San Joaquin River Group

- Modesto Irrigation District
- Turlock Irrigation District
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- Merced Irrigation District
- Oakdale Irrigation District
- Friant Water Users Authority
- City and County of San Francisco

September 15, 2003

Ms. Sammie Cervantes
Attention: MP-140
U.S. Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Subject: Comments on the Draft Environmental Impact Statement/Environmental Impact Report, Environmental Water Account

Dear Ms. Cervantes:

The San Joaquin River Group Authority (Authority) appreciates the opportunity to review and comment on the subject draft EIS/EIR. Our comments are reflective of our interest in the water management and environmental health of the lower San Joaquin River and tributaries. Individual members of the Authority may submit separate comments.

GENERAL COMMENTS

Overall the EWA is for the purpose of protecting the State Water Project (SWP) and Central Valley Project (CVP) from a loss of water supply due to various fishery actions the resource management agencies (MAs) might want to conduct. It is difficult to determine from the EIS/EIR if the fishery actions are mitigation for existing and/or future project induced impacts or a combination of mitigation and enhancement to both protect and restore fish populations.

In addition to the No Action Plan the EIS/EIR addresses two alternatives. The first alternative is the Fixed Purchase Plan. This plan would be a continuation of the 2001 through 2004 EWA that established a fixed quantity of up to 185,000 acre-feet, with 35,000 acre-feet from upstream of the Delta and 150,000 acre-feet from the SWP and CVP export area. The second alternative is the Flexible Purchase Plan under which up to 600,000 acre-feet of water could be acquired from various locations through use of a broad range of actions. It is stated the MAs expect to acquire 200,000-300,000 acre-feet in normal years and greater amounts in dry or wet years when the fish are in most need for water. Because the two alternatives are so disparate in the quantity of water to be acquired it is difficult to compare the environmental consequences. Likewise it is difficult to make a comparison because the preferred alternative is based not upon the effects of the water acquisition actions but rather on the potential for greater flexibility in potential actions at the export pumps.

As much as possible the EWA program would acquire water from sources outside the SWP and CVP service area in order to protect these two projects. Apparently water within the SWP and

CVP service areas is of higher environmental, social, and economic value then water used in other areas of the CALFED "solution area". This conflict should be addressed in the EWA strategy as further commented upon below.

The MAs and SWP/CVP project operating agencies (PAs) concluded that the Flexible Purchase Plan is the Environmentally Preferred Alternative. Justification for selecting this plan is that a higher level of water acquisition will afford the MAs the opportunity to implement more fish protection actions and would not require the MAs to prioritize their actions. The document describes the environmental setting in the several locations where water will be acquired, as well as, the general environmental effects. However, the preferred alternative is not based on the environmental effects in the source locations but rather on a limited justification of the MAs ease of providing fish protection benefits at the export pumps.

What is not apparent in the EIS/EIR is that in accordance with the current program any EWA water not needed by the MAs for fish protection may be purchased from the EWA by the PAs. We expect that supplemental environmental documentation will be required to address each such transfer to the water projects.

It will be the responsibility of the PAs and the willing sellers to complete any required supplemental environmental analysis. Most likely this will be in the form of tiring off the programmatic document. Since the proposed preferred alternative is based upon quasi environmental benefits, as opposed to environmental effects, it is not clear what approach the supplemental documents must take.

SPECIFIC COMMENTS

Page 2-38: A water conveyance carriage charge of 10 percent is levied against any water acquired from the San Joaquin River sources. While this estimated carriage charge has been used for several years it should be re-evaluated from time to time.

Page 2-63: The EIS/EIR describes the acquisition strategy to meet the multiple goals and objectives of the program. Overall the emphasis is placed on acquiring water from sources outside the SWP/CVP service area. The strategy should prioritize the acquisitions and actions first from within SWP and CVP service areas to be followed only by those purchases or actions from sources outside the SWP/CVP. The strategy should also include a first priority for the use of EWA assets to mitigate for fish losses associated with the operation of the SWP and CVP to be followed by actions associated with special studies and finally actions that enhance or restore the fish populations. As the future EWA becomes more dependent on the sources outside the SWP and CVP the two projects will begin to expect the certainty of those outside supplies.

Page 2-69: Selecting an Environmentally Preferred Alternative because it allows the MAs to provide a greater level of fish protection without prioritizing use of the EWA assets should be an unacceptable justification. Such an approach allows the MAs to become lax in providing sound scientific justification for the actions selected. There appears to be no connection between the environmental effects of the water acquisition actions and the preferred alternative except more water makes the MAs' jobs easier. How the supplemental environmental documents will tier off the preferred alternative is not clear. Will the supplemental documents be based on traditional evaluations of environmental effect or based on this new approach of environmental justification?

Page 4-23, Table 4-3 (Also Table 5-73, 5-74, 5-75s): Issues of water quality and flow along the San Joaquin River and at Vernalis have a history of controversy and usually result in legal confrontations between upstream and downstream water users. From the tables it appears the EIS/EIR proposes that all the collective effects of the MeID groundwater substitution program

on the Merced River, San Joaquin River, and San Joaquin River at Vernalis be addressed through the maintenance of in-stream flows at a baseline level. This will require the MeID to not only store water during the groundwater substitution period but also release stored water to maintain flows equivalent in timing and magnitude to the baseline conditions. A careful balancing of operations will be required by the MeID. It is not clear if the water to be released in order to maintain the baseline condition is considered part of the EWA acquisition.

Page 5-25, Table 5-25: The EIS/EIR lists the 1972-1990 Dissolved Oxygen levels in the San Joaquin River at Vernalis but the document fails to identify the levels existing in the Deep Water Ship Channel. This is a particularly important oversight since the lower San Joaquin River is included on the CWA 303(d) list of impaired water bodies and in the August 2000 CALFED Record of Decision.

Page 5-27, Table 5-26: Listed are the water quality data at selected Delta monitoring stations for the period 1990 through 1998. The salinity level listed for the San Joaquin River at Vernalis during this period is consistent with the older Water Rights Decision D-1422 objectives. It is not consistent with the newer D-1641 objectives. The comparison to the newer D-1641 objectives should be included since these are the objectives the PAs must meet in operating the SWP and CVP. Also providing such long-term mean conditions are meaningless when addressing water quality. The EIS/EIR should show the historic water quality conditions on the same 30-day running averages as required by the regulatory objectives.

Page 22-8: Within the Cumulative Effects section the EIS/EIR states the CVPIA will purchase up to 120,000 acre-feet through its water acquisition program. This appears to be low number considering that CVPIA may purchase from the Authority up to 184,000 acre-feet each year under the San Joaquin River Agreement. This discrepancy is further evident in Table 22-1 that lists the CVPIA water acquisition program as an annual implementation. The San Joaquin River Agreement sets forth a water acquisition program that began in 2000 and will end in 2009.

If you have any questions please direct them to me at the phone numbers shown above.

Sincerely,

Lowell F. Ploss

Lowell F. Ploss
Project Administrator

CC: Allen Short, Project Coordinator