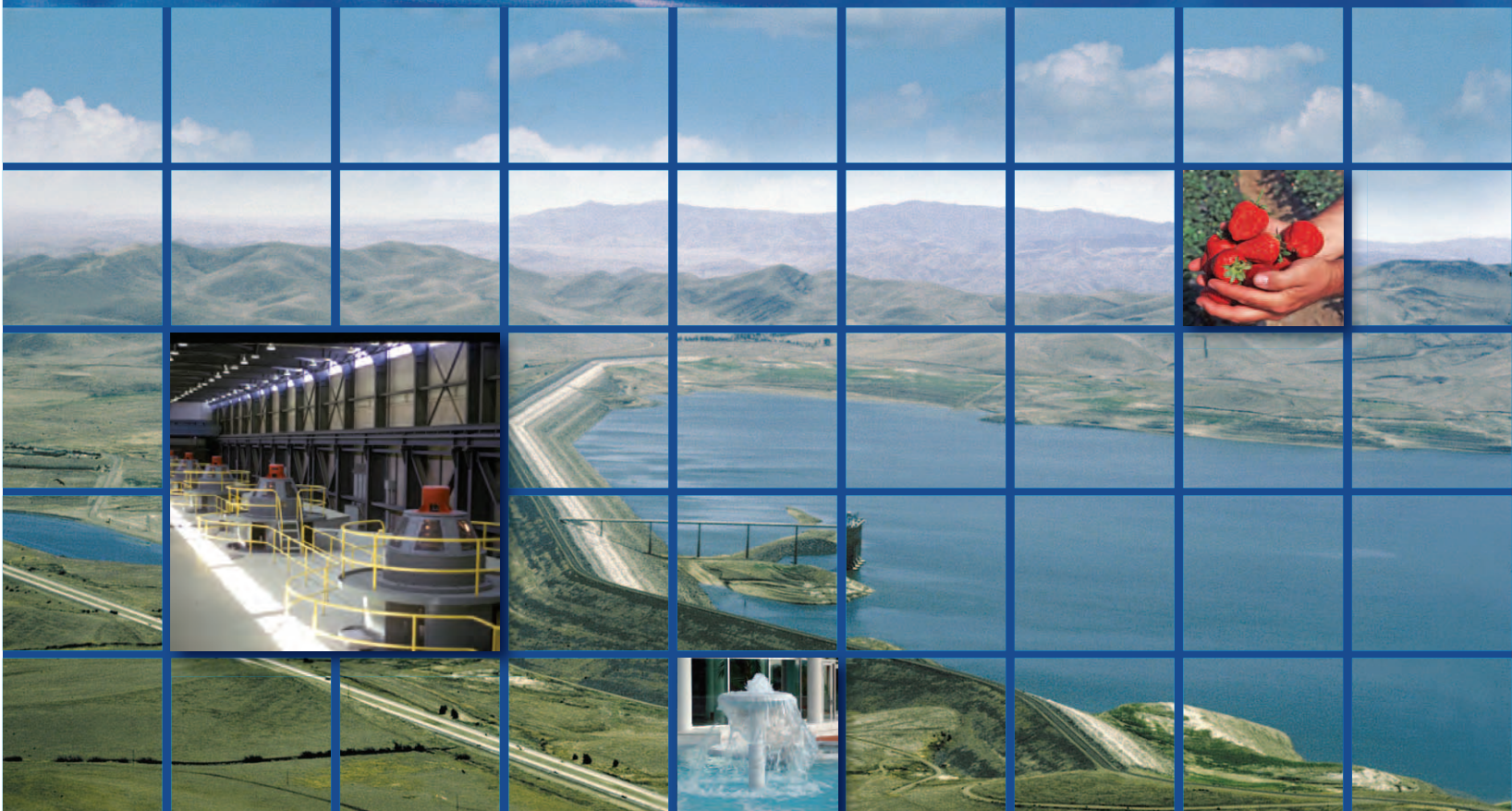


San Luis Low Point Improvement Project Environmental Scoping Report



U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
Sacramento, California



Santa Clara Valley Water District
San Jose, California



San Luis and Delta Mendota
Water Authority
Los Banos, California

December 2008

Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to 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.

San Luis Low Point Improvement Project

Environmental Scoping Report

Prepared for Reclamation by CDM under Contract No. 06CS204097C



**U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
Sacramento, California**

December 2008

Executive Summary

This report documents the environmental scoping meetings held in September for the San Luis Low Point Improvement Project (SLLPIP). The purpose of scoping is to obtain information on significant issues associated with a project to guide an agency's environmental review. As part of this scoping process, the Bureau of Reclamation (Reclamation) and the Santa Clara Valley Water District (SCVWD) held public meetings to receive comments on the SLLPIP.

The SLLPIP feasibility study, under development by Reclamation and SCVWD, is investigating potential solutions to water supply reliability and schedule certainty issues associated with low water levels in San Luis Reservoir. Reclamation and SCVWD have initiated preparation of an Environmental Impact Statement/Environmental Impact Report for the feasibility study.

This report outlines the project background, project alternatives, scoping meetings, and comments received. Recurring themes indicated that commenters are interested in these topics:

- Future public involvement opportunities;
- An expanded range of alternatives;
- More detailed alternative descriptions;
- Effects on steelhead trout in lower Pacheco Creek and recreational fish in San Luis Reservoir;
- Effects on critical habitat and sensitive species;
- Taste and odor issues associated with algae;
- Recreational opportunities at O'Neill Forebay, San Luis Reservoir, and a new reservoir on Pacheco Creek; and
- Alternate means of increasing water supply.

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- Appendix *D* Public Scoping Meeting Displays and Handouts
- Appendix *E* Verbal Comments Received During Scoping Meetings
- Appendix *F* Public Scoping Meeting Written Comments Received
 - 1. Rod Someya
 - 2. John Wilkinson
 - 3. Greg Martin
 - 4. Kimberly Brosseau, County of Santa Clara, Parks and Recreation Department
 - 5. Scott Miller
 - 6. Libby Lucas
 - 7. Meg Giberson, Guadalupe-Coyote Resource Conservation District, Ad Hoc Committee for Consideration of the SLLPIP

San Luis Low Point Improvement Project Environmental Scoping Report

1.0 Introduction

The purpose of scoping is to obtain information on significant issues associated with a project to guide an agency's environmental review. As part of scoping, agencies hold public meetings to provide the public with information and encourage participation and input in the environmental review process.

The San Luis Low Point Improvement Project (SLLPIP) is investigating potential solutions to water supply reliability and schedule certainty issues associated with low water levels in San Luis Reservoir. The Bureau of Reclamation and the Santa Clara Valley Water District (SCVWD) are preparing an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Federal feasibility study. Accordingly, these agencies held public scoping meetings at the following locations to receive comments:

- San Jose, September 10, 2008.
- Sacramento, September 11, 2008.
- Los Banos, September 11, 2008.

This scoping report documents these meetings and the comments captured. The scoping report includes:

Section 2: project background;

Section 3: project alternatives;

Section 4: scoping meetings; and

Section 5: comments received during the comment period.

1.1 Scoping Purpose and Process

Agencies conduct public scoping meetings to involve the public in the preparation of environmental documents. Scoping is not limited to public meetings; however, public meetings allow interested persons, tribes, organizations, and agencies to listen to information about a

proposed project or action and express their concerns and viewpoints to the implementing agencies. The agencies can provide information regarding how additional information or status reports on the process can be obtained.

During scoping meetings, the lead agency generally will outline the proposed project, identify alternatives to the project, define the area of analysis, propose issues to be addressed in the document, and solicit public comments. The agencies then consider those comments during development of the Draft EIS/EIR.

1.1.1 National Environmental Policy Act

National Environmental Policy Act regulations (40 CFR 1501.7) require scoping to determine the scope of the issues to be addressed in the environmental review and to identify significant issues. Scoping should occur early on in the environmental review process and should involve the participation of affected parties.

The lead agency of the proposed action is required to:

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 environmental impact statement;
3. Identify and eliminate from detailed study the issues which are not significant or which 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 statement;
5. Indicate any public environmental assessments and other environmental impact statements which are being or will be prepared that are related to but are not part of the scope of the impact statement under consideration;
6. Identify other environmental review and consultation requirements so the lead and cooperating agencies may prepare

other required analyses and studies concurrently with, and integrated with, the environmental impact statement; and

7. Indicate the relationship between the timing of the preparation of environmental analyses and the agency's tentative planning and decision making schedule" (40 CFR 1501.7).

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

CEQ regulations (40 CFR 1508.22, 516 DM 2.3D) require the implementing agency to notify the public that it is preparing an EIS for a project under consideration. Reclamation issued an NOI in the Federal Register on August 29, 2008. Appendix A of this scoping report includes a copy of the NOI.

1.1.2 California Environmental Quality Act

Although California Environmental Quality Act (CEQA) does not require public meetings, it encourages early consultation (or scoping) with affected parties. This early consultation often solves potential problems before they turn into more serious problems further on in the process. CEQA describes two other benefits for early consultation:

- a) "Scoping has been helpful to agencies in identifying the range of actions, alternatives, mitigation measures, and significant impacts to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important.
- b) Scoping has been found to be an effective way to bring together and resolve the concerns of affected federal, state, and local agencies, the proponent of the action, and other interested persons including those who might not be in accord with the action on environmental grounds" (CEQA Section 15083).

Parallel to the process of the NOI for NEPA, CEQA requires public notification of the initiation of an EIR through a Notice of Preparation (NOP) (CEQA 15082). The SCVWD will be the lead Agency under CEQA. The NOP was filed with the State Clearing House on September 3, 2008. A copy of the NOP can be found in Appendix A of this scoping report.

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2.0 Background

The SLLPIP Feasibility Study was authorized by Title I of Public Law 108-361, CALFED Bay-Delta Authorization Act (October 25, 2004, 118 Stat. 1694), also known as the Water Supply, Reliability, and Environmental Improvement Act (Act). Section 103(f)(1)(A) of the Act authorized the Secretary of the Interior to “expend funds for feasibility studies, evaluation, and implementation of the San Luis Low Point Improvement Project, except that Federal participation in any construction of the expanded Pacheco Reservoir shall be subject to future congressional authorization.”

The study area includes San Luis Reservoir and its related storage infrastructure, the Central Valley Project (CVP) San Felipe Division, and the other CVP service areas of the San Luis Delta Mendota Water Authority (SLDMWA). Members of the SLDMWA include the CVP contractors within the San Felipe, West San Joaquin, and Delta divisions, who either receive CVP deliveries from the San Luis Reservoir or have annual water deliveries that are likely influenced by San Luis Reservoir operations. The San Luis Reservoir is located near Los Banos in Merced County about 80 miles south east of San Francisco.

The objective of the SLLPIP is to optimize the water supply benefit of San Luis Reservoir while reducing additional risks to water users by:

- Avoiding supply interruptions when water is needed by increasing the certainty of meeting the requested delivery schedule throughout the year to south-of-Delta contractors dependent on San Luis Reservoir.
- Increasing the reliability and quantity of yearly allocations to south-of-Delta contractors dependent on San Luis Reservoir.
- Announcing higher allocations earlier in the season to south-of-Delta contractors dependent on San Luis Reservoir without sacrificing accuracy of the allocation forecasts.

The SLLPIP may provide opportunities for ecosystem restoration.

Recognizing the need to resolve the “low point” issue, the August 2000 CALFED Bay-Delta Program's Programmatic Record of Decision (ROD) included the SLLPIP as a complementary

conveyance action. The ROD referred to a bypass canal to the San Felipe Unit at the San Luis Reservoir as one complementary action. In May 2001, the SCVWD accepted a three-year, \$14 million Proposition 13 grant from the California Department of Water Resources to fund a feasibility study to address the low point issue.

Using these Proposition 13 funds, SCVWD initiated the SLLPIP in 2001 and organized a public involvement program to support the identification of project alternatives. The SCVWD led public involvement program utilized a Stakeholder Committee, Regulatory Compliance Work Group, special interest breakout groups, and public meetings to seek input from the public. Elected officials were kept informed throughout the process. When the SLLPIP Federal feasibility study was authorized in 2004, the SLLPIP project transitioned to a stronger partnership with Reclamation and the initiation of a three year Federal feasibility study. The SCVWD's public involvement efforts temporarily paused while the study team developed the plan of study for the Federal feasibility study and EIS/EIR for the project.

In August 2002, the SCVWD conducted two public scoping meetings for the EIR for the SLLPIP. The SCVWD prepared the "Low Point Improvement Project Scoping Summary Report" (dated October 2002), which summarized the comments received. The comments received and issues raised during the SCVWD's scoping efforts have been carried forward and are being considered in the Federal feasibility study.

To fulfill the requirements of NEPA, public scoping meetings were again held in September of 2008, to reinstate these public involvement activities and seek input from the public on the alternatives being carried forward into the Federal feasibility study and EIS/EIR. This summary report summarizes the information presented and comments received at the public scoping meetings held in September 2008.

3.0 Project Alternatives

The SLLPIP feasibility study team identified 87 management measures based on SCVWD's past work on the project, other water resources studies, and the team's technical understanding of the project's problems, opportunities, and objectives in the Initial Alternatives Information Report (IAIR) that was released to the public in February 2008. The 88 management measures were screened in the IAIR based on their technical viability, institutional viability, and the ability to meet the project objectives. Using management measures that remained after the initial screening, the study team formulated 26 initial alternatives and screened those initial alternatives under the Federal criteria (completeness, effectiveness, acceptability, and efficiency) to 17 initial alternatives that were carried forward into the Plan Formulation Phase of the Feasibility Study.

In the Plan Formulation Phase, alternatives carried forward from the IAIR were re-evaluated for their capacity to meet the four Federal planning criteria. The goal of this re-evaluation was to use updated information and data to identify and screen out alternatives that would not meet the planning criteria prior to development of comprehensive plans in the PFR. As a result of the re-evaluation the study team screened out 14 initial alternatives, eliminating them from further consideration. The three remaining comprehensive plans, described below, along with the No-Action Alternative were presented at the September scoping meetings as under consideration for evaluation in the feasibility report and an EIS/EIR.

3.1 Lower San Felipe Intake Comprehensive Plan

The Lower San Felipe Intake Comprehensive Plan includes construction of a new, lower San Felipe Intake to allow reservoir drawdown to its minimum operating level without algae reaching the San Felipe Intake. Moving the San Felipe Intake to an elevation equal to that of the Gianelli Intake would allow operation of San Luis Reservoir below the 300 TAF level without creating the potential for a water supply interruption to the San Felipe Division. This comprehensive plan also includes institutional measures (exchanges, transfers, and groundwater banking) to provide a safety net in all years, allowing higher allocations earlier in the year by creating access to an additional stored water supply, available as insurance in the event that San Luis Reservoir storage is insufficient to meet the allocation.

3.2 Pacheco Reservoir Comprehensive Plan

The Pacheco Reservoir Comprehensive Plan would construct a new dam and reservoir on Pacheco Creek to provide storage for San Felipe Division contractors. This reservoir would function as an expansion of the CVP share of San Luis Reservoir, increasing supplies to all CVP users. During low point months, San Felipe Division contractors would receive deliveries from Pacheco Reservoir. This comprehensive plan would allow drawdown of San Luis Reservoir to its minimum operating level without interrupting deliveries to the San Felipe Division. This comprehensive plan also includes institutional measures (exchanges, transfers, and groundwater banking) to provide a safety net in all years, allowing higher allocations earlier in the year by creating access to an additional stored water supply, available as insurance in the event that San Luis Reservoir storage is insufficient to meet the allocation.

3.3 Combination Comprehensive Plan

The Combination Comprehensive Plan includes multiple structural components and management measures to maximize operational flexibility and supply reliability in the San Felipe Division to address water supply curtailments or reductions generated by the low point issue. The Combination Comprehensive Plan would include increased groundwater aquifer recharge and recovery capacity, desalination, institutional measures, and the re-operation of the SCVWD raw and treated water systems. The institutional measures in the Combination Comprehensive Plan would allow the SCVWD to take CVP supplies through the South Bay Aqueduct (provided that supplies and conveyance capacity are available) in order to minimize treated water shortages.

4.0 Scoping Meetings

The SLLPIP study team held a series of three public open house scoping meetings on Wednesday, September 10, 2008 in San Jose, Thursday, September 11, 2008 in Sacramento, and Thursday, September 11, 2008 in Los Banos.

Attendance, as indicated by the voluntary sign in sheets presented in Appendix B, at the three meetings ranged from 8 people at the meeting in Los Banos, 10 people at the meeting in Sacramento, to 15 people at the meeting in San Jose. Attendees included members of the public, and representatives from public agencies. Given the voluntary nature of the meeting sign in sheets these numbers may not have captured all of the meeting attendees.

4.1 Publicity

Multiple meeting notifications were used to announce the intent to start the EIS/EIR process and the public scoping meetings. Appendix A contains copies of the Notice of Intent and Notice of Preparation, and Appendix C contains the newspaper display ads, a press release and web postings utilized to advertise the public scoping meetings.

4.1.1 Notice of Intent/Notice of Preparation

Reclamation published the NOI in the Federal Register on August 29, 2008. The SCVWD issued the NOP on September 3, 2008. Each of these notices announced the project purpose, the agency lead on the project, and contact information. The NOI and NOP listed the meeting dates and times for each of the three scoping meetings.

4.1.2 Newspaper Advertisement and Public Mailers

Display advertisements were run in The Sacramento Bee, the San Jose Mercury News, Gilroy Dispatch, Morgan Hill Times, Hollister Free Lance and the Los Banos Enterprise (see Appendix C). These publications were selected because they cover most of the study area for the project. Reclamation also mailed a news release to stakeholders, agencies and individuals that were on the Reclamation and Santa Clara Valley Water Districts mailing lists. Reclamation posted the meeting dates, times and locations on the project website.

4.2 Agency Representatives

The following is a list of agency representatives in attendance during the public scoping meetings.

Sharon McHale, Reclamation	Carrie Buckman, CDM
Duane Stroup, Reclamation	Polly Boissevain, CDM
Louis Moore, Reclamation	Chris Park, CDM
Sig Sanchez, SCVWD Director	Walter Bourez, MBK
Larry Wilson, SCVWD Director	Lee Bergfield, MBK
Tony Estremera, SCVWD Director	John Clerici, Circle Point
Kellye Kennedy, SCVWD	Shay Humphrey, Circle Point
Tom Boardman, SLDMWA	Cameron Lloyd, Circle Point
Gwyn-Mohr Tully, Tully and Young	

4.3 Meeting Agenda and Content

All three public meetings were held in an open house forum. Attendees were asked to sign in and all names were entered into a database for the purpose of keeping participants up-to-date on future activities, meetings, and project information. Meeting materials included handouts outlining the information displays, information displays, and comment cards.

4.3.1 Information Displays

Six information displays were set up to walk the public through the issues, impacts, agency roles, and opportunities for public involvement. A staff person was assigned to each display answer questions and document issues identified by attendees on a flipchart that accompanied each display. Appendix D contains a copy of the displays and the handouts provided to all meeting participants. The displays included the following information.

Display 1. San Luis Low Point Improvement Project This station provided a project overview that included a map of the project study area and a description of the role of the San Luis Reservoir plays in providing water storage and deliveries to water users south of the Delta.

Display 2. What is NEPA/CEQA? At this station, meeting attendees were given an overview of the purpose of environmental review, the goals of public scoping, and a general timeline of project milestones.

Display 3. Project Objectives This station listed the overall project goal and its three primary objectives.

Display 4. Environmental Issues/ Resources Addressed This station listed the types of resources that will be addressed through environmental review and development of the draft EIR/EIS. The issues listed included hydrology, water quality, biological resources, construction impacts, land use, socioeconomic impacts, traffic impacts, physical resources, and cumulative effects.

Display 5. The Low Point Issue This station described the low point problem, who it effects, when it occurs, and the potential effects of the low point may have on San Felipe Division deliveries as well as CVP and SWP water users.

Display 6. Comprehensive Plans Under Consideration This station identified the three comprehensive plans and the No Project/ No Action condition that are under consideration in the EIS/EIR. The four alternatives discussed were: Lower San Felipe Intake, Pacheco Reservoir Expansion, Combination, and No Project/ No Action.

4.3.2 Handouts

Three handouts were distributed to attendees at each meeting:

- Project and EIS/EIR Overview;
- Scoping Comment Card; and
- Scoping meeting press release from the Bureau of Reclamation.

The Project overview included a project description, the project objectives, the project status and a timeline of major project milestones. Specific information about the scoping meeting included an explanation of the purpose of public scoping, a description of the meeting format, a list of the information stations and the contact information for the agency leads at Reclamation and SCVWD.

The Scoping Comment Card allowed participants an opportunity to leave written comments (in a box provided) at the meeting, or complete at a later date and return the card by mail.

Copies of the Reclamation's news release, which included the announcement of the meetings, meeting dates, locations and times, were also made available for attendees. See Appendix D for copies of the meeting handouts.

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5.0 Comments

During each of the scoping meetings, the public was encouraged to voice questions or comments. Members of the public also submitted comments in writing during and after the public scoping meetings. Appendix E includes the verbal comments from the scoping meetings and Appendix F includes the written comments. The following is an overview of the comments and questions received.

5.1 Planning Process

Planning and Involvement Process

Meeting attendees had questions on project status and plans for future public involvement activities. Attendees were interested in the project status, the next steps for public involvement, and what they could expect next.

Agency Roles and Planning

Commenters think that the Federal interest in the project needs to be better defined. They also asked if Reclamation was responsible for water quality.

Planning Process

Multiple comments on the planning process were received that questioned the appropriateness of the alternatives under consideration in the EIS/EIR, requested that a broader range of alternatives be considered as a part of the project, and suggested a number of additional alternatives that should be considered as a part of the project.

5.2 Alternative Descriptions

Pacheco Reservoir

Commenters asked questions about Pacheco Reservoir, including who would own the new Pacheco Reservoir, how current maintenance issues at the existing dam on Pacheco Creek would be addressed by this project, how the reservoir would be operated, and how the Pacheco Creek watershed will be factored into the EIS/EIR.

Pacheco Inundation Area

Commenters asked if the Pacheco Reservoir expansion could inundate portions of Henry Coe State Park.

Algae Treatment Alternatives

Commenters would like to include an alternative that would treat Project water before it enters San Luis Reservoir to prevent algae blooms.

Institutional Measures

Commenters asked question about the institutional measures that are included in each comprehensive plan to increase the accuracy of early allocations. Questions included how the program would work and who would bear the costs of institutional backstops. Commenters expressed concern that higher earlier allocations would increase risk of water supply shortages for south-of-Delta contractors, and that the institutional measures are not reliable enough to provide a backstop for more aggressive allocations.

5.3 Analysis of Effects

Fisheries Effects

Numerous comments were raised related to fish in San Luis Reservoir and Pacheco Creek. Stakeholders were interested in how potential effects on fish would be investigated in the EIS/EIR, how often San Luis Reservoir would be drawn down, and how steelhead trout in lower Pacheco Creek might be affected by the Pacheco Reservoir Comprehensive Plan. Commenters were concerned that low water levels in San Luis Reservoir could affect fish in the reservoir. They indicated that reservoir levels should be maintained above 500 TAF to protect the fishery.

Stakeholders asked questions about how restrictions on Delta pumping to protect the delta smelt could affect the low point issue.

Habitat Conservation/Restoration

Commenters were interested in how the comprehensive plans would affect wildlife in the study area and what protection measures would be provided for wildlife. Stakeholders also requested the analysis of potential effects on critical habitat and endangered species. They indicated that the proposed Pacheco Reservoir site is likely habitat for the red legged frog.

Water Quality Effects

Commenters asked for information on water quality conditions at San Luis Reservoir this year and raised concerns regarding taste issues observed in drinking water delivered to their homes.

Some comments raised the potential for adverse effects generated by the full exercise of the reservoir. These comments included requests

for investigation of the potential adverse water quality effects, as well as the potential for green house gas production and adverse air quality effects resulting from algae decomposition in the EIR/EIS.

Power Effects

Commenters were interested in how the alternatives might change energy use levels and potentially affect power generation and use. They indicated that increased power use could generate increases in greenhouse gas emissions. Stakeholders also asked questions about the potential use of algae for power production.

Recreation Effects

Stakeholders had questions and made comments about the potential effects of the alternatives on recreation opportunities at the O'Neill Forebay, San Luis Reservoir, and a new reservoir on Pacheco Creek. Specific comments focused on new recreational opportunities at Pacheco Reservoir, opportunities to improve recreation in O'Neill Forebay by controlling summer algae blooms and deepening the forebay, and how the full exercise of San Luis Reservoir would affect existing recreation activities in and around the reservoir. Comments indicated that some alternatives may also affect public parks throughout the study area.

Water Supply Effects

Commenters requested water supply assessments in the EIS/EIR to investigate the potential over commitment of CVP and SWP water supplies, the potential for adverse effects on groundwater aquifers utilized by the alternatives, and the potential for water conservation to reduce system demands.

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Appendix A
Public Scoping Meeting
Notification Materials

pursuant to 25 U.S.C. 3001 (9–10), the human remain described above represents the physical remain of one individual of Native American ancestry. Officials of the Department of Anthropology at St. Lawrence University have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remain and the Saint Regis Mohawk Tribe, New York.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remain should contact Dr. Richard A. Gonzalez, Department of Anthropology, St. Lawrence University, Canton, NY 13617, telephone (315) 229–5745, before September 29, 2008. Repatriation of the human remain to the Saint Regis Mohawk Tribe, New York may proceed after that date if no additional claimants come forward.

St. Lawrence University is responsible for notifying the Saint Regis Mohawk Tribe, New York that this notice has been published.

Dated: July 31, 2008.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E8–20111 Filed 8–28–08; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: University of Wyoming, Anthropology Department, Human Remains Repository, Laramie, WY

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession and control of the University of Wyoming Anthropology Department Human Remains Repository in Laramie, WY. The human remains and associated funerary objects were removed from Goshen County, WY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The

National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by University of Wyoming Anthropology Department Human Remains Repository professional staff in consultation with representatives of the Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota.

In 1977, human remains representing a minimum of two individuals were removed from near the old Bordeaux Trading Post in Goshen County, WY, by personnel from Fort Laramie, Goshen County Sheriff's Office, and Goshen County Coroner, after the burial location had been disturbed by earth leveling activities associated with farming. No known individuals were identified. The four associated funerary objects are one set of glass trade beads, one brass button, one set of cloth fragments, and one set of wooden coffin fragments.

The remains are a partial skeleton of a female of probable mixed Native American/Euroamerican parentage. Some features on the cranium and mandible suggest that the individual has both Euroamerican and Native American aspects in her parentage. The cranial cap is partially mummified and a stripe of red ocher or vermilion had been painted down the center of the top of the head, approximately at the part of the hair. The woman was apparently pregnant or had just delivered a child at the time of her death. The child interred with her is also likely of mixed parentage and was likely a newborn infant.

Historic background research and ethnographic inquiries indicates that the human remains are most likely related to the Sioux groups that were known to have intermarried with the Bordeaux family and their employees at the old Bordeaux Trading Post a few miles below Fort Laramie near the North Platte River. The Bordeaux name is still carried by members of the Rosebud Sioux Tribe and tribal representatives identified specific bands of the Rosebud Sioux Tribe that had married Bordeaux Trading Post employees. Tribal evidence presented for cultural affiliation is based on review of records afforded to the tribe, contact with the Bordeaux family, and review of the information from the Human Remains Repository.

Officials of the University of Wyoming, Anthropology Department, Human Remains Repository have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of two individuals of Native American ancestry. Officials of the

University of Wyoming, Anthropology Department, Human Remains Repository also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the four objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the University of Wyoming, Anthropology Department, Human Remains Repository have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Rick L. Weathermon, NAGPRA Contact at the University of Wyoming Department 3431, Anthropology, 1000 E. University Ave., Laramie, WY 82071, telephone (307) 766–5136, before September 29, 2008. Repatriation of the human remains and associated funerary objects to the Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota may proceed after that date if no additional claimants come forward.

University of Wyoming Anthropology Department Human Remains Repository is responsible for notifying the Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota that this notice has been published.

Dated: July 29, 2008.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E8–20090 Filed 8–28–08; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

San Luis Low Point Improvement Project, California

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent (NOI) to prepare an environmental impact statement/ environmental impact report (EIS/EIR) and notice of public scoping meetings.

SUMMARY: Pursuant to the National Environmental Policy Act and the California Environmental Quality Act, the Bureau of Reclamation (Reclamation) and the Santa Clara Valley Water District, in coordination with the San Luis and Delta Mendota

Water Authority, intend to prepare an EIS/EIR for the San Luis Low Point Improvement Project (Low Point Project). Reclamation is the lead Federal agency and Santa Clara Valley Water District is the lead State agency for preparation of the EIS/EIR.

The Low Point Project is designed to address water supply reliability issues in San Luis Reservoir associated with conditions occurring in summer months when water levels are low. During this time, reservoir-wide growth of algae makes the water unsuitable for certain agricultural and municipal and industrial users in the San Felipe Division with existing treatment facilities (also known as the "low point issue").

DATES: A series of public scoping meetings will be held to solicit public input on alternatives, concerns, and issues to be addressed in the EIS/EIR. The meeting dates are as follows:

- September 10, 2008, 4:30 p.m. to 7:45 p.m., San Jose, CA.
- September 11, 2008, 10 a.m. to 12 p.m., Sacramento, CA.
- September 11, 2008, 5 p.m. to 9 p.m., Los Banos, CA.

Written comments must be received by October 28, 2008.

ADDRESSES: The public scoping meeting locations are:

- San Jose at the Rose Garden Public Library, 1580 Naglee Avenue.
- Sacramento at the Federal Building, 2800 Cottage Way, Cafeteria Conference Rooms C-1001 and C-1002.
- Los Banos at the Miller and Lux Community Center, 830 Sixth Street.

Written comments on the scope of the EIS/EIR should be sent to Ms. Lynnette Wirth, Bureau of Reclamation, 2800 Cottage Way, Public Affairs, Sacramento, CA 95825, e-mailed to lwirth@mp.usbr.gov, or faxed to 916-978-5114.

FOR FURTHER INFORMATION CONTACT: Ms. Sharon McHale, Reclamation Project Manager, at the above address, 916-978-5086 (TDD 916-978-5608), or via e-mail at: smchale@mp.usbr.gov; or Ms. Tracy Ligon, Santa Clara Valley Water District, 5750 Almaden Expressway, San Jose, CA 95118-3686, at 408-265-2600 x2569 or via e-mail at: tligon@valleywater.org.

SUPPLEMENTARY INFORMATION: San Luis Reservoir is a jointly shared off-stream storage facility providing Reclamation and the State of California the ability to store water during wet seasons and deliver it during dry seasons. Use of the reservoir helps to maximize Central Valley Project (CVP) and State Water Project supplies and contract deliveries. Any constraint in the release of water

from San Luis Reservoir, including maintaining water levels to avoid the low point issue, could limit water supplies.

The Low Point Project is designed to address water supply reliability issues in San Luis Reservoir associated with the low point issue. The low point issue arises when water levels fall below 300 thousand acre-feet (TAF), creating a water quality restriction (algae blooms) that has the potential to interrupt a portion of the San Felipe Division's water supply. The low point issue may affect the ability of San Luis Reservoir to provide water supply reliability and deliveries to south-of-Delta contractors.

Conditions at San Luis Reservoir promote the growth of reservoir-wide algae during the summer months, when the reservoir reaches the lower water surface elevations (approximately 300 TAF). Algae blooms vary in size in different years, but generally reach diversion facilities when the reservoir has 300 TAF of water remaining in storage. The water quality within the algal blooms is not suitable for agricultural water users with drip irrigation systems in San Benito County or for municipal and industrial water users relying on existing water treatment facilities in Santa Clara County. Reaching 300 TAF creates a risk for the San Felipe Division contractors because the San Luis Reservoir is the only CVP water source point that they can access.

The project location is focused around San Luis Reservoir in Merced County. The project also includes the service areas of the CVP San Felipe Division in Santa Clara and San Benito Counties, and other CVP contractors within the San Luis and Delta Mendota Water Authority in the western San Joaquin Valley.

Background

One of the options identified in the 2000 CALFED Programmatic Record of Decision was a bypass canal that would connect the San Felipe Division to water delivered by the Sacramento-San Joaquin River Delta pumping facilities, to increase use of water in San Luis Reservoir by up to 200 TAF.

Reclamation issued a Notice of Intent (NOI) for a similar project on July 17, 2002. The participating agencies conducted scoping meetings, and the results of those meetings have been incorporated into this project. After publishing the initial NOI, the project focus has broadened, which has resulted in new planning objectives. The agencies have decided to re-issue the NOI and conduct new scoping meetings because of the length of time that has

passed and the change in project objectives.

Objectives

The overall objective of the Low Point Project is to optimize the water supply benefit of San Luis Reservoir while reducing additional risks to water users by:

- Avoiding supply interruptions when water is needed by increasing the certainty of meeting the requested delivery schedule throughout the year to south-of-Delta contractors dependent on San Luis Reservoir;
- Increasing the reliability and quantity of yearly allocations to south-of-Delta contractors dependent on San Luis Reservoir; and
- Announcing higher allocations earlier in the season to south-of-Delta contractors dependent on San Luis Reservoir without sacrificing accuracy of the allocation forecasts.

The Low Point Project may also provide opportunities for ecosystem restoration.

Alternatives

Initial alternatives fall into seven general categories:

- *Institutional:* Non-structural measures, including agreements and exchanges that would reduce the likelihood of San Luis Reservoir reaching its functional low point or would provide alternate supplies for the San Felipe Division during times when the functional low point is reached.

• *Source Water Quality Control:* Improvements to San Luis Reservoir water quality that would reduce water supply interruptions for the San Felipe Division while continuing supplies for the rest of the San Luis and Delta-Mendota users.

• *Water Treatment:* New or enhanced raw water treatment capabilities using dissolved air flotation that could treat San Luis Reservoir water and reduce or eliminate interrupted deliveries when algae blooms are in the vicinity of the Pacheco Intake.

• *Conveyance:* Facilities that would allow San Felipe Division CVP supplies to bypass the San Luis Reservoir altogether or change the location of the San Felipe Division's intake so that low water levels and algae are not a problem.

• *Storage:* Facilities that would create additional storage, either on the San Felipe side of San Luis Reservoir or within the Central Valley, to provide an alternate water supply.

• *Alternate Water Supplies:* Measures that would provide a new source of water to users in the San Felipe

Division, reducing their demands on San Luis Reservoir water supplies.

- **Combination Alternative:** Measures that work best in combination, augmenting efficient use of existing available water supplies and facilities to resolve the low point problem. The Alternative Water Supplies concept incorporates multiple strategies, such as source shifting, new supply development, additional treatment technology, reoperation, and operational agreements, which build upon one another either incrementally or in total, to achieve water supply reliability, water quality, and system flexibility project objectives and opportunities.

Special Assistance for Public Scoping Meetings

If special assistance is required at the public hearings, please contact Ms. Lynnette Wirth at 916-978-5100, TDD 916-978-5608, or via e-mail at lwirth@mp.usbr.gov. Please notify Ms. Wirth as far in advance as possible to enable Reclamation to secure the needed services. If a request cannot be honored, the requestor will be notified. A telephone device for the hearing impaired (TDD) is available at 916-978-5608.

Public Disclosure

Before including your name, address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: August 8, 2008.

Susan M. Fry,

Regional Environmental Officer, Mid-Pacific Region.

[FR Doc. E8-20104 Filed 8-28-08; 8:45 am]

BILLING CODE 4310-MN-P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Windy Gap Firing Project; Colorado-Big Thompson Project, Grand and Larimer Counties, CO

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Availability of the Draft Environmental Impact Statement (Draft EIS) and Announcement of Public Hearings.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Bureau of Reclamation (Reclamation) has completed the Windy Gap Firing Project Draft EIS. It is now available for public review and comment. Two public hearings are scheduled during the comment period. The Draft EIS describes and discloses the estimated environmental effects of five alternatives, including a no action alternative and four action alternatives that accomplish the purpose and need for the project.

The U.S. Army Corps of Engineers (Corps), the Western Area Power Administration (Western), and the Board of County Commissioners, Grand County, Colorado (Grand County) are cooperating agencies that are providing assistance in the preparation of the Environmental Impact Statement (EIS) under the National Environmental Policy Act.

DATES: A 60-day public comment period begins with the publication of this notice. Written comments on the Draft EIS are due by October 28, 2008 and should be submitted to Reclamation listed in the **ADDRESSES** section. Public hearings will be held during October 2008 in Colorado. See the **SUPPLEMENTARY INFORMATION** section for dates of the public hearings.

ADDRESSES: Comments on the Draft EIS should be sent to the attention of Will Tully, Bureau of Reclamation, 11056 West County Rd. 18E, Loveland, CO 80537. Comments may also be submitted in writing by fax, e-mail, or at the public hearings. Send faxes to the attention of Will Tully at 970-663-3212. Send e-mail to wtully@gp.usbr.gov with Windy Gap Draft EIS Comment as the subject line.

Copies of the Draft EIS and related documents are available online from Reclamation's Web site at <http://www.usbr.gov/gp/nepa/quarterly.cfm>. Paper copies of the Draft EIS may be obtained by calling Kara Lamb at 970-962-4326. Refer to the **SUPPLEMENTARY INFORMATION** section for locations of libraries at which copies of the Draft EIS are available for review.

FOR FURTHER INFORMATION CONTACT: Kara Lamb at 970-962-4326 or klamb@gp.usbr.gov or Will Tully at 970-962-4368 or wtully@gp.usbr.gov. Mail requests should be addressed to the Bureau of Reclamation at the address indicated in the **ADDRESSES** section.

SUPPLEMENTARY INFORMATION: Reclamation will hold public hearings, preceded by an open house, to receive oral and written comments on the Draft EIS at the following times and places:

- October 7, 2008, open house at 6 p.m., public hearing at 7 p.m., McKee Conference Center, 2000 Boise Avenue, Loveland, CO 80538, (ph. 970-669-4640).

- October 9, 2008, open house at 5 p.m., public hearing at 7 p.m., Inn at Silver Creek, 62927 U.S. Highway 40, Granby, CO 80446, (ph. 970-887-4080).

Public Hearing Process Information: Each public hearing will be preceded by an open house hosted by Reclamation to display project information and allow for questions. The meeting facilities are physically accessible to people with disabilities. People needing special assistance to attend and participate in the public hearings should contact Ms. Kara Lamb at 970-962-4326 as soon as possible. To allow sufficient time to process special requests, please call no later than one week before the public hearing of interest.

The purpose of the public hearings is to provide the public with an opportunity to comment on information presented in the Draft EIS. Oral comments may be limited to a specified period of time if deemed necessary by Reclamation to complete the hearing in an appropriate period of time. Written comments will also be accepted at the hearings. Information regarding this proposed action is available in alternative formats upon request.

Locations where the Draft EIS may be reviewed:

- Eastern Colorado Area Office, 11056 W. County Rd. 18E, Loveland, CO 80537 970-962-4410.

- Corps of Engineers, Chatfield Reservoir Office, 9307 South Wadsworth Blvd., Littleton, CO 80128.

- Morgan Library, Colorado State University, 501 University Avenue Fort Collins, CO 80523-1019.

- Berthoud, Berthoud Public Library, 236 Welch Avenue.

- Broomfield, Mamie Eisenhower Public Library, 3 Community Park Road.

- Ft. Collins, Fort Collins Public Library, 201 Peterson Street.

- Ft. Lupton, Ft. Lupton Public Library, 425 South Denver Avenue.

- Granby, Granby Branch Library, 13 East Jasper Avenue.

- Grand Lake, Juniper Library, 316 Garfield Street.

- Greeley, Centennial Park Branch, Weld Library District, 2227 23rd Avenue.

- Greeley, Fart Branch, Weld Library District, 1939 61st Avenue.

- Greeley, Lincoln Park Branch, Weld Library District, 919 7th Street.

- Hot Sulphur Springs, Hot Sulphur Springs Branch Library, 105 Moffat.

- Kremmling, Kremmling Branch Library, 300 South 8th Street.

Notice of Preparation:
**Draft Environmental Impact Report/
Environmental Impact Statement, San Luis
Reservoir Low Point Improvement Project,
California**

Introduction

Pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), the Santa Clara Valley Water District (SCVWD), in cooperation with the San Luis and Delta Mendota Water Authority (SLDMWA), and the Bureau of Reclamation (Reclamation) intend to prepare an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the San Luis Low Point Improvement Project (Low Point Project). SCVWD will be the lead State agency relative to EIR requirements under CEQA and Reclamation will be the lead Federal agency relative to EIS requirements under NEPA.

The purpose of the Low Point Project is to address water supply reliability issues in San Luis Reservoir associated with conditions occurring in summer months when water levels in San Luis Reservoir are low. The low point issue arises when water levels fall below 300 thousand acre-feet (TAF), creating water quality degradation (algae blooms) that has the potential to interrupt a portion of SCVWD and San Benito County Water District's water deliveries from the San Felipe Division of the Central Valley Project (CVP). The low point issue results in two main water resource problems for south-of-delta contractors that need to be addressed by the Low Point Project. Specifically, the problems to be addressed by this project are delivery schedule certainty and water supply reliability.

In accordance with CEQA requirements, this Notice of Preparation (NOP) describes the proposed Project and location, the currently proposed alternatives and briefly describes the types of environmental effects anticipated for the Project, for the purpose of soliciting comments from agencies, the public, and other interested parties regarding the nature and scope of analysis that should be included in the EIS/EIR. A Notice of Intent (NOI), prepared in accordance with NEPA, is being processed by Reclamation separate from, but concurrent with, this NOP.

Opportunities for Public Participation

Agency and public comment is invited on the proposal to prepare the EIR/EIS, and on the scope of issues to be included in the EIR/EIS.

Public Scoping Meetings

A series of public scoping meetings will be held to solicit public input on alternatives, concerns, and issues to be addressed in the EIS/EIR as follows:

- Scoping Meeting 1: San Jose, Monday September 10, 5:30 p.m. – 7:30 p.m., Rose Garden Library, 1580 Neglee Avenue

· Scoping Meeting 2: Los Banos, Tuesday September 11, 10:00 a.m. – 12:00 p.m.,
Federal Building, 2800 Cottage Way

· Scoping Meeting 3: Sacramento, Tuesday September 11, 6:00 p.m. – 8:00 p.m. Miller-
Lux Community Center, 830 6th Street

The project's purpose and need will be explained at these meetings, along with a description of the potential range of alternatives to be considered for the project and the types of environmental effects to be addressed in the EIS/EIR. Scoping materials are also available from the contacts identified below.

Written Comments

Interested agencies, persons, and organizations are invited to call or write to be included on the mailing list for public meetings or to receive other correspondence concerning the Low Point Project written comments regarding the scope, content, and format of the EIR/EIS can be mailed, faxed, or emailed as follows to the following representatives:

Ms. Kellye Kennedy, Senior Project Manager
Santa Clara Valley Water District
5750 Almaden Expressway,
San Jose, CA 95118.
Phone: (916) 447-1534
Fax: (916) 447-9253
E-mail: kkennedy@valleywater.org

or

Mr. Wilbert "Louis" Moore
Bureau of Reclamation
2800 Cottage Way, MP-700
Sacramento, CA 95825
(916) 978-5106 (phone)
wmoore@mp.usbr.gov

Project Description

Background

In 2000, the CALFED Programmatic Record of Decision identified the need to resolve the low point problem to potentially increase use of water from San Luis Reservoir by up to 200 TAF.

SCVWD issued an NOP for a similar project on August 1, 2002. The participating agencies conducted scoping meetings, and the results of those meetings have been incorporated into this project. After publishing the initial NOP, the project focus has broadened, which has resulted in new planning objectives. The agencies have decided to re-issue the NOP and conduct new scoping meetings because of the length of time that has passed and the change in project objectives.

Reclamation was directed by federal law (Title 1 of Public Law 108-361, CALFED Bay-Delta Authorization Act, October 25, 2004) to “expend funds for feasibility studies, evaluation, and implementation of the San Luis Low Point Improvement Project, except that federal participation in any construction of the expanded Pacheco Reservoir shall be subject to future congressional authorities.”

The Low Point Project is designed to address water supply reliability issues in San Luis Reservoir associated with the low point issue. The low point issue arises when water levels fall below 300 TAF, creating water quality degradation that has the potential to interrupt a portion of the San Felipe Division’s water supply and results in additional and costly operational challenges whether there’s an actual interruption or not. The term “low point” refers to a range of minimum pool elevations in San Luis Reservoir. During the late summer months if the reservoir elevation drops below 369 feet above sea-level, corresponding to a reservoir capacity of 300 TAF, the conditions in San Luis Reservoir promote the growth of reservoir-wide algae. The water quality within the algal blooms is not suitable for agricultural water users with drip irrigation systems in San Benito County or municipal and industrial water users relying on existing water treatment facilities in Santa Clara County. The low point issue increases progressively as the reservoir continues to drop below elevation 369 (300 TAF capacity). This creates a risk for the San Felipe Division contractors because they rely on San Luis Reservoir for receiving its CVP allocation. If either water quality or low levels in San Luis Reservoir cause an interruption in diversions, then the San Felipe Division has no access to CVP supplies. In the future, seeking to maximize non-San Felipe Division CVP and SWP deliveries from San Luis Reservoir might increase the frequency of the reservoir reaching the functional low point and the risk of supply interruptions in the San Felipe Division.

San Luis Reservoir

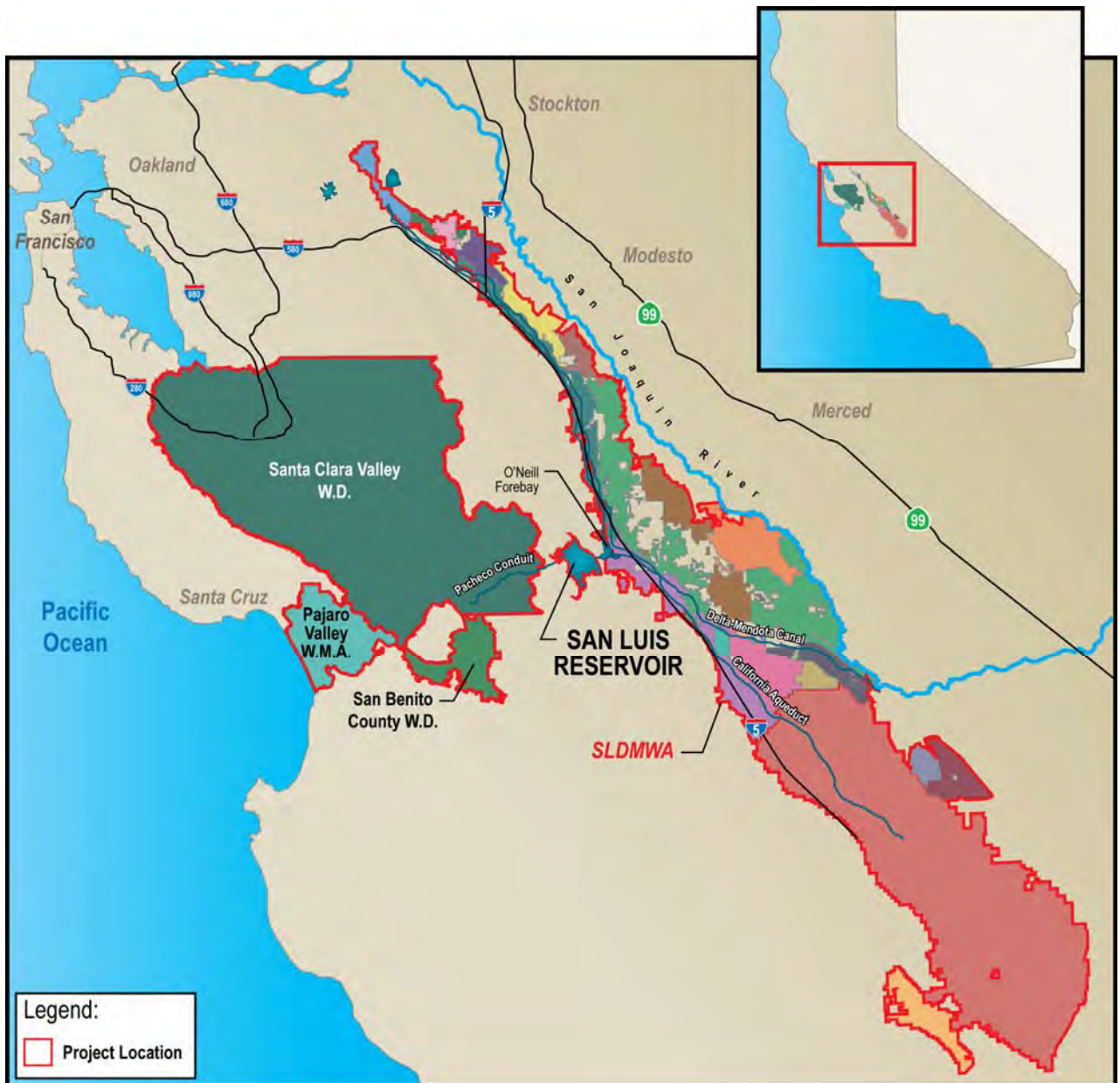
Reclamation and DWR jointly manage San Luis Reservoir for the purpose of storing and reregulating CVP and State Water Project (SWP) water from the Sacramento-San Joaquin Delta. San Luis Reservoir is an off-stream water storage facility that stores water for both the CVP and SWP. The SWP utilizes more than half of the reservoir’s 2,042,000 acre-feet of water storage capacity. Operational decisions are coordinated between Reclamation and the California Department of Water Resources (DWR) . San Luis Reservoir serves as the major storage reservoir and O’Neill Forebay acts as an equalizing basin for the upper state dual-purpose pumping generating plant. Pumps located at the base of O’Neill Dam convey water from the Delta Mendota Canal through an intake channel and discharge it into O’Neill Forebay. The California Aqueduct flows directly into O’Neill Forebay. The pumping-generating units lift the water from O’Neill Forebay and discharge it into the main reservoir. Releases from San Luis Reservoir are made through the Gianelli Pumping-Generating Plant to the San Luis Canal and to the Pacheco Pumping Plant for the San Felipe Division.

Reclamation’s use of the reservoir helps to maximize CVP supplies and contract deliveries south of the delta. Any constraint in the release of water from San Luis

Reservoir, including maintaining water levels to avoid the low point issue, could limit supplies.

Project Location

The project location (see figure below) is focused around San Luis Reservoir and its related storage infrastructure (Merced County) and also includes the service areas of the CVP San Felipe Division (Santa Clara and San Benito Counties) and other CVP contractors within the SLDMWA (in the western San Joaquin Valley).



Project Location

Objectives

The overall objective of the Low Point Project is to optimize the water supply benefit of San Luis Reservoir while reducing additional risks to water users by:

- Avoiding supply interruptions when water is needed by increasing the certainty of meeting the requested delivery schedule throughout the year to south-of-Delta contractors dependent on San Luis Reservoir.
- Increasing the reliability and quantity of yearly allocations to south-of-Delta contractors dependent on San Luis Reservoir.
- Announcing higher allocations earlier in the season to south-of-Delta contractors dependent on San Luis Reservoir without sacrificing accuracy of the allocation forecasts.

The Low Point Project may provide opportunities for ecosystem restoration.

Delivery Schedule Certainty

Water in San Luis Reservoir is delivered to south-of-Delta Contractors. Early in the year, Reclamation requests a delivery schedule from each contractor and then approves the appropriate schedules. The actual deliveries are, however, subject to uncertainty during the summer months because of operational constraints, varying temperature conditions, changing cropping patterns, and water transfers. The uncertainty associated with San Luis Reservoir water supply deliveries in turn affects San Felipe Division water supply operations. When a potential low point issue is forecasted, San Felipe Division contractors adjust their water operations in ways that may not necessarily be cost effective to reduce the likelihood of supply interruptions. The growth in water demand, regulatory changes, and project operations are expected to increase the pressure on San Luis Reservoir water supplies in the future. Consequently, the frequency of forecasting a low point at or below 300 TAF is projected to increase in the future and the San Felipe Division contractors will likely not be able to adjust operations to fully mitigate impacts associated with the low point issue.

Water Supply Reliability

Decreased reliability of water supplies affects contractors' ability to meet water demands. Reclamation forecasts annual CVP allocations so that its contractors can anticipate CVP water supplies and adjust operations accordingly. Reclamation bases forecasts on water supplies available in storage, anticipated increases in storage and supply from inflow, and potential delivery limitations created by water quality and environmental regulations. These allocations are established in stages, and generally are adjusted to be more accurate in each subsequent month because more is known about water supply conditions. Early season forecasts are conservative because conditions related to hydrologic patterns and environmental water requirements are uncertain because Reclamation does not want to

forecast allocations that cannot later be delivered. While the early allocation is intended to help prevent shortfall later in the season, it has adverse effects on agricultural water users who rely on the early allocation to make critical management decisions related to financing, type of crops to plant and transfers. Decisions related to water transfers can also be affected by these forecasts. Moreover, as a result of the conservative early estimates, some unused storage could remain in San Luis Reservoir at the end of the year, which could have otherwise been used to help meet contractor demands.

Opportunities

Reclamation currently plans its operations to draw the reservoir down to a level as low as 79 TAF. In the past, water levels in the reservoir have usually not decreased below a total of 300 TAF because of CVP and SWP contractors storing water in San Luis Reservoir. There is uncertainty that the cushion usually provided by CVP and SWP storage will continue to be available into the future. The Low Point Project is an opportunity to improve CVP operators' capability to maximize use of San Luis Reservoir storage while reducing the potential for water supply interruptions to the San Felipe Division and maximizing water supply reliability to all CVP contractors south of the delta.

Today, irrigation contractors' desire for increased reliability may compete with the need to avoid water supply interruptions to the San Felipe Division described above. Full utilization of CVP storage in San Luis Reservoir could cause reservoir levels to fall below 300 TAF and interrupt deliveries to the San Felipe Division.

Currently Proposed Alternatives

Initial alternatives being considered for the Project fall into seven general categories:

- Institutional: non-structural measures, including agreements and exchanges that would reduce the likelihood of San Luis Reservoir reaching its functional low point or would provide alternate supplies for the San Felipe Division during times when the functional low point is reached.
- Source Water Quality Control: improvements to San Luis Reservoir water quality that would reduce water supply interruptions for the San Felipe Division while continuing supplies for the rest of the San Luis and Delta-Mendota users.
- Water Treatment: new or enhanced raw water treatment capabilities using dissolved air flotation (DAF) that could treat San Luis Reservoir water and reduce or eliminate interrupted deliveries when algae blooms are in the vicinity of the Pacheco Intake.
- Conveyance: facilities that would allow San Felipe Division CVP supplies to bypass the San Luis Reservoir altogether or change the location of the San Felipe Division's intake so that low water levels and algae are not a problem.
- Storage: facilities that would create additional storage, either on the San Felipe side of San Luis Reservoir or within the Central Valley, to provide an alternate storage capability not subject to the low point problem.

- Alternate Water Supplies: measures that would provide a new source of water to users in the San Felipe Division, reducing their demands on San Luis Reservoir water supplies.
- Combination Alternative: measures that work best in combination, augmenting efficient use of existing available water supplies and facilities to resolve the low point problem. The Alternative Water Supplies concept incorporates multiple strategies, such as source shifting, new supply development, additional treatment technology, reoperation, and operational agreements, which build upon one another either incrementally or in total, to achieve water supply reliability, water quality, and system flexibility project objectives and opportunities.

Probable Environmental Effects

Based on the nature and scope of the proposed Project, the lead agencies have determined that the proposed Project may have a significant impact on the environment and that an EIS/EIR is required. This determination has been made without the need for an Initial Study under CEQA or an Environmental Assessment under NEPA; hence, a specific delineation of the probable environmental effects is not provided. The EIS/EIR will address a broad spectrum of potential environmental effects including, but not limited to, those related to hydrology/water quality, biological/aquatic resources, cultural resources, earth resources, air quality, visual resources, agricultural resources, traffic, noise, land use, recreation, public services and utilities, and socioeconomics.

Appendix B
Public Scoping Meeting
Sign In Sheets

San Jose 9/10/08

un



Santa Clara Valley
Water District



San Luis Low Point Improvement Project

Public Scoping Meeting - September 2008

SIGN IN SHEET

Name: ROY E HART

Email: [signature]

Affiliation: _____

Telephone: 408-225-9146

Address: 5007 BOUGHAVILLEA DR

City: SAN JOSE State: CA Zip: 95114-3906

Name: MEG GIBERSON

Email: giberson@metgate.net

Affiliation: Guadalupe-Coyote Resource

Telephone: _____

Address: Conservation District

City: San Jose State: CA Zip: _____

Name: Gerry Cienfuegos

Email: g.cienfuegos@valleywater.org

Affiliation: SCVWD

Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

Name: John Wilkinson

Email: johnfw1@mac.com

Affiliation: _____

Telephone: 408-876-8295

Address: 210 S. F. 1st St. #309

City: San Jose State: CA Zip: 95113

Name: LARRY WILSON

Email: L.WILSON@EARTHLINK.NET

Affiliation: SCVWD

Telephone: 408 377-2904

Address: 5750 AMADOR EXPRESSWAY

City: SAN JOSE State: CA Zip: 95128

Name: EDDIE GUARACHA

Email: E.GUARACHA@PARKS.CA.GOV

Affiliation: CA STATE PARKS

Telephone: 831-623-4526

Address: 19 FRANKLIN ST / PO Box 787
SAN JUAN BAUTISTA 95045

City: SJB State: _____ Zip: 95045

Name: Big Sanchez

Email: _____

Affiliation: S-S-U-W-D

Telephone: _____

Address: 286-5th St

City: Georgetown State: CA Zip: 95026

San Jose 9/10/08



Santa Clara Valley
Water District



San Luis Low Point Improvement Project

Public Scoping Meeting - September 2008

SIGN IN SHEET

Name: MARIQUITA WEST Email: mqwest@earthlink.net
Affiliation: Sowest SC Co. League of women Voters Telephone: _____
Address: P O Box 634 City: Los Gatos State: CA Zip: 95030

Name: Daniel Olstein Email: dolstein@tnc.org
Affiliation: The Nature Conservancy Telephone: (415) 281-0422
Address: 201 Mission St. 4th Floor City: San Francisco State: CA Zip: 94105

Name: MIKE M^a BRIDE Email: MMCB66@AOL.COM
Affiliation: LAND OWNER Telephone: 408-238-3621
Address: 3453 HOLDERMAN DR City: SAN JOSE State: CA Zip: 95148

Name: Marguerite Boukez Email: margueriteb2@comcast.net
Affiliation: private person Telephone: _____
Address: 1327 Carlson Way City: San Jose State: CA Zip: 95118

Name: _____ Email: _____
Affiliation: _____ Telephone: _____
Address: _____ City: _____ State: _____ Zip: _____

Name: _____ Email: _____
Affiliation: _____ Telephone: _____
Address: _____ City: _____ State: _____ Zip: _____

Name: _____ Email: _____
Affiliation: _____ Telephone: _____
Address: _____ City: _____ State: _____ Zip: _____

San Jose 9/10/08



Santa Clara Valley
Water District



San Luis Low Point Improvement Project

Public Scoping Meeting - September 2008

SIGN IN SHEET

Name: Rod Someya

Email: rkomeya@gmail.com

Affiliation: _____

Telephone: _____

Address: _____

City: _____

State: _____

Zip: _____

Name: Scott Miller

Email: SMILLER@ALLIANCEROOFINGCAL.COM

Affiliation: NCCRF

Telephone: _____

408.261.2595

Address: 111 Belvue Dr

City: Los Gatos

State: CA

Zip: 95032

Name: Ken Schreiber

Email: Ken.Schreiber@pln.sccgov.org

Affiliation: SC Valley Habitat Plan

Telephone: _____

Address: _____

City: _____

State: _____

Zip: _____

Name: Art Henriques

Email: ahenriques@planning.sccgov.org

Affiliation: County of San Benito

Telephone: _____

831-637-5313

Address: 3224 Southside

City: Hollister

State: CA

Zip: 95023

Name: _____

Email: _____

Affiliation: _____

Telephone: _____

Address: _____

City: _____

State: _____

Zip: _____

Name: _____

Email: _____

Affiliation: _____

Telephone: _____

Address: _____

City: _____

State: _____

Zip: _____

Name: _____

Email: _____

Affiliation: _____

Telephone: _____

Address: _____

City: _____

State: _____

Zip: _____

Sacramento 9/11/08



Santa Clara Valley
Water District



San Luis Low Point Improvement Project

Public Scoping Meeting - September 2008

SIGN IN SHEET

Name: Janet Goldsmith Email: jgoldsmith
Affiliation: Kronick Moskowitz Telephone: 916 321-4500
Address: 400 Capitol Mall 27th City: Sac State: CA Zip: 95814

Name: Nannette Engelbrite Email: nannette.engelbrite@ncpa.com
Affiliation: NCPA Telephone: 916-781-4272
Address: 651 Commerce City: _____ State: _____ Zip: _____
Roseville, CA 95678

Name: Justin Frederickson Email: jfrederickson@cfbf.com
Affiliation: Q1. Farm Bureau Fed Telephone: 916-561-5673
Address: 2300 River Plaza Dr. City: Sac State: CA Zip: 95833

Name: Jeri Domingo Brewer Email: jdomingobrewer@mp.usbr.gov
Affiliation: USBR Telephone: 916 978-5198
Address: _____ City: Sacto State: _____ Zip: _____

Name: Michelle Light Email: milight@mp.usbr
Affiliation: USBR Public Affairs Telephone: _____
Address: _____ City: _____ State: _____ Zip: _____

Name: AMRIT SANDHU Email: A SANDHU @water.ca.gov
Affiliation: DWR Telephone: (916) 574-2661
Address: _____ City: _____ State: CA Zip: 95825

Name: Kevin Sun Email: ksun@water.ca.gov
Affiliation: DWR Telephone: 916-574-2652
Address: _____ City: _____ State: _____ Zip: _____

Sacramento ~~210~~ 9/11/08



Santa Clara Valley
Water District



San Luis Low Point Improvement Project

Public Scoping Meeting - September 2008

SIGN IN SHEET

Name: Joseph Terry Email: joseph-terry@fws.gov
Affiliation: U.S. Fish & Wildlife Service Telephone: 916-914-6528
Address: 2800 Cottage Way, Room W-2605 City: Sacramento State: CA Zip: 95825

Name: MOLLY WHITE Email: MWHITE@WATER.CA.GOV
Affiliation: DWR - SWP Operations Telephone: 916 574 2651
Address: 3310 El Camino Ave City: Sac State: CA Zip: 95821

Name: _____ Email: _____
Affiliation: _____ Telephone: _____
Address: _____ City: _____ State: _____ Zip: _____

Name: _____ Email: _____
Affiliation: _____ Telephone: _____
Address: _____ City: _____ State: _____ Zip: _____

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Address: _____ City: _____ State: _____ Zip: _____

Name: _____ Email: _____
Affiliation: _____ Telephone: _____
Address: _____ City: _____ State: _____ Zip: _____

Sacramento 9/11/08



Santa Clara Valley
Water District



San Luis Low Point Improvement Project

Public Scoping Meeting - September 2008

SIGN IN SHEET

Name: TRACY PETTIT

Email: PETTIT@WATER.CA.GOV

Affiliation: DWR

Telephone: 916 574-2662

Address: 3310 El Camino Ave

City: SAC

State: CA

Zip: 95821

Name: _____

Email: _____

Affiliation: _____

Telephone: _____

Address: _____

City: _____

State: _____

Zip: _____

Name: _____

Email: _____

Affiliation: _____

Telephone: _____

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Telephone: _____

Address: _____

City: _____

State: _____

Zip: _____



Santa Clara Valley
Water District



San Luis Low Point Improvement Project

Public Scoping Meeting - September 2008

SIGN IN SHEET

Name: Greg Martin Email: _____

Affiliation: _____ Telephone: _____

Address: _____ City: Los Banos State: CA Zip: 93635

Name: VERN MASSE Email: _____

Affiliation: _____ Telephone: 209-~~85~~ 538-4275

Address: _____ City: Mod State: CA Zip: 95351

Name: Gerald Hatter Email: ghatter@dfg.ca.gov

Affiliation: CA Dept of Fish & Game Telephone: 559-243-4014

Address: 1234 E. Shaw Ave, Fresno City: _____ State: _____ Zip: _____
93710

Name: LFE Seabright Email: LSeab@parks.ca.gov

Affiliation: CALIF STATE PARKS Telephone: (209) 826-496

Address: 31426 GOWERS RD City: Concord State: CA Zip: 95322

Name: Lynn Hunley Email: lhunley@valleywater.org

Affiliation: SCVWD Telephone: 408 202 2453

Address: _____ City: _____ State: _____ Zip: _____

Name: Bruce Hochuli Email: bhochuli@yahoo.com

Affiliation: SESSP Telephone: 559-658-7753

Address: 42262 Wild Stallion Ln City: Concord State: CA Zip: 93614

Name: Judi Tapra Email: jtapra@mp.usbr.gov

Affiliation: USBR Telephone: 559-487-5138

Address: 1243 N Street City: Fresno State: CA Zip: 93721

Submitted 9/11/08



Santa Clara Valley
Water District



San Luis Low Point Improvement Project

Public Scoping Meeting - September 2008

SIGN IN SHEET

Name: Charyce Hatler Email: ~~chatter@water.ca.gov~~ chatter@water.ca.gov
Affiliation: Dept. of Water Resources Telephone: (559) 230-3323
Address: 3374 E. Shields Avenue City: Fresno State: CA Zip: 93726

Name: _____ Email: _____
Affiliation: _____ Telephone: _____
Address: _____ City: _____ State: _____ Zip: _____

Name: _____ Email: _____
Affiliation: _____ Telephone: _____
Address: _____ City: _____ State: _____ Zip: _____

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Name: _____ Email: _____
Affiliation: _____ Telephone: _____
Address: _____ City: _____ State: _____ Zip: _____

Appendix C
Public Scoping Meeting
Advertisement Materials



San Luis Reservoir Low Point Improvement Project

SCH Number: 2002082020

Type: NOP - Notice of Preparation

Project Description

The San Luis Reservoir Low Point Improvement Project is a joint water supply reliability project of the Bureau of Reclamation (BOR), the San Luis Delta Mendota Water Authority (SLDMWA), and the Santa Clara Valley Water District (SCVWD). The purpose of the project is to address water supply reliability issues in the San Luis Reservoir associated with conditions occurring in summer months when water levels in San Luis Reservoir are low.

Project Lead Agency

Santa Clara Valley Water District

Contact Information

Primary Contact:

Kellye Kennedy
Santa Clara Valley Water District
(408) 202-2561
5750 Almaden Expressway
San Jose, CA 94118

Project Location

County: Santa Clara
City: Gustine
Region:
Cross Streets:
Parcel No:
Township:
Range:
Section:
Base:
Other Location Info:

Proximity To

Highways:
Airports:
Railways:
Waterways:
Schools:
Land Use:

Development Type

Water Facilities

Local Action

Project Issues

Wildlife, Water Supply, Water Quality, Vegetation, Traffic/Circulation, Recreation/Parks, Public Services, Noise, Landuse, Cumulative Effects, Aesthetic/Visual, Agricultural Land, Archaeologic-Historic

Reviewing Agencies (Agencies in **Bold Type** submitted comment letters to the State Clearinghouse)

Resources Agency; Department of Boating and Waterways; Department of Conservation; Reclamation Board; Department of Water Resources; Department of Fish and Game, Region 4; Department of Health Services; Delta Protection Commission; Native American Heritage Commission; State Lands Commission; Caltrans, District 10; State Water Resources Control Board; Regional Water Quality Control Board, Region 2; Regional Water Quality Control Bd., Region 5 (Fresno); San Francisco Bay Conservation and Development Commission

Date Received: 9/3/2008 **Start of Review:** 9/3/2008 **End of Review:** 10/2/2008

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LOCAL DIGEST

12

let Folklórico to perform at eaga's Super Save

Kelley Ballet Folklórico Los Angeles, the city's newest dance group, perform at Arteaga's Super Save, 6906 strut St., at 12:30 p.m. Sunday, during store's Customer Appreciation Day. "The dancers have worked hard all summer," said the instructor Leticia Ceja, who taught Folklórico in the Bay Area for more than 13 years. "This is a great opportunity to perform in the hometown for us and family."

The troupe, while based at Rod Kelley Elementary School at 8755 Kern Ave., is open to all children, ages 5 and older, in Gilroy. There are seven boys and girls representing not only Rod Kelley Elementary, but also Las Animas, Luigi A. Glen View and Rucker schools. Folklórico, often known for the dancers' full costumes, is a collective term for traditional Latin American dances that celebrate local folk culture. Each region in the southwestern United States and Central American countries is known for its own locally characteristic dances. Details: www.rodkelley.com. To schedule a group for a performance contact Corina at 847-1932, ext. 4920 or a.sapien@gusd.k12.ca.us.

Class of 1978 celebrates 30 years

Gilroy High School class of 1978 will write its 30th reunion Sept. 27, at the 7 Elks Lodge on Hecker Pass Highway. The event is 6 p.m., followed by a host of locally characteristic dances. There will be casino games, raffle, a survey results and photo opportunity. Also, join the reunion Web site at asso78.collectivex.com.

The cost is \$80. Send check or money order to GHS Class of 1978, 7751 Pinewood St., Gilroy, CA 95020. R.S.V.P. by Saturday.

'Day in the Country' benefits Gilroy Foundation

The 19th annual "Day in the Country" takes place Saturday.

Put on by the Gilroy Foundation, this year's theme is "A Night with the Rat Pack." Enjoy wine tasting hosted by local wineries, a silent auction and dinner followed by a live auction. The event will also feature dancing with live music.

This is the organization's largest fundraiser of the year and all profits go to support the programs of the Gilroy Foundation. For more than 25 years, the foundation has supported charitable organizations throughout Gilroy by offering grants to those with the greatest need.

Details and tickets: 842-3727 or e-mail iperales@gilroyfoundation.org.

Flea market benefits Gilroy Senior Center

A flea-market benefitting the Gilroy Senior Center takes place from 8 a.m. to 2 p.m. Saturday, in the Senior Center parking lot.

This event is a fundraiser for the center and spaces/stalls are still available to purchase for \$10 each. This is an opportunity to clean out garages and have some fun. Details: 846-0414.

Overeaters anonymous meets weekly in Morgan Hill

A free 90-day format of overeaters anonymous meets at 8 p.m. Tuesdays, beginning Sept. 9, at the LDS Church, 1790 E. Dunne Ave. There are no dues, fees or weigh-ins. Everyone is welcome. Details: 859-8654.

Public hearing on proposed Coyote Valley college campus

The Gavilan Joint Community College District board will consider the final certifi-

cation of the Environmental Impact Report on the proposed Coyote Valley community college campus project.

The project consists of the acquisition of approximately 55 acres in the Coyote Valley area of south San Jose, and the development and operation of a community college campus on the site.

The campus would be developed over a 20-year or longer time frame. It could eventually accommodate up to 10,000 students. The timing of construction is dependent upon enrollment growth and funding availability.

The meeting begins at 7 p.m. Tuesday, Sept. 9, in the Student Center, Gavilan College, 5055 Santa Teresa Blvd.

The final EIR is posted online at www.gavilan.edu/bond. Copies of the EIR may also be reviewed or obtained in the Gavilan College Library or the office of the president of the college.

Details: 848-4711 or e-mail kinsel@la.gavilan.edu.

Give blood and help save lives

Every week in September, there will be a drawing for a \$100 gas gift card. Grand prize drawing in September for all entries is a \$1,000 gas gift card.

Upcoming blood drives take place from 2 to 7 p.m. Tuesday in the cultural hall of the Church of Jesus Christ, Latter-day Saints, 1790 E. Dunne Ave., Morgan Hill, and from 1:30 to 6:30 p.m. Thursday, at the First Baptist Church, 8455 Wren Ave., Gilroy.

Details: Call 1-800-GIVE-LIFE or go to www.BeADonor.com.

Time to join Girl Scouts

Gilroy Girl Scouts invites girls ages 5 to 17 to register from 4 to 7 p.m. Thursday, at the Wheeler Community Center Multipurpose Room, 7351 Rosanna St. Annual membership is \$10.

Girl Scouts is a great way for girls to have fun, experience new things and gain leadership skills that they'll carry throughout their lives. All are welcome. Adult volunteers are also encouraged to join.

Details: Maria Trapis at 287-4170, ext. 270, mtrapis@girlscoutsnorcal.org

or Delores Pickford at registrar@gilroy-girlscouts.org.

Learn more about perchlorate

The Perchlorate Community Advisory Group meets from 2 to 4 p.m., Sept. 12, at the San Martin Lion Club Hall, 12415 Murphy Ave. Details: www.smnighbor.org.

Dreampower Horsemanship celebrates with spaghetti feed

Dreampower Horsemanship celebrates its six-year anniversary from 4 to 8 p.m., Saturday, Sept. 14 at the Morgan Hill Grange (40 East 4th St., Morgan Hill). Cost is \$20 for adults, \$15 for children 10 and younger. Each dinner plate includes one raffle ticket. Details: 686-0535.

Volunteer to help clean California's coastlines

California State Parks is joining communities and organizations throughout the state to participate in the 23rd Annual California Coastal Cleanup Day Saturday, Sept. 20. California Coastal Cleanup Day is one of the premier volunteer events in the country. On this day, 50,000 volunteers clean more than 700 sites statewide in what has been hailed by the Guinness Book of World Records as "the largest garbage collection." Since the program started in 1985, more than 750,000 Californians have removed more than 12 million pounds of debris from our state's shorelines and coast. When combined with the International Coastal Cleanup, organized by The Ocean Conservancy and taking place on the same day, California Coastal Cleanup Day becomes part of one of the largest volunteer events of the year.

To participate, volunteers can contact parks and beaches in their community or call the statewide coordinator of the event, the California Coastal Commission, at (800) COAST-4U or www.coastforyou.org. Locally, contact Keith Higgins at khiggins@kbhiggins.com, 848-4356. Details: www.coastal.ca.gov

Send digest items to raireid@gilroydispatch.com

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Santa Clara Valley Water District

public notice

Topic: San Luis Reservoir Low Point Improvement Project - Notice of Preparation and Public Meeting announcement

Who: Santa Clara Valley Water District (SCVWD), San Luis and Delta Mendota Water Authority (SL&DMWA), and the United States Bureau of Reclamation (BOR)

When: The public scoping period (to gather comments and opinions from the public) will start on August 29 and end on October 15, 2008. Public agencies and interested community members are encouraged to participate in the Environmental Impact Report (EIR/EIS) feedback process to assist SCVWD, SL&DMWA, and BOR in determining the range of issues to be addressed in the EIR/EIS. The "Notice of Preparation for the Draft Environmental Impact Report/Environmental Impact Statement, San Luis Reservoir Low Point Improvement Project" (NOP) can be obtained on the SCVWD's website at www.valleywater.org. Click on the link, "CEQA documents under public review" under quick links, on the home page. Please submit any written comments no later than 5 p.m., October 15, 2008 to:

Santa Clara Valley Water District
Attn: Ms. Kelly Kennedy
1750 Almaden Expressway
San Jose, CA 95118
or by e-mail at: KKennedy@valleywater.org

Why: The San Luis Reservoir Low Point Improvement Project is a joint water supply reliability project of the BOR, the SL&DMWA, and the SCVWD. The purpose of the project is to address water supply reliability issues in the San Luis Reservoir associated with conditions occurring in summer months when water levels in San Luis Reservoir are low. The low point issue arises when water levels fall below 300 thousand acre-feet, creating water quality and supply reliability restrictions that have the potential to interrupt water deliveries for all south of delta connections of the SL&DMWA and SCVWD. Specifically, the problems to be addressed by this project are delivery schedule certainty and water supply reliability.

The BOR is the lead agency for compliance with the federal Environmental Policy Act (NEPA) and SCVWD is the lead agency for compliance with the California Environmental Quality Act (CEQA). The lead agencies are working together to provide ample opportunity for public disclosure and participation in the planning and decision-making process.

The purpose of the EIR/EIS process is to evaluate impacts of and alternatives for this project, and to avoid and/or lessen the impact of significant adverse effects on environmental resources. Environmental and other issues that will be analyzed in depth in the EIR/EIS include potential adverse effects on vegetation and wildlife resources, endangered species, aesthetics, cultural resources, recreation, land use, agricultural resources, fisheries, water quality, air quality, transportation, socioeconomic, social justice, and cumulative effects.

This is the second NOP and scheduled public meetings for the project. The SCVWD issued an NOP for a similar project on August 1, 2002. The participating agencies conducted scoping meetings, and the results of those meetings have been incorporated into the Low Point Project. After publishing the initial NOP, the focus for the Low Point Project has broadened, which has resulted in new planning objectives. The agencies decided to re-issue the NOP and conduct new scoping meetings because of the length of time that has passed and the change in project objectives.

Public meetings: Three public scoping meetings are scheduled to get feedback from community members and organizations:

Meeting 1
Date: Wednesday, September 10
Time: 5:30 p.m. - 7:30 p.m.
Place: Rose Garden Library
1580 Naglee Avenue
San Jose, CA

Meeting 2
Date: Thursday, September 11
Time: 10:00 a.m. - 12:00 p.m.
Place: Federal Building
2800 Cottage Way
Sacramento, CA

Meeting 3
Date: Thursday, September 11
Time: 6:00 p.m. - 8:00 p.m.
Place: Miller-Lux Community Center
830 6th Street
Los Banos, CA

Your comments will help us identify potential issues and achieve our objectives concerning the San Luis Reservoir Low Point Improvement Project. Staff from the SCVWD, SL&DMWA, and BOR will be able to answer your questions, concerns and comments.

For more information on this project, contact Ms. Kelly Kennedy at (415) 447-1534, or by e-mail at: KKennedy@valleywater.org.

WWW.VALLEYWATER.ORG
408.263.0001 PROTECTING YOUR FUTURE

Faded stop sign has resident worried about neighborhood safety

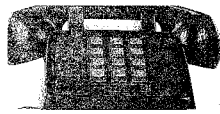
A loyal Red Phone informant worried this week how trusty citizens on roads will know whether to stop at an intersection where the formerly bright stop sign is faded, the letters barely visible.

The danger spot is at the intersection Westside Boulevard and Karen Ur, she reports, and our curious lert asked why the sign hadn't been replaced yet, considering all the vehicles it just drive on through as if they didn't notice the eight-sided, metallic object that traditionally signals a halt; motion.

Is a general subverter of potential us in Hollister, the Red Knight has no more compelling questions about s case.

or instance, while our curious caller pressed concern about safety in the a and focused her attention on drivers o miss the sign altogether, the caped sader wonders about the innocent resnts who merely misread the words and form other, irrelevant actions. The list possibilities is endless, and it only rts with "Stomp."

Hollister Street Supervisor Ray Rojas



RED PHONE 635.9219

worries, too. Maybe not as much about our hero's unusual concerns. But when there's a sign out there in Hollister that's battered or worn, Rojas said city street division workers respond and get the problems fixed. He said they'll come right on out when citizens call in to complain.

While crews routinely address damaged signs as they're reported, Rojas also noted how the city in the past five years has undergone a comprehensive replacement of street-name signs - he touted their "diamond grade" - and they're almost finished with all of them.

Stop signs, he pointed out, are more expensive to replace. The city has started a broader replacement of those as well - mostly on congested roads. But with higher costs, it's been a slower progression, he said.

Alleged thief leaves clue - his signature

ASSOCIATED PRESS

A CITY, IOWA
Police didn't have much trouble finding a man used of using a stolen dit card - he signed own name on one of receipts.

he 21-year-old Iowa y man is accused of

using the credit card to buy a latte at a coffee house and to buy cigarettes at a tobacco store. When he used the allegedly stolen credit card to buy the smokes, he signed the receipt with his own signature.

Police said he also tried to use the credit card to buy \$154.21 worth of mer-

chandise at another downtown store, but it came up as stolen. Then he presented his own identification.

When officers finally caught up with him at a deli, he allegedly admitted to using the card but denied taking it. The man told police he found the credit cards in his living room after a party.

Santa Clara Valley
Water District



public notice

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Who: Santa Clara Valley Water District (SCVWD), San Luis and Delta Mendota Water Authority (SL&DMWA), and the United States Bureau of Reclamation (BOR).

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Place: Milpitas Community Center
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Los Banos, CA

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For more information on this project: Contact Ms. Kelly Kennedy at (916) 447-1534, or by e-mail at: KKennedy@valleywater.org.

WWW.VALLEYWATER.ORG
HOLLISTER (916) 635-9219

BREEN ■ To all the 937 households

CONTINUED FROM B-1

Santa Clara has more than \$1,000 such households; San Francisco has more than 11,000; Marin has about 7,000.

Still, 937 households are doing really, really well on paper, in particular.

I am trying my best to bump that number to 938 by buying a Lotto ticket at Nob Hill whenever I have a spare dollar. I don't need to be a millionaire to be happy, but I'd be happy if I were a millionaire. The people I could help; the local causes I could support; the tanks of gas I could afford...

My chosen dual careers-teacher and newspaper writer-are among the lowest-paying professions. The path I am on pretty much guarantees that I won't join the ranks of the rich. And that's OK.

I've got a house, and a family, and my

I've got a house, and a family, and my health, and my hair.

health, and my hair. I love what I do, even if I don't love what I get paid. I love my community and wouldn't move if I could. I wouldn't trade job happiness and the ability to spend time with my family for a higher net worth and a job that ties me to a desk 60 hours a week.

So to all 937 local households who are millionaires, congratulations on your hard work (or blind luck and family ties, I don't know). Your net worth says you are doing well. I hope you also use that money to do some good.

Adam Breen teaches newspaper and yearbook at San Benito High School and writes for The Pinnacle newspaper. He is former editor of the Free Lance.

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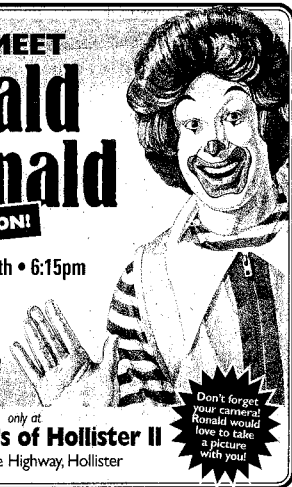
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Music and movies coming to the downtown

Downtown Association hosts September Saturdays

NATALIE EVERETT, STAFF WRITER
everett@morgantimes.com

RGAN HILL

The Morgan Hill Downtown Association's latest art to breathe life into Monterey Road will start Sunday. The association will hold live music and movie nights at the Community Cultural Center starting 6:30 p.m. Saturday night.

Dubbed "September Saturdays," the events are aimed at bringing people downtown,

says association executive director Jorge Briones.

"Having the free outdoor movies is an opportunity to do something in town that is long overdue," Briones said. The Friday Night Music Series, held downtown on West Second Street along Monterey Road through the summer, is great, Briones said, "but what



JORGE BRIONES

SEPT. SATURDAYS

What: September Saturdays: live music followed by a movie

When: 4:30 p.m. - first three Saturdays of September

Where: The Community and Cultural Center's amphitheater, 17000 Monterey Road

Details: Danielle Boulger, 779-3190

we're doing with this is pretty different."

Briones said the association has lured '60s rock and Motown group Cannibal & The Headhunters for the event, which will be held in the center's amphitheater. Following the band's two-hour performance, it will be replaced with a movie screen, which will play the 1980s classic movie "Ferris Bueller's Day Off" starring Matthew Broderick, starting at 8 p.m.

Hot Java owner Bill Quenneville said that even though the Community and Cultural Center isn't in his opinion downtown, and probably won't increase

business on his end of Monterey, he's in full support of September Saturdays.

Briones said the merchants had banded together to keep the Chamber of Commerce-sponsored music series at its downtown location, a move that the association supported. But, he said, September Saturdays is an entirely different event - one that's perfectly suited for the amphitheater. It's a contained, controlled environment, making it conducive to serving the wine and beer that will be served during the music portion of the

evening, Briones said. Also, the stage, electrical and seating elements are already in place there.

"It works much better from a logistical point of view," Briones said.

On Sept. 13, Greg Camp of Smashmouth will perform followed by an 8 p.m. showing of E.T.: The Extra-Terrestrial. On Sept. 20, the jazz band Scion will perform followed by an 8 p.m. showing of Goonies.

Natalie Everett covers education and city issues for The Times. Reach her at (408) 779-4196, ext. 251, or neverett@morgantimes.com.

News Briefs

Man charged in re scam

Sabrina Adams, 37, is accused of running a "veetheart scam" on a year-old Santa Clara County man, in which she

ruined the elderly victim's life by giving her approximately \$50,000 over a three-month period, by taking his heart.

Adams is charged with counts of theft from an elder and a single count of grand theft stemming from a series of lies she began with a "chance meeting" at a Santa Clara County Center.

If anyone has any information about the case, contact Sgt. Hoising at Santa Clara Police Department at (408) 615-1818.

Proper sharp disposal mandatory

As of Sept. 1, it is now illegal to place used home generated sharps—needles, syringes and lancets that are used to manage home medical care—in the trash under Senate Bill 1305 (Figueroa).

The new law mandates that used sharps should be placed in an approved sharps container, which can be found at pharmacies. Once full, the containers should be brought to a pre-approved drop location.

Among the approved drop-off locations for home-generated sharps are the County of Santa Clara's Health and Hospital Services and Santa Clara Valley Medical Center. In addition, many health care providers and hospitals will be accepting used sharps from their patients.

To find a list of approved sharps retail take-back partners, go to www.hhw.org or call 408-299-7300. If your pharmacy is not an approved

drop off location, ask them to become a Retail Sharps Take-back partner.

New county crime lab dedicated

The Santa Clara County District Attorney's Office held a ribbon-cutting ceremony Sept. 3 to dedicate the county's new Crime Laboratory at 250 West Hedding St., in San Jose.

The ceremony featured comments from Congressman Mike Honda, Chairman of the Board of Supervisors, Peter McHugh and District Attorney Dolores Carr.

Attendees of the dedication were treated to a tour of the new facility.

Downtown association needs volunteers

The Morgan Hill Downtown Association is in need of volunteers. The nonprofit group has a three-part series event beginning Saturday called September Saturdays, "Music Under the Sun,

looking for volunteers for the following work areas and hours:

- Beer and wine pourers (must be 21 or older) TIME: 4-8 p.m.
- Cashiers (must be 18 or older) TIME: 4-8 p.m.
- ID check/wristbands (must be 18 or older) TIME: 4-8 p.m.
- Water, candy and popcorn sales (16 and older) TIME: 4-9:30 p.m.
- MHDA information booth (18 and older) TIME: 4-9:30 p.m.
- Stagehands (must be 16 and older) TIME: 3-10 p.m.

If you are interested in helping out in any of these areas, please contact Danielle Boulger. You can sign up for all three dates or just one.

Details: Danielle Boulger, 779-3190.

Skate park no longer on track

Plans for the Centennial Recreation Center's skate park were delayed Wednesday night, when the Morgan Hill City Council rejected the three bids received for the project's construction. Bids received were about \$160,000 more than city staff expected. Staffers expect that by splitting up the construction into two parts, the skate park portion and the parking lot portion, will allow more contractors to bid and increase chances of lower bids. The rebidding process will delay the project about a month, with a May completion date instead of April.

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public notice

Topic: San Luis Reservoir Low Point Improvement Project - Notice of Preparation and Public Meeting announcement

Who: Santa Clara Valley Water District (SCVWD), San Luis and Delta Mendota Water Authority (SL&DMWA), and the United States Bureau of Reclamation (BOR).

When: The public scoping period (to gather comments and opinions from the public) will start on August 29 and end on October 15, 2008. Public agencies and interested community members are encouraged to participate in the Environmental Impact Report/Environmental Impact Study (EIR/EIS) feedback process to assist SCVWD, SL&DMWA, and BOR in determining the range of issues to be addressed in the EIR/EIS. The "Notice of Preparation for the Draft Environmental Impact Report/Environmental Impact Statement, San Luis Reservoir Low Point Improvement Project" (NOP) can be obtained on the SCVWD's website at www.valleywater.org. Click on the link, "CEQA documents under public review" under quick links, on the home page. Please submit any written comments no later than 5 p.m., October 15, 2008 to:

Santa Clara Valley Water District
Attn: Ms. Kelly Kennedy
5750 Almaden Expressway
San Jose, CA 95118
or by e-mail at: KKennedy@valleywater.org

Why: The San Luis Reservoir Low Point Improvement Project is a joint water supply reliability project of the BOR, the SL&DMWA, and the SCVWD. The purpose of the project is to address water supply reliability issues in the San Luis Reservoir associated with conditions occurring in summer months when water levels in San Luis Reservoir are low. The low point issue arises when water levels fall below 300 thousand acre-feet, creating water quality and supply reliability restrictions that have the potential to interrupt water deliveries for all south of delta contractors of the SL&DMWA and SCVWD. Specifically, the problems to be addressed by this project are delivery schedule certainty and water supply reliability.

The BOR is the lead agency for compliance with the federal Environmental Policy Act (NEPA) and SCVWD is the lead agency for compliance with the California Environmental Quality Act (CEQA). The lead agencies are working together to provide ample opportunity for public disclosure and participation in the planning and decision-making process.

The purpose of the EIR/EIS process is to evaluate impacts of and alternatives for this project, and to avoid and/or lessen the impact of significant adverse effects on environmental resources. Environmental and other issues that will be analyzed in depth in the EIR/EIS include potential adverse effects on vegetation and wildlife resources, endangered species, aesthetics, cultural resources, recreation, land use, agricultural resources, fisheries, water quality, air quality, transportation, socioeconomic, social justice, and cumulative effects.

This is the second NOP and scheduled public meetings for the project. The SCVWD issued an NOP for a similar project on August 1, 2002. The participating agencies conducted scoping meetings, and the results of those meetings have been incorporated into the Low Point Project. After publishing the initial NOP, the focus for the Low Point Project has been broadened, which has resulted in new planning objectives. The agencies decided to re-issue the NOP and conduct new scoping meetings because of the length of time that has passed and the change in project objectives.

Public meetings: Three public scoping meetings are scheduled to get feedback from community members and organizations.

Meeting 1
Date: Wednesday, September 10
Time: 5:30 p.m. - 7:30 p.m.
Place: Rose Garden Library
1580 Naglee Avenue
San Jose, CA

Meeting 2
Date: Thursday, September 11
Time: 10:00 a.m. - 12:00 p.m.
Place: Federal Building
2800 Cottage Way
Sacramento, CA

Meeting 3
Date: Thursday, September 11
Time: 6:00 p.m. - 8:00 p.m.
Place: Miller-Lux Community Center
830 6th Street
Los Banos, CA

Your comments will help us identify potential issues and achieve our objectives concerning the San Luis Reservoir Low Point Improvement Project. Staff from the SCVWD, SL&DMWA, and BOR will be able to answer your questions, concerns and comments.

For more information on this project: Contact Ms. Kelly Kennedy at (916) 447-1534, or by e-mail at: KKennedy@valleywater.org.

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State News

No dismissal in cyberbullying case

WOMAN ACCUSED OF HARASSING GIRL, 13

By Thomas Watkins

Associated Press Writer

LOS ANGELES — A federal judge Thursday tentatively rejected two motions to dismiss charges against a woman in a MySpace hoax that prosecutors allege led to a 13-year-old girl's suicide.

U.S. District Judge George H. Wu said during a hearing that he intends to take more time to consider a third motion to dismiss the case against Lori Drew of O'Fallon, Mo.

She is accused of helping create a false identity account on the social-networking site, then posing as a teenage boy and befriending her young neighbor, Megan Meier.

Drew, her teenage daughter and another teen took part in the hoax and sent cruel messages shortly before Meier hanged herself in 2006, authorities said.



Drew

The government wants to prosecute Drew under the Computer Fraud and Abuse Act, which has never before been used in connection with a Web site's terms of service prohibiting misrepresentation by users setting up new accounts.

Prosecutors have filed voluminous motions arguing the statute can be used against cyberbullying, though it has traditionally been used for crimes such as hacking into computers.

In one motion, defense attorney H. Dean Steward ar-

gued the indictment should be dismissed because it was vague and prosecutors were bending the cybercrime statute to prosecute his client.

Another motion challenged the government's authority to prosecute the case, and a third said prosecutors failed to state an offense.

Steward also argued that almost no one ever reads the legal language about setting up new accounts, so his client had no way of knowing if she was breaking any law.

"You really have to do a dance to get into a position where the common citizen would have known this was a felony," Steward said.

U.S. Attorney Mark Krause countered that circumstantial evidence suggested Drew knew what she had done was wrong because she allegedly destroyed evidence of creating the account.

Drew pleaded not guilty after being indicted by a federal grand jury.

Wu tentatively rejected the motions claiming vagueness and that prosecutors were overstepping their power. He plans to consider the motion that prosecutors had failed to state an offense before making a final ruling on all three motions within a few days.

He set an Oct. 7 trial date. Drew did not speak during the 90-minute hearing. She and Steward left the federal courthouse without speaking to reporters.

Meier hanged herself after allegedly receiving messages saying the world would be better off without her. She was being treated for attention deficit disorder and depression.

Authorities in Missouri did not file any charges because at the time they could not find any laws that applied. The case is being prosecuted in Los Angeles because MySpace computer servers are based in the area.

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public notice

Topic: Santa Clara Valley Water District - Notice of Preparation and Public Meeting announcement

Who: Santa Clara Valley Water District (SCVWD), San Luis and Delta Mendota Water Authority (SLDMWA), and the United States Bureau of Reclamation (BOR).

When: The public scoping period (to gather comments and opinions from the public) will start on August 28 and end on October 15, 2008. Public agencies and interested community members are encouraged to participate in the Environmental Impact Report (EIR/ES) feedback process to assist SCVWD, SLDMWA, and BOR in determining the range of issues to be addressed in the EIR/ES. The "Notice of Preparation for the Draft Environmental Impact Report/Environmental Impact Statement, San Luis Reservoir Low Point Improvement Project" (NOP) can be obtained on the SCVWD's website at www.valleywater.org. Click on the link, "CEQA documents under public review" under quick links, on the home page. Please submit any written comments no later than 5 p.m., October 15, 2008.

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Place: Rose Garden Library, 1580 Naglee Avenue, San Jose, CA

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Date: Thursday, September 11

Time: 10:00 a.m. - 12:00 p.m.

Place: Federal Building, 2000 Cottage Way, Sacramento, CA

Meeting 3

Date: Thursday, September 11

Time: 6:00 p.m. - 8:00 p.m.

Place: Miller-Lux Community Center, 830 6th Street, Los Banos, CA

Your comments will help us identify potential issues and achieve our objectives concerning the San Luis Reservoir Low Point Improvement Project. Staff from the SCVWD, SLDMWA, and BOR will be able to answer your questions, concerns and comments.

For more information on this project, contact Ms. Kathy Kennedy at (408) 447-1534, or by e-mail at kkennedy@valleywater.org

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IRAQ | Parliament returns Accord sought on election, U.S. pact

Associated Press

BAGHDAD - Iraqi lawmakers end their summer break this week facing urgent tasks of approving a new election law and signing off on a still-unfinished security pact with the United States - key steps in laying the foundation for a lasting peace.

The 275-member legislature failed last month to approve a law providing for provincial elections this fall after Kurds objected to a power-sharing arrangement for the oil-rich area around Kirkuk, which they want to incorporate into their self-ruled region in the north.

U.N. and Iraqi election officials warn the balloting cannot be held this year unless parliament approves the measure quickly after it reconvenes Tuesday.

But weeks of private meetings and contacts among Sunni Arab, Shiite and Kurdish lawmakers have failed to produce any breakthrough on the issue, and it was unclear whether the bill would win speedy approval.

U.S. and Iraqi officials believe new elections in Iraq's 18 provinces are an essential step to building a long-term peace among the country's rival religious and ethnic communities. Voters will choose provincial councils, which wield considerable power at the local level.

Many Sunnis and some Shiites boycotted the last provincial election, in January 2005, enabling Shiite religious parties and the Kurds to win a disproportionate share of power at the expense of the Sunnis.

However, parliament Deputy Speaker Khalid al-Attiyah

expressed doubt that the assembly would be able to approve the election bill quickly.

"I am frustrated with the performance of parliament," said al-Attiyah, a Shiite. "There are many laws that should have been passed, but parliament failed to do so. The election bill is still a problem, and we are pressed for time."

He said that if the legislature can't enact a new law, the current provincial administrations will be "illegitimate" and "this will lead us into a new political crisis."

Sunni lawmaker Adnan al-Dulaimi said further delays in the election bill "will create a new crisis, a big one" because political groups that were organized after the last balloting will feel they are being denied a role in government.

During the upcoming session, parliament must also ratify a security agreement between the United States and Iraq governing the status of U.S. troops in the country after the U.N. Security Council mandate expires at the end of the year.

But the talks have hit an impasse over U.S. insistence on retaining sole legal jurisdiction over American troops in Iraq and differences over a schedule for the departure of the U.S. military.

Iraqi officials want all foreign troops out by the end of 2011.

Once the two governments sign off on the deal, parliament must ratify it, a process that could lead to lengthy and acrimonious debates in a legislature where major factions lack the party discipline to ensure speedy approval.

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Public Open House Scoping Meetings Planned for San Luis Low Point Improvement Project

The Bureau of Reclamation and Santa Clara Valley Water District (SCVWD) are preparing an Environmental Impact Statement /Environmental Impact Report (EIS/EIR) for the San Luis Low Point Improvement Project (SLLPIP).

This "low point" issue affects the ability to provide reliable water supplies and deliveries from San Luis Reservoir. In addition, maintaining water levels to avoid low point issues would limit available supplies. Fixing the San Luis low point issue would improve ability to deliver water. A Draft EIS/EIR is expected to be available in winter 2009/2010.

Three public scoping meetings are being held to solicit public input on the development of the EIS/EIR, including anticipated resources, alternatives, and significant concerns and issues. The Open House Scoping Meetings are scheduled as follows:

San Jose - Wednesday, September 10, 2008, 5:30 - 7:30 p.m., San Jose Public Library Rose Garden Branch, 1580 Naglee Ave

Sacramento - Thursday, September 11, 2008, 10 a.m. - Noon, Federal Building, 2800 Cottage Way, Room C-1001

Los Banos - Thursday, September 11, 2008, 6 - 8 p.m., Miller and Lux Building, 830 Sixth Street

Attendees are welcome to arrive at any time during the Open House hours. Reclamation staff at several booths will answer questions and receive written comments.

Written comments on the scope of the Draft EIS/EIR should be received by Wednesday, October 15, 2008, and sent to Mr. Louis Moore, Bureau of Reclamation, 2800 Cottage Way, MP-140, Sacramento, CA 95825-1898, or e-mailed to lmoores@imp.usbr.gov, or faxed to 916-978-5114.

For additional information, please contact Mr. Duane Stroup, Project Manager, at 916-978-5075 or e-mail dstroup@imp.usbr.gov.

Appendix D
Public Scoping Meeting
Displays and Handouts



San Luis Low Point Improvement Project

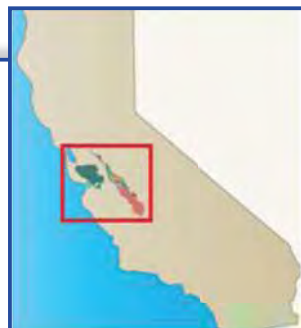
Project Orientation – San Luis Reservoir



With a storage capacity of over 2 million acre-feet, San Luis Reservoir is one of California's largest off-stream reservoirs and is a key element of the State's water supply system.

Water from the Sacramento-San Joaquin Delta is delivered to San Luis Reservoir via the California Aqueduct and Delta-Mendota Canal for storage. In the summer months, water is released from San Luis Reservoir for use by the Federal and State water projects.

EIS/EIR Study Area



The Study Area for the San Luis Low Point Improvement Project consists of:

- San Luis Reservoir;
- The San Felipe Division of the Central Valley Project (CVP), which includes Santa Clara Valley Water District, San Benito County Water District, and Pajaro Valley Water Management Agency; and
- The CVP service areas of the San Luis and Delta-Mendota Water Authority (SLDMWA).



What is NEPA/CEQA?

Environmental Review Purpose

Compliance activities associated with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) will:

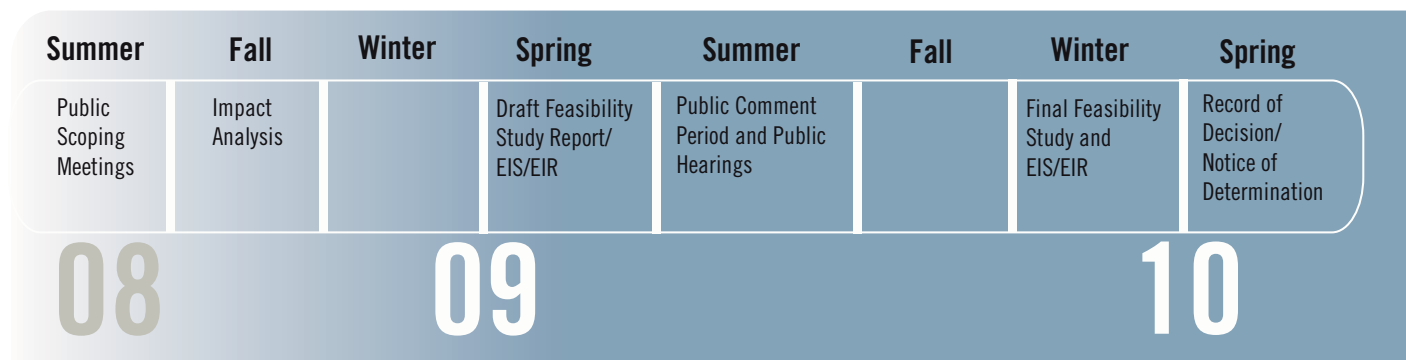
- Evaluate reasonable alternatives that could reduce or avoid environmental impacts
- Provide information for public review and comment
- Identify significant environmental impacts
- Develop mitigation (ways to reduce or avoid environmental impacts)
- Communicate to decision makers the impacts, mitigation, and public comments

What is Scoping?

Public scoping serves to include agencies, stakeholders, and the interested public in the decision-making process and to allow full environmental disclosure. The Bureau of Reclamation (NEPA lead) and the Santa Clara Valley Water District (CEQA lead) invite stakeholder and public input on environmental considerations as part of the scoping process of the Draft EIS/EIR.

Scoping helps to identify and refine:

- Potential options and alternatives
- Potential environmental impacts
- Potential mitigation measures





Project Objectives

Optimize the water supply benefits of San Luis Reservoir while reducing additional risks to water users by:

- Avoiding supply interruptions when water is needed by increasing the certainty of meeting the requested delivery schedule throughout the year to south-of-Delta contractors dependent on San Luis Reservoir.
- Increasing the reliability and quantity of yearly allocations to south-of-Delta contractors dependent on San Luis Reservoir.
- Announcing higher allocations earlier in the season to south-of-Delta contractors dependent on San Luis Reservoir without sacrificing accuracy of the allocation forecasts.

The San Luis Low Point Improvement Project may provide opportunities for ecosystem restoration.





Environmental Issues/ Resources Addressed

Hydrology and Water Quality

- Water deliveries
- Water quality

Biological Resources

- Impacts to Federal and State listed species and habitat
- Habitat Conversion
- Impacts to Wetlands

Construction Impacts

- Dust and Air Quality
- Noise

Land Use and Socioeconomics

- Agricultural Land Conversion
- Recreation
- Cultural Resources

Traffic Impacts

Physical Resources

- Geology, soils, and seismicity
- Visual resources
- Air quality

Cumulative Effects

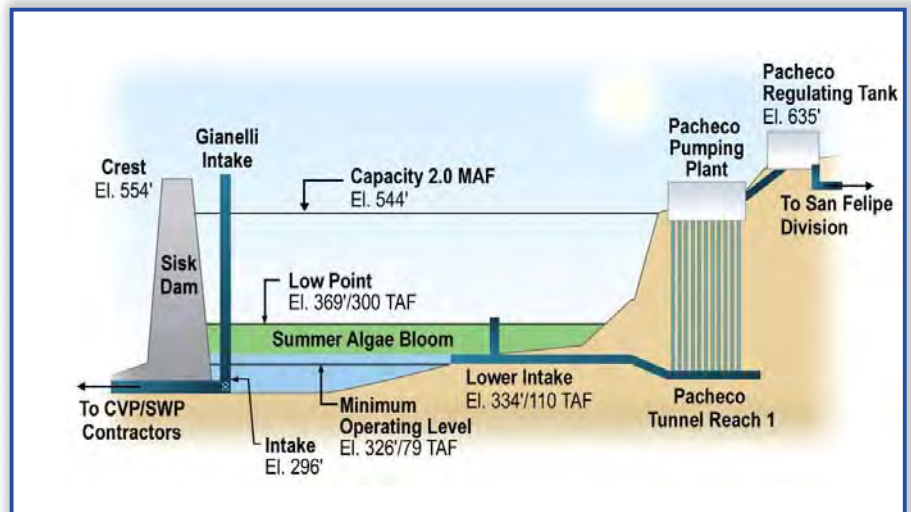




The Low Point Issue

Under regular operations, water is released from San Luis Reservoir to the State Water Project (SWP), the Central Valley Project (CVP), and the San Felipe Division (SFD) of the CVP.

- As the San Luis Reservoir is drawn down during the summer and into the late fall (when water supplies are needed most), a thick layer of algae (as much as 35 feet thick) grows on the surface.
- As the water level lowers, this algae gets captured by SFD intakes.
- The algae degrades water quality and makes water more difficult to treat.
- As a result, **San Felipe Division deliveries can be interrupted when the reservoir falls below 300,000 acre-feet.**
- These delivery interruptions are critical because the San Luis Reservoir is the only CVP water source that SFD contractors can access.



Potential effects of these issues include:

- Interruption of water deliveries to domestic, industrial, and agricultural users
- Interruption of water deliveries used to replenish groundwater supplies
- Blockage of agricultural irrigation systems
- Reduced ability to treat water effectively
- Increased water treatment costs
- Taste and odor problems

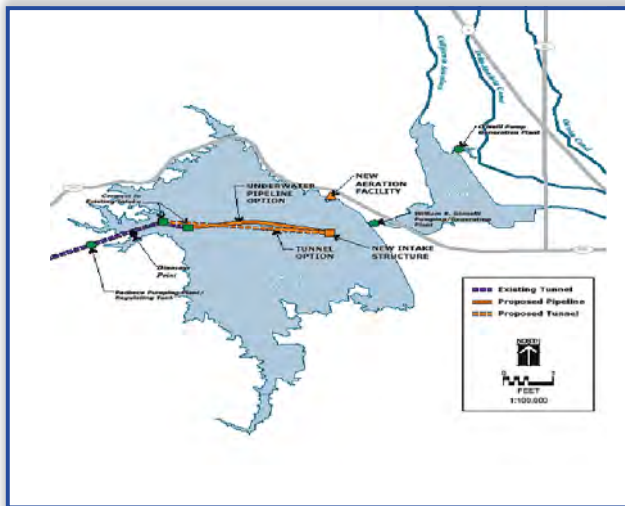


Comprehensive Plans Under Consideration

A range of 88 management measures were identified through initial studies and public input. These measures were combined into 17 alternatives and further screened for their feasibility and their ability to meet project objectives. This list represents the four alternatives that are the result of a multi-level screening process and will be fully analyzed in the environmental review process.

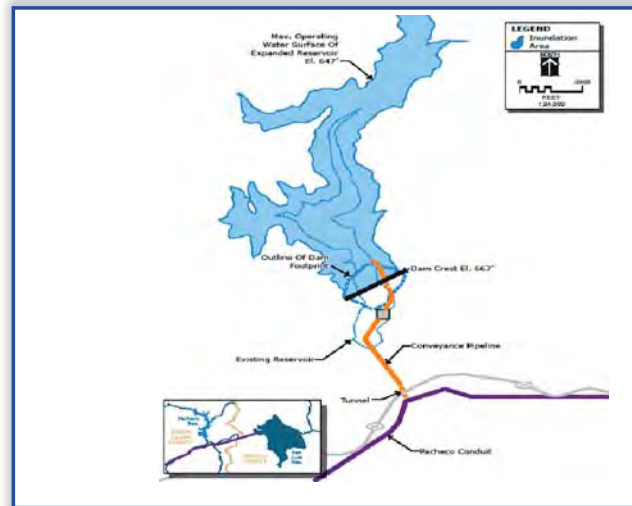
Lower San Felipe Intake

- A new intake would be constructed and connected to the existing San Felipe Division Intake to allow operation of San Luis Reservoir below the 300,000 acre-foot level without creating the potential for a water supply interruption to the San Felipe Division.



Pacheco Reservoir Expansion

- A new dam and reservoir would be constructed on Pacheco Creek to store San Felipe Division supplies for delivery during low point months. The new dam and reservoir would inundate the existing 6,000 acre-foot Pacheco Reservoir, owned and operated by the Pacheco Pass Water District. Two alternative sizes are being considered; an 80,000 acre-foot reservoir and a 130,000 acre-foot reservoir. The new reservoir would permit full exercise of San Luis Reservoir while avoiding supply interruptions.



Combination Comprehensive Plan

- Includes multiple structural components and management measures to maximize operational flexibility and supply reliability in the San Felipe Division, including increased groundwater aquifer recharge and recovery capacity, desalination, re-operation of Santa Clara Valley Water District raw and treated water systems, and institutional measures. The Combination Comprehensive Plan relies on these new local supplies and stored reserves in the San Felipe Division during low point supply interruptions to meet demands and allow full exercise of San Luis Reservoir.

No Project/ No Action

- Examines the impacts of taking no action (or not implementing the project).



San Luis Low Point Improvement Project

PUBLIC SCOPING OPEN HOUSE – SEPTEMBER 2008

Purpose of Public Scoping

Public scoping is a vital component of the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) processes. Public scoping serves to include agencies, stakeholders, and interested public in the decision-making process and to allow full environmental disclosure and provide decision makers with insight on the analyses that agencies, stakeholders, and interested public believes should be considered as part of the environmental review process. For the San Luis Low Point Improvement Project, the Bureau of Reclamation is the agency lead for the NEPA process and the Santa Clara Valley Water District (SCVWD) is the agency lead for the CEQA process. These scoping meetings will assist Reclamation and the SCVWD in obtaining information that will focus the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on significant issues.

Scoping allows agencies, stakeholders, and interested parties to identify or suggest:

- resources to be evaluated
- issues that may require environmental review
- reasonable alternatives to consider
- potential mitigation (ways to reduce or avoid environmental impacts) if significant adverse effects are identified

Meeting Format

During the Open House public scoping meetings, agency personnel from Reclamation and SCVWD, along with consultant staff, will be present at the various information stations to discuss the project alternatives and gather public comments. Participants can visit information stations and ask representatives questions and/or provide comments. You can provide comments at each station on the flip charts provided, on the comment card, or you can fax comments to (916) 978-5114 Attn. Louis Moore.

Information Stations

- Project Orientation
- What is a NEPA/CEQA?
- The Low Point Issue
- Project Objectives
- Comprehensive Plans Under Consideration
- Environmental Issues/Resources Addressed
- Comment Station. Fill out Comment Cards in person and leave in the box provided. You may also mail, fax or email it back to us by October 15, 2008 (contact information provided on card).

Contact Information

Bureau of Reclamation

Duane Stroup
Project Manager
916/978-5075
916/978-5094 (fax)
dstroup@mp.usbr.gov

Louis Moore
Outreach Coordinator
916/978-5106
916/978-5114 (fax)
wmoore@mp.usbr.gov

Santa Clara Valley Water District

Kellye Kennedy
Project Manager
916/447-1534
kkennedy@valleywater.org



San Luis Low Point Improvement Project

PROJECT OVERVIEW AND STATUS – SEPTEMBER 2008

Project Description

Jointly owned and operated by the Bureau of Reclamation and the California Department of Water Resources (DWR), San Luis Reservoir is one of California's largest reservoirs and a key component of the state's water supply system. Water from California's Sacramento-San Joaquin Delta (Delta) is delivered to San Luis Reservoir for temporary storage during the rainy season and is released during the dry season for use by Central Valley Project (CVP) and State Water Project (SWP) contractors located south of the Delta. San Luis Reservoir water is delivered to CVP and SWP contractors east of the reservoir via the Delta-Mendota Canal (DMC), the San Luis Canal, and the California Aqueduct, and west to the San Felipe Division, which includes the Santa Clara Valley Water District and the San Benito County Water District.

Project Objectives

Optimize the water supply benefits of San Luis Reservoir while reducing additional risks to water users by:

- Avoiding supply interruptions when water is needed by increasing the certainty of meeting the requested delivery schedule throughout the year to south-of-Delta contractors dependent on San Luis Reservoir
- Increasing the reliability and quantity of yearly allocations to south-of-Delta contractors dependent on San Luis Reservoir.
- Announcing higher allocations earlier in the season to south-of-Delta contractors dependent on San Luis Reservoir without sacrificing accuracy of the allocation forecasts.

The San Luis Low Point Improvement Project may provide opportunities for ecosystem restoration.

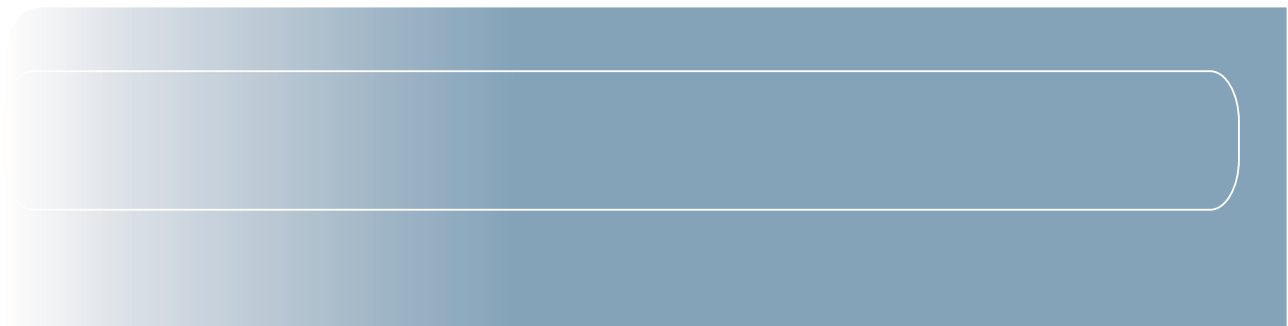
Project Status

Using a multi-phase screening process, the Study Team has identified three alternatives that could address the San Luis Reservoir low-point issue:

- Extending and lowering the San Felipe intake pipe
- Expand the existing Pacheco Creek reservoir. The new dam and reservoir would inundate the existing 6,000 acre-foot Pacheco Reservoir, owned and operated by the Pacheco Pass Water District.
- A combined solution, which could include multiple structural components and management measures to maximize operational flexibility and supply reliability in the San Felipe Division.
- No Project Alternative, as required under CEQA and NEPA, serves as a baseline against which the action alternatives will be compared.

The three alternatives and No Project Alternative are undergoing further evaluation in a draft EIR/EIS which is scheduled for release and public review in mid 2009. Completion of the EIS/EIR is anticipated for early in 2010.

Timeline





San Luis Low Point Improvement Project

Public Scoping Meeting - September 2008

COMMENT CARD

Name: _____ Address: _____

Title: _____ City: _____

Organization: _____ State: _____

E-mail: _____ Zip Code: _____

Telephone No.: _____ Fax No.: _____

(or simply attach business card)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Written comments must be received by close of business Wednesday, October 15, 2008, and should be sent to: Mr. Louis Moore, Bureau of Reclamation, 2800 Cottage Way - MP 140, Sacramento, CA 95825-1898, via email at wmoore@mp.usbr.gov, or fax to 916-978-5114. For additional information, please contact Mr. Duane Stroup, Project Manager, at 916-978-5075, or email dstroup@mp.usbr.gov.

Appendix E
Verbal Comments Received During
Scoping Meetings

Verbal Comments Received During Scoping Meetings

This appendix contains a summary of all verbal comments received at the San Luis Low Point Improvement Project (SLLPIP) Environmental Impact Statement/Environmental Impact Report (EIS/EIR) Scoping Meetings held in September 2008.

1. San Jose Scoping Meeting (September 10, 2008)

Planning and Involvement Process

- Where are we at now? What's next?
- How does one become a stakeholder?
- Will there be public hearings?
- Will boards be posted online?

Fisheries Effects

- Effects to striped bass and bass fishing?
- Will fisheries be studied?
- How often will reservoir be drawn down, and will that affect fish?
 - Are reservoir levels and water temperatures causing dead fish right now?
 - Is algae affecting the oxygen content?
- When algae is concentrated in smaller area it can lead to decreasing oxygen and can kill fish.
- What impacts will occur on Pacheco Creek steelhead?
- Are there possibilities for enhancement to Pacheco Creek steelhead?
- Document should analyze steelhead in Pacheco creek.

Habitat Conservation/Restoration

- Restoration/In-Stream uses.
- What protection will be provided for wildlife?
- Elk, deer, bald eagle are present in project site.

Water Quality Effects

- Water quality is an issue.
- Taste is an issue.

Recreation Effects

- No inundation of Coe St Park.
- Indirect impacts on Henry Coe State Park

Pacheco Inundation Effects

- Who will own the new Pacheco Reservoir?
- Maintenance is falling behind at Pacheco Reservoir. How does that tie in with expansion?
- Estimate a minimum pool in San Luis.
- How does the watershed factor in?

2. Sacramento Scoping Meeting (September 11, 2008)

Agency Roles and Planning

- Better define the Federal interest.
- What is the Federal interest?
- Is Reclamation responsible for water quality?

Power Effects

- Can algae be harvested to produce power?
- What are the power impacts? What are the impacts on CVP Project use?

Algae Impacts

- Is algae a carbon sink?
- Treat California Aqueduct and Delta-Mendota Canal supply prior to delivery to San Luis Reservoir to avoid algae blooms.

3. Los Banos Scoping Meeting (September 11, 2008)

Fisheries Effects

- How does Delta Smelt issue affect San Luis Low Point?

- Effect on fishery.
- Mitigation for effects on fishery.
- Must capture fishery impacts and mitigate.
- In EIS/EIR, clearly describe the project in relation to meeting San Felipe's total allocation versus the perceived effect it would have on reservoir low point and impacts to fishery.

Effects at the Delta

- Effect on Delta Pumping.

Recreation Effects

- Will Pacheco Reservoir create new recreation opportunities?
- Basalt recreation area water supply line effective to reservoir elevation between 340 feet to 350 feet surface elevation.
- Must capture recreation impacts and mitigate.
- In EIS/EIR, clearly describe the project in relation to meeting San Felipe's total allocation versus the perceived effect it would have on reservoir low point and impacts to recreation.

Pacheco Inundation Effects

- When would water be moved to Pacheco?
- Gains from enlarging Pacheco Reservoir.
- Consult with State Safety of Dams for Pacheco Reservoir alternative.

Effects to South of Delta Water Users

- How does SLLPIP allow higher allocations earlier with greater accuracy?
- Who bears the cost of higher allocations earlier?
- Higher allocations earlier actually increases the risk to south-of-delta contractors.
- Transfers, exchanges, water banks not reliable enough to provide "safety net" for allocations.

Effects to Water Market

- Impacts to water banks, Environmental Water Account, water market California Department of Water Resources (DWR), etc. from increased use of tools (transfers, exchanges, banks).

- Can we re-schedule San Felipe Division's Central Valley Project water in the combination alternative?

Impacts at O'Neil Forebay

- Levels in the Forebay.
- Is O'Neil Forebay used for pump storage?
- Keep Forebay high enough for recreation.
- Reduce algae in Forebay to reduce algae entering reservoir.
- Make Forebay deeper.

Water Quality

- This year, increase turbidity in reservoirs.
- DWR has water quality database in Reservoir.
- In EIS/EIR, clearly describe the project in relation to meeting San Felipe's total allocation vs. the perceived effect it would have on reservoir low point and impacts to water quality.

Appendix F
Public Scoping Meeting
Written Comments Received



Santa Clara Valley
Water District



San Luis Low Point Improvement Project

Public Scoping Meeting - September 2008

COMMENT CARD

Name: Rod Someya Email: rkomeya@gmail.com
Title: _____ Address: 3048 Mattos Ave
Organization: _____ City: San Jose, CA 95132
E-mail: _____ State: _____
Telephone No.: _____ Zip Code: _____
Fax No.: _____

(or simply attach business card)

I just wanted to express my concern over the present conditions at S.L. Res. and the lowering of the out take system. The lake I have fished S.L. for many years & have never seen it so low. (I went out in my boat last week)

My concern is for the fish & other wildlife. The water is close to 80° & covered with algae. I saw many dead fish (dozens) but fear there could be a major event if water conditions don't improve. I'm pretty sure the oxygen level is quite low because of all the algae.

It seems to me that lowering the out take would provide cleaner water but potentially could pose serious consequences to the fish.

At this meeting I expressed these concerns and wanted to know if there were any protection for fish. I was told all things would be looked into and a report would be issued next year. If possible, I would like to receive a copy of that report. Thank you, Rod Someya

Written comments must be received by close of business Wednesday, October 15, 2008, and should be sent to: Mr. Louis Moore, Bureau of Reclamation, 2800 Cottage Way - MP 140, Sacramento, CA 95825-1898, via email at wmoore@mp.usbr.gov, or fax to 916-978-5114. For additional information, please contact Mr. Duane Stroup, Project Manager, at 916-978-5075, or email dstroup@mp.usbr.gov.



San Luis Low Point Improvement Project

Public Scoping Meeting - September 2008

COMMENT CARD

Name: John Wilkinson Address: 210 South First Street #509
Title: _____ City: San Jose
Organization: _____ State: CA
E-mail: _____ Zip Code: 95112
Telephone No.: _____ Fax No.: _____

(or simply attach business card)

I was very pleased to learn that no alternative affecting Henry Coe State Park is being considered. The numerous friends of the Park will have a big sigh of relief.

Written comments must be received by close of business Wednesday, October 15, 2008, and should be sent to: Mr. Louis Moore, Bureau of Reclamation, 2800 Cottage Way - MP 140, Sacramento, CA 95825-1898, via email at wmoore@mp.usbr.gov, or fax to 916-978-5114. For additional information, please contact Mr. Duane Stroup, Project Manager, at 916-978-5075, or email dstroup@mp.usbr.gov.



San Luis Low Point Improvement Project

Public Scoping Meeting - September 2008

COMMENT CARD

Name: Greg Martin Address: 971 Granada Circle
Title: _____ City: Los Banos
Organization: _____ State: CA
E-mail: _____ Zip Code: 93635
Telephone No.: _____ Fax No.: _____

(or simply attach business card)

I would like to see the decision not use Los Banos Grandes revisited. Perhaps Los Banos Grandes can solve several issues - more water for all users, especially. I am in favor of the Pacheco Reservoir expansion. I would like to see a reservoir of this size also be used for recreational activities. I would also like to see details on how and by whom these projects will be financed. - Federal govt, Santa Clara County, State of Calif., or a joint venture.

Additionally, I would like see the Federal and State govt's study the water quality on the O'Neill Freeway and its affect on SLR. It is my opinion that O'Neill needs to be dredged - enhancing recreational opportunities, fisheries, and water quality.

Written comments must be received by close of business Wednesday, October 15, 2008, and should be sent to: Mr. Louis Moore, Bureau of Reclamation, 2800 Cottage Way - MP 140, Sacramento, CA 95825-1898, via email at wmoore@mp.usbr.gov, or fax to 916-978-5114. For additional information, please contact Mr. Duane Stroup, Project Manager, at 916-978-5075, or email dstroup@mp.usbr.gov.

County of Santa Clara

Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95032-7669
(408) 355-2200 FAX 355-2290
Reservations (408) 355-2201
www.parkhere.org



October 15, 2008

Mr. Louis Moore
Bureau of Reclamation
2800 Cottage Way, MP-140
Sacramento, CA 95825-1898

Subject: Notice of Intent for EIS/ EIR for San Luis Low Point Improvement Project

Dear Mr. Moore:

The Santa Clara County Parks and Recreation Department (County Parks Department) is in receipt of a Notice of Intent for an EIS/EIR for the San Luis Low Point Improvement Project. The County Parks Department's comments are primarily focused on potential impacts related to the *Santa Clara County Countywide Trails Master Plan Update* relative to countywide trail routes, public access, and regional parks.

3.1.3 Social Resources

Recreation

San Felipe Division

The EIS/EIR should include a discussion related to the Santa Clara County Countywide Trails Master Plan Update, an element of the Parks and Recreation Section of the County General Plan, that the Board of Supervisors adopted on November 14, 1995 and how the proposed project is consistent with the Countywide Trails Master Plan Update.

The EIS/EIR should also note that the Santa Clara Valley Water District owns the reservoirs and they do not allow swimming or wading. Also, please reference the specific County Parks Department document in the paragraph as well as in the references section of the EIS/EIR.

4.2.5.1 More Storage at Existing Dam and Reservoir Sites

Almaden

The EIS/EIR does acknowledge that raising the reservoir could affect Almaden Quicksilver County Park and its recreational uses. The EIS/EIR should also include the following countywide trail routes, and describe the potential impacts to these trail routes if the reservoirs were expanded.

- ***Almaden-Hicks Road Connector Loop*** (C-17) – designated as an on street bicycle route within road right of way.

Anderson

The EIS/EIR should acknowledge that raising Anderson reservoir could affect Anderson County Park and its recreational uses. The EIS/EIR should also include the following countywide trail routes, and describe the potential impacts to these trail routes if the reservoirs were expanded.

- ***Bay Area Ridge Trail: Diablo Range*** (R5-B) – designated as a trail route within other public lands and trail route within private property for hiking, off-road cycling and equestrian use.
- ***Morgan Hill Cross Valley Sub-regional Trail*** (S7) – designated as an on-street bicycle route with parallel trail.

Calero

The EIS/EIR does acknowledge that raising Calero reservoir could affect Calero County Park and its recreational uses. The EIS/EIR should also include the following countywide trail routes, and describe the potential impacts to these trail routes if the reservoirs were expanded.

- ***West Valley Sub-regional Trail*** (S6) – designated as trail route within private property for on-road cycling only.

Chesbro

The EIS/EIR should correctly list the affected County Park as Chesbro County Park. The EIS/EIR should also include the following countywide trail routes, and describe the potential impacts to these trail routes if the reservoirs were expanded.

- ***Paradise Valley Connecting Trail*** (C26) – designated as on street bicycle route within road right of way for on-road cycling only.

Coyote

The EIS/EIR should correctly list the affected County Park as Coyote Lake-Harvey Bear Ranch County Park. The EIS/EIR should also include the following countywide trail routes, and describe the potential impacts to these trail routes if the reservoirs were expanded.

- ***Bay Area Ridge Trail: Diablo Range*** (R5-B) – designated as a trail route within other public lands for hiking, off-road cycling and equestrian use.

Guadalupe

The EIS/EIR does acknowledge that raising the reservoir could affect Almaden Quicksilver County Park and the recreational uses around the reservoir. The EIS/EIR should also include the following countywide trail routes, and describe the potential impacts to these trail routes if the reservoirs were expanded.

- ***Almaden-Hicks Road Connector Loop*** (C-17) – designated as an on street bicycle route within road right of way.



Lexington

The EIS/EIR does acknowledge that raising Lexington reservoir could affect Lexington County Park and Sierra Azul Open Space which is under the jurisdiction of the Midpeninsula Regional Open Space District. The EIS/EIR should also include the following countywide trail routes, and describe the potential impacts to these trail routes if the reservoirs were expanded.

- ***Los Gatos Creek Sub-regional Trail*** (S4) – designated as trail route within other public lands for hiking, off-road cycling and equestrian.
- ***Upper Los Gatos Creek/ Mt. Umunhum Connector Trail*** (C15) - designated as trail route within private property for hiking, off-road cycling and equestrian.

Stevens Creek

The EIS/EIR does acknowledge that raising the reservoir could affect the reservoir at Stevens Creek County Park and adjacent open space preserves and recreational uses. The EIS/EIR should also include the following countywide trail routes, and describe the potential impacts to these trail routes if the reservoirs were expanded.

- ***Juan Bautista de Anza NHT (R1-A)*** - designated as on street bicycle route within road right of way for on-road cycling only.
- ***Stevens Creek Sub-regional Trail*** (S2) - designated as a trail route within other public lands for hiking, off-road cycling and equestrian use.

Uvas

The EIS/EIR does acknowledge that raising the reservoir could affect the reservoir at Stevens Creek County Park and adjacent open space preserves and recreational uses. The EIS/EIR should also include the following countywide trail routes, and describe the potential impacts to these trail routes if the reservoirs were expanded.

- ***West Valley Sub-regional Trail*** (S6) – designated as trail route within private property for on-road cycling only.

Vasona

The EIS/EIR should acknowledge that raising the reservoir could affect the reservoir at Vasona County Park and the adjacent recreational uses at the park. The EIS/EIR should also include the following countywide trail routes, and describe the potential impacts to these trail routes if the reservoirs were expanded.

- ***Los Gatos Creek Sub-regional Trail*** (S4) – designated as trail route within other public lands for hiking, off-road cycling and equestrian.



Thank you for the opportunity to comment on the Notice of Intent for an EIS/EIR for the San Luis Low Point Improvement Project. Please send us a copy of the Draft EIS/EIR once it becomes available for review. If you have any questions regarding these comments, please feel free to contact me at (408) 355-2230 or via email at kimberly.Brosseau@prk.sccgov.org.

Sincerely,

Kimberly Brosseau
Park Planner III

cc: Jane Mark, Senior Planner, Santa Clara County Parks Department
Julie Mark, Deputy Director of Administration, Santa Clara County Parks Department
Sue Tippetts, Community Projects Review Unit, Santa Clara Valley Water District



Board of Supervisors: Donald F. Gage, Blanca Alvarado, Peter McHugh, Ken Yeager, Liz Kniss
County Executive: Peter Kutas, Jr.

From: Scott Miller [SSMiller@AllianceRoofingCal.com]
Sent: Friday, September 12, 2008 3:15 PM
To: dstroup@mp.usbr.gov; wmoore@mp.usbr.gov; kkennedy@valleywater.org
Cc: Doug Lovell (E-mail); Mike Brinkley (E-mail); Mark Rockwell (E-mail); Red - Striper Red (E-mail); Mike McKenzie (E-mail); John Beuttler (E-mail); Corey Cate (E-mail)
Subject: San Luis Reservoir Low Point Improvement Project (SLRLPIP)

Duane,

Please consider this my comment submittal for the SLRLPIP:

As we discussed at the Low Point Scoping meeting, here are our main points:

1. The enhancement of wildlife, fisheries and recreation was part of the original authorizations of the San Luis Project at both the State and Federal levels. See Public Law 86-488.
2. This has been accomplished and the facility has been enjoyed by thousands each year. We are especially aware of the fisheries aspect as we are members of the Northern California Council of the Federation of Fly Fishers (NCCFFF). This fishery is unique in that the Lake and Forebay are considered " World Class " and account for many striped bass inland world records.
3. It is our strong contention that one of the main ingredients of the lakes success for fisheries and recreation has been the historic minimum pool of approximately 500,000 acre ft. We are asking that this historic minimum pool level be maintained and in doing so believe the Low Point Project is not necessary.
4. We believe the EIR/EIS must consider the minimum pool level and its effect on wildlife, fisheries and recreation. A scientific study of the Low Point effect on the fishery is mandatory. Any action that would lower lake levels to the point of negative impact on the fishery is not acceptable. We believe that lowering the lake minimum pool will cause waters to warm, become poorly oxygenated, crowd fish populations, increase poaching resulting in fish kills and disease.
5. It is not in the best interest of the struggling Delta to pump an additional 100,000 to 400,000 acre ft. of water out of the Delta each year to make up for waters used out of the minimum pool. Your EIR/EIS must address this issue. Where will the additional water come from.
6. No one who enjoys the fishery, recreation, wildlife or just drives by the lake wants to see San Luis turned in a disgusting low level mud hole. This shallow, warm and muddy body of water would not support fish or wildlife and boating, swimming, etc. would be impossible.
7. The EIR/EIS must consider the negative effect low point would have on water quality.
8. As published, the given time lines for EIS/EIR do not allow time for the necessary studies necessary to establish the correct minimum pool to maintain and support fisheries, wildlife and recreation.
9. Please consider slowing down the EIR/EIS process, do the necessary scientific studies necessary. Produce an EIR/EIS that is responsible and fair.
- 10 Finally, maintain a minimum pool that leaves San Luis attractive, available for recreation, sustaining to fish and wildlife as was promised from the beginning.

Scott Miller
Project Manager

ALLIANCE ROOFING COMPANY, INC.
1250 Campbell Avenue • San Jose, CA 95126
Direct: (408) 261-2595 • Fax: (408) 261-2657
Cell: (408) 761-2218 • E-fax: (801) 681-2306
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www.alliancerroofingcal.com

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From: JLucas1099@aol.com
Sent: Saturday, September 13, 2008 7:02 PM
To: wmoore@mp.usbr.gov
Subject: San Luis Low Point Improvement Project

Mr. Louis Moore
Bureau of Reclamation
2800 Cottage Way, MP-140
Sacramento, California 95825-1898

September 13, 2008

Dear Louis Moore,

In regards the San Luis Low Point Improvement Project, I regret that I was unable to attend your San Jose open house this past Wednesday to hear background information in order to make competent comment on the Bureau of Reclamation's scoping document for this proposed project.

Based on opinions formed five or six years ago, when low point concerns were first acknowledged, it appears to me that lowering the San Felipe (Pacheco Pumping) intake facilities would be the most economical and direct engineering solution to avoid low point algae bloom obstructions.

Just how the intake facilities can be lowered is what I cannot visualize as have not seen engineering cross sections or site drawings to get idea of just what the reservoir side slope or depth is in the Dinosaur Point and Tunnel Island shaft area. If the intake tunnel is down 200 feet from reservoir high surface level and San Luis Reservoir is 304 feet deep, then presumably fifty feet further down would avoid the layer of algae bloom.

What might be a consideration is to float a fifty foot deep caisson around the intake pipe so that reservoir water drawn into the intake pumping facility comes from reservoir into bottom of caisson protected pool, and avoids the algae blooms floating on and near the reservoir surface. Water within the caisson will be kept at same level as surrounding reservoir simply by natural physical process of water seeking its own level.

The construction material and size of the caisson and method of floatation involve engineering principles that are beyond me but do think general concept is feasible and it should be an economical design alternative.

The option of expanding Pacheco Reservoir would take a considerable length of time to review environmental impacts, would be complex to engineer, and it is bound to be far more expensive to implement. Here again, I have not walked site or seen how expansion of present elongated reservoir could best be accomplished.

Enhanced conservation and more conservative water supply management practices would definitely help in drought years and in scenarios of diminished snow pack due to global warming. I do not believe there are any new well fields, and regional desalination carries a high price tag.

What should be a consideration, however, is to optimize all percolation ponds on Coyote Creek and to coax the river back into its historic meander. Also, it is my belief that the entire Coyote Valley (including Fisher Creek) needs to be considered as a near-surface reservoir and compatible land uses such as agriculture and recreation be subsidized and so managed that water supply remains the paramount and protected resource.

The nature of Coyote Valley with its unique high aquifer storage capability also means no loss to evaporation and high quality filtered water.

The only other water management tool that might be mentioned is underground water storage tanks that could be situated under public lands such as Cottle Park, Santa Clara County Fairgrounds, or Hillview Airport but these would carry a higher price tag and demand a strong political will.

Please accept my comments at this slightly uninformed stage, as it is unlikely that any further investigation of options will prove productive, but thank you for all due consideration that you can give.

Libby Lucas
174 Yerba Santa Ave.,
Los Altos, CA. 94022

Psssst...Have you heard the news? [There's a new fashion blog, plus the latest fall trends and hair styles at StyleList.com.](#)



GUADALUPE - COYOTE RESOURCE CONSERVATION DISTRICT

888 NORTH FIRST STREET RM. 204, SAN JOSE, CA 95112-6314
OFFICE (408) 288-5888 FAX (408) 993-8728 email: gcrd@pacbell.net

VIA FACSIMILE: 916.978.5114

October 28, 2008

Lynette Wirth
Bureau of Reclamation
2800 Cottage Way, Public Affairs
Sacramento, CA 95825

Wilbert Moore
United States Department of the Interior
Bureau of Reclamation
2800 Cottage Way, MP-700
Sacramento, CA 95825

Kellye Kennedy, Senior Project Manager
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

**RE: San Luis Reservoir Low Point Project NOI (Notice of Intent and Public
Scoping Meetings)**

Dear Ms. Wirth, Ms. Kennedy and Mr. Moore:

Thank you for the opportunity to comment on the San Luis Low Point Improvement Project ("SLLPIP", "Project" or "Low Point Project"). Pursuant to notice,¹ the ad hoc Committee of the Guadalupe-Coyote Resource Conservation District ("G-C RCD" or "RCD") for Consideration of the SLLPIP is pleased to submit its comments regarding scoping for the project.

RCDs are charged by the state with cooperating with the United States in securing the adoption in this state of conservation practices, including, but not limited to, farm, range, open space, urban development, wildlife, recreation, watershed, water quality, and woodland, best adapted to save the basic resources, soil, water, and air of the state from unreasonable and economically preventable waste and destruction.² The current project falls within our mandate.

¹ Federal Register Notice of Intent (NOI), August 29, 2008, Volume 73, Number 169

² California Pub. Res. Code § 9001(a) and (a)(1)

The NOI states the Low Point Project's overall objective is to optimize the water supply benefit of San Luis Reservoir while reducing additional risks to water users in a number of ways. The Project is designed to address water supply reliability issues in San Luis Reservoir associated with conditions occurring in summer months when water levels are low. During this time, reservoir-wide growth of algae makes the water unsuitable for certain agricultural and municipal and industrial users in the San Felipe Division with existing treatment facilities (also known as the "low point issue"). The low point issue arises when water levels fall below 300 TAF, creating water quality degradation that has the potential to interrupt a portion of the San Felipe Division's water supply and results in additional operational challenges whether or not there's an actual interruption. In 2000, the CALFED Programmatic Record of Decision identified the need to resolve the low point problem to potentially increase use of water from San Luis Reservoir by up to 200 TAF. A bypass canal to avoid the San Luis Reservoir and deliver water directly to the San Felipe customers was proposed as a "complementary action", but did not receive environmental review, in the CALFED 2000 ROD.

Alternatives evaluation: flawed methodology

Under both NEPA and CEQA, the importance of consideration of alternatives is central to the environmental review process. In fact, consideration of alternatives has been described as the heart of an EIS.³ Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process."⁴

The number of alternatives was unreasonably restricted at the scoping meeting:

The 8/29/08 NOI identified seven general categories of initial alternatives for the Project: (1) Institutional: non-structural measures; 2) Source Water Quality Controls; 3) Water Treatment: new or enhances raw water treatment capabilities; 4) Conveyance: construction of bypass facilities or intake location changes; 5) Storage: construction of additional storage facilities not subject to the low point problem; 6) Alternate Water supplies: measures to provide new source waters; and 7) Combination Alternative: a combination of various techniques and methods. Each of these categories contained further illustrative description.

In the 12 or so days between 8/29/08 (the date of the NOI) and 9/10/08 (the date of the first public scoping meeting), the alternatives selection seems to have been unreasonably narrowed from seven to three. The informational bulletin given out at the 9/10 meeting stated:

"Using a multi-phase screening process, the Study Team has identified three alternatives that could address the San Luis Reservoir low-point issue:

- Extending and lowering the San Felipe intake pipe

³ 40 C.F.R. § 1502.14.

⁴ Laurel Heights Improvement Ass'n v. Regents of University of California, 47 Cal.3d 376, 404 (1988)

- Expand the existing Pacheco Creek reservoir. The new dam and reservoir would inundate the existing 6,000 acre-foot Pacheco Reservoir, owned and operated by the Pacheco Pass Water District.
- A combined solution, which could include multiple structural components and management measures to maximize operational flexibility and supply reliability in the San Felipe Division."

This administrative restriction of the range of alternatives deprived the public that attended that scoping meeting—and depended on the information given out there—of the benefit of being able to consider a more full range of options. It frustrated the goal of full environmental disclosure and foreshortened the public's ability to present the decision makers with insights and analyses. Discussion at that scoping meeting involved "information stations"⁵ where individual members of the Bureau and the SCVWD responded to public inquiries, including the three named alternatives. The full range of alternatives should be restored and the scoping meetings should be re-noticed and include all options in the seven categories of alternatives, in order to give the public the benefit of more full information, and restore public scoping as a vital component of NEPA and CEQA review.

The range of non-structural alternatives was unreasonably restricted for the scoping meeting:

The range of alternatives presented at the 9/10/08 scoping meeting improperly eliminated the range of non-structural options. Three options—including: 1. Institutional: non-structural measures including agreements and exchanges, 2. Source Water Quality Control, 3. Water Treatment: New or enhanced raw water treatment capabilities using dissolved air flotation that could treat San Luis Reservoir water and reduce or eliminate interrupted deliveries when algae blooms are in the vicinity of the Pacheco Intake—did not appear among the options presented to the scoping meeting public.

State law endorses nonstructural solutions in assessing the value of projects for water resources development and management.⁶ The project alternatives should be analyzed with full recognition of the preference for such nonstructural approaches. H.R. 1495 also states National Water Resources Planning Policy: "It is the policy of the United States that all water resources projects should reflect national priorities, encourage economic development, and protect the environment...." Here, the energy costs associated with construction, maintenance and operation of such structures should also be assessed.

Outdated guidelines were used in the selection of alternatives:

⁵ The information stations were: "1) Project Orientation, 2) What is a NEPA/CEQA?, 3) The Low Point Issue, 4) Project Objectives, 5) Comprehensive Plans Under Consideration, 6) Environmental Issues/Resources Addressed and 7) Comment Station. Fill out Comment Cards in person and leave in the box provided. You may also mail, fax or email it back to us by October 15, 2008."

⁶ H.R. 1495, the Water Resources Development Act of 2007 (Pub. L. No: 110-114)

The SLLPIP analysis to date has occurred under the 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (P&Gs).⁷ These P&Gs apparently focus primarily on rather narrow economic issues, potentially excluding alternatives that would have been considered viable under criteria that gave equal weight to environmental quality and social principles.⁸ Using the P&Gs, the Initial Alternatives Information Report noted, for instance, that the alternatives were screened and evaluated on the basis of "completeness, effectiveness, efficiency, and acceptability". Environmental quality was notably absent.

The failure to include environmental factors in evaluating alternatives is particularly serious, since the USBR's "mission ... is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public."⁹ Project proponents eliminated public consideration of: potentially less energy-intensive alternatives; potentially superior alternatives to permanent structures, alternatives such as a cover (which could save enormous amounts of water lost to evaporation and prevent formation of sunlight-dependent algae), etc.

The study team's reliance on the P&Gs in evaluating, screening and selecting alternative was thus flawed and unreasonably biased the results. Environmental factors should receive equal consideration, as is clearly required under both CEQA and NEPA.

Further issues that should be considered in the EIS/EIR include:

Overcommitment of CVP and SWP waters should be defined and discussed in the EIS/EIR.

The extent of these over-allocations (both numeric and narrative descriptions should accompany the text) should be listed and discussed. The 200,000 af solution proposed as a project goal should be discussed in the context of limited and diminishing water supply in general, and in the context of supplies to the San Felipe Division.

⁷ As noted in the San Luis Low Point Improvement Project Initial Alternatives Information Report (Feb. 2008):

"The Study team evaluated and screened the alternatives considering completeness, effectiveness, efficiency, and acceptability as required by the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (P&Gs). The Study team selected at least one alternative from each category to carry forward for analysis, maintaining a reasonable range of alternatives. The project team selected the alternative that appears to achieve the most benefits for the least cost relative to other alternatives within a category."

⁸ "The 1983 Principles and Guidelines directed the U.S. Army Corps of Engineers (USACE) to formulate and recommend water resources plans in response to a single "Federal" objective – maximizing net national economic development benefits" according to a statement of the Associated General Contractors of America to the U.S. Army Corps of Engineers, June 5, 2008, regarding recommendations for the revision of the Economic and Environmental Principles and Guidelines for Water and Related Land Resources

⁹ <http://www.usbr.gov/main/about/mission.html>

Historical water flows in Pacheco Creek and watershed (including tributaries) should be included.

Consideration of the Pacheco Creek alternative should include description of the physical area: creek geomorphology, vegetation, and topography; seasonality of main and tributary creeks (both current and historical, pre- and post-dam, where available); etc. Both current and historic water flows should be documented and considered. Water flow documentations will facilitate discussion of the reasonableness of appropriate protection measures. Creek geomorphology and vegetation bolstered by evidence of historical water flows and water temperature may indicate the suitability or unsuitability of a particular area for particular species.

Groundwater presence in the Pacheco Creek watershed, status, and use—which use should be compared with use of imported water—should be included in the discussion. Since Pacheco Creek is a tributary of the Pajaro River, which is listed as an impaired water body (nutrients, fecal coliform and sedimentation/siltation), the effects on the Pajaro of any project impacts should be discussed.

Potential enlargement of Pacheco Reservoir and Dam, and impacts, need full discussion.

As the Santa Clara Valley Habitat Plan ("SCVHP")¹⁰ notes, the Santa Clara Valley Water District (SCVWD) "plans to enlarge the existing Pacheco Reservoir." Consideration of operation and construction of said dam therefore needs careful scrutiny in the EIS/EIR. Of particular concern, the most recent draft of the SCVHP has eliminated previous language regarding—and thus discussion of—the growth-inducing effect of the dam: "~~Increasing the reservoir capacity of dams may have a growth-inducing effect that could cause indirect impacts associated with population growth similar to those described in Section 4.3.1....~~" SCVHP, page 4-11, Vol. 1. In its place, the SCVHP substituted conclusory language attributing the Pacheco Dam enlargement project to an *intent* only "to meet existing needs, and planned improvements for endangered species, and, tangentially, to meet planned ~~planned, anticipated~~ increases in countywide populations." *Id.* Further linking the enlarging of the dam only to particular intent, the SCVHP claims, "The Pacheco Reservoir enlargement is [] not intended to encourage more population growth beyond that currently planned for the County. Accordingly, indirect impacts related to unanticipated population growth are not expected to result from implementation of dam reconstruction and reservoir enlargement." *Id.*

The intent to build the new greatly-expanded dam and reservoir seems clear. Full disclosure and discussion regarding the dam and reservoir's environmental and anticipated growth impacts and must be included in the EIS/EIR. Claiming no intent to cause growth—and thereby implying exemption from the need to consider and/or discuss such growth—does not excuse discussion of such growth impacts.

¹⁰ 1st Administrative Draft, August 2008, Vol. 1, page 4-11

Anticipated and potential development (residential, rural and/or suburban) in the southern Santa Clara Valley (and, additionally, in any areas that could be served by the supply of water from an expanded Pacheco Reservoir) should be identified and discussed. The discussion should include effects of increased impervious surfaces with associated runoff.

In or about 1982, the San Luis Reservoir was reportedly drained for O & M reasons. How was water delivered to customers then, and in what quantity during that shut-down? Could those same delivery means be utilized in maintaining water supply reliability without any of the proposed alternatives? How often has the San Luis Dam fallen below the 300 TAF level?

Critical habitat:

Critical habitat and endangered species dependent upon it should be identified and discussed. This is especially important for the areas that could be flooded if the Pacheco Dam storage is increased, where such species as the red-legged frog are likely. Environmental benefits from the project to all affected species should be included; areas of impact should be identified and discussed.

Energy

Energy use that will increase if a permanent structural component is created (larger or new dam, for instance) must be thoroughly considered. Methane production from increased energy use from this source should be considered, especially since methane is twenty times as powerful (as a negative component of greenhouse gases) as is carbon dioxide. Methane is also a component of algac decomposition. Air impacts of all energy use and GHG production from all aspects of the alternatives should be considered under A.B. 32.

Groundwater as a current and potential source for the area to be supplied by the SLLPIP needs to be fully discussed.

All sources of water for the Santa Clara County area (SCVWD) should be identified, analyzed and fully discussed for their potential to provide the 200 TAF that is reportedly affected by the low point issue. Among items that should be included:

- The SCVWD's (District's) Urban Water Management Plans (UWMPs), past and current should be referenced, analyzed in and appended to the EIR/EIS and preliminary draft editions. Other affected water suppliers' UWMPs, if any, should be similarly referenced, analyzed in and appended to the EIR/EIS and preliminary (draft) form(s) thereof.
- Reported total water use in the year 2000 was 390,000 af: Groundwater can supply 165 TAF, the SWP supplied 100 TAF, reservoir capacity is at ± 175 TAF, a Hetch-Hetchy intertie could supplant normal supplies in emergencies (since

2000), plus CVP water. Perhaps all supplies together, plus recycling and conservation could supply the threatened 200 TAF.

- Analysis of groundwater should include both the storage capacity and operational storage capacity of all involved basins, subbasins, etc., including historic, current and potential storage capacities.
- Historic and current use of groundwater should be documented. The current Santa Clara Valley Habitat Plan ("SCVHP") does not adequately describe groundwater use. It notes, for instance: "Very little published information exists to present a current groundwater budget detailing inflows and outflows for the Santa Clara Valley basin...." This ignores the SCVWD's published groundwater management plan/s citing specific numbers for use, storage capacity and operational storage capacity.
- Benefits of underground storage of imported and locally-produced water should be discussed and analyzed, especially in light of the known problems of above-ground storage in open facilities (such as uncovered reservoirs), which include, without limitation: evaporation, algae formation, siltation, surface runoff pollution, oxygen depletion, etc. Land subsidence has been documented in the Santa Clara Valley Subbasin from groundwater overdraft: subsidence deterrence from additional stores of water should be analyzed. Discussion should include, but not be limited to, inelastic (nonrecoverable) land subsidence, saltwater intrusion, potential levee failures, flooding.
- Amounts of imported water that could be stored in the vast underground aquifers.
- Restore overdrafted aquifers, if any.
- Orange County utilizes an innovative groundwater replenishment system, in which a microfiltration system removes bacteria and protozoa, and suspended solids (0.2 micron pore size). A reverse osmosis (RO) system then removes salts, viruses, and organics including pharmaceuticals. UV and oxidation treat the water which then undergoes stabilization and storage. Discussion should include this sort of re-use option for Santa Clara County.

Conservation

As the USBR (Water Conservation Field Services Program) website points out:

Conservation measures can:

- improve reliability of existing water supplies
- reduce overall operating costs for water users
- postpone the need for new or expanded water supplies, storage capacity, treatment works, or drainage remediation; ...
- reduce soil erosion and drainage problems;
- reduce the impacts of drought; and,
- under some circumstances, yield conserved water for additional agricultural, urban, or environmental need

Water use efficiency and conservation in all sectors (agriculture, industrial, municipal) must be fully discussed.

Importance of water recycling needs full consideration

The California Water Code requires the State to undertake all possible steps to encourage development of water recycling facilities to help meet the growing water requirements of the State.¹¹ Discussion should therefore include potential water savings by all means.

The recycled supply is more constant and not affected by drought and can be cost-competitive with other water in light of decreasing water supply and increasing costs of other sources. Since recycled water is closer to users, energy is saved; such use increases conservation and transfer efficiency.

Efficiency Benefits of ULF toilets:

Discussion should include, for instance, assessment of the potential for water savings from retrofitting water-saving toilets. Although California law requires new toilets to be ultra low-flush (ULF), a retrofit requirement could represent a significant savings for older construction which represents the majority of area dwelling places. Similarly, more aggressive marketing of the SCVWD rebate program could be marketed, as it could promote significant water savings.

"By using a ULF toilet instead of a standard 5-gpf toilet, a household of four people could save approximately 60 gallons per day, or about 22,000 gallons per year. [Or, for those using a standard 3.5 gpf fixture, 15,400 gallons per year could be saved per such household by switching to a 1.6 gpf ULF fixture.] A commercial facility that replaces a typical existing 3.5-gpf fixture with a standard new 1.6-gpf unit could cut its annual water use by more than half...."¹² With 565,863 households in Santa Clara County (2000 Census statistics), and 395,538 families, very significant amounts of water could be saved merely with retrofitted toilet facilities.

Algae formation/decomposition and the by-products of its decomposition (such as hydrogen sulfide, methane and ammonia) should be evaluated in considering alternatives.

A project alternative that solves algal production and its elimination (such as the cover or air flotation proposed among the early alternatives) would, for instance, be a more valuable alternative than one that fails to address algae formation (creating or enlarging yet another reservoir). Decline in water quality that results from oxygen depletion caused by algae decomposition should also be evaluated; such depletion may cause violation of water standards.

¹¹ See, California Water Code § 13576, especially §§(b)-(l) and § 13577.

¹² Statistics provided by: "Flex Your Power [which] is California's statewide energy efficiency marketing and outreach campaign. Initiated in 2001. Flex Your Power is a partnership of California's utilities, residents, businesses, institutions, government agencies and nonprofit organizations working to save energy." FYP also notes that: "Since toilets and urinals account for nearly one-third of building water consumption, there is a significant potential for savings."

Methane (produced from algae decomposition under anoxic conditions) could be used productively as a fuel source (previously unmentioned alternative that should be considered):

With sunlight and algae plentiful at the vast San Luis site (especially given the large surface of the reservoir), methane production onsite might be accomplished with energy yield (saleable methane gas) in the gigajoule range. If oxygen produced from photosynthesis were vented back to the impounded waters, thereby improving water quality, carbon dioxide generated by machinery (pumping, etc.) might be used to facilitate algae growth. Such production and reuse onsite could result in significant energy savings and conservation. Having methane production occur onsite or adjacent to the site (especially favorable here, where the surrounding area is so open) would constitute a huge energy saving; something approaching a closed system might be achieved. Such energy efficiency would promote energy independence for the nation—a goal clearly in the state and national interest.

Thank you again for providing opportunities for comment. If there are any questions concerning our comments, please contact us at our offices in San Jose, at (408) 288-5888.

Sincerely,



Meg Giberson

Chair, Ad Hoc Committee for Consideration of the SLLPIP