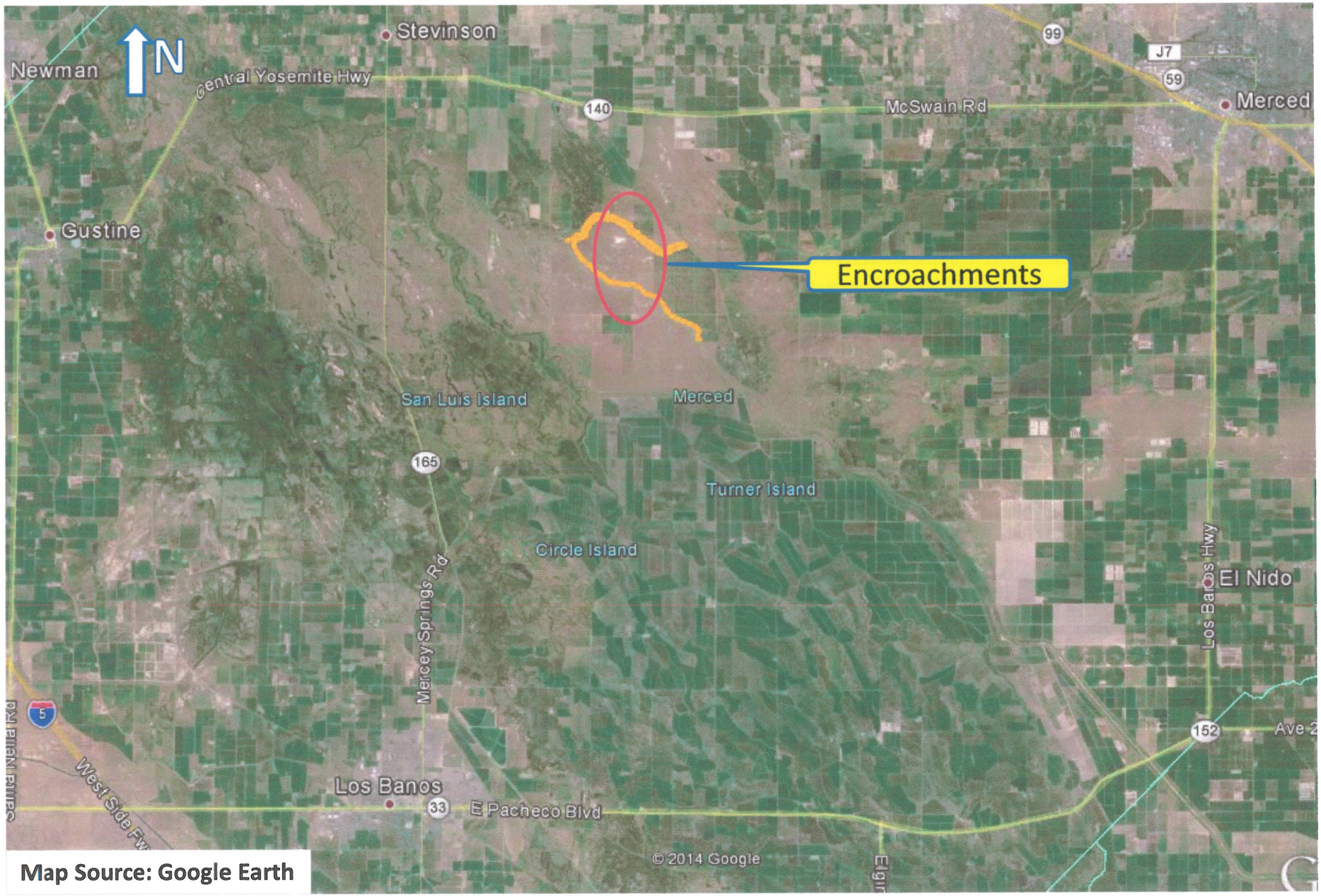
# Appendix E

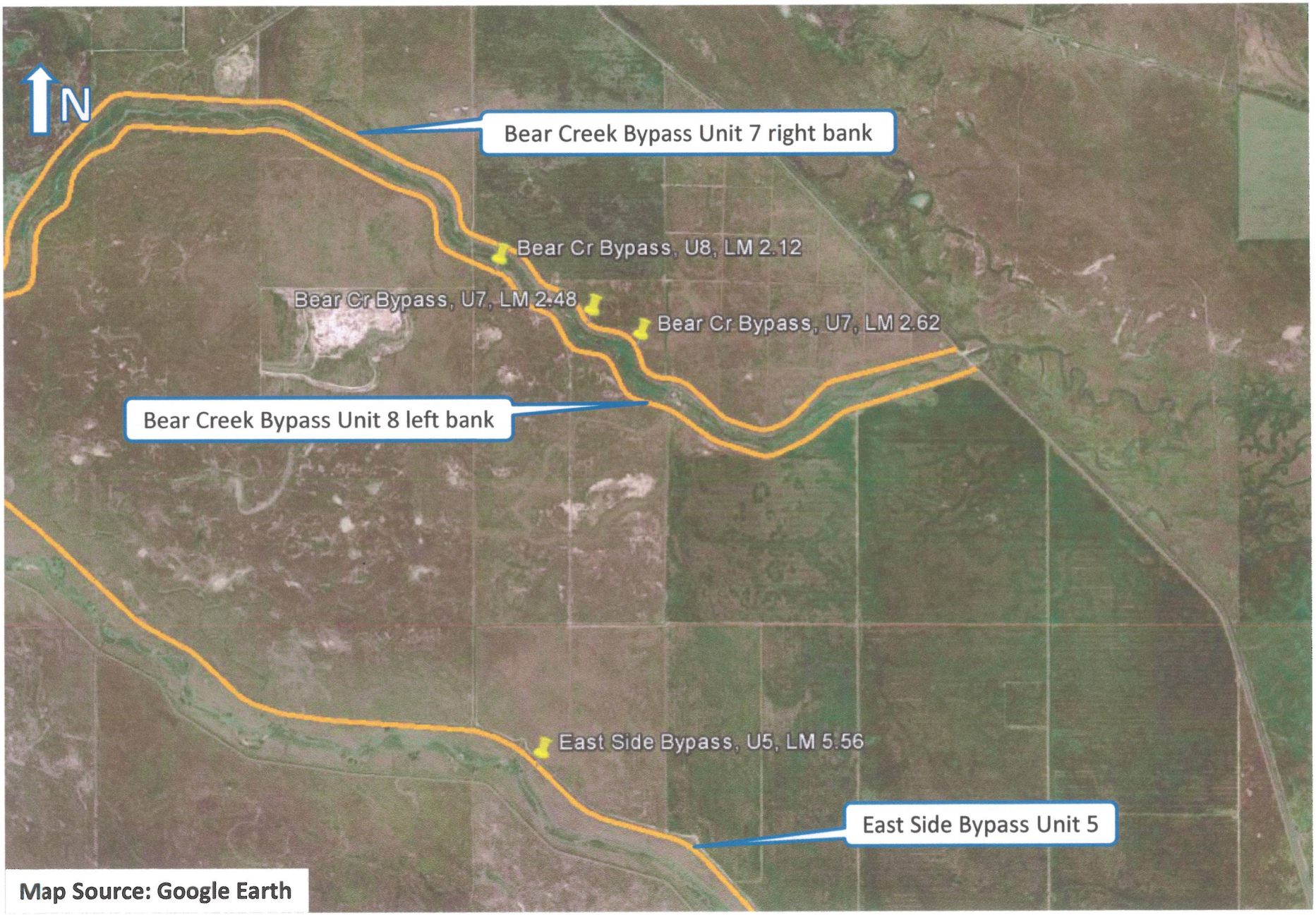
Comment Letters and Reclamation's Response to Comments
Set 5 of 5 (pages 90-141)

**CVFPB FIGURE 1: Vicinity Map**
**Encroachment ID 2014-1068: Bear Creek Bypass 18-inch PVC Pipes**




**Map Source: Google Earth**

**CVFPB FIGURE 1: Location Map**
**Encroachment ID 2014-1068: Bear Creek Bypass 18-inch PVC Pipes**




**Map Source: Google Earth**

**Flood Control Project Maintenance**
**Levee Inspections**

# Levee Inspection Report By Mile - Spring 2014

*** Preliminary Data ***

## Lower San Joaquin Levee District

| Waterway | Bank | Unit Miles | Inspection Start/End | Inspector |
|---|---|---|---|---|
| Unit No. 07 Bear Creek Bypass | Right | 3.62 | 05/12/2014<br>05/12/2014 | Richard Willoughby |

| | | | | | |
|---|---|---|---|---|---|
| LM Start | 1.86 | Rating ** | A/W | Issue No. | 31 (cont) |
| LM End | 1.86 | Issue Type + | Ma | Location * | CR |
| Category | Earthen Levee | | | GPS Latitude/Longitude Start | GPS Latitude/Longitude End |
| Item | Animal Control | | | 37.261670 °<br>-120.745010 ° | 37.261670 °<br>-120.745010 ° |
| DWR ID | DWR_NA0010_07_s _ 2012_31 | | | | |

Action/Comments

No rodents visible, but rodent burrows visible; need to backfill and compact or grout burrows.
Inspector Comments: Large rodent holes on crown of levee and landside shoulder of levee.

Photo 3 of 3 : richard_s_20140417_790.jpg

Looking north a repaired rodent hole on levee crown.

| | | | | | |
|---|---|---|---|---|---|
| LM Start | 2.48 | Rating ** | M | Issue No. | 7 |
| LM End | 2.48 | Issue Type + | En | Location * | LS |
| Category | Earthen Levee | | | GPS Latitude/Longitude Start | GPS Latitude/Longitude End |
| Item | Encroachments | | | 37.255830 °<br>-120.737255 ° | 37.255830 °<br>-120.737255 ° |
| DWR ID | DWR_NA0010_07_s _ 2014_7 | | | | |

Action/Comments

Pipe
Inspector Comments: Landowner is in the process of installing a 18" pvc pipe into drain pipe. Eighteen inch pipe has a meter installed to monitor gpm into channel for water well.

Photo 1 of 4 : richard_s_20140519_805.jpg

Looking east at installation of 18" pvc pipe into 24 inch drain pipe on landside slope.

| | | | | | |
|---|---|---|---|---|---|
| LM Start | 2.48 | Rating ** | M | Issue No. | 7 (cont) |
| LM End | 2.48 | Issue Type + | En | Location * | LS |

Photo 2 of 4 : richard_s_20140519_806.jpg

Looking southeast at 18" pvc pipe.

| * Location | ** Rating | | + Issue Type | |
|---|---|---|---|---|
| LS : Land Side | A : Acceptable | N : Not Inspected/Rated | Ma : Maintenance Deficiancy | 97 |
| WS : Water Side | M : Minimally Acceptable | C : Corrected | Ob : Design & System Obsolescence | 125 |
| CR : Crown | U : Unacceptable | A/W : Acceptable but Monitor & Maintain | En : Enforcement | 4160 |

**Flood Control Project Maintenance**
**Levee Inspections**

# Levee Inspection Report By Mile - Spring 2014

*** Preliminary Data ***

## Lower San Joaquin Levee District

| Waterway | Bank | Unit Miles | Inspection Start/End | Inspector |
|---|---|---|---|---|
| Unit No. 07 Bear Creek Bypass | Right | 3.62 | 05/12/2014<br>05/12/2014 | Richard Willoughby |

| | | | | | |
|---|---|---|---|---|---|
| LM Start | 2.48 | Rating ** | M | Issue No. | 7 (cont) |
| LM End | 2.48 | Issue Type + | En | Location * | LS |
| Category | Earthen Levee | | | GPS Latitude/Longitude Start | GPS Latitude/Longitude End |
| Item | Encroachments | | | 37.255830 °<br>-120.737255 ° | 37.255830 °<br>-120.737255 ° |
| DWR ID | DWR_NA0010_07_s _ 2014_7 | | | | |

Action/Comments

Pipe
Inspector Comments: Landowner is in the process of installing a 18" pvc pipe into drain pipe. Eighteen inch pipe has a meter installed to monitor gpm into channel for water well.

Photo 3 of 4 : richard_s_20140519_807.jpg

Looking north at 18" pipe.

| | | | | | |
|---|---|---|---|---|---|
| LM Start | 2.48 | Rating ** | M | Issue No. | 7 (cont) |
| LM End | 2.48 | Issue Type + | En | Location * | LS |

Photo 4 of 4 : richard_s_20140519_808.jpg

Looking south at 18" pipe.

| | | | | | |
|---|---|---|---|---|---|
| LM Start | 2.62 | Rating ** | M | Issue No. | 8 |
| LM End | 2.62 | Issue Type + | En | Location * | LS |
| Category | Earthen Levee | | | GPS Latitude/Longitude Start | GPS Latitude/Longitude End |
| Item | Encroachments | | | 37.254896 °<br>-120.734926 ° | 37.254896 °<br>-120.734926 ° |
| DWR ID | DWR_NA0010_07_s _ 2014_8 | | | | |

Action/Comments

Pipe
Inspector Comments: Same landowner at LM 2.48 is connecting eighteen inch to drain pipe to montior water draining into channel.

No Photos

| * Location | ** Rating | | + Issue Type | |
|---|---|---|---|---|
| LS : Land Side | A : Acceptable | N : Not Inspected/Rated | Ma : Maintenance Deficiancy | 97 |
| WS : Water Side | M : Minimally Acceptable | C : Corrected | Ob : Design & System Obsolescence | 125 |
| CR : Crown | U : Unacceptable | A/W : Acceptable but Monitor & Maintain | En : Enforcement | 4160 |

**Response to Stevinson Water District Comment Letters, May 13, 2014 and May 30, 2014**

**SWD-1** Comment noted. See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, and MID-2.

**SWD-2** Comment noted. See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, and MID-2.

**SWD-3** Comment noted. S See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, and MID-2.

**SWD-4** Comment noted. See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, and MID-2.

**SWD-5** Comment noted. See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, and MID-2.

**SWD-6** Comment noted. See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, and MID-2.

**SWD-7** Comment noted. See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, and MID-2.

**SWD-8** Comment noted. See Response to USFWS-4.

**SWD-9** Comment noted. See Responses to USFWS-1, USFWS-2, USFWS-4, CCID-1, Merced-1, MID-1, and MID-2.

**SWD-10** Comment noted. See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, and MID-2.

**SWD-11** 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.

Emerson, Rain <remerson@usbr.gov>

# Fwd: water

**Sarah** <sarahalvernaz@gmail.com> Mon, May 19, 2014 at 4:52 PM
To: "remerson@usbr.gov" <remerson@usbr.gov>

Re: Reclamation Releases Draft Environmental Documents for Conveyance and Storage of Groundwater in the Delta-Mendota Canal to Del Puerto Water District Due to Drought

To Whom it May Concern,

CSPG-1 During this crucial time it should be clear to prevent the conveyance of groundwater for use outside of the property and for profit by a private entity. Farmers, and residents all over California are dependent on the groundwater for survival not just profit. It has been documented the adverse effects of reducing the water table, permanent effects. As it stands we have know idea how far the water table is going to drop from the increased pumping that will take place from new and established wells for in district property use. How much further will this decrease our water table? From what I understand this plan will pump almost as much groundwater as MID plans to pump to service the entire district? How is it reasonable for a private entity to be able to do the same at the detriment of others.

The Central Valley is at a turning point, our soil and water are the two biggest components of our success. We cannot just pick up and go farm somewhere else. We must preserve our resources, not just for Merced county residents but for the millions of people who consume our products day after day, year after year. California agriculture is too vital to America's prosperity and security. We cannot allow one entity's profit endanger the well being of so many.

Sarah Alvernaz
Sales/General Manager
California Sweet Potato Growers
(209) 394-7935
(209) 484-1012 cell
casweetpotatogrowers.com
Sent from my iPhone

Begin forwarded message:

**From:** "Colette Alvernaz" <Alvernotes@elite.net>
**Date:** May 19, 2014 at 4:01:27 PM PDT
**To:** <Sarahalvernaz@gmail.com>
**Subject: Fw: water**

**From:** Colette Alvernaz
**Sent:** Monday, May 19, 2014 2:49 PM
**To:** Katherine Schell
**Subject:** water
Reclamation Releases Draft Environmental Documents for Conveyance and Storage of Groundwater in the Delta-Mendota Canal to Del Puerto Water District Due to Drought

The Draft Environmental Assessment and Finding of No Significant Impact were prepared in

accordance with the National Environmental Policy Act, and are available online at http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=17363. If you encounter problems accessing the document online, please call 916-978-5100 or e-mail mppublicaffairs@usbr.gov.

Please email comments to Rain Emerson, Bureau of Reclamation at remerson@usbr.gov. Written comments may also be mailed to Emerson, Bureau of Reclamation, 1243 N Street, Fresno, CA 93721 or faxed to Emerson at 559-487-5397. Comments are due by May 19, 2014. For additional information or to request a copy of the Draft EA/FONSI, please contact Emerson at 559-487-5196 (TTY 800-735-2929). Copies of the Draft EA/FONSI may also be viewed at Reclamation's Fresno office at the above address.

**Response to California Sweet Potato Growers Comment Letter, May 19, 2014**

**CSPG-1** Comment noted. See Responses to USFWS-1, USFWS-2, CCID-1, CCID-4, CCID-5, Merced-1, MID-1, and MID-2.

Livingston Farmers Association

May 23, 2014





Rain Emerson
Bureau of Reclamation
1243 N Street
Fresno, CA 93721

Dear Ms. Emerson:

The Livingston Farmers Association represents 187 growers in the northern part of the county. We have been following, with great concern, the for-profit sale of ground water by private parties into Stanislaus County and to a separate water basin in Merced County. This water is coming largely from a rapidly declining ground water basin which supports a large number of our growers.

The growers are part of the Merced Irrigation District (MID) which is a conjunctive use district. They support the concept of using surface waters when possible to protect the ground water resources for use at times of drought. We have, with other growers in MID, paid millions of dollars in fees to the district over the years to help with ground water recharge and promote water conservation through efficient irrigation systems. In general, we are doing what we can to manage our limited water supply properly.

The pending ground water sale proposed by 4-S Ranch (Stephen Sloan) and SHS Family Ranch (Stephen Smith) is a blatant act of greed supported by a distant water district with no regard to irrigators in Merced County.

Farmers may not be hydrologists but they do know that their water tables have declined substantially creating numerous problems such as the consolidation of salts in the ground water.

LFA-1

The continuing drought has placed many of our farmer members' livelihood in jeopardy by limiting their water, increasing costs to pump, requiring many to drill new wells. The drought also has many social economic implications. Job losses and property value deterioration has a direct impact to county revenues.

No one knows the extent of this drought, and if it continues into 2015 to any extent, ground water will play an even bigger part. The implications are severe.

Growers already understand the implications of overdraft as they live with it every day. Our expectations of our tax paid government representatives at this point is to take whatever means necessary to prevent this water sale. Thank you very much for your time and consideration in this matter.

Sincerely,

Steve Moeller, President

Jim Snyder, C.E.O./ General Manager



P.O. Box 456 Livingston, CA 95334 • 641 6th Street • (209) 394-7941 • Fax (209) 394-7952 • LFA@elite.net

**Response to Livingston Farmers Association Comment Letter, May 23, 2014**

**LFA-1** Comment noted. See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, and MID-2.

Merced County Farm Bureau

May 19, 2014

Rain Emerson
Bureau of Reclamation
1243 N Street
Fresno, CA 93721

RE: MCFB Comments on the Draft Environmental Assessment/ FONSI for the Warren Act Contract for Conveyance and Storage of Groundwater from 4-S Ranch and SHS Ranch to Del Puerto Water District

Dear Ms. Emerson,

On behalf of Merced County Farm Bureau (MCFB), I would like to submit comments to the Bureau of Reclamation regarding the Environmental Assessment on the Conveyance and Storage of Groundwater from 4-S Ranch and SHS Ranch to Del Puerto Water District. MCFB represents over 1,300 farmers and ranchers in Merced County, and has been in existence since 1917 with the purpose of protecting the ability of individuals engaged in production agriculture to utilize California's resources to produce food and fiber in the most profitable, efficient and responsible manner.

MCFB-1 MCFB is respectfully requesting the Bureau follow through with a thorough environmental impact statement (EIS), based on the requirements established by the National Environmental Protection Act, for the project by 4-S Ranch Partners and SHS Family Limited Partnership to transfer water from the private properties out of Merced County to the Del Puerto Water District in Patterson. Although we can appreciate the concern for DPWD growers to ensure an adequate supply over the year, MCFB feels that the EA does not provide the detailed review necessary to analyze the possibility of damage to our sub-basin that 23,000 acre-feet of groundwater extraction per year will cause, and develop avoidance and mitigation measures where warranted. More particularly, we request the following clarification of facts:

MCFB-2 1. Are there 13 or 14 wells? The Figure 2-1 and Table 3-9 identify 14 wells, 12 of which belong to 4-S Ranch and the remaining 2 belonging to SHS Family Properties. However the document repeated states there are only 13 wells.

MCFB-3 2. How much water will Patterson Irrigation District (PID) receive in the contract? PID will play a major role in transferring water from the conveyance system to the San Luis Reservoir, but the document alludes that the district will also receive water in this pending sale. Please clarify.

(209) 723-3001 – Fax (209) 722-3814 – 646 South Highway 59 – P.O. Box 1232 – Merced, CA 95341
**www.mercedfarmbureau.org**

MCFB-4

3. The project proposal is for a total groundwater production of 23,000 acre-feet annually from the aquifer, in addition to what is already being pumped. However, the baseline extraction quantities were not clearly identified, but it does mention that approximately 20,000 are used. Since the 4-S and SHS ranches would continue to pump and use an addition 20,000 af per year over the 4 year period, this would mean a potential total extraction from the local aquifer of 23,000 af x 4 + 20,000 af x 4 (92,000 af + 80,000 af), or 172,000 af.

MCFB-5

4. The capacity of the wells clearly does not reach 23,000 acre feet (af) (current total capacity is 21,732) for could they achieve the 43,000 ac per year. If the pumps cannot achieve the project proposal, is there expectation by the landowners to put in more wells to achieve this goal placed in the contract? If so what is the further impact to the groundwater aquifer and surrounding landowners.

MCFB-6

5. This project area is located in a region that lacks a water district, and there are no validated recharge efforts in place. "Recharge comes from rainfall, local water courses, seepage from neighboring water courses, application of water to nearby wetland areas and irrigated lands including subsurface inflow due to resulting seepage losses from these lands, as well as subsurface inflow from upgradient areas towards the trough of the Valley." This lack of recharge must be considered in the groundwater impacts analysis.

MCFB-7

6. The FONSI says that the closest adjacent wells are miles away; that this area has not had subsidence or overdraft problems, and so there is doubt that the aquifer will be depleated. Shallow wells are indentified above the Corocoran Clay, and so they said they don't believe increased pumping out of these wells would have any likely impact on already occurring subsidence elsewhere in the area. Where is the evidence to back up this claim?

MCFB-8

7. Proposed groundwater mitigation consists mainly of a plan to monitor water levels and subsidence, and to cease pumping for the transfer if any "adverse effects" appear. What constitutes an "adverse effect,"

MCFB-9

8. With the existence of known subsidence in Merced County, there is a lack of data and analysis on the finding of no overdraft or effect on adjacent overdraft conditions as well as a lack of data on existing subsidence in adjacent areas.

MCFB-10

9. There has been concern by nearby eastside landowners of salt water intrusion? How close are the currently affected areas by salt water intrusion to the project area?

MCFB-11

10. The document appears to analyze only direct impacts to the project site, without considering impacts to neighboring properties overlying the same groundwater basin. The only statement in this regard is a conclusory statement to the effect that there are no other wells nearby. However, without more precise information about the extent of the groundwater resource in question, it is impossible to determine if the project will cause direct or indirect impacts to the groundwater basin. This information must be included in an adequate environmental analysis of this project.

MCFB-12

11. The document does not consider cumulative impacts properly. Because Merced County does not have a groundwater ordinance, similar project are likely to occur. This is particularly the case under the current drought conditions, and in view of known surface supply shortfalls. The document must consider cumulative impacts of this project alongside other foreseeable groundwater transfer projects.

MCFB-13

12. When were the 13 wells permitted? What is the groundwater table background? Since the landowner has only been in possession of each parcel since 2006, why is there a lack of information provided on the groundwater levels as evidence to support the "correspondence with S. Sloan" statements. Has this "correspondence" been made available as part of a proper public review of this project?

MCFB-14

13. When the full cumulative impacts to the region and adjacent farms are assessed what are the socioeconomic impacts to the directly impacted region due to the loss of groundwater for farms in Merced County?

MCFB-15

As you can see we have numerous concerns that can only be address in a proper EIS. We thank you for your consideration of our concerns with the proposed environmental assessment, and we look forward to more detailed analysis on this project by the Bureau.

Sincerely,

Amanda Carvajal
Executive Director

Merced County Farm Bureau

May 30, 2014

Michael Jackson
Area Manager
South – Central California Area Office
Bureau of Reclamation

RE: Additional MCFB Comments on the Draft Environmental Assessment/Finding of no Significant Impacts for the Warren Act Contract for Conveyance and Storage of Groundwater from 4-S/SHS Ranches to the Del Puerto Water District.

Dear Mr. Jackson,

On behalf of Merced County Farm Bureau (MCFB), I would like to submit additional comments to the U.S. Bureau of Reclamation (USBR) regarding Draft Environmental Assessment/Finding of No Significant Impacts (FONSI) for the Warren Act Contract for Conveyance and Storage of
MCFB-16 Groundwater from 4-S/SHS Ranches to the Del Puerto Water District (DPWD). With our additional to review time the NEPA documents provided by the USBR we found this document appears to have been tiered off the California Environmental Quality Act (CEQA) documents released by the DPWD. When considering the full ramifications of this project we request the USBR review all documents submitted to DPWD during the CEQA public comment period.

Ultimately, the Department of Water Resources, *Report to the Governor's Drought Task Force – Groundwater Basins with potential Water Shortages and Gaps in the Groundwater Monitoring* report the condition and concerns about the Merced Groundwater Basin. Exporting groundwater from one High-Priority sub-basin (Merced) to another High-priority sub-basin (Delta-Mendota) is a good basis for "no action" not a "finding of no significant impacts."

MCFB-17 Generally, MCFB is not aware of an existing project like the one proposed. Groundwater substitution projects are common (i.e., groundwater pumping for use on land in exchange for surface water that remains within the system for diversion elsewhere); however, this project proposes that the on-farm water use at the ranches will not change and that additional groundwater pumping will occur, which will be discharged to the stream for diversion and use downstream. We have found this project is contrary to the "norm" for similar types of transfer programs.

1. **Water Right.** The groundwater pumped will be commingled with surface water and
MCFB-18 rediverted downstream at Patterson Irrigation District's (PID) facility. The basis of right to redivert the quantity of groundwater pumped from the natural stream course is unknown; and this should be addressed in the environmental reviews.

(209) 723-3001 – Fax (209) 722-3814 – 646 South Highway 59 – P.O. Box 1232 – Merced, CA 95341
**www.mercedfarmbureau.org**

MCFB-19

2. **Clean Water Act.** It is possible that a National Pollutant Discharge Elimination System (NPDES) permit is necessary for this project.

3. **Groundwater Levels.** The draft environmental documents identify that "Although the aquifers beneath the well field is not believed to be in overdraft as water levels in the area have remained relatively constant over many years (S. Sloan personal communication)…" The statement provided is unclear and is not supported in the Draft IS/ND nor Draft FONSI/EA by actual monitoring data.

   Attached are plots of groundwater levels at three wells located near the proposed participating production wells identified for the proposed project (*Attachment 1)*. These three wells were selected in order to identify readily available monitoring data near the proposed participating production wells with several years of data through the current year. The first plot identifies groundwater levels measured at a well located within approximately 1,000 feet of Production Well #3 during 1989 through 2014; and the data indicates that current levels are near levels reported following the last major drought period of the late 1980's and early 1990's, with increased groundwater levels in the interim.

MCFB-20

   The second plot identifies groundwater levels measured at a well located within approximately 1.6 miles of Production Well #3 during 1977 through 2014; and the data indicates a decreased trend in groundwater levels, particularly during the past eight years. The third plot identifies groundwater levels measured at a well located within approximately 300 feet of Production Well #8 during 1966 through 2014; and the data indicates a decreased trend in groundwater levels, also particularly within the past eight years.

   The second and third plots also identify groundwater level measurements obtained on October 15, 2013 were the lowest levels measured at those sites for the periods of record. Based on the data, the draft environmental documents need to further analyze potential impacts to groundwater levels as a result of the proposed project; and identify how the proposed project will not further decrease groundwater levels that appear to be already decreasing more significantly within the past eight years as compared with historical levels.

MCFB-21

4. **Monitoring and Mitigation.** The monitoring and mitigation items identified do not conform with the monitoring and mitigation elements identified in the Draft Technical Information for Preparing Water Transfer Proposals (Draft Technical Information), dated October 2013, prepared by the Department of Water Resources (DWR) and USBR. Although the proposed groundwater pumping period is cumulatively greater than one year, we believe the monitoring and mitigation elements identified in the Draft Technical Information should, at a minimum, apply to the proposed project.

MCFB-22

5. **Groundwater Pumping Quantities.** The draft environmental review documents indicates that "Currently, 20,000 AFY of groundwater is pumped and used to irrigate the Properties for cattle grazing; if the Proposed Action is approved, up to an additional 23,000 Acre Feet per Year (AFY) would be pumped from the wells." The capacity of the

MCFB-22 cont.

groundwater wells is reported as 21,732 gpm (Table 3-9), which is approximately 35,000 Acre Feet (AF) for an entire year. Thus, the proposed quantity of up to 23,000 AFY appears high.

MCFB-23

6. **Baseline Groundwater Pumping.** We question how the parties propose to address baseline groundwater pumping (i.e., to ensure that the quantity of groundwater pumped for the proposed project is in addition to the quantity of groundwater needed for the overlying fields in absence of the proposed project).

MCFB-24

7. **Groundwater Management Plan.** See Merced Irrigation District's letter dated 5/30/2014 to the USBR.

**Under Background**

MCFB-25

In the second paragraph there is references the 4-S Ranch Partners, LLC (4-S Ranch), a private party, owns land in Merced County that is referred to as the 4-S Ranch. The SHS Family Limited Partnership, another private party, owns land immediately adjacent to the 4-S Ranch in Merced County (referred to as the SHS Ranch). "These lands …are currently used as rangeland and <u>irrigated pasture</u>"

*It would be very helpful and a required detail to understand the acres of rangeland and acres of pasture and the changes in the annual acreage in both the rangeland and pasture categories in the past decade.*

MCFB-26

"The area is relatively isolated, with little immediately adjacent commercial or agricultural activity."

*The term immediately adjacent has not been defined and there is substantial irrigated agricultural and wetlands activity in the immediate area. Most of which rely upon their overlying groundwater right for water needs.*

MCFB-27

"The Properties overlie a productive aquifer that has sustained groundwater pumping for decades."

*Although this statement may be true on its face as to a productive aquifer and sustained groundwater pumping as it relates to meeting the water needs of the Properties irrigated pasture with groundwater, there is <u>no mention of the water levels and water quality impacts to the entire Merced Groundwater Basin</u> (DWR Bulletin 118). The NEPA analysis falls short of requirements by only brushing on the impacts to the wells and water level on the Properties and ignoring the impacts to this in the basin whether up-gradient, down-gradient or in the immediate area of the Properties.*

**Under Findings**

"…Up to 23,000 AFY of groundwater would be pumped from the Properties and conveyed in the Eastside Bypass and/or Bear Creek to the San Joaquin River..."

MCFB-28

*There is no discussion in the NEPA document referring to the Properties having obtained or obtaining the proper permits and authorities to "discharge" into Bear Creek or the San Joaquin River (SJR).*

"A 10 percent loss factor would be applied to all discharges into Bear Creek and the Eastside Bypass in determining the amount of water that would be diverted at PID's screened intakes from the San Joaquin River."

MCFB-29

*This is the 3rd consecutive dry year in the San Joaquin River Basin and as such normal hydrologic conditions do not exist in the SJR as it relates in accretions, depletions, flows, etc. The SWRCB has issued curtailment notices and will issue further curtailment notices throughout the SJR Basin. Additionally the USBR has requested Temporary Urgency Conditional Permits for relieve from regulatory flows and water quality objectives at Vernalis and in the Delta. These factors clearly indicate a need to provide adequate background modeling to support conveyance losses of 10%.*

***Groundwater Resources***

*The Table 3-9 "Well Information" is clearly outdated for the purposes of an immediate project analysis as required by NEPA. Well information and test dates from 2009-2010 do not provide an accurate indication of existing well data as a baseline for project analysis.*

**Table 3. Well Information.**

MCFB-30

| Pump Number | Pump Horse-power | Total Pump Lift (ft) | Measured Flow Rate (gpm) | Measured Flow Rate (cfs) | Standing Water Level (ft) | Water Table Drawdown (ft) | Specific Capacity (gpm/ft of drawdown) |
|---|---|---|---|---|---|---|---|
| 4-S 1 | 50 | 69 | 1,560 | 3.5 | 43.5 | 18 | 86.7 |
| 4-S 2 | 50 | 90 | 1,403 | 3.1 | 66.0 | 16 | 87.7 |
| 4-S 3 | 50 | 62 | 1,436 | 3.2 | 35.0 | 24 | 59.8 |
| 4-S 4 | 50 | 68 | 1,840 | 4.1 | 14.0 | 49 | 37.6 |
| 4-S 5 | 50 | 66 | 2,071 | 4.6 | 13.0 | 43 | 48.2 |
| 4-S 6 | 50 | 106 | 1,584 | 3.5 | 12.0 | 85 | 18.6 |
| 4-S 7 | 40 | 87 | 1,180 | 2.6 | 43.0 | 41 | 28.8 |
| 4-S 8 | 50 | 69 | 1,667 | 3.7 | 48.5 | 17 | 98.1 |
| 4-S 9 | 50 | 147 | 866 | 1.9 | 84.0 | 60 | 14.4 |
| 4-S 10 | 50 | 67 | 1,386 | 3.1 | 35.5 | 27 | 51.3 |
| 4-S 11 | 50 | 98 | 1,055 | 2.4 | 66.0 | 28 | 37.7 |
| 4-S 12 | 40 | 65 | 1,605 | 3.6 | 39.0 | 23 | 69.8 |
| SHS-1 | 75 | 84 | 1,997 | 4.4 | 21.0 | 40 | 49.9 |
| SHS-2 | 60 | 80 | 2,082 | 4.6 | 40.0 | 52 | 40.0 |
| | | | | | | | |
| Average | 51 | 83 | 1,552 | 3.5 | 40.0 | 37 | 52.0 |
| Total | - | - | 21,732 | 48.4 | - | - | - |
| | | | | | | | |
| Test Dates | | Jun/Jul/Sep 2010 | | Mar/Aug 2009 | | May 2009 | |

"Recharge to this portion of this aquifer comes from rainfall on overlying lands, local water courses, seepage from neighboring water courses, application of water to nearby wetland areas and irrigated lands including subsurface inflow due to resulting seepage losses from these lands, as well as subsurface inflow from up-gradient areas towards the trough of the Valley. Well recovery has been shown to be quite rapid for several of the wells tested (Moss 2012, Quinn 2006)."

"Although the aquifers beneath the well field is not believed to be in overdraft as water levels in the area have remained relatively constant over many years (S. Sloan personal communication), additional pumping of the well field would decrease groundwater levels as well as increase movement of groundwater into the aquifer underlying the Properties beyond what has occurred historically. As the nearest neighboring well is several miles away, neighboring wells would not be impacted. Recharge from rainfall and direct deep percolation would remain unchanged;"

MCFB-31

*These underlined excerpts in this section clearly indicate there is significant irrigated agriculture in the area and the effects of increased groundwater pumping for export on local water levels, pumping costs, water availability to local agriculture has not been addressed or analyzed.*

*Additionally it is clear as pumping increases for this Project the well recovery results from the surrounding and up-gradient areas underground and this impact has been completely brushed over. Clearly there has been no analysis on the local basin effects much less the basin as a whole form a significant Project like this.*

The study additionally states: 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 personal comments).

*Suffice it to say personal communication will not be sufficient enough to meet the requirements of EA/FONSI when public data exists clearly showing overdraft in the Merced Groundwater Basin and subsidence in the immediate area of this project. It is suggested the data be sought on groundwater level and quality trends in the Merced Groundwater Basin and used for this analysis.*

**Potentially Affected Environment**
***4-S and SHS Ranches***

MCFB-32

"The Properties are currently in pasture land, most of which is irrigated pasture used for cattle ranching. Surrounding land uses include native uplands and wetlands and irrigated row crop, grain and hay fields."

*This description is not consistent with the prior description in the Background section. Specifically the Background does not indicate "Properties are currently in pasture land, most of which is irrigated pasture" and "Surrounding land uses include native uplands and wetlands and irrigated row crop, grain and hay fields." The Background section is*

MCFB-32 cont.

*vague as to how much of the Property acreage is rangeland and how much is irrigated pasture and the Background section indicates "The area is relatively isolated, with little immediately adjacent commercial or agricultural activity."*

*It is suggested this section may be a more accurate description of the proposed project as opposed to the Background section discussion on irrigated pasture and local agricultural activity.*

**Additional concerns MCFB would like to include for the record:**

MCFB-33

1. The applicant should acquire the applicable permit from the Central Valley Regional Water Quality control Board for a point source discharge. The discharged groundwater will be conveyed through the main stem of the San Joaquin River to reach the PID intake point on the river.

MCFB-34

2. The San Joaquin River is a 303(d) listed natural stream which is also designated for drinking water. Per Table 4, most wells exceeded the desired specific conductivity at Vernalis of 700 µ S/cm during the irrigation season at Vernalis during the irrigation season and about 4 wells exceeded the objective for non-irrigation season. As such, monitoring during to ensure meeting the allowable TMDL should be conducted. During this drought, the objective for salt and Boron may be exceeded and analysis regarding this situation should be
made.

**Table 4. Water Quality Data.**

| Pump Number | B (µg/L) | Cr (µg/L) | Mo (µg/L) | Ni (µg/L) | Se (µg/L) | Hg (µg/L) | TDS (mg/L) | Specific Conductance (µmhos/cm) | As (µg/L) | Pb (µg/L) |
|---|---|---|---|---|---|---|---|---|---|---|
| 4-S 1 | 104 | ND | 6.0 | ND | ND | ND | 625 | 949 | 1.7 | ND |
| 4-S 2 | 99.2 | ND | 6.0 | ND | ND | ND | 671 | 1010 | 1.6 | ND |
| 4-S 3 | 99.3 | ND | 5.6 | ND | ND | ND | 616 | 893 | 1.7 | ND |
| 4-S 4 | 98.7 | ND | 5.7 | ND | ND | ND | 615 | 933 | 1.7 | ND |
| 4-S 5 | 101 | ND | 5.6 | ND | ND | ND | 618 | 955 | 1.7 | ND |
| 4-S 6 | ND | ND | ND | 47.1 | 0.5 | ND | 329 | 455 | 6.3 | ND |
| 4-S 7 | 96.0 | ND | 5.9 | ND | 0.5 | ND | 671 | 1010 | 6.0 | ND |
| 4-S 8 | ND | ND | ND | ND | ND | ND | 325 | 459 | 1.7 | ND |
| 4-S 9 | ND | ND | ND | ND | ND | ND | 327 | 461 | 1.7 | ND |
| 4-S 10 | ND | ND | ND | ND | ND | ND | 325 | 462 | 1.7 | ND |
| 4-S 11 | ND | ND | ND | ND | ND | ND | 620 | 990 | | |
| 4-S 12 | 100.0 | ND | ND | ND | ND | ND | 280 | 430 | | |
| SHS-1 | 45.8 | ND | 4.8 | ND | ND | ND | 678 | 1130 | | |
| SHS-2 | 79.7 | ND | 13.7 | ND | ND | ND | 1170 | 1940 | | |
| MCL[1] | 700 | 50 | 10 | 100 | 2 | 15 | 1500 | 2200 | 10 | 15 |
| Dates Sampled | 3/8/2012, 4/3/2012, 5/16/2012 and 5/31/2012 | | | | | | | | 8/2/2012 | |

[1] Maximum Contaminant Level from Appendix A, Table 5, 2013 Delta-Mendota Canal Groundwat
Pump-in Program Water Quality Monitoring Plan (FONSI/EA-12-061).

1. The wells are located within a map prepared by USGS for the USBR for dates between December 2011 and July 2012 concerning subsidence.

    a. Wells logs, screening areas and anticipated flow into the well column from each stratum should be analyzed to determine the impact of subsidence per screening area.

MCFB-35

    b. Subsidence and/or accelerated subsidence, if any, due to the groundwater extraction as wells are in the vicinity of the San Joaquin River corridor, should be analyzed and calculated. The USBR should generate a map with the extent of additional subsidence due to the extract by year to demonstrate impact of pumping.

MCFB-36

    c. Loss in capacity in the bypass and increased flood risk to the town of Stevinson due to any drop in levees along the bypass and levees must be determined.

MCFB-37

    d. Well 4-S9 in particular shows an abnormal static water level with still higher than average dynamic head. Analysis of the well and potential localized subsidence should be analyzed.

MCFB-38

    e. Salt water intrusion from a saline sink under the San Joaquin River into the Merced Groundwater Basin should be analyzed and delineated on a map by increase in TDS per year under different year-type scenarios. Impact of the new Saline water intrusion on the productivity of crops and health of wildlife, if any, should also be analyzed.

MCFB-39

    f. MCFB also has expressed concerns about the pending groundwater monitoring/regulation in the Legislature (AB 1739, SB 1168, and the Governor Brown's Proposal) and the proposed Project. We believe it would be imprudent to export up to 100,000 AF as we await compliance standards set in the impending law with the focus being placed on obtaining a local sustainable groundwater management plan.

MCFB-40

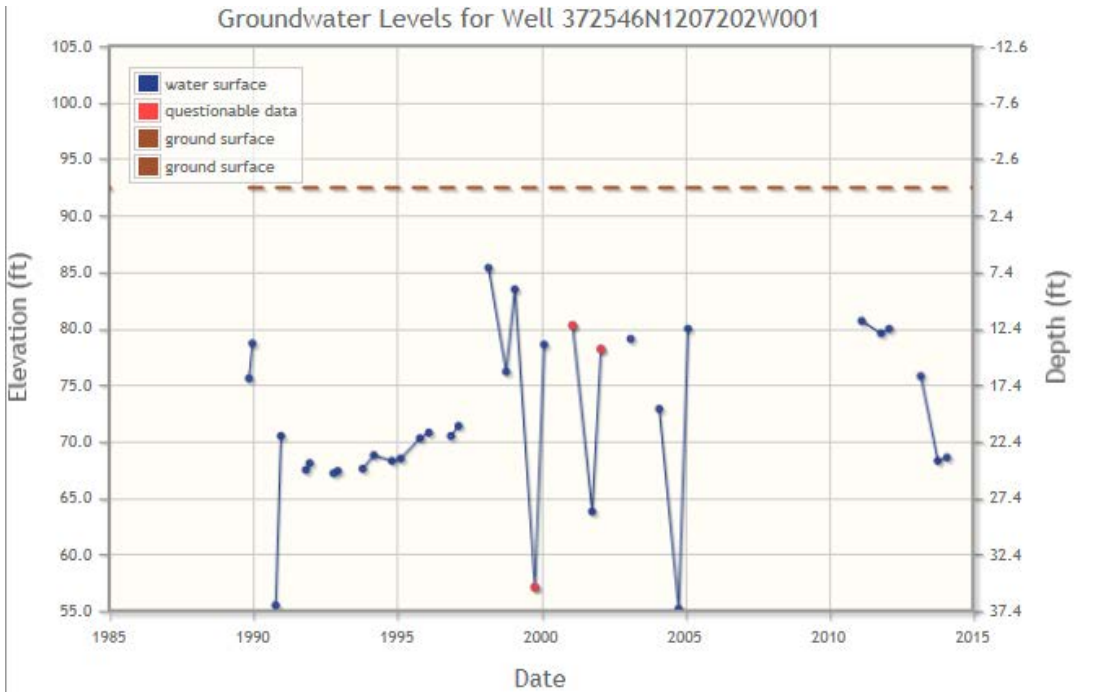
As you can see MCFB has numerous concerns due to the lack of thorough analysis with existing data that could be addressed in an adequate environmental impact statement. We thank the Bureau of Reclamation for extending the comment period and your sincere consideration of our concerns with the proposed Draft EA/FONSI, and we look forward to more detailed analysis on this project.

Sincerely,

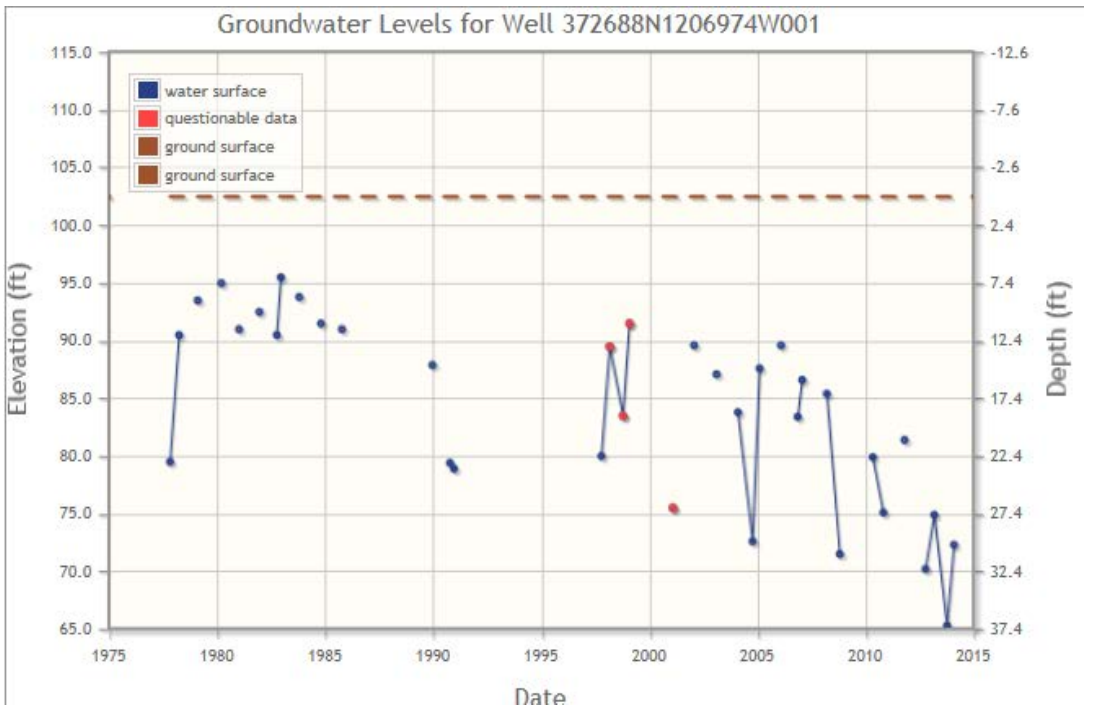
Bob Giampaoli
President

**DWR Monitoring Data for Wells Located Near**
**Proposed Production Wells of 4-S Ranch and SHS Ranch**

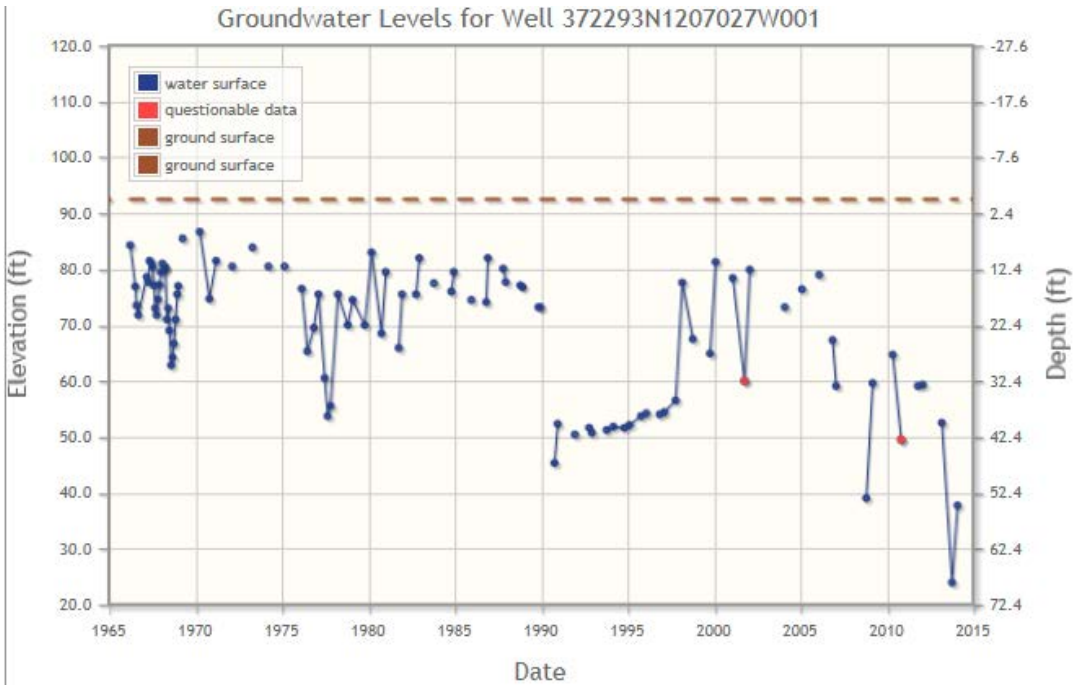
Monitoring data for well located within
approximately 1,000 feet of Production Well #3.




Monitoring data for well located within
approximately 1.6 miles of Production Well #3.




Monitoring data for well located within
approximately 300 feet of Production Well #8.




Source: Department of Water Resources Water Data Library, 2014.

**Response to MCFB County Farm Bureau Comment Letters, May 19, 2014 and May 30, 2014**

**MCFB-1** See Response to MID-2. In accordance with NEPA, an EA is initially prepared to determine if there are significant impacts on the human environment from carrying out the Proposed Action. Reclamation has followed applicable procedures in the preparation of EA-14-020 which includes the required components of an EA as described in the CEQ's NEPA regulations (40 CFR 1508.9): discussion of the need for the proposal, alternatives as required, environmental impacts of the proposed action and alternatives, and listing of agencies and persons consulted. An EA is defined by CEQ as a "concise public document" that "briefly provide[s] sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact" (40 CFR 1508.9).

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. 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). Reclamation believes that adequate information has been provided in the EA to assess the potential impacts of the Proposed Action.

**MCFB-2** There are 14 wells proposed for pumping (12 from 4-S Ranch and 2 from SHS Ranch) as described in Section 2.2 of the Final EA. The one place where 13 wells had been mentioned in the Draft EA was a typographical error. This has been corrected in the Final EA.

**MCFB-3** Approximately 15 percent of the conveyed water would be delivered to water users within Patterson Irrigation District pursuant to an agreement between Del Puerto Water District and Patterson Irrigation District. See Section 2.2 in the Final EA.

**MCFB-4** As noted above, the Proposed Action has been scaled back. Groundwater pumping under the Proposed Action would be limited annually to what has been done historically. See Section 2.2 in the Final EA.

**MCFB-5** See Responses to USFWS-1, USFWS-2, USFWS-4, Merced-1, MID-1, MID-2, MCFB-1, and MCFB-4.

**MCFB-6** See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, and MID-2, and MCFB-1.

**MCFB-7** See Responses to CCID-1, CCID-4, CCID-5, MCFB-1, MCFB-4, and MCFB-6.

**MCFB-8** See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, and MID-2, and MCFB-1.

**MCFB-9** See Responses to CCID-1, CCID-4, and CCID-5. In addition, Section 3.3 of the Final EA has been revised to include additional information regarding subsidence.

**MCFB-10** It is unclear which "nearby" eastside landowners are being referenced in the comment in order to determine how close they are to 4-S Ranch or SHS Ranch; however, as noted above, the Proposed Action has been scaled back. 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 two-year period of the Proposed Action (see Appendix F in the Final EA).

**MCFB-11** See Responses to MCFB-1 and MCFB-6.

**MCFB-12** EA-14-020 analyzed the potential direct, indirect, and cumulative impacts of Reclamation's Proposed Action which consists of the issuance of a Warren Act contract (conveyance of non-Project water in federal facilities). Reclamation does not have jurisdiction or authority to approve or disapprove export of groundwater out of a particular County. That is the discretion of the respective County; however, as described in Table 2-1of 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. See also Responses to MCFB-1, MCFB-4, MCFB-6, and MID-2.

**MCFB-13** See Responses to MCFB-2 and CCID-5.

**MCFB-14** See Responses to MID-2, MCFB-1, MCFB-6, MCFB-12, and Merced-15.

**MCFB-15** See Responses to MID-2 and MCFB-1.

**MCFB-16** See Response to MID-6.

**MCFB-17** Comment noted. See Responses to MCFB-1 and MCFB-6.

**MCFB-18** Pursuant to California Water Code §7075 "Water which has been appropriated may be turned into the channel of another stream, mingled with its water, and then reclaimed; but in reclaiming it the water already appropriated by another shall not be diminished." See also Responses to USFWS-1, USFWS-2, and Merced-4.

**MCFB-19** Pursuant to the federal Clean Water Act, National Pollutant Discharge Elimination System (NPDES) permits are issued to control water pollution by regulating point sources that discharge pollutants into the surface waters of the United States. As the Proposed Action will not discharge pollutants into waters of the State, no NPDES permit is required. 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). See also Responses to USFWS-1 and USFWS-2.

**MCFB-20** See Response to MCFB-1.

**MCFB-21** As noted above, 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). The document referenced in the comment is for a different type of transfer proposal and is not applicable to the Proposed Action considered here.

**MCFB-22** See Response to MCFB-1.

**MCFB-23** See Response to MCFB-1.

**MCFB-24** See Responses to MID-5 through MID-7.

**MCFB-25** A general description of 4-S Ranch and SHS Ranch has been provided in Section 3.2 (Surface Water Resources), Section 3.3 (Groundwater Resources), Section 3.4 (Land Use), and Section 3.5 (Biological Resources). Reclamation believes that adequate information has been provided in the EA to assess the potential impacts of the Proposed Action and no substantial change to the analysis would occur with the additional information requested.

**MCFB-26** See Responses to MCFB-1 and MCFB-6.

**MCFB-27** See Responses to MCFB-1 and MCFB-6.

**MCFB-28** See Responses to USFWS-1, USFWS-2, and MCFB-19.

**MCFB-29** As described in Section 2.2 of the Final EA, measuring stations (currently present or to be installed prior to project inception) would be monitored above and below the point(s) of discharge in order to determine the amount of groundwater introduced into the Eastside Bypass or Bear Creek (see Figure 2-2 in the Final EA). Flow rate determinations and volume readings would be made at least weekly. Net flows into Bear Creek from the Eastside Bypass plus the total of the individual pumped discharges into Bear Creek would provide the basis for determining the net flow provided from the Properties. The estimated loss factor

of 10 percent may be adjusted if conveyance losses are found to be higher during flow monitoring.

**MCFB-30** See Response to CCID-3. 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).

**MCFB-31** See Responses to MCFB-1 and MCFB-6.

**MCFB-32** See Responses to MCFB-1, MCFB-6, and MCFB-25

**MCFB-33** See Responses to USFWS-1, USFWS-2, and MCFB-19.

**MCFB-34** See Responses to CCID-3 and MCFB-30.

**MCFB-35** See Responses to CCID-1, CCID-4, CCID-5, Merced-1, and MCFB-9.

**MCFB-36** See Responses to MCFB-1, MCFB-6, and Merced-4.

**MCFB-37** See Response to CCID-1, CCID-4, CCID-5, MCFB-1, and MCFB-9.

**MCFB-38** See Responses to MCFB-1, MCFB-4, MCFB-6, MCFB-10, and MCFB-30.

**MCFB-39** 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.

**MCFB-40** Comment noted. See Response to MCFB-1.

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May 19, 2014

***Via Email:*** ***remerson@usbr.gov***

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

Re: *Draft EA and FONSI for Conveyance and Storage of Groundwater in the Delta-Mendota Canal to Del Puerto Water District*
FONSI 14-020

Dear Mr. Emerson:

Please accept these comments on behalf of Valley Land Alliance concerning the Draft Environmental Assessment ("EA") and Findings of No Significant Impact ("FONSI") for the above referenced Project. (Collectively referred to as the "EA".)

**A. Comment period should be extended**

VLA-1

My clients just learned about this proposed action and the EA and these comments are brief because of the fact that this office has had just an hour or so to review and respond today. We understand that the County of Merced has requested a one-day extension so their Board of Supervisors may review and comment. In light of the short review and comment period, and the seriousness of water supply issues in the midst of the current drought, the comment period should be extended.

Informed and meaningful comment and public participation, the development and analysis of realistic alternatives and a properly formulated EA are not possible in the absence of further review and study of a number of issues.

**B. An EIS is required for the Project**

The National Environmental Policy Act ("NEPA") requires that an Environmental Impact Statement ("EIS") be prepared for all major Federal actions significantly affecting the quality of the human environment. (42 U.S.C. § 4332(2)(C).) An agency may first prepare an EA to make a preliminary determination whether the proposed action *may* have a significant environmental effect. (*Nat. Parks & Conservation Assn. v. Babbitt* (9th Cir. 2001) 241 F.3d 722, 730; see 40 C.F.R. §§ 1501.4 and 1508.9.) If such an effect is anticipated, a more detailed EIS is required.

VLA-2

The United States Bureau of Reclamation ("USBR") has not taken the requisite hard look in this case, and the evidence relied upon is not substantial. For example, the EA concludes that groundwater levels in the area of the Project have remained largely static based upon a verbal conversation with ***one*** person. (EA, p. 2.) Groundwater overdraft and its associated impacts have been studied intensively over the past several years, and the severe impacts are well documented.[1] The data available shows that groundwater pumping and its impacts are reaching a critical level in California. This alone triggers the need for an EIS. Actual review and study of the available data is required in order to make a determination regarding significance of impacts.

The proposal is to pump out an additional 23,000 acre-feet per year on two, large, eastside ranches (rangeland and irrigated pasture), and then to run this water down either the Eastside Bypass or Bear Creek to the San Joaquin River where the water would be pumped out of the river through the Patterson Irrigation District's ("PID") diversion for use on a portion of PID's service area, or to be pumped into the San Luis-Delta Mendota Canal for storage in San Luis Reservoir in exchange for subsequent deliveries of an equivalent amount of water to Del Puerto via the San Luis-Delta Mendota Canal thereafter. This would go for two years initially, with an option to renew for another two years.

VLA-3

Since the 4-S and SHS ranches would continue to pump and use an addition 20,000 acre-feet per year over the 4-year period, this would mean a potential total extraction from the local aquifer of up to 172,000 acre-feet of water over the term of the Project. This is a tremendous amount of water to be pumped from Merced County for use elsewhere, with very little analysis or discussion of the potential impacts.

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[1] For example: http://ca.water.usgs.gov/news/2013/WaterInfrastructureSanJoaquinValley.html, http://www.accuweather.com/en/weather-news/subsidence/26251060, http://alumni.berkeley.edu/california-magazine/just-in/2014-05-16/sinking-feeling-study-suggests-depleting-groundwater-cal, http://www.modbee.com/2014/05/01/3319860/groundwater-is-at-historic-low.html, http://www.centralvalleybusinesstimes.com/stories/001/?ID=25757,

VLA-4

The EA says that the closest adjacent wells are miles away, that this area has not had subsidence or overdraft problems, and so the aquifer can bear the burden. The EA also says the wells used for pumping are above the Corcoran Clay layer, and so increased pumping out of these wells would not have any likely impact on already occurring subsidence elsewhere in the area. There is no substantial evidence to support any of these conclusions. The conclusion regarding subsidence is based entirely on a short statement in a USGS document indicating that the "vast majority" of subsidence in the area is likely due to pumping from below the Corcoran Clay layer, but there is nothing in the USGS document showing that the pumping proposed by the Project could not result in subsidence. (http://pubs.usgs.gov/sir/2013/5142/.)

VLA-5

Proposed groundwater mitigation consists mainly of a plan to monitor water levels and subsidence, and to cease pumping for the transfer if any "adverse effects" appear. What constitutes an "adverse effect," however, is not defined, and so the "mitigation" measure is illusory.

**C. Cumulative impacts to Merced County may be significant**

VLA-6

Merced County has a ministerial well permit (governing well-construction and protection of groundwater water quality), but no ordinance or permit for groundwater exports out of the county. Neighboring and nearby Madera, San Joaquin, and Fresno Counties have export permit ordinances, and Stanislaus County is at or near having such an ordinance adopted. Accordingly, Merced County is the only county in the area without a groundwater export ordinance. This means that Merced County will likely become the target for future transfer proposals of this type, which will very likely result in significant cumulative impacts to the County. This is not addressed in the EA.

VLA-7

The EA assumes this 4-year project is a one-time, isolated arrangement. In reality, as pressure on water supplies increases during the drought, water prices will rise, and it is extremely likely that these types of transfers will continue to occur. This foreseeable consequence of approving these types of transfers must be considered in the EA.

**D. The EA fails to consider water rights issues**

VLA-8

Also associated with this transfer, there are potential overlying water rights concerns, if the Project may impact the overlying rights of others. Overlying landowners may pump supplies to use beneficially and reasonably on their overlying property. If a groundwater user transfers water out of the basin to non-overlying lands or users elsewhere, they are then in fact severing this water from the land and creating a new, junior, appropriative use in the process. Appropriators may only transfer water that is surplus to the needs of overlying users (as reduced by any established prescriptive rights in the same basin). None

VLA-8 cont. of these issues are addressed in the EA, and impacts on other overlying users are not adequately evaluated.

**E. The EA fails to analyze the potential need for state review of discharge of pumped groundwater into the State's rivers and streams**

VLA-9 The proposal includes the discharge of pumped groundwater into Bear Creek and the San Joaquin River, and the EA does not address the question of whether or not review and/or a permit from the Regional Water Quality Control Board is required. The EA states that water quality will be monitored, but the language is vague and it remains unclear how and what will be done in this regard. Also, the State water quality standards are not even addressed.

**F. Conclusion**

Several issues indicate that extension of the comment period is required, as well as additional review and analysis. The following are a few of the most obvious:

VLA-10 1. The lack of any water rights analysis including, especially, the potential on the local basin and on the overlying rights in the basin

VLA-11 2. The lack of data and analysis on the finding of no overdraft or impact on adjacent areas suffering overdraft conditions

VLA-12 3. The lack of data and analysis on the finding of no subsidence or impact on adjacent areas suffering subsidence

VLA-13 4. The potential for future and increased targeting of groundwater in Merced County, due to the lack of an existing groundwater export ordinance

VLA-14 5. The impact on any unmet needs in the more immediate, local area (including potential needs elsewhere in Merced County)

VLA-15 6. Failure to address question of whether a review and/or permit is necessary from the California Regional Water Quality Control Board in order to discharge pumped groundwater into the waters of the state (rivers and streams).

VLA-16 Because of the issues raised above, we believe that the EA/FONSI fails to meet the requirements of NEPA, and that because of the discharge of pumped groundwater to California rivers and streams, additional permits and CEQA review are required. For these reasons, we believe the document should be withdrawn and a revised environmental document, a full EIS/EIR, should be released which adequately addresses all direct and reasonably foreseeable impacts, provides adequate and feasible mitigation, considers the alternatives

VLA-16 cont.

under the correct assumptions about the current environmental baseline and avoids excessive and unnecessary impacts to the environment and people in the vicinity of the Project.

Very truly yours,

// Marsha A. Burch //

Marsha A. Burch
Attorney

cc: Valley Land Alliance

**Response to Valley Land Alliance Comment Letter, May 19, 2014**

**VLA-1** See Responses to Merced-9 and MID-1.

**VLA-2** See Responses to MID-2 and MCFB-1

**VLA-3** See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, and MID-2, and MCFB-1.

**VLA-4** See Responses to CCID-1, CCID-4, CCID-5, and MCFB-9.

**VLA-5** Groundwater mitigation was not proposed as part of the Proposed Action analyzed in EA-14-020. However, 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. 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). Reclamation believes that adequate information has been provided in the EA to assess the potential impacts of the Proposed Action.

**VLA-6** See Responses to MID-2, MCFB-1, and MCFB-12. In addition, CEQ defines cumulative impacts (40 CFR 1508.7, 1508.25, and 43 CFR 46.115) as "The impact on the environment which results from the incremental impact of the action when added to other past, present, and **reasonably foreseeable future actions** [emphasis added] regardless of what agency (Federal or non-Federal) or person undertakes such actions." In addition, future cumulative impacts should not be speculative but should be based upon known or reasonably foreseeable long-range plans, regulations, operating agreements, or other information that establishes them as reasonably foreseeable. Reclamation is unaware of future groundwater transfer proposals from Merced County, and as such, has not speculated on the potential cumulative impacts due to "future transfer proposals".

**VLA-7** See Responses to USFWS-2, MID-2, MCFB-1, MCFB-12, and VLA-6.

**VLA-8** See Responses to USFWS-1, USFWS-2, Merced-4, MID-2, MCFB-1, and MCFB-18.

**VLA-9** See Response to MCFB-19.

**VLA-10** See Response to VLA-8

**VLA-11** See Responses to USFWS-1, USFWS-2, Merced-1, MID-1, MID-2, and MCFB-1.

**VLA-12** See Response to VLA-4.

**VLA-13** See Response to VLA-6.

**VLA-14** It is unclear what "unmet needs" are being referenced in the comment; however, 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.

**VLA-15** See Response to VLA-9.

**VLA-16** Reclamation is not required to comply with the California Environmental Quality Act (CEQA) as it is the lead agency for the proposed federal action. See also Responses to MCFB-1 and VLA-2.

**Reclamation Releases Draft Environmental Documents for Conveyance and Storage of Groundwater in the Delta-Mendota Canal to Del Puerto Water District Due to Drought**

**Please email comments to Rain Emerson, Bureau of Reclamation at remerson@usbr.gov.Emerson, Bureau of Reclamation, 1243 N Street, Fresno, CA 93721 or faxed to Emerson at 559-487-5397.**

**Sent by email**

**May 19, 2014**

**To Whom It May Concern**:

The underground water does not belong to just one person. We all share it. We have to look at how the entire proposed project affects everyone.

Alvernaz-1 Many people do not know about this project. I just found out about it late this morning and comments are due today. I am told that my Board of Supervisors did not even know about this proposed project that has the impact of affecting thousands of people. I request more time to comment. I request more transparency in the discussion of this proposed project.

Alvernaz-2 This proposed project has the potential of affecting manypeople either directly or indirectly. I request a full Environmental Impact Report be completed on this proposed project.

All our wells are connected. This proposed project is fatally flawed if it claims the pumping of 23,000 acre feet a year and sending it out of our region/basin area is independent of impacting other wells drawing from our, communally shared underground water supply.

Alvernaz-3 Using the logic of this proposed water project not adversely affecting our groundwater, this private owner could potentially pour a toxin into his well and since the claim is it would not significantly impact the underground aquifer, no harm to other wells or the underground aquifer would be done. This is absurd. Using the logic that potentially pumping almost 100,000 acre feet of water out of our subbasin area would not significantly affect our underground water supply is incorrect. What one does affects us all. Is that not why all the farmers are State mandated and legally required to join a water monitoring coalition or independently do water monitoring?

We are already feeling the adverse effect of the over pumping of our underground aquifer. Pumping and sending water out of our area will have a detrimental effect on our entire region.

Alvernaz-4 The City of Livingston's water quality is so poor it is not meeting the California state standards. The water is so poor a lawsuit has been filed against the City of Livingston. Pumping more ground water out of the vicinity of Livingston will compound and exacerbate the poor water quality being provided to the citizens of Livingston.

We need the water locally.

**CITY OF LIVINGSTON:**

Alvernaz-4 cont.

The California Department of Public Health has told the City of Livingston it is deficient on capacity. The City of Livingston needs all its wells running.

The arsenic levels in general are rising. California River Watch is suing the City of Livingston in federal court, Fresno, CA under the Federal Drinking Water Act. The arsenic level is above the maximum containment level. All of the City of Livingston wells draw above the Corcaran clay due to perforated pipes and the arsenic level is increasing on the whole.

The City of Livingston has one well that also pumps below the Corcoran clay, well #16. The State of California is giving the City of Livingston until 2016 to get a filtration system on it. According to Katherine Schell at Thegardeningsnail.wordpress.com the arsenic level in Well 16 is 36 to 46 parts per billion.

What is the arsenic level and other levels at of the water being pumped? How will this proposed pumping effect the arsenic, nitrates, and other levels in the shared water through the underground aquifer? Will the concentrations increase as more water is pumped out?

**MERCED IRRIGATION WATER MANAGEMENT PLAN:**

In the Merced Irrigation Water Management Plan draft, (MIRWMP), Pg. 4-2 states, "The Merced Subbasin , which serves the majority of demands in the Merced IRWM Region, is in overdraft; however, significant population growth is projected." Merced County, does not have extra water. In fact, according to the MIRWMP our water is overtaxed.

The MIRWMP draft pg 2-50, 4-1, 4-2, 5-6 states the groundwater resources are already overdrafted in many places.

Alvernaz-5

We, Merced County, need the water to correct our 'already overdrafted' ground water. Sending water out of our basin will compound our overdraft problem.

MIRWMP pg 2-35, speaks to the "long-term groundwater level decline of the Merced subbasin."

**Merced Irrigation District**

On March 20, 2007, from 8:33 to 8:41, at the City of Livingston meeting, "Brian Kelly, Merced Irrigation District, spoke on the groundwater and disputed a report that quality and quantity are adequate through 2030. It is now 2014, our groundwater is in worse condition than in 2007. We, Merced County, continue to increase our overdraft basin. We do not have the water to give.

Cones of depression and lower ground elevation in our area have been attributed to the pumping of our groundwater. This pumping of the ground water will increase this problem.

Our groundwater is already overtaxed. This will increase an already overtaxed system.

The recharge of our local underground aquifer is operating on a negative basis. More water is already being taken out than replaced. This proposed pumping will accelerate the overdrawn aquifer.

We do not have enough water locally as it is. Farmers are not able to irrigate all their land this year because of a lack of water. We do not have extra water to give.

Alvernaz-5 cont.

Wells have and are going dry. Because the underground water is diminishing, local wells are drying up. Drilling a new well is costing people thousands of dollars with no guarantee there is water where the new well is being drilled.

This project has the potential for a devastating effect on our entire region. Merced County has a high unemployment rate already. Many of the current jobs in our county are directly or indirectly related to agriculture. If this project negatively impacts the local wells and water utilized for farming the potential for large job loss/unemployment is huge.

Alvernaz-6

Merced County is one of the highest agriculture revenue producers in the State of California. This proposed project has the potential to diminish the water utilized for agriculture. This would have a huge negative impact on the local economy. The fiscal impact would be felt on the state and national level.

Livingston is the 'Sweet Potato Capital West of the Rockies.' This proposed project has the potential to be devastating to the water available to growing sweet potatoes. This would be a negative impact for the entire sweet potato industry.

There are many questions that need to be answered before this potential project moves forward.

Alvernaz-7

What is the total amount of water that will be pumped? What is the cumulative effect of the water pumped? What steps are being taken to recharge the underground water basin? Will land elevation decrease? Will the pumping cause sink holes? Will this pumping impact the water available to other land owners who share the underground water? What will the impact be to the City of Livingston? What will the impact be to our water quality? What will the impact be to agriculture? What will the fiscal impact be? What will the cumulative effects be?

Alvernaz-8

Local wells going dry, Cones of depression, land elevation decreasing, City of Livingston in serious water trouble, the Merced Irregated Regional Water Management Plan, Merced Irrigation District all have spoken to our adverse water quality and quanity. How much more adverse before the pumping is shut off? What qualifies as adverse? We are already in adverse effects? The pumps should never be turned on.

Alvernaz-9

It seems this private owner is just doing this to make money. What if everyone did this? What if this sets a standard of allowing private owners to pump our communally shared underground water basin and sending it out of the area? What would happen then? What would the effect be on our valley, economy, quality of life?

Alvernaz-10

Now that I listed just a few of the many questions this proposed project has raised, I am opposed to this project. As a private property owner in this subbasin I do not give permission to sell/transfer any of my communally shared underground water basin to a different district, basin, and or region.

Alvernaz-11

This project has the potential to have a negative impact on the City of Livingston, the agriculture community, my home, people's jobs, and our quality of life.

We need a full Environmental Impact Report Done.

Thank you,

Mrs. Colette Alvernaz

PO Box 255

Livingston, CA 95334

**Response to Mrs. Colette Alvernaz Comment Letter, May 19, 2014**

**Alvernaz-1** See Responses to Merced-9 and MID-1.

**Alvernaz-2** An Environmental Impact Report is a document prepared pursuant to CEQA. Reclamation is not required to comply with the CEQA as it is the lead agency for the proposed federal action. See also Response to MCFB-1.

**Alvernaz-3** Comment noted. See Responses to USFWS-1, USFWS-4, CCID-1, CCID-4, CCID-5, Merced-1, MID-1, MID-2, MCFB-1, and MCFB-9.

**Alvernaz-4** Comment noted. See Response to CCID-3. Table 3-10 of EA-14-020 includes water quality data for the 14 wells proposed for pumping under the Proposed Action, including arsenic levels. 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.

**Alvernaz-5** Comment noted. See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, MID-2, and MCFB-1.

**Alvernaz-6** See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, MID-2, and MCFB-1.

**Alvernaz-7** See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, MID-2, and MCFB-1.

**Alvernaz-8** See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, MID-2, and MCFB-1.

**Alvernaz-9** See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, MID-2, and MCFB-1.

**Alvernaz-10** 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.

**Alvernaz-11** See Response to Alvernaz-1.

Emerson, Rain <remerson@usbr.gov>

# water sale

**Chad** <chadkishi@vtlnet.com> Wed, May 28, 2014 at 7:40 AM
To: Dist4@co.merced.ca.gov, remerson@usbr.gov

Chad-1 It is my opinion that the proposed water sale by 4-S and SHS to Del Puerto Water District be stopped and that the full environmental and economic impacts be determined before reconsidering acquiescence.

Robert Chad
Winton, CA

**Response to Mr. Robert Chad Comment Letter, May 28, 2014**

**Chad-1** 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. See Responses to MID-2 and MCFB-1.

Emerson, Rain <remerson@usbr.gov>

# selling of ground water

**John Lourenco** <lourenco4him94@yahoo.com> Thu, May 29, 2014 at 7:04 PM
Reply-To: John Lourenco <lourenco4him94@yahoo.com>
To: "remerson@usbr.gov" <remerson@usbr.gov>

Rain Emerson

Lourenco-1 As a farmer in Merced County this sale of ground water to Del Puerto Water District is very disturbing. Farming is how I make a living and have for many years. This action is jeopardizing many family farms for the monetary gain of these individuals. This should be further researched to see how it will impact our ground water situation. More thought and time should be put into what it will do during such a drought crisis. PLEASE consider doing what ever is necessary to stop them from pumping. Thank you for taking the time to read and consider my request.

Sincerely

John Lourenco

**Response to Mr. John Lourenco Comment Letter, May 29, 2014**

**Lourenco-1** Comment noted. See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, MID-2, and MCFB-1.

Emerson, Rain <remerson@usbr.gov>

# Draft EA and FONSI for Conveyance and STorae of Groundwater in te Delta-Mendota CAnal to Del Puerto Water District

**Jean Okuye** <jeanokuye@gmail.com> Mon, May 19, 2014 at 5:06 PM
To: remerson@usbr.gov
Cc: Jean Okuye <jeanokuye@gmail.com>

May 19,2014

Rain Emerson
Bureau of Reclamation
1243 N. Street
Fresno, Ca 93721
remerson@usbr.gov

RE : Draft Environmental Assessment for the Warren Act Contract for Conveyance and Storage of Groundwater from 4-S Ranch and SHS Ranch to Del Puerto Water District

Okuye-1 As everyone in California is aware water is of short supply. Many farmers and people living in Merced County are facing wells drying up, neighbors asking neighbors for water., following of farmland. The cumulative impact of taking groundwater must be analyzed.

Okuye-2 Where is the data and analysis on the finding of no subsidence or effect on adjacent subsidence areas?

Okuye-3 Where is the data and analysis on the finding of no overdraft on properties adjacent.?

Okuye-4 Where is the evidence more pumping of the aquifer will not affect the farmers adjacent and in the area surrounding these properties and possibly beyond?

Okuye-5 Has there been an analysis of water rights for this water basin?

Okuye-6 Where is the data of other well locations in the vicinity?

Without the data how can you justify this taking of water in Merced County to be used elsewhere.

Okuye-7 I believe this EA/FONSI in inadequate and a CEQA review is necessary.

Okuye-8 As, a farmer on a family farm in Merced County, Central California, I feel threatened my home land and livlihood may end up like Owens Valley, where water transfers to Southern Californi were permitteed by, I understand, the Bureau of Reclamation..

Sincerely,
Jean Okuye
10181 Olive Ave
Livingston, Ca 95334

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**Response to Jean Okuye Comment Letter, May 19, 2014**

**Okuye-1** See Responses to MID-2, MCFB-1, MCFB-12, and VLA-6.

**Okuye-2** See Responses to CCID-1, CCID-3, CCID-4, CCID-5, and MCFB-9.

**Okuye-3** See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, MID-2, and MCFB-1.

**Okuye-4** See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, MID-2, and MCFB-1.

**Okuye-5** See Responses to USFWS-1, USFWS-2, Merced-4, and MCFB-18.

**Okuye-6** See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, MID-2, and MCFB-1.

**Okuye-7** See Responses to MCFB-1 and VLA-16.

**Okuye-8** 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.

Emerson, Rain <remerson@usbr.gov>

# Draft Environment Documents for Conveyance and Storage of Groundwater in the Delta-Mendota Canal to Del Puerto Water District

**MaryAnn Reynolds** <mareynolds1@att.net> Mon, May 19, 2014 at 3:31 PM
Reply-To: MaryAnn Reynolds <mareynolds1@att.net>
To: "remerson@usbr.gov" <remerson@usbr.gov>

Dear Mr. Emerson,

I live in Merced and have only been made aware of the Draft Environment Documents for the Conveyance and Storage of Groundwater in the Delta-Mendota Canal to Del Puerto Water District. Realizing that comments on it closes at 5pm this afternoon, I'll make my comments brief.

Reynolds-1

I urge the Bureau of Reclamation to refuse the water transfer of groundwater from private landowners within Merced County, CA (4-S Ranch and SHS Ranch) to the Del Puerto Water District for the following reasons:

- !72,000 af over 4 years is alot of water to take from the Merced County water basin during a severe drought period when many farmers in Merced County need this water.

- Because Merced County doesn't have a groundwater export ordinance, Merced County groundwater could be a target for similar transfers in the future.

Reynolds-2

I will be going to a meeting of the Board of Supervisors of Merced County tomorrow, urging them to implement a groundwater export ordinance for Merced County. Most of the counties surrounding Merced County, have such ordinances and it's critical that Merced County does as well to protect our groundwater supplies.

Yours sincerely
Mary Ann Reynolds
Resident of Merced County

**Response to Mary Ann Reynolds Comment Letter, May 19, 2014**

**Reynolds-1** See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, MID-2, and MCFB-1.

**Reynolds-2** See Responses to MID-2, MCFB-1, MCFB-12, and VLA-6.

5-29-14

Rain Emerson

I Am A Merced county Farmer writing To strongly protest This ground water mining To send our water to Stanislaus county. I Am waiting in line For Shannon Pump co. To Lower my pump, As it is sucking more AIR than water. Two of my neibors domestic wells have gone dry At 125 Feet, And being Lo-income, They have no money To drill A new one.

Tessier-1

This whole transfer has been hidden from the Public, And only was found out About by the Merced Farm bureau At the end of the Comment period. I hope if my Letter is late you will still Accept it. I would have sent it sooner if this whole process was public As it should have been

Tessier-2

The water of the county is not there To en-Rich the Sloan + Smith Families by $46 million dollars + maybe Twice That

Tessier-3

Thank you

Gary Tessier

Mr. Gary Tessier
191 Juniper Ave
Atwater, CA 95301-3739

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BUREAU OF RECLAMATION
SCCAO, FRESNO, CA

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Rhiu Emerson
1443 N Street
Fresno, CA 93721

**Response to Gary Tessier Comment Letter, May 29, 2014**

**Tessier-1** 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. See also Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, MID-2, and MCFB-1.

**Tessier-2** See Responses to Merced-9 and MID-1

**Tessier-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.


Emerson, Rain <remerson@usbr.gov>

# comments on water contract: 4S Ranch and SHS Ranch with Del Puerto Water District

**rwebster@elite.net** <rwebster@elite.net> Mon, May 19, 2014 at 4:55 PM
To: remerson@usbr.gov

Webster-1 Thank you for the opportunity to comment on the draft document FONSI-14-020. This proposed agreement between 4S Ranch and SHS Ranch would supply Del Puerto Water District with up to 23,000 AF of water per year. In this season already classified as an “extensive drought" Merced County groundwater should not be sold elsewhere. This only increases the shortages experienced by local farmers, ranchers, citizens, and municipalities. Sadly, California is one of the few states that does not have a coordinated groundwater management system in place. It must then fall incumbent upon local officials and agencies to direct wise practices within the scope of their powers.

There are several impacts from this project that are not adequately addressed in the finding of “No Significant Impacts”.

Webster-2 1. Though there are no wells “nearby” how can we know that there will not be larger regional impacts to others ability to draw on groundwater supplies.
In fact the analysis acknowledges that “additional pumping of the well field would decrease groundwater levels as well as increase movement of groundwater into the aquifer underlying the Properties beyond what has occurred historically”. And “the more water pumped, the greater the movement of water . . . from adjacent areas”. Clearly it is anticipated that wells from neighbors will be impacted.

Webster-3 2. Conveyance losses of 10% and represent significant water resources “lost” in a year when we are being told ever drop counts.

Webster-4 3. Under the Environmental Justice section it is asserted that this proposal 'would not increase drought’. If removing 23,000 AF per year does not exacerbate the impacts of drought to our County what would.

Webster-5 4. Under the section Global Climate and Energy Use it is stated that extracting water for sale and transport to the Del Puerto Water District would “not require additional electrical production beyond baseline”. The document claims that pumps would run 24/7, 8 months out of the year to meet the increased water demands. This sounds like a sizable increase in electrical usage to accommodate this project. Would those numbers still be below baseline?

Webster-6 5. And finally a FONSI on this project gives a dangerous green light to others in Merced County looking to sell “their” water to ag interests outside our region. Are we farming crops in Merced County or farming water? The local citizenry will not likely be motivated to do their part in the drought crisis if they see local water resources being sold as a cash cow for a privileged few.

Webster-7 The issues raised by water shortages are indeed complex and far-reaching but in considering proposals for water sales the Dept. of the Interior and the Bureau of Reclamation need to grapple with both the privateer and regional impacts of water sales.

Thank you for considering my comments. Please keep me appraise of further developments in this project.

Rod Webster
345 E. 20th St.
Merced, Ca. 95340
rwebster@elite.net, 209-723-4747

**Response to Rod Webster Comment Letter, May 19, 2014**

**Webster-1** See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, MID-2, and MCFB-1.

**Webster-2** See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, MID-2, and MCFB-1.

**Webster-3** Conveyance of water through existing surface water bodies is commonly done by water contractors and water management agencies. Conveyance losses are normal and have been known to range up to 30 percent in some cases (see http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=13512 for an example). In addition, the majority of conveyance losses for the Proposed Action considered in EA-14-020 would result from seepage, and while lost to the surface supply, would percolate back into the aquifer.

**Webster-4** See Responses to USFWS-1, USFWS-2, CCID-1, Merced-1, MID-1, MID-2, and MCFB-1.

**Webster-5** As described in Section 2.2 of the Final EA, the wells might pump 24 hours a day for extended periods, while at other times pumping might be intermittent depending on conditions affecting conveyance and pumping. As total pumping would remain within what has been done historically on the Properties, no additional electrical pumping would be needed and electrical production would remain within baseline conditions.

**Webster-6** Comment noted. See Responses to MID-2, MCFB-1, MCFB-12, and VLA-6.

**Webster-7** 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.