



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

**75 Hawthorne Street
San Francisco, CA 94105**

August 28, 2009

Mr. Louis Moore
Bureau of Reclamation
Mid-Pacific Region
2800 Cottage Way, MP-140
Sacramento, CA. 95825

Subject: Draft Environmental Impact Statement for Delta-Mendota Canal and
California Aqueduct Intertie (CEQ# 20090242)

Dear Mr. Moore:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

We have rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) (see enclosed “*Summary of Rating Definitions*”) due to our concerns regarding CVP contract quantities, the need for more information on the long-term sustainability of water export operations in the Bay Delta, and the limited improvement in water supply reliability and fish protection provided by the proposed Intertie project.

EPA supports increasing the operational flexibility of the Central Valley Project (CVP) and State Water Project (SWP) in order to improve water supply reliability consistent with ecosystem protection, increase fish protections by reducing pumping during critical periods, and aid in adaptation to climate change. We acknowledge the potential for the Intertie project to contribute to the operational flexibility and water supply reliability of the CVP/SWP; however, the Intertie project and its DEIS do not address fundamental issues regarding CVP/SWP water supply reliability. For instance, we continue to be concerned with CVP contract quantities that may have unrealistic water delivery targets. In many years -- and for some water districts, in most years -- the CVP is unable to deliver the entire amount of water called for in the current contracts. In other words, the CVP is overcommitted, which has the potential to adversely affect Bureau of Reclamation’s (Reclamation) ability to constructively assist in addressing California’s water and environmental needs.

We believe CVP contract quantities should reflect recent historical realities and factor in any anticipated future limitations on CVP supplies, such as climate change or operationally induced reductions in diversions. We recommend the final EIS (FEIS) describe Reclamation’s efforts to better align contract obligations with existing developed water supplies and reasonably foreseeable water availability.

We note that this project is one component of a broader, long-term effort to resolve issues relating to the Bay Delta and the ability to meet the dual objectives of reliable water supplies and ecosystem protection, all of which must be addressed within the context of potential climate change impacts. EPA remains concerned with the long-term sustainability of water export operations in the Bay Delta, as expressed in our May 14, 2009 scoping comments on the Bay Delta Conservation Plan. We recommend that reduced inflow and export scenarios, as a likely future for the Bay Delta basin, be more fully explored in the FEIS.

We recognize that the Bay Delta Conservation Plan and other more comprehensive forums will address the broader, long-term Bay Delta water management and ecosystem protection issues. We look forward to working with Reclamation as we all engage in these forums.

We appreciate the opportunity to review this DEIS. When the FEIS is released for public review, please send one hard copy and one CD ROM to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521, or contact Laura Fujii, the lead reviewer for this project. Laura can be reached at (415) 972-3852 or fujii.laura@epa.gov.

Sincerely,

/s/

Kathleen M. Goforth, Manager
Environmental Review Office
Communities and Ecosystems Division

Enclosure: Summary of Rating Definitions

cc: Steve Tuggle, Western Area Power Authority
Francis Mizuno, San Luis & Delta Mendota Water Authority