



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

January 16, 2007

Sharon McHale
Bureau of Reclamation
US Department of the Interior
2800 Cottage Way
Sacramento, CA 95825

Subject: Final Environmental Impact Statement (FEIS) for South Delta
Improvements Program, Sacramento-San Joaquin Bay Delta, California
(CEQ# 20060504)

Dear Ms. McHale:

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 Section 309 of the Clean Air Act.

The South Delta Improvements Program (SDIP) seeks to address a number of important issues concerning the health of the largest estuary on the West Coast as well as the water supply for millions of Californians. The lead agencies propose a staged decision-making process to address physical and operational components of the program. Stage 1 decisions will involve only the physical/structural components of the project and use of these components to locally improve water circulation and access to water by irrigators as well as to protect San Joaquin salmon. Stage 2 will address the operational components necessary to increase the permitted pumping capacity beyond the current 6,680 cubic feet per second (cfs) limit.

EPA supports this staged decision-making because it offers the best opportunity to base critical decisions about Stage 2 operations on scientific and technical evaluations now underway, including evaluation of potential causes of the pelagic organism decline in the Delta. We commend the lead agencies' commitment to a Stage 2 supplemental EIR/EIS, with appropriate public review processes, before increases in export pumping are initiated. As new information affecting the SDIP develops, we strongly recommend undertaking a public process to "rescope" key issues for the Stage 2 NEPA document. Please see our enclosed comments for recommendations for Stage 2 analyses which we currently believe are important.

In response to comments from EPA and others regarding potential water quality effects of the Stage 1 components, the FEIS acknowledges the lack of information to quantify baseline conditions, identify causes and effects, and track potential effects of the project. Evaluating the water quality impacts of gate operations was also an issue relayed in EPA's July 16, 2006 comment letter to the US Corps of Engineers in response to the Public Notice for the SDIP Clean Water Act 404 permit. CALFED Agencies, in the Delta Improvements Package, committed to establishing a comprehensive performance evaluation and monitoring program to document and evaluate the effects of projects such as SDIP. As co-participants in the CALFED Program, we urge progress on this commitment in order to begin addressing information gaps for SDIP and other upcoming projects, including any Stage 2 operational changes.

EPA appreciates the opportunity to review this Stage 1 FEIS. We are available to discuss our comments. When the Stage 1 Record of Decision is released, please send two copies to the address above (mail code: CED-2). If you have questions, please contact Laura Fujii, the lead reviewer for this project. Laura can be reached at 415-972-3852 or fujii.laura@epa.gov.

Sincerely,

/s/

Paula Bisson, Manager
Environmental Review Office
Communities and Ecosystems Division

Enclosure: Key issues for the Stage 2 NEPA document

cc: Paul Marshall, California Department of Water Resources
Les Grober, State Water Resources Control Board
Jerry Bruns, Central Valley Regional Water Board.
Dave Harlow, US Fish and Wildlife Service
Michael Aceituno, NOAA-Fisheries
Joe Grindstaff, Resources Agency

Key Issues for the Stage 2 NEPA Document

Stage 2 Operational Scenarios

Explain the rationale for the operational scenarios. It is not apparent from the Stage 1 EIS that the selected operational scenarios capture the key variables on which decisions balancing fisheries, water quality, and water supply are likely to be based.

Recommendation:

The Stage 2 NEPA document should fully evaluate the potential impacts of the proposed operational scenarios on environmental protection measures. Key objectives and decision factors distinguishing operational scenarios should be fully discussed; clearly delineating the rationale, environmental protection measures, and operational differences between operational scenarios.

Consider other operational scenarios. Investigations of the pelagic organism decline may provide information on CVP and SWP operational effects that could change the current proposed operational scenarios. Furthermore, it is not clear how the current proposed scenarios represent a full, reasonable “range” of alternatives with respect to SDIP purposes.

Recommendation:

The Stage 2 NEPA document should consider other operational scenarios. For example, other operational rules may reduce or mitigate impacts and water quality/fisheries objectives trade-offs that may result from increased CVP and SWP pumping. The Stage 2 NEPA document should discuss in detail how the proposed operational scenarios represent a full, reasonable range of alternatives with respect to SDIP purposes.

Environmental Water Account

Describe expanded EWA, avoidance-and-crediting mitigation, and other proposed mitigation. The Stage 1 DEIS states that Stage 2 mitigation for fishery impacts would be an expanded EWA or an avoidance-and-crediting system augmenting the current EWA program (p. ES-6).

Recommendation:

The Stage 2 NEPA document should include a detailed description and evaluation of the expanded EWA, avoidance-and-crediting system, and other proposed mitigation for impacts of Stage 2 actions. The evaluation should include a discussion of the effectiveness and implementation of the current EWA program. The Stage 2 NEPA document should clearly demonstrate that proposed mitigation measures, such as the expanded EWA, can mitigate for operational impacts.

Evaluate consequences for fisheries mitigation, and appropriate environmental impact review, if EWA ends. The Environmental Water Account (EWA) has been a key tool in offsetting the adverse effects of increased permitted pumping and, if available in the future, would be used in the SDIP to mitigate impacts. The long-term adoption of this

tool is being analyzed in a separate NEPA process. However, future funding is uncertain. Alternatively, the FEIS describes a possible “avoidance and crediting” system.

Recommendation:

If the Long-Term EWA program is not adopted, the SDIP lead agencies should consider whether this change warrants preparation of a supplemental environmental assessment or environmental impact statement.

Water Quality Analysis

Describe water quality effects of Stage 2. Operational scenarios could have various effects on the ability to implement TMDLs and meet water quality standards. The consequences of these water quality impacts for ecosystem restoration and drinking water objectives, and protection of other beneficial uses, is of concern.

Recommendation:

The Stage 2 NEPA documents should analyze and disclose the potential effects of operational scenarios on the ability to meet water quality standards, TMDLs, and desired conditions in the Delta.

Evaluate effects on salt loading in the San Joaquin Basin and Tulare Basin. CVP exports to the San Joaquin Basin contribute significant loads of salt, exacerbating salinity management problems in the Basin. Under the adopted TMDL and Basin Plan Amendment for salinity and boron, Reclamation is responsible for helping to mitigate or reduce salt loads within areas draining to the San Joaquin River. Additionally, salinity problems in areas not draining to the San Joaquin River—notably, major portions of the San Luis Unit and SWP’s Tulare Basin service areas—can be affected by changes in project deliveries.

Recommendation:

The Stage 2 NEPA document should provide a detailed analysis of the effects of operational scenarios on the quantity and quality of CVP and SWP water supply deliveries and associated effects on salt loading throughout the south Delta, San Joaquin River Basin, and Tulare Basin.