

From: [Justin Fredrickson](#)
To: rvictorine@usbr.gov; Dulik.Karen@DWR
Subject: Public Comment Re: Eastside Bypass Improvements Project IS/DEA & Proposed MND
Date: Tuesday, January 09, 2018 5:35:01 PM
Attachments: [2017-01-09 Eastside Bypass Groundwater Excerpts.pdf](#)
[2016-11-01 2012 CVFPP Att8L Groundwater Recharge Opportunities Analysis EXCERPTS.pdf](#)

Dear Ms. Victorine and Ms. Dulik:

The following brief comments are offered on the Eastside Bypass Improvements Project Initial Study/Draft Environmental Assessment and Proposed Mitigated Negative Declaration (“IS/DEA & Proposed MND”), specifically from groundwater recharge and land subsidence standpoint.

The Eastside Bypass Improvements Project is focused on fish passage within the context of the San Joaquin River Restoration Agreement. As such, groundwater recharge and land subsidence reversal are not identified as project purposes in Initial Study/Draft Environmental Assessment and Proposed Mitigated Negative Declaration (“IS/DEA”). Despite this, there is enough information in the IS/DEA to at least suggest the possibility of some potential ancillary groundwater recharge benefits from the proposed project. At the same time, the California Farm Bureau Federation is aware that landowner concerns relating to seepage and potential impacts on existing infrastructure have been generally raised in connection with several of the River Restoration river reach projects in Valley—and it appears that some such local concerns may exist in connection with the Eastside Bypass project as well. Out of respect for any such local concerns, the intent of these comments is *not* to advocate either in favor or against any particular outcome or direction on the proposed project, but rather only to point out the potential for some possible groundwater recharge and even land subsidence reversal benefits. In this regard, Table 3.8-1 in the IS/DEA indicates that “Project Site Soil Types and Characteristics” in the vicinity of the proposed “Eastside Bypass Levee Improvements” portion of the project include Fresno and Pozo clay loam soil types exhibiting “moderate high” permeability characteristics. Figure 3.11-10 in the IS/DEA shows areas of significant land subsidence in vicinity of the Eastside Bypass project, while Monitoring Well Locations, Hydrogeologic Cross Sections, and Groundwater Elevations shown in Figures 3.11-2 through 3.11-7 show a mix of gaining and losing condition along the Bypass, depending on a variety of factors as indicated in the accompanying text. (See related IS/DEA excerpts accompanying this submission.) Given the proposed large increase in flows that would be eventually routed through the modified Bypass (from a current maximum capacity to 300 cfs to an eventual proposed capacity of up to 3,500 cfs by 2029), it appears that potential ancillary groundwater recharge benefits of the project could be substantial. If project features were included to extend inundation periods at select times in losing sections of the Bypass without exacerbating seepage or flood concerns or causing other unacceptable local impacts, it may be that potential groundwater recharge and land subsidence reversal benefits could be increased still further.

R-5

R-5

Despite the apparent potential for possible groundwater recharge and land subsidence benefits, as mentioned, any direction on the Eastside Bypass project must, of course, fully consider associated impacts and the views of affected stakeholders. Among these stakeholders, the IS/DEA & Proposed MND identifies the Farmers Water District, Aliso Water District, Patterson Irrigation District, West Stanislaus Irrigation District, and San Joaquin River Exchange Contractors Water Authority as local Groundwater Sustainability Agencies. (See IS/DEA & Proposed MND at 3-188.) In addition to the project's possible relevance to local groundwater management efforts, it appears that the project is also potentially relevant to local flood planning efforts of the Lower San Joaquin Levee District, as well as the Department of Water Resources' Central Valley Flood Protection Plan efforts, including a Groundwater Recharge Opportunities Study completed in January 2012. (See accompanying excerpts from DWR's CVFPP Attachment 8L: Groundwater Recharge Analysis.) From these regional water supply and flood management perspectives, further studies, including more precise quantification of potential groundwater recharge and land subsidence benefits of the project, may be warranted.

R-5
R-5

Thank you for the opportunity to provide these comments on the Eastside Bypass Improvements Project IS/DEA & Proposed MND.

Justin E. Fredrickson
Environmental Policy Analyst
Legal Department
California Farm Bureau Federation
Direct: 916-561-5673
E-mail: jfredrickson@cfbf.com

From: Martinez, Steven R@DOT [<mailto:Steven.R.Martinez@dot.ca.gov>]
Sent: Tuesday, January 09, 2018 5:13 PM
To: Dulik, Karen@DWR <Karen.Dulik@water.ca.gov>
Cc: State.Clearinghouse@opr.ca.gov
Subject: Caltrans Local Development-Intergovernmental Review (LD-IGR) - Eastside Bypass Improvements Project SCH#2017121026

Ms. Dulik,

Thank you for the opportunity to review the Initial Study for the Eastside Bypass Improvements Project (SCH#2017121026).

The Department would like to be informed, to provide further review and comment, if there are anticipated changes in water flow under State Route 152 (SR 152) at:

- Eastside Bypass Bridge (Bridge 39-34 at SR 152 Postmile R39.308)
- San Joaquin River Bridge (Bridge 39-28 at SR 152 Postmile R37.188)

R-2

Please keep us updated if there are changes to the provided documents and as the project develop, we would like to review and provide further comment.

Thank you,

Steven R. Martinez
Metropolitan Planning
Caltrans District 10
(209) 942-6092



----- Forwarded message -----

From: **Douglas DeFlicht** <ddeflicht@friantwater.org>

Date: Mon, Jan 22, 2018 at 11:28 AM

Subject: Comments on EIS

To: "rvictorine@usbr.gov" <rvictorine@usbr.gov>

On page 2-11, the text states:

“Improve fish passage by removing two weirs located in the Eastside Bypass that USFWS operate to provide water to the Merced NWR. Reclamation would replace an existing non-operational well with a new well to provide replacement water supply for the Refuge, first drilling an exploratory well as a near-term action. (Reclamation would coordinate with the Merced NWR to offset the additional expense the Merced NWR is expected to incur from operating a new well.)”

R-2,
R-5

There is no information given on what alternatives there are in case the well does not produce enough or if there are water quality problems; and whether or not the Refuge is part of a Groundwater Sustainability Agency under DWR's Sustainable Groundwater Management Program.

On page 3-9, the text states:

“No state plans, policies, regulations, or laws related to aesthetics apply to the proposed project.”

R-5

What about SGMA? Does it apply?

Douglas DeFlicht , COO

Friant Water Authority

This communication, including any attachments or embedded links, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is strictly prohibited. If you have received this communication in error, please do not download any attachments or embedded links, notify the sender immediately by return e-mail message or call, and delete the original and all copies of the communication from your system. Thank you for your anticipated cooperation.

200 W. Willmott Avenue
Los Banos, CA 93635-5501



(209) 826-5188
Fax (209) 826-4984
Email: veronica@gwdwater.org

BOARD OF DIRECTORS

Pepper Snyder
President

Doug Federighi
Vice President

Byron Hisey

Tom Mackey

Bob Nardi

Ricardo Ortega
General Manager

Veronica A. Woodruff
Treasurer/Controller

Ellen L. Wehr
General Counsel

January 19, 2018

VIA E-MAIL

Rebecca Victorine
Bureau of Reclamation
San Joaquin River Restoration Program
2800 Cottage Way, Sacramento, CA 95825
E-mail: rvictorine@usbr.gov

Karen Dulik
California Department of Water Resources
South Central Region Office
3374 E. Shields Avenue, Fresno, CA 93726
E-mail: Karen.Dulik@water.ca.gov

Re: Comments on IS/MND and EA for the Eastside Bypass Improvements Project

Dear Ms. Victorine and Ms. Dulik,

Grassland Water District and Grassland Resource Conservation District (collectively, GWD) provide the following comments regarding draft Initial Study/Mitigated Negative Declaration and Environmental Assessment (IS/EA) for the proposed Eastside Bypass Improvements Project (Project), issued jointly by the Bureau of Reclamation (Reclamation) and Department of Water Resources (DWR). The Project, as part of the San Joaquin River Restoration Program, would increase flow capacity in the Eastside Bypass by improving levee stability and modifying existing structures, in order to facilitate fish passage for federally and state-listed salmonids and other native fish.

Unfortunately, the Project would significantly alter the water supply, as well as portions of both the native and managed landscapes of the Merced National Wildlife Refuge (NWR). We believe that these impacts to the Merced NWR and the numerous species that use the refuge are inadequately identified, analyzed, and mitigated in the draft IS/EA. The IS/EA and any

↓
R-2

subsequent environmental documents must be revised to comply with the requirements of CEQA, NEPA, and federal reclamation law and contract.

↑ R-2

GWD concurs with and urges Reclamation and DWR to pay special attention to the comments submitted by U.S. Fish and Wildlife Service (USFWS) refuge manager Kim Forest, who is very familiar with the habitat, water, and funding needs of the Merced NWR. The impacts and proposed revisions identified by the USFWS should be addressed in full, and the USFWS should be treated as an essential landowner and required partner for any future implementation of the proposed Project.

↑ R-1

These comments provide additional context regarding the broader adverse effects of diminished (or unfunded) refuge waters supplies, the United States' legal obligations to the Merced NWR and other refuges, and the time-learned importance of providing upfront, written commitments to fully mitigate the adverse water supply impacts that a proposed project will have on a wildlife refuge in the San Joaquin Valley, where more than 95% of historic wetlands have been lost.

↑ R-1

The Project would remove two weirs that provide surface water supply to Merced NWR. As part of the proposed Project, rather than as a mitigation measure (which would be a more appropriate course), the IS/EA states that "Reclamation would replace an existing non-operational well with a new well to provide replacement water supply for the Refuge, first drilling an exploratory well as a near-term action. (Reclamation would coordinate with the Merced NWR to offset the additional expense the Merced NWR is expected to incur from operating a new well.)" (IS/EA p. 2-13.) The IS/EA goes on to propose Mitigation Measure BIO-18(d): "The Merced NWR will be coordinated with to minimize potentially adverse impacts to wetland habitat attributed to the removal of the two weirs." (IS/EA pp. MND-11.)

↑ R-2

Both the Project description related to water supply replacement, as well as Mitigation Measure BIO-18, are overly vague, inadequate to meet the public disclosure, environmental impact analysis, and mitigation requirements of CEQA and NEPA, and constitute *improperly deferred mitigation*. A more comprehensive analysis of the adverse water supply impacts, the feasibility of mitigating those impacts through new groundwater pumping, and the funding impacts of operating a new groundwater well must be included in a revised environmental document.

↑

First, there is no analysis of how much water supply the Merced NWR will lose as a result of the proposed Project, including both the loss of diverted water for distribution to wetlands and the immediate physical water supply benefit provided by operating the weirs, such as backing up water behind them. There is also no analysis of potential adverse differences in water quality between the refuge's existing surface water supply and locally available groundwater. Reclamation and DWR must analyze and disclose the full picture of potential water supply impacts to the Merced NWR, and assess whether local groundwater supplies are of suitable quantity and quality to fully replace those supplies.

↑ R-2

Second, Merced County recently adopted a stringent groundwater ordinance that makes it much more difficult to drill new wells. The ordinance does contain provisions for replacement wells, but sets fairly strict parameters on such wells. Reclamation and DWR must analyze the

↓ R-5

feasibility of constructing a new groundwater well of sufficient depth and size to fully replace existing surface water diversions. The revised IS/EA should also address the implications of the Sustainable Groundwater Management Act as they relate to the feasibility of the proposed replacement well. Finally, Reclamation and DWR must acknowledge that because a test well has not yet been drilled and permits from the County have not been received, it may not be feasible to fully mitigate the refuge's water supply impacts through the provision of replacement groundwater supplies. Accordingly, Reclamation and DWR must put in place a mitigation measure that commits to full replacement of the refuge's surface water diversions, if not through groundwater then through other methods such as surface water pumps from the Eastside Bypass.

R-5
↑
R-5
R-2, R-5

Third, Reclamation has a legal and contractual obligation to deliver water to 19 refuges in the Central Valley, pursuant to the Central Valley Project Improvement Act (CVPIA). In those refuge water supply agreements, including the agreement for the Merced NWR, Reclamation committed to not adversely interfere with the refuges' right and ability to receive water. Unless the IS/EA is revised, that commitment (as well as legal obligations under the CVPIA) may be breached.

R-2

Finally, the issue of funding is very controversial and very important. Currently, the only source of funding to provide water to all 19 CVPIA refuges is the CVPIA Restoration Fund, which is underfunded and insufficient to meet all refuge water supply needs. Groundwater pumping for refuges incurs annual costs that already take up a portion of Reclamation's budget for the Restoration Fund. Reclamation and DWR *must* identify, in a revised IS/EA, alternative sources of reliable annual funding to pump the replacement groundwater supplies to be provided by the proposed Project.

R-2

Otherwise, if those costs are to be born by the Restoration Fund, significant adverse water supply effects and attendant effects on biological resources will be felt by the remaining 18 CVPIA refuges. The impacts of having less funding to deliver water to those refuges include reduced spring and summer irrigations, which grow the needed food supplies for migratory waterfowl, and provide habitat to resident breeding birds and threatened species such as the giant garter snake. For the Merced NWR and other CVPIA refuges, reliable annual funding is synonymous with reliable water supply, and reliable water supply is synonymous with meeting the habitat and food requirements of hundreds of different species, plus providing recreational opportunities for the public. Accordingly, building a new groundwater well is insufficient to mitigate the adverse effects of the proposed Project. The vague commitments in the IS/EA to "coordinate with" the Merced NWR "to minimize potentially adverse impacts" is inadequate and must be improved.

R-2

Thank you for your consideration of these comments.

Sincerely,



Ellen L. Wehr, General Counsel

Lower San Joaquin Levee District
11704 West Henry Miller Avenue, Dos Palos, CA 93620
Telephone: (209) 387-4545
FAX: (209) 387-4237



Directors

Roy Catania, Chairman
George Park, Vice Ch.
Sean Howard
Robert D. Kelley, Jr.
Aldo Sansoni
Donald C. Skinner
Case Vlot

Secretary-Manager
Reggie N. Hill

Superintendent
Darrell Chism

January 19, 2018

Ms. Rebecca Victorine
Bureau of Reclamation
San Joaquin River Restoration Program Office, MP-170
2800 Cottage Way
Sacramento, CA 95825-1898

RE: Initial Study/Draft Environmental Assessment and Proposed Mitigation Negative Declaration - Eastside Bypass Improvements Project

This letter is the Lower San Joaquin Levee District's (LSJLD) comments on the San Joaquin River Restoration Program's Initial Study/Draft Environmental Assessment and Proposed Mitigation Negative Declaration - Eastside Bypass Improvements Project.

The LSJLD has been corresponding with the State Department of Water Resources (DWR) regarding the Eastside Bypass Control Structure proposal, which is part of this document that is being reviewed. Our comment letter to DWR is attached.

R-6

The enclosed pages are other comments, which are organized referencing the page, section and lines of the document.

Sincerely,

A handwritten signature in blue ink that reads "Reggie N. Hill". The signature is written in a cursive style.

Reggie N. Hill

Enclosures

Chapter 2 - Description of the Proposed Project

Section 2.1 Existing Structures to be Modified

Page 2-1, Section 2.1.1, Eastside Bypass Levees, first paragraph, last sentence. The statement of the design capacities needs clarification. The capacity numbers stated do not correspond with the numbers we use, per the O&M manual. The O&M Appendix D map displays a capacity of 8,000 cfs between the Mariposa Bypass and Owens Creek confluence. The map also displays a future capacity of 12,000 cfs for this reach. This increase pertains to the completion of upstream reservoirs on the Fresno and Chowchilla Rivers by the Army Corps of Engineers. These two reservoirs, Hensley and Eastman, were completed after the flood project was constructed. The Appendix D map displays the future channel capacities per those reservoir completions.

R-6

The aforementioned capacities are the numbers that should be listed in the document for evaluation since all of the constructed segments and upstream construction has been completed.

Page 2-2, Section 2.1.1, second bullet, bottom of page. Per direction from DWR, all pipe drains through the levees will be inspected for possible replacement. The comment of modifying or replacement of these drains should be coordinated with the DWR Deferred Maintenance Program to avert duplicate costs.

R-6

Page 2-2, Section 2.1.2 Eastside Bypass Control Structure, first paragraph, second sentence. Reference to “These flows are subject to O&M rules . . .”, does not reflect the actual operation of the Eastside Bypass Control Structure (EBCS). It is not stated in the O&M, but the proper function of the EBCS must be operated in the manner to coordinate with possible inflows from the Merced Streams Group to allow those stream flows to enter the bypass system. This coordination requires proper operation of the Eastside and Mariposa Bypass Control Structures for allowance of the stream flows into the system, averting flooding problems on the landside of the bypass.

R-6

Page 2-4, Section 2.1.2, second paragraph, first sentence. See comment referencing “Page 2-1, Section 2.1.1, Eastside Bypass Levees, first paragraph, last sentence”.

R-6

Page 2-7, Section 2.1.3 Dan McNamara Road Crossing, second paragraph, third sentence. Reference to an agreement between the LSJLD and Merced County needs substantiation. There is mention in the O&M of Merced County’s maintenance requirement for the described levee section, but no signed document per your statement is in the LSJLD’s possession.

R-6

Page 2-13, Section 2.3.1 Project Design Considerations, first paragraph. This an issue that has been discussed repeatedly, “minimal increases in flood risk”. Referencing what is acceptable

R-6

per the CVFPB, which is a statement from Army Corps of Engineers' text, does not bode well with the LSJLD in its obligation to prevent flood damages. Minimal risk toward public safety for fish considerations is not acceptable. No increase in flood risk toward public safety is the target.

↑
R-6

Page 2-17, Section 2.3.2 Proposed Project Elements, Eastside Bypass Control Structure Modifications. This entire section on the structure modifications is not acceptable. See attached letter to DWR.

R-6

Page 2-22, Section 2.3.2 Proposed Project Elements, Eastside Bypass Control Structure Modifications, last paragraph, last sentence. Placing limitations on the LSJLD's maintenance obligations is not in line with the SJRRP's statement that flood operations will not be compromised. The statement ". . . maintenance can be scheduled when salmonids are not present." is not acceptable. Our maintenance scheduling is very focused on adhering to our obligation with this flood project, without compromise, unless flood matters impact this action.

R-6

Page 2-25, Section 2.3.2 Proposed Project Elements, Merced National Wildlife Refuge Weir Removal and Well Placement, first paragraph, second sentence. Stating that a new deep well installation would be adequate in replacing water supply lost due to removal of two weirs is hypocritical. The State's directive is to move landowners from deep well dependency due to land subsidence created by such deep well use. It is documented that land surrounding a Merced Wildlife Refuge well has subsided, and yet SJRRP is directing the use of a deep well. What are the impacts on adjacent lands and their resources with this approach?

R-2

Page 2-27, Section 2.3. Proposed Land Acquisitions/Easements. The statement of "not anticipated" land acquisition is paramount to the LSJLD. However, if you anticipate something, you realize in advance that it may happen. This will not be acceptable to us. We are already strapped with minimal operating funds in complying with our obligation. Any further reduction in our revenue source (land assessments on private landowners) through federal/state acquisition of private lands is detrimental to the LSJLD.

R-6