Comment Letter SJRGA

SJRGA

MEMORANDUM

To: Paul Marshall
From: Tim O'Laughlin for San Joaquin River Group Authority
Date: February 7, 2006
Re: SDIP Comments

1-6	Specific Actions are listed in the CALFED ROD	"To ensure adequate quantity of water to agricultural diverters in the South Delta." This statement is general and conclusory. Nowhere in the document does it quantify the amount of water South Delta agricultural diverters are entitled to. The quantification must look at those lands that are claiming a riparian right as opposed to those lands claiming an appropriative right. This distinction is key to understanding water available for diversion by riparians. It must also be done by year class under a 60-20-20 San Joaquin River Basin Index. The SJRGA pointed out in its comments to SWRCB Periodic Review and S & B TMDL, see attached documents. "The Effects of the CVP on Southern Delta Water Supply, Table V-21" shows that inflow to the South Delta in Dry and Critical Years would had only been 20 cfs per day. How are all the riparians going to share 20 cfs and have viable agriculture? As was also pointed out in those proceedings, the SDWA are lower priority appropriators. They can only take what water is abandoned by upstream diverters, but have no legal right to call on stored water. CEQA documents have been ruled inadequate for failing to adequately describe water rights, the environmental impacts of supplying additional water, or the manner in which additional water would be supplied, and that water rights must be quantified. (Stanislaus Natural Heritage Project v. County of Stanislaus (1996) 48 Cal.App.4th 182; Santiago County Water Dist. v. County of Orange, (1981) 118 Cal.App.3d 818; Galante Vineyards v. Monterey Peninsula Water Management District (1997) 60 Cal.App.4th 1109.)	SJRGA-1
1-6	Future Actions	We do not see how a program that will increase pumping and bring more fish into Clifton Court Forebay says only in the vaguest terms that screening will be improved. We provided you with the City of Stockton's and CCWD's screening projects for their diversion facilities as to what is an appropriate level of analysis to understand if the impacts of the diversion are being mitigated by the screens.	SJRGA-2
1-7	"Install and operate temporary barriers."	Recent declines in Delta Smelt have caused the resource agencies to review whether or not to install a temporary barrier at the Head of Old River. If the temporary barrier is not	SJRGA-3

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		installed then what are the impacts on Fall Run Chinook Salmon? More importantly, what mitigation has DWR/USBR proposed? There is no analysis in the document of this issue.	SJRGA-3
1-7	CVPIA PL 102-575	It makes no sense to install an operable barrier at the HORB if it isn't operated to protect out-migrating Fall Run Salmon Smolts as was contemplated by PL 102-575. The operable gate was a physical solution to try to obtain the doubling goal stated in both Federal and State law.	SJRGA-4
1-8	CALFED EIR-EIS	You can assent that this is a stand alone EIR-EIS but the document clearly tiers off the CALFED EIR-EIS. Since the Appellate Court has invalidated the CALFED EIR-EIS, please describe the process by which this document will not be tiered from the CALFED EIR-EIS; especially since many of the impacts analysis and significance criteria come from the CALFED EIR-EIS.	SJRGA-5
1-9	Need for Action	We agree with your action plan to keep Fall Run Chinook Salmon Smolts out of Old River. However, we disagree with your analysis and implementation to keep Fall Run Chinook Salmon Smolts out of Old River. We agree that the operations of the CVP and SWP export facilities change flow patterns. Please see the attached work done by Flow Sciences for the SWRCB Periodic Review Process. (Periodic Review SJRG Exh-27) In the past the Flow Split was roughly 50-50. The model, using particle tracking, shows 100% of San Joaquin River Flows arriving at the pumps under current conditions. Water in the San Joaquin River that does not go down Old River, goes down Turner and Columbia Cut and Middle River. This problem is magnified in BN, Dry and Critical Years as defined by the San Joaquin River Basin Index. This causes two problems. The first problem is that the proposed operation of the pumps and the proposed operation of the HORB will not adequately protect Salmon Fry and Smolts moving in the SJ River in the first instance. It is proposed that pumping will increase from March 15-December 15 to 8,500 cfs. This proposal is for all year types. (See attached VAMP reports.) In BN, Dry, and Critical Years please note the amount of Fall Run Chinook Salmon Smolts at the Export Facilities from March 15-April. Under the proposed operations the HORB would not be closed and 100% of the San Joaquin River Flow would go to the pumps. Unlike Wet or Above Normal Years, agricultural diversions would be operating in BN, D, and C years in the March-April 15 time period. (SDWA Exh-02.) So, either directly or indirectly from March 15-April 15 more Salmon	SJRGA-6

		Smolts will be killed increased pumping or indirectly. This also hold true for the time period of May 15-June 1. The evidence submitted at Period Review by the SJRGA on the Fish flow issue, (See Periodic Review SJRG Exh-19) indicates in these drier years that fewer salmon smolts are in the San Joaquin River after May 15. Based on real time monitoring, we believe a mitigation measure could be developed based on a percentage of the outmigrating smolts to have increased pumping from May 15-June 1 if the HORB is closed. The comments above are also applicable to the time period December 15-March 15. This document is "vague" as to what operations will occur from December 15-March 15. It only says "modify existing pumping criteria." Our question is from what existing baseline level to what new level? Given the uncertainty of the change we cannot comment specifically. San Joaquin River Salmon Fry are present in the lower San Joaquin River as early as January 1 and Smolts as early as March 1. (See VAMP annual reports) Increasing pumping operations will cause more salmon fry and smolts to enter the Southern Delta in BN, D, C years and not escape. This leads to the second problem not analyzed by the SDIP. Mr. Dave Vogel's work (Periodic Review SJRG Exh-28, Appendix A.) on radio tracking fish through the Delta clearly points to a significant problem. Fish that do not go down Old River and end up at Clifton Court Forebay go down Turner and Columbia Cut and are lost. They appear to be moved back into the South Delta by the change in hydraulics in the South Delta due to export pumping. One last point is not addressed in the SDIP concerning Fall Run Chinook Salmon Fry migration and survival through the Delta. (See Periodic Review Periodic Review SJRG Exh-31, p10-11.) Fry contribution to San Joaquin River Salmon escapement is not well understood. However, Sacramento Basin studies have found that most fall-run Chinook salmon leave the Sacramento system as fry, with the majority gone by the end of March. (See McEwan, Debbie, "Feather River Study: Highlights of the Salmon Emigration Surveys, 1996-1998, IEP Newsletter, Vol. 12, No. 4 (Fall 1999).) The following should be included in the SDIP as part of Project monitoring requirements: (1) Real-time trawl monitoring at Mossdale conducted seven-days per week every year from January 1 through June 1 with proper net gear to capture fry; (2) implementation of a study to determine Fry contribution to

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		San Joaquin River Fall Run Chinook escapement; and (3) implementation of study to determine where in the water column salmon fry and smolts travel during the day and during the night as they pass the HOR gates. This issue is of importance again in BN, D, and C years when flows are low in the San Joaquin River and SDIP proposes to modify (by presumably increasing) pumping operations December 15-March 15 when Fry are present in the Lower San Joaquin River and South Delta.	SJRGA-6
1-9	"There are unmet water supply needs…."	We have looked and could not find a quantification of the need and how the SDIP meets the need for both quantity and reliability. Can you please provide?	SJRGA-7
1-10	Project Objectives/ Purposes	We commend DWR/USBR for listing as the first project objective and purpose to reduce the movement of San Joaquin River Fall Run Chinook juvenile salmon into the south Delta via Old River. The EIS/EIR cites no evidence to validate the claim of a so-called "late fall-run" in the San Joaquin River Basin. The assumed life stage timing for such species (see Table 6.1-2) if present in the San Joaquin River would further compound deficiencies in the proposed San Joaquin River Fall Run Chinook Salmon mitigation program for the SDIP.	SJGRA-8
1-10	Indirect losses should not be understated.	By redirecting flows in the South Delta, salmon fry and smolts are subjected to direct and indirect take at thousands of unscreened diversions. NOAA has typically included indirect loss as part of the loss index at the export pumps.	SJRGA-9
1-14	VAMP	The VAMP and the San Joaquin River Agreement recognize the installation of the HORB as an integral part of the experimental design. It is only due to hydrologic conditions that the HORB is not installed. The purpose of the VAMP is NOT to identify the true salmon smolt and Delta smelt populations. It is for the purpose of determining the relationship of San Joaquin River salmon smolt survival to the San Joaquin River flow/export ratio, with the HORB installed, and the appropriateness of the 1995 WQCP pulse flow objective. San Joaquin River flow increases and export reductions prior to or following the VAMP, as implemented by USFWS, are intended to provide additional protections for Delta Smelt, but these actions are not part of the VAMP.	SJRGA-10
1-15	SDWA	We agree that water supply in the South Delta is influenced by San Joaquin River inflow. Please see our comments above about water quantification and water rights. DWR was part of the SJRWQMG Plan. In preparation of that plan the group did extensive modeling of San Joaquin River Flows showing the impacts of proposed actions on flow. The Plan proposes to	SJRGA-11

		reduce approximately 28,000 af of drainage water to the San Joaquin River. The modeling also showed that New Melones dilution Flow releases could also be reduced because there would be less salt concentration in the river. These runs showed flows in Dry and Critical Years below 1,000 cfs at Vernalis in July, August, and September. We could find no such analysis in this report of those conditions. Do they exist? Also, the SWRCB has recently adopted a TMDL to control discharges of salt and boron into the Lower San Joaquin River. (SWRCB Resolution No. 2005-0087.) Has DWR modeled the lack of return flow or drainage water due to the implementation of the Salt & Boron TMDL? In other words, the CVP and SWP may feel an obligation to supply project supply to SDWA landowners in order to get this project approved. Upstream water right holders in the San Joaquin River Basin have no legal obligation to provide water in the San Joaquin River to meet SDWA water demand. They are either junior to the SJRGA member entities as appropriators, or in BN, D, and CD years, they are only entitled to the natural flow. Finally, the Secretary of the Interior's determination as to the "Basin" for the New Melones project clearly excludes the South Delta. Of note here is that while the SWRCB may have found it to be a reasonable and beneficial use of CVP and SWP to maintain EC levels in the South Delta, no such determination was made as to any other party. Also, maintaining water levels is strictly "project mitigation" for the pumps. We would anticipate that parties will move to have New Melones releases excluded from meeting Interior Delta Salinity Standards as those locations are outside the "Basin" as defined by the Secretary of the Interior's decision, i.e., your analysis should not count on New Melones water to meet those standards.	SJRGA-11
1-19		We strongly disagree with the assessment or position in the document that "exports should be increased when there are fewer criteria for environmental needs controlling in the Delta." This statement directly contradicts the project purpose of protecting San Joaquin River Fall Run Chinook Salmon as they migrate through the Delta. Just because there isn't a Biological Opinion on Fall Run Chinook Salmon doesn't mean they should not be afforded protection.	SJRGA-12
1-24		We understand that the EIR-EIS simulated the 1986 COA. What is unclear in the document is how the integrated	SJRGA-13

		operations are proposed to be changed or will be changed in accordance to the Napa Agreement. Also the EIR-EIS does not describe the Napa Agreement and those changes.	SJRGA-13
1-30	Effects of Water Quality in the South Delta	This misstates the problem. The USBR and DWR are responsible for meeting EC at Brandt Bridge. The lower San Joaquin River goes to the confluence with the Sacramento River. It does not stop at Vernalis. Also, increased pumping will have a deleterious impact on DO at the Stockton DWSC. Increased pumping without the HORB operated in a closed position will allow more water to go down Old River and less water to arrive at the Stockton DWSC. (See Periodic Review Periodic Review SJRG Exh-11) This is especially true in BN, D, and C Years in July, August and September. Less freshwater reaching the ship channel causes Dissolved Oxygen levels to be depleted. While we are on the Dissolved Oxygen point, the SWRCB adopted a DO TMDL, but we could find no modeling of how the DWR-USBR will meet their "load allocation" under the DO TMDL. Also, is SDIP subject to approval/permitting by the CVRWQCB on this issue? The work done by the SRWQMG Plan and the work submitted by the SJRGA in Periodic Review indicates that more water than what was historically present is at Vernalis in July, August September and October in BN, Dry and Critical Years. (SJRG Exh-07.) If the HORB is open and 100% of San Joaquin River flow is going to the pumps, then little or no flow is reaching the Stockton DWSC. (Periodic Review Periodic Review SJRG Exh-04.) This lack of flow at the DWSC is due to export pumping and in Delta diversions and not upstream flow. The SDIP does not propose how it will mitigate for Dissolved Oxygen. The SJRGA has been supportive of the SDIP as long as three conditions were met. One of those conditions was resolving the DO problem in DWSC. This EIR-EIS does not address this issue, nor does it address SDIP's impacts to DO at the DWSC. If operation of the HORB is contemplated, or will be operated closed in the July-September time period, then this EIR-EIS should describe this, a preferred alternative, and identify and analyze its respective impacts. It is a violation of CEQA to piecemeal a project. The USBR/DWR know that to assist in meeting the DO levels at the Stockton Deep Water Ship Channel, the HORB must be closed or at least substantially closed July-September.	SJRGA-14
2-2	Operational	The second bullet is part of the Napa Agreement. Please	SJRGA-15

	Component	describe the Napa Agreement or the parts of the Napa Agreement analyzed as part of this EIR-EIS.	SJRGA-15
2-4	Interim Barriers	Stage 1 is to be the decision of whether to continue the temporary barrier or install the permanent barriers. Decision making for Stage 2 will begin after the Stage 1 decision. Where is the decision for the interim operations described on page 2-2?	SJRGA-16
2-10	Interim Alternatives	Here and in Table 2-1 the operational scenarios are described as the existing conditions, and A, B, and C. The document also includes references to Interim Operation scenarios, yet any impacts of these scenarios have not been analyzed.	
2-12	No Action Alternative	The No Action alternative is to include the current EWA. What is the current EWA? It is unclear if this is the EWA as proposed and documented in the 2004 EIS/EIR for the long-term EWA.	SJRGA-17
2-13	Interim Ops	The interim operations alternative is a subset of Alternative 2A but it is not analyzed against the No Action alternative for impacts.	SJRGA-18
2-16	Priority of Use	On July 10, 2000, the USCOE approved increasing the SWP export pumping by 500 cfs for the period July-September. This increase is also part of the long-term EWA as approved in CALFED the EIS/EIR. So is this part of the No Action alternative or 2A?	SJRGA-19
2-17	Diversion and Use	Where does 9,000 cfs come from? We could find no justification or basis in the EIR/EIS for such a three day running average.	
2-18		Are the July-September 7-day/3-day average diversion 8,500/9,000 cfs or 9,000/9,500 cfs based on the Final EIS/R for the EWA that includes the additional 500 cfs as approved by the USCOE? The Annual Commitments described here are part of the NAPA agreement. What other components of the NAPA agreement are being considered?	SJRGA-20
2-25	Fish Control Gate	The HOR gate is now designed with bottom-hinged gates. It is surmised that Fall Run Chinook Salmon Fry and Smolts travel near the surface of the water during the night and may travel in the upper 50% of the water column during the day. DWR and USBR need to perform a pre-project study on this issue. The prior designs of the HOR gate featured a radial gate, such as the Delta Cross-Channel gates. A radial gate would have allowed the HOR gate to be partially opened to allow some flow in Old River for south Delta agricultural use while shunting Fall Run Chinook Salmon Fry and Smolts down the main San Joaquin River. The new bottom-hinged gate design	SJRGA-21

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		would require the gates to be fully closed in order satisfy Project Objective/Purpose #1, i.e., to reduce the movement of juvenile salmon into the south Delta via Old River.	SJRGA-21
2-29	Gate Operations	The CVRWQCB and the San Joaquin River Group Authority should be included on the Review Team.	
2-30	HORB Gate Operations	The operation of the Gate should be tied to real-time trawl monitoring at Mossdale conducted seven-days per week every year from January 1 through June 30 (with proper net gear to capture fry) to detect the movement of Salmon Fry and Smolts through the system. The HOR gate should be closed when large numbers of Salmon Fry are being moved down the San Joaquin River normally as a result of winter storm events. (See p. J-37. Tri-Dam's Stanislaus River fry flushing experiment was conducted January 27-28, 2003, and resulted in a significant amount of fry being found at the pumps.) The 1995 WQCP's Footnote 18 states that the April-May pulse flow "time period may be varied based on real-time monitoring. One pulse or two separate pulses of combined duration equal to the single pulse should be scheduled to coincide with fish migration in the San Joaquin River tributaries and the Delta." The project should protect salmon smolts when they move through the South Delta and not based on a set arbitrary and capricious time period. Thus, protection can be afforded to migrating salmon smolts from March 15-May 15. The HORB gates would close when fish are present and exports would be reduced.	SJRGA-22
2-30	Spring Ops/VAMP	The closing of the gate on April 1 is too late, especially in BN, D and C years. The gates should be closed when outmigrating Fall Run Chinook salmon smolts are present. Salmon smolts can be present starting approximately March 1 of the year. Salvage at the pumps is higher in BN, D and C years in March. Maintaining the gate closed after May 15, provides little or no benefit in BN, D, and C years because up to 95% of Salmon Smolts have already outmigrated. Also, water temperatures in low flow years after May 15 are, according to CDFG, lethal. Salmon smolts left in the system under such conditions have very little chance of successful outmigration. (see Periodic Review Periodic Review SJRG Exh-10.) The third criteria regarding SDWA diversions should not be a condition for operation of the HORB. If the gate is closed on a real time basis, then SDWA will finally have to implement an operation plan for diversion, rather than taking water at any time under any condition. We are unaware of how their water supply is deemed to be "adequate." If it is based on water	SJRGA-23

		levels, then that is solely the responsibility of the USBR and DWR. However DWR can use low lift pumps, reduce exports and take other measures so the barrier can remain shut and water surface elevations can be maintained.
2-30	Summer and Fall	This operation description. As provided in our comments above and the modeling done by the SJRWQM Plan, the HORB should be closed in July, August, and September when it is necessary to improve flow through the Stockton DWSC. (Periodic Review Periodic Review SJRG Exh-11.) Attached is published material by SP Cramer and Associates regarding Salmon migration on the Stanislaus River. San Joaquin River Fall Run Chinook do not move into the system in appreciable numbers until after October 1. (see Periodic Review Periodic Review SJRG Exh-28, Periodic Review Periodic Review SJRG Exh-19.) As currently proposed, the HORB gate will never be shut in July and August and some Septembers to improve DO in the DWSC because the second criteria will not be met. Salmon and Steelhead will not be present at the HORB. Since Salmon and Steelhead will not be present in July, August, and most of September, the HORB will remain open. This is a major flaw in the project. The project will cause more water to flow down Old River, with increased pumping causing further degradation of DO at the DWSC. The modeling runs we have provided you show this problem.(See FlowScience FDM Tracer Report for WY 1964 and 1988; FlowScience Paulsen FDM Tracer Report for WY 2000 and 2001; SJRG-EXH-24 - Fate of San Joaquin River Water 2000-2001; SJRG Exh-04.) Can you please provide a citation or computer run to verify that at flows of 5,000 cfs and increased exports there is no need for the operation of the HORB? It says this is "expected." "Expected" based on what?
2-39	Total Project Cost	Fishery Investigations. Investigations are not mitigation pursuant to CEQA. Please describe the investigations and how they will mitigate for impacts to Fall Run Chinook Salmon due to increased exports, HORB operations, less flow, and higher DO in the Stockton DWSC. What pumping restrictions will occur when salmon fry or smolts are entrained. See CCWD restrictions on pumping for mitigation caused by their impacts. The following should be included as part of Project monitoring

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		and investigations: (1) Real-time trawl monitoring at Mossdale conducted seven-days per week every year from January 1 through June 1 with proper net gear to capture fry; (2) implementation of a study to determine Fry contribution to San Joaquin River Fall Run Chinook escapement; and (3) implementation of studies to determine where in the water column salmon fry and smolts travel during the day and during the night passed the HOR.	SJRGA-24
	Table 3.2	The citation should be specific. What Resource Agency contacts? What did they say? The literature search should include bibliography and citation where appropriate in the EIR-EIS. This has not been done and it makes it very difficult for the reader to understand the basis of the analysis and conclusory statements. What do IEP and CDFG mean? What assessment did they provide? Is there a report or analysis? Likewise, Impacts Assessments are cited as "conceptual models." The EIR-EIS needs to describe and disclose the conceptual models. Are they accepted models? How was CALSIM II a flow/WQ model, used to assess impacts to the fishery?	SJRGA-25
4-3	Reduce the Movement of San Joaquin River Fall-run Juvenile Chinook Salmon into the South Delta	The summary is correct about the gate at HOR affording the same protection under all three scenarios. The impacts to Salmon Fry and Smolt survival outside the 30 day gate closure period are not discussed.	SJRGA -26
4-7	Provide Opportunities to Convey Water for Fish and Wildlife purposes	The project does not disclose how diverting more water South of the Delta will provide a fishery purpose. Please describe the fishery resource and the projected benefits. Likewise for wildlife it is our understanding, although it is not disclosed in the document, that the purpose of water for wildlife is to firm up supplies to Westside Refuges in the San Joaquin River Basin. Please describe the water amount and benefit to ducks. Also describe the mitigation which will occur due to increased saline discharges back to the San Joaquin River caused by this increased benefit. Please tell us how your project will comply with SWRCB Resolution No. 2005-0087 (Approving An Amendment To The Water Quality Control Plan For The Central Valley Region To Incorporate A Total Maximum Daily Load (TMDL) For The Control Of Salt And Boron Discharges Into The Lower San Joaquin River.)	SJRGA-27
	Table 4.1	Fish-6, Effects of Gate Operation on Juvenile and Adult Chinook Salmon Migration - We disagree with your analysis that it is beneficial. It is not beneficial if the HOR gate is not	SJRGA-28

		closed and more salmon fry and smolts are entrained at the pumps. Fish-7, Effects of Head of Old River Gate Operation on Juvenile Chinook Salmon Entrainment. See comment for Fish-6 above. Fish 46 says minimize entrainment losses from May 15 to May 31. Pumping will increase from March 1-April 15. As the page 6.1-82 discussion of Fish-46 states, "More than 90% of the fall-run Chinook salmon historically entrained by SWP and CVP pumping are believed to have originated from the San Joaquin River basin. * * * Calculated loss of fall-run Chinook salmon at the SWP, however, is several times greater than the calculated loss for the CVP" due to predation in CCSF prior to salvage. Furthermore, p. J-10 states, "If the combined CVP and SWP pumping is greater than the San Joaquin River inflow, there is a good chance that all of the San Joaquin River fish will be entrained in either the CVP or SWP pumping." Fishery protection for Fall Run Chinook Salmon Smolts like Winter and Spring Run must be extended to March 1-April 15 if pumping is to increase in that time period. Fish 47 protects salmon moving out of the Sacramento River during the time period March 1-April 15, but no protection or mitigation is given for Fall Run Chinook Juvenile Salmon on the San Joaquin River, which is the Project's first Objective/Purpose. HY-4. We strongly disagree that the effects on tide level and flow at the HORB is "less than significant." You clearly did not model the dry water year sequence and increased pumping. We will provide you with our analysis by Flow Science. (see Periodic Review Periodic Review SJRG Exh-04; Periodic Review Periodic Review SJRG Exh-11.) The impacts are significant in BN, D and C years. The SJRWQMG Plan modeling showed those impacts. WQ-13. We strongly disagree with your analysis. In low flow years, BN, D and C, when the pumps are above their current pumping levels in July, August, September and October, more water will go down Old River and less water will go down the San Joaquin River. This will exacerbate the DO problem at the DWSC. (A Tracer Investigation of Aerated Water Dispersion and Tidal Exchange in the San Joaquin River and

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		Stockton Deep Water Ship Channel.) This is especially true given the fact that the HORB gates will not be closed because Salmon and Steelhead are not present in this time period. WQ-27. Same comment as above. We note a serious omission under the WQ section. No mention is made of how increased supplies to CVP contractors and the wildlife refuge will affect salinity upstream of Vernalis. If salinity concentrations upstream are increased then New Melones will need to release additional water.	SJRGA-29 SJRGA-30
5.1-29	EWA	The EWA Operations only describe the water acquisition aspects and obtaining water through regulatory variance. EWA also obtains water through a share of the Joint Point of Diversion, and the additional 500 cfs during the July-September period.	SJRGA-31
5.1-30	Environmental Consequences	A CEQA document cannot self-limit impacts only to riparians and appropriators. If increased supplies South of the Delta are going to cause increased saline discharges to the San Joaquin River, for instance refuge water, and New Melones has to release more water, then that "impact" must be disclosed. Otherwise, any change to any CVP or SWP facility would, by this description, not have to disclose an impact such as decreased storage, decreased storage to maintain cold water pool adequate to meet fishery resources, recreation, power production, etc….	
5.1-33		We strongly disagree with your water supply effects bullet point number 1. This document equates water supply levels to a right to divert. We are unaware of any such right in the State of California. SDWA claims riparian rights. Your analysis does not break down by water the amount of "natural" flow of the San Joaquin River that would be present in the South Delta under W, AN, BN, D and C years. D-1641 and previous SWRCB opinions have found, based on the evidence, that little or no natural flow would be available in the South Delta for diversion from the San Joaquin River in BN, D and C years. In critical years, only 20 cfs would be at Vernalis July – September. How then are these riparians being impacted? What SDWA is doing is stealing water from the SWP and CVP in BN, D and CD years July – September. The water in those months is stored project water from the SWP-CVP. This same issue is raised in the San Luis & Delta-Mendota Water Authority's lawsuit over the City of Stockton's EIR for Stockton's San Joaquin River water supply project.	SJRGA-32

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		The SWP and CVP have a responsibility to maintain adequate water levels in the Delta. However, maintaining adequate water levels in the South Delta do not then give a riparian the right to divert (steal) stored water. This same analysis holds true for appropriative rights. The water in the Delta in July-September in BN, D, and C years is already appropriated by the CVP-SWP pursuant to their permits. It is not subject to appropriation by Delta Diverters. We do not disagree that there may by un-appropriated flow subject to appropriation in the Delta, but in BN, D and C years this amount is negligible. The appropriator in the South Delta would have to be diverting unappropriated water. Once again, maintaining a water level does not confer a right on an appropriator to divert water that is under someone else's permits (CVP-SWP). As we stated above, we would like to see a quantification of SDWA's water rights broken down between riparian and appropriators. Then run the CALSIM II model and Delta model to show what water would be available without the projects. Then run the model to show conditions with the project. Then filter these runs based on rights to truly see water available to appropriations. This very important point was made by the DWR and SWP in the D-1641 litigation. It should not be lost or misapplied in this EIR-EIS. The CALSIM simulation results shown on Table 5.1-12 include a DMC VAMP release of 4,000 acre-feet. As described on page 5.1-15, the VAMP supplemental water is supplied by upstream water districts. It is unclear what the DMC VAMP release is. If this is to be the VAMP portion provided by the San Joaquin River Exchange Contractors, then is the water delivery to the Exchange Contractors adjusted accordingly?
5.2-30	6	We support such an operation at the HORB for DO.
5.3-1	3	The document states that salinity downstream of the Head of Old River at Brandt Bridge will not change substantially from Vernalis and is dependent upon the salinity at Vernalis. Brandt Bridge is a D-1641 compliance point and at a minimum the EIS/EIR should show the analysis to support the statement. Agricultural drainage and other inflows between Vernalis and Brandt Bridge may not change the salinity at the lower

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		compliance point irrespective of the SDIP but this must be shown.	
5.3-13	4	The statement that South Delta EC values are higher than at Vernalis because of additional salinity from agricultural drainage contradicts the statement on page 5.3-1 that Brandt Bridge salinity will not change, but is dependent upon agricultural drainage between Vernalis and Brandt Bridge.	
5.3-13	4	That last sentence states that San Joaquin River flows will not change due to SDIP and therefore would not affect the EC values. However, the simulation results, Table 5.1-12 show an average increase in CVP deliveries of up to 107,000 acre-feet. This is equivalent to about 40,000 tons of additional salt to the valley each year.	SJRGA-33
5.3-14	2	The opening statement that Vernalis salinity govern the salinity at other locations is in error. The range of minimum DO reduction is between 0.20 mg/L to 0.009 mg/L as flows increase from 500 cfs to 2,000 cfs, not 1,500 cfs. Additionally, based on information provided in the CVRWQCB 2003 DO TMDL the reduction in DO varies logarithmically, not linearly.	
5.3-33	3	The simulation model assumes complete closure of the HORB during the months of April and May. However, over the past six years of the VAMP, the temporary barrier has been operated based on DWR water level modeling of the South Delta channels. As a result, the flow to Old River during the VAMP pulse flow period has ranged between 200 and 500 cfs. The simulation model would be better served by assuming a diversion to the Old River to provide a more conservative analysis.	SJRGA-34
5.3-24	2	Average DO values are provided here and in Table 5.3-2. The DO objective for the DWSC is an absolute minimum at any location throughout the channel, not a daily, 30-day, or 5-month average. The analysis should indicate the worse case condition and mitigate accordingly.	SJRGA-35
6.1	Fish		
6.1-2		The EIR-EIS states: "Increased SWP pumping during March through June increases entrainment –related losses of San Joaquin River Fall Run Chinook Salmon …", yet the proposed mitigation, Fish-MM-1, identifies protection for only the time period of May 16-May 31. Please explain.	SJRGA-36
6.1-2	Avoidance measure	We do not endorse or support the EWA. The EWA is a water accounting methodology and does nothing to protect fish. The fish mitigation as set forth in this document is to reduce pumping, operate the HORB closed or both. How water is accounted for is irrelevant.	

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		The EIS-EIR claims that "Mitigation Measures Fish-MM-1, Fish-MM-2, and Fish-MM-3 would together mitigate all significant impacts on fish to a less than significant level during the specified months." However, Fish-MM-1 is the only mitigation measure directed at San Joaquin River Fall Run Chinook Salmon and the specified "month" is only May 16 to May 31. Therefore, as to San Joaquin River Fall Run Chinook Salmon, the above quoted statement and the further statement that "The relatively simple avoidance of impacts during periods of EWA actions…will reduce the entrainment impacts to a less than significant level" are merely conclusory statements, not supported by any information in the document.
Table 6.1-2	Late Fall-Run Chinook Salmon Fall-Run Chinook Salmon	All references to "San Joaquin River Tributaries" should be deleted from this portion of the table. Your discussion at page J-10 does not mention late fall-run Chinook salmon in the San Joaquin River basin. In contrast, there is no reference at all to San Joaquin River Tributaries in this portion of the table.
6.1-7		Adult Fall Run Chinook Salmon do not enter the system in July. Please see SP Cramer material on Weir Operations. (see Periodic Review Periodic Review SJRG Exh-28, Appendix D; 2004 Weir Report.) A small percentage of Fall Run Chinook Salmon adults, 5-10%, enter the San Joaquin River and its tributaries in September. The greatest percentage of the run occurs from October 15-December 1. Fall Run Chinook Salmon Smolts do not migrate to the ocean from October-June. Fall Run Chinook Salmon Fry can begin outmigration by January 1 until February, then Parr and then Smolts March 1-June 1. Most of the smolt outmigration occurs March 15-May 15. Seasonal fluctuations based on hydrology and temperature can cause the peak migration period to fluctuate. This is a basic fundamental problem with the EIR-EIS. The project purpose is defined in terms of three important water management needs: "The protection of San Joaquin River Fall Run Chinook Salmon migration through the Delta." This document does nothing to describe the specific migration times and needs of San Joaquin River Fall Run Chinook Salmon at the fry, smolt, and adult life stages. This fatal flaw leads to a complete lack of understanding when San Joaquin River Fall Run Chinook Salmon are present, when the HORB

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		needs to be closed, and when exports need to be reduced.
6.1-14	Factors that Affect Abundance of Fish Species	
6.1-16	Rearing habitat	No mention is made in the document of the suspected, but as yet, undetermined importance the Delta may have in the rearing habitat for San Joaquin River Fall Run Chinook Salmon that migrate to the Delta as Fry. As part of D-1641 this was to be studied by CDFG and reported to the SWRCB. There have been several Fry analyses done on the San Joaquin River. (see 2004 Weir Report.)
6.1-17	Migration Habitat Conditions	This section is a woefully inadequate description of how hydraulics/hydrology caused by the pumps may impact the movement of San Joaquin River Fall Run Chinook Salmon Smolts migrating down the San Joaquin River. For example, p. J-10 states, "If the combined CVP and SWP pumping is greater than the San Joaquin River inflow, there is a good chance that all of the San Joaquin River fish will be entrained in either the CVP or SWP pumping." We agree that "juvenile Chinook salmon entering the Delta from the San Joaquin River appear to have higher survival if they remain in the San Joaquin River channel instead of moving into Old River and the south Delta." That is the premise of this Project's first Objective/Purpose. However, San Joaquin River Fall Run Chinook Salmon outmigrants suffer a substantially disproportionate impact from Delta export pumping than Sacramento River Salmon outmigrants. (see SWRCB Environmental Report for the 1995 WQCP (May 1995), p. V-83.) Page 6.1-82 of the 1995 WQCP EIR-EIS states, "More than 90% of the fall-run Chinook salmon historically entrained by SWP and CVP pumping are believed to have originated from the San Joaquin River basin. * * * Calculated loss of fall-run Chinook salmon at the SWP, however, is several times greater than the calculated loss for the CVP" due to predation in CCSF prior to salvage. San Joaquin River Fall Run Chinook Salmon must pass Old River, Turner and Columbia Cuts, and Middle River. The modeling results by this document showed dramatically increased head and velocity at the Head of Old River. If the gate is not operated, closed, more San Joaquin River Fall Run Chinook Salmon will enter Old River and die. The modeling also shows that even if the HORB is closed more San Joaquin River water and presumably more fish end up in the Central Delta. This section is a woefully inadequate description of how

SJRGA-38

SJRGA-39

		hydraulics/hydrology caused by the project may impact movement of San Joaquin River Fall Run Chinook Salmon Smolts migrating down the San Joaquin River.	
	Entrainment	The project purpose is to protect migrating San Joaquin River Fall Run Chinook Salmon. Entrainment Records that DWR and USBR have should be shown and screened for San Joaquin River Fall Run Chinook Salmon.	SJRGA-40
	Predation	This should be included in the potential impacts to San Joaquin River Fall Run Chinook Salmon. It is identified in the project purpose that San Joaquin River Fall Run Chinook Salmon may face a higher predation when they are diverted from the mainstem of the San Joaquin River into the South Delta. Please describe the models or conceptual models to try to quantify these losses. In the EIR-EIR are such losses counted or seen as a project impact?	SJRGA-41
	Species Responsiveness Medium	We do not believe a 10% change in survival of a threatened species is a moderate response. How was this criteria determined? Have NOAA, CDFG and USFWS agreed to these criteria? How was this threshold established?	SJRGA-42
6.1-20	Environmental Consequences		
6.1-30	Rearing Habitat Quantity	No analysis was done for the San Joaquin River or South Delta for San Joaquin River Fall Run Chinook Salmon.	SJRGA-43
6.1-35	Migration Habitat Conditions	The certainty of the assessment is also low for the following reasons: 1) The majority of San Joaquin River Fall Run Chinook Salmon Adults do not return until mid-October to December 1; 2) There has been no showing that fecundity is lower for San Joaquin River Fall Run Chinook; 3) Water temperature in the San Joaquin River does not reach suitable temperature for Salmon Adults until October; 4) It is unknown that even if DO was 6 mg/L that salmon would move up through the system. We await the pilot aeration project this year to see if this occurs.	SJRGA-44
6.1-47	Alternative 1 (No Action)	The conceptual models show more entrainment of San Joaquin River Fall Run Chinook March 1-April 15, yet the HORB gate is not closed and exports are not reduced. Please explain why there is no mitigation, or why the entrainment losses are less than significant.	SJRGA-45
6.1-57	Impact Fish-6	We agree that the increased flexibility to operate the gates is considered a beneficial impact, but if they are not operated, closed, when San Joaquin River Fall Run Chinook Salmon are present, it doesn't matter how they are constructed because they provide no benefit to the San Joaquin River Fall Run	SJRGA-46

		Chinook Salmon. They will continue down Old River and be susceptible to increased predation and entrainment. The absolute minimum operation for the HORB is to have the gates operated March 1-June 1 when San Joaquin River Fall Run Chinook Salmon Smolts are present based on real time monitoring. If this is not the operation at a minimum, then the export pumps have not mitigated for their impacts. The HOR gates should also be operated during January and February when large numbers of San Joaquin River Fall Run Chinook Salmon Fry are present at the Head of Old River.
6.1-58	Impact Fish-7	We do not know what is meant by "most of the peak outmigration period." If the HORB is closed during April 15-May 15, then a majority of San Joaquin River Fall Run Chinook Salmon Smolts may be protected depending upon the water year. Closing the gate from May 15-June 1 provides little or no benefit, especially in low flow years, because 1) Less than 5% of Salmon Smolts migrate after May 15 and 2) Water temperatures in the mainstem San Joaquin River are lethal according to CDFG guidelines. The HORB must be operated as early as March 1, in BN, D & C years to protect San Joaquin River Fall Run Chinook Salmon as they move through the system, so that impacts from increased pumping, predation and entrainment can be reduced. We do not need to get into an escapement or population model discussion. We agree with your evidence. More fish are killed at the pumps and lost to predation in CCF. We agree the temporary barrier has reduced entrainment. The difference in estimated survival with or without the HORB is statistically significant. Please see VAMP 2005 technical report. We agree that the HORB gate closure alone may not resolve the problem. As mentioned above, modeling by Flow Science indicates water would turn South at Turner Cut, Columbia Cut, and Middle River to the pumps depending upon pumping levels. If, as stated in the correlates, fish follow flow, then 100% of San Joaquin River Fall Run Chinook Salmon also arrive at the pumps.
6.1-83	MM-1	We note our comments from above regarding EWA. EWA is an accounting methodology. Mitigation is "If fish are entrained we will reduce exports", or exports will not exceed historical levels if fish are entrained above a certain baseline. Unfortunately, this document does not describe the baseline

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		and/or the change in entrainment caused by the pumping. We disagree it will be less than significant. The impact analysis does not look at the time period of March 1-April 15. Also, it does not look at the impact to fry and/or rearing in the Delta. We also disagree with your "substantial uncertainty" analysis • Put plainly, increased exports kill more San Joaquin River Fall Run Chinook Salmon. Your analysis shows it. • By your own admission, predation would be reduced if fish were not drawn into the Southern Delta, but stayed in the mainstem of the San Joaquin River. While this is not a direct impact, such as entrainment at the pumps, it is an indirect impact at the pump that has to be mitigated. • Not listed are the 1,800 pumps and siphons in the Delta. Your analysis states these physical features cause increased entrainment. • That is why export pumping has to be reduced on a real time basis. Your statement regarding understanding these uncertainties is <u>not</u> a mitigation measure. Counting dead fish does not mitigate for their loss. Dead fish are dead. How does the project propose to mitigate, i.e., not kill fish? Studies are not the answer and are not mitigation under CEQA. Likewise, an adaptive management plan is not mitigation. The adaptation could kill more fish and export more water. How does that <u>mitigate</u> for the projects impacts?	SJRGA-47
	MM-2	If you are going to provide protection for Winter Run and Spring Run Salmon prior to April 15, then you also need to provide protection for San Joaquin River Fall Run Chinook Salmon. Whether it is a listed species or not, this project causes considerable impacts to San Joaquin River Fall Run Chinook Salmon that need to be mitigated. Even then, this mitigation measure is inadequate for the same reason as those listed above.	
	Interim Operations	This is no longer true. The USFWS and CDFG are looking at not installing a temporary barrier at HORB in 2006, 2007, 2008 and 2009 because of Delta smelt concerns. Thus, this analysis needs to be redone.	SJRGA-48
6.1-106	Stage 2	It would be helpful to incorporate the Tables with the text.	SJRGA-49

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		Once again this document lumps together San Joaquin River Fall Run Chinook Salmon and Sacramento Fall Run. The change may be entirely due to San Joaquin River Fall Run Chinook Salmon. There is no analysis breaking out the impact between the two basins.	SJRGA-50
	Adaptive Management	Is adaptive management part of the "project" as defined by CEQA or is it a "mitigation measure" as defined by CEQA? Monitoring is not mitigation. We object that the "project" can be changed simply by notifying the Resource Agencies. If the "project" changes, then a supplemental CEQA/NEPA document is required. This is why it is important that DWR properly categorize its adaptive management as either part of the project or "mitigation." If it is mitigation, we object because it is too vague and ambiguous to provide any basis for understanding how increased fish losses will be mitigated.	SJRGA-51
6.1-117	Flood Control Gates For Fish		
6.1-118		Actually, in wet years, San Joaquin River Fall Run Chinook Salmon migration curve gets bumped 1-3 weeks later. More Salmon Smolts move out later rather than earlier. Conversely, in BN, D and C years more salmon smolts move out 1-3 weeks earlier. However, in wet years, more San Joaquin River Fall Run Chinook Salmon Fry are flushed out of the tributaries earlier into the mainstem San Joaquin River and the Delta. The permanent barrier can be operated for longer periods, but the EIS-EIR does not propose it to be closed at any time between March 1-April 15 either as a project component, or mitigation for increased pumping. Since it isn't proposed to operate as such "can" is not "shall" and, therefore, there is no mitigation proposed for the time period March 1-April 15. Partial closure of bottom-hinged HOR gate may not provide any significant protection for outmigrating San Joaquin River Fall Run Chinook Salmon Fry and Smolts if they travel in the upper water column, because the upper water column will be diverted down Old River when the gates are only partially closed.	SJRGA-52
	Figure 6.1-9	Our worst fears are confirmed by the total monthly change graph. The 2nd greatest increase in pumping will occur in March. A peak time when San Joaquin River Fall Run Chinook Juvenile Salmon are moving through the system. We would appreciate a breakdown of this monthly increase by water year type, with minimums and maximums and not	SJRGA-53

		averages.
	Figure 6.1-13	These graphs are misleading in that they depict the change from Alternative 1. The losses should be given in real numbers. Also the graphs' scales are too small and difficult to read. We note entrainment losses as high as 60,000 fish. This does not include indirect losses due to fish predation and the 1,800 pumps and siphons in the Delta. We also note fish entrainment losses as high as 30,000 fish in the 1987-1992 drought. In 1990 and 1991, only about 700 and 600 spawners, respectively, returned to all three San Joaquin River tributaries. Given your screening criteria, 30,000 fish is considered a medium impact!
	Figure 6.1-28	Same comments as above.
Appendix –K		No charts, graphs or figures to support any impacts on San Joaquin River Fall Run Chinook Salmon. All data is from the Sacramento River.
Appendix –J-23		Can you provide the data for the percentage breakdown for the San Joaquin River Fall Run Chinook Salmon. Also, was this data broken down by water year type?
	Figure J-2	Please note Fish Density from March 15-April 15 in this particular water year.

SJRGA-53

SJRGA-54

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Responses to Comments

SJRGA-1

SDIP will have no effects on water rights, whether riparian or appropriative. The SDIP Draft EIS/EIR is not intended to be a forum for resolving any conflicts over water right priority or quantity.

SJRGA-2

SDIP does not propose to change the salvage facilities at the CVP and SWP pumping plants; improved fish screening is mentioned only in the CALFED ROD as a part of increases to 10,300 cfs diversion capacity.

SJRGA-3 and SJRGA-4

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

SJRGA-5

The SDIP project was described in the CALFED ROD, but the SDIP Draft EIS/EIR analyses are independent of the CALFED EIS/EIR.

SJRGA-6

Chapter 1 of the SDIP Draft EIS/EIR is an introduction; the actual fish analyses are fully described in Section 6.1.

SJRGA-7

Section 5.1 of the SDIP Draft EIS/EIR describes the CALSIM model results; unmet water supply needs are generally the annual differences between CVP and SWP water contracts and water deliveries. CVP and SWP deliveries are less than contract amounts in more than 50% of the years.

SJRGA-8

The San Joaquin River Chinook salmon population is assumed to be a single run by NMFS and DFG.

SJRGA-9

Fish entrainment losses caused by CVP/SWP export pumping are assumed to include some unknown additional indirect fish losses during movement toward the pumps.

SJRGA-10

The summary of VAMP in Chapter 1 of the SDIP Draft EIS/EIR has been revised as suggested; VAMP has limited goals to protect San Joaquin River Chinook salmon; effects on delta smelt are unknown.

SJRGA-11

SDIP has no effect on San Joaquin River inflows at Vernalis. SJRGA has no obligations for the SDIP implementation. The CALSIM modeling assumes VAMP pulse flows will continue.

SJRGA-12

The discussion on page 1-19 of the SDIP Draft EIS/EIR does not state that "exports should be increased when there are fewer criteria…" The discussion in the EIS/EIR states that allowing…"an increase in pumping at SWP Banks would improve water export supplies during periods when there are fewer criteria for environmental needs controlling Delta flows and exports." Stage 2 of SDIP will allow increased pumping during periods when environmental protection criteria are being satisfied. Stage 2 of SDIP will only increase the maximum diversion to CCF from 6,680-cfs to 8,500 cfs. No other D-1641 water quality or environmental objectives will be modified.

SJRGA-13

Alternative 2A includes provisions that DWR would annually convey up to 100,000 acre-feet of CVP Level 2 Refuge water through CCF and the SWP by September 1 and Reclamation would provide SWP up to 75,000 acre-feet from CVP storage facilities north of the Delta to meet a portion of SWP obligation to comply with Bay-Delta water quality and flow requirements.

SJRGA-14

Water quality effects of the SDIP on Stockton DWSC DO concentrations are fully described in Section 5.3 of the SDIP Draft EIS/EIR (see Impact-WQ-13).

Resolving Stockton DWSC concentrations is not a part of the SDIP project purpose. However, at times, operating the head of Old River gate will improve DO conditions.

SJRGA-15

Chapter 2 of the SDIP Draft EIS/EIR describes the integration of CVP and SWP (Napa Agreement) that was included in the CALSIM modeling of the SDIP alternatives. The Napa Agreement is not a law.

SJRGA-16 and SJRGA-18

Please see Master Response M, *Interim Operations*.

SJRGA-17

The EWA assumed in the baseline is the existing EWA as described in the CALFED ROD and the 2004 EWA EIR/EIS. Please also see Master Response E, *Reliance on Expanded Environmental Water Account Actions for Fish Entrainment Reduction*.

SJRGA-19

The approved pumping of 500 cfs of EWA water in July–September (beyond 6,680 cfs) is part of the No-Action baseline, and is also part of Stage 2 for each of the alternatives.

SJRGA-20

The 3-day average diversion of 9,000 cfs provides operational flexibility. The EWA pumping priorities are described separately for each alternative.

SJRGA-21, SJRGA-22, and SJRGA-23

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

SJRGA-24

Fishery investigations that are appropriate conservation measures for the SDIP will be determined by DFG. Mitigation of SDIP fish entrainment impacts is fully described in Section 6.1 of the SDIP Draft EIS/EIR.

SJRGA-25

Table 3-2 of the SDIP Draft EIS/EIR is a summary only. See impact assessment sections for full description of the methods used. "IEP" is the acronym for "Interagency Ecological Program". "CDFG" is the acronym for "California Department of Fish and Game. A complete list of acronyms used in the Draft EIS/EIR is provided in the "Acronyms and Abbreviations" section of the Table of Contents.

Figure 3-1 of the SDIP Draft EIS/EIR provides an overview of the resource areas that were evaluated with the use of the results of CALSIM II and DSM2 modeling. A more detailed discussion of the methods used to assess impacts is provided in each resource chapter. Please see Master Response I, *Reliability of CALSIM and DSM2 Models for Evaluation of Effects of the South Delta Improvements Program*.

SJRGA-26

Benefits from the head of Old River gate will be similar for all SDIP alternatives. Actual gate operation periods will be directed by GORT for any alternative selected. Impacts on salmon as well as other fish species resulting from operating the head of Old River gate and the three tidal gates are detailed in Section 6.1 of the SDIP Draft EIS/EIR.

SJRGA-27

Fish and wildlife is a category of beneficial water use. Additional export capability provided by SDIP adds flexibility in exporting water that can benefit fish and wildlife. The SDIP Draft EIS/EIR assesses the impacts of exporting additional water on Delta and north of delta resources. The environmental benefits of exporting additional water were not quantified because of the uncertainty regarding where those deliveries will occur and the use of those deliveries. Some of the proposed export capability is being reserved for the EWA. When the EWA needs export capacity to move north-of-Delta water to south-of-Delta users, some of the additional export capability provided in this proposed project will meet that need.

There is no available tool for tracking the small indirect effects of increased deliveries to CVP contractors who produce salt drainage to the San Joaquin River. Please also see Master Response Q, *Effects of the South Delta Improvements Program on San Joaquin River Flow and Salinity*.

SJRGA-28, SJRGA-29, and SJRGA-30

Table 4-1 of the SDIP Draft EIS/EIR is a summary only. See impact assessment sections for full descriptions of the identified impacts and mitigation.

SJRGA-31

The JPOD provision and the 500 cfs additional pumping are considered to be forms of regulatory variances that may benefit the EWA. The July–September 500 cfs additional SWP pumping allowance (to 7,180 cfs maximum) generally allows EWA to transfer purchased water from upstream. Only in very wet years (like 2006) will some surplus inflow be diverted for EWA.

SJRGA-32

Please see the response to comment SJRGA-1. The CALSIM model includes the exchange contractors in the VAMP willing sellers group. They supply approximately 10% of the necessary VAMP pulse flows each year. This water reduces the exchange deliveries and flow down the San Joaquin River to Vernalis in April and May.

SJRGA-33

The agricultural drainage along the San Joaquin River between Vernalis and Brandt Bridge appears to have less of an effect on EC than the drainage within the south Delta channels. Monitoring stations provide the most accurate estimate of these salinity changes. The SDIP will provide EC improvements downstream of the head of Old River tidal gate but cannot influence EC at Brandt Bridge.

SJRGA-34

The diversion into Old River during the April–May fish protection period, as well as all other times, will be determined by the GORT. The DSM2 modeling assumed complete closure during April and May, with a 500-cfs diversion in June–September (See Appendix D of the SDIP Draft EIS/EIR).

SJRGA-35

No mitigation of DO impacts is required because there are no significant impacts identified. The anticipated operations of the head of Old River gate will increase the DWSC flows and increase the DO concentrations compared to the baseline conditions.

SJRGA-36

Mitigation Measures Fish-MM-1, Fish-MM-2, and Fish-MM-3 collectively mitigate all fish entrainment impacts in March–June. Please also see Master Response E, *Reliance on Expanded Environmental Water Account Actions for Fish Entrainment Reduction*.

SJRGA-37

The suggested corrections to Table 6.1-2 of the SDIP Draft EIS/EIR have been made. Because the head of Old River gate will provide benefits for San Joaquin River Chinook salmon, fish from the Mokelumne and Sacramento River tributaries were the focus of the impact assessment. Documenting the San Joaquin River Chinook salmon life-cycle timing, abundance, and survival, as well as the success of the tidal gate operations for reducing salvage losses, will be included in the DFG monitoring and analyses that are being funded as part of the SDIP.

SJRGA-38

Protection of San Joaquin River fry, migrating in March, can be accomplished with GORT-directed closure of the head of Old River gate.

SJRGA-39

The SDIP gate operations are assumed to be beneficial for juvenile San Joaquin River Chinook salmon. However, documenting with field studies the fraction of fish salvaged at CVP and SWP with and without the head of Old River barrier, is difficult. The VAMP studies should increase the understanding of the benefits from gate operations. The value of increased flows and reduced exports is also being investigated during the VAMP studies. The survival of fish salvaged at the CVP and SWP is being studied by Reclamation, DWR, and DFG. The GORT should have a nearly complete picture of the Chinook salmon benefits from operating the head of Old River gate.

SJRGA-40

Salvage records from CVP and SWP pumping facilities are shown in Appendix J of the SDIP Draft EIS/EIR. Separating the salvaged Chinook salmon by stream of origin is not possible.

SJRGA-41

Only the additional impacts on San Joaquin River Chinook salmon, above the baseline, resulting from the SDIP were evaluated. It was assumed that predation losses to Chinook salmon would decrease; it was not, therefore, evaluated as a potential impact mechanism.

SJRGA-42

Responsiveness (Table 5.1-5 of the SDIP Draft EIS/EIR) is a measure of how the biological parameter (i.e., fecundity, survival, predation) will respond to a specified change in the environmental variable, such as flow or temperature. Numerical criteria for fish impact assessment were used only for temperature effects and entrainment effects; the significance of other impacts was judged by the potential for a substantial change.

SJRGA-43

Chinook salmon and steelhead rearing habitat was assumed to be located along the Sacramento, Feather, and American Rivers (Table 6.1-14 of the SDIP Draft EIS/EIR). Changes in flow were small along the San Joaquin River tributaries that provide rearing habitat for San Joaquin River fish, but the 10% monthly change criterion was not used for assessment of effects from changes in these tributary flows. Rearing along the mainstem San Joaquin River or in the Delta was not evaluated.

SJRGA-44

The certainty of the assessment of juvenile Chinook salmon migration success for the San Joaquin River fish is low; there is not an accepted quantitative methodology that considers flows, exports, head of Old River gate or barrier, DWSC DO levels, and natural Delta mortality. The VAMP measurements may increase our understanding.

SJRGA-45

The average monthly entrainment of San Joaquin River Chinook salmon in March is generally low; entrainment of other fish in this period is considered significant during periods when the EWA managers are requiring pumping reductions. During these periods of high fish salvage density, the expanded EWA (or the avoidance and credit system) will reduce entrainment of any fish with high salvage density to a less-than-significant level. During a year with substantial San Joaquin River Chinook salmon fry migration into the Delta, the head of Old River gate can be closed, as directed by the GORT, to protect these fish.

SJRGA-46

It is assumed that all SDIP tidal gates will be operated appropriately, according to the adaptive management directives from the GORT.

SJRGA-47

Please see Master Response E, *Reliance on Expanded Environmental Water Account Actions for Fish Entrainment Reduction*.

SJRGA-48

Please see Master Response M, *Interim Operations*. Because the interim operations are proposed only during the period of the year when the head of Old River barrier is not installed, its presence or absence during the years cited does not affect the analysis of the Interim Operations. Regardless of the analysis, Interim Operations is a Stage 2 action and Reclamation and DWR are not pursuing interim operations of 8,500 cfs until results of the POD indicate these operations would not significantly affect fish.

SJRGA-49

Fish Impact Assessment tables are in Appendix K of the SDIP Draft EIS/EIR.

SJRGA-50

The San Joaquin River Chinook salmon are described separately, and the SDIP is assumed to provide an overall benefit to the San Joaquin River Chinook salmon. The fish impact assessments are for selected species, with separation of rearing, spawning, and migration effects on individual rivers.

SJRGA-51

Adaptive management will be used to improve operation of the tidal gates, just as Anadromous Fish Restoration Program (AFRP) uses CVPIA(b)2 water and EWA are currently used to adaptively reduce CVP and SWP pumping to protect fish species. Adaptive management will be used to reduce impacts of the project.

Adaptive management is an element of the mitigation measures. Adaptive management is defined in California Fish and Game code as follows:

> 2805. The definitions in this section govern the construction of this chapter: (a) "Adaptive management" means to use the results of new information gathered through the monitoring program of the plan and from other sources to adjust management strategies and practices to assist in providing for the conservation of covered species.

Consistent with the definition, the adaptive management process will be used to protect species. If different covered species react differently to specific actions, the fishery regulatory agencies will determine the most appropriate actions.

SJRGA-52

Please see the response to comment SJRGA-38.

SJRGA-53

The SDIP Draft EIS/EIR evaluates the changes from the baseline. Changes in March pumping will not be allowed if EWA actions are taken. The annual entrainment estimates are based on average monthly fish density every year and demonstrate the entrainment resulting from changes in the monthly pumping. The annual entrainment estimates do not correspond to actual historical entrainment, which might have been higher or lower because of different pumping or different fish density.

SJRGA-54

Table J-23 of the SDIP Draft EIS/EIR shows the monthly fraction of Chinook salmon runs for the Sacramento River (based on Chipps Island Trawl) and for the San Joaquin River (based on Mossdale Trawl). There are not enough years of data to accurately identify patterns corresponding to water year types.

Comment Letter SARA

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January 31, 2006

FEB 07 2006 00127

Mr. Paul A. Marshall
CA Department of Water Resources
Bay-Delta Office
1416 Ninth Street
Sacramento, CA 95814

Dear Mr. Marshall:

Subject: Draft Environmental Impact Report / Environmental Impact Statement
(EIR/EIS – October 2005) for the South Delta Improvement Program.

Save the American River Association (SARA) is a grass roots organization, established in 1961 to promote the protection, conservation and restoration of the lands, waters and fish and wildlife resources of the Lower American River. SARA's concern extends to riparian and aquatic ecosystems that are required to conserve, protect and restore our native fish resources such as Chinook salmon and steelhead and other native fish and wildlife. This concern extends to resources, uses and values downstream into the Sacramento-San Joaquin Delta and San Francisco Bay protected by the public trust doctrine.

SARA is writing to make you aware of its comments and concerns regarding the actions proposed in the Draft Environmental Impact Report / Environmental Impact Statement (EIR/EIS – October 2005) for the South Delta Improvements Program (SDIP).

The fish and other aquatic resources of California and the habitat upon which they all depend are a Public Trust, held by the State on behalf of its people. SARA is concerned about the future of the Delta, its resources and ecosystem. SARA believes that impacts to the Delta resources and ecosystem will have impacts extending upstream to the operation of the CVP and SWP facilities. The SDIP is another attempt by the State Water Project and the Federal Central Valley Project to pump / divert additional water from the already severely compromised Sacramento – San Joaquin Delta- Bay Estuary.

The various South Delta modifications including dredging, barrier construction, and channel alignment will eventually lead to increased pumping of more Northern California water for export south of the Delta. The SDIP will only worsen the Delta Ecosystem Pelagic Organism Decline. This SDIP is really a single purpose project for exporting more Northern California water from the already severely compromised Delta-Bay Estuary. SARA-1

The measures proposed by the SDIP will benefit special interests such as Westlands Water District. Some of this additional water when applied to saline-seleniferous soils will, in turn, lead to more leaching of selenium and other salts from the soils on the Westside of the San Joaquin Valley. This in turn will contaminate groundwater and surface water, including waters of managed wetlands and the Delta. Some of this selenium will be taken up via the food chain, by fish and wildlife of the San Joaquin River and the Southern Delta. SARA-2

Mr. Paul A. Marshall – Page 3 of 3 – January 31, 2006

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SARA believes that to export additional Northern California water which could further exacerbate the irrigation / selenium drainage / groundwater, surface water, fish and wildlife contamination conditions on the Westside of the San Joaquin Valley is poor and illogical thinking as well as a waste and the unreasonable use of the State's waters.

SARA requests the following actions before any more water is exported from the Delta:

- That the Lower American River ecosystem and associated native fish species (Chinook salmon and steelhead resources) be assured long-term and high level of renewability through actions by the State Water Resources Control Board. SARA-3
- Reduce pumping rates and water exports to those that existed during 1998 to 2002 when Delta Smelt appeared to be on the road to recovery. SARA-4
- Increase ecosystem restoration measures.
- Improve water quality of all Delta inflows. SARA-5
- Ensure that the ecosystem of the Bay-Delta, including its fish resources and other aquatic life are restored to a high level and self-sustaining populations, before there is any consideration exporting more Delta water (its lifeblood) from the Bay-Delta. SARA-6

SARA believes that the California's Water Plan demonstrates that our water needs can be met for several more decades through conservation, reclamation, efficiency, and conjunctive use. The Sacramento – San Joaquin Delta – Bay Estuary is a treasure appreciated by all Californians. Therefore the long-term sustainability of the Delta's many Public Trust assets must be protected before more water is exported from the Delta even with the SDIP in place.

Please incorporate these comments into the record of the SDIP. Also please advise SARA of the SDIP's selected actions to be implemented.

Sincerely,

Alan D. Wade

Alan D. Wade, President
Save the American River Association, Inc.

Felix E. Smith

Felix Smith, Director
Save the American River Association, Inc.

Cc: Interested parties
Water Forum

Responses to Comments

SARA-1

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

SARA-2

The SDIP will not change the potential sources of selenium in the San Joaquin River. Some lands supplied by CVP and SWP contractors are high in selenium. Selenium in drainage from agricultural lands along the San Joaquin River is being evaluated and regulated by the CVRWQCB, with the San Joaquin River Selenium TMDL. Please also see Master Response Q, *Effects of the South Delta Improvements Program on San Joaquin River Flow and Salinity.*

SARA-3

The SDIP will have no significant effects on lower American River resources.

SARA-4

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

SARA-5

The SDIP includes the construction and operation of the head of Old River permanent gate, which is intended to reduce the number of Chinook salmon exposed to the CVP and SWP export facilities. Replacing the temporary barriers, which result in impacts on the environment when they are installed and removed, with the permanent gates will reduce the impacts on these habitats over the long term. Additionally, DWR and Reclamation have committed to environmental enhancements and mitigation of impacts on habitats and species.

SARA-6

The SDIP is intended to be a balanced approach to managing the various needs of the Delta. The SDIP has been divided into two stages to better assess the information that will be provided through the POD investigations. Stage 1 is generally expected to improve south Delta conditions.

Comment Letter SVLG

Silicon Valley Leadership Group

224 Airport Parkway, Suite 620
San Jose, California 95110
(408)501-7864 Fax (408)501-7861
http://www.svlg.net
CARL GUARDINO
President & CEO

L. Snow
J. Johns
Kathy Kelly

SVLG

December 20, 2005

Mr. Lester Snow
Director, Department of Water Resources
State of California
Sacramento, CA 95814

JAN 09 2006 042

Regarding: South Delta Improvements Program

Dear Director Snow:

On behalf of the Silicon Valley Leadership Group (SVLG), I am writing to express our support for the Department of Water Resources' (DWR) South Delta Improvements Program (SDIP).

As you may know, the Silicon Valley Leadership Group Silicon Valley Leadership Group (SVLG), founded in 1978 by David Packard of Hewlett-Packard, represents 200 of the Silicon Valley's most respected employers. SVLG members collectively provide nearly 250,000 jobs, or one of every four private sector jobs in Silicon Valley.

An issue of concern to our members is the quality and reliability of water supplies for Silicon Valley and California communities. The Silicon Valley region relies on imported water from the Delta for ~50% of its water needs. Given that two thirds of the State's population relies on water from the Delta, it is clear how interconnected Delta water-users interests are, and how vital it is to protect this resource and manage it wisely. SVLG-1

SVLG believes the SDIP will provide an additional measure of water supply provision flexibility, and reliability and necessary environmental protections. California's economy and population is likely to continue growing. To provide a sustainable, thriving future, it is incumbent upon us to adopt operational and technological improvements that let us use our water resources in ways that best serve the environment, agriculture, businesses and our diverse communities into the future.

We appreciate the many diverse interests supporting the SDIP, would encourage all others concerned with water issues to become involved, and look forward to working with DWR and others to promote Delta improvements and a healthy water future for all Californians.

Sincerely,

Margaret J. Bruce

Margaret Bruce
Director, Environmental Programs
Silicon Valley Leadership Group

Cc:
Honorable Governor Schwarzenegger, 1st Floor, State Capitol, Sacramento, CA 95814
Mr. Ryan Brodderick, Director, California Department of Fish and Game, 1416 9th St., 12th Floor, Sacramento, CA 95814
Mr. Mike Crisman, Secretary, California Resources Agency, 1416 9th St. #1311, Sacramento, CA 95814
Mr. Joe Grindstaff, Director, California Bay-Delta Authority, 650 Capitol Mall, 5th Floor, Sacramento, CA 95814
Mr. Kirk Rodgers, Regional Director, Mid-Pacific Region, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, 95825
Mr. Terry Tamminen, Special Advisor to the Governor on Environmental Policy, Office of the Governor, 1st Floor, State Capitol, Sacramento, CA 95814

Responses to Comments

SVLG-1

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

Comment Letter SWC

State Water Contractors
1121 L Street, Suite 1050 • Sacramento, CA 95814-3944
Terry L. Erlewine - General Manager (916) 447-7357 • FAX 447-2734

February 7, 2006

FEB 14 2006 00202

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

RE: South Delta Improvements Program

Dear Mr. Snow:

On behalf of the State Water Contractors (SWC), I am writing to provide technical comments on the Department of Water Resources' (DWR) South Delta Improvements Program (SDIP) Environmental Impact Report/Statement (EIR/S). These technical comments supplement the separate policy comments of the SWC that we previously submitted.

The SWC[1] consists of 27 water agencies throughout the state that purchase water under contract with DWR. Our member agencies serve water to more than 20 million people in the Bay Area and Southern California, and 750,000 acres of irrigated farmland in the Central Valley. Our member agencies are fully committed to environmental protection and responsible water management, and regard the SDIP as a cornerstone in the system we need to meet California's water needs.

The SWC reviewed the EIR/S and have found it to provide a good description of the project and its potential environmental impacts. The following comments were identified that we feel will clarify the document:

[1] Alameda County Zone 7 Water Agency, Alameda County Water District, Antelope Valley-East Kern Water Agency, Casitas MWD on behalf of the Ventura County Flood Control District, Castaic Lake Water Agency, Central Coast Water Authority on behalf of the Santa Barbara FC&WCD, City of Yuba City, Coachella Valley Water District, County of Kings, Crestline-Lake Arrowhead Water Agency, Desert Water Agency, Dudley Ridge Water District, Empire West-Side Irrigation District, Kern County Water Agency, Littlerock Creek Irrigation District, The Metropolitan Water District of Southern California, Mojave Water Agency, Napa County FC&WCD, Oak Flat Water District, Palmdale Water District, San Bernardino Valley MWD, San Gabriel Valley MWD, San Gorgonio Pass Water Agency, San Luis Obispo County FC&WCD, Santa Clara Valley Water District, Solano County Water Agency, and Tulare Lake Basin Water Storage District

FEB 14 2006 00202

Pages ES-8 to 9; and Pages 2-4 to 5 – Staged Decision Process Under CEQA/NEPA

The EIS/EIR outlines a process of staged decision-making that provides for a second round of public review of CEQA/NEPA compliance documents for the Stage 2 decision (see, e.g., Figure ES-3 and 2-1) and a second Notice of Determination starting a new CEQA challenge period "for those aspects of the SDIP EIS/EIR relied upon in the Stage 2 decision." The SWC appreciate the advanced commitment to a second round of public review and renewed CEQA challenge period, which is beyond the requirements of both CEQA and NEPA. However, the discussion of further judicial review of the SDIP EIR/EIS could be misunderstood to mean a re-opening of the Stage 1 decision and approval process. The SWC recommends that the discussion clarify that the aspects of the SDIP EIS/EIR that may be subject to judicial review in Stage 2 will be limited to substantial evidence relied upon in the supplemental decision documents that supports the Stage 2 decision. The Stage 1 decision and the CEQA/NEPA process supporting that decision will not be at issue at that time. SWC-1

Page 1-10 - Background Purpose and Need

Many of the Delta-related programs and activities described in this section are also part of the baseline conditions. The SWC recommends clarification of this by revising the first sentence under this heading to state: "The following background and historical information provides additional context for understanding the SDIP purpose and need, as well as the baseline physical conditions for measuring project effects." SWC-2

Page 1-20 - Characterization of Monterey Agreement

The short paragraph on the Monterey Agreement provides an incomplete and incorrect description of the amendments. Given that a more thorough discussion of the Monterey Agreement is provided a few pages later, the SWC recommends deleting this paragraph. SWC-3

Page 1-26 - Characterization of Monterey Agreement

The water management provisions of the Monterey Agreement merely streamlined approvals for water management actions that had been in practice to varying degrees prior to the Monterey Agreement. In recognition of this, the SWC recommends that the last sentence on page 1-26 be revised as follows: The agreement also ~~allows~~ helps contractors to increase their own supply outside of SWP contracts through:" Similarly, on Page 5.1-16 the second sentence under the heading "Water Transfers" should be revised as follows: "…the 'Monterey Agreement' which changed the operating rules of the SWP to ~~allow~~ help facilitate banking and limited water transfers among SWP Contractors." SWC-4

Page 1-27 - Characterization of Monterey Agreement

The SWC recommends that the EIR clarify that the Monterey Amendments are currently in effect by inserting the following prior to the last sentence under this heading: "Under the Settlement Agreement, the Monterey Amendments remain in effect." SWC-5

Mr. Lester Snow
February 7, 2006
Page 3

FEB 14 2006 00202

Page 2-13 - Alternatives and Interim Operations

The discussion of Interim Operations as a component of Alternative 2A is incorrect and misleading. The description of Interim Operations merely states the existing diversion capabilities under existing authorizations. The SWC recommends that the EIR/EIS clarify that diversions would continue as described for Interim Operations in all cases until such operation may be modified by the Stage 2 decision. Interim Operations should not be described as a component or otherwise associated with any particular alternative considered in this EIS/EIR.

SWC-6

The interim operations described in the EIS/R also include conditions for diversion of 8500 cfs that go beyond existing limitations and constraints. It is inappropriate and unnecessary to consider new conditions in SWP operations prior to the Stage 2 decision. In particular, maximum diversions should not be linked to dissolved oxygen in the San Joaquin River at Stockton. Dissolved oxygen at Stockton is influenced by several factors including, but not limited, to channel configuration, upstream nutrient loading, ambient temperature and flow. The CALFED Science Program is investigating how each of these factors influence dissolved oxygen, and it would be premature to single out SWP operations to address such a complex, interrelated problem.

Table 4-1 - Summary of Impacts and Mitigation Measures

The table recommends additional water quality actions at CCWD intakes for Stage 1, even though gates have no impact at these intakes. If additional water actions are to be recommended, they should be for Stage 2 rather than Stage 1.

SWC-7

Figure 4-2 - Potential Yield

Explanatory text should be added to clarify that transfers are a "potential" yield, and should not be directly compared with CVP and SWP yield.

SWC-8

Chapter 5 – Physical Environment (Impacts Assessment Approach)

The approach taken in the EIS/EIR to assess impacts is to measure 1) the project against the baseline for current (2001) conditions and 2) the project with related projects for 2020 conditions against an adjusted baseline containing related projects for 2020 conditions. While this is an appropriate and logical approach in describing effects in this case, it is not typical in that future effects of the project and cumulative effects of related projects are analyzed together. Also, with this approach, the future adjusted baseline conditions and the No Action alternative are one and the same. The Cumulative Impacts chapter (Chapter 10) does a good job of explaining the overall approach to the analysis. The SWC recommends that this discussion be moved or summarized to begin Chapter 5 to help explain the impact analysis and its results.

SWC-9

FEB 14 2006 00202

Page 5.1-20 (3rd paragraph, second sentence)

Text should be corrected to read, "As the SWP contractor requests for the full Table A amount increase with increasing demand, the need to use the SWP facilities at their full design capacity will also increase. SWC-10

Page 5.1-52 to 53 - Water Transfers Analysis

The second paragraph on Page 5.1-53 provides an accurate description of the water transfers analysis, that is, that water transfers are part of the cumulative effects subject to independent environmental review and not a component of the proposed project. Elsewhere in this section, however, the EIS/EIR suggests that impacts of water transfers represent indirect impacts of the project that must be mitigated (see, e.g., p. 5.1-52 "The environmental impacts that might be associated with these additional water transfers of 92 af/yr would be SDIP indirect project impacts, and must be mitigated to less than significant"; p. 5.1-53 discussing "indirect project impacts and applicable mitigation necessary for additional water transfers.") SWC-11

The SWC recommends that the EIS/EIR clarify that the focus of the water transfers analysis is on the cumulative effects under CEQA, specifically whether the SDIP impacts when considered with impacts of other related projects are significant. "Indirect impact" is a NEPA term that is addressed by the cumulative impact and growth inducing analysis under CEQA. To avoid confusion the SWC recommends that references to indirect impacts and mitigation of indirect impacts be deleted.

Section 5.3 Water Quality – General Comments

This chapter of the EIS/EIR evaluates water quality impacts resulting from both the Stage 1 and Stage 2 decisions and concludes that no significant water quality impacts will result. While the Contractors agree with the conclusion that implementation of Stage 1 will have no significant water quality impacts, and in fact will provide substantial water quality benefits at many south Delta Channel locations, we believe additional study could be helpful in assessing water quality impacts associated with Stage 2. SWC-12

The Contractors look forward to working with DWR in refining the analysis for the Stage 2 decision and identifying potential measures that could further minimize any adverse water quality impacts to our members' beneficial uses. Water quality improvements associated with the DIP, adopted by the California Bay Delta Authority in August 2004, may provide additional opportunities to ensure that on balance, significant water quality impacts are avoided and continuous improvement in Delta water quality is achieved.

Page 7.1-7 - Land and Water Use

The SWC recommends that the significance criteria for the conversion of agricultural land clarify that "important" farmland means farmlands that meet the state definition as prime, statewide important, unique, or locally important. SWC-13

FEB 14 2006 00202

Page 8-24 - Compliance with Applicable Laws – Area of Origin

The SWC recommends revising the last sentence under this heading as follows: The proposed project will have ~~little~~ no effect on ~~water supplies for North of Delta users~~ area of origin water rights; therefore, this project is consistent with the area of origin legislation (see Section 5.1, Water Supply, for more detail.) SWC-14

Page 9-15 - Growth-Inducing Impacts

To clarify that the two studies referenced in the last bullet cover both Southern California (LSA Associates) and Northern California (EIP Associates), the word "southern" should be deleted from this sentence. SWC-15

Table 10-1

SVWMA should have a "y" indicated under criterion 2 to indicate that the action has recently completed environmental documentation or environmental documents are in some stage of development. SWC-16

In conclusion, the SWC believe that the Draft EIR/S does a good job of describing project impacts and demonstrates that the SDIP provides the flexibility to meet water supply, water quality and environmental purposes. The SDIP is a key component of a responsible, balanced water supply program for the state. As such, we urge you to move forward with this critically needed project.

If you have any questions about these comments on the SDIP EIR/S, please contact me at (916) 447-7357.

Sincerely,

Terry L. Erlewine
General Manager

Cc: SWC Member Agencies
Mr. Joe Grindstaff, Director, California Bay Delta Authority
Mr. Kirk Rodgers, Regional Director, Mid-Pacific Region, U. S. Bureau of Reclamation

Responses to Comments

SWC-1

Language on additional judicial review during Stage 2 was meant to convey that any analysis of Stage 2 activities would be open for review at that time with new understanding based on POD study results. The text has been revised.

SWC-2

The baseline for the analysis for each resource is provided in the applicable resource section. This section in Chapter 1 of the SDIP Draft EIS/EIR serves only as a description of the proposed project background.

SWC-3

The Monterey Agreement was signed by 26 of 29 SWP water contractors in 1994. The agreement was to address management of resources especially during dry periods. A more complete description appears on page 1-26. This section of the SDIP Draft EIS/EIR has been revised per your comment.

SWC-4

The text in Chapter 1 and Section 5.1 of the SDIP Draft EIS/EIR has been revised per your comment.

SWC-5

The text in Chapter 1 of the SDIP Draft EIS/EIR has been revised per your comment.

SWC-6

Please see Master Response M, *Interim Operations*.

SWC-7

The apparent additional mitigation under Impact WQ-6 is not actually mitigation, but it is a restatement of a CALFED goal to continuously improve water quality.

SDIP Stage 1 impacts on water quality at Rock Slough are less than significant and would not require mitigation.

SWC-8

Figure 4-2 of the SDIP Draft EIS/EIR uses the label “current potential transfers” and “potential transfers” to indicate that these are not CVP and SWP exports. Additional discussion in Section 5.1 clarifies these differences.

SWC-9

The use of the 2001 and 2020 baselines is adequately described in Section 5.1 of the SDIP Draft EIS/EIR. Separation of changing effects of the SDIP with time (2001 to 2020 baselines) from the future cumulative effects of other projects is very confusing.

SWC-10

The suggested edit to this sentence was made.

SWC-11

The Delta impacts from additional water transfers that are facilitated by the SDIP will be mitigated to less-than-significant levels by limiting transfers to periods when fish entrainment is low, and through “carriage water” to increase Delta outflow to eliminate any increases in EC.

SWC-12

Additional water quality evaluations may be initiated during the Stage 2 decision process.

SWC-13

The text in Section 7.1 of the SDIP Draft EIS/EIR has been revised per your comment.

SWC-14

The text in Chapter 8 of the SDIP Draft EIS/EIR has been revised per your comment.

SWC-15

The text in Chapter 9 of the SDIP Draft EIS/EIR has been revised per your comment.

SWC-16

The text in Chapter 10 of the SDIP Draft EIS/EIR has been revised per your comment.

Comment Letter TOMR

TOMR

Tracy Oasis Marina-Resort
12450 West Grimes Road
Tracy, CA 95304-8778
209-835-3182
209-835-7589 FAX

FEB 07 2006 00131

February 4, 2006

Paul Marshall
South Delta Improvements Program
Bay-Delta Office
California Department of Water Resources
1416 Ninth Street
Sacramento, CA 95814

Dear Mr. Marshall,

We are the owners of the Tracy Oasis Marina-Resort. This business has been in my family since 1967 and I have operated it for over 32 years. This letter contains our comments on the Draft Environmental Impact Statement and the Environmental Impact Report for the South Delta Improvement Project. The rock barrier on Grant Line Canal damages our business and this project will make that damage even worse.

The temporary rock barrier on Grant Line Canal has reduced the number of customers that use our marina. The portage facility on the Grant Line Canal does not allow larger boats to pass. Our marina has 26 foot and larger berth slips that are not being utilized nearly as much as before the barriers. For many years after the barriers where installed it caused silting in the harbor. This silting caused many problems for boater. The area under the store which is for guest docking could only be used at high tide and the adjacent docks would sit on the mud and making them uneven to walk on. The harbor entrance silted in on one side and many boats would run aground. Some of the 26' and 30' where so shallow that at low tide the boats would sit on the bottom. The harbor was dredged some years ago, but the damage had already been done to the people that moved out. Most of the 30 foot slips are empty even through over the years we have reduced out monthly rates on 26' and 30' berths in an effort to rent them. Our 30 foot covered berths with electric service have been virtually empty for over 5 years. These berths where our most preferred berths we have. Houseboating in our area was very popular before the barriers where built. The areas above where a anchorage for houseboats on weekends and great vacation spots. By reducing the rates, not filling the berths and not being able to stay at the industry standard rates this has causes us to be unable to keep up with normal maintenance. Rising cost of insurance and utilizes each year must be paid for even if the berths are not full.

Fuel and store sales are down and the lower water levels from the barrier also caused problems for our boat launching ramp. When the tides would be low and during the summer they are lower than when the barrier are not installed, we would run out of launch ramp. People would have to wait sometimes for 3 hours to either launch their boat or get it out of the water. People would even drive to the other marina's to un-launch their boat, resulting in

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FEB 07 2006 06131

refunding the launch fee and very unhappy customers that would not come back and would also tell their friends about what happened. This situation caused us 2 years ago to install a new launch ramp that goes all the way to the bottom of river. This was a finical burden on the Marina when business was already down.

Prior to the barriers our marina was a very popular stop for water skiers on Grant Line Canal. For example members of the Golden Anchor Water Skiing Club were always skiing the Grant Line Canal and stopped for lunch or to fill there fuel take. Water skiers do not like to use the portage facility because of fear that there boats will be damaged and lost skiing time. Night fishing was very popular prior to the barriers, but it now very rare that they would utilize the marina because there is no portage at night. Boater just don't like the barrier and they remember that Grant Line Canal is a dead end and don't bother with it. It is not used as a main passage from Discovery Bay and other areas to the San Joaquin River as it was. People also forget that the barriers are seasonal and just avoid the area year around. The barriers have severely impacted our once thriving business.

Because the water skiing in this area has declined so much do the inconvenience of the barriers in the summer months, we have had to expand our once seasonal business to a year round business to make up for the loss of revenue. We now are open 12 months of the year and have redirected the business towards fishing because the barriers are not up in the winter months. Once the portage is installed west of the marina and the fish barrier is installed east of the marina the fishing business will also die off.

The SDIP proposes to build a permanent barrier near the west end of Grant Line Canal. This will impact our business even more severely than the temporary barrier. The construction of these permanent gates on Grant Line and Fabian Bell Canal's will reduce visitors to our business so badly that we may have to close down. Many of our patrons come from the West, and by building the gates at the west end of Grant Line Canal access to our marina will be restricted. With the temporary barriers to the east and construction of the gates to the west we will be cut off from any form of business. TOMR-1

Since most of our customers come from the west and these barriers will restrict them we don't know how long our business would last with your project in place. The temporary barriers impact our business and we fear it will only get worse. What is the SDIP going to do to mitigate impacts to our business? TOMR-2

Sincerely,

Korinne Flowers

Terry & Korinne Flowers

2

TRACY OASIS MARINA-RESORT
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TRACY, CA. 95304
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FEB 07 2006 00131

TRANSMITTAL OF FAX

DATE: February 7, 2006

TO: Jacob McQuirk
Paul Marshall

FAX#: 916-653-9574

FROM: Korinne Flowers

FAX#: (209)835-7589

NO. OF PAGES 3 INCLUDING THIS SHEET

__x__ FOR YOUR INFORMATION

_____ PER YOUR REQUEST

_____ FOR YOUR REVIEW AND COMMENTS

_____ PLEASE REPLY

_____ ORDER

Copy also send my US mail today.

Thank you

Korinne

Responses to Comments

TOMR-1

Some disruptions may occur; however, no substantial impacts should occur with the continuation of the DWR system for transporting boats past the construction sites.

TOMR-2

Mitigation of local economic impacts is not required in an EIS/EIR.

Comment Letter VICA

VICA

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 Valley Industry and Commerce Association (VICA), 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. VICA-1

Since its inception over fifty-seven years ago, VICA has been a recognized advocate of water issues for Southern California. Today VICA represents over 300 major businesses and 8,000 jobs throughout the San Fernando Valley area. As VICA's Vice Chair of Environment, Water and Infrastructure Issues, I am urging your support of the South Delta Improvement Program and the adoption of the first phase of the program's environmental impact report regarding the installation of permanent gates to protect Bay Delta fish populations.

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 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

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

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

Sincerely,

Carolyn Casavan
Vice Chair, Valley Industry and Commerce Association
Environment, Water and Infrastructure Issues

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Responses to Comments

VICA-1

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

Comment Letter WG

WESTERN GROWERS
Fresh produce from our families to yours.

DEC 07 2005

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December 6, 2005

Mr. Paul Marshall PE
Bay-Delta Office
Department of Water Resources
1416 Ninth Street, Room 215-30
Sacramento, CA 95814

Re: South Delta Improvements Program December 6, 2005 Public Information Meeting

Dear Mr. Marshall:

On behalf of the members of Western Growers, I write to express support for the South Delta Improvement Program (SDIP).

Western Growers is an agricultural trade association whose 3,000 members grow, pack and ship 90 percent of the fresh vegetables and nearly 70 percent of the fresh fruit and nuts grown in Arizona and California, about one-half of the nation's fresh produce. The specialty crop industry is an important component of California's $32 billion agriculture industry and, like many other industries, depends heavily on a high-quality, reliable water supply. Although our members utilize many water saving technologies, we recognize that there are an increasing number of pressures on the state's water infrastructure. Western Growers supports the SDIP because we believe the program achieves the objective of smart, balanced water management. **WG-1**

The program's physical/structural activities coupled with the operational component will provide higher quality water and fish protection to the south Delta region while acknowledging the importance of increased reliability and flexibility in delivering water to California citizens and businesses.

For these reasons, Western Growers strongly supports the SDIP.

Sincerely,

Erin Field
Government Affairs Analyst

cc: Dennis Albiani, Office of the Governor
Mike Chrisman, Secretary, California Resources Agency

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Responses to Comments

WG-1

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