Comment Letter CWA

02/07/2006 12:52 14153699180 CLEANWATER PAGE 01/03

CWA

CLEAN WATER ACTION

February 6, 2006

FEB 07 2006

00156

Mr. Paul Marshall
SDIP EIS/EIR Comments
State of California Department of Resources, Bay Delta Office
1416 Ninth Street
Sacramento, California, 95814
Faxed to: (916) 653-6077
E-mail: sdip comments@water.ca.gov

Re: **Comments on South Delta Improvements Program Environmental Impact Statement/Environment Impact Report EIS/R**

Dear Mr. Marshall:

Clean Water Action is a national organization that advocates for clean, safe and affordable drinking water. In California, Clean Water Action holds a seat on the Drinking Water Subcommittee of the CALFED Bay-Delta Public Advisory Committee. Our organization's principle concern in this document is its analysis of drinking water quality. As written, this document fails to adequately assess the impact on drinking water supplies, quality and reliability for all Delta drinking water users. We request that the EIR/EIS be amended to supply this information.

Project Objectives

Page ES-1 of this document states "This Draft EIS/EIR is designed to be fully consistent with CALFED's overall goals of water supply reliability, water quality, ecosystem restoration, and levee system integrity." Viewed from a water quality standpoint, this does not appear to be a true statement. The very limited objectives of this project fail to address CALFED's overall goals, particularly the CALFED general target of "continuously improving Delta water quality for all uses" and the specific target of "providing safe, reliable, and affordable drinking water in a cost-effective way". This project addresses only agricultural water quality, only in the south Delta, and, in fact, results in reduced drinking water quality for virtually every constituent at most intakes. As described, this project is not consistent with the water quality goals of the CALFED Record of Decision (ROD). CWA-1

Water Quality Impacts

The CALFED ROD sets targets at drinking water intakes in the Delta for bromide, chloride, total organic carbon, nitrate, total dissolved solids, and turbidity. This document fails to assess the impact of this project on these specific numeric targets. For instance, this analysis measures electrical conductivity rather than individual chloride or bromide concentrations. Since these constituents are regulated separately as drinking water contaminants and disinfectant by-product precursors, they must to be evaluated separately. Additionally, a determination is made that a 5% decrease in each of the selected water quality indicators is an insignificant CWA-2

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02/07/2006 12:52 14153699180 CLEANWATER PAGE 02/03

CLEAN WATER ACTION

FEB 07 2006 00156

impact. If these targets are not currently being met, *any* increase in their concentration at drinking water intakes must be considered a cumulative impact. A more appropriate analysis should measure the ability to achieve these targets at any drinking water intakes, both with and without this project. CWA-2

The determination that larger variances in water quality are not significant because they are limited in duration is not appropriate – or at least has not been adequately justified. Additional analysis should be performed to determine the impact on water supply, quality and reliability of those increased levels. What impact will these variances have on the ability of the intakes to operate on their current schedule? Since improved water supply reliability is an objective of this project, a reduction in the ability of any of these intakes to pump water from the Delta must be considered a significant impact. CWA-3

The DSM2 models uses data through 2001. That means it has limited data covering the current levels of Delta exports, which have increased since 2000. What level of pumping is assumed in the No Project Alternative? We suggest either a No Project or an Environmentally Superior Alternative that looks at pre-2000 pumping levels, and another alternative that models the current pumping regime. CWA-4

The assumption that a decrease in water quality at the intakes can be offset through treatment is not substantiated in this document. The Phase 2 Disinfectants and Disinfection Byproducts Rule, which was mandated by Congress in the 1996 Safe Drinking Water Act was published on January 4, 2006. While the numerical standards for disinfectant by-products and bromide are unchanged, U.S. EPA has mandated more stringent monitoring and more limited averaging for their presence in drinking water distribution system. This rule was published in draft form in 2003, so this information was available in the preparation of this document. The assumption that every water system using Delta supply can absorb increases in salinity, dissolved solids and organic carbon and still comply with this rule must be substantiated. CWA-5

The Equivalent Level of Public Health Protection (ELPH) stated in the CALFED ROD looks at ways to achieve the CALFED water quality targets through other means than water quality improvements in the delta. It does *not* assume that reductions in water quality can be offset by additional treatment in the distribution system. In fact, the few ELPH plans completed to date rely on maintaining the current quality of Delta source water to maintain water quality standards.

The document does not assume any water quality changes due to climate change, even though salinity is a major focus of the water quality discussion. While much is unknown about climate change, even conservative projections show a sea level rise, which will at minimum increase bromide levels at drinking water intakes. This is a foreseeable development that, under CEQA and NEPA, must be evaluated. CWA-6

Thank you for the opportunity to review and comment on this document.

Sincerely,

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02/07/2006 12:52 14153699180 CLEANWATER PAGE 03/03

CLEAN WATER ACTION

FEB 07 2006 00156

Jennifer Clary
Water Policy Analyst

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Responses to Comments

CWA-1

Section 5.3 of the SDIP Draft EIS/EIR describes the importance of drinking water quality, and evaluates SDIP impacts on EC and DOC. The effects of the SDIP on salinity will shift some of the San Joaquin River water toward the CCWD intakes and the SWP Banks Pumping Plant. The CVP salinity is correspondingly reduced by about 10%. These impacts, though measurable, are evaluated to be less than significant. Projects to improve CCWD's water quality in anticipation of the placement of permanent gates have already been completed. Other CALFED water quality projects and projects called for in the DIP may provide larger water quality improvements.

CWA-2

The quantitative modeling of salinity uses EC, which is the most common measurement of salinity in the Delta. Section 5.3 of the SDIP Draft EIS/EIR describes how the likely changes in chloride and bromide can be evaluated from the changes in EC. The long-term significance criteria (5% average increase) does not allow any exceedance of the water quality objectives. Other water quality projects will be needed to reduce the concentrations of bromide and DOC.

CWA-3

There are no changes in water supply availability caused by increases in salinity from the SDIP. All CCWD diversions and CVP and SWP exports are within the salinity objectives for drinking water established by D-1641 and other agreements.

CWA-4

The No Project Alternative simulates pumping that is consistent with the existing 6,680 cfs SWP diversion limit, but is higher than historical pumping. Additional analyses of recent historical pumping levels can be made during the Stage 2 decision process.

CWA-5

The average salinity increase at the CCWD and SWP intakes will be less than 4% (Table 5.3-3 of the SDIP Draft EIS/EIR). The average increase in DOC will be less than 2%. Some monthly changes may be higher, but these monthly changes

are assumed to be within the normal variations in raw water concentrations at each drinking water treatment plant; normal monitoring and treatment adjustments will be made at each plant.

CWA-6

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

Comment Letter GFACC

GFACC

GREATER FRESNO AREA CHAMBER of COMMERCE

JAN 09 2006 044

December 27, 2005

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

RE: South Delta Improvements Program

Dear Director Snow,

On behalf of the Greater Fresno Area Chamber of Commerce, I am writing today to express our 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.

As you know Fresno is the most productive agricultural county in the United States and a reliable water supply delivered through the delta is essential to the continuing vitality of Fresno County and the entire San Joaquin Valley. The Chamber has long been a strong supporter of responsible water management. For instance, even though it was very politically unpopular locally the Chamber spearheaded the campaign for water meters in the City of Fresno. GFACC-1

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.

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. We have limited water supplies in our arid state, however, so we must maximize the benefits of our existing water resources and infrastructure. If we fail, 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. That includes a significant portion of the water that is crucial to the San Joaquin Valley's agricultural economy. Given its importance, we need to continually improve the management of the Delta's water delivery system and the water supplies.

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,

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GREATER FRESNO AREA CHAMBER of COMMERCE

JAN 09 2006

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water agencies, business interests, farmers, and state and federal water and fish agencies. SDIP is the next step forward in this long-term planning effort for the Bay-Delta.

SDIP is a responsible and balanced plan to better utilize and integrate our existing water management infrastructure in the Delta. Collectively, it will improve our state's water supply reliability, water quality and the overall health of the Bay-Delta ecosystem. The program will construct seasonal tidal gates to protect fish, and improve water circulation and quality in the Delta, dredge select Delta channels to improve water deliveries for local farmers, and allow State Water Project deliveries to increase modestly – only when needed and environmentally safe to do so. GFACC-1

Currently, the state is constrained in its ability to use available 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 to periods when it is environmentally safe to capture additional water. SDIP is an ideal option for California to advance – it will not require building a new project or the construction of major new infrastructure. Importantly, funding for the program has already been secured through passage of voter approved bonds in 2000 (Proposition 13).

Importantly, SDIP will help protect important Delta environmental resources. Specifically, 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 benefits to the State, 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.

Fresno All-America City 2006

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GREATER FRESNO AREA CHAMBER of COMMERCE

JAN 09 2006 044

Again, we strongly support SDIP and encourage all key stakeholders to help advance this critically needed project. GFACC-1

Al Smith
CEO
Greater Fresno Area Chamber of Commerce

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Responses to Comments

GFACC-1

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

Comment Letter IEEP

IEEP

10/18/2005 11:18 7504519154 PAGE 02

INLAND EMPIRE ECONOMIC PARTNERSHIP

JAN 12 2006 047

October 13, 2005

The Honorable Arnold Schwarzenegger
Governor, State of California
1 State Capitol, 1st Floor
Sacramento, CA 95814

RE: South Delta Improvement Program

Dear Governor Schwarzenegger:

On behalf of the Inland Empire Economic Partnership (IEEP), its Board of Directors and Membership, I am writing today to express our organization's support for ongoing implementation of the CalFed Bay-Delta Program ("CalFed") and more specifically our support for the developing South Delta Improvements Package, a series of efforts in which, collectively would improve water supply reliability, ecosystem health and water quality in the Delta.

IEEP is the regional economic development corporation serving Riverside and San Bernardino Counties. Our mission is to attract, retain, expand and create business throughout the region. Our membership is comprised of 180 of the largest businesses and institutions, including twenty-four Cities and the two Counties. We also work in the areas of business advocacy and regional planning to ensure a strong quality of life and standard of living for our residents.

IEEP-1

Since 2000, the unique CalFed collaboration has achieved many important accomplishments for the Bay-Delta and California at large, both programmatically and regionally, and we are pleased to voice our ongoing support for its efforts. During its first three years, CalFed has invested nearly $2 billion to meet its program goals, scattered over hundreds of local and regional projects throughout the state. In order to ensure ongoing, balanced implementation of the CalFed Record of Decision, improvements in all CalFed components [water quality, ecosystem restoration, water supply reliability and levee integrity] need to advance, a task that requires political will and critical funding.

Critical years are ahead for CalFed as a much-needed package of Delta improvements will advance through CalFed and also through their own individual entitlement processes. While we understand final components of the Delta Improvements Package are still being negotiated and will need to be vetted through the appropriate public review process, our organization is supportive of the umbrella concept, or package, that the Authority and its member agencies are advancing.

We understand the Delta Improvements Package will contain the following independent elements:

1) *Water Supply Reliability*...CalFed's Conveyance Program, with its accompanying South Delta Improvements Program, will provide improved water supply reliability as water is physically moved through the Delta. According to the California Department of Water Resources, the package will provide a valuable new supply of water, increasing deliveries by approximately 250,000 acre-feet of water annually.

1201 RESEARCH PARK DRIVE, SUITE 100, RIVERSIDE, CA 92507 - 951.779.6700 - FAX 951.779.0675

Jan 12 2006 2:22PM Red Gate Communications 818 784 1220 p.4

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CalFed Delta Improvements Package – Letter of Support
Page 2

JAN 12 2006 047

2) *Ecosystem Restoration*...A long-term Environmental Water Account will be established to provide adequate protections for fish in the Delta while ensuring more reliable deliveries to water users.

3) *Water Quality*...Delta interests mush be protected from impacts to water quality and water levels as more water is moved through the Delta. A series of improvements and protective measures, negotiated between in-Delta interests and exporters, including water quality, and water level standards, barriers and managements of agricultural drainage, will improve water quality in the Delta for local and statewide interests.

We believe the South Delta Improvements Package furthers CalFed's core objectives... improves water supply reliability, protects Delta water quality, and improves ecosystem health...and creates a much needed new framework for advancing critical paths for CalFed in the coming months and year. In fact, it is the first major implementation package of statewide significance within the CalFed program, moving a series of statewide water and environmental projects from planning to actual implementation. Advancing these program components help ensure CalFed will achieve the milestones established for Stage 1 (years 1-7). As you know, many of these program elements have been delayed and a renewed emphasis is required to ensure their timely implementation. IEEP-1

Given that the South Delta Improvements Package will be one of California's most critical water initiatives of the year, we strongly encourage the Schwarzenegger and Bush Administrations and their agencies to provide the commitment and leadership necessary to move it forward without delay. As you might imagine, an unprecedented level of federal and state cooperation will be required to prepare the necessary documents to support this package. Your leadership will therefore be vital in ensuring timeline implementation.

On behalf of IEEP, thank you again for your leadership in furthering CalFed principles and ensuring sound and effective management of California's critical water resources.

Sincerely,

Paul Hiller
President & CEO

PH:de

CC: Joe Grindstaff, California Bay-Delta Authority
Bay Delta Public Advisory Committee
California State Senate Agriculture and Water Committee
California State Assembly Water, Parks & Wildlife Committee
Honorable Dianne Feinstein
Honorable Richard Pombo
Honorable Barbara Boxer
Congressman Ken Calvert
Congresswoman Mary Bono
Congressman Darrell Issa
Congressman Joe Baca
Congressman Jerry Lewis
Congressman David Dreier
Norma Aria-Lee, Metropolitan Water District of Southern California

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Responses to Comments

IEEP-1

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

Comment Letter IVCA

IVCA

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INLAND VALLEY
CHAMBER ALLIANCE

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

The Inland Valley Chamber Alliance represents nine local chambers and thousands of businesses within the Inland Empire. The Alliance understands the importance of water reliability and how essential it is to the California economy and California business. IVCA-1

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

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

INLAND VALLEY
CHAMBER ALLIANCE

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

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

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

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

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

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

Sincerely,

Dana M. Cox

Dana Cox
Chair
Inland Valley Chamber Alliance

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

Responses to Comments

IVCA-1

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

Comment Letter JM

JM

California Department of Water Resources

FEB 06 2006

00120

January 31, 2006

1416 – 9th Street, Room 1115-1
Sacramento, CA 95814

Dear Mr. Snow,

I am the current Commodore of the Delta Yacht Club in Stockton, CA. I am writing this letter to inform you of my opposition to the South Delta Improvement Project. I am strongly opposed to this project because I am concerned about the stress it will put on our levees, the enormous harm that will come to the delta's eco system, and the tremendous hi tide swings due to rain and restricted water flow. JM-1

Sincerely,

Jeff McKannay
Commodore – Delta Yacht Club
Tule Island
Stockton, CA 95219

Cc: Paul Marshall, Mike Riehl BBAC Director, John Beuttler, Allied Fishing Groups Director

Responses to Comments

JM-1

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

Comment Letter KCFB

KCFB

JAN 12 2006 048

California's Water Future

January 5, 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 Kern County Farm Bureau, 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.

Farm Bureau is a voluntary, non-governmental, bi-partisan organization of farmers, designed to accomplish cooperatively that which they cannot do individually. Our mission has always been 'To serve as the voice of agriculture at all levels of government while providing programs to assist its members and educate the general public of the needs and importance of agriculture'. Many of these programs include, but are not limited to issues such as land and property taxes, electrical energy costs for agriculture, water development and management, and agricultural education. KCFB-1

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

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

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JAN 12 2006 048

farmers, and state and federal water and fish agencies. SDIP is the next step forward in this long-term planning effort for the Bay-Delta.

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

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). KCFB-1

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

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

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

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

Thank you.

Sincerely,

Richard Jelmini, President
Kern County Farm Bureau

1/9/2006

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JAN 12 2006 048

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

1/9/2006

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Responses to Comments

KCFB-1

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

Comment Letter ED

ED

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environmental defense

finding the ways that work

Feb 07, 2006 00162

February 7, 2006

Mr. Paul A. Marshall
California Department of Water Resources
1416 9th Street – 2nd Floor
Sacramento, CA 95814

Re: Comments on the South Delta Improvement Program DEIS/R

Dear Mr. Marshall:

Environmental Defense appreciates the opportunity to submit comments on the South Delta Improvement Program (SDIP) Draft Environmental Impact Statement/Review (DEIS/R) that was jointly released November 10, 2005 by the Department of Water Resources (DWR) and the U.S. Bureau of Reclamation (USBR). We recommend that DWR and USBR withdraw the DEIS/R for the reasons outlined below.

1. The DEIS/R fails adequately to consider an alternative that significantly *reduces* Bay-Delta export levels from current levels.
By not fully evaluating a range of reasonable alternatives, such as one that significantly reduces Delta exports from current levels, the DEIS/R fails to meet CEQA and NEPA requirements. A reduced export alternative was eliminated early on from further consideration on the basis of one sentence in an appendix to the document: "Because reduction of CVP and SWP exports can worsen water quality in the south Delta and does not improve the ability of south Delta farmers to divert, this alternative does not meet the local objective and is not retained for further evaluation for meeting this objective" (Appendix A, page 13). The use of the word "can" makes this finding meaningless. If the intent of the statement is that water quality would likely worsen if exports were reduced, the statement should be substantiated. In any event, this statement alone does not merit the exclusion of this alternative from further consideration. **ED-1**

At a time when freshwater diversions have reached an all-time high and the condition of the Bay-Delta ecosystem has declined precipitously it is critical that an alternative which reduces exports be thoroughly evaluated to better understand the potential benefits not only to the overall health of the Delta ecosystem but also to water quality. As the recently released final California State Water Plan update clearly shows, the state can meet current and future water demand *without* increasing freshwater diversions if investments are made in urban and agricultural water conservation, reclamation and the conjunctive use of groundwater supplies.

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A revised DEIS/R must evaluate other options to meet unmet water supply needs south of the Delta other than increased pumping of water from the Delta. ED-1

2. The DEIS/R fails to include any of the interim findings of the Pelagic Organism Decline (POD) studies released by the Interagency Ecological Program (IEP) in 2005.
The health of the Delta ecosystem is declining and some pelagic species, such as Delta smelt, are in danger of extinction. Studies are underway to better understand the exact causes of the declines, but preliminary findings released by the IEP in December 2005 indicate that export pumping, particularly during the winter, is linked to the decline in Delta smelt populations. This information was not included in the evaluation of impacts associated with increased pumping. It is therefore unreasonable for a proposal to be considered at this time that would significantly increase the amount of fresh water diverted out of the Delta. The DEIS/R should be withdrawn until the causes of the decline are identified, resolved, and there is a viable long-term upward trend in estuarine health. ED-2

3. The DEIR/S is based on a scientifically-deficient Biological Opinion.
The DEIS/R is based on the Biological Opinion on the Long-Term Central Valley Project (CVP) and State Water Project (SWP) Operations Criteria and Plan (OCAP), which has recently been determined by an independent science review panel to not be based on the "best available science." The panel found that the BO was inadequate because 1) global climate change was not addressed, 2) variability in ocean productivity, and its effects on fish production, were not incorporated into the analyses, 3) unknowns or uncertainties were not addressed, 4) some models and analyses appeared to be flawed, and 5) genetic and spatial diversity was not adequately considered. The inadequacy of the BO must be addressed and resolved prior to releasing a revised DEIS/R. ED-3

4. The DEIR/S does not address the reduction in availability of dedicated environmental water since the CALFED Record of Decision was signed.
In Environmental Defense's report, *Finding the Water: New Water Supply Alternatives to Revive the San Francisco Bay-Delta*, we illustrate that over the past few years while Delta exports have reached a record high, the Bay-Delta ecosystem has not received the water it was promised in the CALFED Record of Decision (ROD) on the order of approximately 420,000-460,000 acre-feet annually. This shortfall in water dedicated to environmental protection is largely due to diminished state and federal funding, unavailable operational assets through the Environmental Water Account and revised accounting rules for environmental water under the CVPIA. As a result, fishery agencies have been significantly constrained in their ability to dedicate water at key times of the year to protecting fisheries. ED-4

After reviewing the DEIS/R, it is clear that the document does not adequately consider the diminished delivery of environmental water or how this water will be guaranteed in the future. A revised DEIS/R should consider the legal obligation to provide this

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environmental water to comply with the terms and conditions of State water permits, the CVPIA and the Endangered Species Act under existing levels of export, and that increased freshwater diversions would likely increase the need to dedicate water to the environment. **ED-4**

In *Finding the Water* we propose various opportunities to acquire much needed environmental water to help restore and protect the Bay-Delta. One such opportunity is retirement of drainage-impaired land in the San Joaquin Valley, which is currently being evaluated in the San Luis Drainage Feature Re-Evaluation Draft Environmental Impact Statement. Unfortunately, this DEIS did not adequately consider land retirement or the significant probable impacts on reasonable and beneficial uses of any saved water, such as reduced pollution from drainage water and increased supplies for Bay-Delta restoration. A revised DEIS/R should determine the amount of water that could be acquired through land retirement for the purpose of environmental restoration. **ED-5**

In addition, in *Finding the Water* we recommend that in the event a plan proceeds to increase export pumping capacity, that export capacity should first be dedicated to improving the timing of exports to protect fisheries. Such a scenario, incorporated in operating guidelines that are included in the regulatory standards to which the projects must adhere, could allow for sustainable and real-time flexible operation of the pumps to aid in the protection and restoration of the San Francisco Bay-Delta estuary. A revised DEIS/R should include an analysis of this scenario. **ED-6**

In conclusion, the SDIP EIS/EIR should be withdrawn and revised to include the recommendations stated above. Thank you for the opportunity to comment on the document and submit recommendations we hope will help improve the precarious condition of the Bay-Delta.

Sincerely,

Ann Hayden
Water Resource Analyst

Spreck Rosekrans
Senior Analyst

Thomas J. Graff
Regional Director

Responses to Comments

ED-1

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

ED-2

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

ED-3

Please see Master Response A, *Relationship between the South Delta Improvements Program and the Operations Criteria and Plan*.

ED-4

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

ED-5

Please see Master Response Q, *Effects of the South Delta Improvements Program on San Joaquin River Flow and Salinity*. Land retirement of drainage-impaired lands is expected to proceed independently of the SDIP. The SDIP does not propose to retire any land as part of this project.

ED-6

Each operational scenario in the SDIP Draft EIS/EIR included a commitment to dedicate the first 500 cfs of extra capacity to the EWA in July, August, and September. One specific operational scenario (Scenario B) incorporates a rule that would allow higher exports during December through June only if fish are not present in densities that warrant protection and, during July through September, would dedicate up to 1,820 cfs (the incremental difference between the current export limit and 8,500 cfs) of export capacity to the EWA. If the EWA does not need the full 1,820 cfs of export capacity, then the remainder would be made available for project exports or transfers. Having this additional export capacity would allow water acquired for the EWA to be exported to

reduce EWA debt in San Luis Reservoir. Additionally, the increased capacity under any scenario allows flexibility in shifting the timing of exports to better manage fish and other resources in the Delta. However, DWR and Reclamation have committed to additional documentation for CEQA and NEPA compliance for Stage 2. Additional operational scenarios may be included.

Comment Letter FFF

FFF

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Northern California Council

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7 February 2006

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

Comments on Draft South Delta Improvements Program
Environmental Impact Statement/Environmental Impact Report

Dear Mr. Marshall:

With respect to the Draft EIR/EIS (EIR) for the South Delta Improvements Program and the water agencies' plans for physical and hydrologic modifications in the Delta (Project), we request the following:

- Withdraw the EIR.
- Immediately reduce pumping rates and water exports commensurate with those employed circa 2000; pumping rates and water exports that (at least partially) promoted an increase in Delta Smelt abundance.
- Place a moratorium on all plans for increased pumping rates and water exports at the Banks Pumping Plant, including physical improvements such as dredging and permanent barriers to facilitate such actions, until the Delta ecosystem is recovered and self-sustaining.
- Provide for long-term ecosystem restoration measures, water quality (not just salinity) enhancements, and levee protections with greater reliability and equitable funding; otherwise, measures that jeopardize the Delta such as pumping and water exports will not be balanced by measures that protect the Delta.
- Include an appropriate range of alternatives in all analyses involving physical and hydrologic modifications of the Delta; in particular, you FFF-1

should include alternatives that reduce pumping rates and water exports.

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The Project Has Been Proposed At An Inappropriate Time

You have been unwise to propose the Project at this time. You have been unresponsive to prevailing conditions. Several factors would lead prudent, responsive public agencies to delay the Project:

- The Department of Fish and Game has sounded the alarm regarding the Delta ecosystem crash and has initiated, in concert with other State and Federal agencies, studies of the Pelagic Organism Decline. Although your EIR acknowledges this, you have failed to connect the dots - study results of the Pelagic Organism Decline will likely impact all decisions and evaluations regarding barriers, dredging, and water operations in the Delta. According to our recent discussions with Chuck Armor, Chief of Operations for the Bay-Delta Office of the Department of Fish and Game, as more results are obtained and interpreted regarding the Pelagic Organism Decline, water diversions (including the magnitude and timing of pumping/water exports and the export/import ratio) remain a primary cause of the fishery and ecosystem demise, along with exotic species and toxics. Each successive sampling of Delta Smelt indicates conditions continue to worsen, unabated. Recently, white sturgeon has been added as a species with dramatic declines contemporary with the Delta ecosystem crash; current sturgeon abundances are feared to be below self-sustaining levels.
- The courts have rejected the Calfed Programmatic Record of Decision because, in part, it failed to analyze alternatives that reduce pumping rates and water exports. We understand the California Supreme Court has decided to hear the appeal. The EIR is tiered off the Calfed ROD. The cumulative impact analysis in the EIR relies heavily on the Calfed ROD. The basis of the Project will be severely undermined if the lower court decision is upheld on appeal. FFF-2
- The San Luis Unit drainage problem remains unresolved. Resolution will affect all of your alleged needs for increased water exports vis-à-vis the planned retirement of salt- and drainage-impaired irrigated lands; in fact, land retirement alternatives and concomitant reductions in irrigation demands (reference comments you have received from the Trinity County Board of Supervisors dated 18 January 2006 citing 1,200,000 acre-feet of water saving from land retirement) from the San Luis Unit drainage project may, in and of themselves, sufficiently reduce the water exports and substantially mitigate salinity and water levels concerns for in-Delta farmers. Furthermore, the citizens of California cannot in good faith allow any consideration of increased water exports until this anticipated, long-recognized, yet ignored toxic drainage impact of past water exports is resolved. Water delivery

contracts remain similarly unresolved pending implementation of the San Luis Unit drainage project.

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The Calfed Program and the California Bay Delta Authority no longer exist in any functional manner. No mechanism currently exists for balanced implementation of Delta actions. The Project should not be considered until the Calfed Program is reconstituted.

The Biological Opinion for salmonids, in support of the Operations and Criteria Plan, has been judged inadequate from the standpoint of process (Inspector General's report) and substance/best science (Calfed Science Program report) (http://science.calwater.ca.gov/workshop/workshop_ocap.shtml). The EIR propagates a faulty foundation for analyzing the impacts to salmon and steelhead and is tiered off faulty conclusions regarding (no) jeopardy. FFF-2

- The State and Federal fish and wildlife agencies, along with the State and Federal water agencies, are still searching for demonstrated, reliable, durable, long-term, equitably-funded mitigation measures. The EIR relies upon the Environmental Water Account and/or similar pumping offset schemes; however, these measures have not been effective in stemming the Delta ecosystem crash and are not equitably funded for the long term. FFF-3
- The stability of the Delta levee system is unreliable. Although this is not new news, it has garnered renewed attention. You have proposed unwise infrastructure investments such as permanent barriers and unwise reliance on increased water supply reliance from the Delta, given the inherent seismic, subsidence, and erosion (piping) risks of Delta levees.
- The courts have issued a restraining order on construction of the intertie. The courts have agreed to hear the case in February 2006. Event a short delay on your part would allow this issue to be substantially clarified.

Your haste in proposing this project has risked wasting millions of dollars of taxpayer money and diverted attention away from other, important, consensus projects such as planning and implementing a strategy for Delta levees.

The Project Should Be Bifurcated

Phasing the Project has resulted in the following:

- The EIR is confusing; the document is a complex mix of alternatives, evaluations, impacts, and mitigation measures (1) specific to the physical/structural component (Phase 1), (2) specific to the operational component (Phase 2), including multiple operational scenarios and the No Action operational scenario, and (3) representing the combined

effects of the complete Project (Phase 1 and Phase 2); all referenced occasionally to existing conditions.

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For example, Section 5.1 of the EIR contains a discussion of interim operations that allow seasonal pumping up to 8,500 cfs. We have guessed that this represents new authority for increased pumping under either Phase 1 or Phase 2 of the Alternative 2s, consistent with your historic presentations describing water operations. However, interim operations could apply only to Phase 2, or it could refer to the limited existing ability to pump 8,500 cfs, although the EIR wording refers to "changes" to interim operations. This is just one of many examples of the confusion created in the EIR. FFF-4

While we would otherwise be inclined to support a permanent Head-of-Old River barrier, we cannot in good faith support Alternative 4B, because we fear such support would, in turn, support increased pumping rates and water exports and other embedded consequences.

- Unless you have prejudged the results of your proposed Phase 2 evaluations and determined (now) that you will select and certify an alternative for Phase 2 other than No Action (i.e. select and certify increased pumping and water exports), you must acknowledge the distinct possibility that only Phase 1 will be implemented. Accordingly, the merits of Phase 1 must stand alone and a Phase 1 standalone EIR should be prepared. FFF-5
- The EIR fails to acknowledge that the dredging and barriers incentivize increased pumping rates and water exports. The SWP contractors will apply renewed pressure for the Sate to provide cheap subsidized Delta water once the dredging and barriers are complete.

  In contrast, a separate EIR regarding dredging and barriers will bring into focus the benefits of reduced pumping and exports, the benefits of modifying in-Delta agricultural intakes for lower water elevations and fish screens, the benefits of setback levees, and the benefits of rewatering the San Joaquin River, all worthy alternatives to the dredging and barriers. FFF-6

You should withdraw the EIR and re-propose a distinct project for the benefit of in-Delta farmers and fish.

Fishermen And Fisherwomen Are Staunchly Opposed To The Project

All decisions regarding this Project should recognize the value of individual input (democracy), especially in light of the Project's significant negative impacts to the environment. Your Public Trust responsibilities require this. FFF-7

Fishermen and fisherwomen spend time on-the-water and are typically good observers and stewards of the Delta ecosystem. We are universally convinced the Project is inappropriate at this time.

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In the short time available to us after the holiday season and before the hearing to receive public testimony (2-26 January 2006), we coordinated a postcard campaign and have forwarded approximately 4 thousand postcards in opposition to the Project. The outcry against this project is compelling, particularly in light of the short time we were afforded to solicit a response from our constituency. FFF-7

The Purpose Of The Project Has Been Mischaracterized

The EIR contains numerous citations regarding the alleged need to provide increased pumping and water exports from the Delta and the alleged discrepancy between water supply and demand (alleged unmet needs). There is no need to export additional water from the Delta for the foreseeable future. Your recently finalized State Water Plan (Bulletin 160) does not support these alleged needs. Additional analysis by Trinity County (reference comments you have received from the Trinity County Board of Supervisors dated 18 January 2006 citing 1,200,000 acre-feet of water saving from land retirement) indicates actual demands for Delta exports will likely decrease in the future. FFF-8

The EIR inaccurately characterizes the Project as providing increased water supply reliability. The EIR fails to accurately characterize the risks associated with relying on Delta exports. There are substantial, inherent seismic, subsidence, and erosion (piping) risks of levee failure that translate to uncertain water supply. There are substantial uncertainties associated with climate change that translate to uncertain water supply. Because the EIR does not address climate change, we are unable to provide specific comments; however, it is our general understanding that climate change will exacerbate flood flows and cause baseline water levels (sea level) to rise, both of which increase the risk of levee failure. There are substantial uncertainties associated with the Delta ecosystem crash (Pelagic Organism Decline) and the logical need to reduce pumping rates and water exports in order to prevent extinction of Delta Smelt, decline of other aquatic resources, and restore the basic ecological functions of the Delta; these uncertainties translate to uncertain water supply. Compared to the variety of water supply alternatives, including those identified within the State Water Plan (Bulletin 160), water exports from the Delta should be characterized as unreliable. FFF-9

The Barriers Negatively Impact Fish

In light of the Delta ecosystem crash, and particularly the unabated decline in Delta Smelt, we understand selected biologists have questioned the advisability of installing temporary barriers this season.

The effect of the existing barriers has been to substantially change the circulation patterns in the South Delta (Summary of Delta Hydrology Data, Water Years 1985 - 2004, Joseph Simi and Catherine Ruhl, United States Geological Survey):

- Smelt and other fish are trapped behind the barriers and are prevented from moving downstream as they migrate from their spawning grounds to their rearing areas.
- Since 2000, the length of time the temporary barriers have been in place each year has steadily increased, from an average of 150 to 225 days per year; this coincides with observed fishery declines. The

increased barrier deployment was required to avoid impacts on in-Delta farmers as export pumping increased substantially.

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- The barriers have the effect of reversing flows in Old and Middle Rivers and, since 2000, flows have been increasingly negative. When the barriers are not in place, 60-70% of the export water is drawn from Old and Middle Rivers. After the temporary agriculture barriers are in place, the percentage drawn from Old and Middle River increases to 85%.

  This change in circulation and flow patterns is the predominant reason for the Head-of-Old River barrier as required by the Vernalis Adaptive Management Plan. Closing this barrier however reduces the amount of fresh water that flows into the Delta via Old River, which is potentially harmful to the Delta Smelt. Accordingly, attempts to protect salmonids may be having the unintended consequence of harming the Smelt. It is unwise to pursue actions that force a decision to harm one endangered species in favor of another.

We dispute the finding in the EIR that the permanent barriers will benefit Delta Smelt. We dispute the conclusion in the EIR that the permanent barriers provide more favorable fish migration patterns during the early stages of the outgoing tide, compared to the temporary barriers. Fundamentally, the temporary barriers can be installed and operated to provide similar favorable conditions and should be implemented in such manner.

The portion of the South Delta that will be "isolated" by the proposed permanent barriers will be larger than the temporary barrier system (the geographic area encompassed by the permanent barriers will be larger than the temporary barriers). We believe this "isolation" area should be considered an entrainment zone, where normal fish migration patterns are disrupted by artificial flow conditions and where fish are exposed to numerous unscreened agricultural diversions. FFF-10

The Delta Smelt and juvenile striped bass captured in this entrainment zone will either be killed by the local agricultural diversions, redirected to the San Joaquin River via the Head-of-Old River barrier, or redirected to the State and Federal pumping plants via the Grant Line and Old River DMC barriers. We do not believe any of these outcomes is favorable compared to a scenario of unrestricted migration.

Delta Smelt Are Not Adequately Evaluated And Protected

Delta Smelt are the "canary" of the Delta and a surrogate for other important species such as juvenile striped bass. While the following comments are specific to Delta Smelt, they may also be considered in the broader context of Delta Smelt's surrogate function.

- The EIR relies upon a faulty Biological Opinion (supporting the Operations Criteria and Plan). While you may discount the substance of the pending lawsuit regarding the Biological Opinion for Delta Smelt, you cannot in good faith dismiss the desperate condition of Delta Smelt and the fact that project operations described in the Operations Criteria and Plan do, in fact, result in jeopardy.

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- As described in the preceding section of our comments, the Phase 1 components of the Project (barriers) have a significant negative impact on Delta Smelt. In particular, the increased days of barrier deployment coincide with Delta Smelt declines and a thorough analysis of this linkage is needed.
- The EIR has largely characterized Delta Smelt impacts via entrainment losses at the South Delta pumping plants. While we agree that entrainment is almost certain death for Delta Smelt (salvage should be considered ineffective), we do not believe the entrainment analogy is sufficient, nor does entrainment comprehensively characterize impacts.

  Entrainment monitoring relies upon the effective identification of Delta Smelt at the fish salvage facilities and recent study results associated with the Pelagic Organism Decline indicate counts have not been accurate.

  Entrainment monitoring relies on a size threshold (20 mm) for capture and counting - Delta Smelt below this size threshold have been ignored; one cannot infer impacts on sub-threshold Delta Smelt from "counted" fish, either in proportion or timing. FFF-11

  Foodweb impacts and water quality impacts affect Delta Smelt, but the effects are not characterized by the entrainment analogy. This may be particularly important in the late summer when Delta Smelt entrainment at the fish salvage facilities is low, but the combined pumping rates at the South Delta pumping plants is high, contrary to natural or historic conditions. The unnatural water movement has been identified as a potential impact on zooplankton and consequently Delta Smelt survival, but remains unstudied.
- Mitigation for entrainment losses relies upon the Environmental Water Account and/or similar pumping offset schemes.

  Despite significant Calfed efforts, there is no long term Environmental Water Account. There is no agreement regarding funding that would facilitate a long term Environmental Water Account. In light of the observed difficulties in establishing an equitably-funded long term Environmental Water Account, it is unrealistic to believe an equivalent pumping offset scheme could be crafted by virtue of this Project.

  There has been no credible study demonstrating the effectiveness of the Environmental Water Account to mitigate the impacts of pumping and water exports. In fact, detailed monitoring, including the Pelagic Organism Decline studies, coincides with the five years in which the Environmental Water Account has been operational and in which winter exports have been increased to their highest levels on record. The studies indicate the Environmental Water Account has been ineffective in mitigating entrainment impacts. FFF-12

  The Pelagic Organism Decline studies have disclosed that more Delta Smelt are being entrained in the winter and this could be a significant contributor to the recent population declines. However,

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Environmental Water Account actions have not been responsive to this need and the operational history of the Environmental Water Account fails to support any allegation that fish entrainment resulting from increased pumping during the winter will be adequately mitigated.

Evaluating the impacts on juvenile Smelt is difficult because the location of spawning grounds and behavior of the fish are not well understood. Juveniles of lengths greater than 20 mm start showing up at the salvage facility in early May. It is typically assumed that spawning occurred in March, and that the larvae have been drifting in the water column for one month. This would indicate that larvae spawned upstream of Jersey Point on the San Joaquin are likely to be completely entrained during March, April and May. The fraction of smelt larvae saved due to VAMP and Environmental Water Account actions has not been determined. Lacking this information it is difficult to quantify the effectiveness of and rely upon the mitigation provided by the proposed pumping reductions. FFF-12

Mitigation for sub-20 mm Delta Smelt is not possible as no mechanisms exists to monitor (count, track) these fish.

back Levees Have Not Been Adequately Considered

e EIR summarily rejects setback levees during the alternatives screening, in part due to substantiated beliefs that "willing sellers" are not available.

ıe benefits of setback levees include:

- The new levees will be constructed according to modern-day seismic, subsidence, and erosion (piping) standards.
- The setback will provide a zone of beneficial shallow water where predation is reduced, safe fish migration is facilitated, and ecological functions are enhanced. FFF-13
- The need for continued maintenance dredging and associated negative environmental impacts is eliminated or substantially reduced.
- Velocities are decreased in the central portion of the channel, where inappropriate migratory signals are exacerbated due to the South Delta pumping plants.

Financial incentives can be provided to landowners that facilitate willing sellers and still re lower total project costs. Setback levees should be retained as a viable alternative for the !

Offsite And Redirected Impacts of Transfers Have Not Been Adequately Considered

The EIR fails to identify the significant offsite and redirected impacts regarding transfers addition, we believe water contractors should not accrue windfall profits from the delive subsequent transfer of water in excess of their actual needs. FFF-14

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The EIR makes numerous references to and relies upon the Operations Criteria and Plan; however, there are substantial differences between the transfers cited in the two documents and the differences are not reconciled. The Operations Criteria and Plan cites larger transfers during average, dry year, and maximum credible scenarios, with the difference varying between approximately 30 to 70%.

Additionally, because agricultural users predominate the CVP and municipal/industrial users predominate the SWP, and because agricultural use is expected to decrease, it is likely that CVP contractors will more freely transfer water, creating additional demands on the SWP via the intertie. The newly signed water contracts of the CVP provide for increased supply despite demonstrated decreased need, further reinforcing the notion that the Project will incentivize transfers via the intertie. The citizens of the State of California are adamantly opposed to a scheme whereby the State facilitates subsidized water for transfer by corporate farmers. **FFF-14**

Water Quality Is Broader Than Salinity and Dissolved Organic Carbon

The EIR has focused on salinity and dissolved organic carbon and inadequately addresses the multitude of components comprising water quality. The EIR has relied upon models designed for salinity that fundamentally cannot describe other important water quality parameters. **FFF-15**

Thank you for considering these comments.

Sincerely,

Northern California Council / Federation of Fly Fishers

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Responses to Comments

FFF-1 and FFF-2

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

FFF-3

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

FFF-4

Please see Master Response M, *Interim Operations*.

FFF-5

Stage 1 of the SDIP stands alone in its ability to meet the project objectives. It is possible that the CEQA and NEPA compliance document that DWR and Reclamation have committed to complete for Stage 2 could lead to a decision to implement the No Action Alternative. The SDIP Draft EIS/EIR included the analysis necessary for implementation of only Stage 1 and is independent of whether an action alternative for Stage 2 is implemented.

FFF-6

The Stage 1 analysis, including benefits and impacts, is independent of potential future decisions regarding changes in export operations. Similarly, the impacts of Stage 2 were analyzed separately and independently in the Draft EIS/EIR. Regarding the suggested alternatives to increased exports, please see Master Response D, *Developing and Screening Alternatives Considered in the South Delta Improvements Program Draft EIS/EIR*.

FFF-7

Please see Master Response C, *Extension of the Comment Period on the South Delta Improvements Program Draft EIS/EIR*.

FFF-8

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

FFF-9

Please see Master Response F, *Relationship between the South Delta Improvements Program and Climate Change Effects*, Master Response B, *Relationship between the South Delta Improvements Program and the Pelagic Organism Decline*, and Master Response L, *Relationship between the South Delta Improvements Program and the California Water Plan Update 2005*.

FFF-10

Section 5.2 of the SDIP Draft EIS/EIR demonstrates that the tidal flows in the south Delta will be greater with the operable gates than with the temporary barriers. The Grant Line Canal gate will be about 5 miles downstream from the existing Grant Line Canal temporary barrier, to provide minimum water level protection to more agricultural diversions. The assumed benefits for fish migration and rearing habitat are based on the longer time the agricultural gates are open during each flood tide period (twice a day for about 4 hours).

FFF-11

Impacts on delta smelt remain uncertain. The impact assessment in SDIP Draft EIS/EIR Section 6.1, Fish, considers all know relationships between pumping and delta smelt habitat and survival. Additional discussion in Appendices B, "Simulation of Environmental Water Account Actions to Reduce Fish Entrainment Losses," and J, "Methods for Assessment of Fish Entrainment in SWP and CVP Exports," describes the potential impacts from pumping. More evaluations can be conducted during the Stage 2 decision process.

FFF-12

Please see Please see Master Response E, *Reliance on Expanded Environmental Water Account Actions for Fish Entrainment Reduction*, and Master Response B, *Relationship between the South Delta Improvements Program and the Pelagic Organism Decline.*

FFF-13

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

FFF-14

The magnitude of the increase in potential future water transfers that would be possible with the SDIP operational alternatives can be further evaluated during the Stage 2 decision process. No upstream impacts from any water transfers have been evaluated in the SDIP Draft EIS/EIR.

FFF-15

Salinity and DOC are the only two water quality variables that would likely be changed by the SDIP. Other parameters are of concern for drinking water, but there is no likely link with the SDIP actions.