



DELTA STEWARDSHIP COUNCIL
A California State Agency

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October 27, 2014

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RE: Upper San Joaquin River Basin Storage Project EIS

Dear Ms. Harris:

The Delta Stewardship Council (Council) welcomes the opportunity to comment on the Environmental Impact Statement (EIS) for the Upper San Joaquin River Basin Storage Project (Project) being prepared by the U.S. Bureau of Reclamation (Reclamation). The Council is an independent state agency tasked with furthering California's coequal goals for the Delta through the adoption and implementation of the Delta Plan, the regulatory portions of which became effective on September 1, 2013. The State's coequal goals include providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. These goals are supported on the federal level by the federal Energy and Water Development Appropriations Act of 2012 (Title II of the Consolidated Appropriations Act of 2012 (PL 112-074)) which states, "...the Federal policy for addressing California's water supply and environmental issues related to the Bay-Delta shall be consistent with the State law, including the coequal goals of providing a more reliable water supply for the State of California and protecting, restoring, and enhancing the Delta ecosystem... Nothing herein modifies existing requirements of Federal law. (Section 205)". The Delta Plan highlights that statewide storage capacity, both surface and groundwater, is currently inadequate for providing California with more reliable water supply, and the Council supports additional storage projects that can, in conjunction with groundwater storage (conjunctive management), maximize both water supply and environmental benefits.

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

Even as the Council supports additional storage, the Council does not believe that additional storage is the only answer to increasing California's water supply reliability. Rather, storage is a key component to increasing water supply reliability as part of a larger suite of actions and projects. The Council has defined what the achievement of a more reliable water supply for California means:

- (a) Better matching the state's demands for reasonable and beneficial uses of water to the available water supply. This will be done by promoting, improving, investing in, and implementing projects and programs that improve the resiliency of the state's water systems, increase water efficiency and conservation, increase water recycling and use of advanced water technologies, improve groundwater management, expand storage, and improve Delta conveyance and operations. The evaluation of progress toward improving reliability will take into account the inherent variability in water demands and supplies across California;
- (b) Regions that use water from the Delta watershed will reduce their reliance on this water for reasonable and beneficial uses, and improve regional self-reliance, consistent with existing water rights and the State's area-of-origin statutes and Reasonable Use and Public Trust Doctrines. This will be done by improving, investing in, and implementing local and regional projects and programs that increase water conservation and efficiency, increase water recycling and use of advanced water technologies, expand storage, improve groundwater management, and enhance regional coordination of local and regional water supply development efforts; and
- (c) Water exported from the Delta will more closely match water supplies available to be exported, based on water year type and consistent with the coequal goal of protecting, restoring, and enhancing the Delta ecosystem. This will be done by improving conveyance in the Delta and expanding groundwater and surface storage both north and south of the Delta to optimize diversions in wet years when more water is available and conflicts with the ecosystem are less likely, and limit diversions in dry years when conflicts with the ecosystem are more likely. Delta water that is stored in wet years will be available for water users during dry years, when the limited amount of available water must remain in the Delta, making water deliveries more predictable and reliable. In addition, these improvements will decrease the vulnerability of Delta water supplies to disruption by natural disasters, such as, earthquakes, floods, and levee failures.

The Project EIS tiers from the 2000 CALFED Final Programmatic Environmental Impact Statement/Environmental Impact Report and the Record of Decision which recommended a detailed study of five surface water storage sites, including the Upper San Joaquin River

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Basin. The Sacramento-San Joaquin Delta Reform Act of 2009 designates the Council as the successor to the California Bay-Delta Authority, which was the governance structure overseeing the CALFED Program. Furthermore, the Delta Plan recommends "that the California Department of Water Resources (DWR) should complete surface water storage investigations of proposed off-stream surface storage projects by Dec. 31, 2012, including an evaluation of potential additional benefits of integrating operations of new storage with proposed Delta conveyance improvements, and recommend the critical projects that need to be implemented to expand the state's surface storage." As such, the Council submits the following comments on the Project EIS:

- **The Council suggests that a more thorough discussion of how the Project produces an emergency water supply for south of Delta exporters, what assurances are provided that the water will be available when needed, and how the use/release of the emergency water supply affects the environment and the Project operations.** The Draft Upper San Joaquin River Basin Storage Investigation Feasibility Report, dated January 2014, identifies emergency water supply as the largest non-environmental benefit of the Project for Alternatives 2 thru 4 and as the second largest non-environmental benefit for Alternative 1. However, there is little discussion of emergency water supply in the EIS, specifically under what conditions will the water be released, or how the water supply would be used: will the emergency water supply be used to help repel or flush salinity intrusion from in the Delta, used for exchange with south of Delta exporters at Mendota Pool, or conveyed across the Tulare basin to the State Water Project (SWP) using the Friant-Kern and Cross Valley canals? It would be helpful to understand how the release of water from the Project would be coordinated with possible emergency releases from other state and federal dams and how the availability and use of emergency water supply is incorporated into the operations of the existing Friant Dam and reservoir, and the new proposed dam.

The EIS identifies the amount of emergency water supply available for a 10-island levee breach in the Sacramento-San Joaquin Delta varying, based on the alternative, between 194 and 203 thousand acre-feet (TAF); yet there is no analysis of the impacts of releasing this amount of water to the river system, the impacts from the frequency of emergency water supply releases (the Feasibility Report states a 0.051 probability), nor what the impacts would be from a reduced carry over amount of storage on the other benefits of the Project such as the cold-water pool, recreation and hydropower. The releases of the emergency water will need to balance between not exceeding channel capacity of some of the San Joaquin River's reaches downstream of Friant Dam and releasing the water at a sufficient rate to have a meaningful impact on salinity intrusion into the Delta. It would also be helpful if the EIS discussed how the various project

alternatives would provide assurances that the emergency water supply would be made available when it is needed if the releasing of water may have a negative impact on the other benefits of the Project.

- **The Council urges a stronger groundwater analysis.** Page 13-50 of Chapter 13, Hydrology-Groundwater, states that the analysis for this section of the EIS is "...qualitative and based on the premise that increased surface water deliveries would result in reduced groundwater pumping..." The Project's potential benefits with respect to groundwater levels in the area could be significant with respect to conjunctive use. The EIS should detail how the additional water supply may be used by the Friant Division contractors to recharge groundwater basins in wet years, or if the additional water supply will be applied to other uses. We suggest the discussion of groundwater impacts in Chapter 13 be elaborated upon without directing readers to the EIS appendices.
- **The Council suggests better linkage between climate change information and operational scenarios.** We are encouraged by the Project's use and integration of climate change studies in the development of modeling for the future hydrologic scenarios. The EIS acknowledges a change in precipitation patterns and runoff timing in the future conditions as a result of climate change. In reading Chapter 14, Surface Water Supplies and Facilities Operations (and other applicable chapters), it is not clear how the climate change analysis from Chapter 8 is incorporated. We suggest the EIS expand on its discussion of integrating climate change into the hydrologic analyses conducted in the appropriate technical chapters.
- **The Council urges further evaluation of the impacts to fisheries.** The EIS discusses the positive relationship between floodplain inundation and aquatic ecosystem health, for example in Chapter 5, page 5-57 the EIS states, "Flood pulses provide a connection between aquatic and terrestrial ecosystems that promotes beneficial changes in physical habitat conditions, provides spawning and rearing habitat for floodplain-adapted fish species, and supports high food web productivity (Benke 2001; Junk et al. 1989; Matella and Merenlender 2014; Middleton 2002; Sommer et al. 2002, 2004a, 2004b)." The EIS further states that the 8,000 cfs release at Friant Dam is the functional equivalent of a 10-year recurrence interval event for the purpose of floodplain activation. However, the EIS also states that the ecological significance of changes in flood pulse volume (smaller duration of flood pulses compared to No Action) is unclear. Inundating floodplains could create fish standing hazards if the duration is too small. Do the

referenced studies prescribe the frequency, duration and inundation benefits for fish spawning and rearing? If they do not, we suggest that the EIS expand its consideration of scientific studies and literature until the impacts the abbreviated flood flows can be determined, and that those impacts and mitigation be described. We suggest the EIS could review studies such as the study by Philip B. Williams, Elizabeth Andrews, Jeff J. Opperman, Setenay Bozkurt, and Peter B. Moyle who wrote the "Quantifying Activated Floodplains on a Lowland Regulated River: Its Application to Floodplain Restoration in the Sacramento Valley" *San Francisco Estuary and Watershed Science Journal* Volume 7, Issue 1, 2009 Web. (2009) and the dissertation by Mary Matella who wrote "Floodplain restoration planning for a changing climate: Coupling flow dynamics with ecosystem benefits" *Sea Grant California, Research Theses and Dissertations* Spring 2013 Web. 2013. The EIS also states that the Project will result in significant and unavoidable impacts to winter and spring flow water temperature conditions supporting juvenile salmon and steelhead migration but does not provide any scientific rationale of why those impacts would be unavoidable and by implication, can't be mitigated. It's not clear if these impacts are unavoidable because of operational constraints between Millerton Lake and the new reservoir which does have cold water storage, or if the impacts are unavoidable under all possible operational scenarios. The EIS could elaborate why these impacts are unavoidable or what mitigating these impacts would require. We urge you to address these issues in consultation with the appropriate state and federal fish agencies.

- **The Council recommends all agricultural and urban water suppliers that benefit from the Project be required to implement water efficiency and water management laws as part of the Project.** California Water Code section 85021 requires that "...each region that depends on water from the Delta watershed shall improve its regional self-reliance for water through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts." Consequently, various provisions of the Water Code require that urban and agricultural water suppliers implement State water efficiency and water management laws, goals and regulations.

The Project describes increased water supply and water supply reliability benefits for Central Valley Project Friant Division contractors, Central Valley Project South of Delta contractors, and State Water Project South of Delta contractors. These beneficiaries can increase the water supply reliability provided by the Project by also ensuring

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compliance with Water Code requirements which will lead to increases in water use efficiency and reduction in water demand, and therefore should be an element of the Project.

If you have any questions or would like to discuss the comments presented here, please feel free to contact me or my staff, Anthony Navasero at Anthony.Navasero@deltacouncil.ca.gov or (916) 445-5471. We look forward to engaging with Reclamation on opportunities to further California's coequal goals.

Sincerely,



Cindy Messer
Deputy Executive Officer