Section B: State Agencies

SWRCB

State Water Resources Control Board

Division of Water Rights
1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
P.O. Box 2000 ♦ Sacramento, California 95812-2000
Fax: 916.341.5400 ♦ www.waterrights.ca.gov

Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

JUL 18 2006

Ms. Samantha Salvia
Contra Costa Water Dstrict
P.O. Box H2O
Concord, CA 94524

Dear Ms. Salvia:

COMMENTS ON CONTRA COSTA WATER DISTRICT'S ALTERNATIVE INTAKE PROJECT, DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

Staff of the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), as a responsible agency, appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for Contra Costa Water District's (CCWD) Alternative Intake Project (AIP). In addition to addressing impacts associated with construction of the physical project features, the DEIR addresses water supply, water quality, and environmental impacts associated with the operation of a new point of diversion for CCWD's Delta water rights and its Central Valley Project (CVP) contract entitlement.

Project Description

CCWD diverts water from the Sacramento-San Joaquin River Delta Estuary (Delta) under its water rights and under a United States Bureau of Reclamation (USBR) Central Valley Project (CVP) contract entitlement. The proposed project involves the siting and construction of a new, screened water intake and pump station located along the lower third of Victoria Canal on Victoria Island and a buried pipeline that would extend from the new intake to CCWD's existing Old River conveyance system on Byron Tract. The capacity of the intake and pump station would be 250 cubic feet per second (cfs). The intake would be used to divert water under both CCWD's water rights and its CVP entitlement. The existing Old River intake would remain operational. CCWD states that the DEIR will be used to support a petition for change to add the new intake as an authorized point of diversion/rediversion under CCWD's water rights as well as the appropriate USBR CVP water rights.

State Water Board Comments

The DEIR states that "[a]lthough it would change the location, timing, and quality of some of CCWD's existing diversions, the Proposed Action would not increase CCWD's total Delta diversion capacity(rate or average annual quantity) and would not change CCWD's demands or the quantity of water delivered to its service area each year; under

current conditions, no more than 250 cfs would be diverted from the combined Old River intake and new alternative intake."

Additionally the DEIR includes analyses of potential impacts associated with long-term changes in Delta water quality and Delta water levels as well as potential impacts to Delta water supplies. Issues related to the quantity of water diverted by CCWD or the impacts of the new intake on water quality or water levels represent potential injury to other users of water. Prior to receiving approval from the State Water Board to change the water rights associated with the AIP, CCWD and USBR will be required to show that these changes will not injure other legal users of water. The State Water Board will review all relevant information available to make that determination. SWRCB-1

Thank you for considering these comments to the Draft Environmental Impact Report for Contra Costa Water District's Alternative Intake Project. If you have any questions regarding this letter please contact Greg Wilson, the staff person assigned to this project, at (916) 341-5427.

Sincerely,

Gita Kapahi, Chief
Special Projects Unit

Letter SWRCB Response	State Water Resources Control Board Gita Kapahi, Chief, Special Projects Unit July 18, 2006

SWRCB-1 Comment noted. CCWD and Reclamation appreciate SWRCB staff's review of the Draft EIR/EIS and look forward to working with SWRCB in the water rights modification process. As described in Sections 4.2, "Delta Water Resources," and 4.5, "Local Hydrology and Water Quality," of the Draft EIR/EIS, and in Master Responses 1, "Delta Water Quality Analysis," 2, "Delta Water Level Analysis," and 3, "Rock Slough Water Quality Standards and Compliance," of this document, the impacts on Delta water quality, levels, and beneficial uses resulting from implementation of the Alternative Intake Project would be less than significant and would not injure other users of Delta water.

DWR

STATE OF CALIFORNIA – THE RESOURCES AGENCY
ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF WATER RESOURCES
1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791

June 26, 2006

Ms. Samantha Salvia
Contra Costa Water District
Post Office Box H2O
Concord, California 94524

Comments on the Draft Environmental Impact Report/Environmental Impact Statement for the Contra Costa Water District Alternative Intake Project

Dear Ms. Salvia:

This letter transmits the comments of the Department of Water Resources (Department) on the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/S) for the Alternative Intake Project.

The Alternative Intake Project is a proposed new intake structure at Victoria Canal that would have a maximum intake capacity of 250 cubic feet per second (cfs) and would be used to improve the quality of the water supply to the Contra Costa Water District (CCWD). The project would not increase the amount of water diverted by CCWD from the Delta but would shift the amount of water diverted at the Rock Slough intake to the new, alternative intake. This proposed operation would improve the water quality CCWD receives from the Delta and, as explained in the DEIR/S, slightly degrade water quality in certain Delta locations.

The water quality impact assessment contained in the DEIR/S uses the same methodology as the DEIR/S for the South Delta Improvements Program (SDIP). The SDIP is proposed by the Department and the U.S. Bureau of Reclamation (Reclamation) to improve water levels and circulation in the south Delta, protect salmon migrating on the San Joaquin River, and, in a potential later stage of the program, improve the water supply for contractors of the State Water Project and Central Valley Project by increasing the allowed diversion limit at Clifton Court Forebay. CCWD has commented on the SDIP DEIR/S stating that this methodology "serves only to mask the significant, negative effects that would result from the SDIP." We believe that this method is a fair and technically sound analytical approach for impact assessment and are happy to see that, after additional consideration, it has been accepted by CCWD. DWR-1

Under this method, the impacts of the proposed project are measured two ways; as the incremental difference between the averages of the daily values over a simulated 16-year period, and as the difference between average monthly values for the same period. The impacts are relatively small, almost always under a 3 percent increase in salinity. CCWD and the Bureau of Reclamation conclude this level of degradation is not significant. Under the criteria used for the SDIP impact analysis, this level of impact is also not considered to be a significant impact. We wish to apply consistent criteria to the analysis of the alternative intake and, therefore, agree that the water quality impacts are not significant.

DWR-1 Cont'd

We do wish to call attention to the projected salinity increases in Old River near Tracy Road Bridge. Under the future scenario with the preferred alternative, salinity is shown to increase from July through January (Appendix C, page C4-76, attached). Although the increases are small, showing a future maximum monthly increase of 1.4 percent for October, the Department is concerned about any action that would increase the potential for exceeding the water quality standards in the south Delta. Per the State Water Resources Control Board Decision 1641 and the associated Order WR 2006-006, the Department, as the operator of the State Water Project, and Reclamation, as the operator of the Central Valley Project, are responsible for meeting 0.7 millimhos per centimeter (mmhos) April through August and 1.0 mmhos otherwise. The attached figure shows that the ability of the Department to meet the south Delta standards in Old River is eroded by the implementation of this project.

DWR-2

CCWD is rapidly moving forward to improve the water quality of its Delta supply. Projects in Rock Slough and Old River have been completed and are now improving water quality for CCWD. CCWD received a significant contribution in State funding from the CALFED Program and funding from the State Water Contractors for these projects. In addition, CCWD is seeking to encase the Contra Costa Canal and will use a significant amount of State funds, as approved by the California Bay-Delta Authority, to do so. The proposed additional intake is the fourth project designed to improve CCWD's Delta source quality. We believe it is fair and appropriate that CCWD strongly support other actions that are proposed to improve water quality in the Delta and the San Joaquin River so that other Delta water users receive improvements in their Delta water supply.

DWR-3

Attached are additional comments on the DEIR/S. Please contact me at (916) 653-1099 or kkelly@water.ca.gov if you wish to discuss this or have any questions.

Sincerely,

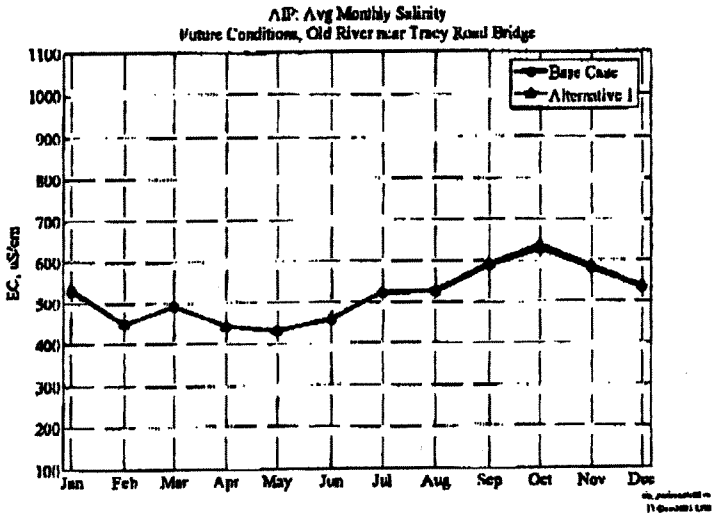
Katherine F. Kelly, Chief
Bay-Delta Office

Attachments

cc: Mr. Greg Gartrell
Contra Costa Water District
Post Office Box H2O
Concord, California 94524

State Water Contractors
455 Capitol Mall, Suite 220
Sacramento, California 95814

Mr. Joseph Grindstaff, Director
California Bay-Delta Authority
650 Capitol Mall, Fifth Floor
Sacramento, California 95814


AIP: Avg Monthly Salinity
Future Conditions, Old River near Tracy Road Bridge
Base Case
Alternative 1
EC, uS/cm
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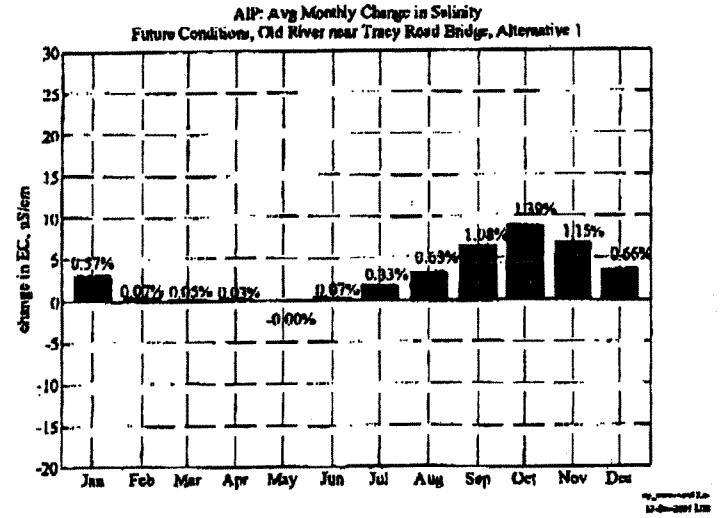
AIP: Avg Monthly Change in Salinity
Future Conditions, Old River near Tracy Road Bridge, Alternative 1
change in EC, uS/cm
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15
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5
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-5
-10
-15
-20
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0.07%
0.05%
0.03%
-0.00%
0.07%
0.33%
0.69%
1.08%
1.39%
1.15%
0.66%
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May
Jun
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Oct
Nov
Dec

Attachment 2

Department of Water Resources
Comments on Contra Costa Water District Alternative Intake Project
Environmental Impact Report/Environmental Impact Statement

1. **Climate Change**

While the importance of climate change is acknowledged in this document (P. 4.2-53) and the potential impacts associated with rising sea levels and increased salt water intrusion into the Delta are briefly discussed, specific predicted impacts related to the Alternative Intake Project are not. The Environmental Impact Report/Environmental Impact Statement (EIR/S) should provide more information about the specific impacts of and to the proposed project in light of climate change, or explain why this can not be done. Some of the issues that might be addressed in this expanded discussion include (1) the availability of existing computer models that could be used to predict the timeframe for sea level rises and the resulting predicted increase in salt water intrusion into the Delta; and (2) whether information from these models could be used to address questions of whether or not the Alternative Intake Project is likely to meet the desired Contra Costa Water District (CCWD) water quality standards for salinity during its project life. DWR-4

2. **Rock Slough and Old River Water Quality**

The Old River Water Quality Improvement and Rock Slough Water Quality Improvement projects, described in the EIR/S, indicate the purpose of these projects is to improve local water quality conditions at the intake sites. A discussion of current and future water quality effects, as a result of the Old River Water Quality Improvement and Rock Slough Water Quality Improvement projects, should be included in this document as a current and a future environmental baseline against which the new intake is being evaluated. One possible means to assess the benefits of these two projects is to identify the percent contribution of salinity from various sources (i.e. agriculture versus sea water intrusion) and describe changes in salinity from local sources as a result of these new projects (Exhibit 4.2-6). DWR-5

3. **Western Delta Water Quality Trends**

The following information is commentary only, and is being provided as a means of illustrating another approach to examine trends in salinity levels, using the Jersey Point data, under different time periods. Data are used in the EIR/S document to illustrate an overall, steady upward trend in salinity during fall months in the western Delta from 1960 to 2005. These data also appear to illustrate a sudden shift up in salinity around 1985 and this higher level is sustained by at least 6 "dry" or "below normal" years (1987 – 1992) following this. DWR-6

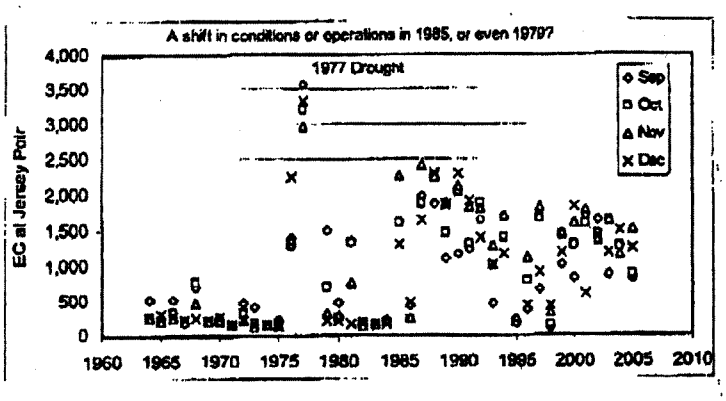

Figure 1. Timeline for the "Fall" months, including all water year types. 1982-1984 were "wet" or "above normal" years.

Though the overall trend from 1960 through 2005 indicates an increase in salinity in the western Delta, an examination of the same salinity data at Jersey Point from 1985 through 2005 only (using "average", "below average" and "dry" year data only and for the months of September, October, November and December) indicate either a slight downward shift or no change during this time period (Figures 2 and 3).

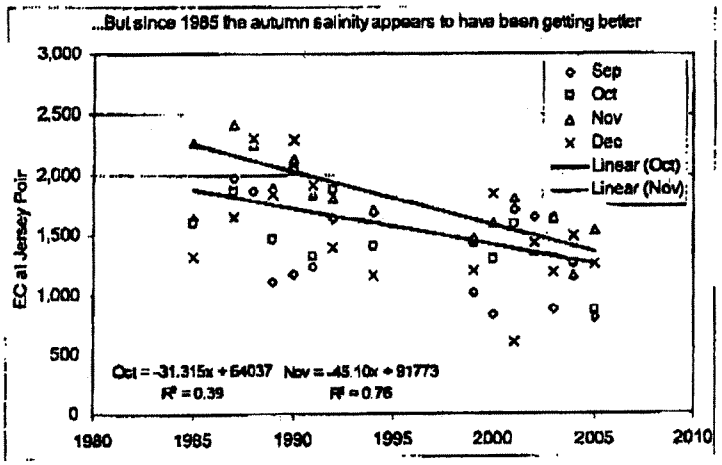

Figure 2. Since it is the dry years that are of greatest concern, we focused on the non-wet years between 1985 and 2005. The slopes of the October and November trends are statistically significant ($p < 0.05$) and are the only two of the four shown. The September and December trends are also downward ($p < 0.10$).

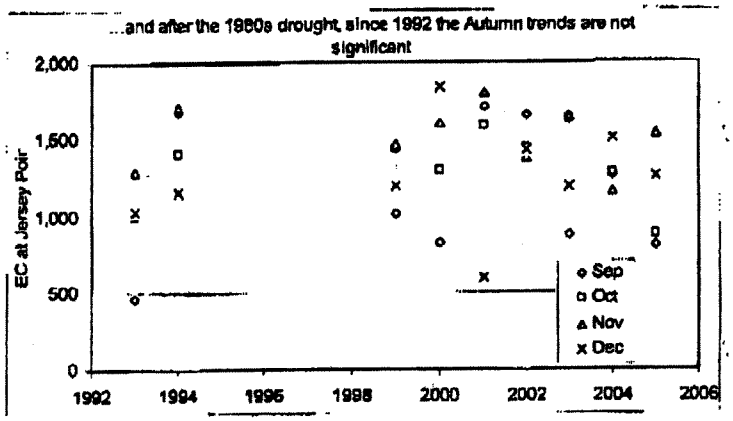

Figure 3. The significance of downward trends was driven by the drought (water years classified as "critical" or "dry" for both the Sacramento and San Joaquin Rivers) of 1987-1992. If we consider the dry years since 1992, there is no significant trend in the autumn months.

4. **Los Vaqueros Reservoir Expansion Project**

The EIR/EIS states that the Alternative Intake Project would not increase CCWD's average annual diversion rate from the Delta, and therefore would not have a significant impact on water quality and/or quantity in the Delta. However, as a necessary intake for the Los Vaqueros Reservoir Expansion Project (page 4.2 – 51 to 52), this may change. If the Expansion Project is considered a probable future project, then the potential cumulative impacts to Delta water quality and potential supplies as a result of simultaneously using both the Rock Slough intake and the new alternative intake on Victoria Canal at full capacity should be addressed in this EIR/EIS. Also, additional discussion is needed on how the proposed use of the Alternative Intake Project on Victoria Canal, as an alternative source for supplying drinking water during reconstruction of the Los Vaqueros Reservoir dam for expansion purposes, may impact water quality and/or supply in the Delta at nearby export facilities. As part of the Initial Alternatives Information Report on the Los Vaqueros Expansion project (Fall 2005), the alternative intake on Victoria Canal is modeled to have a diversion capacity of up to a maximum of 1,750 cfs. If a discussion of the cumulative impacts associated with the above-mentioned scenarios is not presented in this EIR/S, a substantive discussion of the potential for these impacts to occur should be included in the EIR/S documents for the Los Vaqueros Expansion Project.

DWR-7

Letter DWR Response	State of California, Department of Water Resources Katherine F. Kelly, Chief, Bay-Delta Office June 26, 2006

DWR-1 The Alternative Intake Project Draft EIR/EIS relies on several significance criteria for evaluating water quality impacts. The significance criteria for the SDIP and the Alternative Intake Project were not the same. In the Alternative Intake Project Draft EIR/EIS analysis, an impact was considered to be significant if the project alternative would result in a violation of existing water quality standards or otherwise substantially degrade water quality, if it would result in substantial water quality changes that would adversely affect beneficial uses, or if it would result in substantial adverse effects on operations (Alternative Intake Project Draft EIR/EIS Volume I, p. 4.2-23).

See also Master Response 1, "Delta Water Quality Analysis."

DWR-2 The ability of the CVP and SWP to meet D-1641 South Delta agricultural standards would not be harmed by the Alternative Intake Project. In the existing base case (without project), the modeling predicts 20 periods of potential violation of the Old River at Tracy standard, for a total of 646 days. With implementation of the Alternative Intake Project, the model shows that the same 20 periods of potential violations would occur, and the Alternative Intake Project would result in salinity increases of no more than 0.3% during these periods. The total number of days of potential violations would increase to 649, but the additional days would come at the ends of the existing periods. DWR has stated in the past that even though a model might indicate a future violation of a standard, in practice, violations are avoided by taking adaptive actions (in most cases by changes difficult or impossible to model in advance). Because the CVP and SWP operate to meet standards, the actual operations needed to avoid the violations that the model appears to show would be developed by the CVP and SWP on a case-by-case basis and would not be seen in the model results used here. Any action that the CVP and SWP might take to eliminate the original 646 days of noncompliance would also eliminate the additional three days; no extra measures would be needed.

The future case modeling shows no increase in the number of days of noncompliance with the Old River at Tracy standard.

DWR-3 See Master Response 6, "Project Relationship to CALFED Goals, Delta Improvements Package, and Future Delta Water Quality."

DWR-4 DWR requested additional discussion on climate change impacts and the Alternative Intake Project.

Many groups and institutions are studying climate change in the context of California water operations, and they have made progress towards a qualitative understanding of some likely effects. As the commenter points out, these probable effects include some level of increased salinity at Delta drinking water intakes as a result of sea level rise. The Alternative Intake Project would provide CCWD with additional operational flexibility and enhanced ability to respond to changing Delta conditions, including rising sea levels and increased saltwater intrusion into the Delta.

Climate change study results to date have not produced quantitative results that are sufficiently robust for detailed planning and risk assessments. DWR, in its July 2006 report, *Progress on Incorporating Climate Change into Planning and Management of California's Water Resources*, states that "results are not sufficient ... to make policy decisions" (DWR 2006b Executive Summary, p. II). This is, in part, because the modeling tools used in the study (CALSIM II for statewide operations, and DSM2 for Delta hydrodynamics and water quality) are not completely appropriate for assessing the effects of climate change. DWR plans to enhance these models, and continue its climate change studies. Given the current state of the science, it is not possible to quantitatively assess or draw conclusions regarding the effect climate change might have on the potential environmental impacts of the Alternative Intake Project discussed in the Draft EIR/EIS without a high level of speculation. At a very general level, however, sea level rise would increase salinity at all of CCWD's intakes with the Old River Intake and proposed new intake in Victoria Canal still maintaining the best water quality of CCWD's intakes. With sea level rises, or modified magnitudes and/or durations of peak flows and droughts, the need for the Alternative Intake Project is increased.

As far as the future performance of the Alternative Intake Project, the preliminary water quality modeling that DWR performed for its July 2006 report indicates that a 1-foot sea level rise will raise salinity throughout the Delta. However, salinity at the proposed new intake site would remain well below the present-day salinity levels at CCWD's Old River Intake during the fall and winter months, when CCWD would be relying upon Alternative Intake Project diversions. This is true for the modeling of sea level rise alone, and for the modeling of sea level rise in combination with other climate change effects. Based upon the present state of knowledge about climate change effects, it is expected that the Alternative Intake Project would continue to provide water quality benefits for CCWD's customers during its project life.

DWR-5 See Master Response 3, "Rock Slough Water Quality Standards and Compliance."

DWR-6 Commentary noted. CCWD and Reclamation agree with DWR that there has been an overall increase in salinity in the western Delta in fall from the 1960s through 2005. The commentary cites a deviation in the trend. This apparent deviation from the trend is due in large part to year-to-year variations in hydrology in the normal dry and critical water year types.

DWR-7 See Master Response 4, "Los Vaqueros Reservoir Expansion Project Analysis."

SLC

STATE OF CALIFORNIA — ARNOLD SCHWARZENEGGER, *Governor*

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

PAUL D. THAYER, *Executive Officer*
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Relay Service From TDD Phone **1-800-735-2929**
from Voice Phone **1-800-735-2922**

Contact Phone: **(916) 574-1843**
Contact FAX: **(916) 574-1955**

May 19, 2006

File Ref: SCH# 2005012101

Ms. Nadell Gayou
The Resources Agency
901 P Street
Sacramento, CA 95814

Ms. Samantha Salvia
CCWD Project Manager
PO Box H2O
Concord, CA 94524

Dear Ms. Gayou and Ms. Salvia:

Subject: Draft EIR / EIS for Contra Costa Water District's Alternative Intake Project

Staff of the California State Lands Commission (CSLC) has received the above referenced draft EIR / EIS. Under the California Environmental Quality Act (CEQA), Contra Costa Water District is the Lead Agency and the CSLC is a Responsible and/or Trustee Agency for any and all projects which could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters.

The State acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for statewide Public Trust purposes which include waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. The landward boundaries of the State's sovereign interests in areas that are subject to tidal action are generally based upon the ordinary high water marks of these waterways as they last naturally existed. In non-tidal navigable waterways, the State holds a fee ownership in the bed of the waterway between the two ordinary low water marks as they last naturally existed. The entire non-tidal navigable waterway between the ordinary high water marks is subject to the Public Trust. The State's sovereign interests are under the jurisdiction of the CSLC.

Section 6327 of the Public Resources Code provides that if a facility is for the "procurement of fresh-water from and construction of drainage facilities into navigable rivers, streams, lakes and bays," and if the applicant obtains a permit from the local reclamation district, State Reclamation Board, the U.S. Army Corps of Engineers, or the Department of Water Resources, then an application shall not be required by the CSLC. Since the proposed project appears to fall within this section, you will not need to obtain a lease from the CSLC, provided you obtain on of the above-listed permits. Please forward a copy of that permit to Diane Jones at the CSLC once it has been obtained. This action does not constitute, nor shall it be construed as, a waiver of any right, title or interest by the State of California in any lands under its jurisdiction. SLC-1

Please contact Diane Jones, Public Land Manager, at 916-574-1843 for information concerning our leasing requirements.

Sincerely,

Dwight E. Sanders

Dwight E. Sanders, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044

Diane Jones, CSLC

Letter SLC Response	California State Lands Commission Dwight E. Sanders, Chief May 19, 2006

SLC-1 Comment noted. If the Alternative Intake Project is approved as proposed, CCWD would obtain a permit from the U.S. Army Corps of Engineers and forward a copy of that permit to SLC once it has been obtained.

DOT

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5505
FAX (510) 286-5559
TTY (800) 735-2929

Flex your power!
Be energy efficient!

June 14, 2006

CC-4-R34.92
CC004815
SCH2005012101

Ms. Samantha Salvia
Contra Costa Water District
P.O. Box H20
Concord, CA 94524-2099

Dear Ms. Salvia:

Alternative Intake Project – Draft Environmental Impact Report

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed Alternative Intake Project. We have reviewed the Draft Environmental Impact Report and have the following comments to offer:

Encroachment Permit

Any work or traffic control that encroaches onto the State Right of Way requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information:
http://www.dot.ca.gov/hq/traffops/developserv/permits/

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans (in metric units) which clearly indicate State Right of Way to:

Department of Transportation
Office of Permits
111 Grand Avenue, 6th Floor
Oakland, CA 94612

DOT-1

"Caltrans improves mobility across California"

Please call Christian Bushong of my staff at (510) 286-5606 if you have any questions.

Sincerely,

TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: State Clearinghouse

"Caltrans improves mobility across California"

Letter DOT Response	State of California, Department of Transportation Timothy C. Sable, District Branch Chief June 14, 2006

DOT-1 Comment noted. If the Alternative Intake Project is approved as proposed, CCWD would apply for and obtain an encroachment permit as required by DOT.

Section C: Local Agencies

SJVAPCD

San Joaquin Valley
Air Pollution Control District

June 26, 2006

Reference No. C200601035

Samantha Salvia
CCWD Project Manager
PO Box H2O
Concord, CA 94524

Subject: Draft Environmental Impact Report/Environmental Impact Statement – Contra Costa Water District Alternative Intake Project

Dear Ms. Salvia:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has reviewed the Draft Environmental Impact Report / Environmental Impact Statement (DEIR) and has the following comments:

Affected Environment

The air quality discussion in the document adequately describes the regulatory and environmental setting for the project. The District concurs with the conclusion that the project would result in a significant cumulative impact due to the added construction emissions. There are two areas where the section does not address impacts and potential mitigation. These are described below.

The oxides of nitrogen (NOx) emissions from the diesel powered construction equipment used for a project of this size are likely to be significant. The District's Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) states that although construction emissions are temporary, large projects may exceed District thresholds from construction emissions alone. However, a new District regulation is in place that will reduce this impact. District Rule 9510 – Indirect Source Review requires transportation projects such as this one to reduce emissions of NOx and fine particulate matter (PM10) by 20 percent and 45 percent respectively. Compliance with Rule 9510 is needed to meet commitments in the 2003 PM10 Plan and the 2004 Extreme Ozone Attainment Demonstration Plan that are required to meet federal standards on schedule. SJVAPCD-1

A second issue is related to the diesel particulate emissions during construction of the pipeline. During construction, diesel powered equipment should be equipped with PM control devices when available for the make and model of equipment in use. Equipment staging areas should be placed as far from residences and other sensitive receptors as possible to limit exposure. The project contractors should be required to shut off all diesel engines when not in use to reduce emissions from idling. Rule 9510 requires a 45 percent PM10 reduction compared to the statewide fleet average. If the reductions are obtained onsite, it will help to mitigate local impacts from diesel particulate. If the reductions are obtained through payment of the mitigation fee to the District, they will help reduce regional impacts from particulates, but the local impact will remain. SJVAPCD-2

Environmental Consequences

It was noted during our review that a number of measures were listed in this section of the DEIR that should not be considered mitigation measures since they are already required by District regulation. SJVAPCD-3

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4800 Enterprise Way
Modesto, CA 95356-8718
(209) 557-6400 • FAX (209) 557-6475

Central Region Office
1990 East Gettysburg Avenue
Fresno, CA 93726-0244
(559) 230-6000 • FAX (559) 230-6061

Southern Region Office
2700 M Street, Suite 275
Bakersfield, CA 93301-2373
(661) 326-6900 • FAX (661) 326-6985

www.valleyair.org

Adhering to the requirements of District rules should be considered compliance rather than mitigation. Mitigation is those measures taken to lower emissions above and beyond what is required by compliance with District rules. The District believes this distinction is important because mitigation measures will require the preparation of a mitigation monitoring program that provides the schedule for implementation and the enforcement mechanism. In future documents, the District recommends that compliance with District rules should be stated separately in the air quality discussion.

SJVAPCD-3 Cont'd

Specifically, impact 4.10a states,

> "...Because these control mitigation measures have not been incorporated into the Proposed Action, project-related construction emissions of PM10 are considered to be significant as well."

The control measures set forth in SJVAPCD's Regulation VIII are not optional, and must be included in any project action as appropriate regulatory requirements.

Additionally, the section entitled "Mitigation Measures", item 4.10-a appears to have taken basic and enhanced mitigation measures from the 2002 SJVAPCD Guide For Assessing And Mitigating Air Quality Impacts (GAMAQI). Since the publication of the GAMAQI, amendments to Regulation VIII were adopted and many of the enhanced mitigation measures are now basic rule requirements. The following measures:

- Submittal of a Dust Control Plan to the District prior to commencement of earthmoving activities on the site
- Installation of devices to prevent trackout at all project exits
- Removal of all visible trackout at the end of each workday
- Cleaning of all truck exteriors to prevent carryout prior to their travel on a paved public road
- Limiting traffic speeds to 15 mph on unpaved roads
- Suspending all earthmoving activities and maintaining dust control measures in high wind events

Are now required under Regulation VIII.

SJVAPCD-4

Lastly, page 4.10-18, fourth bulleted point states,

> "...This measure has been discussed with SJVAPCD and it has been determined that implementation of this measure would reduce track-out on paved access roads and would provide a sufficient substitute for the standard required measure of washing of the roadway to remove accumulation of mud and dirt from the pavement (Kolozsvari, pers. Comm., 2005)."

Mr. Kolozsvari is not employed by the SJVAPCD. Communications with Mr. Kolozsvari are not communications with the SJVAPCD. Also, regardless of the trackout prevention device installed at any construction exit, if trackout occurs onto a paved public roadway, District Rule 8041 requires it to be removed minimally at the end of each workday. Should the proposed prevention device effectively prevent accumulation of mud and dirt in the roadway, then daily removal will not be necessary. However, should the proposed prevention device fail, and any "visible carryout and trackout" were to occur on the paved public road, then compliance with the regulation would require it to be removed at least daily.

SJVAPCD-5

To identify additional rules or regulations that apply to this project (such as Regulation VIII or 9510 – ISR), or for further information, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (209) 557-6446. Current District rules can be found at http://www.valleyair.org/rules/1ruleslist.htm.

District staff is available to meet with you and/or the applicant to further discussion. If you have any questions or require further information, please call me at (559) 230-5848 or Mr. Dave Mitchell, Planning Manager, at (559) 230-5800 and provide the reference number at the top of this letter.

Sincerely,

Debra Monterroso
Senior Air Quality Specialist
Central Region
C: File

Letter SJVAPCD Response	San Joaquin Valley Air Pollution Control District Debra Monterroso, Senior Air Quality Specialist June 26, 2006

SJVAPCD-1 The Draft EIR/EIS discloses that the Proposed Action would temporarily result in significant emissions of oxides of nitrogen (NO_x) emissions during construction (see Section 4.10, "Air Quality," of the Draft EIR/EIS Volume I, p. 4.10-13). However, District Rule 9510 does not apply to this project; rather, it only applies to development projects having specified square footages and "transportation projects." The Proposed Action does not meet the square footage thresholds in Rule 9510 for government or other structures. In addition, transportation projects are defined in District Rule 9510, and the Proposed Action does not meet the definition of a transportation project. Consequently, District Rule 9510 does not apply to the project (Mitchell, pers. comm., 2006). Nonetheless, SJVAPCD's Regulation VIII, with which CCWD would comply, does include measures similar to those identified in Rule 9510 (section 6.1) for reducing construction-related NO_X emissions.

SJVAPCD-2 The Proposed Action would not result in significant public health impacts due to localized concentrations of diesel particulates. No residences or other sensitive receptors are immediately adjacent to the proposed construction areas. Further, construction would occur for a relatively short duration compared to the duration used to assess health effects pertaining to diesel emissions. Based upon (a) the relatively small quantity of particulate matter emissions associated with project construction; (b) the distance to sensitive receptors (i.e., over ½ mile); and (c) the relatively short duration of exposure, the air quality expert who prepared the impact analysis in the Draft EIR/EIS has determined that the Proposed Action would not result in a significant increase in public health risk from exposure to diesel particulates.

In addition, as explained above, it should be noted that District Rule 9510 does not apply to the Alternative Intake Project (Mitchell, pers. comm., 2006). Although no mitigation is required, implementation of Mitigation Measure 4.10-a (Alternative 1) would further reduce the less-than-significant Impact 4.10-d (Alternative 1). As such, appropriate language was added to the impact discussion. See Chapter 4, "Revisions to the Draft EIR/EIS," for the specific changes.

SJVAPCD-3 In response to this comment, CCWD has deleted most of the mitigation measures previously stated in Mitigation Measure 4.10-a (Alternative 1) on pages 4.10-17 and 4.10-18 of the Draft EIR/EIS Volume I, and added text on page 4.10-5 of the Draft EIR/EIS Volume I indicating that CCWD will comply with SJVAPCD's Regulation VIII. See Chapter 4, "Revisions

to the Draft EIR/EIS," for the specific changes, as well as the response to Comment SJVAPCD-4, below.

SJVAPCD-4 CCWD would comply, as required by law, with Regulation VIII, as described on Page 4.10-5 of the Draft EIR/EIS Volume I, and, thus, all measures would be included in the project. CCWD and Reclamation have added language to the Draft EIR/EIS specifying that CCWD will comply with SJVAPCD's Regulation VIII-Fugitive Dust Prohibitions and implement all applicable control measures, as required by law. Additionally, CCWD and Reclamation have added the full text of Regulation VIII to Appendix F-2, "Air Quality Modeling Analyses," of the Draft EIR/EIS. See Chapter 4, "Revisions to the Draft EIR/EIS," for the specific changes.

SJVAPCD-5 The reference to "Kolozsvari, pers. comm., 2005" is erroneous and will be removed. The language provided by SJVAPCD regarding removal of track-out on paved roads is already included in Regulation VIII and will be adhered to by CCWD during project construction. See Chapter 4, "Revisions to the Draft EIR/EIS," for the specific changes.

RD800

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June 21, 2006

Ms. Erika Kegel
Project Manager
Bureau of Reclamation
2800 Cottage Way
Sacramento CA 95825

Ms. Samantha Salvia
Contra Costa Water District
PO Box H20
Concord, CA 94524

Re: Contra Costa Water District Alternative Intake Project Draft EIR/EIS

Dear Ms. Kegel and Ms. Salvia:

Reclamation District No. 800 - Byron Tract ("RD 800"), which is located on the west bank of Old River just north of Clifton Court Forebay. RD 800 includes approximately 6,500 acres of land in agricultural production and is home to approximately 10,000 people in the community of Discovery Bay. RD 800 appreciates the effort by the Contra Costa Water District ("CCWD") and the United States Bureau of Reclamation ("Reclamation") to describe for the public the potential impacts of CCWD's Alternative Intake Project. RD 800 also appreciates the past efforts by CCWD and Reclamation to involve them early on in the process in order to receive their comments.

RD 800 has reviewed the Draft EIS/EIR for the Alternative Intake Project ("Project") in order to determine the potential impacts of the Project on RD 800. RD 800's primary area of concern is the role of RD800 in the Project's proposed pipeline crossing of Old River, and the subsequent pipeline connection to CCWD's existing Old River delivery pipeline.

The Draft EIS/EIR indicates that the following will take place on Byron Tract:

(1) For the construction of a pipeline across Old River by tunneling, a large pit would be excavated on Byron Tract;

(2) A new pipeline, approximately 50-100 feet long, would then be installed on Byron Tract to connect the pipeline from the Old River crossing to CCWD's existing Old River delivery pipeline "within the existing setback levee" (Draft EIS/EIR, p. 3-21); and

(3) A construction staging area will be located on Byron Tract.

RD 800 has concerns about the possibility that construction of the pipelines across Old River and to CCWD's Old River delivery pipeline will take place outside the current levee system (i.e., beyond the setback levee west of Old River), which is maintained by RD 800. Construction outside of the levee system could impact the integrity of the system, resulting in increased flood risks for agricultural interests and residents of RD800. Provided CCWD's design results in the pipeline exiting outside the setback levee then CCWD must provide protection against the inadvertent flooding through the tunnel during construction. RD 800 will require CCWD to construct a containment dike to an elevation which has 3 feet of freeboard over the BFE. This containment dike shall remain in place until the construction is completed. RD800-1

RD 800's existing drainage system has limited capacity and is not permitted to discharge dewatering water from any construction excavations. RD 800 will not allow CCWD to discharge any of its dewatering water into its system. CCWD must provide for a separate discharge point and the necessary permits for any of its drainage or construction dewatering water. RD800-2

RD 800 and its consultants look forward to cooperating with CCWD on its Project, with the goal of safe and low-impact pipeline construction within the existing levee system.

Best regards,

Jeffrey D. Conway
District Manager

Letter RD800 Response	Reclamation District No. 800 Jeffrey D. Conway, District Manager June 21, 2006

RD800-1 The plan for the tunneling portion of the project includes constructing a tunneling pit within the setback levee at CCWD's existing Old River Pump Station (i.e., on the same side of the levee as the pumping station). This will eliminate the risk of flooding Byron Tract via the pipe tunnel during construction. Should the tunneling pit be constructed to the west of the setback levee, CCWD would work with RD 800 to provide an appropriate temporary structure for flood prevention. This would be similar to the protections at the RD 2040 tunneling pit, as outlined in comment CDWA&RD2040-9.

RD800-2 Comment noted. CCWD would work with RWQCB to obtain the appropriate permit for dewatering discharge (see Table 3.10-1, "Required Permits and Approvals and Related Agency Responsibilities," in the Draft EIR/EIS Volume I).