

U.S. Department of the Interior – Bureau of Reclamation

# **SAN LUIS DRAINAGE FEATURE RE-EVALUATION & EIS**

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## **Public Scoping Meeting Summary**

**November 14, 2001 – Fresno**

**November 15, 2001 – Concord**

### **Introduction**

The U.S. Bureau of Reclamation (Reclamation) hosted two Public Scoping Meetings for the San Luis Drainage Feature Re-evaluation and EIS in Fresno on November 14, 2001 and Concord on November 15, 2001. John Clerici, of Public Affairs Management, facilitated the meetings.

John opened the meetings outlining the meeting objectives: 1) Explain project history and purpose, 2) Describe feature re-evaluation process, 3) Describe environmental review process, and 4) Receive public comments.

### **Presentations**

#### **Project History and Purpose**

Mike Delamore, Program Manager for the Bureau of Reclamation, provided a brief project history and overview of drainage alternatives previously considered. Mike briefly reviewed hearings, reports, and key court decisions regarding drainage service since the San Luis Act. Mike highlighted the various events that ultimately stopped each effort to provide drainage service.

#### **Feature Re-evaluation and EIS**

Jason Phillips, Project Manager for the Bureau of Reclamation, presented a description of the Feature Re-evaluation/EIS process. He reviewed the project schedule, area, and challenges. Jason also described preliminary options and alternatives Reclamation has identified.

### **Public Scoping Comment Summary**

The attending public representatives presented concerns and questions. The group contributed many ideas and comments for Reclamation to review. Reclamation also presented a list of specific issue areas for which it seeks public comment:

#### **Key Issues and Concerns**

**Definition of Drainage Service.** Reclamation should expand the definition of drainage service to include on-farm, in-district management alternatives, including land retirement.

**Project Schedule.** The proposed project schedule is not acceptable. Reclamation should provide drainage service sooner than the current schedule describes.

**Land Retirement and Agricultural Practices.** Many participants described land retirement as the best solution to the drainage problem. Many other participants said that land retirement does not allow for continued agricultural production and does not address drainage problems for remaining agricultural production.

**Impacts of Treatment and Disposal of Drainage Water.** Reclamation must consider all of the potential impacts to the Delta, San Francisco Bay, groundwater, and all other potential treatment/disposal sites.

**Regulatory Compliance.** Reclamation should review and comply with all current regulations and required permits. Reclamation should go beyond existing regulations to consider potential future regulations and recent scientific analyses of potential impacts (e.g., selenium).

**Stakeholder Participation.** A consensus-driven, stakeholder process can identify potential alternatives, including interim actions for mitigating agricultural drainage, that are acceptable to all parties.

Summaries of individual comments are included below.

#### November 14, 2001 – Fresno

The time schedule is too long. This issue has been studied for over 40 years and completed studies exist. Farmers are suffering now; some have gone bankrupt, as a result of the Government's in-action. This must become an expeditious process. *Al Dingle, Westlands Water District*

In the court decision, Judge Wagner instructed Reclamation to implement the 50 years of studies already completed. *Ed O'Neill, O'Neill Farms.*

Judge Wanger declared that the Government has ignored their duties to act promptly. The Government is obligated to provide drainage without delay. Substantial doubt exists that Reclamation will ever provide drainage service. The Government cannot continue not to act. *Daniel Kippen, Smiland & Khachigian*

The commitment of 57,000 acres to land retirement would solve what percentage of the drainage problem? How many acres in total need drainage? *Irene VanTasser, Triple T Farms*

**Response:** By previous estimates, approximately 290,000 acres of land in the San Luis Unit need drainage. Updating the precise acreage to be provided drainage service is part of the current studies.

This process guarantees litigation. Reclamation should organize a parallel process including mediated sessions focused on developing consensus among the various stakeholders. *Richard Harriman, California Nat. Res. Foundation*

Has the court approved Reclamation's action plan as "prompt service"? *Dudley Silvera*

**Response:** The court has not made a judgment on the Plan of Action.

Will this project be exempt from permits? Reclamation should complete advance work with agencies. The existing permitting processes are time-consuming, expensive, and often conflicting. *Nettie Drake, B&N Enterprises*

Since the EIS [completed under a previous project] documented land retirement, why not implement now? Not doing so and waiting until 2006 is sadistic. *Ed O'Neill*

Adjacent areas [to the San Luis Unit] have also suffered and should be part of the project. The plan is weak on interim actions that can start now to relieve situation. Many farmers have implemented on-farm management practices already. *Chris White, CCID*

Deep-well injection may be an effective solution and deserves further exploration. *Roy Senior, Zim Industries Inc.*

November 15, 2001 – Concord

This problem is much broader than just agricultural lands in the San Luis Unit. Impacts from salts are apparent in the San Joaquin River to the southern portion of the Delta. The salts in the San Joaquin River are imported salts. This project should develop a method to remove salts from the soils and waters of the entire system. The state of California cannot afford to have Central Valley agriculture go out of business. Land retirement is not a viable option. Reclamation needs to look at methods to remove salts from the system (e.g. reverse osmosis) and dispose the resulting materials (e.g. ocean disposal). *Alex Hildebrand, South Delta Water Agency*

Any movement of agricultural drainage water to the San Francisco Bay or the Delta would be unacceptable. Reclamation should revisit options identified in the San Joaquin Valley Drainage Plan. Consider land retirement within each alternative. Evaporation ponds are “time-bombs” with substantial environmental impacts. Do not define drainage service only as treatment and disposal. Use an expanded definition of drainage service to develop alternatives that include drainage management and minimization. *Terry Young, Environmental Defense*

It's the water. Exports, discharges, or disposal of any wastewater impacts California water quality and fisheries. All of California is affected. California issues a health advisory for fish caught in the Bay. Concerns exist for the lack of science in determining impacts to the Bay/Delta. *Alan Wilhelmi, California Striped Bass Association*

Many oppose the extension of the San Luis Drain or any activity that would affect the Delta. Reclamation must continue to study in-valley treatment/disposal options. Within an EIS, analyze impacts to drinking water constituents. *Lisa Holm, Contra Costa Water District*

The definition of drainage as presented is troublesome. The Rainbow Report showed that drainage management measures could solve 90% of the problem. Focus on drainage management tools that can be implemented now and accomplish the same goals. Selenium discharges are unacceptable at any level. *John Kopchik, Contra Costa County Water Agency*

We need to redefine the drainage definition because drainage management options may be more cost-effective. Reclamation should complete a thorough review of the regulations because many laws have changed over the last 40 years and a discharge to the Delta is probably illegal. Spend study money on drainage management activities and avoid evaporation ponds. Reclamation is a part of CALFED. A project that includes a discharge to the Delta is inconsistent with the CALFED commitment. *Mark Holmes, The Bay Institute*

Land retirement must be a major component of this project. With current environmental protection laws and potential economic impacts, land retirement is an important option. *David Nesmith, Environmental Water Caucus*

Agricultural lands are not the only source of drainage problems. Wildlife refuges, grasslands, duck ponds, and others also contribute. *A. Hildebrand*

An economic analysis must show what Reclamation would charge the farmers and what the actual cost to the farmers would be without a subsidy program. *T. Young*

Ocean disposal is an appropriate option. Reclamation will have to complete the required environmental studies. The health advisory warnings for fish caught in the Bay are a result of mercury originating from sources throughout the system and has nothing to do with Selenium. *Matt Reeve*

Since the Barcellos judgment, landowners within the San Luis Unit have paid into a fund for drainage service, have they not? *John Brooks, U.S. Fish & Wildlife Service*

**Response:** That was the case, but upon rejection of the Barcellos plan collected funds were released and refunded to the landowners.

Selenium can affect a variety of species in the Bay/Delta system. *M. Holmes*

The discharges to Kesterson did not exceed EPA's standards in effect at the time. The impacts of drainage water to the ocean are unknown at this time. Reclamation should allow for an "uncertainty factor." *T. Young*

Consider drainage water as a resource. The challenge is the salt. Farmers may reuse 90% of the water leaving 10% for treatment/disposal. A market for those salts may exist with a competitively priced and quality product. *Vashek Cervinka, Department of Water Resources*

Frame the project actions for court. Make sure options are defensible and practical. Consider solar ponds as an option. *T. Young*

## Next Steps

- **November 30, 2001**

Public Comments: (via: Mail – Fax – e-mail – Telephone – Website – etc...)

Please submit your comments to Reclamation by the last week of November. Reclamation has planned numerous opportunities for public comments throughout the process.

- **December 2001**

Preliminary List of Alternatives available December 2001.