

FD3 USBR

Comment Source: Bureau of Reclamation

February 2, 2012

Draft Delta Plan EIR Comments Bureau of Reclamation

Section	Page	Line #	Comment
1.3.2.3	1-11	18	The referenced federal authorizing statute (PL 108-361) expires September 30, 2014.
2A	2A-5	16-20	We recognize that the Proposed Project does not include a potential Shasta Enlargement, which was included in the CALFED Programmatic Record of Decision and related Final Programmatic EIR/EIS. You may want to state and/or cross reference Section 2.2.1.2.4 (specifically lines 21 – 40 on page 2A-11 and lines 1 – 7 on page 2A-12) noting that Reclamation is presently studying the feasibility of Shasta Enlargement and that the restrictions for State participation within the California Public Resources Code (Section 5093.542 may be superseded in the future. Alternative plans include the potential to increase storage by an additional 634,000 acre-feet at Shasta Reservoir.
2A	2A-6	33-39	Revise to indicate that DWR is a co-lead agency with Reclamation for the Surface Water Storage Investigations in cooperation with other local entities (e.g., Contra Costa Water Agency, Sites JPA) and cooperating agencies pursuant to NEPA and CEQA.
2A	2A-6	8,9 + 40,41	These sentences are redundant, eliminate one or the other.
2A	2A-10	30-32	In addition to hydroelectric facilities, other renewable energy facilities (i.e., wind, solar) may be integrated with new surface storage and/or related groundwater storage to meet emerging State and Federal requirements for such facilities.
2A	2A-10	22-32	Another bullet could be added to state/address the potential connection between potential new surface storage and groundwater storage facilities for conjunctive operations and uses.
2A	2A-11	24	At the end of the sentence, add: "... in coordination with Reclamation (co-lead agency for the Surface Water Storage Investigations) and in cooperation with other local entities (e.g., Contra Costa Water Agency, Sites JPA) and cooperating agencies pursuant to NEPA and CEQA."
2A	2A-11	33	Replace "Initially, studies were conducted..." with "Ongoing feasibility studies were initiated..."
2A	2A-11	36	Add a statement addressing limited/diminishing State funding from 2008 to the present.
2A	2A-11	37	PL 108-361 was signed in 2004. Federal funding provided by PL 108-361 didn't occur until 2006.
2A	2A-12	1	Delete "projects"
2A	2A-12	5	"in 2006" is confusing when citing a 2002 document. Was the suspension of the study in 2006 or 2002? Suspended in 2006 due to the findings in the 2002 report? If 2006, what was the document that suspended the investigations?
2A	2A-12	8	Replace "programs currently include" with "program currently includes."
2A	2A-12	12	Delete second appearance of "Reclamation" after "...Initial Alternatives Information Reports" because all Plan Formulation Reports were jointly coordinated and published by DWR and Reclamation.
2A	2A-12	13	(1) Replace "projects" with "feasibility investigations" and (2) add "(for the Los Vaqueros Expansion

Response to comment FD3-1

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment FD3-2

In response to this comment, please see text change(s) in Section 5 in this FEIR.

Response to comment FD3-3

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment FD3-4

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment FD3-5

The electrical service facilities analysis in the Draft Program EIR considered facilities that could result in the greatest adverse impacts during construction and operations. Because the Proposed Project does not direct the construction of specific projects nor would the projects be implemented under the direct authority of the Council, specific projects are not identified in the Proposed Project, including use of solar panels to serve some electrical loads.

Response to comment FD3-6

Conjunctive use and other groundwater programs are described under subsection 2.2.1.3.

Response to comment FD3-7

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment FD3-8

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment FD3-9

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment FD3-10

In response to this comment, please see text change(s) in Section 5 in this FEIR.

Response to comment FD3-11

The phrase referred to in this comment on page 2A-12, Line 1, of the Draft Program EIR, is referring to multiple projects, rather than the entire Surface Water Storage Investigation program. Therefore, the sentence was not amended.

Response to comment FD3-12

In response to this comment, please see text change(s) in Section 5 in this FEIR.

Response to comment FD3-13

Please refer to the response to comment FD3-11.

Response to comment FD3-14

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment FD3-15

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Section	Page	Line #	Comment	
			Investigation, an Initial Economics Evaluation Report was released instead of a Plan Formulation, which was prepared by DWR, Reclamation, and Contra Costa Water District)".	FD3-15
2A	2A-12	23-29	(1) Replace the first sentence with "Ongoing feasibility studies and environmental review are being completed by DWR, Reclamation, and local and cooperating agencies for these three investigations." (2) Delete the second and third sentences.	FD3-16
2A	2A-12	31	Replace "The North-of-the-Delta Offstream Storage Investigation evaluated the feasibility of" with "The ongoing North-of-the-Delta Offstream Storage Investigation is evaluating the feasibility of alternative plans for"...	FD3-17
2A	2A-15	12-13	Replace "latest report" with "Final EIS/EIR (CCWD, DWR, Reclamation, and Western 2010)".	FD3-18
2A	2A-15	26-28	(1) Delete the sentence because it is redundant with text in lines 11 - 15 in the preceding paragraph above and/or revise it to cite the Final EIS/EIR (2010) instead of the Draft EIS/EIR (2009). (2) Add new sentence: "As the ongoing feasibility study and environmental review progress, it is possible that options for larger expansions, beyond 275,000 acre-feet, may be considered."	FD3-19
2A	2A-15	30	Replace "The purpose of the Upper San Joaquin River Basin Storage Investigation is to evaluate the feasibility of" with "The ongoing Upper San Joaquin River Basin Storage Investigation is evaluating the feasibility of alternative plans for"...	FD3-20
2A	2A-82		Footnote b says BDCP EIR/EIS is expected in 2012. For clarity, the Draft BDCP EIR/EIS is expected in 2012.	FD3-21
2B	2B-6		Example EIS/EIR - Suisun Marsh is now "Final" as of November 2011, and not a Draft as shown. There are many other references to the "Draft" Suisun Marsh EIR/EIS that need to be updated in the Delta Plan EIR.	FD3-22
13.4.3.1.2	13-10	42	The reference to the LVE EIR is inconsistent with the other sections. This section leaves off Reclamation and uses a difference annotation.	FD3-23
13.5	13-19	18	Reference should be consistent with other sections. From the Water Resources Section: "Reclamation (U.S. Bureau of Reclamation) and CCWD (Contra Costa Water District). 2009. <i>Los 24 Vaqueros Reservoir Expansion Project Draft EIS/EIR</i> . February."	FD3-24
18.3.2.2.1	18-7	2	Much recreation use is determined by available local services...Consider adding that to the list.	FD3-25
Table 18-2	18-9		Is the personal water craft numbers statewide or local market area?	FD3-26
18.3.3	18-20	39	"The categories of available recreational activities are the same as within the Delta." Consider deleting this statement and provide some discussion about river recreation. For example, the Delta does not provide whitewater boating.	FD3-27
Table 18-7	18-21		Annual visitation data should be readily available.	FD3-28
Table 18-7	18-22		Ownership/Management of Folsom Lake and Lake Natoma should read "Reclamation/State Parks"	FD3-29
Table 18-7	18-22		Reclamation no longer owns or operates Sugar Pine Reservoir. It is owned by Foresthill PUD.	FD3-30
Table 18-7	18-22		Reclamation no longer operates Sly Park Reservoir. It is owned by El Dorado Irrigation District.	FD3-31
Table 18-8	18-23		New Melones is directly managed by USBR...there is a small concession marina that is operated by Houseboats.com LLP...not Pensus Resorts.	FD3-32
18.3.3.2	18-24		The description of river recreation in this section could include a lot more information.	FD3-33
18.3.3.2	24	22	Typo...walking	FD3-34

Response to comment FD3-16

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment FD3-17

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment FD3-18

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment FD3-19

The sentences have not been modified because the reports identified in these sentences were used in preparation of the Draft Program EIR.

Response to comment FD3-20

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment FD3-21

At the time of publication of the Draft Program EIR, the estimated date of completion of the Final BDCP EIR/EIS was 2012. It is recognized that the Final BDCP EIR/EIS is now estimated to be complete in 2013 or early 2014.

Response to comment FD3-22

The Draft Suisun Marsh EIR/EIS was used in the preparation of the Draft Program EIR; therefore, the sentence has not been modified.

Response to comment FD3-23

This reference is consistent with the reference referred to in other sections, such as Section 3 of the Draft Program EIR. The reference is for the Draft EIS/EIR for the Los Vaqueros Reservoir Expansion Project, February 2009.

In response to this comment, please see text change(s) in Section 5 in this FEIR.

Response to comment FD3-24

Please refer to response to comment FD3-23.

Response to comment FD3-25

The terms “complexity of settings” and “physical resources” on page 18-7, Lines 1-2, of Draft Program EIR, also encompass consideration for available local services, as described in Table 18-1 and Figure 18-3; therefore, the text referred to in this comment has not been amended.

Response to comment FD3-26

The Personal Water Craft column in Table 18-2 of the Draft Program EIR refers to statewide data. At the time of publication, the data presented were the most recent available data.

Response to comment FD3-27

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment FD3-28

In response to this comment, please see text change(s) in Section 5 in this FEIR.

Response to comment FD3-29

In response to this comment, please see text change(s) in Section 5 in this FEIR. Information in Table 18-7 of the Draft Program EIR related to Folsom Lake and Lake Natoma has been amended to include the information from this comment.

Response to comment FD3-30

In response to this comment, please see text change(s) in Section 5 in this FEIR. Information in Table 18-7 of the Draft Program EIR related to Sugar Pine Reservoir has been amended to include the information from this comment.

Response to comment FD3-31

In response to this comment, please see text change(s) in Section 5 in this FEIR. Information in Table 18-7 of the Draft Program EIR related to Sly Park Reservoir has been amended to include the information from this comment.

Response to comment FD3-32

Information in Table 18-8 of the Draft Program EIR related to New Melones Reservoir has been amended to include the information from this comment.

Response to comment FD3-33

Comment noted. Because the Delta Stewardship Council cannot direct the construction of specific projects nor would the projects be implemented under the direct authority of the Council, it is difficult to identify specific future projects, including their location. Due to this uncertainty and the programmatic nature of the EIR, it is not appropriate to speculate regarding details of future project-specific impacts. Analyses associated with specific projects will provide such project-level details as they become available. *See also* Master Response 2.

Response to comment FD3-34

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Section	Page	Line #	Comment
18.3.3.2	24	25	Is there a discussion about Wild and Scenic Rivers??? The American River is a Section II(a)ii designated river
18.3.3.4	25	16	Forestry and Fire Protection? Isn't this Cal Fire?
18.3.4	26	3	Typo...the
18.3.4	26	10	This appears to be a dated source to use for quoting use patterns. There should be a more recent source.
18			General Comment: Is there a section that dealt with the impacts the fluctuating water levels and pulse flows in the river basins create to recreation opportunities and offerings. The source material for use of the Delta by recreationists is limited by a few past studies. Consider some level of effort going into figuring out who is using the Delta now...year 2012 rather than who used it in 1987.
19.3.4	19-16	39	The annotation (CALFED 2000b) is not shown in the References at the back of this section.
21.4.1.1	21-3	30	Delete "have occurred" from end of sentence
21.4.1.1	21-3	32	Change "other" to "others"
21.5.3.1	21-9	21-22	The statement implies that water transfers "would not be expected" to generate GHGs is contradicted by other statements in the document indicating that "more pumping and water transfers (particularly over southern California mountains) is energy/GHG intensive". (See pg 21-37 lines 11-12).
21.5.3.1.1	21-12	19	Suggest changing text to read "Evaluation of the potential effects of climate change on the project;..."
21.5.3.3.3	21-22	28-30	Reductions in snowmelt or changes in its seasonality wouldn't necessarily mean less groundwater recharge as is stated here. More precipitation occurring as winter rainfall could in fact result in greater groundwater recharge because evapotranspiration would typically be less in the winter than during the spring snowmelt season. Furthermore, the idea that "when streams are flowing full" there would be less groundwater recharge is contradicted by the fact that hydraulic gradients between the stream and aquifer are higher and the cross-sectional area of flow is greater when the volume of flow increases. These conditions would typically result in more not less groundwater recharge. However, a simple and reasonable argument could be made that increased temperatures could result in more overall watershed evapotranspiration resulting in less deep percolation of rainfall and applied irrigation water through the soil into the groundwater system.
21.5.3.4.3	21-25	37-41	The discussion in this section is based on the assumption that there will be increased frequency and amount of rainfall but there is just as much a chance that rainfall will be less. Furthermore reservoirs are operated to maintain adequate storage when the possibility of high inflows exists. Recommend deleting paragraph.
21.5.3.6.4	21-33	38-40	I'm not sure what "arranging the length of flood management facilities in the direction of floodplain flows" actually means. Are you talking about building levees?
21.5.5	21-35	6-7	Same as comment for Pg 21-9 lines 21-22 above.
23.3.1	23-6	33	The narrative says "Following implementation of the CVPIA and CALFED programs in 2000....". CVPIA implementation began in 1992, and the CALFED Program began in 1994, as described in the previous paragraph. You may want to add clarifying language linking the 2000 statement to the CALFED ROD. (August 28, 2000 CALFED Bay-Delta Program (CALFED) Record of Decision (ROD))
Apx C	C-9	WR R6	RE: Proposed Project - Because none of the Surface Water Storage Investigations will be completed in 2012, the following text needs to be revised: "The Department of Water Resources should complete the Surface Water

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Response to comment FD3-35

Section 3 of the Draft Program EIR has been amended to describe Wild and Scenic Rivers in the Delta watershed.

Response to comment FD3-36

The Department of Forestry and Fire Protection website indicates that either designation is appropriate.

Response to comment FD3-37

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment FD3-38

This data source represents the most up to date data that are readily available for the entire Delta.

Response to comment FD3-39

The EIR relies upon the most up to date data that are readily available for the entire Delta at the time of drafting. Pages 18-32 and 18-37 of the Draft Program EIR discuss impacts associated with changes in water flow patterns and elevations.

Response to comment FD3-40

In response to this comment, please see text change(s) in Section 5 in this FEIR.

Response to comment FD3-41

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment FD3-42

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment FD3-43

In response to this comment, please see text change(s) in Section 5 in this FEIR. In addition, please refer to Master Response 5.

Response to comment FD3-44

Comment noted. However, the sentence referred to in this comment on page 21-12, Line 19, has not been amended, since an evaluation will address both effects and potential effects.

Response to comment FD3-45

The climate change assumptions for the Draft Program EIR assume that the total amount of precipitation would remain the same in the future; however, there would be less snow and more rain. These assumptions support a conservative approach to climate change that has been used in other studies by the U.S. Environmental Protection Agency, U.S. Geological Survey, and Reclamation. The assumed change in precipitation patterns would result in large amounts of runoff occurring in the winter and early spring when the ground is saturated and groundwater recharge would be diminished. Under Existing Condition, runoff is captured in the reservoirs in the winter and early spring when the ground is saturated; and released in the late spring and summer when the groundwater levels have declined and recharge can occur. Under future conditions, not only will the high stream flows occur when the ground is saturated, but there will be less water from a reduced snowpack to refill the reservoirs as the irrigation season starts in the spring. Therefore, there will be less water released in the summer months and less water for irrigation when groundwater recharge currently occurs both from the streambeds and irrigated fields. See also Master Response 5.

Response to comment FD3-46

See response to Comment FD3-45.

Response to comment FD3-47

As described in Section 2A, the Proposed Project would expand the floodplain by relocating or removing levees throughout the Delta, including those protecting subsided islands. In some cases, the relocated levees could be replaced by setback levees. The floodplain paths described in the impact would provide floodplain paths across islands currently protected by existing levees in some instances.

Response to comment FD3-48

Please refer to the response to comment FD3-43.

Response to comment FD3-49

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment FD3-50

The text referred to in this comment on page C-9, WR R6, of the Draft Program EIR (and WR R13 of the RDEIR), refers to the recommendations included in the Fifth Staff Draft Delta Plan. Therefore, the comment is on the Delta Plan, rather than the EIR, and no resulting changes have been made to the text of the EIR.

Section	Page	Line #	Comment	
			Storage Investigations of proposed off-stream surface storage projects by December 31, 2012, including...". At this time, we do not expect the investigations' final feasibility reports and environmental documentation to be completed before 2014. Each of the investigations is taking place in an environment of changing regulatory requirements and associated operational challenges, considerations about climate change, and hydrologic challenges inherent in California water. Regulatory requirements include (1) existing biological opinions that are under litigation and subject to court orders including a requirement to conduct National Environmental Policy Act analysis and (2) the need for a new integrated FWS/NMFS biological opinion.	FD3-50
Apdx C	C-29	WR R7	RE: Alternative 1A - Similar comment as above: Because none of the Surface Water Storage Investigations will be completed in 2012, the following text needs to be revised: "The Department of Water Resources should complete the Surface Water Storage Investigations of proposed off-stream surface storage projects by December 31, 2012, including...". At this time, we do not expect the investigations' final feasibility reports and environmental documentation to be completed before 2014. Each of the investigations is taking place in an environment of changing regulatory requirements and associated operational challenges, considerations about climate change, and hydrologic challenges inherent in California water. Regulatory requirements include (1) existing biological opinions that are under litigation and subject to court orders including a requirement to conduct National Environmental Policy Act analysis and (2) the need for a new integrated FWS/NMFS biological opinion.	FD3-51
Apdx C	C-50	WR R6	RE: Alternative 1B - Similar comment as above: Because none of the Surface Water Storage Investigations will be completed in 2012, the following text needs to be revised: "Recommend that Department of Water Resources complete its pending storage investigations by December 31, 2012. Studies should include analyses of the potential additional benefits of integrating operations of new storage with proposed Delta conveyance improvements." At this time, we do not expect the investigations' final feasibility reports and environmental documentation to be completed before 2014. Each of the investigations is taking place in an environment of changing regulatory requirements and associated operational challenges, considerations about climate change, and hydrologic challenges inherent in California water. Regulatory requirements include (1) existing biological opinions that are under litigation and subject to court orders including a requirement to conduct National Environmental Policy Act analysis and (2) the need for a new integrated FWS/NMFS biological opinion.	FD3-52
Apdx C	C-97	WR R5	RE: Alternative 3: Ditto above comments.	FD3-53
App D	D-10	109	Header to this paragraph says "1.1.6 Implementation of the CALFED Bay-Delta Implementation Act". The paragraph then goes on to discuss the CALFED ROD, which is not an "Act". Did the header mean to say "Implementation of the CALFED Bay-Delta Program (CALFED) Record of Decision (ROD)"?	FD3-54
App F	F 4-22	39	Reference (Reclamation 2008, p. 7-28) is not shown in the References section at the back of the Appendix.	FD3-55

Response to comment FD3-51

For the reasons set forth in response to comment FD3-50, no changes have been made to the text of the EIR.

Response to comment FD3-52

The text on page C-50, WR R6 of Alternative 1B, of the Draft Program EIR, is consistent with the recommendations included in "Draft Alternate Delta Plan - Ag-Urban II Coalition Alternate Delta Plan" submitted by the Association of California Water Agencies in a comment letter to the Delta Stewardship Council dated June 10, 2011. Therefore, and for the reasons set forth in response to comment FD3-50, no changes have been made in response to this comment.

Response to comment FD3-53

For the reasons set forth in response to comment FD3-50, no changes have been made to the text of the EIR.

Response to comment FD3-54

In response to this comment, please see text change(s) in Section 5 in this FEIR.

Response to comment FD3-55

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.