

June 20, 2012

*Via Electronic Mail and First-Class Mail*

Ms. Janice Pinero  
Endangered Species Act Specialist  
United States Bureau of Reclamation  
Bay-Delta Office  
801 I Street, Suite 140  
Sacramento, CA 95814  
[jpinero@usbr.com](mailto:jpinero@usbr.com)

Re: Bureau of Reclamation's Notice of Intent to Prepare Environmental Impact Statement for Remanded Biological Opinions on the Coordinated Long-Term Operation of the Central Valley Project and State Water Project [77 Fed. Reg. 18858 (Mar. 28, 2012)]

Dear Ms. Pinero:

This firm serves as General Counsel to Glenn-Colusa Irrigation District ("GCID"). We hereby submit this letter on behalf of GCID in response to the Bureau of Reclamation's ("Reclamation") above-referenced Notice of Intent ("NOI"). Reclamation's NOI requests suggestions and information on the alternatives and topics to be addressed in the Environmental Impact Statement ("EIS") for the remanded Biological Opinions ("BiOps") on the Coordinated Long-Term Operation of the Central Valley Project ("CVP") and State Water Project ("SWP").

In this regard, GCID joins in and incorporates by reference herein the written comments that the Northern California Water Association ("NCWA") previously submitted to Reclamation regarding the NOI, by letter dated May 29, 2012. (For your convenience another copy of NCWA's letter (w/o attachments) is enclosed.) GCID appreciates Reclamation's consideration of these comments.

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If you have any questions, please contact the undersigned at (916) 446-7979.

Very truly yours,

A handwritten signature in black ink, appearing to read "Andrew M. Hitchings", with a long horizontal flourish extending to the right.

Andrew M. Hitchings

Enc.

cc (via *electronic mail only*):

Donald R. Glaser

Rodney R. McInnis

Ren Lohofener

Ronald Milligan

Fedrico Barajas

Garwin Yip

Michael Tucker

Maria Rea

Dan Castleberry

AMH:cr



*To promote the economic, social and environmental viability of Northern California by enhancing and preserving the water rights, supplies and water quality of our members.*

May 29, 2012

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Re: Bureau of Reclamation's Notice of Intent to Prepare Environmental Impact Statement for Remanded Biological Opinions on the Coordinated Long-Term Operation of the Central Valley Project and State Water Project [77 Fed. Reg. 18858 (Mar. 28, 2012)]

Dear Ms. Pinero:

The Northern California Water Association (NCWA) submits this letter and its enclosures in response to the Bureau of Reclamation's (Reclamation) above-referenced Notice of Intent (NOI). Reclamation's NOI requests suggestions and information on the alternatives and topics to be addressed in the Environmental Impact Statement (EIS) for the remanded Biological Opinions (BiOps) on the Coordinated Long-Term Operation of the Central Valley Project (CVP) and State Water Project (SWP).

In this regard, NCWA previously submitted to Reclamation the enclosed May 19, 2011 and December 16, 2011 letters with their respective enclosures, for consideration and use in the Endangered Species Act (ESA) consultations for the remanded BiOps, and Reclamation's accompanying environmental impact analysis being conducted under the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.). The enclosed May 19 letter and its enclosure<sup>1</sup>(Attachment 1 hereto) provide scientifically superior evidence of the problems and potential solutions regarding Sacramento River Basin native anadromous fishery issues, and will be critical in Reclamation's consultations on the potential effects of

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<sup>1</sup> The enclosure is the April 2011 report entitled, *Insights into the Problems, Progress, and Potential Solutions for Sacramento River Basin Native Anadromous Fish Restoration*, prepared by David Vogel of Natural Resources Scientists, Inc.

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the proposed project operations of the CVP and SWP on listed species, including both salmonids and delta smelt, and the environmental impacts that must be addressed in the EIS.

Similarly, the enclosed December 16 letter and its enclosure<sup>2</sup> (Attachment 2 hereto) provide scientifically superior evidence regarding the analysis that Reclamation, FWS, NMFS, United States Environmental Protection Agency (USEPA), and California State Water Resources Control Board (SWRCB) have used to attempt to justify an effort to increase Delta outflow. The MBK Engineers analysis enclosed with the letter utilizes a longer-term hydrologic period of record, and is superior to the analyses of the above-referenced agencies, which used a truncated period of record and ignored the plain fact that the 1956-87 period was wetter than the subsequent period from 1988-2009.<sup>3</sup> Reclamation's analysis of the potential impacts of the remanded BiOps, and Reclamation's development of any flow management actions<sup>4</sup> or alternatives must be based on the full datasets used in the MBK Engineers analysis, not the truncated datasets used in the past. Moreover, Reclamation must consider and evaluate the finding in the MBK Engineers analysis that there is no relationship between diversions in the Sacramento River basin and the Delta smelt index. Finally, Reclamation must consider and evaluate the finding in the MBK Engineers analysis that the implementation of a fall X2 measure as part of the remanded BiOps would have the effect of severely reducing carryover storage at Shasta Reservoir, with the consequent adverse effects on salmonids in the Sacramento River, as well as water supplies.

NCWA is also submitting herewith the enclosed April 25, 2012 scoping comments, and certain exhibits thereto (Attachment 4 hereto),<sup>5</sup> which the Sacramento Valley Water Users filed with the SWRCB for the proposed update to the SWRCB's Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan). To the extent that Reclamation, FWS, or NMFS are considering flow management actions or alternatives in the remanded BiOps based upon some percentage of unimpaired flows, Reclamation must consider and evaluate the information included in that scoping comment letter and its exhibits. In this regard, the information demonstrates that flow management

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<sup>2</sup> This enclosure is the December 2011 report entitled, *Relating Delta Smelt Index to X2 Position, Delta Flows, and Water Use*, prepared by MBK Engineers.

<sup>3</sup> The inappropriate use of this truncated period of record, as well as other problems underlying proposed approaches to implementing a fall X2 standard, are summarized in NCWA's April 25, 2011, comment letter to the USEPA on its Advanced Notice of Proposed Rulemaking Re: Water Quality Challenges in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. That comment letter is also enclosed herewith (Attachment 3 hereto), and the information contained therein must be considered and evaluated by Reclamation in preparing the EIS.

<sup>4</sup> In the NOI, Reclamation states that it "expect[s] to analyze flow management actions resulting from the 2008 USFWS Reasonable and Prudent Alternative . . . [and] the 2009 NMFS Reasonable and Prudent Alternative." (77 Fed. Reg. 18860.)

<sup>5</sup> These exhibits include the April 25, 2012 report entitled, *Evaluation of Potential State Water Resources Control Board Unimpaired Flow Objectives*, prepared by MBK Engineers, and the September 2011 document entitled, *Instream Flow Requirements in the Sacramento River Hydrologic Region*, prepared by NCWA.

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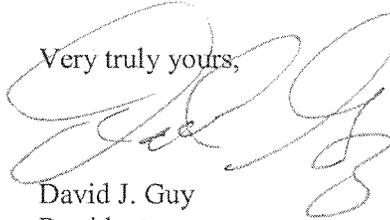
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actions based on 40% or 50% of unimpaired flows would cause severe hydrologic, environmental, and water supply impacts, and would require Reclamation to analyze in detail the many significant environmental impacts that would occur in numerous resource categories. The information also demonstrates that state-of-the-art streamflow requirements already govern the major rivers in the Sacramento Valley. Because these streamflow requirements have been developed largely to integrate fishery protection and water supplies, NEPA requires Reclamation to analyze reasonable alternative flow management actions based upon the Delta inflows produced by existing streamflow requirements for the Sacramento Valley's rivers.

Lastly, and as emphasized in NCWA's prior correspondence, to the extent the remanded BiOps include any measures or Reasonable and Prudent Alternatives that could potentially affect the management of water resources in the Sacramento Valley, we note that ESA section 2(c) states congressional policy "that Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species," and therefore *requires* Reclamation to cooperate with local Sacramento Valley water agencies in the management of water resources in this region.

NCWA appreciates Reclamation's consideration of these comments and the enclosed reports and information. If you have any questions, please contact the undersigned at (916) 442-8333.

Very truly yours,



David J. Guy  
President

Attachments

cc (w/o Attachments):

Donald R. Glaser  
Rodney R. McInnis  
Ren Lohofener  
Ronald Milligan  
Fedrico Barajas  
Garwin Yip  
Michael Tucker  
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