

Long-Term Operation – Final Environmental Impact Statement

# **Appendix AE – Scoping Report**

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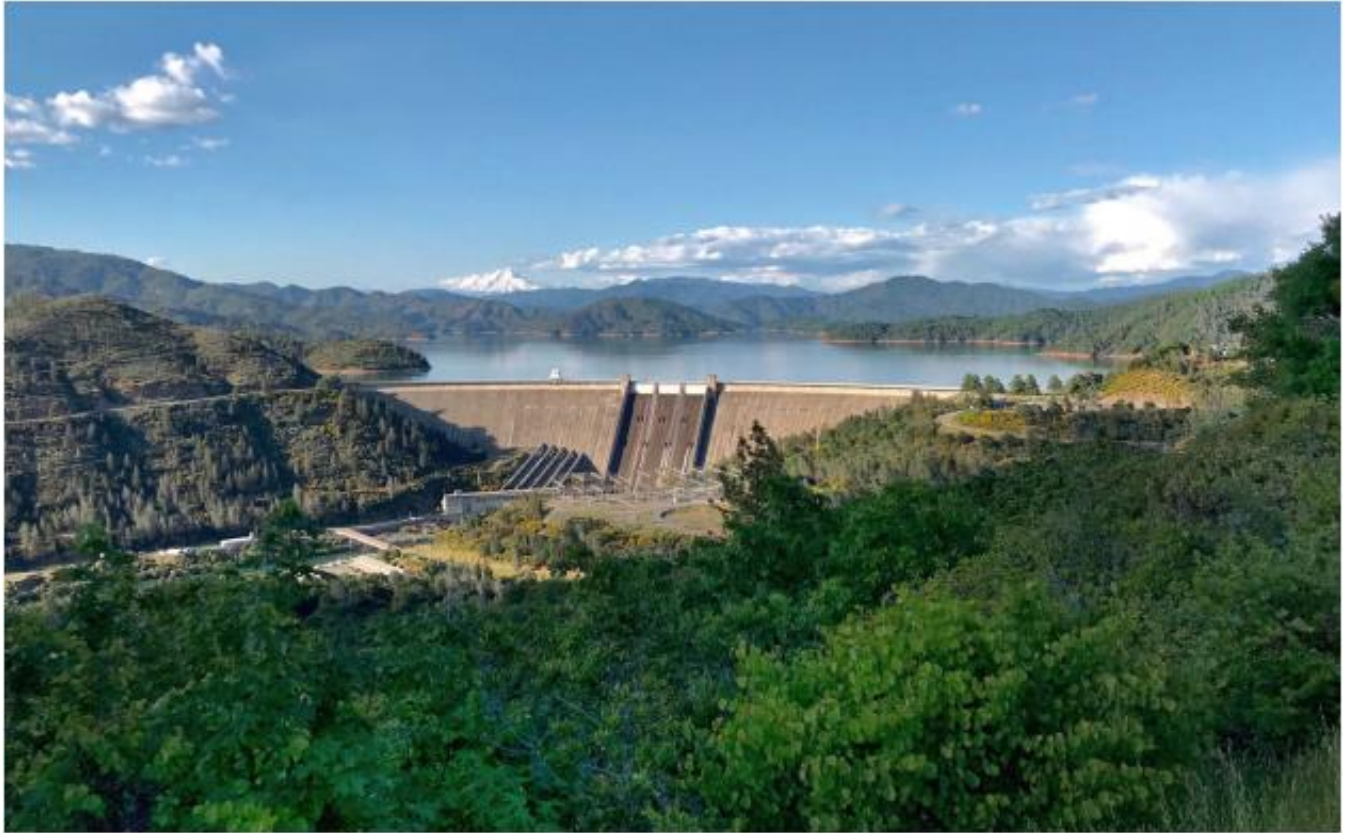


— BUREAU OF —  
RECLAMATION

# Public Scoping Report

**2021 Reinitiation of Endangered Species Act Section 7  
Consultation on the Long-Term Operation of the Central Valley  
Project and State Water Project**

**California Great Basin Region**



## **Mission Statements**

The Department of the Interior (DOI) conserves and manages the Nation's natural resources and cultural heritage for the benefit and enjoyment of the American people, provides scientific and other information about natural resources and natural hazards to address societal challenges and create opportunities for the American people, and honors the Nation's trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities to help them prosper.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

# **Public Scoping Report**

**2021 Reinitiation of Endangered Species Act Section 7  
Consultation on the Long-Term Operation of the Central Valley  
Project and State Water Project**

**Central Valley Project, California  
California-Great Basin Region**

*prepared by*

**Bureau of Reclamation  
Bay-Delta Office  
801 "I" Street, Suite 140  
Sacramento, CA 95814**

Cover Photo: Shasta Dam near Redding, California

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# List of Abbreviations and Acronyms

CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CVP	Central Valley Project
CVPIA	Central Valley Project Improvement Act
DWR	Department of Water Resources
ESA	Endangered Species Act
EIS	Environmental Impact Statement
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOI	Notice of Intent
Reclamation	Bureau of Reclamation
SWP	State Water Project
USACE	U.S. Army Corps of Engineers
WIIN	Water Infrastructure Improvements for the Nation
2021 ROC on LTO	Reinitiation of Consultation on the Long-Term Operation of the Central Valley Project and State Water Project



# Introduction

This report documents the scoping activities that occurred for the 2021 Reinitiation of Endangered Species Act (ESA) Section 7 Consultation on the Long-Term Operation of the Central Valley Project (CVP) and State Water Project (SWP) (2021 ROC on LTO). The U.S. Department of the Interior, Bureau of Reclamation (Reclamation), the National Environmental Policy Act (NEPA) lead agency, is planning to prepare an Environmental Impact Statement (EIS) to address the 2021 ROC on LTO. Accordingly, Reclamation held public scoping meetings to obtain public and stakeholder input on the Notice of Intent (NOI) and to comply with NEPA requirements.

## Scoping Purpose and Process

Scoping is generally defined as “early public consultation,” and is one of the first steps of the NEPA environmental review process. The purpose of scoping is to involve the public, stakeholders, Indian tribes, agencies, and other interested parties early in the environmental compliance process to help determine the range of alternatives to be evaluated, the potential environmental effects, and possible mitigation measures to be considered in an environmental document. Reclamation, as the NEPA lead agency, is ultimately responsible for determining the scope of the EIS. Comments obtained during the scoping process are options for Reclamation’s consideration and help guide environmental review of the project.

As part of the scoping process, agencies often conduct public meetings. While scoping is not limited to this forum, public meetings allow interested persons to listen to information about a proposed action and express their concerns and viewpoints to the implementing agencies. During scoping meetings, the lead agency generally outlines the proposed action, defines the area of analysis, proposes issues to be addressed in the environmental compliance document, and solicits public comments. An agency also establishes a scoping comment period to accept scoping comments submitted in writing. Scoping comments are considered by the agency during the formulation of alternatives and the scope of the environmental issues to be addressed in the environmental impact analysis.

## Applicable Regulations

NEPA regulations require scoping to determine the scope of the issues to be addressed in the environmental review and to identify significant issues (40 Code of Federal Regulations [CFR] § 1501.9). According to NEPA regulations, scoping should occur early on in the environmental review process and should involve the participation of the affected parties.

**Additional scoping responsibilities.** As part of the scoping process, the lead agency shall:

1. Invite the participation of affected Federal, State, and local agencies, any affected Indian tribe, the proponent of the action, and other interested persons (including those who might not be in accord with the action on environmental grounds).

2. Determine the scope and the significant issues to be analyzed in depth in the EIS.
3. Identify and eliminate from detailed study the issues that are not significant or have been covered by prior environmental review, narrowing the discussion of these issues in the statement to a brief presentation of why they will not have a significant effect on the human environment, or providing a reference to their coverage elsewhere.
4. Allocate assignments for preparation of the environmental impact statement among the lead and cooperating agencies, with the lead agency retaining responsibility for the EIS.
5. Indicate any public environmental assessments and other environmental impact statements that are being or will be prepared and are related to but are not part of the scope of the impact statement under consideration.
6. Identify other environmental review, authorization, and consultation requirements so the lead and cooperating agencies may prepare other required analyses and studies concurrently, and integrated with, the environmental impact statement.
7. Indicate the relationship between the timing of the preparation of environmental analyses and the agencies' tentative planning and decision-making schedule.

Public involvement activities are required by the Council on Environmental Quality (CEQ) regulations that state: "Agencies shall: Make diligent efforts to involve the public in preparing and implementing their NEPA procedures" (40 CFR § 1506.6(a)). Public scoping meetings help to satisfy this requirement.

CEQ regulations also require the implementing agency to notify the public that it is preparing an EIS for a project under consideration (40 CFR § 1501.9(d)). Reclamation published a NOI in the Federal Register on Monday, February 28, 2022 (Attachment A).

# Action Description

The purpose of the proposed action considered in the 2021 ROC on LTO Notice of Intent was to continue the operation of the CVP and the SWP, for authorized purposes, in a manner that:

- Meets requirements under federal Reclamation law; other federal laws and regulations; federal permits and licenses; and State of California water rights, permits, and licenses pursuant to section 8 of the Reclamation Act;
- Satisfies Reclamation contractual obligations and agreements; and
- Implements authorized CVP fish and wildlife project purposes.

Operation of the CVP and SWP is needed to provide flood control and navigation; water supply; fish and wildlife mitigation, protection, and restoration and enhancement; and power generation. Operation of the CVP and SWP also provides recreation and water quality benefits.

The 2021 ROC on LTO EIS will consider a range of reasonable alternatives, consistent with 40 CFR §1502.14, including a No Action Alternative that would continue implementation of the 2020 Record of Decision on the Reinitiation of Consultation on the Coordinated Long-Term Operation of the CVP and SWP (2020 ROD). Reasonable alternatives may include combinations of operation of CVP and SWP facilities and diversions, construction actions, habitat restoration, conservation hatchery practices, and monitoring and special studies. Reasonable alternatives may support consultation for actions by Sacramento River Settlement Contractors. Reasonable alternatives may include California Department of Water Resources (DWR) operations for new storage projects. Reclamation is considering operation of the CVP and SWP under conditions of:

- Potential hydrologic and meteorologic climate change through 2040 including changes in precipitation, air temperatures, and sea level;
- Potential new storage, conveyance, and other water supply infrastructure;
- Potential implementation of voluntary agreements for the update of the Bay-Delta Water Quality Control Plan;
- Potential responses to drier years and drought conditions such as water transfers and temporary urgency change petitions; and
- Potential needs for new and adapted monitoring programs to address current and future information needs.

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# Scoping Meetings

Reclamation hosted six virtual public scoping meetings for interested parties between March 8 and March 17, 2022, identified geographically; however, virtual attendance was open at all meetings. Attendance at the six meetings included members of the public, landowners, and representatives from public agencies.

1. Tuesday, March 8, 2022, 2 p.m. to 4 p.m., Sacramento, CA, virtual meeting.
2. Wednesday, March 9, 2022, 5:30 p.m. to 7:30 p.m., Red Bluff, CA, virtual meeting.
3. Thursday, March 10, 2022, 2 p.m. to 4 p.m., Fresno, CA, virtual meeting.
4. Tuesday, March 15, 2022, 5:30 p.m. to 7:30 p.m. to., Los Banos, CA, virtual meeting
5. Wednesday, March 16, 2022, 2 p.m. to 4 p.m., Tracy, CA, virtual meeting.
6. Thursday, March 17, 2022, 2 p.m. to 4 p.m., Chico, CA, virtual meeting.

## Scoping Meeting Notification

On Monday, February 28, 2022, Reclamation published a NOI in the Federal Register (FR 87, No. 39 p.11093)] and issued a press release notice (Attachment A). Reclamation maintained information on the scoping meetings on the Bay Delta Office website (<https://www.usbr.gov/mp/bdo/lto.html>) and notifications on social media outlets during the public scoping period to inform interested parties on the dates, times, and locations of the scoping meetings.

## Scoping Meeting Format and Content

Reclamation hosted all six scoping meetings virtually via Microsoft Teams. Each meeting followed the same format. Reclamation opened each meeting with introductions, housekeeping items, and opening remarks. Dr. David Mooney, Reclamation Bay-Delta Office Area Manager, followed with a PowerPoint presentation and narrative overview of the CVP, SWP, and the NEPA process as it relates to the current environmental review. Reclamation posted files for the public to download from its website including the PowerPoint presentation and a frequently asked questions page (Attachment B). Reclamation staff invited participants to provide verbal comments during the public presentation. A court reporter attended all six meetings to record all verbal comments. Reclamation received most comments later, via email. All comments and scoping meeting transcripts are provided in Attachment C.

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# Scoping Comments

Reclamation received verbal comments during the scoping meetings. Reclamation received written comments through mail, e-mail, and fax, during the 30-day scoping period that began on February 28 and ended March 30, 2022. Reclamation received 47 letters, emails, and verbal comments during the scoping period. Interest groups that provided comments included public water management agencies, tribes, local governments, farmers and producers, conservation organizations, commercial water developers, federal agencies, private citizens, and non-governmental organizations. The public agencies, tribes, and organizations that provided comments are identified in Tables 1, 2, and 3.

Table 1. Public Agencies that provided comments during the public scoping period for the 2021 ROC on LTO of the Central Valley Project and State Water Project

<b>Public Agencies</b>
City of Folsom
City of Roseville
City of Sacramento
Solano County
United States Environmental Protection Agency

Table 2. Tribes that provided comments during the public scoping period for the 2021 ROC on LTO of the Central Valley Project and State Water Project

<b>Tribes</b>
Hoopa Valley Tribe
Winnemem Wintu Tribe
Yurok Tribe

Table 3. Organizations that provided comments during the public scoping period for the 2021 ROC on LTO of the Central Valley Project and State Water Project

<b>Organizations</b>
Central Delta Water Agency
Delta Stewardship Council
East Bay Municipal Utility District
El Dorado Irrigation District
El Dorado Water Agency
Friant Water Authority
Kern County Water Agency
Sacramento County Water Agency
Sacramento Municipal Utility District
Sacramento Suburban Water District

<b>Organizations</b>
San Luis Delta Mendota Water Authority
Sacramento River Settlement Contractors
Stockton East Water District
Environmental Water Caucus
California Water Impact Network
California Sportfishing Protection Alliance
The Nature Conservancy
Institute for Fisheries Resources
Orange County Water District
Agri-World Cooperative
Coalition for a Sustainable Delta
California Farm Bureau
Friends of the River
Save the American River Association
Natural Resources Defense Council
San Francisco Baykeeper
Golden State Salmon Association
Pacific Coast Federation of Fishermen's Associations
Defenders of Wildlife
Save California Salmon
Restore the Delta
The Bay Institute
Sierra Club California
Center for Biological Diversity
AquAlliance
Planning and Conservation League
North Coast River Alliance
San Francisco Crab Boat Owners Association
Delta View Water Association

## **Comment Summary**

This section summarizes the public scoping comments by topic. This summary distils salient points from many correspondences. The report paraphrases comments that raised identical topics and positions. Some of the comments touch on multiple topics but are not repeated to reduce redundancy. Comments are neither paraphrased nor combined when the comment was unique. Attachment C includes the full contents of all comments.



## **Project Purpose, Scope and Analysis Related Comments**

- The purpose, need, and alternatives should be tied directly to CVP statutory requirements and contractual obligations. Exclude actions that do not meet these requirements and obligations because they are unlawful.
- The purpose and need statement in the NOI is neither clear, nor concise. The purpose and need should be stated more clearly in the EIS.
- The Purpose and Need fails to comply with federal law and does not include Central Valley Project Improvement Act (CVPIA) doubling goals which are an equal project purpose to making water deliveries pursuant to water supply contracts.
- The Purpose and Need should comply with CVPIA and reduce reliance on the Delta for water exports as required by the Delta Reform Act.
- Reclamation must comply with CVPIA 3406(b)(2) and produce accounting for years 2020, 2021, and 2022.
- The Purpose and Need must clarify that meeting water supply contracts are a secondary project purpose after meeting compliance with ESA.
- Revise the Purpose and Need to recognize that protections for ESA-listed species must be strengthened to avoid jeopardizing the continued existence and recovery of the species.
- Since it influences the range of alternatives, the scope of the Purpose and Need should state that multi-use water projects are primarily water supply projects paid for by local water agencies with long-term water supply contracts with Reclamation and DWR.
- The need should clearly state the project purposes defined by Congress, including fish and wildlife and agriculture.
- Include only minimal changes to the 2019 LTO project description.
- The EIS should consider the effects of Coordinated Operations Agreement, CVP Cost Allocations, and voluntary water agreements related to the Bay-Delta Water Quality Control Plan Update. Quantify the effects when possible.
- All alternatives should be based on the existing water year index, the stepped release schedules, and the 1988 agreement.
- Describe how Reclamation implements, operates, and manages California Department of Water Resources partnered programs, plans, and projects.
- The EIS should include service areas and facilities located within the watersheds for the rivers listed in the NOI to ensure a complete analysis of potential impacts of the Proposed Action. Do not limit the analysis to facilities located on the listed rivers and in the Delta.
- Alternatives should be limited to those that reflect scientific data that has become available since the 2020 ROD and that meet the purpose and need for the proposed action because the existing plan of operations already provides a comprehensive and flexible method for Reclamation to effectively serve the CVP's various purposes.

- Alternatives should be based on the existing plan of operations because that would enable Reclamation to meet the project purposes, to the extent possible. The development of each alternative should then be guided by two primary criteria: 1) whether the alternative would be consistent with Congressional authorization and 2) whether a change to the existing plan of operations is warranted because of scientific and other data that became available since the 2020 ROD.
- Reclamation should not volunteer to take actions that DWR may be required to take pursuant to California Endangered Species Act. If Reclamation's action could diminish CVP water supply available to CVP contractors, change the timing of deliveries to the detriment of the needs of CVP contractors, or place financial commitments on the CVP contractors.
- Reclamation and DWR should explore (1) changes to CVP operations only if the changes do not adversely affect the timing or quantity of water available for CVP purposes or the cost to CVP contractors, and (2) changes that align SWP operations to CVP operations, as part of each alternative.
- The EIS should include an alternative that incorporates operational criteria that are consistent with the 2020 Incidental Take Permit for both the CVP and SWP that enhance instream flows and fish and ecosystem protections.
- Reclamation should consider [as part of the baseline] the conditions prior to the 2019 Biological Opinions and 2020 ROD as a point of comparison because the NOI states the No Action Alternative would be the continued implementation of the 2020 ROD that includes the 2019 Biological Opinions and the Proposed Project in the 2019 EIS.
- The EIS should consider the effect of changes to baseline conditions since the 2020 ROD, such as the changes to the chemical constituents in the Delta resulting from Regional Sanitation's EchoWater Project, and improvements of fish abundance, diversity, and habitat in the San Joaquin River and in tributaries to the Sacramento River.
- We assume the cumulative operational impacts of reasonably foreseeable projects such as Sites Reservoir and the Delta Conveyance Project would be included in Reclamation's EIS analysis of the cumulative effects.
- The project should support tribes request to have fish passage over Shasta Dam.
- For informative purposes of allowing the public to provide meaningful comments, the NOI should have identified/defined the anticipated modifications to the Proposed Action and details on the mentioned missing analysis in the 2019 Biological Opinions.
- The EIS must assess project impacts for consistency with local land use policies including County General Plans, in particular; agricultural policies, resource policies, including biological resources, Marsh and Delta areas, scenic resources, cultural resources, recreation resources, water resources, and quality; public and environmental health and safety policies including; flood control, disaster preparedness, and climate change; economic development policies, transportation and circulation policies; and public facilities and service policies; including water facilities and service, drainage, fire protection and emergency services, law enforcement, and utilities.

- Align project operation with the partnership program for the Yolo Bypass and Cache Slough Region to minimize and avoid impacts in that region.
- Quantify impacts from uncertainties such as the pending Bay-Delta Water Quality Control Plan update and associated Voluntary Agreements and proposed Delta Conveyance Project.
- The impacts analysis should explicitly acknowledge that the components that make up the project being analyzed will be developed and implemented in an adaptive resource management framework, following the guidelines and best practices described as essential to linking science with improved decision-making in B.K. Williams et al., *Adaptive Management: The U.S. Department of the Interior Technical Guide* (2007).
- Consider the impacts analysis of monitoring for each alternative. Consider the design criteria described by Fish and Wildlife Service scientists in J.H. Reynolds et al, “A road map for Designing and Implementing a Biological Monitoring Program.”
- Make explicit that monitoring designs that will accompany the selected management actions will follow the Department of the Interior’s monitoring-design road map and that management actions will not be implemented until the attending monitoring can be instituted.
- Comply with state water right obligations, including Vernalis pulse flows under D-1641, and updated water quality objectives adopted by the State Water Resources Control Board.
- CVPIA, specifically section 3406(b)(2) should be included in the scope of the project.
- It is misleading to use the 2020 ROD as the environmental baseline since the current management direction is the Interim Operations Plan.
- Reclamation must model and analyze one or more alternatives that include reductions in water diversions by the Sacramento River Settlement Contractors that are greater than provided for in the existing contracts.
- Do not include the Delta Conveyance Project or Sites Reservoir in the Section 7 consultation or draft EIS but do analyze it in the cumulative effects of the draft EIS.
- To avoid confusion, do not include the operations of the Delta Conveyance Project or Sites Reservoir in this consultation.
- Analyze the effects of the coordinated operations of the CVP and SWP on Longfin Smelt.
- Life cycle models and/or other analyses should be used to demonstrate whether alternatives would achieve positive population growth of ESA-listed species sufficient to avoid jeopardizing the continued existence and recovery of the species.
- The Draft EIS should focus on available water, including available under current and future climate change conditions, and not “paper water.”
- Conduct a public trust analysis that includes all non-market public trust resources, including clean water, healthy flowing rivers, healthy abundant fish, and recreational opportunities.

- The scope of the Draft EIS should consider technological innovations reducing the need for water exports such as conservation and recycling, and also eliminating diversions and exports for drainage impaired agricultural lands.
- The analysis should include reducing diversions and exports as a result of technological innovations such as conservation, recycling, drip irrigation and less water intensive agricultural use reducing the need for the diversions and exports.
- The Draft EIS should analyze adverse environmental impacts of CVP and SWP diversions on public health, including, but not limited to, worsening algal blooms adversely impacting the environmental justice communities of the Delta.
- Include and analyze in the Draft EIS resilient water strategies as part of a Public Interest Alternative.
- D-1641 is outdated and cannot be relied upon for conclusions as to adverse environmental impacts in the Draft EIS.
- Clearly define the biological and environmental objectives that will be used to inform the development of modeling alternatives.
- Consider how a changing climate will impact water management, define the biological objectives needed for ecosystems to thrive, and evaluate actions against those biological objectives.
- Reclamation should consider using the Scientific Evaluation Process and Reorienting to Recovery Project to define biological and environmental objectives.
- Reclamation should complete and publicly release analyses of how fish and migratory bird objectives will be met before finalizing the proposed actions and operations.
- What is the time duration for the Biological Opinions?
- Will the Klamath River below the confluence of the Trinity River be included in the scope?
- Pending re-consultations on operations of the Trinity River Division must remain separate and be completed prior to 2021 ROC on LTO.
- The environmental impacts should be presented in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public.
- The potential environmental impacts (including benefits) of each alternative should be quantified to the greatest extent possible.
- The No Action Alternative should clearly describe the current Central Valley Project operating criteria. It should specify the regulatory vehicles that govern the operational regimes including water rights, the Endangered Species Act, and water quality standards in the Bay Delta Water Quality Control Plan and include details of all permits and transfers related to the current pumping.

- The EIS should discuss the status and possible environmental impacts of two major projects that are currently underway - Sites Reservoir and Delta Conveyance. Both of these large construction projects have the potential to alter the operations of the CVP and SWP in a meaningful way.
- The EIS should exclude the effects of other projects such as the new Delta Conveyance Project, Sites Reservoir, the enlargement of San Luis Reservoir, or the enlargement of Los Vaqueros Reservoir.
- The cumulative impacts analysis should identify how resources, ecosystems, and communities in the project have already been, or will be, affected by past, present, or future activities in the project area.
- Describe the process and outcome of government-to-government consultation between Reclamation, tribes, issues that were raised, and how those issues were addressed in the selection of the proposed alternative.
- The 2018 Bay-Delta Plan update should be considered as part of the regulatory baseline in the EIS because we are in the implementation process (e.g., lower San Joaquin River Flow objectives, pulse flows).

### **Endangered Species Act (ESA) Related Comments**

- Reclamation should clarify if this consultation is required or discretionary.
- Reclamation should not consider any of the actions challenged in the 2019 Biological Opinions for inclusion in any potential proposed actions or alternative analyses in this EIS because those issues are being litigated and should not be carried forward into this analysis.
- Comply with the Endangered Species Act.
- Please describe the time frame for which the agency would be applying for ESA coverage. If unknown, please bookend possible scenarios (10-year, 20-year) and their expected environmental impacts.
- Reclamation has exceeded the incidental take statement for the 2019 Biological Opinions for steelhead on the American River in 2021.
- Reclamation will have almost certainly exceeded the incidental take statement for the 2019 Biological Opinions for winter-run Chinook salmon in 2022.
- Reclamation has violated D-1641 water quality objectives that were part of the proposed action in 2021 and 2022 in a manner that causes additional impacts to listed species that were not considered in the 2019 Biological Opinions or ROD.
- Include the best available science and modeling such as; RAFT and NMFS model (formerly known as the Martin model); Henderson et al 2018, Munsch et al 2020, Michel et al. 2021 and Hassrick et al. 2022; NMFS' Winter-Run Life Cycle Model; Delta Smelt Life Cycle Model; Nobriga and Rosenfield 2016 (Longfin Smelt life cycle model); and the STARS Model.

- Reclamation should implement emergency measures during reinitiation of consultation, including curtailing trans-basin diversions and by bypassing power production in the Trinity River Division.

### **Biological Resources Related Comments**

- The EIS should consider Shasta strategies for cold-water pool management to protect winter-run Chinook salmon while minimizing water supply losses. For example, providing the coldest water during the last half of the egg incubation period (when eggs are most sensitive to water temperature), rather than attempting to provide the coldest water from the very beginning of egg incubation.
- Collaborate with California to alter existing Chinook salmon and steelhead hatchery practices to benefit wild populations of these species. For example, current practices that do not include sufficient natural origin fish in hatchery brood stock and allow excess hatchery-produced fish to spawn in-river are impairing the productivity and fitness of remaining wild-origin populations.
- Consider Buchanan et al. 2021 regarding outmigration survival of steelhead as relevant scientific information when developing measures to protect out-migrating San Joaquin River steelhead.
- The EIS should identify ongoing implementation of a long-term science work plan to inform management action uncertainties related to fish recovery.
- The EIS should analyze how Delta Cross Channel gate operations will affect hydraulics and various indicators of the Mokelumne salmon populations including, salmonid migration timing, habitat availability, juvenile outmigration, and total returns because this is an important and unique salmon run.
- We are concerned about how CVP and SWP management elsewhere will affect future water supply and ecosystem sustainability of the American River.
- The EIS should analyze the effects that temperature management measures to benefit salmonids would have on migratory birds and wetland habitat.
- Modifications to the Modified Flow Management Standard, developed in agreement with Reclamation after the 2019 BiOp may be necessary to provide adequate protection in the American River for fish and to avoid impacts to aquatic species.
- The range of alternatives should include actions that would increase protections for fish and wildlife and aquatic ecosystems while improving water supply reliability.
- Reclamation should consider actions that increase Delta inflows, outflows, and reduce reverse flows in the Delta because those actions would benefit native fish species and aquatic ecosystem conditions.
- Keswick Dam Operation effects analysis to fish should consider water flow volume and temperature simultaneously, per Daniels, M. E., and E. M. Danner. 2020.

- The EIS should evaluate project alternatives that would meter out cold water supplies to provide temperature management over the winter-run and fall-run Chinook salmon temperature management periods in all water year types.
- Please include alternatives that evaluate flow conditions under the Board's 2018 Framework for possible updates to the Bay-Delta Plan for the Sacramento River, its tributaries, and the eastside tributaries to the Delta. For example, include aspects of Alternative 4 from the 2019 EIS that evaluated a 55% unimpaired flow level from the Project tributaries with off ramps to preserve cold water pool.
- Reclamation should include measures to protect San Joaquin River steelhead and fall-run Chinook salmon because they are an important food source for listed Southern Resident killer whales.
- The State Water Board's 2017 Scientific Basis Report could provide valuable information for the flow related habitat- and population-level impact assessments in the EIS because it analyzed population-level relationships of several important aquatic species to Delta outflows.
- It has not been a priority to protect wildlife.
- Flow protections for fish are needed.
- Fish passage and reintroduction of fish above dams are needed.
- Prioritize fish over agriculture.
- Concerns of the project negatively impacting salmon and Delta Smelt.
- The EIS must analyze impacts to aquatic resources and the potential increase of invasive species.
- Collaborate with the State to modify existing ocean harvest regulations to better protect spring-run Chinook, winter-run Chinook, and wild (non-hatchery origin) fall-run Chinook salmon. Current ocean harvest management is reasonably protective of winter-run Chinook maturing at age-3, but it inadequately protects fish maturing at age-4 or older. Improved harvest management strategies might include maximum harvest quotas for sensitive stocks.
- Include broader non-native predator control strategies to benefit smelt and salmonids. Change recreational harvest regulations to encourage harvest of size classes and species of predators most likely to prey upon smelt and salmonids.
- Include more relaxed storm-flex and risk-based provisions during high flow periods to provide water supply benefits without causing population-level adverse effects on smelt and salmonids.
- Eliminate summer-fall outflow action to provide water supply benefits without causing population-level adverse effects on delta smelt.
- Restore tidal marshlands to enhance food supplies and mediate temperature conditions to benefit smelt.

- Develop flow-through managed wetlands in Suisun Marsh and Grizzly Island to substantially increase food production for smelt in Suisun Marsh, Honker Bay and northern Suisun Bay.
- Conduct more substantial inundation of Yolo bypass than would be achieved by the “Big Notch” project.
- Improve habitat conditions for endangered species.
- Restore tidal marsh in the Sacramento and San Joaquin Delta.
- Seasonally inundate floodplains in combination with floodplain agriculture.
- Provide predator control, fish screens, and predator exclusion weirs.
- Include safe harbor for dry-year rescue efforts, dry-year channel modification and maintenance for emergency fish passage, modern conservation hatchery techniques, and managed trucking or barging.
- Revise the Modified Flow Management System to better protect Folsom Reservoir storage and to protect the fisheries, aesthetics, and recreation in the lower American river.
- The Modified Flow Management System should provide better flow protection of fisheries and recreation in the reaches of the American River just below Nimbus in years when there are sufficient flows. The minimum release requirement may be suitable to be increased in wetter years.
- The EIS should consider modifications to Folsom and Nimbus Dams to provide better temperatures and flows in the lower American river for listed fish species.
- Revise the incremental temperature selection computer model used for the Folsom Reservoir cold-water pool management to include a greater range of hydrologic conditions.
- Reevaluate the operations and infrastructure of Nimbus Hatchery for improved temperature management of the hatchery.
- Nimbus Hatchery operations should include fin clipping of all young hatchery fish and returning unclipped adult fish into the American River to spawn.
- Continued operation under the 2020 ROD will jeopardize listed species in violation of ESA.
- The Draft EIS must include accurate scientific analysis to determine what stream, river, and Delta flows are necessary under various conditions to avoid jeopardy to endangered and threatened fish species and adverse modification of their critical habitat.
- Reclamation should reduce diversions and exports to avoid jeopardy to endangered and threatened fish species and adverse modification of their critical habitat, to avoid adverse impacts on public health, and to eliminate unreasonable use and waste.
- Reclamation should meet the annual water deliveries to 19 federal refuges, state wildlife areas, and private wetlands within the Grasslands Ecological Area.



- Modeling should provide coverage for Incremental Level 4 water supplies, including water that has yet to be acquired for this purpose.
- Reclamation's 2020 ROD furthered the extinction of listed species.
- Carryover storage in the Trinity Reservoir and other reservoirs should be saved for salmon species.
- Consider the latest critical years that fish populations have suffered and lacked protection when conducting the project.
- Analyze and implement measures to meet December and November cold temperature requirements of coho salmon in the Trinity River Division. Alternatives should require new colder coho salmon specific temperature targets at release from Lewiston Dam during spawning and incubation for fish in the Trinity River.
- Reclamation lacks ESA Section 7 take coverage for Southern Oregon and Northern California Coastal coho salmon.
- The 2000 Biological Opinion does not provide analysis or disclose impacts on southern resident killer whale and green sturgeon in the Trinity River Division. What are the effects of operating the Trinity River Division on these species?
- Reclamation must protect and preserve fish and wildlife of the Trinity River by curtailing trans-basin diversions and bypassing power production.
- The EIS should not attribute any impacts in the Sacramento Basin to lack of diversion from the Trinity River.
- Water volumes released to Trinity River should meet or exceed those established under the 2000 Trinity River ROD and should be managed for the benefit of Trinity River fisheries.
- Implement science based adaptive management administered by the Trinity River Restoration Program and Trinity Management Council.
- Plan to replace, upgrade, or remove infrastructure identified to pose a risk to preservation, propagation, or recovery of fish and wildlife of the Trinity River.
- The pace and severity of Chinook salmon population decline highlight the urgent need to move forward with full implementation of the Reasonable and Prudent Alternative's and, perhaps, additional measures in an adaptive management context to ensure their effectiveness.
- U.S. Fish and Wildlife Service and National Marine Fisheries Service (NMFS) should develop quantitative biological objectives to help guide development of the proposed action and alternatives.

### **Agriculture Related Comments**

- Drinking water must be prioritized over agricultural exports.
- Stop releasing excess water for pollution control and fish and focus on agriculture.

- Delta surface water supply impacts the sustainability of agriculture.
- Reclamation should stop providing Project water to impaired farmlands on the west side of the San Joaquin Valley and the Tulare Basin.
- Reclamation should reduce diversion and export quantities by not providing water for high water-demand permanent crops especially on the west side of the San Joaquin Valley and the Tulare Basin.
- Consider the importance of the Central Valley for agriculture production during the analysis.

### **Groundwater Related Comments**

- Surface water is mismanaged and forces the pumping of groundwater.
- Groundwater will potentially become less available as the Sustainable Groundwater Management Act of 2014 is implemented.
- Include potential expanded on-farm recharge in strategic locations on the eastern edge of California's Central Valley, as well as proposed large-scale groundwater banking facilities.
- Fix issues relating to land subsidence along the Friant-Kern Canal, and intensive local development of groundwater managed aquifer replenishment projects in the San Joaquin River and Tulare Lake Basin, all along the Eastside of the Central Valley.
- Recognize impacts to groundwater resources, both as a function of groundwater recharge and groundwater substitution.
- Water needs to be increased to avoid further groundwater pumping and agriculture fallowing.

### **Water Quality Related Comments**

- The water quality discussion in the EIS should include a description of constituents of concern, water quality standards (termed 'objectives' in California Basin Plans and Water Quality Control Plans) and designated beneficial uses in the study area and a quantitative water quality analysis that compares to all water quality standards and objectives described.
- Recognize impacts to water quality, including dry-year impacts and potential impacts on irrigation, crop yields, and salt-trapping in the Delta.
- Drinking water is highly polluted with elevated levels of chemicals, saltwater intrusion, and toxic algae.
- Project operations could result in reduced freshwater inflow to Suisun Marsh impacting water quality standards, wetland and habitat management, and marsh management infrastructure.

### **Water Storage and Conveyance Related Comments**

- The EIS should analyze the potential integration of the proposed Sites Reservoir Project with continued long-term CVP operations.

- The EIS should analyze a brackish water desalination plant on Sherman Island to increase water supply.
- The EIS should analyze measurable reductions in Delta reliance and improvement in regional water management plans to meet CVP contracts.
- No alternative should consider releases from New Melones to meet Bay-Delta demands if they can be met by other reservoirs because New Melones is a priority for local water use.
- The Final EIS should include an alternative which precludes changes in water rights, export of water or transfer of water from the Delta Watershed to serve uses outside the watershed unless D-1641 requirements (without change) and other senior requirements are and will be met.
- Reclamation should suspend any reductions in allocations from Folsom Reservoir during the months when Folsom is being evacuated for flood control.
- Reclamation should analyze and mitigate for the negative impacts of reduced carryover storage for refuge water supply contractors in San Luis Reservoir.
- The delta tunnels and Sites reservoir should not be supported as they will impact water supplies, tribal rights, and power and water rates for Californians.
- Allow the reservoirs to fill up and release water slowly.
- Avoid combining analysis of ongoing operations of the SWP and CVP with other, distinct water storage and/or supply projects.
- Integrate new and existing surface and groundwater storage projects into the Proposed Action.
- Maintain, repair, rehabilitate, modernize and improve existing Reclamation and U.S. Army Corps of Engineers (USACE) structures and facilities.
- Reclamation should increase reservoir yields, recharge groundwater, and increase system flexibility, similar to the studies and reports conducted by DWR relating to management of surface and groundwater.
- Provide new storage north and south of Delta, above and below ground.
- Modify local diversion times and intra-annual storage, including offstream ponds and on-farm recharge.
- The Draft EIS must include accurate scientific analysis to determine whether diversions and exports comply with California's Constitutional prohibition of unreasonable use and waste including but not limited to diversions and exports for agricultural lands in the southern San Joaquin Valley including drainage impaired lands.
- The Draft EIS should analyze adverse environmental impacts and include a cost-benefit analysis of any potential new storage, conveyance, and other water supply infrastructure.
- Consider analysis for a permanent salinity barrier, potentially in the Carquinez Strait.

- Conduct protective storage measures in the Trinity River Division to reduce the risk of multi-year drought and climate change.
- Replace, upgrade, or remove infrastructure identified to pose a risk to the preservation, propagation, or recovery of fish and wildlife in the Trinity River.
- Install a small powerplant on one of the low-level outlet gates on Folsom Reservoir to eliminate the conflict between (a) power generation, and (b) power-bypass in order to tap the cold-water pool for temperature management. In the absence of a small powerplant, a power-bypass should be required to be implemented if temperature targets are projected to not being met.
- Coordinate management of the Trinity River (including water quality of dam release) with management of the Klamath Basin, while surplus water volume for other uses, including hydropower production and water to be diverted, is formally coordinated with the CVP.
- Provide a minimum of 10,000 acre feet to East Side Contractors in critical years under the San Joaquin 60-20-20 index.

### **Cultural and Tribal Consultation Related Comments**

- No plan to preserve salmon species for tribes.
- Tribal uses need to be protected in all watersheds.
- The Central Valley Project must consider the Native American tribes, such as the Hoopa Valley, Yurok, Karuk, Wiyot tribes along the Trinity, Klamath, and Shasta Rivers.
- Carryover storage in reservoirs should be saved for tribal trust responsibility.
- Salmon as a cultural resource should be analyzed in the draft EIS.
- Provide the Yurok Tribe with co-lead status for environmental documents related to storage, diversion, and flow actions on the Trinity River.
- Consider the effects of actions on cultural resources, following regulation in 36 CFR 800.
- Please analyze the impacts of continued testing of the Crystal Creek Bypass on natural and cultural resources.
- Both the Hoopa Valley and Yurok Tribe, who hold federally reserved fishing rights, request to be granted Co-lead status for environmental documents on the Trinity River Division.
- The Draft EIS should address the existence of Indian sacred sites in the project areas. It should address Executive Order 13007, distinguish it from Section 106 of the NHPA, and discuss how Reclamation will avoid adversely affecting the physical integrity, accessibility, or use of sacred sites, if they exist.
- The CVP must consider sovereignty of the Hoopa, Yurok, Karuk, and Wiyot tribes because actions that deplete water from rivers in northern California infringe on the tribes' sovereignty by affecting healthy salmon runs and availability of drinking water.

- Request consideration be given to the welfare of northern California tribes first, which inherently means welfare of the rivers. The northern California tribes rely on rivers as vital elements of their economies. Obstructing rivers with federal projects results in a loss of financial independence for tribal nations.

## **Regulatory Related Comments**

- Regulatory water demands will increase as species decline.
- Reclamation, in its coordinated operations of the CVP in connection with the SWP, must take maximum advantage of the operational flexibility provisions made available in the Water Infrastructure Improvements for the Nation (WIIN) Act.
- Reclamation should explain how it will meet legal requirements to involve Public Water Agencies in the environmental review process, pursuant to the WIIN Act.
- Comply with both provisions of the 1955 Trinity River Act.
- Environmental review for the Trinity River Division should be separate from and a priority over the other divisions of the CVP because Reclamation's statutory requirements and trust relationship with the tribes provide a distinct regulatory framework for the Trinity.
- Re-consultation on operations of the Trinity River Division must remain separate and be completed prior to that of the larger CVP to ensure that water quality and quantity released to the river in the Trinity River Basin can be considered independent of the impacts in the Sacramento River.
- Comply with Provision 2 of the 1955 Trinity River Act acknowledging and accounting for the right of downstream users on the Trinity River to no less than 50,000 acre-feet of water volume stored in Trinity Reservoir annually.
- Clarify what actions (programmatic and/or project-level) this environmental review process is supporting. Specifically, in the Draft EIS, clarify what actions will ultimately be supported by the ROD and identify if specific actions are described because they will be offsetting negative impacts from continued pumping.
- Include a description of any permits and/or modifications to those state and federal permits that the proposed action would require.
- The new EIS should reflect changes in the regulatory regime. Although the EIS analysis cannot predict the exact outcome of new regulatory efforts (e.g. Water Quality Control Plans), the analysis should include sensitivity or sideboard analyses of potential regulatory changes in the immediate future.
- Reclamation should coordinate with the USACE to determine if any of the proposed actions require a Section 404 permit under the Clean Water Act. If needed, the EIS should include an evaluation of the project alternatives within this context in order to demonstrate the project's compliance with the 404(b)(1) Guidelines.
- Comply with all aspects of the National Historic Preservation Act (NHPA).

- California's water quality control plans for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and the Central Valley and San Francisco Bay are relevant to the Proposed Project.

### **Social & Economic Related Comments**

- Consider socioeconomic impacts. Specifically, consider overall costs and benefits and select an action from among the alternatives that has the most favorable ratio of costs to benefits.
- The EIS should analyze the effects of reduced allocations to the district on poverty rates. Our information shows that poverty rates in and around the Westlands District increase when the allocation from the CVP allocation is reduced.
- Comply with Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (February 16, 1994).
- In the Draft EIS, include information describing what was done to inform minority and low-income populations about the project and the potential impacts it will have on their communities. Describe what input was received from the communities, and how that input was utilized in the decisions that were made regarding the project.
- Consider the global effects of cultural and social impacts to the Yolo Bypass and Cache Slough region from project operations.
- Analyze impacts to land use, including agricultural fallowing.
- Consider socioeconomic effects, including economic impacts and employment.

### **Climate Change and Drought Related Comments**

- Reclamation should incorporate the potential for reduced streamflow conditions in the Delta and its watershed under climate change because a warmer climate will bring changes.
- Reclamation should develop a plan to meet minimum water quality objectives during droughts rather than relying on Temporary Urgency Change Petitions.
- Model and analyze effects during multi-year droughts such as 2016-2021.
- Drought and climate change are impacting the water supply.
- The Sierra snowpack is diminishing.
- Multi-year drought, and climate change must be explicitly addressed through protective storage measures and any proposed action must reduce risk of impacts to the Trinity River.
- The EIS should discuss how droughts are incorporated into the CalSim model for water supply and quality impact analysis and acknowledge that drought can and has altered hydrology in the Delta. Contingency procedures for severe droughts should be discussed.
- Include in ongoing monitoring and reporting program any deviations from the Reasonable and Prudent Alternatives for drought conditions and describe the impacts that severe drought is having on the species and habitats that they depend on, including the frequent use

of Temporary Urgency Change Petitions filed with the State Water Board by Reclamation and DWR.

- Identify measures to provide for diverse, healthy ecosystems that are resilient to climate stressors; require effective mitigation; and identify and protect areas of potential climate refugia.
- Consider how climate change could potentially influence the study area, and how implementation of the proposed project could lessen or potentially mitigate for these impacts. Conversely, the EIS should assess how the projected impacts could be exacerbated by climate change.
- Focus on drought impacts on listed species and their habitats.
- The EIS should evaluate possible changes to flood management strategies. Floods have significant adverse impacts on many listed species.

### **Recreation Related Comments**

- Consider the recreational and other goals of the Wild and Scenic Rivers Act when making operational decisions.
- Whiskeytown National Recreation Area requests communication and collaboration during the Bureau's development of the Environmental Impact Statement (EIS) on proposed changes to the CVP to ensure that operational, safety, and resource concerns of the National Park Service (NPS) are adequately addressed.
- If there are any alternatives being considered that could alter operations at the Whiskeytown Reservoir or associated facilities, creeks, and water diversions, we request that the NPS be included as a cooperating agency during the development of the EIS.

### **Scoping Process Related Comments**

- It is difficult to join the virtual scoping meetings due to technical issues associated with Microsoft Teams.
- The geographical locations associated with the virtual scoping meetings do not represent all of the locations and people impacted by the project.
- The virtual scoping meetings end prior to the allotted scheduled time and does not allow for individuals to comment if they are late to the start of the meeting.
- One week notice for the scoping meetings was not adequate for the public.
- Scoping meetings need to be in the evening and not only the daytime to engage the general public.
- Reclamation should hold scoping meetings in the evening and should provide more notice to increase participation.
- There are no scoping meetings organized specifically for the Trinity River watershed.

### **Water Rights and Water Contracts Related Comments**

- Water rights and Reclamation contracts are outdated.
- Reform water right laws and agricultural contracts.
- Based on current hydrologic conditions, the operations plan should provide for more realistic shortage provisions for the Sacramento River Settlement Contractors.

### **Water Conservation Strategies Related Comments**

- Fix leaks in all areas, fix leaking sprinklers, use solar power to heat water.
- Improve management of dedicated environmental water assets including potential environmental water purchases from willing sellers.

### **Other Comments**

- The proposed action should address strategies to maintain at least historic levels of funding for the CVPIA Restoration Fund.
- Engineers conducting work on the CVP should consider the ethical ramifications of what they are doing.
- Question on who will be selected as a consultant for the project and who will be selected as cooperating agencies.



# **Attachment A: Scoping Meeting Notification**

(See attachment)

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# **Attachment B: Scoping Meeting Materials**

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# **Attachment C: Scoping Comments**

(See attachment)