

Attachment 1: Santa Clara Valley Water District Detailed Comments on the CVP M&I Shortage Policy

Comment Number	Page	Comment	Suggested Revision
1	ES-11	The Alternative 4 and Alternative 5 descriptions are not accurately identified in Table ES-3 or in the subsequent narratives for these alternatives, nor are the Policy versions that they represent included in the DEIS. Alternative 4 should be identified as the 2010 Working Draft Water Shortage Policy and Alternative 5 should be identified as the M&I Contractors' Redline-Strikeout version of the Water Shortage Policy.	Identify and reference in Table ES-3 and the descriptions of Alternative 4 and Alternative 5 that these alternatives represent the 2010 Working Draft Water Shortage Policy and the M&I Contractors' Redline-Strikeout version of the Water Shortage Policy, respectively. Include both these documents in the DEIS. 16
2	ES-4	The purpose and need statement does not include the CVP M&I Water Shortage Policy's importance for the protection of public health and safety and is therefore incomplete.	Revise the purpose and need statement to include the protection of public health and safety as described in the M&I contractors' 2010 redline strikeout version of the WSP. 17
3	ES-11 through ES-20	There are inconsistencies and inaccuracies in the alternative descriptions. The DEIS states that the October 21, 2010 Updated Working Draft policy is Alternative 4. However, the description of the factors used in determining PHS in the EIS for Alt 4 is not consistent with what is in the actual Working Draft Policy. This is also the case for Alt 5, which is supposed to identify the M&I Contractor redline-strikeout of the policy as the alternative. The EIS also states that Alt 5 requires reservoir reoperation, whereas the actual redline-strikeout does not, and the modeling analysis does not indicate there is any reservoir reoperation.	Correct these inconsistencies. 18
4	ES-13	The methodology for determining a contractor's public health and safety demands as stated in the DEIS is inconsistent with M&I contractors' understanding of how this need is requested and calculated. The DEIS incorrectly states that Reclamation would determine the demand, in consultation with the	Revise the EIS to reflect the procedure for requesting and determining PHS demands as described in the 2010 redline strikeout version of the WSP. 19

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		contractor. The 2010 redline strikeout-version of the WSP states that the contractor will determine the public health and safety demand and request Reclamation to meet it.	
5	ES-34	Section ES.7 lists "issues of known controversy," but does not explain how the DEIS resolves these issues.	19 Explain or cross-reference how the DEIS resolves "issues of known controversy," in particular the assertions of certain American River Contractors regarding Term 14.
6	ES-35	Section ES.8 is supposed to discuss "issues to be resolved." However, it merely states that the FEIS will present the preferred alternative. Under 40 CFR 1502.12, issues to be resolved include, <i>but are not limited to</i> , the choice among alternatives.	20 In Section ES.8, discuss all major issues to be resolved in the future related to the M&I Shortage Policy.
7	1-14 to 1-15	The DEIS states that Reclamation is expected to use the EIS "as the environmental analysis" for actions to implement the selected alternative, including "applicable long-term contract renewals."	21 Clarify how the EIS will be used to support NEPA compliance for long-term contract renewals. Clarify which contract renewals are "applicable."
8	2-3	Section 2.2, "Alternatives Considered but Not Carried Forward," does not discuss an alternative proposed action suggested during scoping by certain American River contractors. This alternative would give these contractors a preference for M&I water based on incorrect interpretations of certain water rights permits and decisions. The DEIS does not explain the legal and contractual reasons making this alternative infeasible.	22 Add a description of the alternative suggested by certain American River contractors. Explain the legal and contractual reasons for rejecting this alternative as infeasible. Specifically explain why the contractors' interpretations of Term 14 of the water rights permits for Folsom Dam Operation, Water Right Decision 893, and <i>State Water Resources Control Board Cases</i> are incorrect, and that a preference for the American River contractors is not created.
9	2-8	The DEIS states that Reclamation will strive to meet M&I contractor's unmet PHS needs using available CVP storage, after first reducing a contractor's PHS need by their available non-CVP supplies. This methodology creates an inequitable distribution of benefits amongst M&I contractors and provides a disincentive to invest in alternative sources. This is inconsistent	23 Revise the PHS calculation used in the DEIS to not limit an M&I contractor's access to CVP PHS supplies due to their efforts to secure non-CVP supplies.

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10	2-8 and 6-66	with how M&I contractors perform long term planning. The CalSim II modeling used in the DEIS assumes that M&I contractors would make up deficiencies in public health and safety deliveries through additional groundwater pumping. This incorrectly assumes that this source of supply is available to meet M&I contractor demands throughout their service area.	Include an analysis of the availability of groundwater supplies in each M&I contractor's service area.
11	2-8 and 6-66	The DEIS recognizes the risk of land surface subsidence in M&I service areas due to increased groundwater pumping resulting from reductions in CVP deliveries to M&I contractors. However, the public health and safety demand components listed in Table 2-4 do not include criteria related to demands necessary to reduce this risk, nor are the potential impacts of subsidence included in the impacts analysis.	Include the demands needed to avoid land surface subsidence in the PHS demand components listed in Table 2-4. Include an analysis of the potential impacts to M&I contractors due to land surface subsidence.
12	2-12	There are inconsistencies and inaccuracies in the alternative descriptions. The DEIS states that the October 21, 2010 Updated Working Draft policy is Alternative 4. However, the description of the factors used in determining PHS in the DEIS for Alt 4 is not consistent with what is in the actual Working Draft Policy. This is also the case for Alt 5, which is supposed to identify the M&I Contractor's redline-strikeout of the policy as the alternative.	Correct these inconsistencies.
13	2-16	The second bullet on this page states that Alternative 5 requires modification to CVP operations by providing increased carryover in CVP storage facilities to meet the next year's unmet PHS demands. However, Table B-11 (results of CalSim II modeling) shows no change in monthly reservoir storage levels between Alternative 5 and No Action. More fundamentally, this bullet, even if it were accurate, is not a fundamental component of Alternative 5, but rather a description of the potential impact of Alternative 5 on surface water. Discussion of surface water impacts of Alternative 5 should appear only in Chapter 4	Delete the second bullet on page 2-16.

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14	2-16	(surface water impacts). Note that none of the other alternatives descriptions include surface water impacts such as changes in reservoir operations. The third bullet on this page states that compared to Alternative 4, Alternative 5 increases the upper limit for the reallocation of agricultural contractor water to M&I contractors to meet at least the unmet PHS demands from 75% to 95% of historic use. This bullet indicates that in years when the M&I contractor allocations would be 95 percent of historical use or less, water would be reallocated from agricultural contractors to provide the greater of the allocation percentage of historical use or the PHS need. However, the Alternative 5 description does not explain how this will be implemented. Would it be implemented in revised Implementation Guidelines?	Please explain the process for implementing the increased upper limit for the reallocation to M&I contractors from 75% to 95%..
15	2-16, 2-17	The DEIS does not consistently describe the relatively minor impacts of Alternative 5 on agricultural water contractors. The DEIS states providing a greater level of security to M&I contractors under Alternative 5 “may mean” that water allocations to agricultural water contractors would need to be reduced. It does not explain the circumstances under which Alternative 5 would result in reduced CVP deliveries to agricultural contractors. Table B-10 shows minor reductions, the “majority of which” are related to meeting unmet PHS needs to the City of Avenal.	Delete the statement about potential changes in reservoir operations from the Alternative 5 description.
16	2-16, 2-17	The DEIS states providing a greater level of security to M&I contractors under Alternative 5 “may require” changing the timing and frequency of releases from CVP reservoirs. It also does not explain which CVP reservoirs would be affected, and why releases from these reservoirs would be modified. Table B-11 shows no change in monthly reservoir storage levels between Alternative 5 and No Action.	Delete the statement about potential changes in reservoir operations from the Alternative 5 description.
17	3-5	The DEIS states that the No Action Alternative serves as a basis	Cite legal authority supporting the use of the No

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18	3-5	(baseline) for impact comparison for the action alternatives. NEPA does allow this approach, but there is no citation to supporting legal authority. The approach to indirect effects analysis assumes that M&I contractors would be able to provide alternative water supplies to lessen the effects of CVP water shortages, whereas agricultural contractors may have to resort to crop idling to reduce demand. It does not consider that M&I contractors may not be able to find alternative water supplies, and that demand reduction measures such as further water conservation measures or even water rationing could be implemented. Note that for socioeconomic impacts, the LCPSIM model used to analyze Bay Area economic effects includes indoor conservation, outdoor conservation, and recycling as M&I contractor responses to CVP water supply shortages.	Action Alternative as the baseline. This includes CEQ's "Forty Most Asked Questions Concerning CEQ's NEPA Regulations," Number 3. It also includes CEQ's NEPA and CEQA Handbook, p. 30. Revise the indirect effects analysis approach to recognize that M&I as well as agricultural contractors may need to implement demand reduction measures to lessen the effects of CVP water shortages. The indirect impact analysis in each of the resource chapters (especially Socioeconomics) should discuss the indirect effects of various M&I demand reduction measures.
19	4-18	On page 4-18 and in Figure 4-15 the DEIS indicates that San Felipe Division contractors would not rely on CVP deliveries to meet PHS demands in critically dry years because of their ability to access non-CVP supplies. For SCVWD, this conclusion was based on supply data included in our 2010 UWMP and PHS demands provided to Reclamation in 2012. Based on recent experience in 2014 and 2015, SCVWD's access to non-CVP supplies during critical dry years is much lower than anticipated, and SCVWD has had to aggressively pursue supplemental water supplies from both agricultural and urban agencies north and south of the Delta. Also, the methodology for calculating PHS demands needs to be modified to reflect availability of these alternative supplies in different parts of the County. For example, SCVWD has no control of SFPUC's Hetch-Hetchy supplies, which are only available in a limited area in the northern part of the County.	Revise the DEIS to reflect that a contribution of CVP supplies is in fact required to meet PHS demands in critical dry years and that the estimate for non-CVP supplies available to meet PHS demands will vary under different hydrologic conditions. Refer to the PHS request SCVWD submitted on February 13, 2015, which documents the availability of non-CVP supplies and the methodology for calculating PHS demands. Include an analysis of the availability of alternative supplies in different parts of each contractor's service areas.

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20	4-19 and Appendix A	Figure 4-15 incorrectly shows San Felipe Division M&I historic use to be 115,026 AF. As described in the data SCVWD submitted to Reclamation on April 5, 2012, the M&I historic use for SCVWD alone is 152,500 AF.	Revise Figure 4-15 to reflect that SCVWD's historic use is 152,500 AF. 35
21	4-37	Table 4-28 shows differences in CVP deliveries to South of Delta M&I contractors under Alternative 5 compared to No Action. Rows for above normal, below normal, and critically dry years show a total of 1 TAF difference, but do not show a month in which this difference occurs.	Correct Table 4-28 for these years so that the month columns add to the total column. Check all tables in the water supply section to make sure that the month columns add to the total column. For example, Table 4-16 (South of Delta M&I contractors under No Action) appears to have similar addition errors. 36
22	4-39	The DEIS states that under Alternative 5, agricultural contractors would seek alternative water supplies or idle crops if CVP water deliveries are reduced compared to No Action. However, as previously mentioned. Table B-10 shows very minor reductions, the "majority of which" are related to meeting unmet PHS needs to the City of Avenal.	Please change the surface water impact analysis (and all other DEIS impact analyses relying on this analysis) to indicate that Alternative 5 would result in very minor reductions to agricultural water contractors, the "majority of which" are related to meeting unmet PHS needs to the City of Avenal 37
23	13-29	The DEIS states that in the Bay Area region, some contractors are in a better position to respond to reductions in CVP water allocation than others. It does not discuss the circumstances of individual contractors such as SCVWD. Appendix G (p. G-4) explains that this "aggregation assumption" likely understates total economic costs and impacts of reduced CVP water allocations to the Bay Area Region.	In Chapter 13, state that the "aggregation assumption" likely understates total economic costs and impacts of reduced CVP water allocations to the Bay Area Region. 38
24	13-29	Pages G-4 and G-5 list several other limitations to the LCPSIM model that could understate Bay Area Region economic impacts. In particular, the model does not estimate the impacts of commercial and industrial water shortages. These limitations are not expressly mentioned in Chapter 13.	In Chapter 13, summarize other limitations of the LCPSIM model that could understate Bay Area Region economic impacts. 39
25	13-29	The DEIS states that if alternative M&I water supplies were not available to respond to reductions in CVP water allocation,	Discuss the likelihood and potential magnitude of economic effects caused by business decisions if 40

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		additional economic effects could occur, such as business decisions to reduce production or employment, or site facilities outside the region. It does not discuss the likelihood of such effects or their potential magnitude.	alternative M&I water supplies were not available. 40
26	13-29	The Alternative 2 indirect effects analysis refers to Chapter 3 for a discussion of potential actions that M&I contractors may take in response to CVP water shortages. As mentioned in the comment for p. 3-5, Chapter 3's description of the approach to indirect impact analysis does not consider that M&I contractors may not be able to find alternative water supplies, and that demand reduction measures could be implemented.	Include a discussion of the indirect effects of various M&I demand reduction measures in the indirect economic impact analysis. 41
27	13-35	The DEIS states that the economic effects of Alternative 5 would be similar to or less than the economic effects of No Action. It does not explain how the economic effects could be less.	Explain how the economic effects of Alternative 5 could be less than No Action. 42
28	13-37	The DEIS states that cumulative projects would offset adverse economic impacts of Alternative 2 on M&I contractors by providing increased water supplies, particularly during dry and critical years. This statement is inconsistent with conclusions about BDCP alternatives in Chapter 4. (See comments on page 4-41.)	Revise the discussion of the water supply impacts of cumulative projects to be more project-specific, and consistent with Chapter 4. 43
29	20-4 through 20-13	The descriptions of the cumulative projects do not include estimates of the effects of each project on increasing or reducing CVP water deliveries. Without this information, conclusions in prior chapters about adverse cumulative impacts related to surface water, water quality, and socioeconomic impacts are not well-supported.	Describe or estimate the effect of each cumulative project on CVP water deliveries to the extent feasible based on available information in planning and environmental documents. Use this information to develop more refined cumulative impact analyses for surface water, water quality and socioeconomic impacts. 44
30	A-2	The Table in Appendix A incorrectly states that SCVWD's 2030 projected CVP M&I demand is 119,400 AF. This is explained on page B-6 where the DEIS states that SCVWD intends to maintain the current split between agricultural and M&I deliveries in the future. The source of this intention is unclear. On April 5, 2012	Change the 2030 projected CVP M&I demand for SCVWD in Table A-2 to 152,500 AF and delete the statement on page B-6. 45

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		SCVWD submitted data to Reclamation in which we stated our intent for our 2030 projected CVP M&I demand to be 152,500 AF.	

Attachment 2

APPROXIMATE CHANGES IN HISTORIC ALLOCATION IF M&I PREFERENCE ELIMINATED - SOUTH OF DELTA WATER SERVICE CONTRACTORS ONLY

Total estimated agricultural SOD water service contractors contract supply (AF): **1,814,935**

Maximum estimated M&I Contract supply (1996 Ratebook, Sch A-12F) (AF): **177,593**

Total SOD Water Service Contract (AF): **1,992,528**

(SOD = south of Delta)

Historic Year	ACTUAL SOD Allocations				SOD Allocations if NO M&I Preference (Alternative2)**		
	Allocation (%)		Approximate Allocation (AF)*		Calculated Allocation if no M&I preference	Increase in Ag allocation	Decrease in M&I allocation
	Ag	M&I	Ag	M&I			
2014	0%	50%	-	88,797	4%	4%	-46%
2013	20%	70%	362,987	124,315	24%	4%	-46%
2012	40%	75%	725,974	133,195	43%	3%	-32%
2011	80%	100%	1,451,948	177,593	82%	2%	-18%
2010	45%	75%	816,721	133,195	48%	3%	-27%
2009	10%	60%	181,494	106,556	14%	4%	-46%
2008	40%	75%	725,974	133,195	43%	3%	-32%
2007	50%	75%	907,468	133,195	52%	2%	-23%
2006	100%	100%	1,814,935	177,593	100%	0%	0%
2005	85%	100%	1,542,695	177,593	86%	1%	-14%
2004	70%	95%	1,270,455	168,713	72%	2%	-23%
2003	75%	100%	1,361,201	177,593	77%	2%	-23%
2002	70%	95%	1,270,455	168,713	72%	2%	-23%
2001	49%	77%	889,318	136,747	51%	2%	-26%
2000	65%	90%	1,179,708	159,834	67%	2%	-23%
1999	70%	95%	1,270,455	168,713	72%	2%	-23%
Average	51%	80%	985,737	141,761	54%	3%	-26%

*Approximates M&I AF allocation by multiplying M&I allocation by 1996 Ratebook projection for year 2030 in Schedule 12. This likely overestimates the M&I allocation since the actual allocation is based on historic use rather than contract quantity. Approximates Ag AF allocation by approximating Ag contract quantities from ratebooks and other sources.

** Assumes that the total quantity of water pumped south of the Delta stays the same; only the allocation between Ag and M&I is changed.