


From: William Jennings deltakeep@me.com 
Subject: Supplemental Comments on Draft EA on a 10-Year Use Agreement for the San Luis & Delta-Mendota Water Authority(Draft EA-19-029)
Date: December 23, 2019 at 7:09 PM
To: remerson@usbr.gov
Cc: William Jennings deltakeep@me.com
Bcc: Patty Schifferle pacificadvocates@hotmail.com

WJ

December 23, 2019

Ms. Rain Emerson
U.S. Bureau of Reclamation
South-Central California Area Office
1243 N. Street
Fresno, CA 93721

Re: Comments on the Draft Environmental Assessment on a 10-Year Use Agreement for the San Luis & Delta-Mendota Water Authority Long-term Storm Water Management Plan for the Grasslands Drainage Area (Draft EA-19- 029)—A Comprehensive EIS is Required.

Ms. Emerson,

Please accept the following supplemental comments to those we submitted along with 19 other environmental, tribe and fishing organizations. We find in addition to failing to comply with NEPA, CWA, ESA, CVPIA and other federal laws and regulations, the proposed action to use the federal San Luis Drain for stormwater discharge combined with agricultural drainage and contaminated groundwater seepage, also fails to comply with the Reclamation Wastewater and Groundwater Study Act of 1992, Pub. L. No. 102-575, §§ 1601-1617, 106 Stat. 4600, 4663, which directed the Secretary of the Interior to:

[U]ndertake a program to investigate and identify opportunities for reclamation and reuse of municipal, industrial, domestic, and agricultural wastewater, and naturally impaired ground and surface waters, for the design and construction of demonstration and permanent facilities to reclaim and reuse wastewater, and to conduct research, including de-salting, for the reclamation of wastewater and naturally impaired ground and surface waters. With respect to the San Luis Unit, however, the 1992 Act limited the Secretary of Interior to investigating projects that were recommended in the 1990 Rainbow Report, stating:

The Secretary shall not investigate, promote or implement, pursuant to this title, any project intended to reclaim and reuse agricultural wastewater generated in the service area of the San Luis Unit of the Central Valley Project, California, except those measures recommended for action by the San Joaquin Valley Drainage Program in the report entitled A Management Plan for Agricultural Subsurface Drainage and Related Problems on the Westside San Joaquin Valley (September 1990) [the Rainbow Report].

Use of the San Luis Drain for discharge of stormwater and untreated drain water was not recommended in Rainbow Report.

Further the DEA and proposed federal action also conflicts with the attached 2018 federal declaration before the court which clearly documents Reclamation's involvement in various parts of the GBP arbitrarily excluded from environmental evaluation including the SJRIP and other aspects. And directly contradicts Reclamation's assertion to the court that: "*The Third Use Agreement is set to expire on December 31, 20 19 at which time agricultural drainage and stormwater will no longer be permitted to discharge into the San Luis Drain.*"

stormwater will no longer be permitted to discharge into the San Luis Drain.



1033-1

Declar...-18.pdf

Bill Jennings
Executive Director
California Sportfishing Protection Alliance
3536 Rainier Avenue
Stockton, CA 95204
p: 209-464-5067
c: 209-938-9053
e: deltakeep@me.com
www.calsport.org

PRIVILEGE AND CONFIDENTIALITY NOTICE

This message is intended only for the use or the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or other use of a transmission received in error is strictly prohibited. If you have received this transmission in error, immediately notify us at 209-464-5067.