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**FINAL ENVIRONMENTAL ASSESSMENT (EA/IS-09-080)**

*BUENA VISTA WASTER STORAGE DISTRICT*

*BV8 STATE WATER PROJECT TURNOUT*

**Appendix J**

**Buena Vista Water Storage District's Response to Comments**

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December 2011



## Buena Vista Water Storage District

P.O. Box 756 525 N. Main Street

Buttonwillow, California 93206

Phone: (661) 324-1101

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### Directors

Terry Chicca – President  
Ron Torigiani – Vice President  
Frank Riccomini – Secretary  
David Cosyns  
Steve Houchin

### Staff

Dan Bartel – Engineer / Manager  
Dave Hampton - Engineer  
Charles Contreras - Superintendent  
Marinelle Duarosan - Controller  
Nick Torres - Hydrographer

October 5, 2010

James M. Beck, General Manager  
Kern County Water Agency  
P.O. Box 58  
Bakersfield, CA 93302-0058

Subject: Response to Comments on Draft Environmental Assessment/Initial Study for the Buena Vista Water Storage District BV8 State Water Project Turnout  
State Clearinghouse Number 2010081076

Dear Mr. Beck:

Thank you for your letter, dated September 23, 2010, providing the Kern County Water Agency's comments on the Draft Environmental Assessment/Initial Study for the BV8 State Water Project Turnout. Our responses to your comments are provided below.

- 1. A 50 percent reduction in the capacity of the California Aqueduct (Aqueduct), even in the offseason, could significantly impact deliveries to and the operations of SWP Contractors.**

Buena Vista Water Storage District (BVWSD) will coordinate with Kern County Water Agency (KCWA) and the Department of Water Resources (DWR) to schedule Project construction in a manner that will minimize any delivery impacts, to the extent practicable.

- 2. The FONSI/MND does not include or reference any hydraulic modeling necessary to determine the impacts, if any, of a new turnout on Aqueduct operations.**

DWR staff has been aware of the proposed BV8 State Water Project Turnout dating back to approximately the later part of 2008 when a meeting with staff members from DWR, KCWA and the District was held to discuss project development and the future of the District's existing BV7 turnout. The District has developed this project with the understanding that once the new BV8 State Water Project Turnout is completed and operational, the BV7 turnout could be decommissioned. The BV7 turnout is approximately 6 miles downstream from the proposed project site and has the same capacity as the proposed BV8 turnout. Essentially this proposed project is relocating an Aqueduct turnout 6 miles upstream to a new location, and therefore has no net change on the demand for this section of the Aqueduct. Additionally, in a memorandum

from DWR dated September 27, 2010, DWR indicated they believe the capacity of the proposed BV8 turnout will not impact downstream deliveries.

The District will be required to obtain an Encroachment Permit from DWR and can only proceed with the BV8 State Water Project Turnout after DWR has completed their evaluation and approved the project.

**3. The document does not contain sufficient explanation of how the Project represents an overall benefit to the BVWSD and the landowners despite the potential reduction in total water available due to the potential sale or exchange of water outside of BVWSD.**

The District's earthen conveyance system, constructed more than a century ago, experiences large annual average seepage losses of approximately 45,000 acre-feet (AF). In an effort to increase the District's distribution system efficiency, and reduce dry-year groundwater pumping (and the large associated energy costs), we have looked to strategically locate new system facilities, including the subject project..

The Project's operation is expected to reduce system seepage and evaporation losses by approximately 9000 acre-feet per year (afy), due to the proposed location and capacity of the new turnout. Of those loss savings, the District expects to deliver approximately one half of such conserved losses directly to lands within the District's service area, thereby reducing groundwater pumping that would otherwise occur in the District (and associated pumping costs). The balance of the water loss savings may still be delivered for District landowner irrigation uses or may be directed into various groundwater recharge programs available to the District or to other entities inside and outside the District, which in turn could provide additional dry-year supplies or revenues to offset water costs and/or facility construction costs.

**4. The document does not contain sufficient information to determine how the volume of conserved water was derived.**

In estimating the volume of water that could be conserved by the Project, the District reviewed water distribution and loss data for the previous six years (which represents a reasonable range of hydrologic type years) for corresponding canal flows and loss estimates. Based on its review of this data, the District made a conservative estimate of the water savings that would be realized by construction and operation of the BV8 State Water Project Turnout. This information has been forwarded to KCWA staff.

**5. The document does not contain sufficient information to determine the type of water conserved.**

The District's water supplies, which average approximately 185,000 AFY, are made up of more than 80% Kern River water supplies; therefore, it is anticipated that a minimum of 80% of the total loss savings would be made up of Kern River water. If any SWP water would be involved in any associated loss savings exchanges or transfers, the District would consult with KCWA, as appropriate per the terms of its SWP Contract.

**6. The relationship between the Project and BVWSD's Water Management Program needs to be clarified.**

The District supports and will operate this Project in accordance with the premise which requires that, in order for an entity to transfer water outside of its jurisdiction, it must have a positive balance within the groundwater basin and must demonstrate, in consideration of reliable water supply and demand forecasts, that it will be able to maintain a positive balance long-term.

If any conserved loss water is transferred outside of the District's jurisdiction as a result of this Project's operation, the District will account for such water accordingly in its water supply balance, as referenced in the Water Management Program Final Environmental Impact Report (Appendix A) and AB255 Groundwater Monitoring and Management Plan.

Thank you for your comments on this matter. The District's Board of Directors will consider the Project and the draft Mitigated Negative Declaration at a public meeting on October 12, 2010, scheduled to be held at 9:00 a.m. at the offices of McMurtrey, Hartsock & Worth located at 2001 22nd Street, Suite 100, Bakersfield, CA 93301. If you have any questions or need additional information, please feel free to contact me.

Very truly yours,  
BUENA VISTA WATER STORAGE DISTRICT



Dan Bartel,  
Engineer-Manager

cc: David Scriven (Krieger and Stewart)  
Robert Hartsock (McMurtrey, Hartsock, and Worth)



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October 5, 2010

Art R. Chianello, Water Resources Manager  
Water Resources Department  
City of Bakersfield  
1000 Buena Vista Road  
Bakersfield, CA 93311

Subject: Response to Comments on Draft Environmental Assessment/Initial Study for the Buena Vista Water Storage District BV8 State Water Project Turnout  
State Clearinghouse Number 2010081076

Dear Mr. Chianello:

Thank you for your letter, dated September 23, 2010, providing the Water Resources Department of the City of Bakersfield's comments on the Draft Environmental Assessment/Initial Study for the BV8 State Water Project Turnout. Our responses to your comments are provided below in the order received.

### 1. The Project and Scope of Environmental Review

The District has prepared the *Draft Environmental Assessment/Initial Study for the Buena Vista Water Storage District BV8 State Water Project Turnout* (EA/IS) jointly with the United States Department of the Interior Bureau of Reclamation, and said document has been prepared in compliance with the California Environmental Quality Act, codified in California Public Resources Code, Division 13, Section 21000 *et seq* (CEQA) and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 *et seq*).

In accordance with CEQA, including but not limited to sections 15063 and 15070 of the State CEQA Guidelines, the District has determined that a mitigated negative declaration is appropriate for this project, with the incorporation of mitigation measures. With implementation of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program that is a part of the proposed Mitigated Negative Declaration, the project will not result in a significant impact on the environment.

Based on the EA/IS, the project as described and as mitigated is not expected to have a "significant effect" on the environment relative to hydrology; in particular, it is not expected to substantially interfere with groundwater recharge. Nearby non Buena Vista Water Storage District pumps depend on other imported sources to sustain water levels to maintain

production. Buena Vista Water Storage District pumpers will have a net benefit associated with reduced pumping due to increased water deliveries to the area.

## **2. Impacts on Groundwater Basin**

The District's earthen conveyance system, constructed more than a century ago, experiences large annual average seepage losses of approximately 45,000 acre-feet (AF). In an effort to increase the District's distribution system efficiency, and reduce dry-year groundwater pumping (and the large associated energy costs), we have looked to strategically locate new system facilities, including the subject project.

The Project's operation is expected to reduce system seepage and evaporation losses by approximately 9000 acre-feet per year (afy), due to the proposed location and capacity of the new turnout. Of those loss savings, the District expects to deliver approximately one half of such conserved losses directly to lands within the District's service area to meet irrigation demands or for recharge purposes, thereby reducing groundwater pumping that would otherwise occur in the District. The balance of the water loss savings may be directed into various groundwater recharge programs available to the District or to other entities inside and outside the District.

Other than delivering approximately 50% of the water savings to District lands for irrigation and recharge purposes, there are no other specific plans for the balance of the saved supply at this time; therefore, it would be speculative to attempt predicting where such conserved water may go. If the water is to be ultimately delivered to other projects, for example the 2800 Acres Project, we have presumed that those associated operational impacts would be mitigated per the particular project's operational agreements and existing or amended environmental studies, as necessary.

Your letter incorrectly states or implies that, "... portions of the basin underlying BVWSD, is currently in a state of overdraft." Actually, the portions of the basin underlying BVWSD are and have historically been in a state of positive groundwater balance.

## **3. Use of Water Created by Project**

You are correct in acknowledging that "BVWSD plans to use approximately 50 percent of the conserved water to meet in-district irrigation demand with the remaining 50 percent used for in-district or out-of-district water marketing or groundwater recharge. The use of this water for irrigation and potential groundwater recharge would minimize the potential loss of groundwater recharge from the reduced seepage losses. In addition, the use of the conserved water for irrigation would reduce the need for additional groundwater pumping to meet irrigation demands." In addition, this project, in and of itself, provides BVWSD an alternate intake delivery point which provides water supply benefits to District landowners and is in the spirit of longstanding State water policy that encourages water users to beneficially utilize water supplies in the most efficient manner possible.

The use of approximately one half of the conserved water for in-district use does not require that the balance be used for out of district use nor does it preclude additional in-district use, but in fact it allows for the balance to be used within the District, within the basin, or where it could otherwise be put to reasonable beneficial use. Additionally, approximately one-half of the



savings is a seemingly insignificant amount when compared to the District's average annual water supply of 185,000 AF, and when considering the District maintains a positive water balance.

#### **4. Impact of Project on the Kern River**

We do not anticipate that this project will impact the Kern River, its rights, or water flows in the Kern River Channel in that the District's Kern River diversions are received per various "River Agreements" and such diversions are typically conveyed primarily using the terminus of the Kern River Canal as determined solely by the City of Bakersfield Water Resources Department. Any additional or diminished flows in the Kern River Channel itself are seemingly at the discretion of the City of Bakersfield as successor to the "1964 Amendment to the Miller-Haggin Agreement".

#### **5. Conclusion**

For the reasons stated in the EA/IS and herein, BVWSD is presently of the opinion that this project, as mitigated, satisfies the requirements of CEQA and its implementing guidelines, and supports the use of a Mitigated Negative Declaration.

The District's Board of Directors will consider the Project and the draft Mitigated Negative Declaration at a public meeting on October 12, 2010, scheduled to be held at 9:00 a.m. at the offices of McMurtrey, Hartsock & Worth located at 2001 22nd Street, Suite 100, Bakersfield, CA 93301. We appreciate your comments and hope these responses adequately address your concerns. If you have any questions or need additional information, please feel free to contact me.

Very truly yours,  
BUENA VISTA WATER STORAGE DISTRICT



Dan Bartel,  
Engineer-Manager

cc: David Scriven (Krieger and Stewart)  
Robert Hartsock (McMurtrey, Hartsock, and Worth)



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Nick Torres - Hydrographer

October 5, 2010

Dave Singleton  
Program Analyst  
Native American Heritage Commission  
915 Capitol Mall, Room 364  
Sacramento, CA 95814

Subject: Response to Comments Dated August 30, 2010 Regarding Proposed Mitigated Negative Declaration for the Buena Vista Water Storage District Project Located in the Buttonwillow Area of Western Kern County, California (BV8 State Water Project Turnout; SCH No. 2010081076)

Dear Mr. Singleton:

Thank you for your letter dated August 30, 2010 providing Native American Heritage Commission's comments on the environmental documents for the project referenced above. We provide the following responses to your comments.

A cultural resources assessment of the project's area of potential effects (APE) was conducted in 2008 and was updated in April 2010. As part of the assessment, a records search, pedestrian survey, and Sacred Lands File (SLF) search were performed. Although the assessment did not indicate the presence of Native American cultural resources within the APE, the area is considered to be highly archaeologically sensitive. Therefore, mitigation measures to avoid or reduce adverse impacts upon any cultural resources that may be discovered during project construction, including Native American resources, have been incorporated into the Project.

Mitigation measures intended to avoid or reduce adverse impacts upon cultural resources are set forth in the project's Mitigation Monitoring and Reporting Program, which is attached as 'Exhibit A' to the project's draft Mitigated Negative Declaration. Said mitigation measures include construction monitoring by a qualified cultural resources monitor; avoidance, testing, and data recovery procedures; and construction crew education.

Additionally, the District will comply with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5 in the case of accidental discovery of archaeological resources or human remains during Project construction.



The District's Board of Directors will consider the Project and the draft Mitigated Negative Declaration at a public meeting on October 12, 2010, scheduled to be held at 9:00 a.m. at the offices of McMurtrey, Hartsock & Worth located at 2001 22nd Street, Suite 100, Bakersfield, CA 93301. If you have any questions or need additional information, please feel free to contact me.

Very truly yours,

BUENA VISTA WATER STORAGE DISTRICT

A handwritten signature in blue ink, appearing to read 'D. Bartel', is written over the printed name.

Dan Bartel,  
Engineer-Manager

cc: David Scriven (Krieger and Stewart)  
Robert Hartsock (McMurtrey, Hartsock, and Worth)



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October 5, 2010

Leroy Ellinghouse, Chief  
SWP Encroachment Section  
Division of Operations and Maintenance  
Department of Water Resources  
1416 Ninth Street, Room 641-2  
Sacramento, CA 95814

Subject: Response to Comments on Draft Environmental Assessment/Initial Study for the Buena Vista Water Storage District BV8 State Water Project Turnout  
State Clearinghouse Number 2010081076

Dear Mr. Leroy Ellinghouse:

Thank you for your letter, dated September 16, 2010, providing the Department of Water Resources' (DWR) comments on the Draft Environmental Assessment/Initial Study for the BV8 State Water Project Turnout. Our responses to your comments are provided below.

To confirm your statement of crossing DWR's Right of Way (ROW), the proposed project will require construction activities within DWR's ROW. Buena Vista Water Storage District (District) anticipates the need for an Encroachment Permit from DWR and will not proceed with construction activities within DWR's ROW until a permit is issued or otherwise authorized by DWR to begin construction.

The District further recognizes that DWR will require the final design plans and specifications for construction of the BV8 State Water Project Turnout prior to issuing an Encroachment Permit. DWR will have the opportunity to review these plans and specifications to determine if the proposed construction will satisfactorily meet DWR requirements including the surface-runoff or sloping issues you stated in the second paragraph of your comment letter.

Per your request, the District will submit to the address provided, any subsequent environmental documentation regarding BV8 State Water Project Turnout when it becomes available for public review. In addition, the District will keep DWR informed of any significant future developments that impact the BV8 State Water Project Turnout.

The District's Board of Directors will consider the Project and the draft Mitigated Negative Declaration at a public meeting on October 12, 2010, scheduled to be held at 9:00 a.m. at the offices of

Responses to DWR Comments

October 5, 2010

Page 2

McMurtrey, Hartsock & Worth located at 2001 22nd Street, Suite 100, Bakersfield, CA 93301. If you have any questions or need additional information, please feel free to contact me.

Very truly yours,

BUENA VISTA WATER STORAGE DISTRICT

A handwritten signature in blue ink, appearing to read 'D-BT', is positioned above the printed name and title.

Dan Bartel,

Engineer-Manager

cc: David Scriven (Krieger and Stewart)  
Robert Hartsock (McMurtrey, Hartsock, and Worth)