Comment Letter PCL2

PCL2

Sound Solutions to Meet California's Water Needs:
Alternatives to increased reliance on pumping from the Bay-Delta Estuary

California can meet the needs of our population, economy and environment without increasing our reliance on the fragile Bay-Delta Estuary. However, the current efforts to increase water exports from Northern California and the Bay-Delta Estuary are not sound.

Global warming, land subsidence, neglected levees and ecosystem degradation already threaten the Bay-Delta Estuary. Scientists at the recent CALFED Science Conference confirmed that the Bay-Delta Estuary is in poor condition and likely to fail under pressures from sea level rise, flooding and earthquake. Yet state and federal agencies are moving forward with plans to increase exports from the Estuary. PCL2-1

The *Investment Strategy for California Water*, recently developed by Water For California and the Planning and Conservation League, outlines a strategy for meeting California's needs without further degrading our environment or increasing dependence on the Bay-Delta Estuary.

This draft *Strategy* recognizes that by 2030, demand for water will increase by 3.0-3.4 million acre feet. This is based on population estimates from the Department of Finance and estimates of water needed for environmental restoration.

The draft *Strategy* identifies politically, socially and economically feasible priorities for meeting these needs and improving water supply reliability.

Urban Water Conservation – 2.0 to 2.3 million acre feet

In a detailed report, the Pacific Institute estimated the potential savings from urban conservation as 2.0 to 2.3 million acre feet.[i] Over half of that savings can be achieved at a cost of $200 per acre foot or less and at least 85 percent of the total potential can be realized for less than $600 per acre foot.[ii] PCL2-2

Agricultural Water Conservation – <u>Very</u> conservatively 300,000 to 600,000 acre feet

An <u>extremely</u> conservative estimate is that by the year 2030 farmers will continue to conserve another 300,000 to 600,000 acre feet.[iii] That is less than a 2 percent total increase in efficiency over 25 years.

Water Recycling – 1.5 million acre feet

The Department of Water Resources has recently identified 1.5 million acre feet of additional recycling potential at an average unit cost of about $600 per acre foot.[iv]

Groundwater Treatment including Groundwater Desalination – 290,000 acre feet just for groundwater desalination

The State of California Desalination Task Force found that there is a potential for 290,000 acre feet of additional groundwater desalination at costs that range from $130 to $1,250 per acre foot.[v]

The following chart from the *Investment Strategy for California Water* demonstrates that California can more than meet our additional needs with cost-effective and environmentally friendly conservation, recycling and groundwater desalination and treatment. Federal, state, and local investments should focus on these programs, rather than on programs that increase reliance on the Bay-Delta Estuary.

PCL2-2

Additional Needs	
	million acre-feet
Additional Population	2.0-2.4
Environmental Restoration	1.0
Total additional needs	**3.0-3.4**

First Priority Management Options	
	million acre-feet
Urban Water Conservation[vi]	2.0-2.3
Agricultural Water Conservation[vii]	At least 0.3-0.6
Recycled Water[viii]	1.5
Groundwater Treatment and Desalination[ix]	At least 0.29
Total First Priority Potential	**At least 4.09-4.69**

Greater detail on viable, cost-effective and environmentally sound alternatives to increasing pumping from the Bay-Delta Estuary can be found in the *Investment Strategy for California Water.*

For more information please contact Mindy McIntyre, Water Policy Specialist at the Planning & Conservation League at (916) 313-4518 or at mmcintyre@pcl.org.

---

[i] Waste Not, Want Not: The Potential for Urban Water Conservation in California, Pacific Institute, 2003 http://www.pacinst.org/reports/urban_usage/

[ii] Waste Not, Want Not: The Potential for Urban Water Conservation in California, Pacific Institute, 2003 http://www.pacinst.org/reports/urban_usage/

[iii] Draft California Water Plan Update 2003, California Dept. of Water Resources, June 7, 2004 http://www.waterplan.water.ca.gov/b160/workgroups/chapterreviewgroup.htm

[iv] Water Recycling 2030, California Dept. Of Water Resources, 2003 http://www.owue.water.ca.gov/recycle/docs/TaskForceReport.htm

[v] Desalination Task force, California Department of Water Resources, 2003 http://www.owue.water.ca.gov/recycle/desal/desal.cfm

[vi] Waste Not, Want Not: The Potential for Urban Water Conservation in California, Pacific Institute, 2003 http://www.pacinst.org/reports/urban_usage/

[vii] Draft California Water Plan Update 2003, California Dept. of Water Resources, June 7, 2004 http://www.waterplan.water.ca.gov/b160/workgroups/chapterreviewgroup.htm

[viii] Water Recycling 2030, California Dept. Of Water Resources, 2003 http://www.owue.water.ca.gov/recycle/docs/TaskForceReport.htm

[ix] 290,000 acre-feet represents the potential of groundwater desalination only, the potential for groundwater treatment is currently unknown. Desalination Task force, California Department of Water Resources, 2003 http://www.owue.water.ca.gov/recycle/desal/desal.cfm

Responses to Comments

PCL2-1

PCL suggests that California water needs will grow by about 3 maf within 25 years (2030). About 1 maf are needed for environmental restoration, and 2 maf will be needed for our growing population. Similar demand projections can be found in the 2005 DWR California Water Plan Update. PCL suggests that increasing CVP and SWP Delta exports is not a sound strategy for meeting any of this increased water demand. They suggest looking carefully at their November 2004 report, " Investment Strategy for California Water," for more environmentally, economically, socially, and politically feasible alternatives than the proposed SDIP Stage 2 increases in CVP and SWP exports.

The SDIP does not attempt to meet these large increased future water demands with increased exports. The Draft EIS/EIR thoroughly evaluates the potential for increased exports with the 8,500 cfs SWP limit (Stage 2). The maximum possible increment for CVP and SWP water supplies would average less than 0.2 maf/year (Figure 4-2). This relatively small increment in CVP and SWP water supplies can be obtained with only the investment in local water management facilities (dredging and operable tidal gates) to replace the temporary barriers, which require an annual expenditure of about $3 million for placement and removal.

The potential impacts on fish through increased entrainment caused by this additional pumping (about 3% of the average CVP and SWP exports) have been fully evaluated and can be mitigated to be less than significant with an expanded EWA program or with specific avoidance and crediting. Please see Master Response E*, Reliance on Expanded Environmental Water Account Actions for Fish Entrainment Reduction.*

PCL2-2

PCL suggests that more than 4.0 maf of alternative new water supplies can be developed economically through water conservation, recycling, and groundwater desalination. This suggestion is quite ambitious, because total California urban water use is about 7 maf/yr, current conservation measures have reduced the urban demand by at least 0.7 maf/yr, and about 0.5 maf/yr is already recycled as part of this urban use (Pacific Institute 2003). The PCL Water Investment Report suggests that many of these new water supplies are feasible at relatively low costs (less than $500/af). This is great news. Many of these investment strategies for water conservation measures should be pursued aggressively. But the next water investment should be to carefully evaluate appropriate fish protection conditions that would allow the SWP Banks Pumping Plant, California Aqueduct, and San Luis Reservoir to be used more fully to provide the simulated 0.2 maf/year water supply increment with less-than-significant environmental impacts.

The SDIP Stage 2 increased pumping limit is completely consistent with the PCL recommended investment strategy for developing new California water supplies. The SDIP Stage 2 represents the most affordable and most environmentally friendly source of mountain-fresh and contaminant-free water supply. No additional state or federal funding is required to obtain this incremental average water supply of 0.2 maf/year.

References

Pacific Institute. 2003. *Waste not, want not: the potential for urban water conservation in California*. Available at: http://www.pacinst.org/reports/urban_usage

Comment Letter PCL3

PLANNING AND CONSERVATION LEAGUE

September 14, 2006

Mr. Paul Marshall
SDIP EIS/EIR Comments
State of California Department of Resources, Bay Delta Office
1416 Ninth Street
Sacramento, California, 95814

via facsimile to: (916) 653-6077
via email to: marshall@water.ca.gov and sdip_comments@water.ca.gov

Ms. Sharon McHale,
Bureau of Reclamation,
2800 Cottage Way, MP-700
Sacramento, CA 95825.

via e-mail smchale@mp.usbr.gov,

Re: Substantial New Information Comments on Public Review Draft of the South Delta Improvements Program Draft Environmental Impact Statement/Environment Impact Report of the Department of Water Resources and the US Bureau of Reclamation (released November 10, 2005)

Mr. Marshall and Ms. McHale:

The Planning and Conservation League recognizes that the formal comment period for the DEIS/R has passed and appreciates this opportunity to submit additional comments on the Public Review Draft of the South Delta Improvements Program (SDIP) Draft Environmental Impact Statement/Environment Impact Report (DEIS/R) of the Department of Water Resources (DWR) and the US Bureau of Reclamation (BOR) (released November 10, 2005) prior to the release of the final EIS/R.

We submit the following comments to notify DWR and BOR that substantial new information has become available which necessitates a re-examination of the baseline conditions and potential environmental impacts of both Stage 1 and Stage 2 of the SDIP. We request that this information be fully analyzed and the results be made available for public comment prior to release of the Notice of Determination (NOD) and Record of Decision (ROD), as required by CEQA and NEPA.

PCL3-1

1107 9th Street, Suite 360, Sacramento, CA 95814 Phone: 916-444-8726 Fax: 916-448-1789
Website: www.pcl.org Email: pclmail@pcl.org

USGS Hydrodynamics Study:

As part of the Interagency Ecological Program's ongoing research into the Pelagic Organism Decline, Peter Smith of the United States Geological Survey (USGS) has overseen investigations into the environmental impacts of certain South Delta hydrodynamics. After the close of the comment period for the SDIP EIS/R, Dr. Smith presented his preliminary findings to the Water Operations Management Team (WOMT), showing that high levels of export pumping at the state and federal facilities, low San Joaquin River inflows, and mid to high Sacramento River inflows traveling southward in Old and Middle River to the pumps correlate to markedly high numbers of salvage of Delta smelt. These are exactly the hydrodynamic conditions seen during the 2000-2004 period of the Pelagic Organism Decline.

The hydrodynamic conditions described above may alter the normal cycle of ebb tides and flood tides, substantially reducing the intensity of ebb tide outflows and increasing the net flow towards the pumping facilities. This change in outflow patterns would prevent small aquatic organisms such as Delta smelt from using tidal action to leave the South Delta region and result in greatly increased rates of mortality. PCL3-2

The USGS study also investigated the effects of the South Delta barriers. By blocking San Joaquin River flows into the South Delta, the barriers increase the draw of Sacramento River water to the pumps, further contributing to the hydrodynamic conditions that correlate to high rates of smelt mortality.

These new scientific findings indicate that pumping and barrier operations in the Delta contribute directly and significantly to the declining health of the estuary, with far-reaching ramifications for current water management and proposed future projects. The findings require a thorough reassessment of the environmental impacts of both Stage 1 (Operable Barriers) and Stage 2 (Increased Pumping) of the SDIP.

Emerging Information on the Ecological Impacts of Increased Fall Salinity:

New research from the POD studies has shown that increased fall salinity in the western Delta has correlated to a decrease in habitat quality for Delta smelt and striped bass and an increase in populations of the invasive clam *corbula amurensis.* This information has been presented in a number of public venues, including the 2006 Interagency Ecological Program Asilomar Conference, held after the close of the public comment period for the SDIP EIS/R. PCL3-3

Data show that changes in the operational practices of the State Water Project and the Central Valley Project in the last few years have increased fall salinity. In addition, fall salinity will increase under Stage 2 of SDIP which will further degrade habitat quality and facilitate the spread of *corbula amurensis*. These impacts must be analyzed using the most recent POD findings before release of the final EIS/R.

DWR Climate Change Report:

2

The SDIP DEIS/R fails to provide any analysis of the impacts of global climate change on proposed operations of the SDIP. Furthermore, it fails to analyze how the project's energy consumption will exacerbate the effects of global climate change on California's environment.

In July 2006, after the close of the comment period for the SDIP EIS/R, DWR released a report examining the impact of climate change on California's water supplies, entitled, "Progress on Incorporating Climate Change into Management of California's Water Resources."

Among its findings, the report notes that the Delta faces a serious threat from sea level rise caused by global warming:

> Of the effects (of sea level rise) listed above, perhaps the most significant from the standpoint of the State's water resources are increased sea water intrusion and increased potential for levee failure in the Delta. Increased sea water intrusion into the Delta threatens the operations of the State Water Project and the Central Valley Project, as well as other Delta water supply diversions due to water quality degradation. Water quality degradation in the Delta also potentially threatens the Delta's fragile ecosystem, which supports threatened and endangered species. Finally, increased sea water intrusion into the Delta could threaten some groundwater supplies through the interaction of Delta waters with underlying and adjoining portions of the Central Valley groundwater basin. (2-32) …"(Sea water intrusion) could lead to increased releases of water from upstream reservoirs or reduced pumping from the Delta to maintain compliance with Delta water quality standards (5-24)."

PCL3-4

At a minimum, DWR should analyze the implications of its own findings on its proposed project before releasing the final EIS/R. In addition, the project proponents should commit to mitigate any increase in greenhouse gas emissions caused by the project.

Lake Oroville Operations, Delta Pumping and Delta Ecosystem Health:

The SDIP EIS/R should analyze the historical relationship between water releases at Lake Oroville and rates of pumping at the SWP facilities. These analyses should determine how discrepancies between upstream releases and Delta pumping affect the Delta ecosystem.

PCL3-5

Amicus Brief submitted by PCL, NRDC & Environmental Defense re: CALFED Bay-Delta Programmatic Environmental Impact Report

On August 11, 2006, after the close of the comment period for the SDIP EIS/R, the Planning and Conservation League, the Natural Resources Defense Council and Environmental Defense submitted an amicus brief to the California Supreme Court in support of the plaintiffs regarding the CALFED Bay-Delta Programmatic Environmental

PCL3-6

3

Impact Report. This brief provides an overview of statements from public agencies describing the decades of environmental damage caused by pumping operations in the Bay-Delta. It also critiques the failure of the CALFED EIR to examine a reduced export alternative. This document should be analyzed in the SDIP EIS/R Analysis of this new document is especially relevant because the SDIP EIS/R inadequately describes the negative impacts of current and increased pumping and fails to examine a reduced export alternative. PCL3-6

CALFED Science Conference:

On October 23-25, CALFED will hold its biennial science conference with over 400 presentations and posters. Many of the findings presented at the conference will bear directly on the analyses and conclusions that were presented in the SDIP EIS/R.

The conference allows public agencies to access the work of hundreds of scientists to help guide their policy decisions. We strongly urge that the final EIS/R not be released until after DWR and BOR incorporate all relevant information from the conference into the document. PCL3-7

Please notify the Planning and Conservation League prior to the release of the EIS/R indicating how your agencies intend to address these matters.

Sincerely,

Matt Vander Sluis
Project Coordinator
Planning and Conservation League

attch: Amicus Curiae Brief of the Planning and Conservation League, Natural Resources Defense Council, and Environmental Defense re: Bay-Delta Programmatic EIR

cc:
Kirk Rodgers, United States Bureau of Reclamation
Lester Snow, Director, Department of Water Resources
Antonio Rossmann, Rossmann & Moore, LLP
Roger Moore, Rossmann & Moore, LLP
Dave Owen, Rossmann & Moore, LLP
Susan Kennedy, Chief of Staff to the Governor
John Herrick, South Delta Water Agency
Dante Nomellini, South Delta Water Agency
Tom Zuckerman, Central Delta Water Agency
David Nesmith, Environmental Water Caucus
Debbie Davis, Environmental Justice Coalition for Water
Steve Macaulay, California Urban Water Agencies
Wes Bannister, Metropolitan Water District
Jeff Kightlinger, Metropolitan Water District

4

Responses to Comments

PCL3-1

PCL suggests that substantial new information has become available about the condition of the Bay-Delta ecosystem. However, this information is not in any written documents. The new relationships to which PCL refers are more accurately described as ideas that have been identified in oral presentations. There are no written records from the IEP annual meetings. The CCWD investigations of fall salinity have not been made available in a written document. Indeed, the CALFED Science conference has no written proceedings beyond abstracts submitted by hundreds of scientists. This is not scientific (i.e., not reviewable or repeatable) information.

PCL3-2

Recent work by the USGS has evaluated the tidal flows at the Old River and Middle River stations located on opposite sides of Bacon Island. They report that the net flows toward the CVP and SWP pumps have been higher in the four recent years that are included in the POD hypothesis (2002–2005). This hydraulic effect of relatively high export pumping is being studied to determine whether it is linked with the recent decline in delta smelt abundance. No linkage has been established by scientists.

Net flows in South Delta Channels

As Section 5.2 of the Draft EIS/EIR describes, Old and Middle Rivers are the two major pathways for export water from the central Delta. The other channels are the head of Old River from the San Joaquin River at Mossdale, and Turner Cut, which connects Middle River to the San Joaquin River downstream of Stockton. DSM2 modeling results (page 5.2-13) show that about 50% of the CVP and SWP pumping (that is not supplied from the head of Old River) will flow upstream (south) in Old River from Franks Tract. About 5% of the export pumping flow will move upstream (east) in Dutch Slough from Big Break to Franks Tract. About 40% of the CVP and SWP pumping (not supplied from the head of Old River) will move upstream (south) in Middle River from the mouth or Columbia Cut. About 10% of the CVP and SWP pumping (not supplied by the head of Old River) will move upstream (southwest) in Turner Cut to Middle River.

Therefore, if the pumping is increased by 1,000 cfs, the Old River upstream flow from Franks Tract will increase by about 500 cfs (50 cfs from Big Break), the Middle River upstream flow will increase by 400 cfs, and the Turner Cut upstream flow will increase by 100 cfs. Similar flow increases in these central Delta channels would occur if the head of Old River flow were reduced by 1,000 cfs by tidal gate operations.

Operations of the Gates

The Draft EIS/EIR analysis assumes that the GORT would operate the head of Old River tidal gate, along with the other gates, to balance the various needs of the beneficial uses of the Delta channels. The GORT is comprised of fish management agencies who are responsible for the protection of fish listed under the Endangered Species Act, such as delta smelt, and other fish, as appropriate. As described in Master Response O, the first priority for the GORT will be compliance with the BOs obtained for protection of the listed fish issued for Stage 1 of SDIP.

The head of Old River tidal gate might be partially closed to protect San Joaquin River Chinook salmon juveniles in the months of March–June, or to increase the Stockton DWSC flows to improve DO concentrations in the months of July–September, or to improve San Joaquin River flows for adult Chinook salmon migration in the months of October–December. The possible effects of these potential tidal gate operations from March through December on delta smelt have not been specifically evaluated, because likely relationships between the central Delta channel flows and delta smelt abundance or survival in the south Delta have not been identified by IEP scientists.

In June and July, when delta smelt may be present in the vicinity of Franks Tract, gate operations have the potential to increase the net flow of water, and therefore smelt, from the central Delta to the south Delta area where they are subject to entrainment (see Appendix J and page 6.1-64 of the Draft EIS/EIR). This is a result of the potential partial closure of the head of Old River gate to allow more water to flow down the San Joaquin River to improve DO conditions (see page 2-30 to 2-31 of the Draft EIS/EIR). This is considered a less-than-significant impact because this potential operation of the gates in June and July is subject to the GORT, and it is assumed that the operations will be adjusted to comply with the BO and appropriate protection of delta smelt.

The GORT will consider these potential effects on delta smelt as they operate the head of Old River fish protection gates. It is likely that the magnitude of the flow changes will be considered relative to the abundance of delta smelt in the vicinity of Franks Tract and the fraction of the population that might be in the central Delta. Because delta smelt spawning may be limited by temperatures higher than 20ºC, it is likely that temperatures will also be included in the decision matrix for operating the head of Old River tidal gate.

Stage 2 of the SDIP includes changes in export operations, in addition to the tidal gate operations. The effects of the resulting incremental entrainment are described in the Draft EIS/EIR, and mitigation is proposed to reduce these effects to a less-than-significant level (See pages 6.1-94 to 6.1-97 of the Draft EIS/EIR). There may be additional analysis of the increased pumping patterns and more specific information on the relationship of central Delta flows and delta smelt abundance. All of the new information that may result from the intensive POD investigations, including contributions from CCWD staff, will be included in the Stage 2 evaluations.

PCL3-3

Fall salinity in the western Delta is regulated by D-1641 Delta outflow objectives. The Jersey point EC values in the fall months have actually been relatively constant (in the range of 1,500 to 2,000 µS/cm) for the previous six years (1999–2004). EC values were only slightly lower in 2005 and are expected to be relatively low again this year, because of higher-than-normal runoff and storage releases to meet flood control storage levels at the end of September or October. These salinity data suggest that the salinity gradient has been quite stable for the last several years, and no abrupt change appears to correspond with the POD years (2002–2005).

The work efforts that CCWD staff is contributing to the general POD investigations are commendable. But because CCWD has not released their analyses for scientific review, Reclamation and DWR scientists are unable to comment on the specific results suggested in the CCWD letter. Correlations and regression equations should not be confused with an ecological linkage. Linkages have to be established and confirmed through additional experimental evidence. The scientific products from CCWD staff will be given equal weight to other reports by IEP scientists that are produced during the POD evaluations and subsequent SDIP Stage 2 evaluations.

PCL3-4

Please See Master Response F, *Relationship between the South Delta Improvements Program and Climate Change Effects.*

PCL3-5

DWR is not aware of any relationships between Oroville Reservoir operations or Feather River flows and the Bay-Delta conditions. The Draft EIS/EIR indicates that no substantial changes in Oroville Reservoir operations will result from Stage 2. Therefore, regardless of the potential relationships between Oroville Reservoir and Bay-Delta conditions, SDIP Stage 2 will cause no impacts. Impacts are defined in CEQA and NEPA as changes in the existing environment conditions.

PCL3-6

The existing effects of CVP and SWP pumping are not evaluated in the Draft EIS/EIR. The IEP has attempted for more than 25 years to identify the scientific relationships between project operations and Bay-Delta ecosystem conditions. The apparent lack of proven strong relationships between water management and fish abundance is the reason that conditions cannot be very well predicted nor

understood. We continue monitoring and studying to further understanding of these relationships.

PCL3-7

The CALFED Science conference is held every 2 years. This will be the fourth. It is very unlikely that a consensus about the Bay-Delta ecosystem will emerge, but Reclamation and DWR management and staff will be in full attendance. New information presented at the CALFED Science conference and subsequently documented will be incorporated into the Stage 2 evaluations.

Comment Letter PTA

PTA

Feb 06, 2006 00165

Public Trust Alliance
A Project of the Resource Renewal Institute
Fort Mason Center
San Francisco, CA 94123
510-644-0752

February 4, 2006

Comments RE South Delta Improvements EIR-EIS

Dear Department of Water Resources;

While the environmental analysis justifying the "first stage" of the SDIP project appears "comprehensive" at first blush, its circular logic and significant omissions reduce its usefulness in supporting an informed public decision regarding the project. If it can't serve this purpose, it is legally inadequate within the CEQA/NEPA framework. Our organization requests that you withdraw this document and turn needed attention to digesting the key information now being produced by scientific studies regarding the biological collapse of Delta ecosystems and preparing some powerful stakeholders for the news that water projects cannot be implemented simply because they might continue a pattern of convenient subsidies (ie. Just because some players want to look for new water right away doesn't mean that strategy is

The document's key underlying assumption is that increased deliveries of northern California water to existing contractors (through a Delta which is assumed to continue to look and operate much as it does today) is synonymous with meeting the future water needs of our growing state. Alternatives involving conservation of presently available water supplies and recognition of priority uses before the knee-jerk reaction to increase supplies are not considered as they should be. Even DWR acknowledges in its latest update of the State Water Plan that conservation will be an important strategy but this environmental document doesn't seem to take that lesson to heart. **PTA-1**

Increased understanding of climate change is showing us that the Delta and its tidal dynamics are in the midst of profound physical change. Historic responses to water supply problems may not be appropriate. What are the impacts of rising sea levels or changed precipitation and snowmelt patterns? This analysis doesn't ask some of the most significant questions of our time. And beyond concessions to a few water quality rulings, the analysis doesn't begin to reflect our growing understanding that reconciling "demand" and "supply" is much more than a question of quantity. **PTA-2**

The analysis further assumes that a whole range of fundamental public inquiries have already been resolved by the "Programmatic" EIR which accompanied the now-imploding CALFED enterprise. That particular approach to Delta management is increasingly looking like a fantasy that can't be squared with the reality being revealed by our advancing science. This analysis seems predisposed to surrender historic public interests in favor of the narrow interests of private actors who may want to transfer public **PTA-3**

Feb 06, 2006 00165

water at a profit. This is particularly clear in the discussion of water rights (p. 8-29) which makes no mention of historic public interests which have always limited private claims, and which are very relevant to evaluating this development.

Although public trust interests are mentioned, the facile conclusion on p. 8-23 that "The SDIP is consistent with the public trust doctrine as its primary goals include a balance between fisheries, ecosystem restoration, and improved water supply reliability" lacks credibility. Under that law, the State has an obligation to future generations to manage trust resources in a manner that protects public trust uses wherever feasible. This analysis omits key discussion of affirmative public trust obligations and the legal requirements that trustees protect long term systemic values. The "Interim" operating principles and "avoidance and crediting" approach to supplementing the EWA are insufficient management devices that will fail to protect historic public interests and cannot substitute for the actual recognition of public obligations under the California Public Trust Doctrine. While the EIR makes note of the comparatively recent Mono Lake decision by the California Supreme Court, it fails completely to even mention the capacity and obligations of the State under the Public Trust that have been part of California Water Law for at least a Century before that (People v. Gold Run Ditch and Woodruff v. North Bloomfield Mining Co.). PTA-3

An extensive effort was made to demonstrate public involvement in the decision making process but key interests such as northern counties are nowhere to be seen in the "8500 Stakeholder" process. The analytic approach to Environmental Justice issues fails to evaluate completely predictable disproportionate impacts of water transfers on the community level because the level of resolution of county-wide or regional impacts completely mask that level of impact. PTA-4 PTA-5

Please don't rush this irrationally (and possibly illegally) segmented EIR-EIS through to certification and pretend that more careful systemic analysis of long term public interests in our water infrastructure can be put off yet again as a routine matter of public water infrastructure planning. This project is far better evaluated as a whole action in the context of systemic approaches to dealing with water supply challenges and a better understanding of changing conditions in the Delta. In this time of changing natural climate and public values, project alternatives that might not immediately occur to a clientele addicted to ever-growing new supplies of water must be considered. PTA-6

Thanks for the opportunity to comment on this document.

Sincerely,

Michael Warburton
Executive Director

Responses to Comments

PTA-1

Please see Master Response L, *Relationship between the South Delta Improvements Program and the California Water Plan Update 2005*.

PTA-2

Please see Master Response F, *Relationship between the South Delta Improvements Program and Climate Change Effects.*

PTA-3

DWR and Reclamation have proposed the SDIP as consistent with the CALFED Program but as a project that requires its own separate consideration. The SDIP EIS/EIR process, therefore, included public scoping prior to conducting the analysis and several other public workshops and forums to solicit input from the public and agencies about the project. These comments and concerns have been considered in the development of the Draft EIS/EIR.

PTA-4

The next round of stakeholder discussions regarding future expanded operations has not yet been scheduled. Reclamation and the Department will make attempts to include northern counties along with interests in other parts of the state and other interests.

PTA-5

Water transfers are assessed as indirect effects in the Delta only because transfers are not a part of the proposed project; rather, transfers are related actions that must be analyzed for NEPA and CEQA purposes as separate actions. The source and end use of water transfers must be defined in project-specific environmental assessments because this information was not available for inclusion in the SDIP Draft EIS/EIR. Therefore, environmental justice effects and other environmental effects related to water transfers are not assessed in this document because these actions are not entirely part of the proposed SDIP.

PTA-6

The Staged Decision-Making Process will allow more information to be gathered and assessed relative to the relationship between CVP and SWP operations, and Delta resources, specifically fish. The Stage 2 CEQA and NEPA compliance will incorporate the best available science.

Comment Letter RCCC

RANCHO CUCAMONGA
CHAMBER OF COMMERCE

RCCC

January 24, 2006

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 the Rancho Cucamonga Chamber of Commerce, 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 Rancho Cucamonga Chamber of Commerce represents hundreds of businesses, is one of the largest chambers in San Bernardino County, and represents an area within the Inland Empire that is one of the fastest growing regions in the nation. The Chamber understands the importance of water reliability and how essential it is to the California economy and California business. RCCC-1

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 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.

7945 VINEYARD AVENUE, SUITE D-5 • RANCHO CUCAMONGA, CA 91730-2314 • 909/987-1012 • FAX 987-5917

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). RCCC-1

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,

Norm MacKenzie
President/CEO

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

RCCC-1

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

Comment Letter RCRC

February 3, 2006

Mr. Paul A. Marshall
Department of Water Resources, South Delta Branch
Draft EIS/EIR Comments
1416 9th St., 2nd Floor
Sacramento, Ca. 95814

Ms. Sharon McHale
U.S. Bureau of Reclamation
Mid-Pacific Region
Draft EIS/EIR Comments
2800 Cottage Way
Sacramento, Ca. 95825

Re: South Delta Improvements Program Draft EIS/EIR SCH#2002092065

Dear Mr. Marshall and Ms. McHale:

The Regional Council of Rural Counties (RCRC), representing 30 of California's 58 counties, offers the following comments on the South Delta Improvements Program (SDIP) draft EIS/EIR. We have provided broad subject discussions below and then follow with more detailed comments (see attachment).

RCRC's member counties are the land management agencies responsible for development and implementation of comprehensive land use and resource management plans mandated by state law, as well as serving as the Lead Agency under the California Environmental Quality Act on a broad diversity of projects. Additionally, these counties have the authority, and many have passed ordinances, to regulate groundwater and/or surface water resources.

RCRC member counties are for the most part rural, with a significant segment of the local economy dependent upon agriculture and agricultural related businesses. Some of RCRC's member counties have Central Valley Project (CVP) and State Water Project (SWP) reservoirs located and operated within their borders. These facilities have public recreational facilities which contribute to the recreational opportunities within those counties. Additionally, some member counties have CVP and SWP water delivered to water users within those counties (SWP deliveries are upstream of the Delta) and are located within watersheds in which CVP and SWP operations influence surface water

801 12TH STREET, SUITE 600 SACRAMENTO, CA 95814 PHONE: 916-447-4806 FAX: 916-448-3154 WEB: WWW.RCRCNET.ORG

quality, instream flows and recreational flows for white water rafting, fishing, swimming and other uses.

The SDIP will potentially increase surface water transfers from upstream of the Delta to the export area, and change the operation of CVP and SWP facilities within RCRC member county borders. Depending upon the configuration and duration of those transfers, and the method used to make transfer water available, RCRC member counties could experience significant negative redirected impacts to their environment and economy.

RCRC notes that the SDIP EIS/EIR does not include as an alternative the completion of the physical component of the plan (all four tidal gates and the Head of Old River [HOR] fisheries barrier) in combination with the existing Water Rights Decision 1641 (D-1641). The inclusion of this alternative would show the level of water quality improvement Delta water users could expect, and focus efforts on alternative South-of-Delta water supply improvements through alternative non-Delta based resource management strategies as defined in the Bulletin 160-05 State Water Plan. Public Law 108-361 requires the Secretary of Interior to prepare and present to the Congress a plan that includes "...all water management actions or projects including those identified in Bulletin 160 that would improve firm yield or water supply..." RCRC-1

Additionally, limiting the operational component to increasing exports to 8,500 cfs in all four alternatives does not allow for a vibrant discussion of alternative methods of increasing water supply reliability for south of the Delta SWP and CVP contractors. This flaw, also present in the CALFED Programmatic EIS/EIR, has not been resolved in this document. As the alternative of not increasing exports was not addressed at the Programmatic level, RCRC is of the opinion that it should be addressed in this EIS/EIR. Absent an analysis of such an alternative this document is flawed and does not comply with CEQA's requirement for a complete analysis of reasonable alternatives. RCRC-2

The draft EIS/EIR does not include the use of a portion of the export water for recirculation back into the San Joaquin River to improve water quality as an alternative. Such a utilization of the export water has been evaluated as part of the San Joaquin River Water Quality Management Group's stakeholder process. The San Joaquin Water Quality Management Group's *Summary Recommendations for Meeting the Water Quality Objectives for Salinity Measured at Vernalis and Dissolved Oxygen in the Stockton Deep Water Ship Channel* determined that recirculation of water could potentially benefit San Joaquin River (Vernalis and downstream) water quality. Additionally, the use of Delta export water in this manner would allow the "backing" up of some additional water into New Melones Reservoir for storage, thus avoiding releases from New Melones to maintain San Joaquin water quality in some months. This could have the effect of storing more New Melones water for other beneficial uses while still maintaining Vernalis water quality objectives. RCRC urges that the potential for recirculation be considered as a component of the SDIP and analyzed in this process. RCRC-3

The Bureau of Reclamation is a project proponent and is required to comply with specific actions as called out in Public Law 108-361. Recirculation is identified clearly in Section 103 of that law in the following manner.

"Recirculation Program- The Secretary shall incorporate into the program a recirculation program to provide flow, reduce salinity concentrations in the San Joaquin River and reduce the reliance on the New Melones Reservoir for meeting water quality and fishery flow objectives through the excess capacity in export pumping and conveyance facilities." (emphasis added) RCRC-3

The proposed SDIP includes operational changes which would "...provide a north-of-Delta supply up to 75,000 acre-feet from CVP storage facilities to reduce SWP's obligation to comply with Bay-Delta water quality and flow requirements."

Water demands in upstream area of origin counties will increase in coming years. As noted in the State Water Plan, those demands may come in the form of Area of Origin filings on State (SWP) and Federal (CVP) facilities. This fact should be acknowledged and discussed in the EIS/EIR. RCRC-4

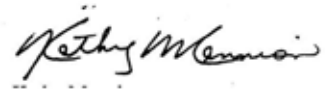
The draft EIS/EIR references data from the State Water Plan, Bulletin 160-98 throughout its text. The California Department of Water Resources recently completed a State Water Plan update (Bulletin 160-05). The updated projections, data and other relevant information in Bulletin 160-05, including resource management strategies should be incorporated into the final EIS/EIR. RCRC-5

To the extent refinements in either the CALSIM or CALSIM II models becomes available, those improvements should be incorporated into the Final EIS/EIR analysis. As further refinements are made any subsequent operational analysis should also incorporate updated models.

The EIS/EIR should also note some of the short comings of CALSIM II with regards to Salinity on the San Joaquin River. The CALSIM II model weaknesses are described as imperfections and not "...fatal flaws that render a model useless." RCRC-6

RCRC appreciates the opportunity to provide these comments and looks forward to reviewing the final EIS/EIR for responses to these comments and the more detailed comments in the attachment.

Sincerely,



KATHY MANNION
Director of Water and Power

RCRC DETAILED EIS/EIR COMMENTS ON THE SDIP

Vol. 1a pg. 1-8

The range of alternatives does not include a physical alternative in combination with the existing D-1641. Given the proposed schedule and the uncertainty surrounding the condition of the Delta this is a reasonable alternative and should be examined. **RCRC-7**

Vol. 1a pg. 1-10

The project objectives and purpose states that these are to be met "..by increasing the maximum permitted level of diversion through the existing intake gates at CCF to 8,500 cfs." Stating the objective in this manner constrains the range of alternatives which could be examined under NEPA and CEQA. It would seem reasonable to provide at least one alternative, in addition to the no project alternative, which does not increase the maximum permitted level to 8,500 cfs, but rather includes the deployment of alternate water management strategies as described in Bulletin 160-05. **RCRC-8**

Vol. 1a pg. 2-12/13

Water flows during some months may be significantly altered on the San Joaquin River if either a decision or settlement is reached on the Natural Resources Defense Council (NRDC) Friant Water Users litigation. If information is available, any modifications to the hydrology should be included within the assumed baseline hydrology for the San Joaquin River in the final EIS/EIR. **RCRC-9**

Vol. 1a pg. 2-15

The potential effects of transfers from upstream areas should be examined in the same (water source areas identified) fashion as was conducted in the EIR for the CALFED Bay-Delta Program Environmental Water Account. **RCRC-10**

Vol. 1a pg. 2-17 - 2-20

There is no consideration given to providing priority for recirculation of Delta export water to the San Joaquin River. It does not seem unreasonable to include an alternative and an alternative analysis of benefits, including the potential for re-operation of New Melones Reservoir (as required in Public Law 108-361 Section 103). **RCRC-11**

Vol. 1b pg. 5.1-2 and Table 5.1.1

Please note our earlier references to improved sources of information (in progress or completed) which include; **RCRC-12**

1. State Water Plan Bulletin 160-05.

2. New Melones Interim Operations Plan update (now underway by B.O.R.)

3. CALSIM II refinements

4. NRDC/Friant San Joaquin River litigation

Where possible the final EIS/EIR should incorporate new information from these sources.

Vol. 1b pg. 5.1 - 14

The report states that "*The CALSIM model does not indicate many changes in the San Joaquin River Basin between the 2001 and 2020 baseline simulations, because the reservoir operations assumptions remain the same for 2001 and 2020 conditions.*"

RCRC notes that there are a number of ongoing processes which could significantly alter the hydrology in the San Joaquin watershed including, but not limited to:

1. The DWR's examination of the potential to restore Hetch Hetchy Valley by removing O'Shaugnessy Dam (now in progress).

2. The update of the New Melones Interim Operations Plan by the Bureau of Reclamation (now in progress).

RCRC-12

3. The proposed Madera Groundwater Bank (Madera Irrigation District) in Madera County.

4. The proposed Temperance Flat Reservoir (Upper San Joaquin Watershed CALFED Storage Investigation now underway).

5. The Federal Energy Regulatory Commission re-licensing of New Don Pedro Reservoir in 2016.

6. The potential modifications to CVP operations and other management strategies required to be examined by the Secretary of the Interior as part of P.L. 108-361 and reported out to the Congress.

7. The NRDC/Friant litigation potential settlement/decision (pending).

RCRC recommends that the final EIS/EIR include any significant information from any of the above that are completed in time for inclusion. For those which are still not in final form, RCRC suggests they be identified as potential future influences on operations within the San Joaquin River system. Additionally, RCRC suggests that a process be established to incorporate any potential influences from those actions into SDIP implementation.

Vol. 1b pg. 5.1 - 17/18

Please note that updated information from Bulletin 160-05 should be included in place of that data from Bulletin 160-98. RCRC-12

Vol. 1b pg. 5.3 - 14

The report states that "*SDIP changes in the San Joaquin River flows downstream of the head of Old River will not have any substantial effect on the Brandt Bridge EC.*"

Recirculation of Delta export water through Newman would improve water quality on the lower San Joaquin and could improve water quality at Brandt bridge especially if combined with other resource management actions considered within the *"Summary Recommendations of the San Joaquin River Water Quality Management Group for Meeting the Water Quality Objectives for Salinity Measured at Vernalis and Dissolved Oxygen in the Stockton Deep Ship Channel"* and the complimentary relationship to New Melones Operations. One or more of these actions could be incorporated into SDIP as envisioned in P.L. 108-361. RCRC-13

Vol. 1c pg. 10-2

The draft EIS/EIR references the Bureau of Reclamation's NEPA handbook with regards to identifying potential cumulative impacts. It should be noted that SDIP is part of a larger CALFED Program which was federally authorized (Public Law 108-361). As such, all authorized CALFED complimentary actions should be placed in the context of potential cumulative impacts. In addition, existing ongoing programs such as the B.O.R.'s New Melones Interim Operations Plan (revision) should be evaluated. RCRC-14

Vol. 1c pg. 10-3

References to existing conditions and the 2001 level of development should utilize Bulletin 160-05 data instead of Bulletin 160-98.

Vol. 1c pg. 10-17

The report references the work of the San Joaquin Water Quality Management Group as a report "*in progress*". It is our understanding that this effort is nearly complete, if not completed at this time. A final version of the report should be incorporated into the final EIS/EIR. RCRC-15

Responses to Comments

RCRC-1

For each alternative for each resource, the impacts of Stage 1 are evaluated first. This analysis assumes no change in the operations of the SWP and CVP. Therefore, an alternative that includes the four gates, dredging agricultural diversion modifications, and the assumption that 6,680 cfs operations would continue, is analyzed. Decisions made during each of the Stages are independent; analysis of Stage 1 actions is stand-alone and a decision on Stage 1 is not dependent on a decision on Stage 2.

RCRC-2

Please see Master Response D, *Developing and Screening Alternatives Considered in the South Delta Improvements Program Draft EIS/EIR*.

RCRC-3

Reclamation is evaluating recirculation of water from the DMC to the San Joaquin River. However, this is not an SDIP purpose or action. A recirculation pilot study was completed in August 2004, and a report on the study was released in June 2005. The priority list of uses of the water does not preclude use in recirculation actions similar to what was studied in 2004. But because Reclamation and the DWR do not propose recirculation as an action, it has not been included specifically.

RCRC-4

Section 5.1 of the SDIP Draft EIS/EIR shows results from the CALSIM modeling of system-wide CVP and SWP operations. The SDIP will not change water supply conditions in any area of origin.

RCRC-5

Please see Master Response L, *Relationship between the South Delta Improvements Program and the California Water Plan Update 2005*.

RCRC-6

Please see Master Response I, *Reliability of CALSIM and DSM2 Models for Evaluation of Effects of the South Delta Improvements Program*.

RCRC-7

For each alternative for each resource, the impacts of Stage 1 are evaluated first. This analysis assumes no change in the operations of the SWP and CVP. Therefore, an alternative that includes the four gates, dredging, agricultural diversion modifications, and the assumption that 6,680 cfs operations would continue, is analyzed. Secondly, the effects of each operational component are evaluated assuming that the permanent gates are operating (except in the case of the No Action alternative).

RCRC-8

Please see Master Response D, *Developing and Screening Alternatives Considered in the South Delta Improvements Program Draft EIS/EIR*.

RCRC-9

Possible future San Joaquin River restoration flows would slightly alter the monthly flows and water quality on the San Joaquin River at Vernalis. This future action would generally improve salinity and may allow slightly higher exports. This would be a cumulative effect, or might be considered as a future water transfer. This possibility can be considered further during the Stage 2 decision process. Please also see Master Response Q, *Effects of the South Delta Improvements Program on San Joaquin River Flow and Salinity*.

RCRC-10

Water transfers are assessed as indirect effects in the Delta because transfers are not a part of the proposed project. Water transfers are related actions that must be analyzed for NEPA and CEQA purposes as separate actions. The source and end use of water transfers must be defined in project-specific environmental compliance.

RCRC-11

Please see response to comment RCRC-3.

RCRC-12 and RCRC-15

Any new information identified in these ongoing planning studies can be considered during the Stage 2 decision process.

RCRC-13

Please see response to comment RCRC-3.

RCRC-14

The cumulative analysis included all CALFED projects and all past, present, and reasonably foreseeable projects. Criteria to determine whether a project should be included in the cumulative analysis were used to screen out those projects that were not likely to occur or affect the same resources. These criteria are described and applied in Chapter 10 of the SDIP Draft EIS/EIR.

Comment Letter REM

January 11, 2006 00039 **REM**

January 10, 2006

California Department of Water Resources
1416 9th Street
Sacramento, CA 95814

Attention: Mr. Paul Marshall

RE: Effect on Rivers End Marina by the South Delta Improvements Program

Delta in Decline

California water is facing a crisis as the Delta ecosystem crashes and the program set up to manage it teeters on the brink of failure. The delicate balancing act, affecting the entire state was explored in a six-part series in The Times.

I am sure you have read and heard these before, however I have taken the time to pick out several points that raise questions to the overall effect of the proposed project. I understand that this is a water resource issue and sacrificing the South Delta and a few marinas may be a small price to be paid in the scheme of things. However, we have put a lot of effort in improving Rivers End Marina over the last five years and are just now seeing profits from our efforts. I talked with Terry who owns Tracy Oasis Marina and he told me that a study has been made on the effect of the temporary barriers on his business and it showed that his business has declined by 50%. Moving the Grantline barrier to the new proposed location will reduce the usable area for boating and fishing. Even according to the ten year old survey shown on Table 7.4.2 in the EIS/EIR 126 to 188 boats per day use West Grant Line Canal. This will cause over crowding of the other local waterways and will discourage numerous boaters and fishermen from launching at our marina. Alternative 3B would have the least effect on both Rivers End Marina and Tracy Oasis Marina for the recreational boater, not knowing the impact on the fish population and the effect on the number of fishermen using our marinas. **REM-1**

The other problem the barriers cause is water hyacinths and other debris get trapped when the barriers are closed. All this debris is drawn to our area by the pumps and fish screens when the barriers are removed. Even when a 24-hour effort is made to remove this debris the entrance to the marina gets choked for several days and the river is hazardous to navigation. **REM-2**

In addition, for the 30 years I have been coming to the Delta (I owned a house at the Livermore Yacht Club for 25 of those years) it obviously showed the effects of the pumps and the fish screens on the marina and adjacent areas. Silting has raised the bottom of the Delta in our area to a point that the weeds have taken over and areas are not navigable. If the dredging that was done in 2002 had not been completed I am sure that at low tide Rivers End Marina would be a mud flat. We need to know how often maintenance dredging is proposed for keeping the waterways open to the marina? **REM-3**
I am sure that when boats at the guest docks were sitting in mud and other boats just trying to pass each other were churning though mud it discouraged people from using the marina. We can't ask our current customers to return if that becomes the condition in the future. **REM-4**

Our business relies on navigable water for the recreational boater, Black Bass, Catfish and the Striped Bass population is the mainstay for the fishermen who launch with us. The project only seems to address the Chinook salmon and as you can see by the articles excerpted below which document dramatic changes have occurred for a wide variety of fish species already. If these are significantly impacted by the proposed South Delta Project and the future proposed increase in pumping then Rivers End Marina and the South Delta will have become just collateral damage. **REM-5**

I have maintained detailed daily, weekly and monthly records of revenue so we could see the improvement since we took over. A business evaluation has just been completed in December 2005 to secure bank financing. Our desire is to protect the investment that our hard work has built.

I have reviewed the EIR/EIS as it pertains to marinas in The South Delta Improvements Project area. Under the section Environmental Commitments states, "These commitments will be incorporated into the project and include coordination with marinas and other recreational facilities." It states on page 1-30, "DWR is currently working directly with marinas that may be affected by the permanent gates." To date there has been no contact with DWR and Rivers End Marina regarding the affect of permanent gates. I refer to page 2-48 of the EIS/EIR which states, "If any marinas in the area are adversely affected by the permanent gates, DWR and Reclamation will work with the marina owner(s) to reduce those adverse effects." We would like to have further dialog with the Department of Water Resources to understand how this will be accomplished. **REM-6**

Excerpts from The Times articles:

Can the Delta reliably convey water from Northern California to points south?

The original Peripheral Canal would have been capable, at times, of drying up California's largest river.

But even a smaller diversion would raise serious concerns in Contra Costa because the Delta's water quality would deteriorate further and could conceivably force the Contra Costa Water District to desalinate its water.

The district, which serves 500,000 residents, has already spent hundreds of millions of dollars in the last decade to counter the continued degradation of the Delta's water quality.

The prospect of spending even more – and sending more water to Southern California – will set off a lively debate, predicted water district assistant general manager Greg Gartrell.

Most urgently, the Delta ecosystem is on the brink of collapse. Delta smelt, the key indicator of the Delta's overall health, is sliding toward extinction with alarming rapidity.

In October, a state appeals court undercut the very foundation of CalFed, saying the environmental impact report that laid out the program failed to consider whether Southern California could get by with less Delta water, among other shortcomings.

Delta water contains sea salts, algae and dissolved organic matter, which tasters like Kent Nelson pick up in odors they describe with words like "musty" or "marshy."

As a result, Contra Costa Water District officials say Delta water is now saltier in the fall, a critical time of year because that is normally when the Delta is at its saltiest.

It's not just salty or earthy-tasting water at stake. CalFed's inattention to water quality may also have prevented the program from detecting – even predicting – the three-year collapse in Delta fish populations confirmed early this year.

A saltier Delta could mean more clams and less food for the fish.

Another possibility is that the saltier water is encouraging the fish to swim upstream, where they are more likely to stray into the pumps' flows or be exposed to pesticides in farm runoff.

"It (poor water quality) complicates the disinfection process," said Greg Gartrell, Contra Costa Water District assistant general manager.

Like the 5 million fish "salvaged" here each year as part of the state system to deliver trillions of gallons of water to Southern California, these small striped bass, shad and other species were diverted through a system of screens and pipes to a pair of warehouse-like buildings on a windy plain below Altamont Pass.

Millions of fish probably don't survive the ordeal of being salvaged, they contend, and innumerable eggs, fish larvae and food sources too small to be captured by the screens are destroyed at the pumps.

Contra Costa Water District, along with scientists from other agencies, has found that salinity in the Delta has increased during the fall during the past 10 years. That might be contributing to the spread of clams, which in turn could be wiping out the food supply for young fish.

Theory No. 2 says that a move about 10 years ago to protect Delta fish by shifting the timing of water pumping from spring to fall and winter might have had the unintended effect of killing large numbers of fish.

Invasive species, including zooplankton and weeds are slowing down water and changing habitat for Delta fish.

For decades, anglers and environmentalists worried about Delta fisheries have suspected that an enormous toll was being exacted by the state-owned pumps here and smaller federal pumps down the road.

"I think the problem is they pump so much water out of the Delta, they pump all the food out with it," said Joe Horn, a bass fisherman who has plied Delta waters for 50 years.

Invasive species of clams, weeds and fish are markedly changing the Delta in unpredictable ways, and little is known about pesticides and other toxic compounds in the Delta.

Pumping has been relatively high in recent years. In 2000, the year the CalFed program was signed, the annual state and federal water deliveries from the south Delta topped 6 million acre-feet for the first time. Deliveries have topped that threshold three times since then.

The fish crash "raised questions about the effectiveness and prudence of some CalFed activities," according to a recent performance review by the state Department of Finance.

The uproarious eruption of spawning stripers on the San Joaquin is now just a memory residing in the minds of a few long time anglers. For Jay Sorensen and many others, the culprit is obvious. Massive pumps that deliver water to the

San Joaquin Valley and Southern California were cranking up about that time the stripers were falling off. "I always thought this was my Sistine Chapel out here," said Sorensen.

Environmentalists, however, say CalFed already is allowing more water to be pumped out of the Delta than ever before.

It is the heart of a vast, aqueous circulation system that moves water from Northern California – where 75 percent of the available water is – to the San Joaquin Valley and Southern California, where 80 percent of the demand is.

Environmental Defense has compiled figures to show that 6.4 million acre-feet were pumped out of the Delta this year, a record high set in the middle of a major fish crisis. Three of the four highest rates of pumping in the Delta have occurred in the past four years, according to the national environmental organization, which has offices in Oakland.

Environmentalists, Delta farmers and anglers are mistrustful of that plan, however; and say the Delta's recent woes could be caused, at least in part, by pumping. Therefore, it would be irresponsible to move forward with the relaxation on pumping limits now, they say.

Responses to Comments

REM-1

As described in Section 7.4 of the SDIP Draft EIS/EIR, the overall area available for recreation in the south Delta would not change substantially. The operable gate would be in a location different from the current temporary barrier on Grant Line Canal, but the permanent gate would be open during most of the day and a boat lock would be operated when the gate is closed to allow passage of boats. Regarding impacts on individual south Delta marinas, DWR and Reclamation have committed to working with the marina owner(s) to reduce those adverse effects.

REM-2

Operating Stage 1 of SDIP would not affect the abundance of aquatic weeds in the south Delta. However, DWR will work with DBW in support of their aquatic weed control program. As an example, the flow control gates could be operated in coordination with DBW's aquatic weed spraying program to more fully close off each canal for some time period. The more effective closure of the canal will prevent aquatic weed spray from being flushed out after it is applied, potentially improving weed control.

REM-3

Dredging in the SDIP includes conveyance dredging in Middle River, Old River, and West Canal; gate dredging at each gate site to prepare the site for gate placement; and dredging at each of the 24 agricultural diversion locations identified in Chapter 2 of the SDIP Draft EIS/EIR. In addition to this initial dredging, DWR and Reclamation have committed to maintenance dredging at the upstream area of each of the gates as well as one round of maintenance dredging in the conveyance dredging areas.

REM-4

As described in Section 5.6 of the SDIP Draft EIS/EIR, the SDIP is not expected to result in significant effects related to sediment and sediment transport.

REM-5

Section 6.1 of the SDIP Draft EIS/EIR evaluates SDIP impacts on several fish habitat conditions in the south Delta. These conditions are similar to the habitat requirements for black bass, catfish, and striped bass. The Draft EIS/EIR finds

that all impacts can be mitigated to a less-than-significant level. No effects on these important Delta sport fish are expected.

REM-6

DWR staff has met briefly with the River's End Marina owner to discuss potential impacts and potential corrective measures available to the owner. DWR will continue to work with the River's End Marina owner to resolve issues.

Comment Letter SCWC

SOUTHERN CALIFORNIA WATER COMMITTEE
INCORPORATED

SCWC

10184 Sixth Street – Suite C
Rancho Cucamonga, CA 91730
Phone (909) 980-4700
Fax (909) 980-2628

December 6, 2005

Mr. Lester Snow
Director
Department of Water Resources
State of California
1416 Ninth Street, Suite 1115-1
Sacramento, California 95814

DEC 2 3 2005 027

Dear Director Snow:

On behalf of the Southern California Water Committee (SCWC) I am writing to express our support of the Department of Water Resources' (DWR) South Delta Improvements Program (SDIP). We believe that the SDIP is a critical water supply, water quality and environmental project that will meet California's diverse water needs.

This package of Delta improvements is the first major coordinated implementation of projects within the CALFED program. The SDIP collective package will carry out key commitments in the CALFED Record of Decision (ROD) and is linked together to ensure balanced implementation of CALFED, a significant goal of the ROD.

SCWC-1

The Southern California Water Committee is a nonprofit, nonpartisan organization that brings together eight counties and their diverse interests to secure adequate, reliable, affordable, quality supply of water for all Californians. Members of the SCWC include the Counties of Los Angeles, Orange, San Diego, San Bernardino, Riverside, Ventura, Kern, and Imperial, and their businesses, governments, agricultural interests, and water agencies. The SCWC reflects a broad consensus on water issues.

As an independent advocate for Southern California's water interests, the SCWC has long recognized the importance of the CALFED program's success to the economic health of Southern California and the State. We firmly believe that the major components proposed in the SDIP provide a responsible and balanced plan to better utilize and integrate our existing water management infrastructure in the Delta. Given California's limited water supplies, we must have a more flexible water delivery system so we can continue to accommodate growth in our population and economy.

December 6, 2005
Mr. Lester Snow
Department of Water Resources
Page Two

DEC 2 3 2005 027

The SCWC looks forward to participating in the NEPA/CEQA public hearings in January and supporting the SDIP as a key element in a responsible, and balanced approach to addressing the critical water needs of all of California's diverse, often competing interests. SCWC-1

Sincerely yours,

Joan Anderson Dym
Executive Director

Enclosure: Membership Roster

SOUTHERN CALIFORNIA WATER COMMITTEE
INCORPORATED

A cooperative effort of business, government, water agencies, agriculture, and public interests.

Southern California Water Committee, Inc.

Membership

DEC 2 3 2005 027

Benefactor

County of Kern
County of Los Angeles
County of Orange
County of Riverside
County of San Bernardino

Founder

Metropolitan Water District of Southern California

Sponsor

Anheuser-Busch, Inc.
CP Kelco
Southern California Edison
The Procter & Gamble Paper Products Company

Patron

Borchard Companies, Inc.	Building Industry Association of Southern California
C J Segerstrom & Sons	Calleguas Municipal Water District
Castaic Lake Water Agency	Chevron
City of Chino Hills	City of El Centro
City of Encinitas	City of Hemet
City of Indian Wells	City of Long Beach
City of Los Angeles	City of Los Angeles Department of Water & Power
City of Newport Beach	City of Riverside
City of San Buenaventura	City of San Diego
Coachella Valley Water District	Hines Nurseries
Imperial Irrigation District	Independent Oil Producers Agency
Inland Empire Utilities Agency	Johnson Machinery Co.
Kennedy/Jenks Consultants, Inc.	Kern County Water Agency
Knott's Berry Farm	Krieger & Stewart
Mellano & Company	Milk Producers Council
Moulton Niguel Water District	Newhall Land & Farming Company
Orange County Farm Bureau	Rabobank, N.A.
RBF Consulting	Richard K. Jemison
San Diego County Water Authority	SBC
Sea World of California	Shea Homes
Sunkist Growers, Inc.	The Irvine Company

DEC 2 3 2005 027

SCWC Membership

Aera Energy LLC
Albert A. Webb Associates
American AgCredit, FLCA
Anheuser-Busch, Inc.
Arvin-Edison Water Storage District
Biocom/San Diego
Borchard Companies, Inc.
Building Industry Association of Southern California
C J Segerstrom & Sons
California-American Water Company
California Avocado Commission
Calleguas Municipal Water District
Camrosa Water District
Carlsbad Municipal Water District
Castaic Lake Water Agency
Castle & Cooke
Central Basin Municipal Water District
Ch2M Hill
Chase Bros.
Chevron
Chino Basin Water Conservation District
Chino Basin Watermaster
City of Anaheim
City of Bakersfield
City of Cerritos
City of Chino Hills
City of Downey
City of El Centro
City of Encinitas
City of Escondido
City of Glendale
City of Hemet
City of Huntington Park
City of Indian Wells
City of Indio
City of La Quinta
City of La Verne
City of Long Beach
City of Los Angeles
City of Los Angeles Department Of Water & Power
City of Newport Beach
City of Oceanside
City of Ontario
City of Orange
City of Oxnard
City of Poway
City of Rialto
City of Riverside
City of San Bernardino Water Department
City of San Buenaventura
City of San Diego
City of Santa Monica
City of Thousand Oaks
Coachella Valley Water District
County of Kern
County of Los Angeles
County of Orange
County of Riverside
County of San Bernardino
CP Kelco
Cubic Corporation
Cucamonga Valley Water District
Desert Water Agency
E. S. Babcock & Sons, Inc.
Eastern Municipal Water District
Elmer F. Karpe, Inc.
Fruit Growers Laboratory, Inc.
Golden State Water Company
Grimmway Enterprises, Inc.
H. M. Holloway, Inc.
Harry Singh & Sons
Hatch & Parent
Helix Water District
Hewlett-Packard Company - San Diego Division
Hines Nurseries
Hunsaker & Associates
Hunter Industries Incorporated
Imperial Irrigation District
Independent Oil Producers Agency
Inland Empire Utilities Agency
Irvine Ranch Water District
James A. Noyes
J & D Star Dairy
Jack In The Box, Inc.
Johnson Machinery Co.
Kennedy/Jenks Consultants, Inc.
Kent's Bromeliad Nursery, Inc.
Kern Co Council of Governments
Kern County Farm Bureau, inc.
Kern County Water Agency
Kern Delta Water District
Kimberly-Clark Corporation
Knott's Berry Farm
Krieger & Stewart
Lake Hemet Municipal Water District
Ligand Pharmaceuticals
Limoneira Company
Marriott Desert Springs Resort & Spa
Mellano & Company
Metropolitan Water District of Southern California
Milk Producers Council
MJF Consulting
Monte Vista Water District
Montgomery Watson Harza, Inc.
Moulton Niguel Water District
Municipal Water District of Orange County
Newhall County Water District
Newhall Land & Farming Company
Olivenhain Municipal Water District
Orange County Farm Bureau
Padre Dam Municipal Water District
Poseidon Resources Corporation
Primary Energy
Public Resources Advisory Group
Rabobank, N.A.
Rancho California Water District
Rancho Mission Viejo
RBF Consulting
Richard K. Jemison
Rincon Del Diablo Municipal Water District
Riverside-Corona Resource Conservation District
Riverside County Farm Bureau, Inc.
Ronald Gastelum
Rose Hills Company
San Diego County Farm Bureau
San Diego County Water Authority
San Luis Rey Indian Water Authority
Santa Ana Watershed Project Authority
Santa Margarita Water District
SBC
Sea World of California
Semitropic Improvement District of Semitropic Water Storage District
Shea Homes
Somis Pacific Ag Management, Inc.
Sony Electronics Inc.
South Coast Water District
Southern California Edison
Stacy A. Roscoe
Suburban Water Systems
Sunkist Growers, Inc.
Sunrise Company
Tehachapi-Cummings Water M & O
Temple-Inland
The Irvine Company
The Procter & Gamble Paper Products Co.
Three Valleys Municipal Water District
United States Gypsum Company
Upper San Gabriel Valley Municipal Water District
Valley Center Municipal Water District
Valley Industry & Commerce Association
Van Dyke Farms, Inc.
Water Association of Kern County
Water Replenishment District Of Southern California
West Basin Municipal Water District
Western Municipal Water District
Western States Petroleum Association
Weston, Benshoof, Rochefort, Rubalcalva, MacCuish LLP
Weyerhaeuser Companies
Wheeler Ridge-Maricopa Water District

10-20-05

Responses to Comments

SCWC-1

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

Comment Letter SVEWC

SVEWC

February 4, 2006

FEB 09 2006 00175

Mr. Paul A. Marshall
Department of Water Resources
South Delta Branch, Draft EIS/EIR Comments
1416 9th Street, 2nd Floor
Sacramento, CA 95814
Fax: (916)653-6077

RE: Comments on the South Delta Improvements Program, Draft Environmental Impact Statement/Environmental Impact Report

Dear Mr. Marshall:

The Sacramento Valley Environmental Watershed Caucus has had the opportunity to review the Draft Environmental Impact Statement/Environmental Impact Report (DEIS/R) of November 2005, by the California Department of Water Resources (DWR) and the US Bureau of Reclamation (BOR) concerning the South Delta Improvements Program (SDIP). We suggest that DWR and BOR withdraw the proposed DEIS/R for this project because of numerous environmental and social impacts that would be likely results of SDIP. Some of the impacts include, but are not limited to the following:

- Increased water deliveries for SWP and CVP contractors south of the Delta as envisioned by SDIP are likely to exacerbate Delta ecosystem degradation.
- An expanded Environmental Water Account program will place an extra burden on California taxpayers with no assurance of ecosystem enhancement.
- Of the many specific actions listed in the CALFED ROD only 2 are proposed in the SDIP.
- Significant impacts on social and economic conditions are expected to occur in areas of water origin as a result of constructing or operating the SDIP.
- The analysis fails to identify impacts to recreation resources in areas of origin that will be impacted by increased water export demands.
- The brief summary of recreation for this reservoir fails to accurately measure shoreline and surface area fluctuations associated with the aggressive operation of the reservoir.
- DWR plans to increase electrical demands at the Delta Pumps. This increase in demand for electricity can only continue to drive up energy prices in Northern California.
- Having the Oroville Reservoir at low level for a longer period of time as envisioned by SDIP exacerbates a significant impact on local scenic character by the SWP.
- The EIS/EIR fails to identify cultural resources that are threatened by Phase 2 of the SDIP that are located outside of the Delta.
- The EIS/EIR fails to examine health hazards to domestic users associated with using contaminated water pumped from the Delta.

FEB 09 2006 00175

- The EIS/EIR fails to use the best available science in determining the climatic reality of the area of origin.

Increased water deliveries for SWP and CVP contractors south of the Delta as envisioned by SDIP is likely to exacerbate Delta ecosystem degradation. "Increase water deliveries for SWP and CVP contractors south of the Delta by increasing the maximum permitted level of diversion through the existing intake gates at CCF to 8,500 cfs. Meeting these objectives by implementing the SDIP will provide increased operational flexibility and the ability to respond to real-time fish conditions while improving water supply reliability." Do "real time fish conditions" include operation modifications designed to protect food chain foundation organisms? Have Delta export pumps been slowed as data pertaining to the Delta ecosystem collapse have been uncovered? It is unclear how increasing the capacity of the pumps will offer the Delta ecosystem real-benefit.
ES-5 "While the permitted capacity for diversions could increase by up to 27% the ability to use this capacity is extremely limited by water availability and environmental conditions." I question the capacity of the agencies to modify their pumping regimes to protect ecosystems. Have modifications been made since the discovery last spring that the Delta ecosystem has collapsed? Until DFG comes up with an explanation for the collapse it is impossible to devise modifications to the operation of the Delta pumping regime that would stabilize/restore the ecosystem.

SVEWC-1

An expanded Environmental Water Account program will place an extra burden on California taxpayers with no assurance of ecosystem enhancement. ES-6: "An expanded Environmental Water Account program as described in the CVP/SWP OCAP, or the implementation of an avoidance and crediting system augmenting the current EWA program, would be implemented to avoid diversion effects on fish resulting from implementing the Stage 2 decision-making process." Detailed analysis indicates that the EWA places a burden on taxpayers to provide special interests with water supplies while failing to protect ecosystems. The Sacramento Valley Environmental Watershed Caucus has withdrawn its support for the EWA concept.

Of the many specific actions listed in the CALFED ROD only 2 are proposed in the SDIP: "Increase the SWP pumping from the current limit from March 15 to December 15 to 8,500 cfs and modify existing pumping criteria from Dec 15 to March 15 to allow greater use of SWP export capacity.
Dredge and install barriers to ensure water to agricultural diverters within the south Delta."
It is unacceptable that the actions that might preserve/restore the Delta are being sidetracked while actions that are likely to exacerbate damage are advanced. The system is failing the public trust by imploding the invaluable Delta ecosystem.

SVEWC-2

2

FEB 09 2006 00175

Significant impacts on social and economic conditions are expected to occur in areas of water origin as a result of constructing or operating the SDIP. The analysis extends all the way to Southern California, but does not include adequate analysis of impacts to *areas of origin* of the water that are planned to supply the system.
Similarly "Environmental consequences" discussed on 7.2-8 extends to Southern California but ignores impacts associated with increased demands on *areas of origin*.
Socio-economic impacts considered include; increase in unemployment or decrease in personal income, change in the availability of housing, disruption of local businesses.
The increased demands associated with increasing the pump capacity is forcing DWR to come up with more water supply sources originating from North of the Delta including raising Shasta Dam, constructing Sites Reservoir, operating Oroville Reservoir more aggressively and integrating the lower Tuscan aquifer into the State Water supply.
The potential impacts of integrating North-State groundwater into the supply system could exacerbate existing unemployment and low wages, decrease housing development in Butte County, increase domestic water supply costs, and disrupt local businesses dependent on reliable groundwater. If groundwater becomes a bankable commodity manipulated by well placed water purveyors and replenishment districts, existing political imbalance favoring the minority of citizens associated with water districts holding surface water rights will be exacerbated.
Raising Shasta Dam would impact the people who own property around the existing high water level of Shasta Reservoir and add to the loss of sacred sites for the Winnimem Wintu People.
Operating Sites Reservoir would require tremendous energy input to move the water from this low elevation location to users. Flooding the ground may lead to the release of methyl-mercury into the biosphere. Existing land use would be eliminated.

SVEWC-3

The analysis fails to identify impacts to recreation resources in areas of origin that will be impacted by increased water export demands. For instance: Bidwell Park, located in Butte County, contains 100s of acres of residual valleyoak/sycamore woodlands that require reliable groundwater table levels to thrive. There is documented concern in Butte County that increased demands on groundwater related to SWP/CVP conjunctive-use schemes will impact the viability of this and other area valley forests that are used recreationally by over 100,000 visitors each year.
There is a distinct possibility that increased drafting of the Tuscan formation will impact surface water flows of existing perennial streams that are used recreationally by thousands of residents and visitors. Lowering the water table increases percolation-head in increases stream infiltration into aquifers. The SDIP plan to increase Delta pumping capacity assumes increased water transfers out of Butte and other northern California counties by integrating groundwater into the State Water Supply. While there may be willing sellers from the ranks of the tiny minority of residents that hold entitlements to surface water, there is a groundswell of opposition to attempts by these entities (particularly the Glenn Colusa Irrigation district) to capture entitlements to groundwater through conjunctive-use, replenishment districts and groundwater banking.

SVEWC-4

DWR's brief summary of recreation for Oroville reservoir fails to accurately measure shoreline and surface area fluctuations associated with the aggressive

3

FEB 09 2006 00175

operation of the reservoir. The document should present the range of shoreline and surface area associated with both high and low water levels as well as the difficulty of recreation operations that occur in some areas during low water. The SDIP document states that most water dependent recreation occurs during the spring and summer. Of course warm weather activities extend far into the autumn months as well. It is during these months that reservoir draining decreases the reservoir surface and shoreline to its lowest levels.

During the ongoing FERC relicensing process Butte County has described in detail the negative economic impacts associated with the operation of the Oroville Reservoir. According to Carol Smoots, an attorney hired by Butte County to fight the Department of Water Resources, "40 years of history in which thousands have benefited greatly from your natural resources at the expense of Butte County. Not only have you not benefited in any material, significant way from this project, but the community has actually subsidized the project…The difficulty that we have with DWR is that it fundamentally refused to acknowledge that its project is adversely impacting anyone. They know it. They won't admit it."

SVEWC-5

7.4-24: "Operations of Alternatives 2A-2C would result in very small changes in the frequency with which the surface elevation of Shasta, Oroville, Trinity and Folsom Reservoirs would fall below levels identified as important water-dependent thresholds. During the peak season, from May to September, the change in surface elevation of these reservoirs would range between 4 additional months above the recreation thresholds to *11 additional months below the recreation thresholds…"* For DWR to assume that the peak season ends in the middle of the hot months is ridiculous. The Oroville Reservoir is being underutilized for recreation because it is being over-utilized as an irrigation reservoir. The economic boon promised by DWR to Butte County has never materialized and the SDIP plan will add insult to injury by ramping up the aggressive irrigation function of the Oroville facility.

DWR plans to increase electrical demands at the Delta Pumps. This increase in demand for electricity can only continue to drive up energy prices in Northern California. 7.5-1-3: While Butte/Plumas Counties supply the water that feeds the pumps and the turbines that power the pumps that provide South-of-Delta users with water, residents of the areas of origin pay high prices for their electrical needs. Rather than sharing the bounty with the residents, DWR plans to increase electrical demands at the Delta Pumps. This increase in demand for electricity can only continue to drive up energy prices. This arrangement is patently unfair to the residents of Butte and Plumas Counties.

Compare this to the wealth distribution system that exists in Alaska. Citizens of Alaska have been receiving individual dividend checks from an oil rent trust fund since 1982. Citizen dividend checks are distributed every year in Alaska out of the interest payments to an oil royalties deposit account called the Alaska Permanent Fund (APF). Any significant changes in the extraction of water and energy out of Butte and Plumas Counties should move to rectify this gross imbalance in the distribution of wealth associated with the operation of the Oroville Reservoir. Alaska is the only state in the United States where the wealth gap has decreased in the past decade. The gap continues to widen in Butte and Plumas Counties because of the uncompensated exportation of water resources from the Feather River. This imbalance will certainly be exacerbated if

SVEWC-6

4

FEB 09 2006 00175

DWR is successful in their effort to more aggressively operate Oroville reservoir and/or integrate lower Tuscan groundwater into the state water supply.

The EIS/EIR fails to identify cultural resources that are threatened by Phase 2 of the SDIP that are located outside of the Delta. The presumed ability of the CVP/SWP to supply the increased water demands for the rest of the state will require developing "new" water sources that include raising the Shasta Dam. The Winnemem Wintu Tribe (McCloud River) have already lost much of their land to the current operation of the CVP Shasta Reservoir. By expanding the capacity of the pumps through SDIP an increased effort will be made to raise Shasta Dam which would flood more of the sacred land of this living tribe. The Tribe has held several meetings with the BOR to raise questions about the feasibility of the BOR's plans, the impacts it will have on the tribe and their way of life, and the troubled history between the tribe and the BOR. When Shasta Dam was first proposed, Congress passed a law authorizing the federal government to take the lands and burial grounds that the Winnemem had for a thousand years. Promises were made to the tribe that still have not been kept. The Tribe is asking that the BOR resolve these long standing debts before proceeding with its studies. The Tribe also wants the BOR, as part of the ongoing CALFED process to increase water storage and meet California's growing thirst, to study alternatives to raising the dam such as better management practices for the existing reservoir and conservation options, as well as better protection of the fish populations. But the most important issue is the threat that raising the dam poses to the cultural resources along the McCloud River , sites that are eligible for listing on the National Register of Historic Places as Traditional Cultural Properties.

SVEWC-7

The EIS/EIR fails to examine health hazards to domestic users associated with using contaminated water pumped from the Delta. The document explains that approximately 23,000,000 Californians rely on Delta exports for drinking water. David Ostrach, UCDavis researcher, is among an array of scientists trying to determine what has led to a crash in the populations of striped bass and three other bellwether fish species in the vast estuary that irrigates the Central Valley and supplies drinking water to two-thirds of Californians. Among roughly 60 striped bass autopsied by the University of California, Davis biologist, all had at least two problems with gastric inflammations, parasitic infestations, infections or liver lesions. That was a signal that they had been exposed to poisons, parasites or disease. The findings coincide with his earlier work. He previously found nerve damage and developmental abnormalities among newborn bass, problems he attributes to a chemical stew of pesticides, herbicides and cancer-causing elements in delta water. While the EIS/EIR mentions water quality issues related to chlorination (to combat microbes) and gasoline (associated with recreation) there is no mention of agricultural chemical or urban storm drain run off. These obvious sources of contamination deserve mention, if not detailed examination. The intent of SDIP to ramp up export capacity prolongs municipal reliance on water (of dubious quality) imports and would encourage new development to rely on Delta exports. While Southern California Water Districts continue to claim that the water they provide customers is safe and pure they are ironically spending money to buy bottled water for use in Agency offices. City departments spent tens of thousands of taxpayer dollars on bottled water even as officials

SVEWC-8

5

FEB 09 2006
00175

waged a $1 million campaign to promote the quality of the municipal tap supply, records show. The city's water provider, the Department of Water and Power, bought the most bottled liquid, paying $31,160 to Sparkletts during the past two years, according to records provided by City Controller Laura Chick. Overall, city departments spent $88,900 on bottled water during that time.
(http://www.sacbee.com/state_wire/story/14035104p-14867091c.html)
The answer to southern California's municipal water quality challenge is self-sufficiency in supply and quality control.

SVEWC-8

The EIS/EIR fails to use the best available science in determining the climatic reality of the area of origin. The DWR Water Delivery Reliability Report (2002) for instance, relies on only 73 years of climate data to assess the variability of hydrologic circumstances that underlie decisions. Such short term analysis ignores recent scientific discovery that, two extensive droughts affecting all of California, each lasting 100 to 200 years, occurred within the last 1,200 years. These "Medieval droughts" should be part of the scientific record that planners use to chart California's future. The period of modern settlement in the Sierra Nevada (about the last 150 years), by contrast, has been relatively warm and wet, containing one of the wettest half-century intervals of the past 1,000 years. http://ceres.ca.gov/snep/pubs/web/v1/ch01/v1_ch01_02.html
It is during this recent period that optimistic planners have built (and some continue to propose) large surface water storage facilities. Oroville and Shasta reservoirs are capable of providing a brief 1-3 year buffer against low-intensity drought. While planners seem to find it unimaginable that the West may again have to endure a 200 year drought other significant dry spells are clear from the more recent record. Persistent droughts, moderate by Medieval standards but severe relative to our "normal" conditions of the past 150 years, drew lakes and rivers well below their modern levels on numerous occasions during the past two millennia, most recently during the late 18th and early 19th centuries. Indeed, increasing evidence indicates that there is little that is climatically "normal" about the past century-and-a-half; it appears, in fact, to be California's third- or fourth-wettest century-scale period of the past four or more millennia.
The growth inducing effects of using selective scientific data are magnified when these studies materialize into expensive projects such as SDIP. The Delta may be better prepared for floods through these engineered marvels, but the reliability of the State water supply is not moving toward resilience to foreseeable droughts that may occur in the future.

SVEWC-9

Stage I and Stage II should be analyzed as a unit. The SDIP EIR/EIS splits the physical/structural component from the operational component. Building infrastructure inevitably leads to operating that infrastructure. It is improper to separate these components. SVEWC is convinced that the construction of the SDIP infrastructure will inevitably lead to the operation changes that will ramp up exports from sensitive areas north of the Delta and increased negative impacts to the Delta ecosystem. Stage I and Stage II should be analyzed as a unit rather than separately. The environment of the Sacramento Valley Watershed is affected by the whole of the exports, and piecemealing the analysis is inappropriate. The analysis of both phases should be based on the effects of the 3% to 5% combined increase in exports.

SVEWC-10

6

Responses to Comments

SVEWC-1

Please see Master Response B, *Relationship between the South Delta Improvements Program and the Pelagic Organism Decline*.

SVEWC-2

The SDIP is consistent with the overall CALFED ROD. The SDIP does not interfere with any of the other water quality, watershed management, or ecosystem restoration projects.

SVEWC-3

The SDIP will have no effects on groundwater management in the Sacramento Valley, nor will it cause Oroville Reservoir or Shasta Reservoir to be drawn down; no changes in the recreation at these facilities is likely. Evaluations of raising Shasta Dam or constructing Sites Reservoir are independent CALFED actions that are being evaluated by Reclamation and DWR.

SVEWC-4

Potential conjunctive use of groundwater in Butte County will be evaluated independently by the responsible local agencies. The SDIP is not linked to any specific source of water transfers.

SVEWC-5

Recreation on Oroville Reservoir is affected by water level fluctuations. The SDIP will not cause any substantial changes in Oroville Reservoir operations; the range of Oroville Reservoir storage will be similar to the existing conditions. The Oroville FERC re-licensing is a separate process that has recently examined the recreational impacts of SWP operations and has mandated additional facilities and management actions to increase recreational opportunities.

SVEWC-6

Any increase in electrical use at the Delta pumps will be paid for by the project beneficiaries as part of the cost of water conveyance.

SVEWC-7

The SDIP does not require raising Shasta Dam. The effects of raising Shasta on the cultural resources of the Winnemem Wintu Tribe are being evaluated as part of that Reclamation study.

SVEWC-8

Section 5.3 of the SDIP Draft EIS/EIR indicates that no significant degradation of drinking water quality will be caused by the SDIP. Agricultural chemicals are of concern, but will not be increased by the SDIP.

SVEWC-9

Please see Master Response F, *Relationship between the South Delta Improvements Program and Climate Change Effects.*

SVEWC-10

Stage 1 could be constructed and operated independently of Stage 2. Regardless of the decisions made for Stage 2, Stage 1 improves the ability to manage flows and water quality in the Delta as well as control the movement of fish into the south Delta. Stage 1 is analyzed with no export operation changes. Stage 2 assumes that gates are constructed (four, three, or one gate) and includes export operation changes. Therefore, the Stage 2 analysis includes the impacts of the entire SDIP.

SVEWC-11

Please see Master Response D, *Developing and Screening Alternatives Considered in the South Delta Improvements Program Draft EIS/EIR.*

Comment Letter SJFBF

SAN JOAQUIN FARM BUREAU FEDERATION **SJFBF**

MEETING TODAY'S CHALLENGES / PLANNING FOR TOMORROW

February 7, 2006

FEB 07 2006 00151

Mr. Paul Marshall
SDIP EIS/EIR Comments
State of California Department of Water Resources
Bay Delta Office
1416 Ninth Street
Sacramento, CA 95814

Dear Mr. Marshall:

The San Joaquin Farm Bureau Federation is concerned that the Draft SDIP DEIR/S does not adequately address the decades-long conflicts between the legal water users farming in the South Delta and the important export contracts to farmers elsewhere in our county and state. We are disappointed that DWR missed this opportunity to incorporate the feasible solutions that have been submitted to them on many previous occasions to mitigate these conflicts and we offer the following comments on the SDIP DEIS/R.

PURPOSE: The project purpose should be to fully mitigate the adverse impacts to the area caused by the projects, to meet all existing water quality standards, and to satisfy the needs of all beneficial uses in the area pursuant to the Delta Protection Act. As written, the project purpose allows for water levels and quality to be maintained at what DWR and USBR deem adequate, rather than what the local diverters believe is adequate or what is required by statute or permit conditions. This is necessary both to protect the farmers in the South Delta and to protect the farmers dependent on exports from unreliable deliveries due to the system conflicts that have been allowed to persist for decades. **SJFBF-1**

San Joaquin Farm Bureau agrees with and supports comments submitted by the South Delta Water Agency as follows:

SALINITY: Actual operations of the barriers, Clifton Court Forebay and the CVP Tracy Pumping Plant will affect the water quality in the southern Delta channels. The system should be operated to maximize water quality in the channels in line with CALFED's goal of continuing improvements in water quality. Such efforts will not only be beneficial to local diversions, but will improve export quality also to the benefit of municipal and agriculture export users. **SJFBF-2**

BARRIER OPERATION: Current language in the DEIR/S suggests that use of the barriers in summer will be allowed most of the time and that use during other times will be contingent on other factors and may not be allowed. There must be assurance that the barriers and other facilities will be operated when and as needed to protect the in-channel water supply and quality. This protection must not be subject to being overridden to satisfy other interests. Fishery concerns may create a tension with barrier operations, but both are mitigation for project operations and one should not trump the other. If the projects cannot protect fisheries and local diversions, then exports must decrease to the point where such complete protection is provided. **SJFBF-3**

WATER LEVELS: The draft SDIP plans to do specified dredging and then operate barriers so that the water level at any point in the channels downstream of the HOR will not fall below 0.0 ft msl, and will have adequate depth at that level for continuous operation of local diversion facilities. This level is lower than that maintained with temporary barriers. The barriers are proposed to be operated so that there is a **SJFBF-4**

1

3290 NORTH AD ART ROAD • (209) 931-4931 • STOCKTON, CALIFORNIA 95215

FEB 07 2006 00151

net unidirectional reverse flow from the Middle River barrier up to Old River; a net unidirectional reverse flow from the Old River barrier near Tracy up and through the connecting channels to Grant Line Canal; and a net unidirectional flow in Grant Line Canal over the Grant Line barrier/weir. Alternatively the flows in Old River and Grant Line can be switched so that the upstream flow is in Grant Line and the downstream flow is in Old River. SJFBF-4

DWR modeling indicates that this lower level is satisfactory. However, there is no margin of error. If the modeling is off for any reason, operations may not be flexible enough to correct the problem while still maintaining water quality. [This is due to the tension between the two goals; raising the barriers to help levels will decrease net flows and adversely affect quality. The program should insure that water levels are kept at heights that actually do allow for local diversions to continue as needed and without impairment. SJFBF-5

DWR and USBR should commit to keeping water levels at heights "which will allow for local diversions to continue as needed and without impairment." If proposed operations do not provide such protection, DWR and USBR should commit to supplementing the tidal inflow so that adequate depth can be maintained while still providing circulation for quality concerns. This supplemental flow will most likely involve the use of low-lift pumps at one or more of the tidal barriers. This contingency option should be included in the final EIR/S.

NET FLOWS/MAINTAINING WATER QUALITY: Modeling indicates that under certain conditions and during the two neap tide cycles each month with average local diversions, net flow upstream in Middle River and Old River is low such that there is an insufficient flushing of salts and other constituents. During these times, it is likely that water quality on Old River, and perhaps also on Middle River will exceed the standard. During times of peak local diversions, modeling indicates that the flows in the upstream areas of Old River and Middle River will rarely be in the upstream direction (as the SDIP purports to establish for the maintenance of water quality). Generally, the flows will be back downstream creating a null zone in each channel. Even when the flow under these conditions is back upstream, it is far less than what is necessary to have any meaningful flushing of the channel.

This lack of salinity control will generally occur twice each month over four to seven day periods at a minimum, and at most (under peak depletion times) during the entire month. Although DWR modeling of these conditions uses July of 1995 as the worst case scenario, this does not mean these conditions can be assumed to be rare. It is likely that they will occur in many summer or fall months. DWR modelers have proposed that to address this situation, the Old River barrier can be used as a weir instead of the Grant Line Canal barrier. Particle tracking indicates that with such a change (under monthly average diversions, not with peak diversions) the constituents of Old River water will be flushed out downstream over a three to five day period. This does provide a flushing, but it is unknown if that will be enough. That channel is expected to get even more municipal discharges in the near future, and already experiences low DO levels and elevated salinities. SJFBF-6

Given the lack of margin of error in water level portion of the program, it is not certain that switching the flow patterns will solve the problem. Therefore, just as the water level concerns require supplementing the incoming tidal flows, so too must this option be considered for the water quality aspect of the project. It appears that a commitment to the low-lift pumps is necessary to make the program work as anticipated.

The water quality analysis and modeling supporting the program should be updated. Currently the model used incorporates an assumed salinity concentration for local discharges. However, this assumption derives from a survey that lumps portions of the Central Delta with the South Delta to arrive at an average discharge salinity. Central Delta discharges from the area included have discharge salinities well below SJFBF-7

2

FEB 07 2006 00151

those in the South Delta and consequently, the assumption in the modeling greatly understates the salinity of the return flows. This in turn results in an understatement of the water quality in the channels and the effects of the SDIP barriers. SJFBF-7

TOM PAINE SLOUGH: A question exists as to whether or not Tom Paine Slough will fill under the manipulated tidal conditions of the SDIP. In recent years, the Slough has experienced significant problems of insufficient water levels. A number of causes have been proposed, but the effects of export pumping on the ability of the channel to get water into the Slough is at least a part of the underlying causes. Prior investigations by SDWA and USBR in their 1980 Report indicate that channel resistance in the area greatly increases and therefore the normal degradation of the channel bottoms may have exacerbated the "normal" problem of filling the slough such that it cannot now fill during the time available. At this time, DWR modeling indicates that SDIP will not make it any easier to fill the Slough and may make it more difficult. The program should include measures to insure that the Slough will fill as needed. SJFBF-8

SAN JOAQUIN RIVER: The SDIP proposes to address the channels west of the HOR and not the mainstem. The program should not separate out two portions of the same problem; the adverse effects of the SWP and CVP on water levels, quality and flows in the South Delta. The SDIP assumes that under monthly average depletion conditions, minimum flows of 700 - 800+ cfs will be present at Vernalis to supply the necessary 500 cfs into HOR while still providing depletion needs and downstream flow towards Stockton. [SDIP assumes operation or the HOR such that 500 cfs flows into Old River when mainstem flows are 700 - 2,200. Above 2,200, the barrier is proposed to be fully open. Below 700 the barrier is also fully opened.] The 700 - 800+ cfs amount is based upon 150 - 200 cfs of diversions from Vernalis to HOR plus the 500 cfs regulated into Old River with the remaining flow, if any, providing net downstream flow towards Brandt Bridge. When peak diversions are modeled, the 500 flow into HOR must be raised to 700 cfs during the neap tide periods in order to maintain water levels (this additional inflow has no effect on the lack of net flow/water quality problem identified above). In such an event, the minimum Vernalis flow to provide these needs is somewhere near 1,000 cfs in order to again maintain some sort of net downstream flow to Brandt Bridge. SJFBF-9

Current modeling of the San Joaquin River predicts that these summer flows may decrease to approx 600 cfs. When the flows drop below approx 1,000 cfs at Vernalis, many local diversions on the mainstem are unable to draw water out of the river due to low levels. If the flows drop below 700 - 800+ cfs, the SDIP still requires 500 - 700 flow through the HOR. Given the depletions upstream on the mainstem, that required flow will result in reverse flows in the Brandt Bridge area towards HOR. In that circumstance, the SDIP will be lowering the levels in the mainstem and exacerbating the diversion problem. This reverse flow into Old River is anticipated to further lower levels on the mainstem to the detriment of local diverters. SDWA asserts that pre-project, the tidal waters reached all the way to Vernalis, and that the tidal effect helped provide the necessary water height notwithstanding low River flows. SJFBF-10

DWR and USBR must commit to providing a minimum flow on the River through recirculation, exchanges, or other means. They should also commit to meeting the water quality standard at Brandt Bridge with downstream flows and not allow reverse flows on the mainstem to occur. Such downstream flows will provide help in maintaining the DO levels at the Stockton Deep Water Ship Channel. In addition, DWR may want to explore dredging and intake alterations along the mainstem to minimize the extra flows needed.

BARRIER EFFECTS ON FLOOD FLOWS: It appears that SDIP modeling for flood flow effects in the DEIR/S is insufficient. The analysis appears to have compared the HOR channel cross-section as it now is with the cross-section after dredging for the barrier but without the barrier in place. Thus the modeling gives no meaningful data on flood flow effects. Other barriers were not examined, but were assumed to SJFBF-11

3

FEB 07 2006 00151

have no effects. This deficiency in modeling must be corrected in the final EIR/S DWR must consult with local Reclamation Districts and their engineers to fully analyze the flood flow effects of the barriers. The barriers need to be flood neutral as are all other in-water works in the Delta. SJFBF-11

MAINTENANCE DREDGING: In order to maintain the efficiency of the barriers, maintenance dredging is required to insure barrier operations continue as planned. Since the barriers are mitigation for the adverse effects of the SWP and CVP on local beneficial uses, it should be the obligation of the projects to make sure the barriers continue to work. That obligation should include maintenance dredging. SJFBF-12

DOWNSTREAM DIVERSIONS: The barrier program will adversely affect water levels downstream of the structures. The SDIP includes necessary changes to diversion intakes and dredging as necessary. It appears that Victoria Island is also experiencing this problem and will need to be added to the project, especially if 8500 is approved. SJFBF-13

OTHER: Both the 1995 Water Quality Control Plan for the Bay-Delta and D-1641 recognized that the previous salinity monitoring locations will no longer be representative of conditions throughout the channels once barrier operation create altered flow patterns. New monitoring points must therefore be representative of salinity throughout the channels during each mode of operation. SJFBF-14

The San Joaquin Farm Bureau believes these corrections to the SDIP to be reasonable and feasible and urges DWR to incorporate them. They are necessary to mitigate current impacts and must be incorporated before any increase is possible in the export rates.

Sincerely,

Mike Robinson
President

4

Responses to Comments

SJFBF-1

The SDIP will fully protect SDWA diversions for agriculture from the south Delta channels upstream of the operable gates. Both minimum water levels and water quality will be improved.

SJFBF-2

Section 5.3 of the SDIP Draft EIS/EIR demonstrates the improvements in water quality at south Delta locations. The SDIP will not change San Joaquin River salinity at Vernalis. Please also see Master Response Q, *Effects of the South Delta Improvements Program on San Joaquin River Flow and Salinity*.

SJFBF-3

Please see Master Response O, *Gate Operations Review Team*.

SJFBF-4 and SJFBF-5

Minimum water levels of 0.0 feet msl are expected to fully protect all south Delta diversions located upstream of the tidal gates. SDIP will also provide local dredging and siphon or pump intake extensions for shallow intakes. Monitoring of tidal elevations will provide feedback to the GORT for possible modification of the Grant Line Canal tidal gate "weir" elevation (proposed for –0.5 feet) to provide sufficient water levels under all tidal conditions for all existing diversions.

SJFBF-6

Section 5.2 of the SDIP Draft EIS/EIR describes in detail the channel volumes, tidal fluctuations, and corresponding flushing of water in the channels upstream of the tidal gates. Section 5.3 shows results of DSM2 simulations of the proposed tidal gate operations and indicates that tidal flows and salinity conditions will be much better with the SDIP tidal gates than they have been with the temporary barriers. It is this comparison that should be the focus of SDWA evaluations. Low-head pumps are not necessary for these improvements in water quality.

SJFBF-7

The DSM2 model includes reasonable average salinity estimates for agricultural drainage. No recent drainage salinity measurements are available from the south Delta drainage pumps.

SJFBF-8

Tom Paine Slough water levels will be protected by SWP continued operation of CCF gates with priority 3 schedule, which allows the higher-high tide to fill south Delta channels without diversions into CCF. DWR will continue to work with SDWA to resolve local water supply issues along Tom Paine Slough.

SJFBF-9 and SJFBF-10

The SDIP does not change the San Joaquin River flows at Vernalis or Mossdale. Diversions along the river may have problems during periods of summer low flow. SDIP operations of the head of Old River will be evaluated and determined through the GORT. There are no guaranteed flows; the SDIP allows tidal and net flows in the south Delta channels to be more adaptively managed than with the temporary barriers that generally restrict tidal flows. SDWA may want to investigate localized dredging or intake improvements along the mainstem of the San Joaquin River; the SDIP has no anticipated actions in this area.

The modeling results cited in your example are based on maximum exports from both CVP and SWP facilities coupled with maximum diversions for agricultural uses throughout the south Delta (and possibly even a neap tide). Under these conditions, Reclamation is typically releasing more water than the low flows you cite (700 cfs). In the modeling you cite, the original low-flow scenario was on the order of 1,300 cfs on the San Joaquin River. It was artificially set lower to study a hypothesis SDWA presented. It is believed that the proposed gate operations will meet or exceed the needs of the SDWA on the interior south Delta. No minimum flow on the San Joaquin River is being proposed at this time.

SJFBF-11

Please see Master Response R, *Effects of the South Delta Improvements Program Stage 1 Tidal Gates and Dredging on Flood Elevations in the South Delta Channels.*

SJFBF-12

Dredging included in the SDIP includes conveyance dredging in Middle River, Old River, and West Canal; gate dredging at each gate site to prepare the site for gate placement; and dredging at each of the 24 agricultural diversion locations identified in Chapter 2 of the SDIP Draft EIS/EIR. In addition to this initial dredging, DWR and Reclamation have committed to maintenance dredging at the upstream area of each of the gates as well as one round of maintenance dredging in the conveyance dredging areas.

SJFBF-13

Under the SDIP, diversions along Victoria Canal that are –2 feet msl or shallower would be extended and the area around them dredged.

SJFBF-14

Reclamation and DWR are fully committed to meeting all applicable salinity objectives on the San Joaquin River (i.e., Vernalis and Brandt Bridge) and in the Delta. These objectives have been established by the State Water Board to protect municipal and agricultural, as well as fish and wildlife, uses of water. SDWA riparian diversions are important but are not the only beneficial uses of water in the San Joaquin River watershed or in the Delta. SWP and CVP reservoir and Delta operations are managed to protect all beneficial water uses and provide good quality water for water supply contractors south of the Delta.