

Public Comments and Responses

INTRODUCTION

This section provides the public comments on the Draft EIS/EIR and the lead agencies' responses to those comments. Text changes resulting from the comments are summarized under the responses and have been incorporated into the text of the Final EIS/EIR.

RESPONSES TO COMMENTS

The Draft EIS/EIR was sent to the interested agencies, organizations, and individuals on December 19, 2008 and to the State Clearinghouse as required by CEQA for receipt on December 22, 2008. The Clearinghouse distributed the document to selected state agencies: Resources Agency; Department of Fish and Game, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 6; Caltrans District 10; State Water Resources Control Board, Division of Water Quality; Native American Heritage Commission; and State Lands Commission. None of these agencies commented through the Clearinghouse as indicated on their letter of February 24, 2009 (attached). Comments were provided separately by the Central Valley Regional Water Quality Control Board and Department of Water Resources. The San Luis and Delta-Mendota Water Authority placed legal notices on the availability of the Draft EIS/EIR and the public hearing in three newspapers in circulation in the Project Area: *Los Banos Enterprise and Merced Sun-Star* on December 27, and *Fresno Bee* on December 28, 2008.

Consistent with Reclamation's procedures for implementing NEPA, the Draft EIS/EIR was filed with the U.S. Environmental Protection Agency (USEPA) on January 26, 2009, and the EPA published the Notice of Availability in the Federal Register on January 30, 2009. Reclamation placed a notice in the *Federal Register* on January 15, 2009, announcing the availability of the document for public review and commencing the official public review period which closed March 23, 2009. Reclamation also issued a press release on January 14, 2009, and placed an announcement on Reclamation's website.

Oral comments were received at the public hearing on February 10, 2009 from the San Joaquin Raptor Rescue Center, and written comments on the Draft EIS/EIR were received from 13 agencies, organizations, and individuals. Commenting agencies and individuals are:

Federal

- U.S. Environmental Protection Agency, Region IX (Kathleen M Goforth)
- U.S. Fish and Wildlife Service (Jan Knight)

State and Regional

- Caltrans (Amy Barnes)
- California Department of Water Resources (Jose I. Faria)
- California Regional Water Quality Control Board Central Valley Region (Gail Cismowski)

Local

- Contra Costa Water District (Leah Orloff)
- San Joaquin River Group Authority (O’Laughlin & Paris, Kenneth Petruzelli)
- Stanislaus County, Chief Executive Office (Raul Mendez)
- City of Stockton (Mark J. Madison)
- Stockton East Water District (Herum/Crabtree, Karna E. Harrigfeld)

Private Groups and Individuals

- California Water Impact Network (Carolee Krieger, Bill Jennings)
- The Bay Institute (Gary Bobker)
- Felix Smith
- San Joaquin Raptor Rescue Center, Protect Our Water (Lydia Miller)

Appendix I includes a copy of each comment letter in the order presented above, followed by the response to that comment. One public hearing was held on February 10, 2009, in Los Banos. The transcript of that hearing is presented last, and it includes oral comments from the San Joaquin Raptor Rescue Center, Protect Our Water and responses to those comments.

Prior to the close of the public comment period, on March 12, 2009, the Grassland Basin Drainers met in the field with the California Water Impact Network on their concerns about the continuation of drainwater discharges after 2009. Then Reclamation and the Drainers met with the Service on May 13, 2009, to review their comments and additional information developed for the response to their comments. On May 18, 2009, the Drainers met with The Bay Institute (TBI) and Natural Resources Defense Council (NRDC) on their comments.

Based upon material contained in the responses to comments and minor revisions of the Draft EIS/EIR provided in the Final EIS/EIR, recirculation of the EIS/EIR is not required under the CEQA Guidelines Section 15088.5 because no new significant information is added to the EIS/EIR, and under subsection (b) recirculation is not required where the new information added merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

February 24, 2009

Joe McGahan
San Luis and Delta-Mendota Water Authority
P.O. Box 2157
Los Banos, CA 93635

Subject: Grassland Bypass Project
SCH#: 2007121110

Dear Joe McGahan:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on February 19, 2009, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

A handwritten signature in cursive script that reads "Terry Roberts".

Terry Roberts
Director, State Clearinghouse

State Clearinghouse Data

SCH# 2007121110
Project Title Grassland Bypass Project
Lead Agency San Luis and Delta Mendota Water Authority

Type EIR Draft EIR
Description Continue the existing Grassland Bypass Project with a new Use Agreement (for San Luis Drain) with Bureau of Reclamation until December 31, 2019. The original project, as well as the proposed extension, consolidates subsurface drainage flows on a regional basis (from the 97,400-acre Grassland Drainage Area); applies the drainage to salt tolerant crops to reduce the volume; utilizes a 4-mile channel to place it into the drain at a point near Russell Avenue, and utilizes a 28-mile segment of the drain to convey the remaining drainage flows around wetland habitat areas and then discharges to Mud Slough (north) and subsequently to the San Joaquin River.

Lead Agency Contact

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Agency San Luis and Delta-Mendota Water Authority
Phone (559) 582-9237
email
Address P.O. Box 2157
City Los Banos
State CA **Zip** 93635
Fax

Project Location

County Merced, Fresno, Stanislaus
City Los Banos
Region
Lat / Long
Cross Streets I-5, SR 165, SR 152, SR 33, and SR 140
Parcel No.
Township

Range**Section****Base****Proximity to:**

Highways 165, 152, 33
Airports
Railways
Waterways San Joaquin River, Mud Slough, San Luis Drain
Schools
Land Use Open space, agriculture, wildlife refuge

Project Issues Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Landuse; Other Issues; Recreation/Parks; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Agricultural Land

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 6; Caltrans, District 10; State Water Resources Control Board, Division of Water Quality; Native American Heritage Commission; State Lands Commission

Date Received 12/22/2008 **Start of Review** 12/22/2008 **End of Review** 02/19/2009

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