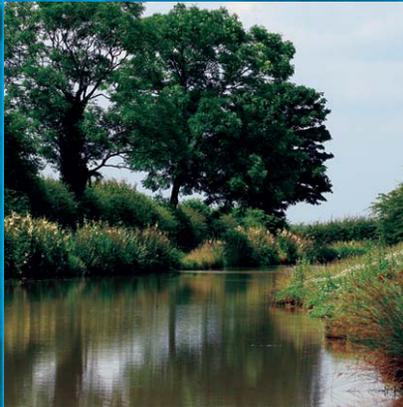


# Long-Term Water Transfers

## Environmental Impact Statement/ Environmental Impact Report Public Scoping Report



U.S. Department of the Interior  
Bureau of Reclamation  
Mid-Pacific Region  
Sacramento, California



San Luis and Delta Mendota  
Water Authority  
Los Banos, California



May 2011



# **Long-Term Water Transfers**

## **Environmental Impact Statement/Environmental Impact Report**

### **Scoping Report**

*Prepared by*

**United States Department of the Interior  
Bureau of Reclamation  
Mid Pacific Region**

**San Luis & Delta-Mendota Water Authority  
Los Banos, CA**



**U.S. Department of the Interior  
Bureau of Reclamation  
Sacramento, California**



**San Luis & Delta-Mendota Water Authority  
Los Banos, California**

May 2011

## **Mission Statements**

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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# Abbreviations and Acronyms

CEQA	California Environmental Quality Act
CVP	Central Valley Project
Delta	Sacramento-San Joaquin Delta
DWR	California Department of Water Resources
EIS/EIR	Environmental Impact Statement/Environmental Impact Report
NEPA	National Environmental Policy Act
NOI	Notice of Intent
NOP	Notice of Preparation
Reclamation	United States Department of the Interior, Bureau of Reclamation
SLDMWA	San Luis & Delta-Mendota Water Authority
SWP	State Water Project

Long-Term Water Transfers  
Scoping Report

# Chapter 1

## Introduction

The U.S. Department of the Interior, Bureau of Reclamation and the San Luis & Delta-Mendota Water Authority (SLDMWA) are preparing a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) to analyze the effects of water transfers from entities in northern California to entities south of the Sacramento-San Joaquin Delta (Delta) and in the San Francisco Bay Area. The EIS/EIR will address transfers of Central Valley Project (CVP) water supplies that require use of CVP or State Water Project (SWP) facilities and transfers of non-CVP water supplies that require use of CVP facilities. Reclamation is the lead agency under the National Environmental Policy Act (NEPA). Pursuant to Federal and State law and subject to separate written agreement, Reclamation would facilitate water transfers involving CVP contract water supplies and facilities. SLDMWA is serving as the lead agency under the California Environmental Quality Act (CEQA) and would be one of the purchasing agencies of water transfers from agencies north of the Delta.

Buyers and sellers would be responsible for negotiating the terms of the transfers, including amount of water for transfer, method to make water available, and price. Reclamation is not initiating transfers or managing a bank or program to solicit sellers and buyers. Transfers of CVP supplies and transfers of non-CVP supplies that require use of CVP facilities are subject to review by Reclamation in accordance with the Central Valley Project Improvement Act of 1992, Reclamation's current water transfer guidelines, and California State law.

The proposed Long-Term Water Transfers EIS/EIR would include individual and multiyear transfers from 2012 through 2022. The EIS/EIR will analyze impacts of making water available in the sellers' service areas, conveying water, and using water in the buyers' service areas. Water transfers would occur through various methods, including, but not limited to, groundwater substitution and cropland idling.

As part of the NEPA and CEQA process, Reclamation and SLDMWA conducted public scoping to allow the opportunity for public input in development of the EIS/EIR. The Long-Term Water Transfers EIS/EIR also requires input and involvement of multiple stakeholders, including potential buyers, sellers, and regulatory agencies that will be involved in the transfer process. This report describes all elements of the scoping process conducted and provides a summary of comments.

## 1.1 Scoping Purpose and Process

Scoping is generally defined as “early public consultation,” and is one of the first steps of the NEPA and CEQA environmental review process (see Figure 1). The purpose of scoping is to involve the public, stakeholders, Indian tribes, and other interested entities early on in the environmental compliance process to help determine the range of alternatives, the environmental effects, and the mitigation measures to be considered in an environmental document. The results of scoping help to guide a lead agency’s environmental review of a project.



**Figure 1. NEPA and CEQA Process**

As part of the scoping process, lead agencies often conduct public meetings. Scoping is not limited to public meetings; however, public meetings allow interested persons to listen to information about a proposed project or action and express their concerns and viewpoints to the implementing agencies. During scoping meetings, the lead agencies generally outline the proposed project, define the area of analysis, propose issues to be addressed in the environmental compliance document, and solicit public comments. Agencies also establish a scoping comment period to accept scoping comments submitted in writing. Scoping comments are considered by the agencies during the formulation of alternatives and are used to determine the scope of the environmental issues to be addressed in the environmental document.

## 1.2 Applicable Regulations

Scoping is required by Federal and State regulations. The scoping requirements for NEPA and CEQA are outlined below.

### 1.2.1 National Environmental Policy Act

NEPA regulations (40 CFR 1501.7) require scoping to determine the scope of the issues to be addressed in the environmental review and to identify significant issues. Scoping helps focus the NEPA analysis on the potentially significant issues and deemphasize insignificant issues (40 CFR 1500.4(g)). According to NEPA, scoping should occur early on in the environmental review process and should involve the participation of the affected parties. Information gathered either identifies or can be used to identify:

- Significant resource issues
- Study participants
- The potentially affected geographical area
- Resources available for the study
- Study constraints
- Alternatives to be considered
- Cumulative impacts

The lead Federal agency of the proposed action is required to:

1. “Invite the participation of affected Federal, State, and local agencies, any affected Indian tribe, the proponent of the action, and other interested persons (including those who might not be in accord with the action on environmental grounds);
2. Determine the scope and the significant issues to be analyzed in depth in the Environmental Impact Statement;

3. Identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review narrowing the discussion of these issues in the statement to a brief presentation of why they will not have a significant effect on the human environment or providing a reference to their coverage elsewhere;
4. Allocate assignments for preparation of the Environmental Impact Statement among the lead and cooperating agencies, with the lead agency retaining responsibility for the Statement;
5. Indicate any public Environmental Assessments and other Environmental Impact Statements which are being or will be prepared that are related to but are not part of the scope of the Impact Statement under consideration;
6. Identify other environmental review and consultation requirements so the lead and cooperating agencies may prepare other required analyses and studies concurrently with, and integrated with, the Environmental Impact Statement; and
7. Indicate the relationship between the timing of the preparation of environmental analyses and the agency's tentative planning and decision making schedule" (40 CFR 1501.7).

Public involvement activities are required by Council on Environmental Quality (CEQ) regulations that state, "Agencies shall: Make diligent efforts to involve the public in preparing and implementing their NEPA procedures" (40 CFR 1506.6(a)). Public scoping meetings help to satisfy this requirement.

CEQ regulations (40 CFR 1508.22) require the implementing agency to notify the public that it is preparing an EIS for a project under consideration. Reclamation published a Notice of Intent (NOI) in the Federal Register on Tuesday, December 28, 2010. Appendix A of this scoping report includes a copy of the NOI.

Scoping includes all types of information-gathering activities and is not limited only to a public meeting forum. Information can be obtained in a variety of manners and forms: contacts with other agency personnel, water districts, citizens groups, and other interested individuals and parties are all scoping activities.

### **1.2.2 California Environmental Quality Act**

CEQA encourages early public consultation with affected parties. This early consultation can often identify and help to resolve potential problems before they turn into more serious problems further on in the process. CEQA describes two other benefits for early consultation:

- a) “Scoping has been helpful to agencies in identifying the range of actions, alternatives, mitigation measures, and significant impacts to be analyzed in depth in an Environmental Impact Report and in eliminating from detailed study issues found not to be important.
- b) Scoping has been found to be an effective way to bring together and resolve the concerns of affected Federal, State, and local agencies, the proponent of the action, and other interested persons including those who might not be in accord with the action on environmental grounds” (CEQA Guidelines Section 15083).

According to Section 15082 of the CEQA Guidelines, a State lead agency must conduct at least one scoping meeting for a project of statewide, regional, or area-wide significance. A scoping meeting held pursuant to NEPA in the city or county in which the project is located satisfies this CEQA requirement as long as notification of the scoping meetings has been carried out according to CEQA requirements.

Parallel to the process of the NOI for NEPA, CEQA requires public notification of the initiation of an EIR through a Notice of Preparation (NOP) (CEQA Guidelines Section 15082) that is submitted to the State Clearinghouse through the Office of Planning and Research. SLDMWA submitted the NOP to the State Clearinghouse on January 4, 2011. A copy of the NOP can be found in Appendix A of this scoping report.

### **1.3 Scoping Meeting Notification**

Reclamation and SLDMWA noticed groups and individuals about the scoping meetings through a variety of methods:

- Posting in the Federal Register (NOI)
- Submittal to the State Clearinghouse (NOP)
- Paid advertisements in the main sections of the following newspapers:
  - Sacramento Bee
  - Chico Enterprise Record
  - Redding Record Searchlight
  - Merced-Sun Star
  - Los Banos Enterprise
  - Patterson Irrigator
- Distribution of a press release to Reclamation’s media lists for the Sacramento and San Joaquin areas that included all of the aforementioned newspapers.

- Information regarding the scoping meetings on Reclamation's public website

Copies of paid advertisements, press releases, and meeting notice materials are included in Appendix A.

## 1.4 Scoping Meeting Format

Reclamation and SLDMWA convened three public meetings, one each in Chico (January 11, 2011), Sacramento (January 12, 2011), and Los Banos (January 13, 2011), to inform the public and interested stakeholders about Long-Term Water Transfers and solicit comments and input on the scope of the EIS/EIR.

Each scoping meeting began with a presentation by Reclamation. The presentation explained the purpose and format of the meeting, provided an overview of the proposed project and described the public comment process. During the presentation Reclamation and SLDMWA staff answered questions as they arose from meeting participants. Reclamation and SLDMWA also prepared information for stations that meeting participants could visit after the presentation for more information:

- Station 1: Overview
- Station 2: Transfer Types and Resources to be Analyzed
- Station 3: Process, Schedule, and Comments

Copies of meeting materials including the display boards for each station, comment card, and the presentation are included in Appendix B.

During the scoping meetings, participants were invited to provide verbal comments to a court reporter or written comments using comment cards. Appendix C includes a transcription of verbal comments and questions received during the meetings. (No verbal comments were received at the Los Banos scoping meeting.) Appendix C also includes all written comments received.

## Chapter 2

# Public Comments Received through Scoping

The public scoping period was from December 28, 2010 to February 28, 2011. The public was provided opportunities to comment in writing or orally at public scoping meetings or they could submit comments in writing via email, fax, or mail. Reclamation and SLDMWA distributed comment cards at the scoping meetings to facilitate return of written comments either at the scoping meetings and or via mail later during the project comment period. Email comments could be sent to representatives of Reclamation and SLDMWA. Of the 110 comments received, 71 were written comments and 39 were verbal comments.

This section summarizes the range of scoping comments received through the scoping period. These comments raised issues for Reclamation and SLDMWA to consider during the environmental process. These comments are included both in summary form and in their entirety in Appendix C.

The summary of comments presented in this section is organized by topic area and arranged in alphabetical order. This organization does not represent a relative importance among comments or topic areas, but rather is intended to facilitate presentation of comments in an orderly manner. The summary below does not include the complete text of each comment. If a similar comment was received from multiple participants, the comments were combined and reported as one comment. For the complete record of all comments received please see Appendix C.

### 2.1 Misunderstanding the Project Description

Some comments received did not pertain to the project description or reflected misinterpreted information. These comments included, but were not limited to, these common misconceptions:

- Commenters expressed concerns about impacts related to transfers from Butte County; however, the project description does not include transfers from Butte County. The project description for this EIS/EIR includes CVP-related transfers, and entities in Butte County are either not CVP contractors or would not use CVP facilities for transfers.
- Commenters were concerned that transfers may include up to 600,000 acre-feet of water annually; however, this EIS/EIR will include a much smaller transfer volume (approximately 100,000 to 150,000 acre-feet).

- Commenters discussed impacts related to transfers from the Trinity River watershed; however, the Trinity River is outside of the area of analysis for this EIS/EIR.

## 2.2 Alternatives

- Alternatives should include: conserve water, retire land in the San Joaquin Valley, modify CVP and SWP contracts, exclude groundwater substitution transfers, use transfers only within the basin of delivery, improve recapture and reuse, change crop patterns in San Joaquin Valley to less water intensive crops, limit dairy and cattle ranches south of the Delta, enforce seniority system to manage deliveries, desalinate water, pipe water from northern states, and create a policy of no net increase in water availability for urban or agricultural expansion.
- Cropland idling and groundwater substitution of pasture lands should be analyzed as possible transfer mechanisms.
- The EIS/EIR should include a No Action Alternative.
- The EIS/EIR should not only include transfers from water agencies, but from individuals and other entities as well.
- The EIS/EIR should incorporate information from the 2011 Technical Information Paper.

## 2.3 CEQA Lead Agency

- The California Department of Water Resources (DWR) should be the lead agency instead of SLDMWA.
- DWR has a statutory duty to serve as lead agency.
- Why has Reclamation partnered with SLDMWA in what otherwise seemed to be a commercial operation?
- Documentations should show how SLDMWA will profit from this project moving forward.

## 2.4 Cumulative Impacts

- The cumulative impacts analysis must include non-CVP water transfers, other potential water transfers, water exchanges, and other existing water transfer programs.

- Cumulative project impacts should be analyzed.
- Modeling may not fully capture groundwater-related impacts.
- The EIS/EIR should identify and consider Delta criteria proposed by the State Water Resources Control Board; these criteria represent the best available science and what is needed for a healthy Delta.

## **2.5 Economic Impacts**

- Crop idling causes economic impacts to local farmers and farm-related industries.
- Transfer documentation tends to rely on the RAND Corporation report related to economic third party effects from the 1991 Drought Water Bank, but this study does not adequately assess economic impacts from transfers.

## **2.6 Groundwater Impacts**

- The groundwater impact analysis needs a baseline for domestic wells, which should include groundwater level monitoring that starts immediately.
- Additional studies and surveys should be conducted to understand how the Tuscan Aquifer recharges.
- Potential groundwater quality impacts should be closely monitored and water quality regulations should be strictly enforced.
- Water transfers could cause long-term impacts to local groundwater resources and impair the long-term health of the aquifer.
- Declining groundwater levels could affect users that depend on local groundwater sources and oak trees and other vegetation that rely on groundwater.
- Groundwater overdraft could affect flows in Butte Creek.
- How will Glenn-Colusa Irrigation District Conjunctive Management Study be used in this EIS/EIR?
- The EIS/EIR must analyze impacts to localized groundwater conditions over the ten year time period and an analysis of whether the long-term

nature of the project establishes a permanent reliance on water from this program.

- The project must adhere to local groundwater ordinances and follow Basin Management Objectives.
- Groundwater should be monitored for potential migration of contaminated groundwater caused by groundwater substitution pumping.
- The foothill water table has dropped significantly in the past 25 years; groundwater substitution pumping could further affect wells in this area.
- Adequate groundwater modeling cannot be completed in the timeframe outlined for this study.

## **2.7 Opposition to the Program**

- Multiple commenters were generally opposed to the project and suggested organized protests.
- No one should profit from the sale of water.
- Profits from the sale of water should go to the county of origin.

## **2.8 Other Resource Impacts**

- The EIS/EIR must analyze the potential impact to migratory waterfowl associated with idling rice, potential loss of wetlands, and impact of delivery to wetlands south of the Delta.
- Crop idling can benefit wildlife if land is allowed to have seasonal, non-irrigated vegetation grow on it.
- The EIS/EIR should analyze the impacts of delivery to wetlands south of the Delta.
- The EIS/EIR must assess whether the project will have an adverse impact on historical resources within the area of project effect.
- The EIS/EIR should include analysis of how water transfers may affect the San Luis Reservoir State Recreation Area.

- Analysis must include water quality effects related to degraded water bodies, particularly issues related to mercury and dissolved oxygen.
- The analysis must consider whether exporting water from the Sacramento watershed to irrigate selenium-laden lands on the Westside of the San Joaquin Valley will result in runoff that could degrade surface water and groundwater bodies.
- Drainage from lands in transfer area could violate the state's anti-degradation policy.

## **2.9 Outreach and Involvement**

- Commenters would like for water transfers to be on the ballot so everyone in the region has a chance to vote on it.
- Commenters would like additional meetings in the North Valley region.

## **2.10 Project Description/Purpose and Need**

- The project description needs more definition. The EIS/EIR should analyze all proposed SWP transfers. The groundwater system is fragile; transfers could affect more groundwater users and the system is already in overdraft.
- The project is not cost effective because shifting water from one area of scarcity to another is just a waste of energy and money.
- Several commenters were generally supportive and indicated that they understand the project purpose and need.
- The baseline should include existing environmental program requirements.

## **2.11 Third Party Impacts**

- Groundwater substitution would affect more than just buyers and sellers; groundwater substitution could affect third parties and impacts must be analyzed.
- The Durham region experienced severe impacts to wells in the mid-1990s caused by DWR water transfers.
- The EIS/EIR must evaluate third party impacts.

- The EIS/EIR must include a clear plan to monitor and mitigate third party impacts.
- Any mitigation must be funded to prevent third party financial impacts.

## **2.12 Water Rights Issues**

- The EIS/EIR must include information about water rights of transferring parties.
- The EIS/EIR needs to clarify legal rights for riparian water rights owners.
- Commenters were concerned that transfers could cause farmers to lose water rights because of lost rights associated with another Northern California water transfer project.

## Chapter 3 Commenters

Agencies, organizations and individuals providing written scoping comments are listed below in Table 3-1. Agencies, organizations and individuals providing verbal comments at the meeting are listed below in Table 3-2. A summary of written comments and verbal comments as well as full written comments and the transcriptions of verbal comments are included in Appendix C.

**Table 3-1. Written Comments Received**

<b>Name</b>	<b>Affiliation/Organization</b>
Randy Abbott	Public
Tony St. Amant	Public
Mike Ashlock	Public
Jerry Bruns	California Regional Water Quality Control Board
Julie Butler	Public
Steve Lambert	Butte County
Greg Martin	Department of Parks and Recreation-Four Rivers Sector
Linda Calbreath	Public
Evon Parvaneh Chambers	Center for Biological Diversity, Friends of the River, Pacific Coast Federation of Fisherman's, Crab Boat Owners Assoc., Winnemem Wintu Tribe, Planning and Conservation League, Southern CA Watershed Alliance, Friends of Trinity River, North Coast Rivers Alliance, Salmon Water Now
RuthAnn Christensen	Public
Victoria Coots	Public
Brad Corkin	Public
Carl Wilcox, Paul Forsberg	California Department of Fish and Game
Marty Dunlap	Public
Gail Goodyear	Public
Steven Hammond	Public
Desiree' Hatton	Public
Stephanie Henderson	Public
Robin Huffman	Butte Environmental Council
Sarah Jensen	Public
Karen Laslo	Public
Ira & Teresita Latour	Public
Ann M. Vander Linden	Public
John MacTavish	Public
Danny Margoles	Public
Daniel McDaniel	Central Delta Water Agency
O. J. McMillan	Public
Dale Melville	Dudley Ridge Water District
Dale Melville	Dudley Ridge Water District
Bruce Meyer	Public
Richard Meyers	Public

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<b>Name</b>	<b>Affiliation/Organization</b>
Eric Miller	Public
Jan Mountjoy	Public
Katy Sanchez	Native American Heritage Commission
Gordy Ohliger	Public
Carole S. Oles	Public
Steve Owen	Public
Rod Butler	City of Patterson
Amber Pierce	Public
Brenda Rogers	Public
Angus Saint-Evens	Orland California
Ann Schuenemann	Public
Greg and Laurie Schwaller	Public
John Scott	Public
Grace Marvin	Sierra Club, Yahi Group
Jim Metropulos	Sierra Club California
Robert Stanley	Public
Jeffery Swanson	Public
Jeffery Swanson	Public
Paul R. Switzer	Public
Nora Todenhagen	Public
Judy Morris	Trinity County Board of Supervisors
John Merz	Sacramento River Preservation Trust
Barbara Vlamis, Bill Jennings, Carolee Krieger	Aqualliance, California Water Impact Network, California Sportfishing Protection Alliance
Elicia Whittlesey	Public
Greg Yarris	California Waterfowl Association

**Table 3-2. Verbal Comments Received**

<b>Name</b>	<b>Affiliation/Organization</b>
Jessica Allen	
Joshua Basofin	Defenders of Wildlife
Wally Bird	Chico resident
Brenda Calvert	Chico resident
Johnny Casper	Concow resident
Evon Chambers	Planning and Conservation League
Linda Cole	Citizen
John Dominguez	Chico resident
Marty Dunlap	Citizen
Robert Eberhart	Durham farmer
Jim Edwards	Tehama County farmer
Nanette Engelbrite	Northern California Power Agency
Jerry Toenyas	Northern California Power Agency
Paul Forsberg	Department of Fish and Game
Michael Garabedian	
Bob Hennigan	Retired Chico farmer
Barbara Hennigan	
Mark Herrera	

Name	Affiliation/Organization
John Hollister	Paradise resident
David Janinis	
Caroline Kittrell	Chico resident
Burt Levy	Citizen
John McCavish	Chico resident
Robert McCollin	Chico resident
Richard Meyers	Oroville resident
Eric Miller	Chico resident
Robert Montgomery	Small farmer in Durham
Grace Morgan	Conservation Chair of the Sierra Club
Gordon Ohliger	
Rick Ortega	Vice President, Quail Ridge Estates, Cottonwood, CA
Carol Perkins	Citizen of Butte County and water resource advocate for Butte Environmental Council
Trish Saint-Evens	Member of Save Our Water Resource
John Scott	Butte Valley Coalition and resident
Caroyl (sp?) Smth	
Rick Switzer	Resident of Butte Creek
Susan Tatayon	Nature Conservancy
Jerry Toenyas	Northern California Power Agency
Jim Townsend	Retired from farming industry
Bob Vanella	
Barbara Vlamis	Aqualliance