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CA Save Our Streams Council

March 26, 2015

Bruce Lawrence
Bureau of Reclamation
1243 N Street
Fresno, CA 93721

Comments on the Draft Environmental Assessment Westlands Water District Groundwater Warren Act Contract EA-15-001 & FONSI-15-001

Dear Mr. Lawrence:

Thank you for the recent 15 day extension to the 15 day window of opportunity to comment on the DEA and FONSI to allow Reclamation to enter into a five-year Warren Act Contract with Westlands Water District. Under the terms of the contract, Westlands Water District would introduce up to 30,000 acre-feet per year (AF/y) of potentially highly contaminated non-Central Valley Project (CVP) water into the California Aqueduct-San Luis Canal, in years in which Westlands Water District's CVP allocation is 20% or less. Reclamation proposes to issue a combined 25-year authorization for all discharge points involved in the Proposed Action. Further the proposed federal action anticipates permitting Westlands Water District if it is unable to make use of water introduced into the facilities within the designated window, to carry the water over for some indefinite period of time. The amount of water from each source would vary, but the total quantity introduced under the Proposed Action would not exceed a combined volume of 30,000 AF in a given year.¹

The draft EA and FONSI are not adequate and do not contain sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the environment. Reasonable alternatives which could reduce the environmental impacts of the project have not been considered. The information, data, analyses, and cumulative impacts should be included and an EIS completed for recirculation before a finding of no significant impact can be made. Finally there is insufficient analysis of the cumulative impact of discharging these contaminants into drinking water and wildlife refuge supplies.

Without analysis or data, the DEA determines there will be no impact to the environment, no effect to endangered species, and that there is full compliance with the Migratory Bird Treaty Act and the Fish and Wildlife Coordination Act. No consultation with the United States Fish and Wildlife Service has been initiated despite endangered species such as the giant garter snake, mountain plover, delta smelt, Sacramento splittail along with vernal pool ecological species found in locations of the proposed pumping, extraction and discharge along with other impacted species. All impacts to endangered species are summarily dismissed without data, surveys or analysis. The Bureau of Reclamation does not provide the basis for the determination that there is no need for further consultation regarding critical habitat, impacts to threatened and endangered species, or a need to provide any data to support the conclusions in the document.

The proposed Westlands 5-year contract and 25 year authorization is not included in the DEA, so an informed decision and analysis is precluded. As EPA noted in 2010, and attached to these comments for reference, the proposed discharge of contaminated groundwater from Westlands with potentially high salt, boron, chromium, arsenic, and other metals would be subject to NPDES permitting requirements pursuant to the federal Clean Water Act. Further EPA noted, *“Permits will need to be designed to ensure the discharges do not cause or contribute to exceedences of applicable State water quality standards or degradation of designated beneficial uses.”* No compliance with the federal Clean Water Act is provided in the DEA. Thus the public is precluded from analyzing the permit and conditions to ensure protection and non degradation of water supplies under the NPDES permit and potential mitigation measures. The proposed discharges including various metals and selenium bio-accumulate in the food chain thus amplifying the impacts.²

Insufficient monitoring is required to ensure non-degradation state and federal water quality standards are upheld. Further the DEA does not require sufficient monitoring and reporting from the various Westland ground water laterals that will be discharging for some 25 years under a discharge permit that is not disclosed to the public. Monitoring is needed to ensure levels of pollutants discharged do not harm and degrade water supplies, endangered species or migratory birds. The full spectrum of contaminants that need to be monitored and reported are not included. What is provided appears to be limited to salts and volumes. Existing drinking water standards are not sufficient to protect fish, wildlife and migratory birds especially with regard to contaminants such as selenium, mercury or others that magnify in the food chain causing death and deformities. Impacts to downstream refuge water supplies like the 10,618 acre Kern National Wildlife Refuge that receives water from the California Aqueduct is not considered. Recent monitoring reports from California Department of Water Resources (DWR) show high levels of salts, heavy metals, arsenic, chromium etc.³

As noted in the DEA, Westlands Water District is in an area with historical, as well as, recent subsidence (see Figure 3-3). DEA @pg 16. Increases in subsidence, impacts to the California Aqueduct, and long term cumulative impacts are brushed aside without analysis, data or consideration of alternatives. These impacts and costs are likely to be significant. USGS recently reported, *“Extensive groundwater pumping from San Joaquin Valley aquifers is increasing the rate of land subsidence, or sinking. This large-scale and rapid subsidence has the potential to cause serious damage to the water delivery infrastructure that brings water from the north of the valley to the south where it helps feed thirsty cropland and cities. According to a new report by the U.S. Geological Survey the subsidence is occurring in such a way that there may be significant operational and structural challenges that need to be overcome to ensure reliable water delivery.”*⁴

Cumulative impacts from other exchanges also are not disclosed or analyzed. We adopt by reference our comments from previous exchanges and transfers and previous scoping comments that are attached.⁵ In addition to the continued extraction of water from already over drafted groundwater basins, the impacts from discharging this groundwater on WWD’s toxic soils on the west side of the San Joaquin Valley are not disclosed nor mitigated. These discharges are known to create life threatening impacts to migratory birds, wildlife and fish, magnifying up the food chain as these pollutants accumulate. These impacts are merely brushed aside. No monitoring or reporting is required. No data is provided to support the DEA conclusions of no impact. Alternatives are woefully deficient.

The draft EIS does not adequately assess the potentially significant environmental impacts from the project. There are reasonably available alternatives that have not been considered and should be analyzed in order to reduce the potentially significant environmental impacts. Absent from the document is any assessment of the cumulative impacts including third party impacts and impacts to fish, wildlife and water quality. Required permits and compliance with the Clean Water Act to allow discharge of contaminants into the waters of the state and nation have not been provided. The document needs to be withdrawn. A full EIS is needed.

Thank you for the opportunity to comment. Please add our names to USBR’s electronic notification lists for environmental documents regarding the Central Valley Project water supplies or contracts.

Sincerely,



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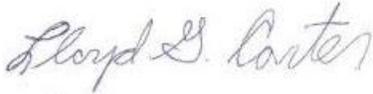
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Attachments: 2010 Scoping Comment Letter and 2010 EPA Scoping Comment letter
Endnotes:

¹ http://www.usbr.gov/mp/nepa/documentShow.cfm?Doc_ID=21022

² <http://www.water.ca.gov/swp/waterquality/PumpIns/index.cfm> Water Quality data for 2008 pumping for WWD showed elevated levels of boron, salts, arsenic, and selenium.

³ See <http://www.water.ca.gov/swp/waterquality/PumpIns/index.cfm>

⁴ See <http://www.usgs.gov/newsroom/article.asp?ID=3731#.VRRBAKMtHVQ>

⁵ See comments provided http://www.usbr.gov/mp/nepa/documentShow.cfm?Doc_ID=14341
“Resnicks’ Westside Mutual Water District member lands in Westlands Water District to the AEWSD service area and Westside Exchange Program are not disclosed nor analyzed. Nor are the impacts to Madera County from the potential groundwater transfers likely contemplated under the proposed action. The existing Exchange Program involves delivery of Arvin’s supplies to Westside member lands as exchange water, based on a 1 for 1 or “bucket for bucket” basis, up to 50,000 acre feet (AF).”

See also July 3 2012, Environmental Advocates comments provided and adopted here by reference on Draft DEIS/EIR for proposed new transfer program that would provide for the transfer and/or exchange of up to 150,000 acre-feet of water from the San Joaquin River Exchange Contractors Water Authority [SJEC] to several potential users—Westlands Water District, SWP Contractors, Kern Water Bank and other users for over 25 years—2014-2038.

See 30,000 acre feet of groundwater proposed to be transferred to Westlands et. al. from the Mendota Pool
<http://www.usbr.gov/newsroom/newsrelease/detail.cfm?RecordID=49107>

See also North Valley Regional Recycled Water Program-- <http://www.nvrrecycledwater.org/description.asp>
The NVRWP could produce and deliver up to 32,900 acre-feet per year of tertiary-treated recycled water to the drought-impacted west side. This water can be used to irrigate food crops, public and privately owned landscaping, and for industrial uses. This basin transfer would alter San Joaquin River Flows and flows to refuges, and the South Delta Bay Estuary. The project would deliver up to 59,000 acre feet per year (AFY) of recycled water produced by the cities of Modesto and Turlock via the Delta-Mendota Canal (DMC), a feature of the Central Valley Project owned by Reclamation. Instead of discharging fresh treated water into the San Joaquin River, recycled water would be conveyed from Modesto and Turlock through pipelines from their wastewater treatment facilities, crossing the San Joaquin River, ending at the DMC.