

Comment Letter HVT

<small>LAW OFFICES</small> MORISSET, SCHLOSSER, JOZWIAK & MCGAW <small>A PROFESSIONAL SERVICE CORPORATION</small>		HVT
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<small>COMPTROLLER M. ANN BERNHISEL</small>		FEB 10 2006 00194
<p>Mr. Paul A. Marshall California Department of Water Resources 1416 9th Street – 2nd Floor Sacramento, CA 95814</p> <p>Email: marshall@water.ca.gov smchale@mp.usbr.gov</p>	<p>Ms. Sharon McHale U.S. Bureau of Reclamation Mid-Pacific Region, 2800 Cottage Way, Sacramento, California 95825</p>	
<p>Re: Hoopa Valley Tribe's Comments Concerning South Delta Improvements Program Draft Environmental Impact Statement/Environmental Impact Report (October 2005) ("SDIP DEIS")</p>		
<p>Dear Mr. Marshall and Ms. McHale:</p>		
<p>On behalf of the Hoopa Valley Indian Tribe ("Tribe"), we submit the following comments concerning the South Delta Improvements Program Draft Environmental Impact Statement/Environmental Impact Report (October 2005) ("SDIP DEIS").</p>		
<p>The Tribe believes that, overall, the proposed action in the SDIP DEIS should be beneficial for smelt and Chinook salmon. To the extent that the DEIS so provides, the Tribe supports efforts to reduce entrainment and does not object to pumping, provided that the volume and timing of the water diversions is calculated to avoid harm to fisheries, particularly Klamath and Trinity River fisheries. The Tribe also supports actions, such as those proposed in the DEIS that might, in turn, improve compliance with applicable Biological Opinions, including the two opinions on the Long-term Central Valley Project and State Water Project Operations Criteria and Plan ("CVP OCAP BiOp"), thereby reducing the demand for Trinity River exports. However, the Tribe is concerned with the inadequacy of the SDIP DEIS's discussion of adverse effects on the Trinity River fisheries from carryover storage capacity and the adverse effects of the proposed action on the Tribe's federally reserved fishing rights. In particular, the SDIP DEIS must conform to the Trinity River Mainstem Fishery Restoration EIS (Oct. 2000) and the Trinity River Record of Decision ("ROD"); it should clearly state that the proposed action here is not intended to change the Trinity ROD in any way.</p>		

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For these and other reasons, the SDIP DEIS is inadequate and must be revised and recirculated. These comments reflect the Tribe's ongoing concern with management of the CVP, which includes the Trinity River Division, and its effect on the federally-reserved fishing rights of the Tribe.

A. Nature of the Tribe's Interest

Since time immemorial, the fishery resources of the Klamath and Trinity Rivers have been the mainstay of the life and culture of the Hoopa Valley Tribe. The fishery was "not much less necessary to the existence of the Indians than the atmosphere they breathed." *Blake v. Arnett*, 663 F.2d 906, 909 (9th Cir. 1981) (quoting *United States v. Winans*, 198 U.S. 371, 381 (1905)). The Hoopa Indians follow exacting cultural practices to protect individual runs of fish and to celebrate the bounty of the river that gives life to their people. The salmon fishery also holds significant value in the Hoopa culture and economies, and the Tribe holds property rights in the Trinity River Basin fishery. See Mem. from John D. Leshy, Solicitor of the Department of the Interior to the Secretary of the Interior 3, 15, 18-21 (Oct. 4, 1993), *cited with approval*, *Parravano v. Babbitt*, 70 F.3d 539, 542 (9th Cir. 1995), *cert. denied*, 518 U.S. 1016 (1996). The lower twelve miles of the Trinity River and a stretch of the Klamath River flows through the Hoopa Valley Reservation.

The CVP has a direct and dramatic effect on fisheries reserved for the Tribe. The Trinity River Division ("TRD"), which is part of the CVP, diverts water from the Klamath-Trinity River Basin by means of a system of dams and trans-mountain diversion works. Act of August 12, 1955 ("1955 Act"), 69 Stat. 719, Pub. L. 84-386 (authorizing construction and operation of the TRD). Water diverted by the TRD eventually flows into the Sacramento River and Delta, and becomes part of the supply available to satisfy CVP water service delivery contracts. Trinity River operations affect the volume of water available for export.

Congress authorized the TRD after being advised that approximately 50% of the Trinity's flow would be diverted and that the balance of the Trinity's flow would remain in the Trinity-Klamath River system and basin. In section 2 of the 1955 Act, Congress expressly made diversion to the Central Valley subject to requirements for fish and wildlife preservation and propagation in the Klamath-Trinity River Basin. However, upon completion of the TRD in 1964, up to 90% of the Trinity's flow was diverted. TRFEFR at 8, 63-64. Fishery studies throughout the late 1970s and early 1980s determined that the operation of the TRD was the single greatest contributor to the Trinity fishery declines. The devastating effects on the anadromous fishery resulted in listing of Klamath-Trinity coho salmon under both state and federal Endangered Species Acts.

Congress has enacted a number of laws intended to restore the Trinity River fishery, including: the 1955 Act, the Trinity River Basin Fish and Wildlife Management Act, Pub. L. 98-541, 98 Stat. 2721 (1984), the Trinity River Basin Fish and Wildlife Management Reauthorization Act, Pub. L. 104-143, 110 Stat. 1338 (1996), and Section 3406(b)(23) of the CVPIA, Pub. L. 102-575, 106 Stat. 4600. In particular, CVPIA § 3406(b)(23) directed the

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Secretary to determine and, upon concurrence of the Tribe, implement permanent instream fishery flow requirements and operating criteria and procedures for the Trinity River Division to restore and maintain the Trinity River fishery. This provision was one of many Congress added to the CVP authorizing legislation in 1992 in conjunction with that Act's clarification that the CVP be operated for the purposes of protecting fishery resources, mitigating fish and wildlife impacts, as well as providing water deliveries to irrigators and municipalities and industrial users. *See, e.g.*, CVPIA § 3406(a).

In accordance with the specific directive of CVPIA § 3406(b)(23), the TRFEFR was completed in June 1999. The Tribe concurred in the Flow Study results on December 18, 2000. Related environmental reviews were completed and, on December 19, 2000, the Secretary and the Tribe signed the ROD implementing a suite of habitat improvement actions including instream fishery flow releases from the TRD commensurate with those recommended in the TRFEFR ("Flow Study").

The Tribe is committed to ensuring that Reclamation's actions comply with applicable law, including the CVPIA, the Endangered Species Act ("ESA"), 16 U.S.C. § 1631 *et seq.*, and the government's trust responsibility to the Tribe. The Tribe is also fully committed to the timely implementation of the scientifically based fishery flow requirements set forth in the Trinity River Flow Study and mandated by the ROD. *See Westlands v. United States*, 275 F. Supp.2d 1157 (E.D. Cal. 2002), *rev'd on other grounds*, 376 F.3d 853 (9th Cir. July 13, 2004), *reh'g denied* (9th Cir. Nov. 8, 2004) (upholding the Trinity River EIS and concluding that "nothing remains prohibiting the full implementation of the ROD, including its complete flow plan for the Trinity River").

B. Specific Comments

1. Operations Related Effects on Trinity River Fisheries

The SDIP DEIS fails to fully analyze the effects of the proposed operations on Trinity River fisheries in three primary ways. First, the DEIS only includes a limited analysis of effects on coho salmon and does not analyze effects on fall and spring Chinook, winter and summer steelhead, lamprey, and sturgeon. Second, the DEIS fails to discuss the fact that the proposed Trinity Reservoir carryover storage may have negative effects on the survival of Trinity River fisheries and does not comply with the storage mandates of the Trinity River EIS. Third, the DEIS does not take into account the requirements of the ROD. We discuss each concern in turn.

HVT-2

HVT-3

a. Inadequate Discussion of Effects on Chinook and Steelhead

The DEIS fails to recognize the importance of steelhead and Chinook in tribal harvest. The DEIS admits that "[c]hanges in water supply operations, however, may affect Trinity Reservoir storage and Trinity River flow." DEIS at 6.1-87. Nevertheless, these concerns are rejected out-of-hand. It is unclear how the DEIS reaches this conclusion and on what the analysis is based.

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The absence of biological support for the conclusion that any adverse effects on steelhead and Chinook are insignificant is made clear when the DEIS opines: “[e]ffects on Chinook salmon, steelhead, and other species are not discussed for the Trinity River. The effects on coho salmon are representative of the potential effects on Chinook salmon and steelhead.” *Id.* This statement flies in the face of the purpose of the DEIS. How can the effects on coho be the same for Chinook if the effects on Chinook were not even discussed? Such circular logic fails to provide a “hard look” at the affects of the proposed action of the Trinity River fisheries. Moreover, the bare statement comparing coho to other anadromous fish species in the Trinity River grossly oversimplifies fish biology and ignores the life history of all species in the Trinity River. For instance, adult coho salmon generally migrate and spawn when temperature concerns are minor (late fall/winter). In contrast, spring Chinook, fall Chinook, and summer steelhead spawn, migrate, and hold during periods when temperatures are more likely to be a concern (summer/early fall). This one just one example of the crucial biological differences between the species that rely on a healthy Trinity River that must be accounted for when Reclamation provides for the timing of exports from the Trinity River.

HVT-4

The DEIS must be revised and recirculated to provide a full analysis of effects of the proposed action on Chinook salmon, steelhead, and other species upon which the Tribe relies. The associated requirement to modify the timing and volume of Trinity River exports to meet the migration and survival needs of these fish must also be analyzed and discussed in a revised and recirculated DEIS.

b. Inadequate Discussion of Temperature Effects

Second, the DEIS fails to discuss the fact that the proposed Trinity Reservoir carryover storage will likely have a negative impact on the survival of Trinity River fisheries. The DEIS seems to suggest that increased exports from the Trinity River to the Sacramento River will actually reduce Trinity River temperatures. DEIS at 6.1-88 (“As indicated previously, changes in Trinity River flow are minimal and would not affect water temperature”). This is not entirely true and ignores the effects of ambient air temperatures on storage waters. The DEIS does not fully analyze the effect of increased exports on the water temperature of the remaining storage waters. Cold water reserves are necessary to ensure adequate temperatures in the Trinity River for survival of Trinity River fish.

HVT-5

Trinity Reservoir, or Trinity Lake, is a 2.48 million acre-foot reservoir located on the Trinity River near Lewiston, California. Water released from Trinity Dam is approximately 45°F, and can be diverted through the Clear Creek and Spring Creek tunnels to the Sacramento River for use by the CVP. Importantly, the water stored in the reservoir can and must also be released into the Trinity River to meet fishery needs in the Trinity River and the Lower Klamath River. Since the massive adult salmon kill of 2002 where at least 68,000 adult Chinook salmon died due to degraded water conditions caused by Klamath Project operations, additional water has been released from Trinity Dam in an effort to prevent another fish kill. Releases were made in 2003 and 2004, but were deemed unnecessary in 2005. Releases of water from the reservoirs behind the Trinity and Lewiston Dams have been shown to significantly decrease water

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temperatures by 5-6°F in the Trinity River and increase dissolved oxygen in the Lower Klamath River, approximately 112 miles downstream of Lewiston Dam.

HVT-5

Compounding temperature problems, Trinity Reservoir capacity is approximately twice the size of the average annual inflow from the upstream watershed. Accordingly, the refill potential of the reservoir is extremely low compared to other reservoirs such as Shasta Lake, which has an inflow roughly equal to its size. Once Trinity Reservoir is drawn down during an extended dry period, the Reservoir will not adequately refill due to the limited inflow. The reduced inflow capacity will cause the Reservoir water levels to drop even further. The decreased water levels render the remaining storage water susceptible to the effects of ambient air temperatures. This, in turn, limits cold water supplies, reducing an important source of cold water necessary for release to the Trinity and Lower Klamath Rivers to maintain river temperatures at levels consistent with fish survival.

The DEIS seems to acknowledge this problem when it states that increased water temperature in the Trinity River during the fall months "could have an adverse effect on coho salmon and other salmonids." DEIS at 6.1-88. As discussed above, the reason for the adverse effect is clear. Inexplicably, however, the DEIS does not analyze the issue further or provide a solution to the risk of increased temperatures and fish mortality caused by reduced volumes of water storage due to increased exports under the SDIP DEIS. The failure to address increased temperatures of storage water is especially troubling because, if the heated water is released for fishery flows, the Trinity River may not meet the temperature objectives for the Trinity River adopted by the Hoopa Valley Tribe, North Coast Regional Water Quality Control Board, and U.S. Environmental Protection Agency. The water releases may also violate the temperatures standards adopted in the Trinity River ROD/EIS that requires water released into the Trinity River "be no more than 5°F warmer than the receiving water temperatures." Trinity River EIS at 3-125. The increased temperatures may also jeopardize salmonid health and survival.

The SDIP DEIS must be revised to include a full analysis of the effects of increased Trinity River temperatures caused by reduced carryover capacity on the Tribe's fishing rights and salmon survival, and to ensure consistency with state, federal and tribal water quality standards and objectives.

c. Failure to Account for the Trinity ROD and Inadequate Discussion of Carryover Capacity

HVT-6

The ROD calls for increased fishery flows into the Trinity River from the Trinity and Lewiston Dams, corresponding to roughly a 1/1 reduction in water exports to the Sacramento River. ROD at 20-23. Reclamation, under the guise of the SDIP, appears to reject the ROD's mandate for decreased exports to the CVP commensurate with the increase in fishery flows. The SDIP DEIS makes clear that Reclamation intends to continue historic deliveries of CVP water, as is also stated in the numerous CVP Long-term Contracts providing for status quo water deliveries. DEIS at 1-10 (purpose of the proposed action is to "increase water deliveries and delivery reliability to SWP and CVP water contractors south of the Delta").

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The failure of the DEIS to account for the Trinity ROD is made clear in the DEIS's discussion of the "potential impacts from the SDIP operations on the Trinity River" in Appendix Q. A mere four pages of text, Appendix Q makes clear a perceived unimportance of fish and wildlife, and correspondingly, the federally reserved fishing rights of the Tribe, in the Trinity River. Appendix Q provides: "Trinity River Division operations are primarily governed by (1) the need for exports to the Sacramento Basin to increase CVP water supply and/or hydropower production, (2) satisfying the fish and wildlife flow and temperature requirements along the Trinity River, and (3) maintaining flood control in accordance with safety of dams criteria." DEIS at Q-2. The order of priorities listed is telling. Despite the Trinity ROD and CVPIA § 3406(b)(23), the Tribe's rights are never mentioned.

HVT-6

The ROD is only mentioned in passing. The DEIS states that the ROD requires Trinity River flows of "368-815 thousand acre-feet" annually. *Id.* This is a gross oversimplification of the flow requirements of the ROD. The DEIS fails to account for the fact that, within this volume allocation, there must be sufficient flows measured in cubic feet per second (cfs) for a specified number of days for operation and management of the TRD to be in compliance with the ROD for the stated water year type. ROD at 12. In fact, it would appear that the DEIS confuses acre-feet with cubic feet per second. The SDIP DEIS includes tables that identify both exports from the Trinity River to the Sacramento River, as well as Trinity River instream flows, in terms of cubic feet per second. *See, e.g.*, Tbl. 5.1-1. This is misleading and inconsistent with other environmental documents related to the CVP wherein the quantity of water (*e.g.*, such as for exports) is measured in acre-feet. Cubic feet per second is a measurement of the rate of water movement, and is usually used to measure specific flows. For instance, one cubic foot per second of water flowing for 24 hours produces approximately 2 acre-feet. Acre-feet is an appropriate measure for quantity of water. The DEIS should be revised and recirculated to properly identify effects and proposed mitigation measures using commonly accepted and understood terms.

The DEIS's failure to discuss the ROD and the corresponding need to manage and operate the TRD to protect the Tribe's federally reserved fishery is inexcusable. The effects of the failure of the DEIS to account for the ROD is highlighted by the provided "summary of impacts for the SDIP program" in Table 4-1. The table provides that the impact of the SDIP program on salmonids within the Trinity River will be "less than significant." Tbl. 4-1. This statement is extremely misleading, and is based on flawed assumptions that conflict with the requirements of the ROD and the Trinity River EIS.

The DEIS's discussion of the TRD provides that, based on the simulation used to predict carryover capacity, a minimum pool of 250,000 acre-feet every few years, with 500,000 acre-feet every several years, would be the minimum pool for the reservoir. DEIS at 5.1-9. However, the Trinity River EIS preferred alternative mandates a higher reservoir capacity. The Trinity River EIS requires Trinity Reservoir minimum storage to range from 400,000 to 600,000 acre-feet annually. Trinity River EIS at 3-83. In other words, the proposed carryover capacity falls far short of the Trinity River EIS requirements. Based on the SDIP simulations, there would be 21 years out of 100 where the minimum pool for the reservoir would be less than the level mandated

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by the Trinity River EIS. See Fig. 5.1-1, 5.1-2. The inadequate storage proposed, and the DEIS's complete failure to consider the Trinity River ROD requirements, could have a severe adverse effect on salmonids in the Klamath-Trinity Basin. Water temperatures instream would regularly exceed state, federal and tribal water temperature standards and objectives. The SDIP DEIS must be revised to be consistent with the mandates of the Trinity River EIS and ROD.

HVT-6

Finally, the Tribe notes that the baseline used by the DEIS, the year 2001, is not accurate because, as the DEIS admits, Trinity River ROD flows were not fully implemented that dry year. DEIS at 5.1-9 – 10. The DEIS should use as a baseline the year 2005 where the ROD flows were being implemented as anticipated in the ROD. Otherwise, the DEIS presents a skewed view of the environmental baseline, seriously compromising the remaining analysis. Indeed, because ROD flows were not fully implemented in 2001, additional water was available for export. Such water may not be available for export now if the baseline actually reflected current conditions. The 2001 baseline does not adequately represent the existing environmental baseline and must be revised.

HVT-7

2. Indian Trust Assets

The DEIS's description and manner of addressing "Indian Trust Assets" is incomplete and incorrect. The DEIS provides that:

In the north-of-Delta area, the Hoopa Valley Tribe has fishing rights on the Trinity River. The Hoopa Valley Indian Reservation was established along the Trinity River in the late 1800s. Historically, Trinity River fisheries provided the primary dietary staple and also supported commercial and subsistence fishing for Indians in the area. The fisheries also played a significant role in the tribes' religious beliefs (U.S. Department of the Interior 2000). The Environmental Consequences subsection below concludes there are no adverse effects on the trust assets of the Hoopa Valley Tribe . . .

DEIS at 7.10-2. The Tribe appreciates the DEIS's appropriate recognition of the Tribe's federally reserved fishing rights. However, as a practical matter, this recitation of the Tribe's rights is incomplete and fails to account for the importance of the Trinity River and its fishery to the Tribe. For instance, the DEIS fails to account for the fact that the Hoopa Valley and Yurok Tribes also have federally reserved fishing rights in the Klamath River. This fact should be acknowledged. Other aspects of the Tribe's use of the Trinity River and its natural bounty are overlooked. The Tribe suggests that the DEIS be updated to include a more complete discussion of the nature of the Tribe's rights and interests as provided in Section A *supra* herein or the Trinity River EIS at section 3.6.

HVT-8

Second, there very well may be "adverse effects" on the Tribe's federally reserved fishing rights. The consideration of "Indian Trust Assets" in the DEIS completely fails to acknowledge the nature of water rights associated with tribal fishing rights. For example, the Tribe's federally-reserved fishing right guarantees to the Tribe the right to a fishery that will support a moderate standard of living. As has been repeatedly acknowledged by the federal

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courts, tribes are entitled to sufficient water in rivers flowing through their lands to support a fishery that will meet those needs despite the prospect of increasing state wide water demand. Accordingly, as the needs of the Tribe and the fishery change, so must the water delivery contracts and export provisions affecting the ability to sustain that fishery. The DEIS's analysis of this issue is nonexistent and legally inadequate.

The failure to account for the Tribe's needs is highlighted by the DEIS's failure to discuss, let alone acknowledge, that the CVPIA requires operation and management of the CVP to protect the Tribe's federally reserved fishing rights. Chapter 8 of the DEIS purports to discuss "the major requirements for permitting and environmental review and consultation for implementation of the SDIP." DEIS at 8-1. Yet, the DEIS ignores CVPIA § 3406(b)(23) that mandates the Secretary's fiduciary duty to the Tribe and includes the obligation that the Secretary meet the instream fishery flow requirements of the Trinity River as specified in TRFEFR. *See* DEIS 8-14. The DEIS must reference and follow the legal requirements expressed in CVPIA § 3406(b)(23).

HVT-10

3. Concerns with Multiple NEPA Documents

The Tribe is concerned by the continued decision of Reclamation to release multiple NEPA documents staggered over a period of years that, like this DEIS, appear to pass responsibility for reviewing certain other aspects of related water diversions off to other pending NEPA documents. For instance, the Tribe previously provided comments concerning the two Draft Central Valley Project, West San Joaquin Division, San Luis Unit Long term Water Service Contract Renewal Environmental Impact Statements (November 2004 and September 2005). The Tribe also provided comments concerning Central Valley Project Long term Renewals of Water Service Contracts for Delta Mendota Canal (Delta Division), San Luis Unit, etc. (October 2004) and the Delta Mendota Canal Unit Draft Environmental Assessment Long term Contract Renewal (November 2004) ("DMC DEA") in separate letters in 2004. These comments are incorporated by reference herein.

HVT-11

The SDIP DEIS is premature because it presumes decisions south of the Delta and drainage issues in the San Luis Unit of the CVP that are currently subject to ongoing separate environmental analyses. For instance, environmental review of the San Luis Drainage Feature Re-Evaluation has not been completed. Reclamation is also currently negotiating Long-term Contracts for San Luis Unit and Western San Joaquin Division CVP contractors. NEPA documents concerning the Long-Term Contracts have been circulated for public comment, but have not been finalized. Both the Drainage Re-Evaluation and the San Luis Unit Long-term Contracts have a bearing on the SDIP DEIS. There cannot be the requisite "hard look" at the action and its cumulative effects under NEPA if relevant Long-term Contracts' terms are exempted from analysis in this and other DEISs. Reclamation's approach – limiting the scope of review of this NEPA document and passing off decisions between multiple NEPA documents – is arbitrary and capricious, and serves to confuse the public while avoiding consideration of the cumulative impacts of all the CVP Long-term Contracts and related water diversions on the environment. *See* 40 C.F.R § 1508.8 (discussing cumulative impacts).

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NEPA's disclosure purposes are undermined if the public is forced to navigate through a maze of contracts and environmental review documents to comprehend the true nature and far-flung effects of CVP water service contract renewal and increased water diversions for contractors provided through increased diversions in this DEIS. The SDIP DEIS should be integrated with elements of the larger CALFED program, CVP Long-term Contract renewals, and other CVP and SWP operations to provide a clear picture of the nature and scope of the effects on the environment of the proposed interrelated actions.

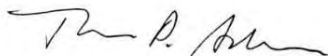
HVT-11

C. Conclusion

The Tribe urges Reclamation to revise and recirculate the SDIP DEIS to address the legal deficiencies noted above and to account for the legal obligation to protect the Tribe's federally reserved fishing rights. Thank you for the opportunity to comment on the DEIS. We trust that our comments will be appropriately considered and addressed in any final NEPA documentation for this proposed action.

Sincerely yours,

MORISSET, SCHLOSSER, JOZWIAK & McGAW



Thomas P. Schlosser
Rob Roy Smith
Attorneys for the Hoopa Valley Tribe

cc: Kirk Rodgers
Steve Thompson

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Responses to Comments

HVT-1

Please see Master Response N, *Trinity River Operations*. Discussion of the possible effects of Trinity Reservoir carryover storage on fish and the potential effects of the SDIP on federally reserved fishing rights was not adequate.

HVT-2

The SDIP Draft EIS/EIR focuses on the coho salmon life history and all possible effects the project could have on the various coho life stages, such as adult migration and spawning and juvenile rearing and migration. While it is recognized that different species of fish have slightly different temperature criteria and life history timing, Chinook salmon temperature criteria were used in the temperature assessment as representative of migration, spawning, and rearing criteria for salmonids. Steelhead have water temperature requirements similar to those of coho salmon. Lamprey and sturgeon have water temperature criteria that are slightly warmer than for Chinook salmon.

HVT-3

Please see Master Response N, *Trinity River Operations*.

HVT-4

As described in Section 6.1, the possible effects on coho salmon were evaluated as being representative of the other important fish species. Because of the small changes in flows and temperatures simulated in the Trinity River, temperature criteria for the other important species were not evaluated separately.

HVT-5 and HVT-6

Please see Master Response N, *Trinity River Operations*.

HVT-7

The Trinity River Restoration flows were included in the 2020 baseline (Future No-Action) and 2020 Stage 2 SDIP alternatives. Appendix Q provides specific comparisons of Trinity River operations with and without the SDIP Stage 2 Alternative 2A.

HVT-8

The Klamath River flows are not affected by SDIP alternatives. The ongoing management of the Klamath and Trinity Rivers, including habitat restoration, water management, harvest management, and hatchery management activities, will provide the Hoopa Valley Tribe with their continuing federally reserved fishing rights.

HVT-9 and HVT-10

The Hoopa Valley Tribe appropriately cites in its comments CVPIA Section 3406(b)(23) as Congressional direction insuring, “the development of recommendations based on the best available scientific data, regarding permanent instream fishery flow requirements...” and specifically directed the completion of the 12-year Trinity River Flow Evaluation Study (TRFES)¹. Furthermore, upon concurrence of the Secretary and the Hoopa Valley Tribe, this Section 3406(b)(23) congressionally mandates the Secretary to “implement accordingly”² any increase to the minimum Trinity River instream fishery releases and the operating criteria and procedures.

Should SDIP be realized, the CVP water it conveys will be subject to many authorities and constraints including provisions of Federal Law such as CVPIA, rules and regulations promulgated by the Secretary of the Interior, and applicable provisions of the Trinity River Mainstem Fishery Restoration ROD, signed by the Chairman of the Hoopa Valley Tribe and the Secretary of the Interior, Bruce Babitt, on December 19, 2000.

As the Tribe has noted, the Trinity River Mainstem Fishery Restoration ROD “culminated nearly twenty years of detailed, scientific efforts, conducted over the course of the past four Administrations, and documents the selection of actions determined to be necessary and appropriate to restore and maintain the anadromous fishery resources of the Trinity River” and “The necessity for these actions results from the various statutory obligations of the Department as well as the federal trust responsibility to the Hoopa Valley and Yurok Indian Tribes.”³

“For reasons expressed in this ROD, the Department’s agencies are directed to implement the Preferred Alternative as described in the FEIS/EIR...” and “This alternative best meets the statutory and trust obligations of the Department to restore and maintain the Trinity River’s anadromous fishery resources, based on the best available scientific information, while also continuing to provide water supplies for beneficial uses and power generation as a function of Reclamation’s Central Valley project (CVP).”⁴

¹ Section 3406(b)(23)(A) of the Central Valley Project Improvement Act (CVPIA) P.L. 102-575 (1992).

² Section 3406(b)(23)(B) of the Central Valley Project Improvement Act (CVPIA) P.L. 102-575 (1992).

³ Paragraph 1, Page 2 from the Trinity River Mainstem Fishery Restoration Record of Decision.

⁴ Paragraph 2, Page 2 from the Trinity River Mainstem Fishery Restoration Record of Decision.

The ROD “recognizes that restoration and perpetual maintenance of the Trinity River’s fishery resources requires rehabilitating the river itself, restoring the attributes that produce a healthy, functioning alluvial river system.”⁵

Therefore, because (1) Reclamation’s federal trust obligations to the Hoopa Valley Tribe are depicted and directed in the Trinity River Mainstem Fishery Restoration Record of Decision and CVPIA, and that (2) SDIP must utilize CVP water in accordance with all applicable legal requirements, and that (3) the Trinity River Mainstem Fishery Restoration ROD and the CVPIA are among those requirements, and that (4) the nearest Indian Trust Assets to the SDIP project area, in the north-of-the-Delta area, is the Colusa Rancheria (adjacent to the Sacramento River) located 90 miles north of the project area, and lastly (5) there are no Indian tribes with federally-reserved rights to the water potentially conveyed through the SDIP, Reclamation concludes that the SDIP will have no impact, direct or indirect, on the Hoopa Valley Tribe’s trust assets or the trust assets of any other federally-recognized tribe, and therefore no changes are made to the final EIS.⁶

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The SDIP is a completely independent action from all other projects currently being considered and under environmental review. Please also see Master Response Q, *Effects of the South Delta Improvements Program on San Joaquin River Flow and Salinity*.

⁵ Paragraph 4, Page 2 from the Trinity River Mainstem Fishery Restoration Record of Decision.

⁶ Required statements as directed in the Environmental Compliance Memorandum No. ECM97-2, dated May 8, 1997.

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FOR/WWT

From: Steve Evans [sevans@friendsoftheriver.org]
Sent: Tuesday, February 07, 2006 6:07 PM
To: Marshall, Paul
Subject: SDIP DEIR/S Comments

**FRIENDS OF THE RIVER
WINNEMEM WINTU TRIBE**

February 7, 2006

Mr. Paul A. Marshall

California Department of Water Resources

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Re: South Delta Improvement Project DEIR/S

Dear Mr. Marshall:

Thank you for soliciting public comments in response to the South Delta Improvement Project (SDIP) Draft Environmental Impact Report/Statement (DEIR/S). Below are the joint comments of Friends of the River and the Winnemem Wintu Tribe.

After careful review, Friends of the River and the Winnemem Wintu Tribe believe that the SDIP DEIR/S should be withdrawn. There are a number of problems with the proposed project and its environmental document. These include:

SDIP fails to improve Delta water quality or fish habitat, or protect fish species.

SDIP represents an unsuccessful attempt to mitigate the impacts of current and future Delta pumping on Delta water quality, fish habitat, and fish species. In fact, the so-called "Improvements" in SDIP fail to improve a drop of Delta water quality or a cubic foot of fish habitat. It simply calls for the construction of barriers and dredging of channels to redirect water and limit (but not prevent) fish proximity to the

FOR/
WWT-1

3/2/2006

state and federal pumps. Overall Delta water quality will not be improved and will still fail to meet state and federal standards. In addition, overall fish habitat in the Delta will not be improved and the catastrophic decline of Delta fish species is likely to continue.

FOR/
WWT-1

SDIP assumes a future water use scenario that is no longer valid.

SDIP is predicated on the assumption in Bulletin 160-98 that California needs to export more water from the Delta. In fact, the just completed Bulletin 160-05 includes three future water use scenarios for California, one of which meets the state's water needs through 2030 while actually reducing water use over current levels, particularly in the San Joaquin Valley. This would mean a reduction in Delta pumping. In addition, Delta pumping will be further reduced in response to the retirement of San Joaquin Valley farm acreage with significant drainage problems in the next decade. It is clear that the water use assumptions in Bulletin 160-98, and the increased Delta exports on which they are predicated, are no longer valid. The CALFED ROD, which called for increased Delta pumping, has been rejected in court, in part because it failed to analyze reduced pumping alternatives. So the programmatic justification for SDIP is no longer valid.

FOR/
WWT-2

SDIP is proceeding while Delta fisheries are crashing.

The populations of at least four fish species in the Delta are declining precipitously. At least three species are now at the lowest numbers ever recorded. The threatened Delta smelt, which is found nowhere else in the world, may soon become extinct. And yet, state and federal agencies are proposing to ultimately increase diversions of fresh water from the Delta. This simply makes no sense and is contrary to several state and federal laws, including the Endangered Species Act.

FOR/
WWT-3

SDIP is based on inadequate Biological Opinions for Salmon and Delta smelt.

A federal audit has found that Biological Opinions issued for salmon and Delta smelt for the proposed CVP operation changes to accommodate SDIP violated federal procedures. The Delta smelt BO assumes "no jeopardy" based on the invalid assumption that the Environmental Water Account (EWA) will be fully funded and implemented, even though the EWA has never been fully funded or implemented. A CALFED science review panel further found the salmon BO failing to take into account climate change. The "no jeopardy" decisions associated with these BOs and the assumption that SDIP will not harm threatened and endangered fish species are no longer valid.

FOR/
WWT-4

The SDIP DEIR/S fails to consider a reasonable range of alternatives, including a reduced pumping alternative.

The SDIP DEIR/S considers only three alternatives (no action, and two alternatives that increase pumping). A reasonable range of alternatives as required by both CEQA and NEPA would logically include a reduced pumping alternative. Given the "less water use" scenario outlined in Bulletin 160-05, a reduced pumping alternative is certainly more than theoretical at this point. Any further consideration

FOR/
WWT-5

3/2/2006

of SDIP should, at the minimum, consider a reduced pumping alternative.

The SDIP DEIR/S fails to identify and mitigate adverse direct, in-direct, and cumulative impacts on Delta fish species and threatened Sacramento River and San Joaquin salmon and steelhead as required by CEQA and NEPA.

The SDIP DEIR/S fails to adequately account for entrainment and overall habitat degradation impacts on Delta smelt. SDIP could increase entrainment of Sacramento splittail by more than 40% -- an impact apparently considered to be insignificant. CVP operation changes to accommodate SDIP (a.k.a. OCAP) would eliminate cold water storage in Shasta reservoir for endangered salmon and reduce winter run Chinook salmon habitat by nearly 20 miles in the Sacramento River. Increased pumping under SDIP would entrain more San Joaquin system salmon. Few of these direct, in-direct, and cumulative impacts are adequately analyzed and none are mitigated according to law.

FOR/
WWT-6

The SDIP DEIR/S fails to identify and mitigate the project's impact on rural communities and Native Americans, as well as commercial, recreational, and subsistence anglers.

The DEIR/S fails to consider the environmental justice implications of SDIP. Rural communities and Native Americans, as well as commercial, recreational, and subsistence anglers would all be adversely impacted by the project. For example, the perceived need for SDIP increases pressure to enlarge the Shasta Dam and Reservoir -- a project that would flood the remaining cultural heritage of the Winnemem Wintu Tribe. Shasta Dam operation changes to accommodate SDIP reduces cold water for Sacramento River salmon, a former mainstay of the Tribe's diet. These impacts are not considered or mitigated.

FOR/
WWT-7

Conclusion

It makes no sense to increase Delta pumping when Delta fish species are crashing towards extinction and the future survival of upstream salmon and steelhead remain tenuous. Please withdraw the SDIP DEIR/S. At the minimum, a new DEIR/S should seriously consider a reduced pumping alternative, and fully identify and mitigate adverse impacts on Delta water quality, Delta fish species and habitat, upstream fish species and habitat, rural communities, Native Americans, and commercial, recreational, and subsistence anglers.

California does not need to increase Delta diversions to meet its current and future water needs. The California Water Plan (Bulletin 160-05) proves that increased investments in urban and agricultural water use efficiency and reclamation can meet our needs well into the future.

Please notify Friends of the River and the Winnemem Wintu Tribe of any decisions or activities concerning this project.

Sincerely,

3/2/2006

Steven L. Evans

Conservation Director

Friends of the River

Gary Mulcahy

Emissary and Government Liason

Winnemem Wintu Tribe

3/2/2006

Responses to Comments

FOR/WWT-1

Section 5.3, Water Quality, of the SDIP Draft EIS/EIR provides an assessment of the changes in water quality as a result of constructing and operating SDIP Stage 1 and operating SDIP Stage 2. Tables 5.3-1 and 5.3-3 provide a summary of the results of the water quality assessment for Stage 1 and Stage 2, respectively. As shown in Table 5.3-1, salinity would decrease in many areas of the south Delta under Stage 1 for both 2001 and 2020 conditions. As shown in Table 5.3-3, salinity would slightly increase at the SWP Banks Pumping Plant, Old River at SR 4, Rock Slough, and Jersey Point under Stage 2. However, salinity would decrease at CVP Tracy Pumping Plant, Old River at Tracy Boulevard, Middle River, and Grant Line Canal.

Section 6.1, Fish, of the Draft EIS/EIR provides an assessment of SDIP construction-related and operation-related impacts on fish.

FOR/WWT-2

Please see Master Response D, *Developing and Screening Alternatives Considered in the South Delta Improvements Program Draft EIS/EIR*; Master Response J, *Relationship between the South Delta improvements Program and the CALFED Record of Decision and EIS/EIR Programmatic Documents*; and Master Response L, *Relationships between the South Delta Improvements Program and the California Water Plan Update 2005*.

FOR/WWT-3

In response to the issues surrounding the health of the Delta pelagic organisms, DWR and Reclamation have delayed making a decision on increasing CCF diversions to 8,500 cfs until a latter time. Please also see Master Response B, *Relationship between the South Delta Improvements Program and the Pelagic Organism Decline*.

FOR/WWT-4

Stage 1 of the SDIP includes constructing and operating the head of Old River fish control gate and the three flow control gates and conveyance dredging. ESA and CESA compliance for Stage 1 is being address through the Action Specific Implementation Plan process. DWR and Reclamation expecting the BOs for Stage 1 will be issued later this year.

Stage 2 of SDIP falls under the OCAP BOs. Reclamation has recently reinitiated ESA consultation with USFWS and NMFS on the OCAP BOs.

FOR/WWT-5

The SDIP Draft EIS/EIR includes an evaluation of the No-Action Alternative and five action alternatives. Table 2-1 of the SDIP Draft EIS/EIR provides a summary of the elements that were combined to create each alternative. The alternatives included a combination of gates and operational scenarios. The process for developing and screening these alternatives are described in EIS/EIR Appendix A, "South Delta Improvements Program Alternatives Development and Screening." Master Response D, *Developing and Screening Alternatives Considered in the South Delta Improvements Program Draft EIS/EIR*, also provides a discussion of how the SDIP alternatives were developed and screened. Master Response L, *Relationship between the South Delta Improvements Program and the California Water Plan Update 2005*, provides a discussion of the consistencies between SDIP and 2005 California State Water Plan Update.


FOR/WWT-6

SDIP Draft EIS/EIR Section 6.1, Fish, provides an assessment of Stage 1 and Stage 2 impacts on Chinook salmon, steelhead, coho salmon, delta smelt, splittail, striped bass, green sturgeon, as well as other native and nonnative fish. The analysis was based, in part, on changes in reservoir storage, river flows, water temperature, and water quality. Expected changes attributable to operation of Stage 1 and Stage 2 of the SDIP are described in Section 5.1, Water Supply and Management, and Section 5.3, Water Quality. Section 6.1, Fish, includes an assessment of the expected changes in spawning, rearing, and migration habitat for the Sacramento, American, and Feather Rivers. The analysis suggests that operation of SDIP Stage 2 would not substantially change the cold water storage in Shasta Reservoir.

FOR/WWT-7

The environmental justice assessment is found in Section 7.9 of the SDIP Draft EIS/EIR. The assessment concluded that SDIP would not result in a disproportionate impact on minority or low-income communities. Section 7.10 provides an assessment of impacts on Indian Trust Assets. This assessment has been updated based on comments received from the Hoopa Valley Tribe. The impacts resulting from increasing the height of Shasta Dam was included as an element of the cumulative impact assessment as described in Chapter 10 of the Draft EIS/EIR.

Comment Letter ACWD

			<i>← Snow</i> <i>L. Johns</i> <i>2. Kelly</i> ACWD
DIRECTORS JUDY C. HUANG President ARTHUR LAMPERT Vice President JAMES G. GUNTHER MARTIN L. KOLLER JOHN H. WEED	43885 SOUTH GRIMMER BOULEVARD • P.O. BOX 5110, FREMONT, CALIFORNIA 94537-5110 (510) 668-4200 • FAX (510) 770-1793 • www.acwd.org	MANAGEMENT PAUL PIRAINO General Manager ROBERT SHAVER Engineering Manager KARL B. STINSON Operations Manager WILBERT LIGH Finance and Administration Manager	
<p>February 1, 2006</p> <p style="text-align: right;">FEB 09 2006 00144</p> <p>Mr. Lester Snow Director Department of Water Resources P.O. Box 942836 Sacramento, CA 94236-0001</p> <p>Dear Director Snow,</p> <p>Subject: South Delta Improvements Program</p> <p>On behalf of the Alameda County Water District (ACWD), I am writing today to express our organization's support for the Department of Water Resources' (DWR) South Delta Improvements Program (SDIP), a critical water supply, water quality and environmental project designed to meet California's diverse water needs.</p> <p>ACWD provides water service to the homes and businesses of over 320,000 people in the cities of Fremont, Union City, and Newark located in the southeastern San Francisco Bay Area. ACWD, as a contractor of the State Water Project, depends upon the Delta for more than half of its water supply. This supply is critical to the well being of our families and businesses, including a portion of the Silicon Valley. It is our responsibility to use this precious resource wisely through all possible best management practices.</p> <p>The SDIP is part of the long term planning effort for the Sacramento-San Joaquin Delta and is a balanced way to provide for California's various interests and needs. The SDIP will improve our state's water supply reliability, water quality and the overall health of the Bay-Delta ecosystem. The program will construct seasonal tidal gates to protect fish, and improve water circulation and quality in the Delta. It will also allow State Water Project deliveries to increase modestly, but only when needed and environmentally safe to do so.</p>			

ACWD-1

Mr. Lester Snow
Page 2
February 1, 2006

FEB 09 2006 00144

Again, ACWD supports the implementation of the proposed SDIP because it is a responsible, balanced plan that will allow us to better utilize and integrate our existing water management infrastructure in the Delta while also protecting the environment.

ACWD-1

Thank you.

Sincerely,



Paul Piraino
General Manager


cc (by facsimile): Hon. Governor Arnold Schwarzenegger, (916) 445-4633
Mr. Ryan Brodderick, Director, CA Dept. of Fish and Game (916) 653-7387
Mr. Mike Chrisman, Secretary, CA Resources Agency, (916) 653-8102
Mr. Joe Grindstaff, Director, California Bay-Delta Authority, (916) 445-7297
Mr. Kirk Rodgers, Regional Director, Mid-Pacific Region, U.S. Bureau of Reclamation, (916) 978-5114
Mr. Dan Skopec, Deputy Cabinet Secretary, Office of the Governor, (916) 324-6358
Mr. Terry Tamminen, Cabinet Secretary, Office of the Governor, (916) 324-6358

Responses to Comments

ACWD-1

The commenter's description of the project's benefits and support for the project are noted.

Comment Letter AVEKWA

<p><u>BOARD OF DIRECTORS</u></p> <p>ANDY D. RUTLEDGE Division 5 President</p> <p>KEITH DYAS Division 2 Vice President</p> <p>CARL B. HUNTER, JR. Division 1</p> <p>FRANK S. DONATO Division 3</p> <p>GEORGE M. LANE Division 4</p> <p>NEAL A. WEISENBERGER Division 6</p> <p>DAVID RIZZO Division 7</p>	 <p>A PUBLIC AGENCY</p>	<p><i>L. Snow</i> <i>1. [unclear]</i> <i>2. [unclear]</i></p> <p>AVEKWA</p> <p>RUSSELL E. FULLER General Manager</p> <p>B'IST, BEST and KRIEGER Attorneys</p> <p>MARILYN L. METTLER Secretary-Treasurer</p> <p>BOYLE ENGINEERING CORP Consulting Engineers</p> <p>FEB 09 2006 00171</p>
<p>February 1, 2006</p> <p>Mr. Lester Snow, Director Department of Water Resources P. O. Box 942836 Sacramento, CA 94236-0001</p> <p>Re: Support for the South Delta Improvement Program (SDIP)</p> <p>Dear Director Snow:</p> <p>On behalf of the Antelope Valley area, the Antelope Valley-East Kern Water Agency is submitting this letter in support of the Department of Water Resources' South Delta Improvements Program (SDIP). SDIP is a project designed to meet California's diverse water requirements, and is critical to our water supply, water quality, and environmental protection.</p> <p>The Antelope Valley-East Kern Water Agency (AVEK), formed by a California uncodified act in 1959, operates a treated water supply and distribution system providing supplemental water from the State Water Project to approximately 25 retail water providers from Ventura County to eastern Kern County, including most of the Antelope Valley. In 1962, AVEK signed a contract with the state to assure delivery of imported water to supplement groundwater supplies, and, as one of three State Water Contractors in the Antelope Valley, has been delivering imported water for municipal, industrial and agricultural use since 1975. AVEK is the third largest among the 29 public water suppliers that contract with the State of California for water from the State Water Project. Our customer base includes Edwards Air Force Base, U.S. Borax, some area cities, many of the unincorporated communities and farms.</p> <p>AVEK is aware that California is facing a critical challenge to provide a safe, reliable, high quality water supply to a rapidly rising population and economy. As you know, our state has limited water supplies and water providers must better utilize existing water resources and infrastructure. Two-thirds of our state receive water from the San Francisco Bay/Sacramento-San Joaquin Delta, and the Delta's water delivery system must be managed in a much more efficient manner.</p>		
<p>6500 WEST AVENUE N • PALMDALE, CALIFORNIA 93551 (661) 943-3201 • FAX (661) 943-3204</p>		

AVEKWA
-1

February 1, 2006
Mr. Lester Snow, Director
Department of Water Resources

FEB 09 2006 00171

The 2000 CalFed Bay-Delta Program, initiated to manage the Bay-Delta, was supported by environmental organizations, water agencies, business interests, farmers, and state and federal water and fish agencies. SDIP is the next step towards the goal of implementing long-term planning for the Bay-Delta's water resources and eco-system. SDIP will be responsible and balanced to better utilize and integrate existing water management infrastructure in the Bay-Delta. SDIP will improve California's water supply reliability, water quality and overall health of the Bay-Delta. SDIP will construct seasonal tidal gates to protect fish, improve water circulation and quality, and improve water deliveries for local farmers and the State Water Project.

AVEKWA-1

AVEK stands behind using California's water wisely, and believes that it is imperative that we have a more flexible water delivery system so that we can continue to accommodate growth. We strongly support SDIP and encourage advancement of this critically needed project.

Sincerely,



Russell E. Fuller
General Manager

cc: Honorable Governor Arnold Schwarzenegger
Mr. Ryan Brodderick, Director, California Department of Fish & Game
Mr. Mike Chrisman, Secretary, California Resources Agency
Mr. Joe Grindstaff, Director, California Bay-Delta Authority
Mr. Kirk Rodgers, Regional Director, Mid-Pacific Region, U.S. Bureau of Reclamation
Mr. Dan Skopec, Deputy Cabinet Secretary, Office of the Governor
Mr. Frank Aguiar, Cabinet Secretary, Office of the Governor
Ms. Susan Kennedy, Chief of Staff, Office of the Governor

Response to Comments

AVEKWA-1

The commenter's description of the project's benefits and support for the project are noted.

DEC 06 2005

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**Statement of the Association of California Water Agencies (ACWA)
In Support of the South Delta Improvements Program**

Presented December 6, 2005, by Steve Hall, Executive Director

Introduction

The Association of California Water Agencies (ACWA) is a statewide organization whose members include 440 public water agencies. As the local agencies responsible for delivering water to communities, farms and businesses throughout the state, ACWA members have a unique perspective on our state's changing water needs and a keen interest in addressing them.

Earlier this year, ACWA released a comprehensive water policy document that laid out 12 recommendations for ensuring California has the water supply system it will need to meet its diverse needs in the coming decades. The document, titled "No Time to Waste: A Blueprint for California Water," was developed over the course of a year by a statewide task force and reflects the on-the-ground experiences and insight of individuals who are on the front lines of meeting Californians' water needs.

ACWA's Blueprint was submitted to the Schwarzenegger Administration in May and has been widely distributed to state and federal lawmakers, policy makers and other state and local officials.

Delta Improvements Needed

Some of the most urgent recommendations in ACWA's Blueprint concern the Sacramento-San Joaquin Delta, a critical link in California's water supply system and one of the most important ecosystems on the West Coast.

It is increasingly clear that the Delta is not sustainable long-term as an ecosystem or as a water conveyance system. Improvements are badly needed to increase the flexibility of the existing system and to enhance water supply, water quality, levee stability and environmental protection. ACWA's blueprint report addresses that by calling for a comprehensive examination of the Delta at the highest levels of state government. We believe that such an effort will inevitably lead to a reconfiguration of the existing Delta in order to make it sustainable.

However, in the near term ACWA believes the actions proposed as part of the South Delta Improvements Program will provide needed flexibility in the existing system and mark a major step toward securing a more reliable supply of high-quality water for California's future.

The South Delta Improvements Program, as proposed by the California Department of Water Resources, is a responsible step toward accomplishing that goal. The SDIP includes a combination of actions to make the existing system work more efficiently with

ACWA-1

DEC 06 2005

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ACWA Statement / Page 2

the promise of improving water quality, water supply reliability and environmental protection in the near term.

The SDIP is one of the most important elements of the CALFED Bay-Delta Program, a comprehensive effort long supported by ACWA members to resolve water supply reliability and ecosystem problems in the Bay-Delta. The August 2000 CALFED Record of Decision called for a coordinated set of actions such as those in the SDIP to improve water supply, water quality, levee stability and ecosystem restoration. In short, the SDIP is the next step toward better managing the Delta to meet the needs of water users and key species.

ACWA supports full implementation of the SDIP because it offers multiple benefits to Californians. Specifically, the SDIP:

ACWA-1

- Provides a powerful tool for improving Delta operations by adding the flexibility to shift Delta pumping from fish-sensitive, drier periods to times when it is more environmentally sound.
- Is an important first step in the Delta Improvements Program (DIP), which will provide for significant improvements in water quality, both for drinking water purposes and other in-Delta uses. We urge the Department to move quickly to implement the features of the DIP that will provide water quality benefits and we remind the Department that federal law requires those features in order to achieve the full benefits of the actions envisioned in the CALFED Record of Decision
- Provides substantial new protections for anadromous species such as salmon and other in-Delta species by installing seasonal gates to enhance water quality and circulation.
- Improves conditions for some in-Delta water users and takes important first steps to improve water quality upstream in the San Joaquin River.

ACWA urges the Department of Water Resources to move forward with the entire SDIP package, including the proposed increase in permitted pumping capacity at the State Water Project's South Delta facilities. Only by implementing the entire suite of tools envisioned in the SDIP can the program meet its full potential to improve water quality and water supply reliability and reduce conflicts in the Delta. ACWA also urges the Department to proceed with the DIP, so that the water quality as well as water supply benefits can be realized.

ACWA members believe it is imperative that we have a more flexible water delivery system so that we can continue to accommodate growth in our population and economy while relying on existing water supplies. We must take a responsible, balanced approach to addressing our water resource needs that considers all of California's diverse, often competing, interests. The SDIP is a key element in such a balanced approach.

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ACWA Statement / Page 3

Long-Term Approach Also Needed

As the SDIP and DIP move forward, we urge the Schwarzenegger Administration to move forward with that approach by appointing a high-level commission to evaluate the Delta's long-term vulnerability and recommend actions to reduce risks to the state's water supply and the environment.

It is only through this combination of short-term actions, in conjunction with a long-term plan, can we make the Delta, the heart of California's water system, viable and sustainable for the future.

Responses to Comments

ACWA-1

The commenter's description of the project's benefits and support for the project are noted.

Comment Letter BVID

DEC 22 2005
Browns Valley Irrigation District
Post Office Box 6, Browns Valley, CA 95918

00011

BVID

Business Office:
530/743-5703
FAX:
530/743-0445
Water Operations Office:
530/742-6044

December 8, 2005

Mr. Lester Snow, Director
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

RE: South Delta Improvements Program

Dear Director Snow,

On behalf of Browns Valley Irrigation District, I am writing today to express our agency's support for the Department of Water Resources' (DWR) South Delta Improvements Program (SDIP), a critical water supply, water quality and environmental project designed to meet California's diverse water needs. This October, DWR and the U.S. Bureau of Reclamation released a draft Environmental Impact Report/Statement (EIR/S) for SDIP, kicking off an important public review and comment process.

Browns Valley Irrigation District recognizes the need to increase the water delivery system reliability for areas within the Sacramento Valley, as well as for Statewide purposes.

As you know, California is facing a critical challenge: We need a safe, reliable and high quality water supply to keep up with our rapidly rising population and fast-growing trillion-dollar economy. However, we have limited water supplies in our arid state, so we must better utilize our existing water resources and infrastructure; otherwise, we put our communities, farms, environment and businesses at great risk. Two-thirds of California receives its water from the San Francisco Bay/Sacramento-San Joaquin Delta. Given its importance, we need better ways to manage the Delta's water delivery system, as well as the water itself. In essence, we need to make every drop count.

In 2000, the state and federal governments initiated the historic CalFed Bay-Delta Program to manage the Bay-Delta's water resources and eco-system. A unique collaboration of interests supported the plan including environmental organizations, water agencies, business interests, farmers, and state and federal water and fish agencies. SDIP is the next step forward in this long-term planning effort for the Bay-Delta.

SDIP is a responsible and balanced plan to better utilize and integrate our existing water management infrastructure in the Delta. Collectively, it will improve our state's water

BVID-1

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supply reliability, water quality and the overall health of the Bay-Delta ecosystem. The program will construct seasonal tidal gates to protect fish, and improve water circulation and quality in the Delta, dredge select Delta channels to improve water deliveries for local farmers, and allow State Water Project deliveries to increase modestly – only when needed and environmentally safe to do so.

Currently, the state is constrained in its ability to use surplus water supplies. We have the infrastructure to move the water, but until SDIP is approved, the state's water managers cannot fully or responsibly use the existing system. SDIP calls for only a 3-5% increase in the average amount of water pumped from the Delta. More significantly, SDIP will provide the flexibility to shift the timing of water deliveries when surplus is available and when environmentally safe to do so. SDIP is an ideal option for California to advance – it will not require building a new project or the construction of major new infrastructure. And, funding for the program has already been secured through passage of voter approved bonds in 2000 (Proposition 13).

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Importantly, SDIP will help protect important Delta environmental resources. Specifically, it will help protect fish species in the Delta channels. At the same time, by providing the state greater flexibility in how and when SDIP operates its system of pumps, fish are granted greater protections.

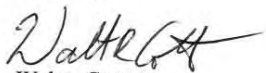
Given all these points, SDIP is supported by a statewide, broad coalition of water, agriculture, business, planning organizations, and local government officials including the Association of California Water Agencies, State Water Contractors, California Chamber of Commerce, California Business Properties Association and the Western Growers Association.

Water is the lifeblood of California – critical to our families, farms, and businesses. It is our responsibility to use this precious resource wisely through all possible best management practices, including water conservation, recycling and storage, to ensure California's water future. It is imperative that we have a more flexible water delivery system so that we can continue to accommodate growth in our population and economy while relying on existing water supplies.

Again, we strongly support SDIP and encourage all key stakeholders to help advance this critically needed project.

Thank you.

Sincerely,



Walter Cotter
General Manager
Browns Valley Irrigation District

DEC 22 2005

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cc: Hon. Governor Arnold Schwarzenegger
Mr. Ryan Brodderick, Director, California Department of Fish and Game
Mr. Mike Chrisman, Secretary, California Resources Agency
Mr. Joe Grindstaff, Director, California Bay-Delta Authority
Mr. Kirk Rodgers, Regional Director, Mid-Pacific Region, U.S. Bureau of
Reclamation
Mr. Dan Skopec, Deputy Cabinet Secretary, Office of the Governor
Mr. Terry Tamminen, Cabinet Secretary, Office of the Governor
Association of California Water Agencies
Browns Valley Irrigation District Board of Directors

Responses to Comments

BVID-1

The commenter's description of the project's benefits and support for the project are noted.

Comment Letter CMWD

TED GRANDSEN DIVISION 1		CMWD WILLIAM R. SEAVER, VICE PRESIDENT DIVISION 5
GAIL L. PRINGLE, DIRECTOR DIVISION 4		DONALD G. HAUSER, SECRETARY DIVISION 3
JEFFREY A. BORENSTEIN, TREASURER DIVISION 2		DONALD R. KENDALL, Ph.D., P.E. GENERAL MANAGER

web site: www.calleguas.com

2100 OLSEN ROAD • THOUSAND OAKS, CALIFORNIA 91360-6800 805/526-9323 • FAX: 805/522-5730 • FAX: 805/526-3675

February 6th, 2006

FEB 06 2006 00143

Lester Snow
Director
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

RE: South Delta Improvements Program – EIS/EIR

Dear Director Snow:

I am writing on behalf of Calleguas Municipal Water District to register our support for the staged environmental review process that you have pursued for the South Delta Improvements Program (SDIP) EIS/EIR which allows for the advancement of the structural components of the project (Stage 1) while additional information is gathered for the operational component (Stage 2). In this way, the Department of Water Resources (DWR) can begin to resolve the environmental concerns in the Delta that threaten the operation of the State Water Project and adapt the project accordingly.

It is our hope that Stage 1 of the SDIP, through the construction of operable fish and flow gates, will measurably improve fish passage and water quality for the benefit of the fisheries and the Delta ecosystem in general. While these measures alone may not halt the recent decline of the pelagic fish species in the Delta, combined with ongoing scientific research commissioned by DWR, they may contribute to an operational solution that can be incorporated into Stage 2 of the project.

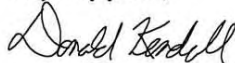
The Delta, as the hub of California's water supply, sits precariously vulnerable to dramatic geologic shifts and hydrologic changes that could have long-range impacts on the State's water resources. Because Calleguas depends on the State Water Project for 100% of its supply, our reliability depends on an assured, secure Delta delivery system. In fact, we are more concerned with the reliability of our existing deliveries than with increasing exports from the Delta. However, we do see merit in enhancing the system's operational flexibility, if it can help us to avoid species impacts that might jeopardize our supply.

Director Lester Snow
February 6, 2006
Page 2

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In short, we encourage you to move forward with the Stage 1 of the SDIP and support your vigorous pursuit of a scientific resolution to the pelagic fish decline. In addition, we would urge you to watch for other environmental signals that may suggest alternative engineering and operational approaches to Delta water deliveries that may better address our needs.

Very truly yours,



Donald R. Kendall, Ph.D., P.E.
General Manager

cc: Paul Marshall, SDIP EIS/EIR Commits
Senator Sheila Kuehl
Senator Tom McClintock
Assembly Member Fran Pavley
Assembly Member Keith Richman
Assembly Member Audra Strickland
Debra Man, CEO & General Manager of MWD of Southern California
Calleguas Board of Directors
Dee Zinke, Manager of Governmental and Legislative Affairs

Responses to Comments

The commenter's description of the project's water supply and environmental benefits and support for the project are noted.

Comment Letter CBMWD



CBMWD

Central Basin Municipal Water District

17140 S. Avalon Blvd • Suite 210 • Carson, CA 90746-1296

telephone 310-217-2222 • fax 310-217-2414

January 18, 2006

Mr. Lester Snow, Director
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

Dear Director Snow:

South Delta Improvements Program

On behalf of the Central Basin Municipal Water District (Central Basin), I am writing today to express our organization's support for the Department of Water Resources' (DWR) South Delta Improvements Program (SDIP), a critical water supply, water quality and environmental project designed to meet California's diverse water needs. This October, DWR and the U.S. Bureau of Reclamation released a draft Environmental Impact Report/Statement (EIR/S) for SDIP, kicking off an important public review and comment process.

Central Basin is a public agency that has been dedicated to providing a safe and adequate supplemental supply of high-quality water to its customers in a planned, timely and cost-effective manner anticipating future needs since 1952. Central Basin has worked diligently to drought-proof the region by providing alternative water supplies to meet the needs of municipal, commercial, and industrial users to help conserve the potable water supply.

As you know, California is facing a critical challenge: We need a safe, reliable and high-quality water supply to keep up with our rapidly rising population and fast-growing trillion-dollar economy. However, we have limited water supplies in our arid state, so it is imperative that the use of our existing water resources and infrastructure is significantly improved; otherwise, we put our communities, farms, environment and businesses at great risk. Two-thirds of California receives its water from the San Francisco Bay/Sacramento-San Joaquin Delta. Given its importance, new and innovative ways to manage the Delta's water delivery system should be considered, as well as the water itself. In essence, we need to make every drop count.

In 2000, the state and federal governments initiated the historic CalFed Bay-Delta Program to manage the Bay-Delta's water resources and eco-system. A unique collaboration of interests supported the plan including environmental organizations, water agencies, business interests, farmers, and state and federal water and fish agencies. SDIP is the next step forward in this long-term planning effort for the Bay-Delta.

SDIP is a responsible and balanced plan for efficient utilizing and integrating our existing water management infrastructure in the Delta. Collectively, it will improve our state's water supply reliability, water quality and the overall health of the Bay-Delta ecosystem. The program will construct seasonal tidal gates to protect fish, and improve water circulation and quality in the Delta, dredge select Delta channels to improve water deliveries for local farmers, and allow State Water Project deliveries to increase modestly -- only when needed and environmentally safe to do so.

CBMWD
-1



Currently, the state is constrained in its ability to use surplus water supplies. We have the infrastructure to move the water, but until SDIP is approved, the state's water managers cannot fully or responsibly use the existing system. SDIP calls for only a 3 - 5% increase in the average amount of water pumped from the Delta. More significantly, SDIP will provide the flexibility to shift the timing of water deliveries when surplus is available and when environmentally safe to do so. SDIP is an ideal option for California to advance -- it will not require building a new project or the construction of major new infrastructure. And, funding for the program has already been secured through passage of voter approved bonds in 2000 (Proposition 13).

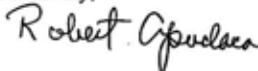
Importantly, SDIP will help protect important Delta environmental resources; specifically, protecting fish species in the Delta channels. At the same time, by providing the state greater flexibility in how and when SDIP operates its system of pumps, fish are granted greater protections.

Given all these points, SDIP is supported by a statewide, broad coalition of water, agriculture, business, planning organizations, and local government officials including the Association of California Water Agencies, State Water Contractors, California Chamber of Commerce, California Business Properties Association, and the Western Growers Association.

Water is the lifeblood of California -- critical to our families, farms, and businesses. It is our responsibility to use this precious resource wisely through all possible best management practices, including water conservation, recycling and storage, to ensure California's water future. It is imperative that we have a more flexible water delivery system so that we can continue to accommodate growth in our population and economy while relying on existing water supplies.

Again, Central Basin strongly supports SDIP and encourages all key stakeholders to facilitate advancement of this critically needed project.

Sincerely,



Robert Apodaca, President
Central Basin Municipal Water District

cc: (by facsimile)

Hon. Governor Arnold Schwarzenegger, (916) 445-4633
Mr. Ryan Brodderick, Director, California Department of Fish and Game, (916) 653-7387
Mr. Mike Chrisman, Secretary, California Resources Agency, (916) 653-8102
Mr. Joe Grindstaff, Director, California Bay-Delta Authority, (916) 445-7297
Mr. Kirk Rodgers, Regional Director, Mid-Pacific Region, U.S.B.R., (916) 978-5114
Mr. Dan Skopec, Deputy Cabinet Secretary, Office of the Governor, (916) 324-6358
Mr. Terry Tamminen, Cabinet Secretary, Office of the Governor, (916) 324-6358

17140 S. Avalon Blvd • Suite 210 • Carson, CA 90746-1296



Responses to Comments

CBMWD-1

The commenter's description of the project's benefits and support for the project are noted.

Comment Letter CBMWD

CBMWD

JAN 23, 2006 00222

January 18, 2006

Mr. Lester Snow, Director
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

Dear Director Snow:

South Delta Improvements Program

On behalf of the Central Basin Municipal Water District (Central Basin), I am writing today to express our organization's support for the Department of Water Resources' (DWR) South Delta Improvements Program (SDIP), a critical water supply, water quality and environmental project designed to meet California's diverse water needs. This October, DWR and the U.S. Bureau of Reclamation released a draft Environmental Impact Report/Statement (EIR/S) for SDIP, kicking off an important public review and comment process.

Central Basin is a public agency that has been dedicated to providing a safe and adequate supplemental supply of high-quality water to its customers in a planned, timely and cost-effective manner anticipating future needs since 1952. Central Basin has worked diligently to drought-proof the region by providing alternative water supplies to meet the needs of municipal, commercial, and industrial users to help conserve the potable water supply.

As you know, California is facing a critical challenge: We need a safe, reliable and high-quality water supply to keep up with our rapidly rising population and fast-growing trillion-dollar economy. However, we have limited water supplies in our arid state, so it is imperative that the use of our existing water resources and infrastructure is significantly improved; otherwise, we put our communities, farms, environment and businesses at great risk. Two-thirds of California receives its water from the San Francisco Bay/Sacramento-San Joaquin Delta. Given its importance, new and innovative ways to manage the Delta's water delivery system should be considered, as well as the water itself. In essence, we need to make every drop count.

In 2000, the state and federal governments initiated the historic CalFed Bay-Delta Program to manage the Bay-Delta's water resources and eco-system. A unique collaboration of interests supported the plan including environmental organizations, water agencies, business interests, farmers, and state and federal water and fish agencies. SDIP is the next step forward in this long-term planning effort for the Bay-Delta.

SDIP is a responsible and balanced plan for efficient utilizing and integrating our existing water management infrastructure in the Delta. Collectively, it will improve our state's water supply reliability, water quality and the overall health of the Bay-Delta ecosystem. The program will construct seasonal tidal gates to protect fish, and improve water circulation and quality in the Delta, dredge select Delta channels to improve water deliveries for local farmers, and allow State Water Project deliveries to increase modestly -- only when needed and environmentally safe to do so.

CBMWD
-1

JAN 23, 2006 00222

Currently, the state is constrained in its ability to use surplus water supplies. We have the infrastructure to move the water, but until SDIP is approved, the state's water managers cannot fully or responsibly use the existing system. SDIP calls for only a 3 - 5% increase in the average amount of water pumped from the Delta. More significantly, SDIP will provide the flexibility to shift the timing of water deliveries when surplus is available and when environmentally safe to do so. SDIP is an ideal option for California to advance -- it will not require building a new project or the construction of major new infrastructure. And, funding for the program has already been secured through passage of voter approved bonds in 2000 (Proposition 13).

Importantly, SDIP will help protect important Delta environmental resources; specifically, protecting fish species in the Delta channels. At the same time, by providing the state greater flexibility in how and when SDIP operates its system of pumps, fish are granted greater protections.

Given all these points, SDIP is supported by a statewide, broad coalition of water, agriculture, business, planning organizations, and local government officials including the Association of California Water Agencies, State Water Contractors, California Chamber of Commerce, California Business Properties Association, and the Western Growers Association.

Water is the lifeblood of California -- critical to our families, farms, and businesses. It is our responsibility to use this precious resource wisely through all possible best management practices, including water conservation, recycling and storage, to ensure California's water future. It is imperative that we have a more flexible water delivery system so that we can continue to accommodate growth in our population and economy while relying on existing water supplies.

Again, Central Basin strongly supports SDIP and encourages all key stakeholders to facilitate advancement of this critically needed project.

Sincerely,

Robert Apodaca

Robert Apodaca, President
Central Basin Municipal Water District

cc: *(by facsimile)*

Hon. Governor Arnold Schwarzenegger, (916) 445-4633
Mr. Ryan Brodderick, Director, California Department of Fish and Game, (916) 653-7387
Mr. Mike Chrisman, Secretary, California Resources Agency, (916) 653-8102
Mr. Joe Grindstaff, Director, California Bay-Delta Authority, (916) 445-7297
Mr. Kirk Rodgers, Regional Director, Mid-Pacific Region, U.S.B.R., (916) 978-5114
Mr. Dan Skopec, Deputy Cabinet Secretary, Office of the Governor, (916) 324-6358
Mr. Terry Tamminen, Cabinet Secretary, Office of the Governor, (916) 324-6358

CBMWD
-1

Responses to Comments

CBMWD-1

The commenter's description of the project's benefits and support for the project are noted.

Comment Letter CLWA

DEC 22 2005

00020

L. SNOW
CLWA

**CASTAIC
L A K E**



**WATER
AGENCY**

December 6, 2005

Mr. Lester Snow, Director
Department of Water Resources
State of California
P.O. Box 942836
Sacramento, CA 94236-0001

RE: South Delta Improvements Program

Dear Director Snow:

On behalf of the Castaic Lake Water Agency, I am writing to express support for the Department of Water Resources' (DWR) South Delta Improvements Program (SDIP), a critical water supply, water quality and environmental project designed to meet California's diverse water needs.

The Agency is a State Water Project contractor, whose mission is providing a safe, reliable water supply at reasonable cost to the Santa Clarita Valley in southern California. The Agency wholesales SWP water to four retail purveyors in its service area, and the SWP supplies about half of the water demand in the area. Therefore, any improvements to the reliability of the SWP are supported by the Agency. We believe SDIP will result in such reliability improvements.

As you know, California is facing a critical challenge: we need a safe, reliable and high-quality water supply to keep up with our rising population and fast-growing trillion-dollar economy. However, we have limited water supplies in our arid state, so we must better utilize our existing water resources and infrastructure; otherwise, we put our communities, farms, environment and businesses at great risk. Two-thirds of California receives its water from the San Francisco Bay/Sacramento-San Joaquin Delta. Given water's importance, we need better ways to manage the Delta's water delivery system, as well as the water itself.

In 2000, the state and federal governments initiated the historic CalFed Bay-Delta Program to manage the Bay-Delta's water resources and ecosystem, a unique collaboration of interests supported the plan including environmental organizations, water agencies, business interests, farmers, and state and federal water and fish agencies.

SDIP is the next step forward in this long-term planning effort for the Bay-Delta. SDIP is a responsible and balanced plan to better utilize and integrate our existing water management infrastructure in the Delta. Collectively, it will improve our state's water supply reliability, water quality and the overall health of the Bay-Delta ecosystem.

DIRECTORS

E.G. "JERRY" GLADBACH
DEAN D. EFSTATHIOU
WILLIAM C. COOPER
ROBERT J. DIPRIMO
WILLIAM PECSI
PETER KAVOUNAS
BARBARA DORE
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JACQUELYN H. McMILLAN
R.J. KELLY

GENERAL MANAGER

DAN MASNADA

GENERAL COUNSEL

McCORMICK, KIDMAN &
BEHRENS, LLP

SECRETARY

APRIL JACOBS

CLWA-1

"A PUBLIC AGENCY PROVIDING RELIABLE, QUALITY WATER AT A REASONABLE COST TO THE SANTA CLARITA VALLEY"

27234 BOUQUET CANYON ROAD • SANTA CLARITA, CALIFORNIA 91350-2173 • 661 297-1600 FAX 661 297-1611
website address: www.clwa.org

DEC 22 2005 00020

Currently, the state is constrained in its ability to use surplus water supplies. We have the infrastructure to move the water but, until SDIP is approved, the state's water managers cannot fully or responsibly use the existing system. SDIP calls for only a 3-5% increase in the average amount of water pumped from the Delta. More significantly, SDIP will provide the flexibility to shift the timing of water deliveries when surplus is available and when it is environmentally safe to do so. SDIP is an ideal option for California to advance – it will not require building a new project or the construction of major new infrastructure. And, funding for the program has already been secured through passage of voter-approved bonds in 2000 (Proposition 13).

CLWA-1

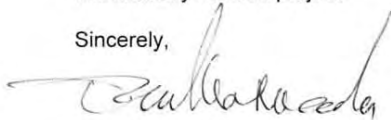
SDIP will help protect important Delta environmental resources. Specifically, it will help protect fish species in the Delta channels. At the same time, by providing the state greater flexibility in how and when SDIP operates its system of pumps, fish are granted greater protections.

Given all these points, SDIP is supported by a statewide, broad coalition of water, agriculture, business, planning organizations, and local government officials including the Association of California Water Agencies, State Water Contractors, California Chamber of Commerce, California Business Properties Association and the Western Growers Association.

Water is the lifeblood of California – it is critical to our families, farms, and businesses. It is our responsibility to use this precious resource wisely through all possible best management practices, including water conservation, recycling and storage, to ensure California's water future. It is imperative that we have a more flexible water delivery system so that we can continue to accommodate growth in our population and economy while relying on existing water supplies.

Again, we strongly support SDIP and encourage all key stakeholders to help advance this critically needed project.

Sincerely,



Dan Masnada
General Manager

cc: Hon. Governor Arnold Schwarzenegger
Mr. Ryan Brodderick, Director, California Department of Fish and Game
Mr. Mike Chrisman, Secretary, California Resources Agency
Mr. Joe Grindstaff, Director, California Bay-Delta Authority
Mr. Kirk Rodgers, Regional Director, Mid-Pacific Region, U.S. Bureau of Reclamation
Mr. Dan Skopec, Deputy Cabinet Secretary, Office of the Governor
Mr. Terry Tamminen, Cabinet Secretary, Office of the Governor

Responses to Comments

CLWA-1

The commenter's description of the project's benefits and support for the project are noted.

Comment Letter CCWA

CCWA



February 1, 2006

FEB 09 2006 00141

Mr. Lester Snow
Director, California Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

Leo Trujillo
Chairman

Fred Lemere
Vice Chairman

William J. Brennan
Executive Director

Hatch & Parent
General Counsel

Member Agencies

City of Buellton

Carpinteria Valley
Water District

City of Guadalupe

City of Santa Barbara

City of Santa Maria

Goleta Water District

Montecito Water District

Santa Ynez River Water
Conservation District,
Improvement District #1

Associate Member

La Cumbre Mutual
Water Company

RE: South Delta Improvements Program

Dear Director Snow:

I am writing today on behalf of the Central Coast Water Authority, one of the twenty-nine State Water Contractors receiving water from the State Water Project, to express our organization's support for the Department of Water Resources' (DWR) South Delta Improvements Program (SDIP), one of several important projects designed to support California's diverse water needs. This October, DWR and the U.S. Bureau of Reclamation released a draft Environmental Impact Report/Statement (EIR/S) for SDIP, kicking off an important public review and comment process.

As you know, California is facing a critical water challenge. We must have a safe, reliable and high quality water supply if we are to keep up with our continuously increasing population and fast-growing trillion-dollar economy. We have limited water supplies in our arid State and we must use our water resources and infrastructure in the wisest and most efficient manner, otherwise we put our communities, farms, environment and businesses at great risk. Two-thirds of California receives its water from the San Francisco Bay/Sacramento-San Joaquin Delta. Given its critical importance, we need to find the best ways to manage the Delta's water and water delivery system.

In 2000, the State and federal governments initiated the historic CalFed Bay-Delta Program to manage the Bay-Delta's water resources and eco-system. A unique collaboration of interests supported the plan including environmental organizations, water agencies, business interests, farmers, and state and federal water and fish agencies. SDIP is the next step forward in this long-term planning effort for the Bay-Delta. SDIP is a responsible and balanced plan to better utilize and integrate our existing water management infrastructure in the Delta. Collectively, it will improve our State's water supply reliability, water quality and the overall health of the Bay-Delta ecosystem. The program will construct seasonal tidal gates to protect fish, and improve water circulation and quality in the Delta, dredge select Delta channels to improve water deliveries for local farmers, and allow State Water Project delivery rates to increase modestly – only when needed and environmentally safe to do so.

Currently, the State is constrained in its ability to use surplus water supplies. We have the infrastructure to move the water, but until SDIP is approved, the State's water managers cannot fully or responsibly use the existing system. SDIP calls for

CCWA-1

255 Industrial Way
Buellton, CA 93427-9565
(805) 688-2292
FAX: (805) 686-4700



31134

FEB 09 2006 00141

only a 3-5% increase in the average amount of water pumped from the Delta. More significantly, SDIP will provide the flexibility to shift the timing of water deliveries when surplus is available and when environmentally safe to do so. Additionally, SDIP will help protect important Delta environmental resources. Specifically, it will help protect fish species in the Delta channels. At the same time, by providing the State greater flexibility in how and when SDIP operates its system of pumps, fish are granted greater protections. Given all these points, SDIP is supported by a statewide, broad coalition of water, agriculture, business, planning organizations, and local government officials including the Association of California Water Agencies, State Water Contractors, California Chamber of Commerce, California Business Properties Association, and the Western Growers Association.

CCWA-1

Water is the lifeblood of California – critical to our families, farms, and businesses. It is our responsibility to use this precious resource wisely through all possible best management practices, including water conservation, recycling and storage, to ensure California's water future. It is imperative that we have a more flexible water delivery system so that we can continue to accommodate growth in our population and economy while relying on existing water supplies.

Again, we strongly support SDIP and encourage all key stakeholders to help advance this critically needed project.

Sincerely,



William J. Brennan
Executive Director

WJB

cc (by facsimile):

Hon. Governor Arnold Schwarzenegger, (916) 445-4633
Mr. Ryan Brodderick, Director, California Department of Fish and Game, (916) 653-7387
Mr. Mike Chrisman, Secretary, California Resources Agency, (916) 653-8102
Mr. Joe Grindstaff, Director, California Bay-Delta Authority, (916) 445-7297
Mr. Kirk Rodgers, Regional Director, Mid-Pacific Region, U.S.B.R., (916) 978-5114
Mr. Dan Skopec, Deputy Cabinet Secretary, Office of the Governor, (916) 324-6358
Mr. Terry Tamminen, Cabinet Secretary, Office of the Governor, (916) 324-6358

31134

Responses to Comments

CCWA-1

The commenter's description of the project's benefits and support for the project are noted.

Comment letter CoVWD

Dec-08-05 02:03pm From=WATER DISTRICT/COACHELLA VALLEY +7603983711 T-488 P.02/02 F-406
WATER DISTRICT ESTABLISHED IN 1918 AS A PUBLIC AGENCY
COACHELLA VALLEY WATER DISTRICT
POST OFFICE BOX 1058 • COACHELLA, CALIFORNIA 92236 • TELEPHONE (760) 398-2651 • FAX (760) 398-3711

December 9, 2005

Directors:
PETER NELSON, PRESIDENT
PATRICIA A. JARSON, VICE PRESIDENT
TELLIS CODEKAS
JOHN W. McFADDEN
RUSSELL KITAHARA

Officers:
STEVEN B. ROBBINS,
GENERAL MANAGER-CHIEF ENGINEER
MARK BEUHLER,
ASST. GENERAL MANAGER
JULIA FERNANDEZ, SECRETARY
DAN PARKS, ASSI. TO GENERAL MANAGER
REUWINE AND SHPRILL, ATTORNEYS

Lester Snow, Director
California Department of Water Resources
Post Office Box 942836
Sacramento, CA 94236-0001

DEC 23 2005 028

Dear Mr. Snow:


Coachella Valley Water District representatives fully support the Department of Water Resources' South Delta Improvements Program (SDIP). This a critical water supply, water quality and environmental protection project that has been carefully crafted to meet our state's extremely diverse water needs.

Coachella Valley is among the many regions that benefit significantly from the availability of State Water Project water, so we have a keen interest in what takes place hundreds of miles away. CVWD and the Desert Water Agency rely upon this water for recharge of our aquifer. As a result, we have been able to return nearly two million acre-feet of water to our groundwater tables in a little more than three decades.

As conscientious members of the California community, CVWD's representatives also support projects that seek to include as many diverse elements in their benefits as possible. SDIP is such a program. Obviously, California is facing a critical challenge: The need for safe, reliable and high quality water supplies that keep up with the state's rapidly rising population and fast-growing trillion-dollar economy. Because existing water supplies are limited, however, enhanced and improved utilization of existing water resources and infrastructure are essential. Without such an approach, many communities, farms, businesses and the environment are at risk. Two-thirds of California receives at least some of its water from the San Francisco Bay/Sacramento-San Joaquin Delta. Better ways to manage the Delta's water delivery system, and the water itself, are needed.

This program is a responsible and balanced plan to better utilize and integrate our existing water management infrastructure in the Delta. Collectively, it will improve our state's water supply reliability, water quality and the overall health of the Bay-Delta ecosystem. SDIP calls for only a three to five percent increase in the average amount of water pumped from the Delta. It will not require building a new project or the construction of major new infrastructure. And, funding for the program has already been secured through passage of voter approved bonds in 2000 (Proposition 13).

Again, CVWD representatives strongly support SDIP.

Yours very truly,

Steve Robbins,
General Manager-Chief Engineer

cc: Governor Arnold Schwarzenegger; Ryan Brodderick, Director, California Department of Fish and Game; Mike Chrisman, Secretary, California Resources Agency; Joe Grindstaff, Director, California Bay-Delta Authority; Kirk Rodgers, Regional Director, Mid-Pacific Region, U.S. Bureau of Reclamation; Dan Skopce, Deputy Cabinet Secretary, Office of the Governor; Terry Tamminen, Cabinet Secretary, Office of the Governor, ACWA, CMUA

TRUE CONSERVATION
USE WATER WISELY

CoVWD-1


Responses to Comments

CoVWD-1

The commenter's description of the project's benefits and support for the project are noted.


Comment Letter CuVWD

12-14-05; 3:47PM;Cucamonga Water Dist ;909 476 5964 # 1 / 3

 **Cucamonga Valley
Water District**

DEC 22 2005 *8 Johnson* **CuVWD**
00023

10440 Ashford Street • Rancho Cucamonga, CA 91729-0638
P.O. BOX 638 • (909) 987-2591 • Fax (909) 476-8032



Robert A. DeLoach
General Manager
Chief Executive Officer

December 12, 2005

Mr. Lester Snow
Director
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

RE: South Delta Improvements Program

Dear Director Snow:

On behalf of Cucamonga Valley Water District I am writing today to express our organization's support for the Department of Water Resources' (DWR) South Delta Improvements Program (SDIP), a critical water supply, water quality and environmental project designed to meet California's diverse water needs. This October, DWR and the U.S. Bureau of Reclamation released a draft Environmental Impact Report/Statement (EIR/S) for SDIP, kicking off an important public review and comment process.

The SDIP is important to the Cucamonga Valley Water District and the Inland Empire region. Our agency receives nearly 60% of our water supply from the Bay Delta region. We have worked hard over the years to decrease our dependency on imported water supplies and develop our local sources. However we will also have some degree of reliance on imported supplies to ensure water supply and reliability for our growing region and our customers.

As you know, California is facing a critical challenge: We need a safe, reliable and high quality water supply to keep up with our rapidly rising population and fast-growing trillion-dollar economy. However, we have limited water supplies in our arid state, so we must better utilize our existing water resources and infrastructure; otherwise, we put our communities, farms, environment and businesses at great risk. Two-thirds of California receives its water from the San Francisco Bay/Sacramento-San Joaquin Delta. Given its importance, we need better ways to manage the Delta's water delivery system, as well as the water itself. In essence, we need to make every drop count.

CuVWD-1


Henry L. Stoy **James V. Curatalo, Jr.** **Jerome M. Wilson** **Randall James Reed** **R. Robert Neufeld**
President Vice President Director Director Director

Responses to Comments

CuVWD-1

The commenter's description of the project's benefits and support for the project are noted.

Comment Letter DPWD

	DPWD <i>L. Snow</i> <i>Johns</i> <i>Kathy Reedy</i>
P.O. Box 1596 • Patterson, CA 95363-1596	Fax (209) 892-4469 • Phone (209) 892-4470
December 19, 2005	DEC 23 2005 035
<p>Mr. Lester Snow, Director Department of Water Resources P.O. Box 942836 Sacramento, CA 94236-0001</p>	
<p>Re: South Delta Improvement Program</p>	
<p>Dear Director Snow,</p>	
<p>On behalf of Del Puerto Water District, I am writing to express our organization's support for the Department of Water Resources' (DWR) South Delta Improvement Program (SDIP), a critical water supply, water quality and environmental project designed to meet California's diverse water needs.</p>	
<p>The District, comprised of almost 45,000 acres of prime farmland located along the west side of Stanislaus, San Joaquin and Merced Counties, is under contract with the United States' Bureau of Reclamation for its water supply, which is delivered from the Delta-Mendota Canal, a feature of the Central Valley Project. The District's contractual entitlement is its sole source of water supply to its lands.</p>	
<p>For many years now we have been concerned about the District's water future and have committed ourselves to improving the long-term reliability of these supplies in an environmentally responsible manner. The SDIP offers a much needed help in this regard.</p>	
<p>As you know, the state is currently constrained in its ability to move available water supplies through the Delta. While infrastructure to move the water has been in place for many years, until SDIP is approved, the state's water managers are constrained from fully or responsibly utilizing the existing system. While SDIP calls for only a modest 3-5% increase in the average amount of water pumped from the Delta, significantly and at the same time, it provides the increased flexibility needed to shift the timing of these improved water diversions to those times when it is environmentally safe. The SDIP will serve not only to improve water quality in the southern reaches of the Delta, it will help to protect those fish species that live in or pass through the Delta channels.</p>	
<p>We view the SDIP as a responsible and balanced plan that will better utilize and integrate the existing water management infrastructure in the Delta. It will undoubtedly improve the State's overall water supply reliability while improving both water quality and the overall health of the Bay-Delta ecosystem. The SDIP provides a responsible and</p>	

DPWD-1

DEC 23 2005

035

balanced approach to addressing the long-term water resource needs of all of California's diverse social, economic and environmental interests.

Again, the Board of Directors, landowners and water users of the Del Puerto Water District strongly support South Delta Improvement Program and encourage all key stakeholders to help advance this critically needed project.

Sincerely,



William D. Harrison, General Manager
DEL PUERTO WATER DISTRICT

DPWD-1

Cc: Hon. Governor Arnold Schwarzenegger
Mr. Ryan Brodderick, Director Department of Fish and Game
Mr. Mike Chrisman, Secretary, California Resources Agency
Mr. Joe Grindstaff, Director, California Bay-Delta Authority
Mr. Kirk Rodgers, Regional Director, Mid-Pacific Region, U.S. Bureau of Reclamation
Mr. Dan Skopec, Deputy Cabinet Secretary, Office of the Governor
Mr. Terry Tamminen, Cabinet Secretary, Office of the Governor

Responses to Comments

DPWD-1

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