



— BUREAU OF —  
RECLAMATION

**CGB-ED-2025-059**

# **Environmental Assessment**

## **Henry Miller Reclamation District #2131 High Groundwater Mitigation 25-Year Transfer Program**

California – Great Basin Region

The U.S. Bureau of Reclamation (Reclamation) has considered several key factors mandated by the National Environmental Policy Act (NEPA). This Environmental Assessment (EA) represents Reclamation’s expert judgement and good-faith effort to prioritize analysis and documentation of the most important factors required by the statute and fulfills NEPA’s requirements within the congressionally mandated page and time limits. Any factors addressed briefly or unaddressed were, in Reclamation’s judgement, comparatively not of a substantive nature that meaningfully informed the environmental effects and the resulting decision on how to proceed.

This effort is now substantially complete and in Reclamation’s expert opinion, the analysis has thoroughly considered the key factors mandated by NEPA and is adequate to inform and reasonably explain Reclamation’s decision regarding the proposed Federal action.

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## **Mission Statement**

The U.S. Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; honors its trust responsibilities or special commitments to American Indians, Alaska Natives, Native Hawaiians, and affiliated Island Communities.

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.

# Table of Contents

- Mission Statement ..... 2
- 1. Introduction ..... 4
  - 1.1 Project Purpose and Need ..... 5
- 2. Alternatives..... 7
  - 2.1 No Action Alternative ..... 7
  - 2.2 Proposed Action Alternative ..... 7
- 3. Affected Environment and Environmental Effects..... 8
  - 3.1 Introduction ..... 8
  - 3.2 Resources Not Considered in Detail ..... 8
  - 3.3 Biological Resources ..... 9
    - 3.3.1 Affected Environment..... 9
      - 3.3.1.1 Environmental Effects ..... 16
  - 3.4 Water Resources ..... 16
    - 3.4.1. Affected Environment..... 16
      - 3.4.1.1 Environmental Effects ..... 18
- 4. Consultation and Coordination..... 22
  - 4.1 Agencies and Persons Consulted ..... 22
  - 4.2 Public Involvement..... 22
    - 4.2.1 Comment Letter From Wehr Water Law and Policy..... 22
    - 4.2.2 Comment Letter From Friant Water Authority ..... 22
- 5. References ..... 23
- Appendix A: Comment Letters..... 25

# 1. Introduction

This Environmental Assessment (EA) has been prepared by the South-Central California Area Office located in Fresno, California, under environmental documentation number CGB-ED-2025-059.

The San Joaquin River Exchange Contractors (Exchange Contractors), which includes Central California Irrigation District, Firebaugh Canal Water District, San Luis Canal Company/Henry Miller Reclamation District #2131 and Columbia Canal Company, hold historic senior water rights to water supplies in the San Joaquin River watershed. In exchange for the Central Valley Project's (CVP's) regulation and diversion of the San Joaquin River water at Friant Dam, Reclamation agreed to provide water to the Exchange Contractors from the CVP's Sacramento- San Joaquin Delta supply.

San Luis Canal Company (SLCC) is one of the four San Joaquin River Exchange Contractors with historical water rights off the San Joaquin River. SLCC, jointly with Henry Miller Reclamation District #2131 (HMRD), encompasses approximately 47,000 acres of irrigable land primarily in Merced County. Under normal hydrology, SLCC receives their water from Reclamation under the agreed upon Exchange Contract. The water originates from Shasta Dam, is conveyed down the Sacramento River into the Sacramento-San Joaquin River Delta, and then pumped at Jones Pumping Plant into the Delta Mendota Canal (DMC). The water is then transported down the DMC, into the Mendota Pool and then down the San Joaquin River and into the Arroyo Canal.

Organizationally, SLCC is a private mutual water company retaining the water rights through the Exchange Contractors and HMRD is a California public agency formed as a reclamation district. For this environmental evaluation, SLCC and HMRD are functionally equivalent and used interchangeably.

HMRD's delivery system consists of canals, drains, low lift pumps and regulating reservoirs that incorporate the following water types: (1) Reclamation surface water (2) tailwater generated within SLCC boundaries (3) HMRD #2131 Groundwater wells (4) SLCC Landowner private Groundwater wells.

SLCC's proposes to transfer up to 10,000 acre-feet per year (AFY) of its CVP water supply to state and federal water and irrigation districts as well as private, state and federal refuges including; San Joaquin Valley Wildlife Refuges, Tulare Lake Basin Wildlife Refuges, and other CVP contractors including, but not limited to, the Friant Division and San Luis Unit CVP contractors, State Water Project contractors including, but not limited to, Kern County Water Agency, Valley Water (CVP/SWP Water), East Bay Municipal Utility

District, Contra Costa Water District and Pajaro Valley Water Management Agency (collectively; Transfer Recipients). SLCC would make this water available through water conservation and a shallow groundwater pumping program that would conserve an equivalent volume within SLCC's service area.

## **1.1 Project Purpose and Need**

The Proposed Action addressed two critical needs, one local, and one region wide. Growers within HMRD are plagued by shallow groundwater conditions, with the depth to groundwater in some areas less than 18 inches. These conditions reduce crop yields, restrict the planting of permanent crops, and, in some areas, create a subsurface drainage issue that must be managed at significant cost. To remediate these conditions, SLCC relies on a shallow groundwater pumping program to lower the water table in affected areas. Between 1996 and 2023, SLCC has pumped an average of 16,899 AFY (Ken Schmidt & Associates, 2023).

On a region-wide scale, the State of California has experienced unprecedented water management challenges due to severe drought in recent years. South of Delta CVP contractors, such as the Transfer Recipient Districts, experienced reduced water supply allocations from 2007 to 2022 due to hydrologic conditions and regulatory requirements. In 2020, based on hydrologic conditions, Reclamation declared an initial 20 percent allocation for South of Delta CVP agricultural contractors for the 2020 Contract Year<sup>1</sup>. In 2021, agricultural South of Delta CVP contractors received an initial allocation of 5% which was suspended and then later confirmed at 0%. In 2022, the agricultural South of Delta CVP contractors received an allocation of 0%. As a result, South of Delta water contractors have a need to find alternative sources of water to fulfill demand. The proposed transfers would allow SLCC and landowners in the Transfer Recipient Districts greater flexibility to manage limited water supplies (Figure 1).

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<sup>1</sup> Contract Year is from March 1 through February 28/29 of the following year.

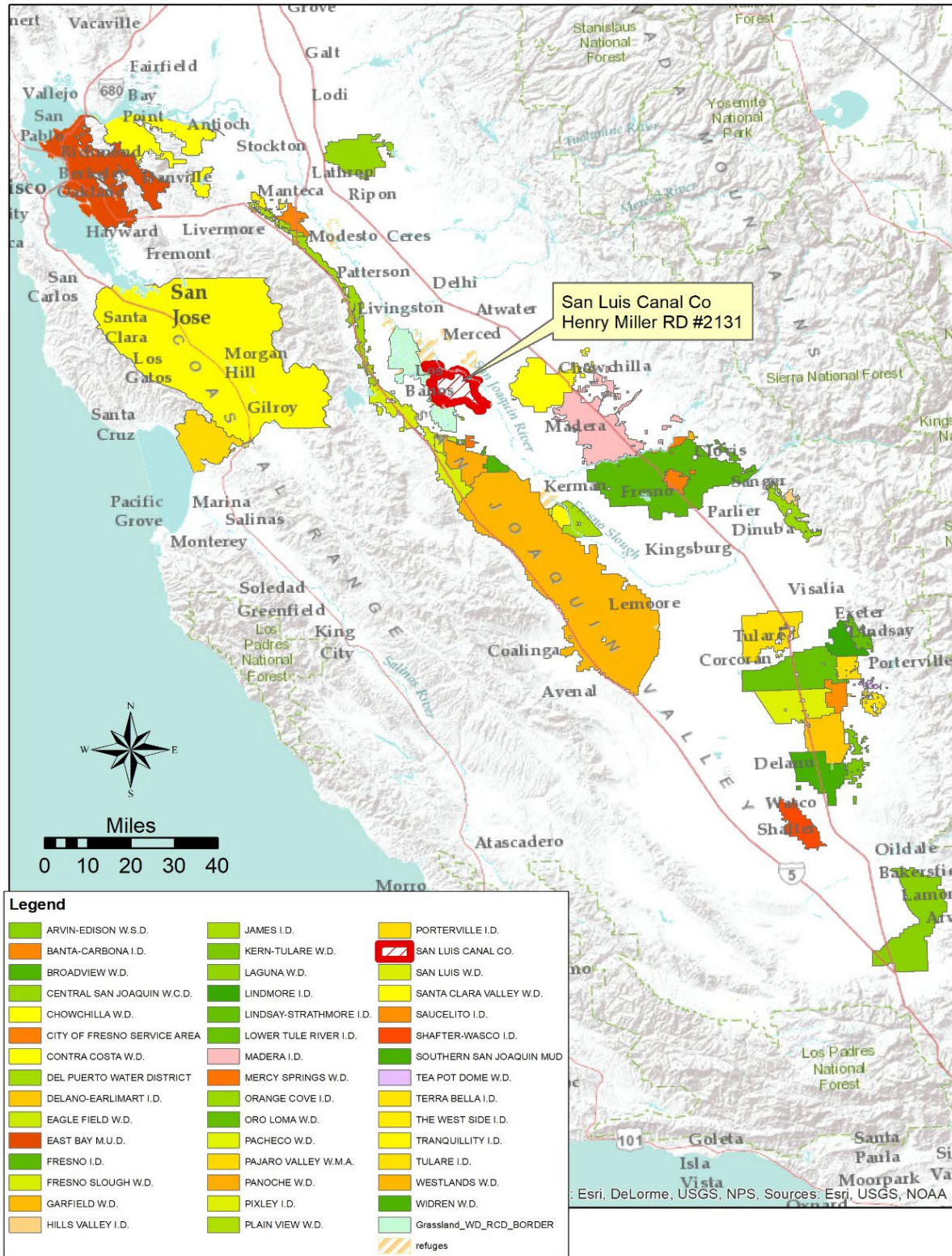


Figure 1. Proposed Action Area

## 2. Alternatives

This environmental assessment (EA) considers two possible actions: the No Action Alternative and the Proposed Action. The No Action Alternative reflects future conditions without the Proposed Action and serves as a basis of comparison for determining potential effects<sup>2</sup> to the human environment.

### 2.1 No Action Alternative

Under the No Action Alternative, Reclamation would not approve a series of annual transfers over a 25-year period (2025 through 2050) of up to 10,000 AFY of SLCC's Exchange Contract CVP water supplies to the Transfer Recipient Districts. Reclamation would continue to deliver CVP water to SLCC and the Transfer Recipient Districts pursuant to their respective CVP water service contracts. SLCC would continue to implement their groundwater management and conservation programs, including pumping shallow groundwater at an average of 16,899 AFY.

### 2.2 Proposed Action Alternative

Reclamation proposes to approve a series of annual transfers over a 25-year period (calendar year 2025 through 2050) of up to 10,000 AFY of SLCC's Exchange Contract CVP water supplies to the Transfer Recipient Districts. The proposed transfers could occur from January through December of each year and would not exceed the cumulative maximum of 250,000 AF over the 25-year period.

To make the SLCC CVP water supplies available for transfer, SLCC will continue to implement their water conservation program that includes shallow groundwater pumping and water conservation projects that captures shallow groundwater and reduce surface water seepage losses by up to 10,000 AFY. Groundwater wells pump shallow groundwater from a depth of between 21 and 69 feet below ground surface (Table 4), well above the Corcoran Clay layer, to remove water from the crop root zone. The pumped groundwater would be conveyed in HMRD's existing conveyance system and delivered to water users.

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<sup>2</sup> Executive Order 14154, Unleashing American Energy (Jan. 20, 2025), and a Presidential Memorandum, Ending Illegal Discrimination and Restoring Merit-Based Opportunity (Jan. 21, 2025), require the Department to strictly adhere to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq. Further, such Order and Memorandum repeal Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Because Executive Orders 12898 and 14096 have been repealed, complying with such Orders is a legal impossibility. Reclamation verifies that it has complied with the requirements of NEPA, including the Department's regulations and procedures implementing NEPA at 43 C.F.R. Part 46 and Part 516 of the Departmental Manual, consistent with the President's January 2025 Order and Memorandum.

Groundwater pumped into the system under the project would be blended at a rate that meets daily flow and water quality objectives established by SLCC and used in District. SLCC staff would collect and tabulate monthly meter readings from the wells to provide an accounting of each well's pumping and total pumping for the program. A like amount of SLCC CVP water supply (up to 10,000 AFY) would be made available for transfer to the Transfer Recipient Districts. All transfers would be consistent with CVP Place of Use requirements. The "up to" transfer amount of 10,000 AFY is less than SLCC's annual pumping average of 16,899 AFY. Groundwater pumping will not increase in response to the Proposed Action.

Only existing wells will be used for the program. New wells will need a separate environmental analysis prior to their groundwater being considered for transfer under the proposed action.

HMRD/SLCC must provide documentation to Reclamation, as to how water is being made available for transfer as outlined in the Draft Technical Information for Preparing Water Transfer Proposals (Water Transfer White Paper, 2019) and the Background and Recent History of Water Transfers in California (2015).

## **3. Affected Environment and Environmental Effects**

### **3.1 Introduction**

The affected environment section describes the existing condition and trends of the environment that may be affected by implementing the proposed action. This EA will emphasize only those resources, or resource uses, that may be affected by the proposed action, and only to the extent necessary to enable an understanding of the extent and context of the anticipated environmental effects.

### **3.2 Resources Not Considered in Detail**

Reclamation analyzed the affected environment and determined that the Proposed Action would not have the potential to cause adverse effects to the following resources:

**Resources Not Considered in Detail:**

Resource	Discussion
Air Quality	All the shallow groundwater wells have electric motors which do not produce emissions that impact air quality. Water conserved through improved conveyance systems will not require additional pumping.
Cultural Resources	There would be no impacts to cultural resources as a result of implementing the Proposed Action as the Proposed Action would facilitate the flow of water through existing facilities to existing users. No new construction or ground disturbing activities would occur as part of the Proposed Action. Reclamation has determined that these activities have no potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1).
Indian Sacred Sites	Executive Order 13007 (May 24, 1996) requires that federal agencies accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoids adversely affecting the physical integrity of such sacred sites. The Proposed Action would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or affect the physical integrity of such sacred sites. There would be no impacts to Indian sacred sites as a result of the Proposed Action.
Indian Trust Assets	Indian Trust Assets are legal interests in assets that are held in trust by the United States for federally recognized Indian tribes or individuals. There are no Indian reservations, rancherias or allotments in the Proposed Action area. The nearest Indian Trust Asset is the Table Mountain Rancheria, which is about 42 miles to the east-northeast of the Proposed Action area. The Proposed Action does not have a potential to affect Indian Trust Assets.

### 3.3 Biological Resources

#### 3.3.1 Affected Environment

A list of federally threatened and endangered species and critical habitat that occur within the project area and/or may be affected as a result of the Proposed Action was obtained on May 21, 2024, and updated on February 12, 2025, by accessing the United States Fish and Wildlife Service (USFWS) database: <https://ecos.fws.gov/ipac/>. The list is summarized below (Table 2) and was generated from a polygon that encompassed the entire Proposed Action area. The California Department of Fish and Wildlife’s online database, the California Natural Diversity Database (CNDDDB), was also queried for records of protected species within the boundaries of the project location and additional federally listed species were added (Table 2) (CNDDDB 2025). The Proposed Action area does not fall within any proposed or designated critical habitat. As Grassland Water District and wildlife refuges are part of the Proposed Action Area, a greater detail than is typically provided has been included in Table 2 for various migratory bird species, protected by the Migratory Bird Treaty Act, as well as Bald and

Golden Eagles, which are additionally protected under the Bald and Golden Eagle Protection Act.

Table 1 Federally Listed and Proposed Threatened and Endangered Species and Migratory Birds

Species	Status	Effects	Potential to occur and summary basis for ESA determination
<b>Mammals</b>			
Fresno Kangaroo Rat ( <i>Dipodomys nitratooides exilis</i> )	E, X	NE	<b>Absent.</b> Habitat consists of alkali sink and grasslands in western Fresno County and Madera County. May occur in areas such as Madera Ranch, part of Madera Irrigation District. However, lands such as those that have never been tilled would not be converted as a part of the Proposed Action.
San Joaquin Kit Fox ( <i>Vulpes macrotis mutica</i> )	E	NE	<b>Present.</b> Project area shows 9 records in CNDDDB, preferred habitat consisting of alkali shrub and arid grasslands, but can use agricultural lands that lie close to better-quality habitat.
<b>Birds</b>			
California Condor ( <i>Gymnogyps californianus</i> )	E, X	NE	<b>Absent.</b> Project area outside mapped known populations and preferred habitat is not present in the project area.
<b>Reptiles</b>			
Blunt-nosed Leopard Lizard ( <i>Gambelia silus</i> )	E	NE	<b>Absent.</b> Project area shows 1 record in CNDDDB, preferred habitat consisting of alkali and desert scrub. The northern-most known population occurs at Madera Ranch, within Madera Irrigation District. However, lands that have never been tilled would not be converted as a result of the Proposed Action.
Giant Garter Snake ( <i>Thamnophis gigas</i> )	T	NE	<b>Present.</b> Project area shows 13 records in CNDDDB, preferred habitat consisting of freshwater marsh and low gradient streams. This species can occur in wetland habitat at Grassland Water District and wildlife refuges. However, the Proposed Action won't either increase or decrease available habitat and won't result in land conversion or new construction.
Western Pond Turtle ( <i>Actinemys marmorata</i> )	PT	NE	<b>Present.</b> Project area shows 13 records in CNDDDB, preferred habitat consisting of marshes, rivers, streams, and irrigation ditches. Available habitat would not be affected because of incorporated measures regarding land conversion and construction
<b>Amphibians</b>			
California Tiger Salamander ( <i>Ambystoma californiense</i> )	T, X	NE	<b>Absent.</b> Project area shows 7 records in CNDDDB, preferred habitat consisting of grassland, savanna, or open woodland. This species occurs in areas such as within Santa Clara Valley Water District. However, lands that have never been tilled would not be converted as a result of the Proposed Action, and the Proposed Action would not result in new construction.

Species	Status	Effects	Potential to occur and summary basis for ESA determination
Western Spadefoot ( <i>Spea hammondi</i> )	PT	NE	<b>Absent.</b> Project areas shows 7 records in CNDDDB, preferred habitat consisting of grassland and valley-foothill hardwood woodlands. This species occurs in areas such as within the eastern edges of some of the Transfer Recipient Districts. However, lands that have never been tilled would not be converted as a result of the Proposed Action, and the Proposed Action would not result in new construction.
<b>Insects</b>			
Monarch Butterfly ( <i>Danaus plexippus</i> )	PT, PX	NE	<b>Possible.</b> Milkweed plant critical to life cycle, known to occur in Merced County. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction.
Valley Elderberry Longhorn Beetle ( <i>Desmocerus californicus dimorphu</i> )	T, X	NE	<b>Possible.</b> Occurs only in California's Central Valley, found with blue elderberry along riparian corridors. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction.
<b>Crustaceans</b>			
Conservancy Fairy Shrimp ( <i>Branchinecta conservatio</i> )	E, X	NE	<b>Absent.</b> Project area shows 5 records in CNDDDB, preferred habitat consisting of grasslands (vernal pools). However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction.
Vernal Pool Fairy Shrimp ( <i>Branchinecta lynchi</i> )	T, X	NE	<b>Absent.</b> Project area shows 4 records in CNDDDB, preferred habitat consisting of grasslands (vernal pools). However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction.
Vernal Pool Tadpole Shrimp ( <i>Lepidurus packardii</i> )	T, X	NE	<b>Absent.</b> Project area shows 8 records in CNDDDB, preferred habitat consisting of grasslands (vernal pools). However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction.
Longhorn Fairy Shrimp ( <i>Branchinecta longiantenna</i> )	E	NE	<b>Absent.</b> Project area shows 2 records in CNDDDB, preferred habitat consisting of grasslands (vernal pools). However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction.

Species	Status	Effects	Potential to occur and summary basis for ESA determination
<b>Flowering Plants</b>			
Colusa Grass ( <i>Neostapfia colusana</i> )	T, X	NE	<b>Absent.</b> Project area shows 1 record in CNDDDB, preferred habitat consisting of vernal pools. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction.
Hoover's Spurge ( <i>Chamaesyce hooveri</i> )	T, X	NE	<b>Absent.</b> Project areas shows 1 record in CNDDDB, preferred habitat consisting of vernal pools. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction.
<b>Bald &amp; Golden Eagles</b>			
Bald Eagle ( <i>Haliaeetus leucocephalus</i> )	BGEPA, MBTA	NE	<b>Unlikely.</b> Preferred habitat not present in project area but are occasionally observed on valley floor particularly during wet years. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction.
Golden Eagle ( <i>Aquila chrysaetos</i> )	BGEPA, MBTA	NE	<b>Possible.</b> Habitats consist of, among others, upland forest and grasslands. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction.
<b>Migratory Birds</b>			
Belding's Savannah Sparrow ( <i>Passerculus sandwichensis beldingi</i> )	MBTA	NE	<b>Absent.</b> Preferred habitat, salt marshes, not present in project area.
Black Swift ( <i>Cypseloides niger</i> )	MBTA	NE	<b>Absent.</b> Preferred habitat, steep cliffs along the coast or near streams in the mountains, not present in the project area.
Black Tern ( <i>Chlidonias niger surinamensis</i> )	MBTA	NE	<b>Possible.</b> Habitat consists of wetlands and lakes, particularly areas with mix of extensive vegetation and open water. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction. No habitat would be created or lost at Grassland Water District or the participating refuges.
Bullock's Oriole ( <i>Icterus bullockii</i> )	MBTA	NE	<b>Possible.</b> Habitat consists of trees in open habitats, cottonwoods in riparian areas in particular. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as

Species	Status	Effects	Potential to occur and summary basis for ESA determination
			part of the Proposed Action, and the Proposed Action would not result in any new construction.
California Gull ( <i>Larus californicus</i> )	MBTA	NE	<b>Possible.</b> Spends breeding season inland around lakes and wetlands, not uncommon to forage around farms. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction. No habitat would be created or lost at Grassland Water District or the participating refuges.
California Thrasher ( <i>Toxostoma redivivum</i> )	MBTA	NE	<b>Possible.</b> While it can occur in thickets in riparian areas, most commonly found in chaparral habitat. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction.
Clark's Grebe ( <i>Aechmophorus clarkia</i> )	MBTA	NE	<b>Possible.</b> Habitat consists of wetlands, rivers, lakes, and ponds. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction. No habitat would be created or lost at Grassland Water District or the participating refuges.
Common Yellowthroat ( <i>Geothlypis trichas sinuosa</i> )	MBTA	NE	<b>Possible.</b> Habitat consists of wetlands and other wet areas with dense growth. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction. No habitat would be created or lost at Grassland Water District or the participating refuges.
Lawrence's Goldfinch ( <i>Spinus lawrencei</i> )	MBTA	NE	<b>Unlikely.</b> In California prefers oak-pine woodlands and chaparral. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction.
Marbled Godwit ( <i>Limosa fedoa</i> )	MBTA	NE	<b>Possible.</b> Shorebird likely only to be seen during migration where it would be found in wetlands, ponds, and mudflats. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction. No habitat would be created or lost at Grassland Water District or the participating refuges.
Mountain Plover ( <i>Charadrius montanus</i> )	MBTA	NE	<b>Possible.</b> Central Valley provides wintering grounds with grasslands as preferred habitat. However, lands that have

Species	Status	Effects	Potential to occur and summary basis for ESA determination
			never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction.
Northern Harrier ( <i>Circus hudsonius</i> )	MBTA	NE	<b>Present.</b> Project area shows 3 records in CNDDDB, preferred habitat consisting of freshwater marsh and grasslands. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction. No habitat would be created or lost at Grassland Water District or the participating refuges.
Nuttall's Woodpecker ( <i>Dryobates nuttallii</i> )	MBTA	NE	<b>Possible.</b> Habitat consists of foothills and riparian areas, almost always associated with areas containing oaks. Will also utilize cottonwoods, willows, and sycamores. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction.
Oak Titmouse ( <i>Baeolophus inornatus</i> )	MBTA	NE	<b>Possible.</b> Preferred habitat most commonly is oak woodland, notably in riparian areas. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction.
Olive-sided Flycatcher ( <i>Contopus cooperi</i> )	MBTA	NE	<b>Unlikely.</b> Prefers coniferous forests and foothill canyons, might be seen during migration. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction.
Santa Barbara Song Sparrow ( <i>Mospiza melodia graminea</i> )	MBTA	NE	<b>Possible.</b> Found throughout California in a variety of habitats. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction.
Short-billed Dowitcher ( <i>Limnodromus griseus</i> )	MBTA	NE	<b>Possible.</b> Shorebird likely only to be seen during migration but will use inland freshwater habitats. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction. No habitat would be created or lost at Grassland Water District or the participating refuges.
Tricolored Blackbird ( <i>Agelaius tricolor</i> )	MBTA	NE	<b>Present.</b> Project area shows 18 records in CNDDDB, species is numerous in Central Valley generally preferring open water habitat and wetlands. However, lands that have never been

Species	Status	Effects	Potential to occur and summary basis for ESA determination
			tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction. No habitat would be created or lost at Grassland Water District or the participating refuges.
Western Grebe (Aechmophorus occidentalis)	MBTA	NE	<b>Possible.</b> Is present during all seasons in the Central Valley preferring lakes and sloughs. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction. No habitat would be created or lost at Grassland Water District or the participating refuges.
Willet (Tringa semipalmata)	MBTA	NE	<b>Possible.</b> Shorebird that will nest inland utilizing wetlands and grasslands. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction. No habitat would be created or lost at Grassland Water District or the participating refuges.
Wrentit (Chamaea fasciata)	MBTA	NE	<b>Unlikely.</b> Preferred habitat consists of chaparral and coastal sage scrub. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction.
Yellow-billed Magpie (Pica nuttalli)	MBTA	NE	<b>Possible.</b> Found most often in riparian areas comprised of oak, cottonwood, or sycamore that border open ground. However, lands that have never been tilled or that have been fallowed and untilled for three years or more would not be converted as part of the Proposed Action, and the Proposed Action would not result in any new construction.

*Status - Status of federally protected species under ESA*

*E: Listed as Endangered*

*T: Listed as Threatened*

*PT: Proposed Threatened*

*X: Critical Habitat designated for this species*

*PX: Critical Habitat proposed for this species*

*BGEPA: Bald and Golden Eagle Protection Act*

*MBTA: Migratory Bird Treaty Act*

*Effects - ESA Effect determination*

*NE: No Effect anticipated from the Proposed Action to federally listed species or designated critical habitat*

*Definitions of Occurrence Indicators*

*Present: Species recorded in the area and suitable habitat present*

*Possible: Species recorded in the area and habitat suboptimal*

*Unlikely: Species recorded in the area but habitat marginal or lacking entirely*

*Absent: Species not recorded in the area and suitable habitat absent*

### **3.3.1.1 Environmental Effects**

#### ***No Action Alternative***

Under the No Action Alternative, Reclamation would not approve a series of annual transfers over a 25-year period (2025 through 2050) of up to 10,000 AFY of SLCC's Exchange Contract CVP water supplies to the Transfer Recipient Districts. Reclamation would continue to deliver CVP water to SLCC and the Transfer Recipient Districts pursuant to their respective CVP water service contracts. SLCC would continue to implement their groundwater management and conservation programs, including pumping shallow groundwater at an average of 16,899 AFY. There would be no impacts to biological resources since conditions would remain the same as existing conditions.

#### ***Proposed Action Alternative***

The Proposed Action does not include the construction of new facilities or modifications to existing facilities, but rather the transfer of water generated from water conservation measures intended to capture shallow groundwater and reduce seepage loss. In addition, the Proposed Action would not involve the conversion of any land that has never been tilled or land that has been fallowed and untilled for three or more years or change the land use patterns of cultivated or fallowed fields that have value to listed species or to birds protected by the Migratory Bird Treaty Act. No natural stream courses or waterways potentially utilized by listed aquatic species would be altered. No critical habitat occurs within the area affected by the Proposed Action and so none of the primary constituent elements of any critical habitat would be affected.

## **3.4 Water Resources**

### **3.4.1. Affected Environment**

#### **Surface Water Resources**

The Exchange Contractors hold senior water rights on the San Joaquin River for which they exchanged the point of diversion to receive their water from Reclamation, allowing for delivery of CVP water supplies from the Sacramento-San Joaquin River Delta (Delta). CVP water is delivered through the Delta-Mendota Canal, when available. Or, when

conveyance down the Delta-Mendota Canal cannot meet these obligations, the Exchange Contractors can request delivery down the San Joaquin River. In non-critical years, the Exchange Contractors receive up to 840,000 AFY. In critical years, they receive a 75% allocation or 650,000AF.

Although the region had largely recovered from the drought of 2014-2016, conditions continued to fluctuate and, in 2021 and 2022, much of California was again in extreme or exceptional drought, with Reclamation unable to make South-of-Delta CVP agricultural supply allocations (Table 3). The 2022 water year was a critically dry year and met the criteria of a "Shasta Critical" year as defined in the Exchange Contractors' respective contracts. Due to the inability of Reclamation to provide enough water from the Delta, Reclamation began making releases from Friant Dam on April 1, 2022, to meet the demands of senior water rights holders at the Mendota Pool, including the Exchange Contractors.

SLCC is located adjacent to Reach 4B1 of the San Joaquin River (SJR). Reach 4B1 of the SJR is dry absent agricultural return flows and local runoff. Water that would otherwise flow into Reach 4B1 is diverted at the Sand Slough Control Structure into the Eastside bypass. River modelling of 4B1 describes the area as a losing reach (San Joaquin River Restoration Program, 2018), meaning water would seep below ground as it passed through the reach.

### **Groundwater Resources**

The Proposed Action area overlies the Delta-Mendota Subbasin (5-022.07), which has two principal aquifers separated by an aquitard termed "Corcoran Clay." The California Department of Water Resources (DWR) has designated the Delta-Mendota Subbasin as critically overdrafted, requiring a groundwater sustainability plan (GSP) pursuant to the Sustainable Groundwater Management Act (SGMA).

Groundwater conditions within HMRD's service area are distinct from conditions elsewhere within the subbasin. Groundwater depths throughout HMRD range from less than 18" to 10 feet, causing significant adverse impacts to agricultural production throughout the service area (see Figure 2). Because the water supplied under the Proposed Action will be generated from well pumping from this shallow groundwater (Table 4) source or other conservation measures, the Proposed Action will not contribute to either subbasin overdraft or subsidence.

Groundwater pumped from wells within SLCC will remain within the SLCC water conveyance system for delivery to farmland within its service area. Water quality testing by SLCC show an average well electrical conductivity (EC) of approximately 1300  $\mu\text{s}/\text{cm}$ ,

an average boron of 0.3 mg/L (K. Schmidt, 2024). Additionally, between 1996 and 2023, SLCC pumped an average of 16,899 AF of groundwater in support of their high groundwater mitigation program. This pumping will continue regardless of Reclamation's approval of the Proposed Action.

### **Subsidence**

Land subsidence is caused by subsurface movement of earth materials. Principal causes of subsidence within the San Joaquin Valley include aquifer compaction due to groundwater pumping, hydrocompaction caused by application of water to dry soils, and oil mining. Compaction can be "elastic" or "inelastic". Elastic compaction occurs relatively immediately in response to water level declines which can later be reversed when groundwater levels recover. Inelastic compaction occurs when water levels decline and rebound does not occur (expand) when water levels recover. Various entities, including the U.S. Geological Survey, DWR, the San Luis & Delta-Mendota Water Authority, and the Exchange Contractors monitor subsidence trends within the Central Valley. Reclamation surveys a network of over 70 control points across the San Joaquin Valley in July and December of each year to monitor ongoing subsidence (San Joaquin River Restoration Program 2024). Subsidence data gathered between December 2011, and December 2023 shows overall subsidence rates of about -0.15 feet per year. Results from the 20-years of monitoring have shown that land subsidence from groundwater pumping from above the Corcoran Clay is generally reversible and insignificant, i.e. 0.05 foot over a 20-year period (Schmidt 2019). The total area of land impacted by subsidence within the Delta-Mendota Subbasin between 2016 and 2023 has generally increased during periods of drought and decreased in years with higher precipitation and runoff. However, as noted earlier, the water supplied through the Proposed Action will be sourced through very shallow groundwater above the Corcoran Clay layer or other conservation measures and will not contribute to subsidence.

### **3.4.1.1 Environmental Effects**

#### ***No Action Alternative***

Under the No Action Alternative, Reclamation would not approve a series of annual transfers over a 25-year period (2025 through 2050) of up to 10,000 AFY of SLCC's Exchange Contract CVP water supplies to the Transfer Recipient Districts. Reclamation would continue to deliver CVP water to SLCC and the Transfer Recipient Districts pursuant to their respective CVP water service contracts. SLCC would continue to implement their groundwater management and conservation programs, including pumping shallow groundwater at an average of 16,899 AFY. Water made available

through the management and conservation programs would not be transferred to refuges and other water users limiting their water management flexibility.

**Proposed Action Alternative**

Under the Proposed Action, Reclamation would approve SLCC’s annual CVP transfers for up to 10,000 AFY over a 25-year period to the Transfer Recipient Districts. These transfers would improve the water management flexibility of the Transfer Recipient Districts.

As the water supplies would be from existing CVP allocations and transfer would be consistent with the CVP Place of Use, the Proposed Action would not alter CVP operations, water storage, or release patterns from CVP facilities. The Proposed Action does not alter the maximum volume of CVP water delivered to contractors. CVP water would be delivered through existing infrastructure and would not require additional construction or modification of facilities for delivery.

Due to the shallow nature of groundwater (18 inches to 10 feet) within SLCC’s service area, SLCC must manage the groundwater levels, via pumping, to mitigate impacts to crop root zones. This pumping occurs above the Corcoran Clay aquitard and would occur regardless of the transfer. Additionally, water being pumped by SLCC will be blended and delivered for agricultural use within the SLCC service area.

As such, the Proposed Action would not affect CVP operations, groundwater overdraft or localized subsidence. The Proposed Action would not interfere with Reclamation’s obligations to deliver water to other contractors, wetland habitat areas, or for other environmental purposes.

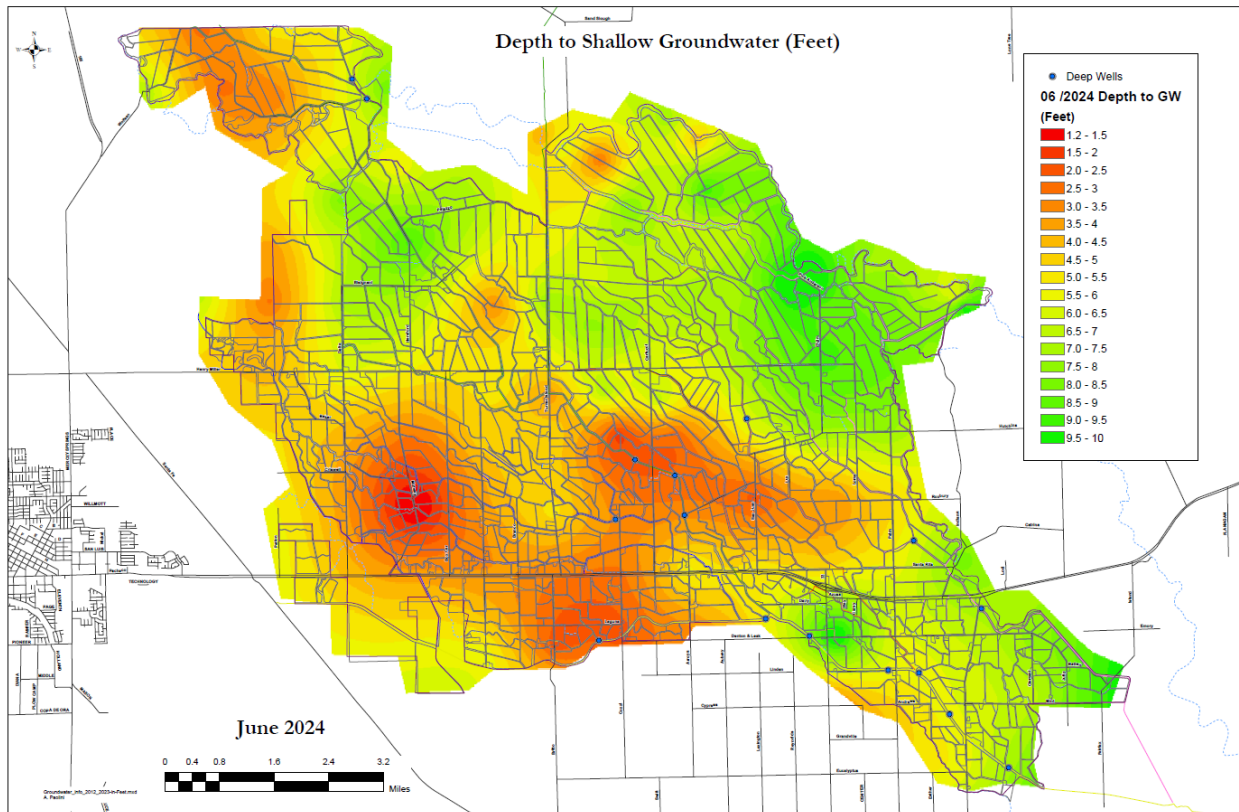
**Table 2 CVP Agricultural Allocations Since 2014**

Year	South of Delta CVP Agricultural Allocation (% of Contract Total)
2014	0%
2015	0%
2016	5%
2017	100%
2018	50%
2019	75%
2020	20%
2021	0%
2022	0%
2023	100%

Year	South of Delta CVP Agricultural Allocation (% of Contract Total)
------	---

**Table 3 Participating Well Information**

Well Name	Latitude	Longitude	Static Water Level	Pumping Water Level
A-04	37.040267	-120.64018	21	72
A-05A	37.044166	-120.65175	24	60
A-06	37.040425	-120.69605	14	77
A-07	37.022944	-120.60364	18	68
A-08	37.031877	-120.61146	17	65
A-09	37.032603	-120.61958	19	46
A-1B	37.01128	-120.58835	20	54
D-02	37.066559	-120.67254	28	93
D-03	37.075049	-120.67486	20	60
D-04B	37.078571	-120.68529	14	54
H-02	37.156527	-120.75417	10	55
H-03	37.160784	-120.75795	26	52
LT-03	37.066006	-120.69087	22	49
SJ-5B	37.086704	-120.65543	26	74
T-02	37.059957	-120.61199	28	87
T-1B	37.045182	-120.56452	22	80



**Figure 2 June 2023 HMRD Depth to Shallow Groundwater. Blue dots represent groundwater well location**

## **4. Consultation and Coordination**

### **4.1 Agencies and Persons Consulted**

Reclamation coordinated on the Proposed Action with the HMRD/SLCC and Summers Engineering Inc. in the preparation of this EA.

### **4.2 Public Involvement**

Reclamation provided the public with an opportunity to comment on the Draft Environmental Assessment between March 28, 2025, and April 26, 2025. Reclamation received two comment letters.

#### **4.2.1 Comment Letter From Wehr Water Law and Policy**

On April 26, 2025, Reclamation received a comment letter from Wehr Water Law & Policy on behalf of D&D Land and Water, Inc. (Appendix A). The letter was divided into six comments A/1 - A/6 and are identified in the letter on the left-hand margin (Appendix A). Reclamation's response is as follows:

A/1: Reclamation does not believe an Environmental Impact Statement is necessary. Between 1996 and 2023, SLCC has averaged 16,899 AF of groundwater pumping to mitigate their high groundwater table. This pumping has occurred and will continue to occur regardless of Reclamation's approval of the proposed water transfer. Additionally, the San Joaquin River adjacent to SLCC has been modeled and described as a losing reach, see section 3.4.1.

A/2: Information regarding SLCC's groundwater pumping has been added, see section 2.

A/3: Future wells will not be considered as part of the proposed action. Location information and district maps are included, see section 2.2 and figure 2.

A/4-A/6: Modeling of the SJR Reach 4B1, adjacent to SLCC, is described as a losing reach. Groundwater pumping has been occurring in SLCC for decades, and for the purpose of analyzing the Proposed Action is considered the baseline conditions, see section 2 and 3.1.4.

#### **4.2.2 Comment Letter From Friant Water Authority**

On, May 1, 2025, after the deadline for receiving comment, Reclamation received a comment letter from the Friant Water Authority. Reclamation accepted the letter and it was divided into two comments B/1 and B/2 and are identified in the letter on the left-hand margin. Reclamation's response is as follows:

B/1: The Proposed Action must follow Reclamation transfer guidelines, see section 2.2.

B/2: Reclamation does not believe the Proposed Action warrants an Environmental Impact Statement. Approval of the Proposed Action will follow Reclamation transfer guidelines and require annual approvals subject to review, see section 2.2.

## 5. References

Background and Recent History of Water Transfers in California, 2015.

[https://cawaterlibrary.net/wp-content/uploads/2018/03/Background and Recent History of Water Transfers.pdf](https://cawaterlibrary.net/wp-content/uploads/2018/03/Background_and_Recent_History_of_Water_Transfers.pdf)

CNDDDB (California Natural Diversity Database). 2025. California Department of Fish and Wildlife. Updated February 2025.

Draft Technical Information for Preparing Water Transfer Proposals (Water Transfer White Paper), December 2019. Website: [https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/State-Water-Project/Management/Water-Transfers/Files/Draft\\_2019WTWhitePaper-012324.pdf](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/State-Water-Project/Management/Water-Transfers/Files/Draft_2019WTWhitePaper-012324.pdf)

Ken Schmidt & Associates, 2023 Pumpage Program Report for San Luis Canal Company, February 2024.

San Joaquin River Restoration Program. 2018. Reach 4B, Eastside Bypass, and Mairoso Bypass Channel and Structural Improvements Project. [https://restoresjr.net/wp-content/uploads/2025/05/2334\\_\\_2018-Reach-4B-Technical-Summary-Report-1.4.2018\\_508compliant.pdf](https://restoresjr.net/wp-content/uploads/2025/05/2334__2018-Reach-4B-Technical-Summary-Report-1.4.2018_508compliant.pdf)

San Joaquin River Restoration Program. 2024. Subsidence Monitoring – San Joaquin River Restoration Program. <https://www.restoresjr.net/science/subsidence-monitoring/>.

SJREC GSA (San Joaquin River Exchange Contractors Water Authority Groundwater Sustainability Agency). 2019. Groundwater Sustainability Plan for the San Joaquin River Exchange Contractors GSP Group in the Delta-Mendota Subbasin (5-022.07). December 2019.

SJREC GSA (San Joaquin River Exchange Contractors Water Authority Groundwater Sustainability Agency). 2022. Groundwater Sustainability Plan for the San Joaquin River Exchange Contractors GSP Group in the Delta-Mendota Subbasin (5-022.07). June 2022.

SJREC GSA (San Joaquin River Exchange Contractors Water Authority Groundwater Sustainability Agency). 2023. <http://www.sjrecwa.net/sgma/gsp/>. Accessed March 2024.



# **Appendix A: Comment Letters**



# Wehr Water Law & Policy

2001 H Street  
Sacramento, CA 95811  
ellen@wehrwater.com  
(916) 873-2020

April 26, 2025

VIA E-MAIL

Jeff Papendick  
U.S. Bureau of Reclamation  
243 N Street  
Fresno, CA, 93721  
E-mail: jpapendick@usbr.gov

**Re: Comments on Henry Miller Reclamation District #2131 High Groundwater Mitigation 25-Year Transfer Program**

Dear Mr. Papendick:

These comments are submitted on behalf of D&D Land and Water, Inc. regarding the Bureau of Reclamation's (Reclamation) Draft Environmental Assessment ("EA") for the Henry Miller Reclamation District #2131 ("HMRD") High Groundwater Mitigation 25-Year Transfer Program (the "Project"). The Project would authorize federal surface-water transfers for a period of 25 years based on monitored efforts to reduce the level of shallow groundwater within HMRD.

According to the Draft EA, transfers would be authorized based on the volume of water pumped from existing wells within HMRD/San Luis Canal Company, pumping from any new wells drilled in the future, and canal lining and other activities to lower the groundwater table. Unfortunately, the Draft EA mistakenly concludes that the Project would not cause adverse effects on other water users or on natural stream courses that support aquatic species.

The Draft EA is inadequate under the requirements of the National Environmental Policy Act ("NEPA"), and an Environmental Impact Statement must be prepared before the Project can be approved. Although the Draft EA is focused on water transfers facilitated by groundwater-reduction activities, the underlying action of reducing the groundwater table in the northwestern portion of HMRD near the San Joaquin River is associated with reduced subsurface flows that impact the river, causing significant effects.

A/1

About D&D Land and Water, Inc. and HMRD’s High Groundwater Mitigation Program

D&D Land and Water, Inc. (“D&D”) is a riparian landowner located approximately 2.5 miles downstream from HMRD along the San Joaquin River. D&D also holds a water right license from the State of California that authorizes the diversion of up to 905 acre-feet of water from the San Joaquin River each year. D&D has diverted water for decades to sustain managed wetland habitat for duck hunting purposes. providing food and overwintering habitat for migratory waterfowl species.

HMRD has reportedly already taken actions to reduce its groundwater table, although it first formally approved the High Groundwater Mitigation Program in the fall of 2024, relying on a Negative Declaration under the California Environmental Quality Act. The primary purpose of the program is to allow for planting permanent crops such as nut trees, which require a deeper rooting zone than the annual crops traditionally grown in HMRD.

A/2

Although the extent of HMRD’s activities to reduce groundwater levels is not disclosed, two HMRD wells are identified in Figure 2 of the Draft EA, located in the northwest area of HMRD near the San Joaquin River. Satellite data and HMRD’s 2023 Pumpage Program Report, referenced in the Draft EA, also show one private well in the same vicinity, which may participate in the groundwater lowering program. It is unclear what other groundwater reduction actions are occurring or proposed to occur in this area.

The full potential for downstream effects of lowering the groundwater table near the San Joaquin River is not yet known, but in the fall of 2024, D&D was unable to divert water because, for the first time, the flow of the San Joaquin River was insufficient. If this growing problem persists or worsens and is not mitigated, D&D will lose the viable use of its property, along with its recreational and wildlife benefits.

The Proposed Project Is Not Adequately Described

Under NEPA, an agency “shall provide sufficient detail” about a proposed project “to foster informed decision-making and public participation.” *Sierra Club v. U.S. Forest Service*, 843 F.2d 1190, 1193-94 (9th Cir. 1988). Here, the Draft EA does not provide sufficient information to analyze the effects of the proposed Project.

A/3

D&D raises similar objections to the Project description that were raised by state agencies regarding HMRD’s 2024 Negative Declaration, notably that the Project description should include (in particular for the northwestern area of HMRD near the San Joaquin River): (1) a map that more specifically depicts the San Joaquin River and indicates its connectivity with the groundwater basin, the location of downstream water users, and the presence of wildlife, groundwater dependent ecosystems, and other sensitive aquatic habitat; (2) each proposed groundwater extraction location along with well information, aquifer features, and groundwater elevation; and (3) the types and locations of proposed

infrastructure projects.<sup>1</sup>

A/3  
cont.

Moreover, unknown future wells, or infrastructure projects not yet planned, should not be included as part of the proposed Project, because it is not currently possible to describe them or assess their potential environmental effects.

*Without Mitigation, the Proposed Project Would Cause Unacceptable Impacts to D&D's Water Rights, Property Value, and Recreation*

The San Joaquin River downstream from HMRD is considered to be a localized “gaining reach” of the river due to contributions from the interconnected groundwater table. This can visibly be seen on the ground, and in satellite imagery. Although 2024 was not a particularly dry year, the river was almost dry in areas and at times where it has never been observed to be dry in the past. For the first time, the river’s flow was not high enough to reach D&D’s lift pump and D&D was not able to irrigate its property. Dated photographs taken at the D&D property are attached as Exhibit A, showing nearly dry river conditions in August followed by insufficient flows to reach D&D’s pump in November. These conditions persisted into December.

A/4

The Draft EA concludes that the Project would not interfere with water deliveries, wetland habitat areas, or other environmental purposes (p. 16). But the EA fails to analyze the effect that authorizing water transfers based on groundwater-lowering activities would have on D&D as a downstream water user. The lowering of groundwater levels causes a serious water resources impact for D&D, as a persistently dry riverbed at certain times of year due to reduced groundwater influences upstream would effectively take away D&D’s ability to use its property. Based on hydrologic conditions observed and documented in 2024, any further dewatering of the groundwater table in this vicinity will exacerbate the problem. This is the type of effect that must be analyzed in a NEPA document. *Izaak Walton League of America v. Marsh*, 655 F.2d 346 (D.C. Cir. 1981).

The D&D property is under a permanent wildlife habitat easement held by the U.S. Fish and Wildlife Service, which requires that it be maintained as wildlife habitat. Without access to water, the value of the property and the wetland easement will be gone. However, the fact that HMRD has already been pursuing groundwater reduction actions has shined light on the potential for more persistent and serious effects in the future, and this opens up an opportunity to develop measures that will protect D&D as a downstream water user. D&D is interested in exploring such measures with HMRD and Reclamation.

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<sup>1</sup> Department of Water Resources comment letter dated September 5, 2024, p. 2, *available at*: [https://files.ceqanet.opr.ca.gov/303382-1/attachment/kLCPgYGeUBGC3aDMzJevCb3o2UQCjJsw9PHY\\_F-sIqK\\_QWnqSqY53hpZOCpX1OmtYQAaz0eBGwgUXo2Q0](https://files.ceqanet.opr.ca.gov/303382-1/attachment/kLCPgYGeUBGC3aDMzJevCb3o2UQCjJsw9PHY_F-sIqK_QWnqSqY53hpZOCpX1OmtYQAaz0eBGwgUXo2Q0;);  
California Department of Fish & Wildlife comment letter dated September 5, 2024, p. 5, *available at*: <https://files.ceqanet.opr.ca.gov/303382-1/attachment/fJqBILFS647-rvDpOeEMoEo0s6AUo3ql4mQMWlq77e8NmjTjFYDgEKl64TPxP4-3UI1KGBmxN9kg27FN0>.

*The Project Would Cause Significant Environmental Effects on Biological Resources, and a Proposed Environmental Protection Measure Is Vague and Unenforceable*

The Draft EA states: “No natural stream courses or waterways potentially utilized by listed aquatic species would be altered” (p. 14). It also contains a broad commitment that “The Proposed Action cannot alter the flow regime of natural waterways or natural watercourses such as rivers, streams, creeks, ponds, pools, wetlands, etc., so as to have a detrimental effect on fish or wildlife or their habitats” (p. 5). However, based on the apparent interconnection of groundwater and surface water in this localized reach of the San Joaquin River, any further reduction of the groundwater table *will* likely alter the flow regime of the river.

A/5

This will cause detrimental impacts on wildlife. The groundwater-influenced area of the river has been observed to host healthy populations of river otter, beaver and other aquatic species. Sensitive species reside in aquatic habitat along the river, such as those listed in the Draft EA, and the wetlands provided by D&D’s water diversions host many species of migratory birds. The unsupported effects determination in the Draft EA, along with the vague protection measure prohibiting any alteration of stream flows, are not justified. The protection measure also lacks any detailed monitoring, reporting, or enforcement mechanisms.

*Cumulative Effects of Reclamation’s Project Approval and Its Administration of the San Joaquin River Restoration Program Would Be Significant*

Reclamation administers the San Joaquin River Restoration Program. Reclamation has chosen to prioritize the flow of water in the river away from Reach 4B, where the D&D property is located, into the Eastside Bypass upstream. This choice has resulted in extensive diversions of water in all seasons to the Eastside Bypass, which has depleted the opportunity for flows to make their way down Reach 4B, replenishing the riverbed and the shallow groundwater table. Reclamation’s administration of the San Joaquin River Restoration Program does not appear to follow any established rules for when the Eastside Bypass is used versus when flows are allowed in the river, nor has Reclamation taken steps to reduce harm to D&D as a downstream water user. Instead, more water than would otherwise be diverted away from Reach 4B for flood control operations is now diverted into the Eastside Bypass.

A/6

When taken in aggregate, with this proposed Project that is premised on lowering groundwater levels in Reach 4B of the river, there would be significant cumulative water supply and biological effects if the Project is approved. This warrants a more detailed analysis and the development of mitigation measures in an Environmental Impact Statement prepared under NEPA. (40 CFR § 1508.7.)

Thank you for the opportunity to provide these comments. D&D Land and Water, Inc. is available to discuss potential measures to resolve its concerns with the Project.

Sincerely,

WEHR WATER LAW & POLICY

A handwritten signature in black ink that reads "Ellen Wehr". The signature is written in a cursive style with a large initial "E" and a long, sweeping underline.

Ellen Wehr, Attorney

cc: John Wiersma, General Manager, HMRD

**EXHIBIT A**

**PHOTOGRAPHS OF SAN JOAQUIN RIVER, D&D LAND AND WATER, INC.**



August 7, 2024 (nearly dry river conditions)



November 6, 2024 (river too dry to reach lift pump)



**Rick Borges**  
Tulare I.D.  
Chairman of the Board

**Kelley Hampton**  
Delano-Earlimart I.D.  
Vice Chairman

**Josh Pitigliano**  
Lower Tule River I.D.  
Secretary-Treasurer

**Edwin Camp**  
Arvin-Edison W.S.D.

**Roger Schuh**  
Chowchilla W.D.

**Brock Buche**  
City of Fresno

**Keith Cosart**  
Exeter I.D.

**George Porter**  
Fresno I.D.

**Loren Booth**  
Hills Valley I.D.

**Doug Phillips**  
Ivanhoe I.D.

**Chris Tantau**  
Kaweah Delta W.C.D.

**Kent H. Stephens**  
Kern-Tulare W.D.

**Michael Brownfield**  
Lindmore I.D.

**Cliff Loeffler**  
Lindsay-Strathmore I.D.

**Carl Janzen**  
Madera I.D.

**Arlen Miller**  
Orange Cove I.D.

**Bill De Groot**  
Pixley I.D.

**Brett McCowan**  
Porterville I.D.

**Mark Merritt**  
Saucelito I.D.

**Craig Fulwyler**  
Shafter-Wasco I.D.

**John Werner**  
Stone Corral I.D.

**Matt Leider**  
Tea Pot Dome W.D.

**Kurt Parsons**  
Terra Bella I.D.

**Jason R. Phillips**  
Chief Executive Officer

854 N. Harvard Ave.  
Lindsay, CA 93247  
(559) 562-6305

May 1, 2025

*Sent Via Email Only*

Jeff Papendick  
U.S. Bureau of Reclamation  
1243 North Street  
Fresno, CA 93721

**Re: Comments on Henry Miller Reclamation District #2131 High Groundwater Mitigation 25-Year Transfer Program Draft Environmental Assessment**

Dear Mr. Papendick:

On behalf of the Friant Water Authority (FWA), and each of its member agencies, thank you for the opportunity to review and provide comments on the Draft Environmental Assessment (EA) for the Henry Miller Reclamation District #2131 (HMRD) High Groundwater Mitigation 25-Year Transfer Program (Transfer Program).

FWA is supportive of actions that create greater water supply flexibility to South of Delta water contractors. However, the proposed transfers will increase the use of Exchange Contractor substitute supplies and therefore, potential operational impacts of the proposed transfers must be carefully evaluated to ensure they do not interfere with existing allocations, contractual obligations, and water rights of Friant Division contractors.

**Background:**

FWA is a joint powers authority of Friant Division contractors of the CVP, which span the eastside of the lower San Joaquin Valley and are served by surface water that is diverted from the upper San Joaquin River watershed at Millerton Lake. The Friant Division encompasses over 1 million acres of farmland, and more than 1 million people, including 54 disadvantaged communities, which rely on some form of groundwater.

The Friant Division's key facilities include Friant Dam on the San Joaquin River, which impounds Millerton Lake; the Friant-Kern Canal, which diverts water from Friant Dam and conveys it south to the Kern River, serving portions of Fresno, Tulare, Kings, and Kern Counties; and the Madera Canal, which diverts water from Friant Dam and carries it north to the Chowchilla River to serve areas of Madera and Merced Counties. The Friant Division's water supply was made possible by purchase and exchange agreements between Reclamation and the original riparian and pre-1914 water users, the San Joaquin River Exchange Contractors (Exchange Contractors), who

agreed not to exercise their remaining San Joaquin River water rights in exchange for a different water supply to be delivered by the United States from the Sacramento River and Sacramento-San Joaquin Delta (Delta), and other sources delivered to them via Jones Pumping Plant and through the Delta-Mendota Canal and Mendota Pool.

So long as there is sufficient water to meet the Exchange Contract, the United States stores and delivers the waters of the San Joaquin River to Friant Contractors. Thus, although Friant Contractors are not direct users of Sacramento River and Delta water, Delta operations can significantly affect Friant Division water supplies. FWA members depend on consistent and predictable implementation of CVP water rights and allocations. Any re-diversion or operational change that affects CVP water availability, timing, or contract administration has the potential to injure Friant Division contractors and affect compliance with legal requirements for CVP operations.

In the Draft EA, HMRD proposes to transfer up to 10,000 acre-feet annually of San Luis Canal Company Exchange Contract CVP water to identified transfer recipients that are primarily South of Delta contractors. And the EA states that to make these supplies available, a water conservation program that involves shallow groundwater pumping will be utilized.

In particular, FWA wishes to highlight the following areas of concern with the draft EA:

**1. The high groundwater pumping program is not a true conservation program and it is not a new action that makes additional CVP water supplies available.**

As described under section 2.1, HMRD already implements high groundwater elevation management actions and thus the stated conserved volume, up to 10,000 acre-feet per year which is conveyed and used in-district, is not actually creating or balancing the proposed water supply to be transferred. The proposed transfer is an additional volume above HRMD's current supply use and indicates an increased use of Exchange Contractor substitute supply and a change in existing CVP operations.

**2. The proposed Transfer Program and resulting change in CVP operations should be evaluated under varying hydrologic scenarios to ensure there are no impacts to Friant Division and other CVP contractors.**

The proposed Transfer Program, up to 250,000 acre-feet of water over a 25-year period, includes no limitations on timing of transfers (January through December of each year) or under any specific hydrologic condition. The Transfer Program should detail specific operational assumptions and those assumptions should be evaluated under current climate and operational scenarios to ensure there is no impact to Friant Division contractors and CVP operations over the proposed 25-year Transfer Program operational period.


Specifically, FWA is concerned that in years where Exchange Contractor supply cannot be met by water supplies from the Sacramento River and Delta, the proposed Transfer Program and resulting additional water supplies will further impact Friant Division contractors. Should Friant Division contractors be

B/2 | shorted, the impacts of such a shortage would be significant under NEPA requiring the development of  
cont. | an Environmental Impact Statement (EIS).

In conclusion, FWA has deep concerns with the draft EA and the characterization of the proposed Transfer Program. The draft EA lacks adequate water supply analysis to accurately evaluate potential impacts to Friant Division contractors and operation of the CVP. This water supply analysis must be undertaken and if the results of this analysis show Friant Division contractors may be shorted, then Reclamation must develop an EIS.

Thank you for your consideration of our comments and perspective. If you have any questions, please contact me at [ibuckmacleod@friantwater.org](mailto:ibuckmacleod@friantwater.org).

Sincerely,



Ian Buck-Macleod, Water Resources Manager  
Friant Water Authority

cc: Rain Emerson, U.S. Bureau of Reclamation  
Adam Nickels, U.S. Bureau of Reclamation