agency rather than as a Responsible Agency. A number of the participating agencies are State Water Project (SWP) Contractors regulated by DWR and the conveyance for the project will use SWP facilities under the jurisdiction of DWR. One of the risks and uncertainties identified in Chapter 2 of the EIS/EIR was the ability to coordinate water transfers with DWR. Additionally, we fail to understand why the San Luis & Delta-Mendota Water Authority (SLDMWA) is the only lead water agency. Other water agencies have responsibilities equal to those of SLDMWA. The roles and responsibilities of participating agencies (Section 1.5) is inadequate and vague. The EIS/EIR fails to justify the choice of the SLDMWA as the sole lead agency when there is such a clear conflict of interest between the SLDMWA and the northern Sacramento Valley counties that overlie the groundwater sources that will contribute to groundwater substitution transfers. The document fails to provide a rationale for not including other water agencies named in the EIS/EIR as lead agencies. 12

The magnitude of the proposed program is daunting and raises considerable concerns. In our comments on the scoping of the EIS/EIR in 2011, we surmised that an adequate EIS/EIR may not be possible based on the length and breadth of the proposed program. It appears that our concerns are true. 13

In conclusion, we cannot stress enough that actions through the Long-Term Transfer Program could have grave economic and environmental consequences in the Sacramento Valley that must be addressed. The EIS/EIR woefully fails to meet minimal environmental assessment standards, provides misleading statements and avoids including a complete, current, data set. We recommend that the Bureau of Reclamation extend the comment period for at least 90 days to allow a more complete review. Upon receipt of the comments, the Bureau must remedy the deficiencies in the EIS/EIR and recirculate it for comment. 14

Thank you for your consideration.

Sincerely,

Doug Teeter, Chair
Butte County Board of Supervisors

CITY OF CHICO
INC 1872

COMMUNITY DEVELOPMENT DEPARTMENT

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December 1, 2014

Brad Hubbard
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2800 Cottage Way, MP-410
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Sent via Email to bhubbard@usbr.gov

Frances Mizuno
San Luis & Delta-Mendota Water Authority
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Los Banos, CA 93635
Sent via Email to frances.mizuno@sldmwa.org

Re: Comments on the Long-Term Water Transfers Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) – Public Draft

Dear Mr. Hubbard and Ms. Mizuno:

This letter is to provide the City of Chico's comments regarding the adequacy of the EIS/EIR analysis of the environmental effects, and mitigation for, water transfers from water agencies in northern California to water agencies south of the Sacramento-San Joaquin Delta and in the San Francisco Bay Area.

Through its General Plan, it is Chico's policy to oppose regional sales and transfers of local groundwater, including water export contracts, and the EIS/EIR should acknowledge and clearly highlight such inconsistency with a General Plan (CEQA Guidelines § 15125(d)). The Tuscan aquifer is the primary groundwater basin underlying and providing municipal and agricultural water to Chico and its Planning Area. It's for this reason that the City opposes transfers of local groundwater in the long-term interest of a safe and reliable municipal water supply, and to support the regional economy and the environment. 1

Beyond our opposition to the transfer project as a matter of policy, our specific concerns regarding the EIS/EIR include:

- While 60 days is the legal minimum for public review and comment on a Draft EIS/EIR, it is not an appropriate review time for such an important and voluminous document that attempts to analyze and mitigate the potential impacts of a six county, 10-year water transfer program. We request that the comment period be extended for at least an additional 90 days. 2

- The Federal Register notice for the EIS/EIR states that "[t]ransfers of CVP supplies and transfers that require use of CVP or SWP facilities are subject to review by Reclamation and/or *DWR* in accordance with the Central Valley Project Improvement Act of 1992, Reclamation's water transfer guidelines, and California State law. Pursuant to Federal and State law and subject to separate written agreement, Reclamation and *DWR* would facilitate water transfers involving CVP contract water supplies and CVP and SWP facilities" (emphasis added). CEQA Guidelines Section 15367 and Section 15051 suggest that given the prominent role that DWR plays in the proposed water transfers, it is not proper that SLDMWA is the Lead Agency for the purposes of CEQA. A number of the participating water agencies are State Water Project contractors 3

regulated by DWR and the conveyance for the project will use SWP facilities under the jurisdiction of DWR. 3

- The project objectives for the EIS/EIR suggest that water shortages are expected due to hydrological conditions, climatic variability, and regulatory requirements. The project's justification therefore is to address unforeseen, short-term water supply challenges. The reality, however, is that the water supply challenges facing the water users south of the Delta are not unforeseen or short-term --- they are simply a created existing condition. The project objectives for the EIS/EIR need to be revised to accurately reflect the project's true purpose --- establishing a long-term water transfer program to address a created and growing water supply reliability challenge south of the Delta. 4

- The EIS/EIR (Chapter 3) provides an incomplete description of groundwater production, levels, and storage in the Sacramento Valley. In particular, the chapter fails to report on the extensive data and analysis of groundwater conditions in Butte County. The EIS/EIR bases its analysis on a few selected wells, and provides a generalized description of regional groundwater conditions based on those wells. The EIS/EIR fails to acknowledge data available from Butte County's Department of Water and Resource Conservation showing that current groundwater conditions are being impacted beyond routine seasonal fluctuations. In Butte County, Groundwater Basin Management Objective (BMO) alert levels have been reached for a number of wells, which requires specific management responses. The EIS/EIR should use recent and available well data to develop a comprehensive baseline condition for groundwater levels, and use locally adopted BMOs to determine appropriate thresholds of significance and mitigating responses for dropping groundwater levels. 5

- The EIS/EIR fails to consider the potential impacts of lowered groundwater levels on the City's urban forest. We request that the document be amended to include such discussion and analysis. The EIS/EIR acknowledges that groundwater levels would drop in response to groundwater pumping necessary to replace surface water transferred south of the Delta. The EIS/EIR does not provide any discussion or analysis of the relationship between the health of the City's urban forest and dropping groundwater levels. The environmental and economic benefits of a healthy urban forest are well known, and include habitat for migrating birds and other wildlife; protection from the extreme impacts of climate change; filtering for rainwater and groundwater; carbon storage, which reduces the amount of harmful greenhouse gases; energy savings from its shade canopy; aesthetic benefits; and enhancement of property values. 6

- The environmental analysis does not adequately account for projected impacts associated with climate change. Reduced snow pack and sustained droughts are identified as key outcomes of climate change in California. Add to this the significant uncertainty regarding stream/aquifer interaction and the multiple dry years experienced by the State. What affect will this have on sensitive aquifer systems in light of the impacts of climate change? 7

- The EIS/EIR identifies a number of significant impacts requiring mitigation. Many of the significant impacts rely on *Mitigation Measure GW-1: Monitoring Program and Mitigation Plans* for mitigation. The EIS/EIR directs that monitoring programs and mitigation plans spelled out by this measure be developed consistent with the *2013 Draft Technical Information for Preparing Water Transfers Proposals* and the *2014 Addendum* documents prepared by the Bureau of Reclamation and Department of Water Resources. While the EIS/EIR purports that the 8

monitoring and mitigation plans required by this measure will mitigate groundwater and biological impacts, the protocols, methodology, and emphasis outlined in the measure focus primarily on reducing effects to third party groundwater users. This critical mitigation measure needs to show a clear nexus for how it will reduce environmental impacts to groundwater and biological resources that will be caused by dropping groundwater levels. 8

Our greatest concern is that water agencies south of the Delta continue to rely upon a transfer-dependent water source that in turn depends on the use of north state groundwater. This proposed long-term water transfer program poses risks which we believe have not been addressed, and would be a precedent for future projects and decisions that could very seriously damage our city's – and our region's – environment, economy, and communities. 9

Thank you for your consideration of these concerns. If you have any questions, please feel free to contact me at (530) 879-6806.

Sincerely,

Brendan Vieg

Brendan Vieg, Principal Planner

cc: file

Colusa Drain Mutual Water Company

520 Market Street, Suite 3, Colusa, CA 95932
Phone 530-458-4849

December 1, 2014

Brad Hubbard
Bureau of Reclamation
2800 Cottage Way
Sacramento CA 95825
Email bhubbard@usbr.gov

RE: Long Term Transfers Draft Environmental Impact Statement/Environmental Impact Report

Dear Brad,

The Colusa Drain Mutual Water Company(Company) objects to the EIS/EIR in its current form and requests that the Bureau extend the comment period for at least 120 days to allow the Bureau, the Company, and the Company's shareholders additional time to consider more carefully the potential negative impacts of the proposed water transfers. 1

Colusa Drain Mutual Water Company includes 50,000 acres of prime farmland and habitat. Shareholder lands lie both sides of the 2047 drain canal west of the Sacramento River and east of Interstate 5. Its northern border reaches into the southern part of Glenn County, it spans from the north to south borders of Colusa County, and its southern boundary lies well into Yolo County in the Yolo Bypass south of Interstate 80. Shareholder lands lie immediately adjacent to, or proximate to, 7 of the potential sellers identified in the EIS/EIR. Most of the Company's shareholders rely on water from the 2047 drain canal as a primary source of irrigation water and many of the Company's shareholders rely on groundwater as a secondary source of irrigation water.

Our shareholders are particularly concerned that the EIS/EIR has not fully considered the negative impact of the proposed alternatives; Crop Idling, Crop Shifting, and Conservation, on surface flows in the 2047 drain canal. Maintaining a minimum flow of good quality water throughout the length of the 2047 canal during the irrigation season is essential to our shareholder's farm operations and each of these proposed transfer methods once implemented will most certainly have an immediate negative affect on both water flow and water quality in the 2047. The Company believes that the EIS/EIR does not fully account these negative affects nor does it provide sufficient mitigation alternatives. Since the 2047 drain was first constructed in the early 1900's, it has served the dual purpose of providing needed drainage for those upstream while providing summer flows for irrigation for those downstream. While difficult at times, this balance between drainage and irrigation has been largely successful for all parties. The company believes the practice of crop idling, crop shifting, and conservation, will result in reduced 2

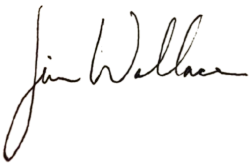
surface flows in the 2047 and will increase salinity of the reduced remaining flow. If transfers are to be made, a plan to sufficiently mitigate this negative impact must be proposed. We see no such plan in the EIS/EIR. 2

The Company is also concerned that, while the EIS/EIR appropriately recognizes that the proposed alternative, groundwater substitution, will have 'significant' negative impact on our shareholders groundwater supplies during such transfers, it incorrectly concludes that this impact will be 'less than significant' after mitigation. It is the Company's position that the EIS/EIR provides insufficient mitigation measures in the case of groundwater substitution. And further, that the EIS/EIR does not sufficiently address the damage done to shareholders and our entire community due to long term overdraft of underlying aquifers. In either case, whether in the context of mitigating negative impacts of current groundwater substitution transfers or mitigating negative impacts of long term overdraft of underlying aquifers, the EIS/EIR is inadequate. While groundwater transfers contemplated in the EIS/EIR have not yet taken place, several of the potential sellers identified in the EIS/EIR have already moved ahead with groundwater substitution transfers within Northern California, particularly, to the west side of Colusa, Glenn, and Yolo Counties via the Tehama Canal system. Our Company's shareholders are currently suffering the negative impacts of these groundwater substitution transfers through increased costs of pumping as a result of a lowered aquifers, and in some cases the loss of irrigation water completely, where wells proximate to groundwater substitution wells go dry. Neither the groundwater substitution transfers taking place currently, within Northern California, nor the transfers contemplated by the EIS/EIR, provide a specific plan to limit the taking of groundwater by potential sellers. At a minimum, some responsible limit on the taking of groundwater must be established before surface water can be transferred on the basis of groundwater substitution. To date, no such limits have been set. Our local communities, motivated by heightened awareness as a result of ongoing drought conditions, and as a result of recent state legislation, have begun the process of establishing a system for the responsible management of our community's groundwater. Some communities, like Glenn County, have already made significant progress in this process, while others, Colusa County, for example, have only just begun the process. In no case, however, have sufficient procedures or protections been put in place to adequately provide for responsible execution or reasonable mitigation of groundwater substitution transfers. The Company believes that the alternative 'groundwater substitution' should be dropped entirely from the EIS/EIR as a viable alternative until such time as local communities impacted have completed their own studies and evaluations, developed reasonable plans that include reasonable limits for the taking of groundwater, and these studies, plans, and proposed limits then reconciled with conclusions already reached by the EIS/EIR. 3

The Long Term Transfers contemplated by the EIS/EIR if approved, will be of historic nature. Taken collectively, these transfers would be one of the largest single transfers of water from North to South. So the necessity to fully account the impact on all stakeholders, consider all stakeholders concerns, and thoroughly respond to those concerns cannot be overstated. The Bureau, potential sellers, and 4

potential buyers, have collaborated over several years to develop the EIS/EIR. Now they must carefully and patiently listen to those that their plan will affect. They must be prepared to explain how the proposed mitigation measures are sufficient to protect the Company's shareholders, and the community in general, from suffering the negative impacts of their plan. Today we are asking you to extend the comment period for at least 120 days to more reasonably allow for this process to take place. We would welcome an opportunity to listen and discuss in more detail the Bureaus plans. I can be reached directly at 530-218-1396(cellular). 4

Respectfully,



Jim Wallace
President, Colusa Drain Mutual Water Company

Cc: Frances Mizuno, Executive Director,
San Luis Delta-Mendota Water Authority

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December 1, 2014

VIA EMAIL TO: bhubbard@usbr.gov

Mr. Brad Hubbard
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Re: Draft Environmental Impact Statement/Environmental Impact Report for Long-Term Water Transfers, Central Valley and Bay Area, California

Dear Mr. Hubbard,

The Friant Water Authority (FWA) has reviewed the subject Draft EIS/EIR and has the following comments regarding the sufficiency and conclusions of the document. FWA is a joint powers authority whose members have contracts with Reclamation that entitle them to receive water from the San Joaquin River. A portion of the San Joaquin River water is subject to senior water rights reserved by the Exchange Contractors[1] and therefore is not available for delivery to the Friant Division until Reclamation has met its priority obligation[2] to provide substitute water supply to the Exchange Contractors.

1

The hydrologic conditions in the 2014 Water Year have highlighted the difficulties inherent in moving both CVP and transfer water through the Delta and the export facilities. In the 2014 Water Year, several districts that are identified in the subject DEIS/R as buyers and sellers executed one-year transfer agreements similar to those described and evaluated in the subject DEIS/R. Reclamation has yet to demonstrate how much transfer water has been moved from the sellers and whether or not the conveyance of that transfer

[1] The remainder of the San Joaquin River rights were purchased, condemned or otherwise acquired by Reclamation for the benefit of the Friant Division contractors. Water available under these rights must be provided to the Friant Division contractors, regardless of whether the terms of the exchange are being fulfilled or not.

[2] Reclamation has a "vested priority obligation" to provide substitute water to the Exchange Contractors, consistent with the terms of the Second Amended Exchange Contract. *Westlands Water Dist. v. United States*, 337 F.3d 1092, 1103-04 (9th Cir. 2003) ("*Westlands VII*").

water in any way impacted its operations and exports of CVP water needed to meet its priority obligation to the Exchange Contractors.

With this background in mind, we were disappointed to note that the DEIS/R for Long-Term Water Transfers did not address the fact that there is a great potential for the movement of transfer water to adversely affect delivery of CVP supplies south of the Delta. As noted in Section 1.3.1.1, Reclamation acknowledges that it is inappropriate for a transfer to supplant or otherwise adversely affect the delivery of CVP supplies: "Transfer may not cause significant adverse effects on Reclamation's ability to deliver CVP water to its contractors." We assume that Reclamation is using the broad definition of the "CVP water" from the Central Valley Project Improvement Act; that definition includes the substitute supply for the Exchange Contractors as a type of "CVP water." Thus, Reclamation has acknowledged that the delivery of the transfer water may not cause "significant adverse effects" on Reclamation's ability to deliver the substitute supply of water to the Exchange Contractors, or any other CVP water. 1

The Project Description in Section 2.3.2.1 describes the criteria used to determine the amounts of water available for transfer under various transfer methods, but it does not describe how such determinations will be made available for public notice or review. Also, Section 2.3.2.3 describes the general operational approaches and actions associated with moving the water from the Seller through the Delta, but it does not describe how or when Reclamation will document that the transferred water did not displace the delivery of substitute water to the Exchange Contractors. Without an adequate description of the procedures and methods to be used to document the development and movement of the transfer water, there is no substantial evidence to support the conclusion that conveying the transfer water has no detrimental effect on the delivery of substitute water to the Exchange Contractors. 2

Since the Project Description does not include features to ensure no adverse effects on Reclamation's ability to deliver substitute water to the Exchange Contractors, Chapter 3 should evaluate the potential for such impacts. Before the transfer program is approved, the DEIS/R should be revised to include, at a bare minimum, the following analyses and information:

- Whether the transferred quantity is real "wet" (as opposed to "paper") water;
- Whether the transfer displaces or otherwise diminishes the ability to deliver CVP water south of Delta;
- What methods will be used to measure the transfer water inputs to the river conveyance system (e.g., foregone diversions or releases from Yuba system), and where will those measurements occur;
- What criteria and methods will be used to determine that transfer water made available by the selling district either made it to the pumps in the south Delta or was backed into storage (including which reservoir(s) the transferred water is being stored at and in what volumes);
- What criteria and methods will be used to determine that releases of transfer water from a CVP reservoir do not constitute water that would have otherwise have been released for in-stream uses; and

3

- What criteria and methods will be used to determine that water pumped at Jones or Banks pumping plants is in fact transfer water and not water that could have otherwise been pumped due to minimum CVP upstream releases or unregulated flows.

3

Unless this information and these analyses are included in the DEIS/R, it is not possible for the DEIS/R to baldly conclude that the transfer program does not have any potential adverse impacts on the delivery of CVP water supplies.

Thank you for the opportunity to comment on this DEIS/R. If you have any questions regarding these comments, please feel free to contact me at 916-804-0173 or via email to jbuckman@friantwater.org. Please continue to include me, as Friant's representative, on the list of interested parties for purposes of receiving any additional notices relating to the proposed long-term transfer program.

Sincerely,

Jennifer T. Buckman,
General Counsel

cc: Ronald D. Jacobsma, General Manager
Alex M. Peltzer, Esq.
Ernest A. Conant, Esq.
Kenneth J. Richardson, Esq.
Scott K. Kuney, Esq.
D. Zachary Smith, Esq.
John P. Kinsey, Esq.
Robert Saperstein, Esq.

Glenn-Colusa Irrigation District
Serving Our Lands and Environment Sustainably
Water Rights Established in 1883

October 14, 2014

Brad Hubbard
Bureau of Reclamation
2800 Cottage Way, MP-410
Sacramento, CA 95825

Subject: Draft EIS/EIR on Proposed Long-Term Water Transfer Program

Dear Brad,

The Glenn-Colusa Irrigation District (GCID) is providing this initial response letter to Reclamation on the Proposed Long-Term Water Transfer Program Draft EIS/EIR. The purpose of this letter is to inform Reclamation of GCID's intent to develop an independent Groundwater Supplemental Supply Program, as well as provide Reclamation with the District's position on the Long-Term Water Transfer Program. GCID wants to ensure that our local effort and Reclamation's project are not in conflict, and that the project selected to move forward for the Long-Term Program meets GCID's objective to ensure the long term sustainability of surface and groundwater resources in our region. GCID's position is that it will pursue, as a priority, the proposed Groundwater Supplemental Supply Program over any proposed transfer program within the region, including Reclamation's Long-Term Water Transfer Program (LTWTP). In addition, GCID's potential participation in Reclamation's LTWTP is ultimately subject to the consideration and approval of the GCID Board of Directors, and that has not occurred. 1

Following is a summary of GCID's proposed Groundwater Supplemental Supply Program, and some preliminary comments on LTWTP Draft EIS/EIR.

GCID Groundwater Supplemental Supply Program
GCID is proposing to install and operate five new groundwater production wells and operate an additional five existing groundwater wells to augment surface water diversions for use within GCID during dry and critically dry water years. The wells would have a production well capacity of approximately 2,500 gallons per minute, and would operate as needed during dry and critically dry water years for a cumulative total annual pumping volume not to exceed 28,500 acre-feet. Additional information is available at: http://gcid.net/GroundwaterProgram.php.

The primary objective is to develop a reliable supplemental water source for GCID during dry and critically dry years. The proposed project goals are as follows:

- Increase system reliability and flexibility
- Offset reductions in Sacramento River diversions by GCID during drought years to replace supplies for crops and habitat
- Periodically reduce Sacramento River diversions to accommodate fishery and restoration flows
- Protect agricultural production

GCID's surface water supply reliability is becoming less certain as a result of the following:

- Litigation by environmental organizations challenging the renewal of the Sacramento River Settlement Contracts
- Increased delta flow requirements for delta smelt and delta outflows
- Increased flows and temperature requirements for fisheries

1

USBR Long-Term Water Transfer Program

GCID received the Draft EIS/EIR this week and has only initially begun its review. It is important for Reclamation to understand that GCID has not approved the operation of any District facilities attributed to the LTWTP Action/Project that is presented in the draft EIR/EIS. GCID will be conducting groundwater modeling for the Groundwater Supplemental Supply Program and will include an analysis of any potential cumulative impacts associated with GCID's Project and the LTWTP.

Based on our initial review of Reclamation's LTWTP Draft EIS/EIR, GCID has the following comments:

2

Figure 3.3-25. Simulated Groundwater Substitution Transfers

This figure demonstrates those years that a groundwater substitution program would likely occur and the associated quantities of groundwater substitution pumping. To meet the needs of GCID's Supplemental Supply Program, it is likely that pumping would occur simultaneously in many of these years. For example, 1992, 1994, and 1997 were critical water years in which GCID received a 75% water supply allocation and in those years the district would have pumped these wells for supplemental supply only. It is important to

underscore that GCID would prioritize pumping during dry and critically dry water years for use in the Groundwater Supplemental Supply Program, and thus wells used under that program would not otherwise be available for the USBR's LTWTP. 2

Table 3.3-3 Water Transfer through Groundwater Substitution
Table 3.3-3 lists 11 GCID wells with associated flow rates between 2,389-3,305 and well depths ranging from 500-1200 feet. GCID would need to thoroughly review this information in greater detail with Reclamation to make sure that well locations, proposed operational parameters, and well characteristics are accurate and which wells, if any, could be included in UBSR'S LTWTP. 3

Figures 3.3-26 thru 3.3-31
The figure does not accurately represent an assessment of cumulative groundwater effects on the groundwater system resulting from other groundwater wells in other districts. As previously mentioned, for the Groundwater Supplemental Supply Program GCID will perform groundwater modeling and will develop new water elevation maps in the vicinity of GCID's project. 4

As mentioned above, these comments are very preliminary as GCID conducts a more in-depth review of the EIR/EIS. If you would like to meet to discuss GCID's program or our initial comments, please contact me at 530-934-8881.

Sincerely,

Thaddeus L. Bettner
General Manager

Cc: Frances Mizuno, Executive Director,
San Luis Delta-Mendota Water Authority

Glenn-Colusa Irrigation District
Serving Our Lands and Environment Sustainably
Water Rights Established in 1883

November 18, 2014

Brad Hubbard
Bureau of Reclamation
2800 Cottage Way, MP-410
Sacramento, CA 95825

Subject: GCID Participation in Reclamation's Proposed Long-Term Water Transfer Program

Dear Brad,

As you know, Glenn-Colusa Irrigation District (GCID) sent you a letter on October 14, 2014, providing an initial response to Reclamation on the Proposed Long-Term Water Transfer Program Draft EIS/EIR. The purpose of the letter was to inform Reclamation of GCID's intent to develop an independent Groundwater Supplemental Supply Program, as well as provide to Reclamation the District's position on the Proposed Long-Term Water Transfer Program (LTWTP).

On November 6, 2014, GCID's Board of Directors took the following actions on the LTWTP:

Groundwater Substitution
The LTWTP identifies GCID as pumping 25,000 acre-feet in the years that transfers may occur. Importantly, while the LTWTP covers a ten-year period, transfers would occur only in the critical and/or dry years. Because GCID's surface water supply reliability is being challenged and GCID's surface supplies may be less reliable, GCID will need to implement its Groundwater Supplemental Supply Program in dry and critical years, primarily. Based on Figure 3.3-25 in the LTWTP Draft EIS/EIR, GCID would have pumped in 1992, 1994, and 1997, which were Shasta critical water years during which GCID received a 75% water supply allocation.

Based on the potential conflicts between the needs of GCID landowners and the LTWTP, the GCID Board decided that the District should proceed with its own Groundwater Supplemental Supply Program and should not participate in the Groundwater Substitution component in the LTWTP.

1

Land Idling

The LTWTP identifies GCID as idling up to 20,000 acres (providing up to 66,000 acre-feet of transferrable water), which is based on the 20% land idling maximum. The Board evaluated what was in the best interest of GCID, its landowners, and the regional economy and environment. Based on those factors, the Board decided to decrease and limit its participation in the Land Idling component to no more than 10,000 acres (up to 33,000 acre-feet of transferrable water). 2

GCID requests that the LTWTP Draft EIS/EIR be revised to show these changes, and include a corresponding re-evaluation of the potential impacts that will be significantly reduced in Glenn and Colusa Counties as well as neighboring counties. 3

If you would like to meet to discuss GCID's program or our comments, please contact me at 530-934-8881.

Sincerely,

Thaddeus L. Bettner
General Manager

Cc: Frances Mizuno, Executive Director,
San Luis Delta-Mendota Water Authority

200 W. Willmott Avenue
Los Banos, CA 93635-5501

(209) 826-5188
Fax (209) 826-4984
Email: veronica@gwdwater.org

December 1, 2014

VIA U.S. MAIL AND E-MAIL

Brad Hubbard
U.S. Bureau of Reclamation
2800 Cottage Way, MP-410
Sacramento, CA 95825
bhubbard@usbr.gov

Re: Comments on the Long-Term Water Transfers Draft Environmental Impact Statement

Dear Mr. Hubbard:

Grassland Water District and Grassland Resource Conservation District ("GWD") submit the following comments on the Long-Term Water Transfers Draft Environmental Impact Statement/Environmental Impact Report ("EIS"). The EIS will cover individual and multi-year water transfers of up to 500,000 acre-feet per year from north-of-delta water users to south-of-delta water users, from 2015 through 2024 ("Project"). GWD is generally supportive of north-to-south water transfers, as long as potential adverse environmental impacts are avoided or mitigated. The following comments pertain to how the Project will affect Reclamation's operation of the Central Valley Project ("CVP") to meet refuge water supply requirements. Section 3406 of the Central Valley Project Improvement Act ("CVPIA") designates refuge water supplies as "mitigation" for "wildlife losses incurred" as a result of the construction, operation, and maintenance of the CVP. Accordingly, these comments have a direct relationship to the Project's impacts on

1

the environment, and each requires a written response under the National Environmental Policy Act.

1. Reclamation should be listed as a potential purchaser of water

First, Grassland Water District is a member agency of the San Luis & Delta Mendota Water Authority ("SLDMWA"), the CEQA lead agency for the Project. As described in the EIS, GWD and other south-of-delta refuges are within the service area of the SLDMWA.[1] GWD requests that the Bureau of Reclamation ("Reclamation"), on behalf of GWD and other south-of-delta refuges, be included in the list of potential purchasers of transferred water under the proposed Project.

GWD is informed that the failure to list refuges as potential Project water recipients may be an inadvertent omission. In the past, when refuges were inadvertently omitted from the list of potential recipients of transferred water, Reclamation has revised the applicable NEPA document.[2] The EIS should be revised to include the possibility that Reclamation may also purchase water from the listed sellers, on behalf of refuges. Making this change would not require any changes to the EIS analysis. Any impacts associated with the transfer of water from north of the delta to refuges south of the delta would be the same as those analyzed in the EIS, if not lessened by the environmental benefits that would accrue to the receiving refuges. 1

Reclamation has obligations under the CVPIA and section 3(a) of GWD's refuge contract to use its "best efforts" to acquire Incremental Level 4 water supplies. By including refuges in the EIS as potential beneficiaries of the Project's long-term north-to-south water transfer program, Reclamation could better facilitate water purchases for refuges, and would provide an incentive to north-of-delta landowners to offer water for sale to Reclamation's Refuge Water Supply Program. In fact, Reclamation has purchased refuge water supplies from at least one of the potential listed sellers in the EIS, the Anderson-Cottonwood Irrigation District. This year, Reclamation transferred a portion of that water to a south-of-delta refuge. It makes logical sense to include Reclamation as a potential purchaser of Project water, and to include refuges as potential recipients. To exclude this possibility from coverage under the EIS would be arbitrary and capricious, and would illustrate Reclamation's disregard for its duty to pursue the acquisition of Incremental Level 4 Water Supplies for refuges—an obligation that Reclamation persistently fails to meet.

[1] EIS p. ES-4.
[2] *E.g.* Supplemental Environmental Assessment and Finding of No Significant Impact for the South of Delta Accelerated Water Transfer Program (2013), *available at*: http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=6999.

2. Environmental commitments should benefit CVPIA refuges

Second, Reclamation must consider the implementation of environmental commitments that provide direct benefits to CVPIA refuges, to help offset the impacts of the proposed Project on species such as migratory birds, the giant garter snake, and others. CVPIA refuges will become increasingly important sources of habitat for these species if large volumes of Project water are redirected from habitat-beneficial crops such as rice and corn to non-habitat-beneficial crops and to urban water users. With the likely decrease in available habitat that will result from the proposed Project, and other potential impacts identified in the EIS, CVPIA refuges will bear the brunt of responsibility for meeting the habitat needs that result from operation of the CVP.

Reclamation has proposed no environmental commitments, however, that would benefit CVPIA refuges. Reclamation should offer water sellers a choice between making additional mitigation and restoration payments to the CVPIA Restoration Fund, or directly selling a percentage of the proposed water to be transferred to the Refuge Water Supply Program. *If only 5 to 10 percent of the proposed water to be transferred were sold to the Refuge Water Supply Program, the persistent deficit in Level 4 refuge water deliveries would be significantly cured.*

2

3. No adverse impacts on refuge water deliveries may occur

Third, Reclamation must assure refuge contractors that the potential transfer of 500,000 acre-feet of water annually would have no adverse effect on the timing or volume of refuge water deliveries, or the future capability of the CVP to deliver full Level 4 refuge water supplies. CVPIA section 3405(a)(1)(H), and other provisions of Reclamation Law such as the Warren Act, prohibit Reclamation from approving water transfers if they would have any adverse effect on Reclamation's ability to deliver water to meet its contractual or fish and wildlife obligations "because of limitations in conveyance or pumping capacity." This prohibition must not be ignored.

3

The EIS does not describe the order of priority for use of CVP facilities, other than a statement that transferred water can only be conveyed "after Project needs are met."[3] GWD is increasingly concerned that Reclamation has prioritized the conveyance of water transfers over the delivery of water that refuges are contractually and legally entitled to receive. GWD suffered a 10% reduction in its contractual entitlement to receive firm Level 2 water supplies this year. Despite GWD's repeated requests for an explanation of this deficiency, GWD was instead left with the impression that full Level 2 deliveries this fall and winter may have been denied so as to avoid interference with proposed water transfers. This is

[3] EIS, p. 2-18.

unacceptable. Reclamation must provide a written response to this comment to confirm that all refuge water deliveries, including the full potential capacity for Level 4 water deliveries, will take priority over the conveyance of transferred water supplies. 3

4. Clarifications and assurances are needed for water transfers by Merced Irrigation District

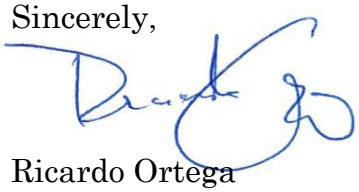
The EIS contemplates that water may be transferred by Merced Irrigation District ("MID") through a variety of potential conveyance mechanisms. MID has a binding commitment, however, under its Federal Energy Regulatory Commission license, to provide 15,000 acre-feet of water directly to the Merced National Wildlife Refuge. Most of this water (13,500 acre-feet) is credited toward Reclamation's Level 2 water supply obligation to the Merced refuge, and the remainder is credited toward Reclamation's Incremental Level 4 obligation.[4] Reclamation cannot authorize transfers by MID to others unless and until MID's water delivery obligation to Merced National Wildlife Refuge is first met. To act otherwise would violate Reclamation's duties under the CVPIA and under Reclamation's water supply contract with the U.S. Fish and Wildlife Service. Reclamation should revise its EIS or provide a written response to this comment to confirm that water will not be authorized for transfer by MID in any year that MID fails to meet its obligation to provide 15,000 acre-feet of water to the Merced National Wildlife Refuge. 4

Moreover, the EIS describes a mechanism whereby MID would exchange water to others by delivering water to "refuges in the San Luis unit" that would in turn reduce their water use "from the Delta-Mendota Canal."[5] The EIS must note that under the terms of Reclamation's refuge water contracts, exchanges involving refuge water supplies must be agreed to by the refuge contractor. Furthermore, the proposed refuge exchange mechanism is not adequately described. There are only two refuges that can directly receive water from MID's conveyance system, Merced National Wildlife Refuge and the East Bear Creek Unit of the San Luis National Wildlife Refuge. These refuges are located east of the San Joaquin River, and they do not use water from the Delta-Mendota Canal. The EIS does not sufficiently explain how this proposed exchange mechanism would work.

Thank you for considering and responding to these comments, and please feel free to contact me to discuss any of these issues further.

[4] *See* Exhibit "B" to Reclamation's contract with the United States Fish and Wildlife Service, *available at*: http://www.usbr.gov/mp/cvpia/3406d/env_docs/final/1758_exh_b_fws.pdf
[5] EIS, p. 2-25.

Sincerely,



Ricardo Ortega
General Manager

cc: Frances Mizuno (via e-mail, frances.mizuno@sldmwa.org)
Pablo Arroyave (via e-mail, parroyave@usbr.gov)
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LOCAL AGENCIES OF THE NORTH DELTA

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December 1, 2014

SENT VIA EMAIL (bhubbard@usbr.gov)

Brad Hubbard
Bureau of Reclamation
2800 Cottage Way, MP-410
Sacramento, CA 95825

RE: Comments on Long-Term Water Transfers EIS/R
State Clearinghouse No. 2011011010

Dear Mr. Hubbard:

These comments on the Long-Term Water Transfers Environmental Impact Statement/Environmental Impact Report ("EIS/R") ("project") are submitted on behalf of the Local Agencies of the North Delta ("LAND"). LAND is a coalition comprised of reclamation and water districts in the northern geographic area of the Delta.[1] As local agencies in the Delta, LAND is concerned about any actions that would result in water supply and/or quality impacts in the Delta that may occur as a result of the project. This letter addresses the following inadequacies of the EIS/R: (1) use of the wrong lead agency under the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq. ("CEQA")); (2) failure to consider the cumulative effects of the project in combination with the Bay Delta Conservation Plan ("BDCP"); and (3) inadequacy of mitigation for significant effects caused by implementation of the project. 1

San Luis & Delta-Mendota Water Authority is the Wrong Lead Agency

Under CEQA, the "lead agency" is "the public agency which has the principal responsibility for carrying out or approving a project . . . ." (Pub. Resources Code, § 21067.) Where several agencies have a role in approving, implementing or realizing a project, CEQA "plainly requires the public agency with principal responsibility to assume the role as lead agency." (*Planning & Conservation League v. Department of Water* 2

[1] LAND member agencies cover an approximately 110,000 acre area of the Delta; current LAND participants include Reclamation Districts 3, 150, 307, 317, 349, 407, 501, 551, 554, 556, 744, 755, 813, 999, 1002, 2111, 2067 and the Brannan-Andrus Levee Maintenance District. Some of these agencies provide both water delivery and drainage services, while others only provide drainage services. These districts also assist in the maintenance of the levees that provide flood protection to homes and farms.

Resources (2000) 83 Cal.App.4th 892, 906.) According to the Third District Court of Appeal, "the lead agency plays a pivotal role in defining the scope of environmental review, lending its expertise in areas within its particular domain, and in ultimately recommending the most environmentally sound alternative." (*Id*. at 904.) "So significant is the role of the lead agency that CEQA proscribes delegation." (*Id*. at 907.)

According to the EIS/R, the San Luis & Delta-Mendota Water Authority ("SLDMWA"), "consisting of federal and exchange water service contractors in western San Joaquin Valley, San Benito, and Santa Clara counties, helps *negotiate* transfers in years when the member agencies could experience shortages." (EIS/R, p. 1-1, italics added.) Furthermore: "This EIS/EIR addresses water transfers to [Central Valley Project ("CVP")] contractors from CVP and non CVP sources of supply that must be conveyed through the Delta using both CVP, SWP, and local facilities. These transfers require approval from Reclamation and/or *the Department of Water Resources (DWR)*, which necessitates compliance with NEPA and CEQA." (EIS/R, p. ES-1, italics added.) 2

SLDMWA is not the proper CEQA lead agency for the project. Here, it appears that DWR has the principle responsibility with respect to carrying out and approving water transfers and would be the proper lead agency. Much like the lead agency role struck down in the *Planning and Conservation League* case, SLDMWA's assistance in negotiating transfers is insufficient to give rise to a lead agency role under CEQA. (See 83 Cal.App.4th at p. 906.) As a result of this error, the entire EIS/R process is tainted and must be restarted with the correct lead agency.

BDCP as a Cumulative Project

When conducting a cumulative impact analysis, a lead agency has the choice of using either the list-of-projects approach or the summary-of-projections approach, depending on which method is best suited to a particular situation. (CEQA Guidelines, § 15130, subd. (b)(1).) According to the EIS/R, "both methods" are used. (EIS/R, p. 4-3.) Yet the EIS/R fails to consider the effects of the project combined with the implementation of the BDCP. The BDCP is currently undergoing public review (Bureau of Reclamation is also the NEPA lead agency), and could be approved and implemented within the timeframe of the project. (See http://baydeltaconservationplan.com/PlanningProcess/EnvironmentalReview/TheProcess.aspx.) 3

The BDCP consists of new diversion facilities on the Sacramento River as well as other actions that constitute a proposed Habitat Conservation Plan within the Sacramento-San Joaquin Delta. While the diversion facilities would not be constructed within the 10 year timeframe of the project, other so-called conservation measures could

be implemented. The cumulative effects of those aspects of the BDCP that could be implemented within the timeframe of the proposed project must be analyzed.

In particular, cumulative effects from reductions in Delta outflow should be analyzed. According to the EIS/R, the project would lead to changes in Delta hydrology. (EIS/R, p. 3.8-62.) These changes should be considered in conjunction with the BDCP, which may reduce Delta outflow by dramatically increasing the amount of open water habitat in the Delta (up to 65,000 acres tidal marsh). According to DWR data, open water and riparian vegetation consume about 67.5 acre-feet per year, which is much greater than most agricultural uses. (See Exhibit A.)[2] The project's potential, in combination with BDCP, to reduce Delta outflow must be considered. 3

The cumulative effects of weed growth that results from BDCP/habitat projects in the Delta and within the Seller service areas on fallowed lands should also be considered. The EIS/R apparently assumes that invasive weeds will be managed on fallowed lands in the Seller area. Invasive weeds, however, consume significant quantities of water and may result in less water being available for transfer than assumed in the EIS/R. According to a 2004 study, for instance, about "one million acre-feet of water is consumed by star thistle each year in the Central Valley above and beyond what would be consumed by annual grasses."[3] In addition to analyzing water demand of weeds in the Delta under BDCP as well as in the Seller service areas, effective weed management should be included as a mitigation measure.

Inadequacy of Mitigation Measures

The EIS/R contains inadequate mitigation for the significant effects of the project. In particular, Mitigation Measure GW-1 ("GW-1") does not meet basic CEQA requirements for mitigation. (*Cf.* CEQA Guidelines, § 15126.4; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 94-95 (describing requirements for use of specific performance criteria to ensure the efficacy of the mitigation).) While the EIS/R states that this mitigation measure would reduce impacts related to natural communities in rivers and creeks in the Sacramento River Watershed, for instance (EIS/R, p. 3.8-51), this mitigation measure monitors wells, not river and creek levels. The analysis also assumes without any support that natural recharge will 4

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[2] Department of Water Resources, Bulletin 168 (October 1978) titled, "Sacramento Valley Water Use Survey 1977," Table A-5 (showing 1976-77 Estimated Crop Evapotranspiration Values for the Delta Service Area).

[3] Cal-IPC News, Newsletter of the California Invasive Plant Council (Summer 2014), p. 11, available at: http://origin.library.constantcontact.com/download/get/file/1101215423203-171/Cal-IPC_News_Summer2014.pdf.

correct any environmental impacts that do occur. GW-1 also leaves entirely open the amount of time an adverse impact could occur and before it will be corrected. This approach fails to meet the requirement to mitigate the project's impacts to the extent feasible, as required by CEQA. (See Pub. Resources Code, § 21002.) While CEQA permits deferral of formulation of mitigation in certain instances, minimum requirements for deferred mitigation are not met by GW-1. 4

CONCLUSION

Overall, we remain concerned that the project, in combination with other cumulative projects, will significantly affect Delta water supply and quality for in-Delta users. While increased transfers have the potential to increase flows into the Delta, it is not clear that this project will result in such flow increases. Without actual increases in flows, this transfer program could facilitate increased diversions out of the Delta for CVP contractors, leaving in Delta water supplies further depleted and degraded. We respectfully request that the EIS/R be corrected and recirculated to correct the deficiencies identified in these and other comment letters prior to any action being taken on the project. Thank you for considering these comments. 5

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 
Osha R. Meserve

Enclosure: Exhibit A - DWR Bulletin 168 (October 1978), Table A-5

EXHIBIT A

TABLE A-5
1976-77 Estimated Crop Et Values
Delta Service Area
(in inches)

Land Use Category	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Total Oct.76-Sep.77	Oct.77	Total Nov.77-Oct.77
Sacramento-San Joaquin Delta															
Irrigated Pasture	3.2	1.5	1.0	0.7	1.5	3.6	5.4	4.8	6.9	7.7	6.4	4.7	47.4	3.4	47.6
Alfalfa	3.2	1.5	1.0	0.7	1.5	3.2	4.9	4.4	6.5	7.5	6.5	4.9	45.8	3.4	46.0
Deciduous Orchard (Fruits & Nuts)	2.6	1.5	1.0	0.7	1.5	2.7	3.8	4.0	6.1	7.4	6.1	4.3	41.7	2.6	41.7
Tomatoes	2.4	1.5	1.0	0.7	1.5	1.9	2.2	2.6	4.0	8.2	6.0	2.3	34.3	1.9	33.8
Sugar Beets	2.4	1.5	1.0	0.7	1.5	1.9	2.2	3.7	7.6	8.3	6.4	4.4	41.6	2.4	41.6
Grain Sorghum (Milo)	2.4	1.5	1.0	0.7	1.5	1.9	2.2	2.0	5.9	7.3	4.3	2.5	33.2	1.9	32.7
Field Corn	2.4	1.5	1.0	0.7	1.5	1.9	2.2	2.3	5.7	6.9	5.1	2.6	33.8	1.9	33.3
Dry Beans	2.4	1.5	1.0	0.7	1.5	1.9	2.2	1.7	5.7	6.2	2.7	2.5	30.0	1.9	29.5
Safflower	2.4	1.5	1.0	0.7	1.5	1.9	2.5	4.8	8.7	7.7	4.4	2.5	39.6	1.9	39.1
Asparagus	2.4	1.5	1.0	0.7	1.5	1.9	2,2	1.0	3.5	7.7	6.4	4.7	34.5	2.4	34.5
Potatoes	2.4	1.5	1.0	0.7	1.5	1.9	2.2	1.7	4.3	7.4	5.5	2.8	32.9	1.9	32.4
Irrigated Grain	2.4	1.5	1.0	0.7	2.0	4.3	5.7	3.1	1.8	1.0	1.0	1.6	26.1	1.6	24.7
Vineyard	2.4	1.5	1.0	0.7	1.5	1.9	2.2	2.8	5.3	6.5	5.3	3.4	34.5	2.4	34.5
Rice	3.2	1.5	1.0	0.7	1.5	1.9	2.8	5.6	8.8	9.8	8.1	5.5	50.4	3.4	50.6
Sudan	2.4	1.5	1.0	0.7	2.0	4.3	5.7	4.8	6.9	7.7	4.9	4.7	46.6	2.4	46.6
Misc. Truck	2.4	1.5	1.0	0.7	1.5	1.9	3.2	4.6	6.7	7.4	5.2	3.7	39.8	1.9	39.3
Misc. Field	2.4	1.5	1.0	0.7	1.5	1.9	2.2	2.4	6.1	7.4	5.0	1.9	34.0	1.9	33.5
Double Cropped with Grain															
Sugar Beets	2.4	1.5	1.0	0.7	2.0	4.3	5.7	3.1	1.8	4.2	5.2	5.8	37.7	3.4	38.7
Field Corn	2.4	1.5	1.0	0.7	2.0	4.3	5.7	3.1	1.8	4.3	6.3	6.1	39.2	2.7	39.5
Grain Sorghum (Milo)	2.4	1.5	1.0	0.7	2.0	4.3	5.7	3.1	1.8	2.7	6.1	5.2	36.5	1.9	36.0
Sudan	2.4	1.5	1.0	0.7	2.0	4.3	5.7	3.1	3.6	7.7	4.9	4.7	41.6	1.9	41.1
Dry Beans	2.4	1.5	1.0	0.7	2.0	4.3	5.7	3.1	3.1	7.6	3.5	1.5	36.4	1.9	35.9
Tomatoes	2.4	1.5	1.0	0.7	2.0	4.3	5.7	3.1	2.3	6.6	6.0	5.2	40.8	1.9	40.3
Lettuce	2.4	1.5	1.0	0.7	2.0	4.3	5.7	3.1	4.1	7.4	5.3	4.9	42.4	2.4	42.4
Misc. Truck	2.4	1.5	1.0	0.7	2.0	4.3	5.7	3.1	2.3	6.6	6.0	5.2	40.8	2.4	40.8
Misc. Field	2.4	1.5	1.0	0.7	2.0	4.3	5.7	3.1	4.1	7.4	5.3	4.9	42.4	3.4	43.4
Fallow Lands 1/	2.4	1.5	1.0	0.7	1.4	1.0	1.0	1.0	1.0	1.0	1.0	1.0	14.0	1.0	12.6
Native Vegetation 2/	2.4	1.5	1.0	0.7	1.4	3.7	3.8	2.1	2.3	2.6	2.3	2.0	25.8	1.6	25.0
Riparian Veg. & Water Surface	4.6	2.4	1.4	0.8	1.9	4.5	7.4	6.6	9.7	11.8	9.7	7.0	67.8	4.3	67.5
Urban	1.6	0.8	0.6	0.7	1.0	1.0	1.9	2.4	2.4	2.5	2.4	1.9	19.2	1.6	19.2

1/ Applies also to nonirrigated grain.
2/ Applies also to nonirrigated orchards and vineyards

Metric conversion: inches times 25.4 equals millimetres.

RECLAMATION DISTRICT
108
975 Wilson Bend Road
P.O. Box 50
Grimes, CA 95950-0050
(530)437-2221
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www.rd108.org

December 1, 2014

Via e-mail (bhubbard@usbr.gov)
Brad Hubbard
United States Bureau of Reclamation
2800 Cottage Way, MP-410
Sacramento, CA 95825

Via e-mail (frances.mizuno@sldmwa.org)
Frances Mizuno
San Luis and Delta-Mendota Water Authority
P.O. Box 2157
Los Banos, CA 93635

Re: Comments on Draft EIS/EIR on Proposed Long-Term Water Transfers

Dear Mr. Hubbard and Ms. Mizuno:

Reclamation District 108 ("RD 108") respectfully submits these comments on the September 2014 Draft Environmental Impact Report/Environmental Impact Statement ("EIS/EIR") for the above-referenced project.

RD 108 has no concerns with a reasonable groundwater substitution program. Indeed, RD 108 is identified as a potential transferor of groundwater substitution water in the EIS/EIR and may be willing to transfer up to 15,000 acre-feet per year of surface water made available through groundwater substitution. (Draft EIS/EIR, at Table 2-5.)

RD 108 is concerned, however, about the intensity and magnitude of the proposed Conaway Preservation Group ("Conaway") groundwater substitution program. RD 108 covers nearly 48,000 acres and will potentially substitute up to 15,000 acre-feet/year of groundwater to replace transferred surface water. RD 108 will thus pump less than 1/3 of an acre-foot per acre of land per year. On the other hand, Conaway owns 16,088 acres of land, but will pump up to 35,000 acre-feet/year under the proposed project. Thus, Conaway's proposed groundwater substitution program, as described in the EIS/EIR, will result in pumping of more than 2 acre-feet of groundwater per acre of land owned by Conaway.

1

Conaway, however, has an even more ambitious groundwater substitution program than the EIS/EIR indicates. Through an agreement with the Woodland-Davis Clean Water Agency ("WDCWA"), Conaway may pump up to an additional 10,000 acre-feet/year to substitute for a transfer of surface water rights to WDCWA. Accordingly, if Conaway pumps the maximum amount of groundwater for which authorization is being sought under the long-term transfer program and the WDCWA Water Agreement, Conaway could pump a maximum annual quantity of 45,000 acre-feet of groundwater. This would result in Conaway pumping nearly 3 acre-feet per acre of land.

2

While RD 108 has no objection to the provision of water to WDCWA through groundwater substitution, the cumulative impacts of Conaway's groundwater pumping for WDCWA and its groundwater pumping for the long-term transfer program must be fully analyzed as required by the National Environmental Policy Act and the California Environmental Quality Act. 2

RD 108 COMMENTS ON EIS/EIR

1. Impacts Analysis: The EIS/EIR's analysis of the environmental impacts of the proposed groundwater substitution program is deficient in at least three respects:

    a. The EIS/EIR only includes an analysis of impacts related to groundwater pumping for Conaway's proposed 35,000 acre-feet/year groundwater substitution program. Because Conaway intends to pump an additional 10,000 acre-feet/year pursuant to its agreement with WDCWA, the impacts analysis on groundwater levels and land subsidence are artificially deflated.

    b. Measuring groundwater level drawdown at only one location on Conaway Ranch is inadequate given the magnitude of Conaway's proposed groundwater substitutions. (Draft EIS/EIR, at Figure 3.3-26.) As the EIS/EIR indicates, land subsidence has occurred at Conaway Ranch in the past. (Draft EIS/EIR, at 3.3-82.) Accordingly, the EIS/EIR should have analyzed more fully the land subsidence and groundwater level drawdown impacts in Conaway's area. Instead, the EIS/EIR analyzes impacts on groundwater levels and subsidence in three locations far from Conaway, while relegating a hydrograph of the Conaway location (Location 30) to the Appendix with little analysis. (Draft EIS/EIR, at E-204-E210.) Moreover, as Exhibit 1 to this letter demonstrates, the effects of Conaway's groundwater pumping are already causing land subsidence. But instead of measuring conditions that have already occurred, the draft EIS/EIR relies on a simulation of Conaway's proposed pumping that does not take its current actions into account. Therefore, the final EIS/EIR should evaluate potential environmental impacts based on current conditions, rather than on a simulation in which the data set ends in Water Year 2003. 3

    c. Impacts from subsidence related to the Project and Project Alternatives are not presented in the EIS/EIR. This is a particularly important issue in relation to Conaway because Conaway has flood control levees adjacent to its property. One would expect that the increase in the magnitude of subsidence currently experienced at Conaway Ranch from existing pumping (which is not quantified or described in the draft EIS/EIR) would increase in relation to the expected groundwater level declines from the Project. Subsidence is often a delayed response to groundwater level declines and the proposed monitoring for subsidence is inadequate to assess longer term or delayed effects from subsidence that could occur after pumping for groundwater substitution has ceased.

2. Mitigation Measures: The draft EIS/EIR fails to adequately develop and explain how the potentially significant impacts of the project will be mitigated. Mitigation Measure GW-1 is insufficiently robust to reduce impacts from the proposed project to less than significant. In particular, the mitigation measures for land subsidence are inadequate. The mitigation measures proposed in GW-1 for land subsidence are not sufficiently set forth in the EIS/EIR. (See Draft EIS/EIR, at section 3.3.4.1.) Instead, GW-1 defers to a monitoring program to be developed in the future by the U.S. Bureau of Reclamation. Furthermore, the EIS/EIR states that areas with "higher susceptibility to land subsidence will also require more extensive monitoring" without specifying what that more extensive monitoring will involve. Mitigation Measure GW-1 also does not include any provisions for well replacement should well interference or longer term groundwater level declines result in 4

wells going dry and an inability for bowls or pumps to be lowered in response to Project impacts. Most importantly, the bulk of the mitigation responsibility falls on sellers, but the individual sellers' plans are nowhere to be found in the EIS/EIR. In short, the EIS/EIR claims that mitigation measure GW-1 mitigates the potentially significant land subsidence effects without describing what the mitigation program actually entails. The final EIS/EIR should develop and analyze each of these aspects of the mitigation measure in greater detail. 4

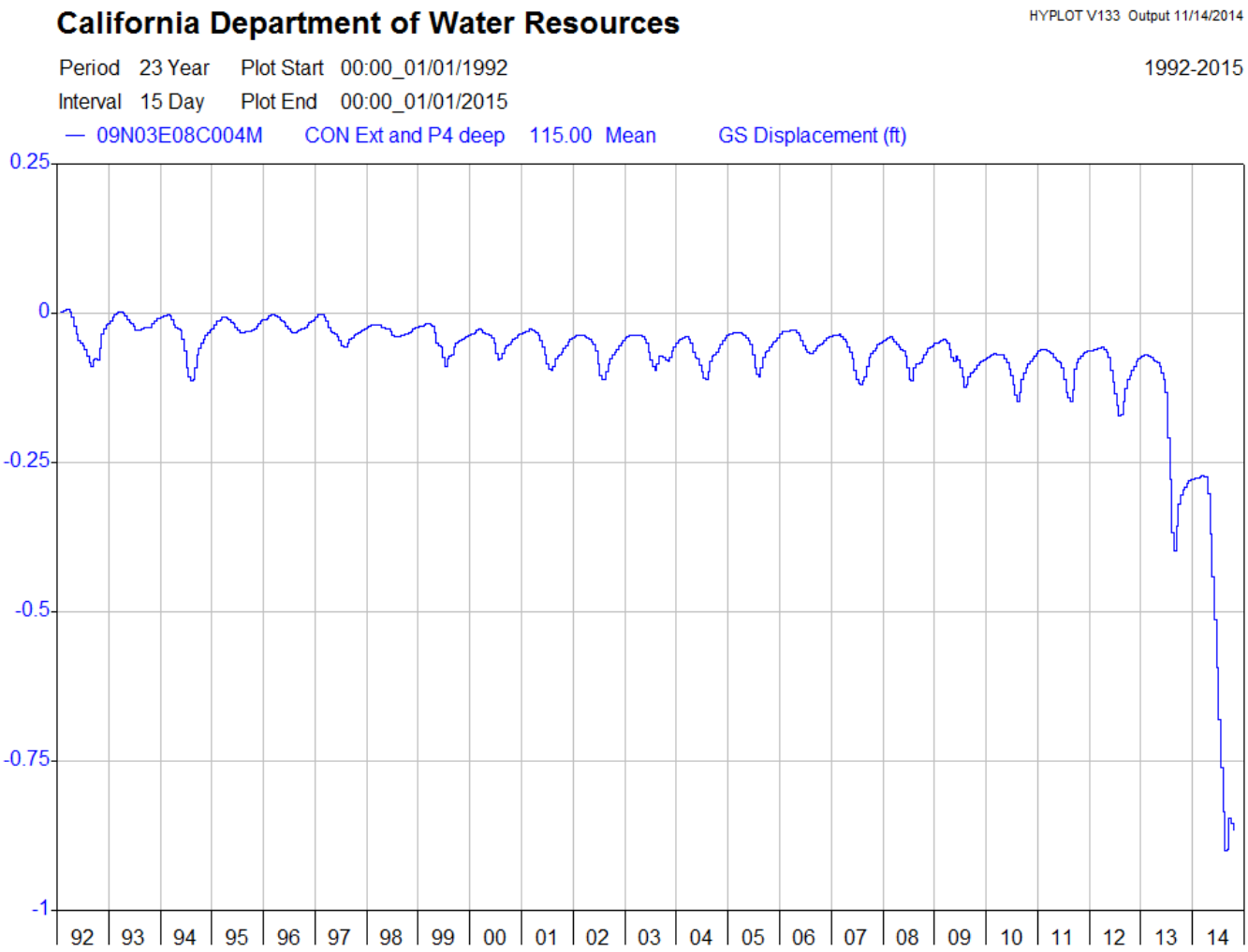
3. Cumulative Impacts Analysis: The cumulative impacts analysis is inadequate in that it does not include an analysis of the WDCWA project. Moreover, the cumulative impacts of other reasonably foreseeable groundwater development projects must be analyzed in the EIS/EIR. 5

Thank you for the opportunity to submit these comments.

Sincerely,

Lewis Bair
General Manager

Enclosure


California Department of Water Resources
HYPLOT V133 Output 11/14/2014
Period 23 Year Plot Start 00:00_01/01/1992
1992-2015
Interval 15 Day Plot End 00:00_01/01/2015
— 09N03E08C004M CON Ext and P4 deep 115.00 Mean GS Displacement (ft)
0.25
0
-0.25
-0.5
-0.75
-1
92 93 94 95 96 97 98 99 00 01 02 03 04 05 06 07 08 09 10 11 12 13 14

SACRAMENTO METROPOLITAN
AIR QUALITY
MANAGEMENT DISTRICT

Larry Greene
AIR POLLUTION CONTROL OFFICER

November 25, 2014

SENT VIA EMAIL ONLY

Mr. Brad Hubbard
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Long-Term Water Transfers Draft Environmental Impact Statement/Environmental Impact Report (SAC201401523)

Dear Mr. Hubbard:

The Sacramento Metropolitan Air Quality Management District (SMAQMD) staff reviewed the Long-Term Water Transfers Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR). SMAQMD staff provides the following comment regarding the air quality section.

The EIS/EIR provides two measures to reduce air emissions from the project:

- AQ-1: Reduce pumping at diesel or natural gas wells to reduce pumping below significance levels, and
- AQ-2: Operate dual-fired wells as electric engines.

1

State CEQA Guidelines require mitigation measures to be fully enforceable through permit conditions, agreements, or other legally binding instruments (§15126.4(a)(2)). Additional details on how AQ-1 and AQ-2 will be implemented and enforced are necessary to ensure the emissions from the project will not have a significant impact to air quality.

Please contact me at 916-874-4881 or khuss@airquality.org if you have any questions. I look forward to receiving a notice when the final EIS/EIR is released.

Sincerely,

Karen Huss

Karen Huss
Associate Air Quality Planner/Analyst

Cc: Larry Robinson, SMAQMD
Carter Jessop, USEPA Region 9

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Santa Clara Valley Water District

December 1, 2014

Mr. Brad Hubbard, Project Manager
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Ms. Frances Mizuno, Assistant Executive Director
San Luis & Delta-Mendota Water Authority
P.O. Box 2157
Los Banos, CA 93635

Subject: Santa Clara Valley Water District's Comments on Draft Environmental Impact Statement/Environmental Impact Report for Long-Term Water Transfers

Dear Mr. Hubbard and Ms. Mizuno:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) prepared by the Bureau of Reclamation (Reclamation) and the San Luis & Delta-Mendota Water Authority (SLDMWA) for the proposed Long-Term Water Transfers Project (Project). The Santa Clara Valley Water District (SCVWD) understands that Reclamation is serving as the lead agency under the National Environmental Policy Act (NEPA) and that SLDMWA is serving as the lead agency under the California Environmental Quality Act (CEQA). These comments are provided by SCVWD for both NEPA and CEQA.

SCVWD respectfully requests that Reclamation and SLDMWA provide further discussion regarding the items identified below in order to more fully comply with NEPA, CEQA, and those laws' respective public disclosure and analysis requirements. SCVWD's comments relate primarily to the analysis of the Project's potential impacts to the San Felipe Division related to San Luis Reservoir (SLR).

Information provided in Section 3.2.2.4.2 (pp. 3.2-41 and 3.2-42) indicates that the projected SLR storage levels are lower under the Proposed Action. The Draft EIS/EIR recognizes that SLR storage "could decrease by as much as six percent (of water in storage in the No Action/No Project Alternative) during August of critical water years." Based on Table 3.2-27 on p. 3.2-42, monthly storage in SLR during a critical year could decrease by as much as 27,300 acre-feet (AF) between June and October, when SLR typically has the highest likelihood of reaching its lowest storage levels. The Draft EIS/EIR concludes that "potential storage-related effects on water quality would be less than significant for San Luis Reservoir." SCVWD would like more information to substantiate the statement that "these small changes in storage are not sufficient to … substantially degrade water quality." SCVWD would also like more information on whether deliveries to Santa Clara County could be impaired with the Project. 1

SCVWD relies on delivery of its Central Valley Project (CVP) water and other imported water supplies from SLR through the San Felipe Division. When SLR storage levels drop below an elevation of 369 feet, about 300,000 AF in storage or the "low point", algal blooms occurring during the summer can enter the lower intake of the Pacheco Pumping Plant and deliveries of

SCVWD's CVP supplies can be adversely affected; water quality within the algal blooms is not suitable for municipal and industrial water users relying on existing water treatment facilities in Santa Clara County. Deliveries to the San Felipe Division may be severely or completely interrupted when storage levels are drawn down such that there is insufficient hydraulic head to effectively operate Pacheco Pumping Plant. The EIS/EIR should provide more detail on the existing low point issue, and existing Reclamation operational protocols designed to minimize low point conditions. It should also provide greater analysis and detail on the impacts of the Project on SLR storage levels, and on SCVWD's water supplies due to low point conditions.

1

SCVWD thanks Reclamation and the SLDMWA for the opportunity to review and comment on the Draft EIS/EIR. SCVWD appreciates the Project's overall goal of increasing flexibility and reliability with regard to management of CVP water supplies. However, SCVWD requests that Reclamation and SLDMWA expand on the issues identified above in order to comply with CEQA and NEPA. SCVWD believes it is necessary to provide a more complete environmental analysis under NEPA and CEQA to help ensure that the Project does not provide a benefit to certain water providers to the potential detriment of others.

If you have any questions, please contact Cindy Kao at (408) 630-2346 or ckao@valleywater.org.

Sincerely,

Garth Hall
Deputy Operating Officer
Water Supply Division