

## **Appendix E**

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Comment Letters and Reclamation's Response to Comments  
Set 1 of 5 (pages 1-24)

## **Appendix E**

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### **Comment Letters and Reclamation's Response to Comments**

This Appendix contains a copy of the comment letters received on the Draft Finding of No Significant Impact (FONSI) and Draft Environmental Assessment (EA) entitled *Warren Act Contract for Conveyance and Storage of Groundwater from 4-S Ranch and SHS Ranch to Del Puerto Water District* (EA-14-020). The Bureau of Reclamation (Reclamation) received comment letters from 1 Federal agency, 5 local agencies, 4 organizations, and 7 individuals. Table 1 identifies each commenting entity as well as the abbreviation used to identify the commenting entity in the response to comments. Individual comments in each comment letter are identified by the commenting entities abbreviation and a sequential number (e.g., USFWS-1). A response to the comments is provided after each specific comment letter. The responses are also numbered, corresponding to the numbers assigned in the letter.

**Table 1 Comment Letters Received and Abbreviations Used for Response to Comments**

<b>Comment Letters Received from Federal Agencies</b>	
U.S. Fish and Wildlife Service	USFWS
<b>Comment Letters Received from Local Agencies</b>	
Central California Irrigation District	CCID
Merced County Community and Economic Development Department	Merced
Merced Irrigation District	MID
San Luis Canal Company	SLCC
Stevinson Water District	SWD
<b>Comment Letters Received from Organizations</b>	
California Sweet Potato Growers	CSPG
Livingston Farmers Association	LFA
Merced County Farm Bureau	MCFB
Valley Land Alliance	VLA
<b>Comment Letters Received from Individuals</b>	
Colette Alvernaz	Alvernaz
Robert Chad	Chad
John Lourenco	Lourenco
Jean Okuye	Okuye
MaryAnn Reynolds	Reynolds
Gary Tessier	Tessier
Rod Webster	Webster



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

San Luis National Wildlife Refuge Complex  
Post Office Box 2176  
7376 South Wolfsen Road  
Los Banos, California 93635

08 May 2014

*Via U.S. Mail and email (remerson@usbr.gov)*

Ms. Rain L. Emerson, Natural Resources Specialist  
South-Central California Area Office  
1243 N. Street  
Fresno CA 93727

Dear Ms. Emerson:

***Re: Draft Finding of No Significant Impact - Warren Act Contract for Conveyance and Storage of Groundwater from 4-S Ranch and SHS Ranch to Del Puerto Water District***

USFWS-1 The Draft EA mentions that the 4-S and SHS ranches are "located within" the Grasslands Wildlife Management Area, and explains that the Grasslands WMA is an area of private lands with perpetual conservation easements held by the U. S. Fish and Wildlife Service. However, not all lands within the GWMA are encumbered by conservation easements. This document should clarify that these specific properties are encumbered by grants of easement and that there are restrictions on how the Easement Lands and Easement Waters can be used.

USFWS-2 The Easement Waters consist of any riparian or appropriative water rights appurtenant to the Easement Lands, any contracted water, and any water from existing or future wells that is capable of being used to maintain the Easement Lands in a flooded condition. The Easement Waters are limited to the amount of water reasonably required to flood the portions of the Easement Lands as described in the grants of easement (approximately 1,200 acres).

USFWS-2 The owners of these ranches are not obligated to apply water to these Easement Lands; however, in any year they do not flood the Easement Lands, the Service has the right and option, but not the obligation, to flood the Easement Lands from October 1 through March 1 of the following year. Therefore, under the terms of the grants of easement, there can be no exportation of water off the property from October 1 through March 1 if the Easement Lands are not simultaneously being maintained in a flooded condition.

USFWS-3 In addition, the 4-S and SHS ranches must not extract water in a manner that depletes the groundwater supply to the point that Easement Waters are being impaired. In other words,

↑ pumping activities must be conducted in a manner that leaves Easement Waters available from October 1 through March 1 for use by either the landowners or the Service to flood the Easement Lands. To ensure that groundwater resources are not being overdrawn, the Service has determined that it is appropriate to approve similar projects for only one year at a time. Subsequent approvals occur on an annual basis providing that there is no indication that Easement Waters are being impaired.

The grants of easement also restrict the landowners from altering the existing topography on Easement Lands. The Draft EA identifies locations of wells, but does not describe how water would be conveyed from some of these wells to the larger canal system. We are presently unaware of the existence of certain infrastructure that would allow water to be conveyed as described, and the installation of a new pipeline on Easement Lands would require the Service's approval.

Lastly, the Draft EA indicates that if overdraft of the ground water results in reduced or curtailed irrigation of pasture lands, that those pasture lands could be taken out of production until the end of the contract period. Since those lands are encumbered by grants of easements (because they are considered to have value as habitat for migrating birds), that change in condition should be described; and may also require Service approval.

If you have any questions, please don't hesitate to call me or Easement Manager Matt Lloyd (209/826-3508).

Sincerely,



Kim Forrest  
Wildlife Refuge Manager

Cc (via email): Curt McCasland, Refuge Supervisor; USFWS  
Dale Garrison, CVPIA Coordinator; USFWS  
James Monroe, Solicitor; DOI

## **Response to U.S. Fish and Wildlife Service Comment Letter, May 8, 2014**

- USFWS-1** Comment noted. Portions of 4-S Ranch and SHS Ranch are subject to conservation easements. As described in Table 2-1 of EA-14-020, use of the water shall comply with all federal, state, local, and tribal law, **and** [emphasis added] requirements imposed for protection of the environment and Indian Trust Assets. As such, groundwater pumped for the Proposed Action would be required to comply with any restrictions placed upon them such as those related to conservation easements, if applicable.
- USFWS-2** Comment noted. Based on comments received during the public comment period and additional review, the Proposed Action has been reduced in scope from what was previously analyzed in the draft EA. Under the revised Proposed Action, groundwater pumping for conveyance to Del Puerto Water District and for adjacent use on 4-S Ranch and SHS Ranch would be limited annually to what has been done historically. Although use of water on the 4-S Ranch and SHS Ranch would be curtailed to make the water available under the Proposed Action, as described above, project proponents will be required to comply with any applicable restrictions placed upon them.
- USFWS-3** See Response to USFWS-2.
- USFWS-4** As described in Table 2-1 of EA-14-020, no new construction or modification of existing facilities may occur in order to complete the Proposed Action. A figure has been included in Section 2.2 of EA-14-020 that illustrates the existing underground infrastructure used to convey pumped groundwater for discharge to the Eastside Bypass and Bear Creek.
- USFWS-5** See Response to USFWS-2. Although portions of the lands may not be irrigated during the two-year duration of the Proposed Action, it is the intent of the landowners of 4-S Ranch and SHS Ranch to continue using the lands as pasture for their cattle.



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SEXTON & COOPER, LLP  
Legal Counsel

May 20, 2014

U.S. Bureau of Reclamation  
1243 N Street  
Fresno, CA 93721

Attn: Rain Emerson

Re: Comments Relating to Warren Act Contract for Conveyance and Storage of Groundwater from  
4-S Ranch and SHS Ranch to Del Puerto Water District: Fonsi 14-020

Dear Ms. Emerson:

Please accept the following comments from Central California Irrigation District referencing the  
above mentioned project:

1. The term "adverse impacts" is used several times within the document; both as it relates to subsidence and the groundwater aquifer. These potential impacts need to be more clearly defined. There should be some objective standards set before the project begins and initial measurements should be followed by a more frequent measuring scheme.
2. Groundwater Resources, Page 2 second paragraph; the last sentence states that "any adverse impact to the groundwater aquifer would result in the reduction or curtailment of groundwater pumping for irrigation of the properties pasture followed by pumping for transfer, if needed." This method and order of reduced pumping should not be "set in stone" in this order. If impacts are being created, then the groundwater pumping schedule should go back to the historical method of pumping (irrigation of properties pasture) until the impacts are clearly defined and solutions are put in place prior to the 23,00 a.f./acre groundwater pumping program, as stated within this document, resumes.
3. Table 2-1 Water Resources, Protection Measures; 2<sup>nd</sup> bullet: initial water quality measurements should at least start out on a monthly basis until a good baseline is established.
4. Table 2-1 Water Resources, Protection Measures; 4<sup>th</sup> bullet: The subsidence monitoring should be done at a minimum of twice a year. This would be on the same schedule as currently being followed by the Bureau of Reclamation on upstream reaches of the San Joaquin River. The current schedule on the upstream reaches is done in July and December of each year.

CCID-1

CCID-2

CCID-3

CCID-4

CCID-5

5. Table 3-9; should include historical usage per well. The well logs should also be made part of the public record in order to clearly understand the potential effects of this pumping as it relates to subsidence.

CCID-6

6. The project should focus on current groundwater pumping in the area (particularly for overlying farming to the south of the project). Prior to the project approval, perhaps a local groundwater study should be mandated since the local groundwater basin for adjacent parcels could be affected by the additional 23,000 a.f./year; particularly when the groundwater for current overlying uses within the project area will not be decreased as part of the project. Perhaps this local water resource, to the extent is shown to be safe yield, could be offered under a right of first refusal to landowners to be used for subsidence mitigation in the area south of the project in Merced County.

CCID-7

7. The project should define the total potential acre-feet/acre being pumped on the 7,101 acres. It will be more than 23,000 a.f./year. The total should include the Projects 23,000 a.f./year along with the annual overlying use pattern. Can this annual pumping be sustained over the longer term without adversely impacting the area's groundwater resources.

Please call me if you have any questions concerning these comments.

Very truly yours,



Chris White  
General Manager

CW:mm



## **Response to Central California Irrigation District Comment Letter, May 20, 2014**

- CCID-1** Section 3.3 (Groundwater Resources) in EA-14-020 includes an analysis of potential impacts at it relates to subsidence and the groundwater aquifer. Based on comments received during the public comment period and further review, Reclamation and the project proponents have revised the Proposed Action (see Section 2.2 in the Final EA) and included a monitoring plan for the project (see Appendix F of the Final EA).
- CCID-2** Comment noted. See Responses to USFWS-2 and CCID-1.
- CCID-3** The Proposed Action has been revised to include monthly water quality monitoring during the first year of operation (see Section 2.2.2 of the Final EA and Appendix F). After the first year, a determination will be made as to whether or not water quality testing needs to continue on a monthly basis or if quarterly would suffice.
- CCID-4** As described on Page 18 of the Final EA, the landowners have requested that the Properties be included in Reclamation's San Joaquin River Restoration Program's subsidence monitoring program. Seven points within and around the Properties have been established and will be included in future subsidence monitoring reports. Subsidence monitoring will be done biannually.
- CCID-5** None of the wells currently have meters and no historic static water level data is available to include in Table 3-9; however, the landowners have agreed to restrict total annual groundwater pumping to what they have done historically. In addition, they have agreed to install meters on the 14 wells within one year of the Proposed Action. A monitoring plan for groundwater levels and subsidence has been added to the Final EA as Appendix F.
- CCID-6** See Responses to USFWS-2 and CCID-1.
- CCID-7** See Responses to USFWS-2 and CCID-1.



**COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT**

**Mark J. Hendrickson**  
*Director*

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Equal Opportunity Employer

May 20, 2014

Ms. Rain L. Emerson, Natural Resources Specialist  
Bureau of Reclamation  
1243 N Street  
Fresno, CA 93721

Dear Ms. Emerson:

As Merced County learned late last week that a water transfer has been proposed originating from private landowners within the County, it greatly appreciates your willingness to extend the comment period for the draft environmental documents relating to the proposed Warren Act contract for the introduction of up to 23,000 acre-feet per year of non-Central Valley Project groundwater into the Delta-Mendota Canal (DMC) for conveyance to the Del Puerto Water District (DPWD) and Patterson Irrigation District (PID). In this regard, Merced County offers the following thoughts, questions and considerations related thereto to Environmental Assessment (EA)-14-020.

We understand that water will be traveling above ground for approximately 32 miles (from the property to the approximate connection to the DPWD at the Delta Mendota Canal). Conveyance losses of 10 percent are anticipated from points of discharge to PID's intake pumps (in the Eastside Bypass, Bear Creek, and San Joaquin River), and 5 percent conveyance loss would be assessed in the DMC. As noted in your Environmental Assessment (EA), a maximum of 20,700 AF of water per year could be conveyed to the San Joaquin River due to the 10 percent conveyance loss. An additional 5 percent would be lost as the water traveled down the Delta-Mendota Canal, resulting in 19,665 AF of the 23,000 original AF of water pumped. Has a water balance and water quality assessment been performed by a qualified entity to determine if the proposed groundwater extraction is sustainable or may result in significant impacts to natural resources including surface and ground water use in the area? Is any water replenishment planned related to the proposed?

The Finding of No Significant Impact (FONSI) supported by the EA appears to rely upon several anecdotal references to surrounding land use and water resource utilization. The FONSI/EA report indicates, "The area is relatively isolated, with little immediately adjacent commercial or agricultural activity."

To the contrary, the 4-S and SHS ranches are surrounded by rich and productive agricultural lands and sensitive wetlands. The FONSI/EA report also indicates "...the nearest neighboring well is several miles away and would not be impacted." Numerous agricultural and a few domestic wells surround the 4-S and SHS ranches, the closest known well on neighboring property is actually immediately adjacent to the project site (western edge of 4-S ranch). This close proximity well was installed as a permanent water supply for livestock and a large-scale, wetland restoration project (a joint private/government funded effort). Has a thorough, documented, records review for water wells in the vicinity of the proposal been completed in order to evaluate potential impacts?

Merced-3 Many parcels in this area are inside or adjacent to the Grasslands Ecological Area, one of the largest and most sensitive wetlands areas in North America. To what extent are portions or all of the 4-S and SHS ranches property in Conservation Easements with United States Fish and Wildlife Service that frequently restrict land use and water use practices and if so, what restrictions to this type of activity apply? Have 4-S and SHS parcel titles been evaluated for resource restrictions?

Merced-4 Related to potential impacts to the local flood control network, to what extent is the applicant current with any required water facility improvement permits?

Merced-5 The FONSI/EA report also indicates "4-S and SHS Ranch would continue to irrigate its existing pasture land as has historically occurred," and "Landowners of the properties would pump groundwater from 13 existing wells (see Figure 2-1) for discharge into the Eastside Bypass and/or Bear Creek. The wells would pump 24 hours a day for approximately 8 months in order to provide up to 23,000 AF." Is it perhaps more pragmatic to require a detailed hydrologic analysis to determine how the proponents would use 13 wells pumping 24 hours per day for 8 months each year to export 23,000 acre-feet of groundwater and continue to "irrigate its existing pasture lands as has historically occurred" without significant impacts to water resources? Relating to the 13 wells, will the 13 associated pumps be running in excess of their current, typical operations?

Merced-6 The EA lists Table 2-1, Environmental Protection Measures and Commitments, outlining specific protection measures. Measures include annual depth to groundwater in each well prior to pumping and once every three months until pumping ceases. The County contends that this data should be provided to the County and any other interested parties.

Merced-7 The list of reviewers and preparers of the document do not appear to include any staff relating to water impacts. All contributors are biological or cultural resources specialists, or the proponents of the water transfer. Any information regarding existing well conditions and the local aquifer was provided seemingly solely by the project proponent. Is this assumption correct?

Other additional questions include the following:

Merced-8

- How many water transfers, and correspondingly, what volume of water has been transferred in to Merced County through Bureau of Reclamation involvement? How much has been transferred out?

Merced-9

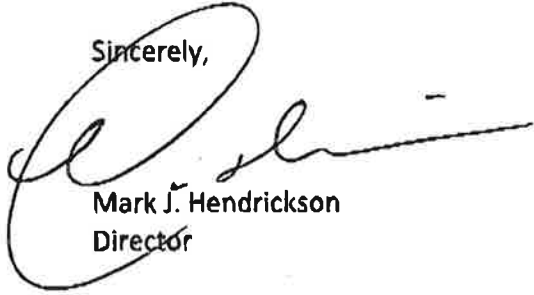
- Have all adjacent property owners been notified?

Merced-10 In addition to the above comments and questions, Merced County respectfully requests additional time from which to provide further comment considering the short time frame it had to formulate the said questions. Merced County understands that this project has a corresponding Negative Declaration for the 4-S and SHS Ranch Water Acquisition Project under the California Environmental Quality Act (CEQA), also with a condensed timeframe for comment for which we will likely be providing separate comment.

Again, thank you for the opportunity to comment on the above referenced matter. In the future,

Merced County respectfully requests that you add it to your distribution list so that it may choose to provide thoughtful comments prospectively.

Sincerely,



Mark J. Hendrickson  
Director



Ron Rowe, MPA, R.E.H.S.  
Director  
Division of Environmental Health

cc: The Honorable Members of the Merced County Board of Supervisors  
Mr. James L. Brown, County Executive Officer  
Mr. James Fincher, County Counsel



**COMMUNITY AND ECONOMIC  
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**Mark J. Hendrickson**  
*Director*

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Equal Opportunity Employer

May 21, 2014

Ms. Rain L. Emerson, Natural Resources Specialist  
Bureau of Reclamation  
1243 N Street  
Fresno, CA 93721

Dear Ms. Emerson:

Per our communications this morning, please consider this correspondence as an addendum to our letter of yesterday afternoon, dated May 20, 2014. Merced County greatly appreciates your willingness to accept additional comments and questions from our organization related to the draft environmental documents for the conveyance and storage of groundwater in the Delta-Mendota Canal to the Del Puerto Water District.

As you are likely aware, our Board of Supervisors yesterday received significant comment from a number of Merced County farmers, ranchers and residents, many of which expressed opposition to the proposed transfer. It's in this respect, that Merced County offers the following additional comments.

First and foremost, consistent with our letter of yesterday, the Environmental Assessment (EA) does not fully evaluate or seemingly contemplate the impacts to adjacent property owners, most specifically those residing in and around the Stevinson area of Merced County. Considering this lack of evaluation, it would seem most appropriate for your agency to conduct full hydrological studies at this time that address all impacts to neighboring agricultural and domestic wells prior to any negative impacts occurring to those property owners. Furthermore, considering the proposed transfer contemplates a multi-year arrangement, your studies should reflect, model and forecast accordingly while factoring in the current and future effects of our prolonged drought.

Other concerns have also been expressed relating to potential detrimental impacts to nearby areas, like the unincorporated community of McSwain which is approximately 9 miles from the site. In this regard, can you please provide the County with data that demonstrates this area (and others in close proximity) will be unaffected by the proposed transfer?

To this point, as was noted in your EA, we understand that the landowners of the properties would pump groundwater from 13 existing wells for 24 hours a day for approximately 8 months in order to provide up to 23,000 AF, while continuing to irrigate its existing pasture lands as has historically occurred. In this regard, what are the long term cumulative impacts associated with this intensity of pumping as described, again especially as it relates to others in the area who rely upon this same groundwater basin?



↑ Considering there are a number of property owners with wells nearby and in very close proximity to the proposed site, more precise information about the extent of those impacts should be included as part of your environmental analysis moving forward.

Merced-14  
cont.

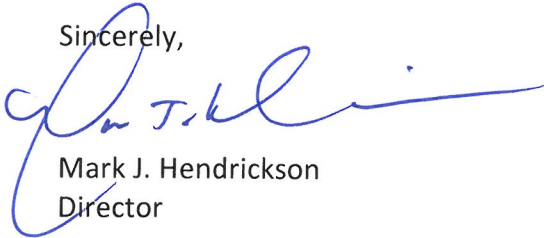
To reiterate, in order to protect the interests of all Merced County property owners, most notably those who rely upon the same groundwater basin, Merced County respectfully requests these studies be conducted in advance of your approval of the said transfer. Furthermore, the County requests this data is provided to all stakeholders (i.e. adjacent property owners and those who utilize water from this same basin including communities and other water districts) in the region including Merced County.

Merced-15

Second, as a socioeconomically challenged County whose lifeblood is agriculture, any analysis (i.e. economic data) that you could provide that demonstrates highest and best use of the water to protect the needs of our farmers would be appreciated. As you well know, considering the plight of the region due to our current drought, there should be some consideration as to how to best protect the highest number of agricultural interests.

As staff was directed to send this addendum and original letter by the Board of Supervisors, thank you for the opportunity to comment on the above referenced matter. We look forward to receiving your responses in the days ahead.

Sincerely,



Mark J. Hendrickson  
Director



Ron Rowe, MPA, R.E.H.S.  
Director  
Division of Environmental Health

cc: The Honorable Members of the Merced County Board of Supervisors  
Mr. James L. Brown, County Executive Officer  
Mr. James Fincher, County Counsel

**Response to Merced County Community and Economic Development Department  
Comment Letters, May 20, 2014 and May 21, 2014**

- Merced-1** See Response to CCID-1. Under the revised Proposed Action (see Section 2.2 in the Final EA), groundwater pumping for conveyance to Del Puerto Water District and for adjacent use on 4-S Ranch and SHS Ranch would be limited annually to what has been done historically. A monitoring plan has been developed to monitor groundwater levels, water quality, and subsidence during the duration of the Proposed Action (see Appendix F in the Final EA). As groundwater pumping would not be increased beyond what has occurred previously, groundwater levels would remain within historical fluctuations and recharge of the aquifer from rainfall and direct deep percolation would be unchanged.
- Merced-2** See Response to Merced-1.
- Merced-3** See Response to USFWS-1.
- Merced-4** As described in Table 2-1 of EA-14-020, no new construction or modification of existing facilities may occur in order to complete the Proposed Action. As such, there would be no impacts to the local flood control network. Any required permit related to the flood control network is the responsibility of the landowners of the Properties. As described in Table 2-1 of EA-14-020, use of the water shall comply with all federal, state, local, and tribal law, and requirements imposed for protection of the environment and Indian Trust Assets. As such, groundwater pumped for the Proposed Action would be required to comply with any restrictions placed upon them.
- Merced-5** See Response to Merced-1.
- Merced-6** Comment noted. The comment does not raise concerns or issues specific to the environmental analysis presented in EA-14-020. As such, no changes have been made to the EA and no response is required. Data provided as part of the monitoring plan (see Appendix F in the Final EA) will be used by Reclamation to monitor implementation and success of the environmental commitments listed in Table 2-1. If the County or any other interested party would like copies of this data, it can be provided upon request.
- Merced-7** This assumption is not correct. One of the preparers is Richard M. Moss, a registered California Civil Engineer specializing in water resource planning and operations. In addition, Stephen Lee, a Reclamation hydrologist, reviewed the project.
- Merced-8** Based on request, Reclamation regularly approves water transfers into and out of water districts that are wholly or partially within Merced County. In 2013, Reclamation's South-Central California Area Office approved several water transfers and Warren Act contracts that would have moved water into and out of

Merced County. At present 35,612 acre-feet (AF) of water has been approved to be transferred in and 17,156 AF of water has been approved to be transferred out of districts that are wholly or partially within Merced County.

- Merced-9** Reclamation provided the public with an opportunity to comment on the Draft FONSI and Draft EA between May 5, 2014 and May 19, 2014. A press release announcing the availability of the Draft EA and FONSI was released to the public on May 5, 2014. Based on several requests received, the comment period was extended to May 30, 2014. A press release announcing the comment period extension was released on May 23, 2014.
- Merced-10** Comment noted. See Response to Merced-9.
- Merced-11** The request to be added to our distribution list has been forwarded to our Public Affairs office.
- Merced-12** See Response to Merced-1.
- Merced-13** See Response to Merced-1.
- Merced-14** See Response to Merced-1.
- Merced-15** A socioeconomics section has been added to the Final EA (see pages 31-32). As described above, the Proposed Action has been reduced in scope from what was previously analyzed in the Draft EA. Under the revised Proposed Action (see Section 2.2 in the Final EA), groundwater pumping for conveyance to Del Puerto Water District and for adjacent use on 4-S Ranch and SHS Ranch would be limited annually to what has been done historically. As pumping would remain within historic rates, groundwater levels and neighboring wells would not be impacted and recharge of the aquifer from rainfall and direct deep percolation would be unchanged. In addition, all lands to which the groundwater would be delivered are in permanent crop plantings that support the agricultural economy of the local area, including 9,000 acres in Merced County.





## MERCED IRRIGATION DISTRICT

May 20, 2014

Mr. Michael Jackson  
Area Manager  
South-Central California Area Office  
Bureau of Reclamation

**Subject: Request for 30 Day Extension of Public Review Period – Draft Finding of No Significant Impact Relating to Warren Act Contract for Conveyance and Storage of Groundwater from 4-S Ranch and SHS Ranch to Del Puerto Water District**

**Re: DRAFT EA and FONSI – 14 – 020**

Dear Mr. Jackson,

MID-1  
The Merced Irrigation District (MID or District) respectfully requests the Bureau of Reclamation (Reclamation) extend the public review and comment period by 30 days to June 20, 2014 to allow for additional comments regarding Reclamation's Draft Environmental Assessment (EA) and Finding of No Significant Impacts (FONSI) for Warren Act Contract to allow for the conveyance and storage of groundwater from the 4-S Ranch and SHS Ranch to the Del Puerto Water District. This action involves the pumping of groundwater, sale and transfer, over a four-year period, of up to 92,000 AF from within the Merced Groundwater Basin to be conveyed to interests in other counties and groundwater basin(s).

Upon review of the draft EA and FONSI, MID is concerned that the EA may not thoroughly address or analyze the impacts to water quality, basin overdraft, surface water resources, subsidence, economics, or cumulative impacts, all of which impact the MID either directly or indirectly, and further is likely to affect the Merced Groundwater Basin which the MID overlies.

MID-2  
For example, we do not agree with the position apparently taken by Reclamation that "the aquifer beneath the well field is not believed to be in overdraft as water levels in the area have remained relatively constant over many years". Existing records widely and consistently show that this is an incorrect assessment. Also, Reclamation's analysis and positions regarding groundwater levels and subsidence may also be flawed, easily accessible documents indicate that the subsidence trend in the area is indeed downward.

MID-3

This comment and request for extension of the public review period is not meant to be MID's comprehensive comments on Reclamation's EA and FONSI but rather in indication that there may be significant impacts for this proposed Project, and we would appreciate additional time to submit those comments.

Sincerely,



John Sweigard  
General Manager

CC: Merced ID Board of Directors  
Merced County Board of Supervisors  
Merced County Farm Bureau



## MERCED IRRIGATION DISTRICT

May 30, 2014

Mr. Michael Jackson  
Area Manager  
South-Central California Area Office  
Bureau of Reclamation

**Subject: Comment Regarding Draft Finding of No Significant Impact (FONSI) Relating to Warren Act Contract for Conveyance and Storage of Groundwater from 4-S Ranch and SHS Ranch to Del Puerto Water District (EA)**

Dear Mr. Jackson,

The Merced Irrigation District (MID) appreciates the opportunity to comment on the subject mentioned document, hereinafter referred to as the FONSI and EA respectively. The project proposes the transfer of up to 23,000 AF of groundwater per year over the life of the proposed project from 4-S/SHS Ranch properties to the Del Puerto Water District (Project). The well field utilized for the groundwater transfer is located within Merced Groundwater Basin (Merced Basin) Number: 5-22.04 as designated by Bulletin 118 of the California Department of Water Resources. The Merced Basin occupies an area of approximately 491,000 acres and underlies MID as well as lands adjacent.

The Merced Groundwater Basin Groundwater Management Plan Update, approved by Merced Area Groundwater Pool Interests in 2008, states under the purpose for the plan:

*"The purpose of the GWMP is to identify and implement a number of actions using modern technology and sound science to preserve and/or increase the quantity of the MGWB [groundwater resources in the Merced Groundwater Basin] to ensure adequate groundwater resources for future generations".*

After years of study and development of the Merced Groundwater Basin Groundwater Management Plan and Update, stakeholders and developers of the Plan agreed that groundwater levels in the sub-basin have been declining for decades, at least since the 1980's. There is a wide variety of documentation and analysis to support the finding, including the monitoring of static groundwater levels for the Merced Irrigation District wells and other public wells.

Despite having generally widespread agreement on the concept of declining groundwater levels in the Merced Basin the EA indicates in the Groundwater Resources section:

*"The aquifers that the well field pumps from are not believed to be in overdraft as water levels in the area have remained relative constant over many years (Sloan pers. com.). Increases in pumping could*



↑ *change that depending upon the volumes of water pumped and the changing hydrologic sources of recharge both as a result of increased pumping and as a result of changes in local stream flows."*

While the discussion may be true for the specific area of the well field, there does not appear to be any detailed discussion or analysis supporting the conclusion in the FONSI, EA nor the Project.

Even if true, it is evident that any accelerated groundwater pumping will have an impact over the Merced Basin at large. MID respectfully requests the Project proponents identify a mitigation plan restoring the volume intended to be extracted and exported outside the Merced Basin. The plan may include direct and in-lieu recharge in the area or areas up-gradient from the well field. In addition and consistent in with my review of the draft FONSI and EA, MID is concerned that the environmental review documents do not thoroughly address or analyze the impacts to water quality, basin overdraft, surface water resources, subsidence, economics, or cumulative impacts, all of which impact the MID either directly or indirectly, and further is likely to affect the Merced Basin which the MID overlies and actively recharges and withdraws as a conjunctive use district.

Please note the Project well field is generally located within the San Joaquin River corridor and within close proximities to natural and manmade surface water bodies, specifically Bear Creek and the East Side Canal both of which convey flows to Stevinson and Merquin water districts amongst other users. In a third year of critical drought, analysis should be undertaken and completed to determine the impact of excessive groundwater pumping on depletions from these surface water bodies. The groundwater water extracted from the Project wells may be totally or partially (depending on the location and the yielding strata for a given well) depleting surface flows from a senior water right holder.

Further, it appears either the Project NEPA documents tiered off of the Project CEQA documents prepared by Del Puerto Water District as the lead CEQA agency or vice-versa. Therefore MID strongly encourages Reclamation to review all CEQA comments received by the lead agency to consider in Reclamations determination as to the adequacy of the NEPA EA and FONSI.

Again, MID appreciates the opportunity to submit these comments on the proposed Project. If I can provide assistance or information that might assist you or others in developing an appropriate response to the MID's concerns and/or a groundwater replacement/mitigation plan, please let me know. Please feel free to contact me at 209-722-5761 or by email at [jsweigard@mercedid.org](mailto:jsweigard@mercedid.org) if you would like to discuss this matter further.

Respectfully Submitted,



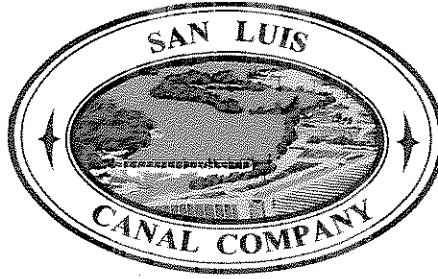
John Sweigard  
General Manager

CC: Merced ID Board of Directors  
Merced County Board of Supervisors  
Merced County Farm Bureau  
Del Puerto Water District

## **Response to Merced Irrigation District Comment Letters, May 20, 2014 and May 30, 2014**

- MID-1** Based on several requests, Reclamation extended the comment period to May 30, 2014. A press release announcing the comment period extension was released on May 23, 2014. Based on comments received during the public comment period and additional review, the Proposed Action has been reduced in scope from what was previously analyzed in the Draft EA. Under the revised Proposed Action (see Section 2.2 in the Final EA), groundwater pumping for conveyance to Del Puerto Water District and for adjacent use on 4-S Ranch and SHS Ranch would be limited annually to what has been done historically and would only be for a two-year period.
- MID-2** Reclamation prepared EA-14-020, consistent with National Environmental Policy Act (NEPA) regulations, guidance from the Council on Environmental Quality (CEQ), and Department of the Interior's NEPA regulations. EA-14-020 analyzed the potential direct, indirect, and cumulative impacts of Reclamation's Proposed Action (the issuance of a Warren Act contract) on the following resources: surface water resources, groundwater resources, land use, biological resources, socioeconomics, environmental justice, cultural resources, Indian Trust Assets, Indian Sacred Sites, air quality, and global climate. As noted above, the Proposed Action has been scaled back. Groundwater pumping under the Proposed Action would be limited to annually to what has been done historically. In addition, a monitoring plan has been developed to monitor groundwater levels, water quality, and subsidence during the duration of the Proposed Action (see Appendix F in the Final EA). As groundwater pumping would not be increased beyond what has occurred previously, groundwater levels would remain within historical fluctuations and recharge of the aquifer from rainfall and direct deep percolation would be unchanged.
- Reclamation has not taken the position regarding the aquifer, rather, as stated on page 16 of the Draft EA, the landowners have reported that the aquifer beneath the Properties has been "relatively constant over many years". As the Proposed Action has been reduced in scale to keep groundwater pumping within historic levels, this section of the Final EA has been revised (see pages 16-22).
- MID-3** Comment noted. The comment does not raise concerns or issues specific to the environmental analysis presented in EA-14-020. As such, no changes have been made to the EA and no response is required.
- MID-4** See Responses to MID-1 and MID-2.
- MID-5** Comment noted. See Responses to MID-1 and MID-2.
- MID-6** Comment noted. See Response to MID-2. The EA does not tier from the California Environmental Quality Act (CEQA) environmental documentation prepared by Del Puerto Water District. Comments received by Del Puerto Water

District pursuant to CEQA have been addressed separately by Del Puerto Water District. Comments provided to Reclamation on EA-14-020 have been included in the Final EA along with Reclamation's response to comments.



May 18, 2014

USBR

ATTENTION: Rain Emerson

1243 N Street

Fresno, CA 9372

**RE: COMMENTS RELATING TO WARREN ACT CONTRACT FOR CONVEYANCE AND STORAGE OF GROUNDWATER FROM 4-S RANCH AND SHS RANCH TO DEL PUERTO WATER DISTRICT: FONSI 14-020**

Please accept the following comments from San Luis Canal Company referencing the above mention project.

SLCC-1

1. The term "adverse impacts" is used several times within the document; both as it relates to subsidence and the groundwater aquifer. These potential impacts need to be more clearly defined. There should be some objective standards set before the project begins and initial measurements should be followed by a more frequent measuring scheme.

SLCC-2

2. Groundwater Resources; Page 3, second paragraph; the last sentence states that "any adverse impacts to the groundwater aquifer would result in the reduction or curtailment of groundwater pumping for irrigation of the Properties pasture followed by pumping for transfer, if needed." This method and order of reduced pumping should not be "set in stone" in this order. If impacts are being created, then the groundwater pumping regime should go back to the historical method of pumping (irrigation of properties pasture) until the impacts are clearly defined and solutions are put in place prior to the 23,000 AF/AC groundwater pumping program, as stated within this document, resumes.

SLCC-3

3. Table 2-1 Water Resources, Protection Measures; 2<sup>nd</sup> bullet: initial water quality measurements should at least start out on a monthly basis until a good baseline is established.
4. Table 2-1 Water Resources, Protection Measures; 4<sup>th</sup> bullet: **The subsidence monitoring should be done at a minimum twice a year.** This would be on the same schedule as currently being followed by the Bureau of Reclamation on upstream reaches of the San Joaquin River. The current schedule on the upstream reaches is done in July and December of each year.
5. Table 3-9: should include historical usage per well. The well logs should also be made part of the public record in order to clearly understand the potential effects of this pumping as it relates to subsidence.

SLCC-4

SLCC-5

SLCC-6

6. The project should focus on current groundwater pumping in the area (particularly for overlying farming to the south of the project). Prior to project approval, perhaps a local groundwater study should be mandated since the local groundwater basin for adjacent parcels could be affected by the additional 23,000 AF / year; particularly when the groundwater for current overlying uses within the project area will not be decreased as part of the project.

SLCC-7

7. Project should define the total potential Acre Feet / Acre being pumped on the 7,101 acres. It will be more than 23,000 AF/YR. The total should include the Projects 23,000 AF/YR along with the annual overlying use pattern.

Please call with any questions. I can be reached at 209-826-5112, or by mail at 11704 W. Henry Miller Avenue, Dos Palos, CA. 93620

Sincerely,



Chase Hurley

General Manager



**Response to San Luis Canal Company Comment Letter, May 18, 2014**

- SLCC-1**      See Response to CCID-1.
- SLCC-2**      See Responses to USFWS-2 and CCID-1.
- SLCC -3**      See Response to CCID-3.
- SLCC -4**      See Response to CCID-4.
- SLCC -5**      See Response to CCID-5.
- SLCC -6**      See Responses to USFWS-2 and CCID-1.
- SLCC -7**      See Responses to USFWS-2 and CCID-1.