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June 28, 2012

Ms. Janice Pinero  
Endangered Species Act Compliance Specialist  
Bureau of Reclamation, Bay-Delta Office  
8021 I Street, Suite 140  
Sacramento, California 95814-2536

Via E-mail and U.S. Mail

Re: Comments on Scope of EIS for Implementation of Remanded  
Biological Opinions for Coordinated CVP and SWP Operations

Dear Ms. Pinero:

San Juan Water District appreciates the opportunity to comment on the scope of Reclamation's environmental impact statement (EIS) for the proposed implementation of the remanded biological opinion for the long-term coordinated operations of the Central Valley Project (CVP) and the State Water Project (SWP).

San Juan Water District receives water from Folsom Reservoir directly from a joint intake in Folsom Dam that also serves the Cities of Folsom and Roseville. Any impacts to water levels or water storage have the potential of causing significant impacts to the quality, quantity, and reliability of our water supply.

San Juan Water District is also a signatory to a collective comment letter being submitted by multiple agencies. In addition to the joint comments included in that letter, San Juan also has the following additional comments:

1. Project description – Term 14 – Reclamation's EIS must assume that Reclamation will not export American River water that Reclamation diverts under its water-right Permits Nos. 11315 and 11316 unless Reclamation has complied with those permits' Term 14, which states:

Deliveries of water under permits issued pursuant to Application 13370 and 13371 shall be limited to deliveries for beneficial use within Placer, Sacramento and San Joaquin Counties and shall not be made beyond the westerly or southerly boundaries thereof, except on a temporary basis, until the needs of those counties, present or prospective, are fully met provided, however, that agreements in accordance with Federal Reclamation laws

between permittee and parties desiring such service within said counties are executed by July 1, 1968.<sup>1</sup>

This term requires that Reclamation meet San Juan's demands through deliveries under San Juan's multiple contracts with Reclamation before Reclamation exports any water to areas outside of Placer, Sacramento and San Joaquin Counties. As Reclamation's March 28, 2012 notice of intent to prepare this EIS states: "The purpose of the action is to continue the operations of the CVP, in coordination with the SWP, as described in the 2008 Biological Assessment (as modified) to meet its authorized purposes, in a manner that: • Is consistent with . . . previous agreements and permits." (77 Fed.Reg. 18858, 18859 (emphasis added).)

2. Project description – Conserved water – The EIS's project description should assume that all CVP water supplies available within the American, Sacramento and Trinity River Divisions are used within those divisions' combined boundaries, as commented in the joint letter referred to above. In addition, the EIS's project description must assume that San Juan will use, either in its service area or by transfer to a third party, all water that San Juan conserved pursuant to Senate Bill 7 (SB 7) that the California Legislature enacted in 2009. Under Water Code section 1011 and SB 7 (see Water Code section 10608.8(a)(1)), urban retail water suppliers retain the rights to water that they conserve. To the extent that water that San Juan conserves pursuant to SB 7 is water delivered under a CVP water-service contract, CVPIA section 3405 authorizes San Juan to transfer all water subject to such a contract within the area of origin.
3. Water-supply analysis – The EIS's analysis of the proposed project's impacts must separately assess its impacts on San Juan's supplies under its pre-1914 water rights (as reflected in the April 12, 1954 Contract For Relocation, Rearrangement Or Alteration Of Facilities, Contract No. DA-04-167-eng-610) and its supplies under its CVP water-service contract. Reclamation must ensure that San Juan's full supplies under its pre-1914 water rights are delivered whenever sufficient water is physically available in Folsom Reservoir.

We appreciate this opportunity to comment and look forward to participating in Reclamation's preparation of the EIS.

Sincerely,



Shauna Lorance  
General Manager

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<sup>1</sup> As discussed by the State Water Resources Control Board in its Decision 1356 and its 1970 order amending Decisions 1356, Term 14's deadline was extended to December 31, 1975 through agreements with Reclamation.