NGO Letters

NRDC Letter (1/15/18) Summary #12

- **EIR/EIS fails to consider a reasonable range of alternatives (I)**
  - Alternatives that reduce water diversions from the Sacramento River (particularly during all but wet water year types and during periods of moderate and low flows) would result in reduced adverse effects on native fish and wildlife in Sacramento River and Bay-Delta estuary
    - Claim **"tiering" from CALFED ROD** which was improper
  - Must analyze more than one operational alternative in order to identify alternatives that would minimize or avoid adverse environmental impacts of the project (per their scoping comments).
    - Alternative that would not result in substantial reductions in Delta outflow during winter and spring months
    - One or more alternatives that result in increase in Delta outflow during winter and spring
    - Additional alternative that is consistent with the water operational requirements being proposed for California WaterFix
  - CDFW potential **operational criteria** to protect flows and reduce adverse impacts on salmon, sturgeon, longfin smelt, Delta smelt, and other native fish species need to be evaluated
  - Consider **other storage alternatives such as groundwater storage**, conjunctive use, and/or reoperation of reservoirs to improve water supplies and ecosystem protection
- **Reclamation violated FWCA (II)**
  - Claim FWCA report required to be included in draft EIS
- **Failure to use an accurate environmental baseline (III)**
  - Fails to include several permit conditions imposed prior to the NOP which will be implemented prior to 2030 (primarily the **Revised Shasta RPA and Yolo Bypass restoration including the proposed Fremont Weir notch**)
  - **Fall X2** per 2008 Delta Smelt BO not appropriately addressed
  - Flawed because it is assumed full **contract deliveries** which have never occurred (never more than 75% of contract amounts)
  - **Need to include climate change assumptions in baseline (IV)**
    - Suggests incorporation into baseline rather than separate discussion in Chapter 25
- **2010 CALSIM** model inappropriately used (instead of 2015 version) **(V)**
  - States inconsistency in Appendix 6D related to Delta Alt D outflow
- **Fails to accurately assess impacts to aquatic resources from proposed operations (VI)**
  - **Arbitrary thresholds of significance** - 5-10 % flow reductions will have significant adverse effects
  - **Longfin smelt** impacts greater than 0 are significant (mandatory finding of significance)
  - Operational impacts of greater than 5% are not called significant
  - Impacts to salmon and steelhead inadequate
  - Ignore reduced flows
  - Assume no impact at **fish screens**
  - Fail to assess impacts from **reduced floodplain inundation**

    - **Ineffective mitigation measures**
    - **Fail to use existing life cycle models**
  - Consider feasible mitigation measures, including minimum bypass flows
  - **Delta smelt** impacts
- **Fails to accurately assess impacts to terrestrial biological resources (VII)**
  - Mitigation measures too broad - revise Mitigation Measure Wild-lb – more specificity by species including **ratios/performance standards**
  - Coordination with CDFW not consistently identified
  - **Giant Garter Snake** impacts and mitigation inadequate
  - **Outdated survey information** – inaccurate estimation of impacts
  - Inadequate assessment of impacts to **wildlife refuges – bird strikes associated with powerlines** and overall **impacts to Delevan NWR** as well as surrounding private lands; need to evaluate impacts to **Colusa and Sutter NWRs**
  - No impacts associated with the **TRR**
- **Fails to adequately analyze cumulative impacts and fails to disclose potentially significant adverse impacts to aquatic resources (VIII)**
  - Need to incorporate **WaterFix and Shasta Lake WRI**
  - Cite prior MBK work that identifies significantly reduced Delta outflows and Sac River flows
- **Presentation of Existing Conditions/No Action Alternative is flawed (IX)**
  - Appendix 12F
  - Appendix 6A
  - Examples of misleading and inaccurate descriptions of modeling results

Additional Analysis Requested:

1) Explanation of range of alternatives and reasons for considering single operational alternative;

2) Address environmental baseline flaws such as contract delivery assumptions, failure to include climate change, Shasta RPA, Yolo Bypass

3) Analyze more alternatives such as: alternatives that reduce water diversions from Sac River (especially in wet year types and during moderate and low flows), alternative that would not result in substantial reduction in Delta outflow, alternative that increases Delta outflow in winter and spring, and alternative that is consistent with Waterfix operational requirements;

4) Need to include evaluation of CDFW potential operational criteria to protect flow and reduce impacts on native fish species,

5) Consider other storage alternatives (groundwater storage, conjunctive use etc.);

6) Update CALSIM model to the most recent model

7) 7) Need FWCA report

8) Reanalysis of impacts to Aquatic and Terrestrial resources including updated surveys and mitigation measures for potentially significant adverse impacts

AquAlliance Letter (1/15/18) #17

- **CEQA lead should be DWR** given DSOD oversight and need to coordinate operations with SWP
- **Inadequate project description** – lacks detail/inappropriate impact analysis, improper

segmentation of environmental review (cites tie with SVWMA), seismic activity not addressed, **deferred surveys**, inadequate statement of objectives/P&N

- **Hydrology/water quality (selenium, mercury, hazardous materials, salt)** impacts,
- Additional **wetland survey and mitigation** required, stream flow depletion, concerns related to past CVP/SWP operations and regulatory processes/documents and supposed to tie Sites operations and intentions
- **Cultural resources** evaluations, impacts, and mitigation not completed or appropriately identified (including cumulative impacts)
- **Cumulative impacts** not fully analyzed including recent water transfers – provides many projects/actions suggested to be included

Pacific Coast Federation of Fisheries Associations/Institute for Fisheries Resources/Save California's Salmon/San Francisco Baykeeper/Winnemem Wintu Tribe (1/15/18) #20

- EIR/EIS should be prepared a part of a **FERC license application**; numerous deficiencies
- Use of **Existing Conditions/No Project/Action baseline** biases the analysis and avoids CEQA mitigation requirements
- Document needs to include an **operations plan and diversion schedule**
- Use of old information in the **modeling**; outdated and insufficient model
- **Cumulative impacts** evaluation needs to identify numerous other projects and actions (provides list)
- States on-going **economic impacts** associated with salmon decline
- **Modeling** is problematic – monthly modeling insufficient for addressing fisheries needs
- EIR/EIS does not discuss **flow management impacts** of the project
- Proposed project does not adequately account for importance of flow fluctuations and fishery habitat needs
- Impacts to important **floodplains (including Sutter and Yolo bypasses)** – need to be identify impact to fish production and water quality
- **Water quality** impacts – diversion will further impact **water temperatures** downstream of the proposed diversions
- Reduced flows from Shasta and Keswick – concerns over **metals and reduced dilution**; reduced cold/fresh water to the Delta
- Potential **salinity** issues from Sites Reservoir releases – need a reservoir management plan
- **Climate change** impacts not evaluated
- **Fishery impacts** not properly addressed – no analysis of current state of Delta or Sacramento

fisheries as well as Sacramento River tributaries and Trinity system.

- No **economic analysis** – cite 8% reduction in appendixes in highwater years and 11% increase in normal years

- Impacts to **Klamath and Trinity River salmon** populations not properly analyzed – need to reference recent legal decisions since ROD

- **Sacramento River/Delta fisheries** impacts not properly analyzed – project will exacerbate current problems – **winter and spring flows** need to be maintained; project would result in increased **Delta reverse flows**

- **Water quality** conditions will encourage propagation of **non-native fish species**
- **Tribal beneficial uses** (i.e. water and salmon) impacts not disclosed as well as **public trust** resources – need to reference **reintroduction of salmon and fish passage above Shasta Dam** and potential Project effects

California Indian Water Commission (1/15/18) #21

- **Support the No Project** – project counterintuitive to the laws of nature

- **Ecological effects of the project inadequately analyzed** – suggest consulting with tribes; access from the top of contributing watersheds

- **Recommend use of Mauri-o-meter** to assess impacts to the environment – considers cultural wellbeing (inclusive of metaphysical aspects), social wellbeing, and economic wellbeing using a series of questions that are filtered through a heuristic model

CSPA/AquAlliance/California Water Impact Network (1/13/18) #23

- **Inadequate project description** – need to identify who will operate project, how decisions will be made, and responsibility including prioritizing use of Sites releases

- **Operating rules** too vague – speculative and hypothetical

- Averaging of **model results** masks real impacts

- Potential **thermal impacts** associated with reservoir releases

- **Insufficient range of alternatives**
    - Does not include more restrictive bypass requirement than existing standards
    - Need an alternative that includes operations with WaterFix in place

- Inadequately addresses required **water right** amount, timing, and **relationship with CVP and SWP**

- No discussion as to how **water transfers** would be facilitated

- Does no disclose impacts associated with **decreased floodplain inundation**

Friends of the River (1/15/18) #24

- Inadequate **project description** – need to identify how the project will be operated, inconsistencies with Reclamation's feasibility report

- Inadequate **range of alternatives** – speculative and hypothetical

- Lack of meaningful information about **water rights** – how will the project insure only tributary water will be diverted to Sites

- Fails to adequately consider **impacts of Sacramento River diversions:**

    - Models – analysis depends on models with known deficiencies
    - Environmental Standards – existing flow standards inadequate
    - Public Lands and Land Use – analysis barely acknowledges public lands along Sacramento River

- Inadequate description of **impacts on Sacramento River water quality**
    - Models inadequate to accurately assess temperature impacts

- Fails to adequately address **reservoir-triggered seismicity** on local communities and structures – needs to fully examine the role of frequent filing/emptying of reservoir in triggering earthquakes

- Inadequate in addressing **greenhouse gases** - recommends use of World Bank's guidelines on GHG measurement

- Inadequate evaluation of **rare plants** – analysis should include guidelines and sufficient information

- Overstates **project benefits for threatened and endangered salmonids** – not a net benefit of Sites

- Other specific comments on Draft EIR/EIS regarding:

    - Range of alternatives – need to look at smaller reservoirs
    - Surface water resources – needs to address water rights over-allocation issue
    - Fluvial Geomorphology – analysis is adversely affected by Sacramento River between Colusa and Red Bluff considered part of Secondary Study area
    - Terrestrial Biology – disputes findings of the technical analysis, mitigation lacks detail
    - Geology, Minerals, Soils and Paleontology – no mention of mercury

- Request **withdrawal of the Draft EIR/EIS**, revision and recirculation

Friends of the River, Sacramento River Preservation Trust, Sierra Club (1/15/18) #25 (expanded version of comments provided in Letter #24)

- Expanded version of Letter #24 – includes all comments list above and:
    - Appendices 6B and 6C – review of appendices indicates alarming flow impacts to the Sacramento River and Sutter Bypass, particularly drought years

- Request withdrawal of the Draft EIR/EIS, revision and recirculation

Klamath Riverkeeper (1/15/18) #27

- Compliance with **California and Federal Endangered Species Acts** – increased Sacramento River flows and increased outflows from the Delta necessary to support native fish and wildlife; EIR/EIS fails to provide a consistent operational plan

- Compliance with **California Reasonable Use Doctrine** not demonstrated - reasonableness requires evaluation of alternative water supplies to meet given need and evaluation of the impacts of new water uses on existing legal uses and water users

- Compliance with **Public Trust Doctrine and Tribal Trust Obligations** – suggests that reduced flows would occur in Sacramento, Trinity and Klamath rivers and failure to comply with Public Trust doctrine and protect Tribal Trust resources

- Must accommodate **Humboldt County's Trinity River water right** – county may wish to preserve its water right to augment rather than satisfy flows to comply ESA

- Fully analyze the **No Project Alternative** – fails to include operational plans and does not evaluate how No Project Alternative could satisfy consumptive and instream water supply needs

- The Final EIR/EIS must demonstrate that future instream flow requirements will not render Sites Reservoir a 'stranded asset"

Save the American River Association (n/d) #30

- Analysis based on false premise that **current flow and water quality standards** for the river are adequate

- Entire project based on the false premise that there is **excess water in the Sacramento River** not needed for the environment

- Urges **new environmental document** be prepared and released for public review

Sierra Club, Shasta Group Mother Load Chapter (1/14/18) #31

- Sacramento River **water temperature** – reliability of the water temperature model, Sites Reservoir will have extremely poor water quality

- **Recreational opportunities** will be practically nonexistent due to shallow lake levels

- Site-specific **geotechnical data** missing

- The **summary of environmental effects** by resource (Table ES-2) reflects the "opinion" of the writers of the report, should be independent review to confirm if 'opinion" is scientific defensible

- Source of rockfill material for riprap - further field investigation is needed to verify local bedrock is suitable

- Number of saddle dams indicative of poor project feasibility

- Sufficient water for agriculture, more water needs to be used in the Sacramento/San Joaquin Delta to i**mprove health of the aquatic habitat** – no mention of crop usage and future food types likely to be used in California in the future and associated impacts

- Funds for this project could be used and distributed to improving the health of the Sacramento/San Joaquin Delta

- Unclear if **hydropower** will be part of the project

- **No new facilities** should be constructed in the Sacramento River

- **No Project/No Action Alternative** should be selected

Sacramento Valley Chapter, California Native Plant Society (1/11/18) #122

- Project will destroy 15,000 acres of intact California **natural communities** including oak woodlands, chaparral, California prairie, riparian areas, and fresh and alkaline wetlands

- **Biological surveys**, including rare plants, inadequate

Save California Salmon, California Sportfishing Protection Alliance, California Water Impact Network, Environmental Water Caucus, Southern California Watershed Alliance, Friends of the River, Pacific Coast Federation of Fishermen's Associations & Institute for Fisheries Resources, Safe Alternatives for our Forest Environment, Butte Environmental Council, Sacramento Valley Chapter of the California Native Plant Society, Protect American River Canyons, Fly Fishers of Davis, Coast Action Group, Friends of the River, Sacramento River Council, Planning and Conservation League, The Environmental Justice Coalition for Water, Golden Gate Salmon Association, Conservation Fly Fishers International Northern California Council, The Bay Institute, Winnemem Wintu Tribe, Water Climate Trust, Chico 350, Women's International League for Peace And Freedom Earth Democracy (March 17, 2019) #140

- Foreseeable Impacts to Trinity River Water Temperature Objectives Associated with Sites Project Operations Need to be Evaluated with an Accurate Temperature Model.
- Foreseeable Impacts to Trinity River Water Temperature Objectives Associated with Sites Project Operations Need to be Evaluated with an Accurate Temperature Model.
- Inaccurate Existing (Baseline) TRD Water Operations.
- Incomplete Cumulative Impact Assessment Pertaining to TRD Operations.
- Mitigation for Trinity/Lower Klamath Impacts. Effective mitigation measures must be recommended to ensure that fishery/fish habitat management objectives for the Trinity River and lower Klamath River will be met. The Bureau of Reclamation has used the auxiliary outlet on Trinity Dam to release colder water during drier years, but this action results in the loss of power generation and this impact on CVP power generation needs to be evaluated as it relates to revised Trinity operations as proposed for Sites.
- Narrow Scope of Alternatives.
- No Action Alternative and Existing Conditions. Assuming the existing conditions and No Action alternatives are the same is inappropriate, compromises the ability to compare impacts across alternatives, and may minimize the magnitude of some of the impacts. The faulty assumption that State and Federal water contractors would be projected to use their full contracted water volumes (2030 projected conditions) does not reflect the current water management (existing condition) and likely provides inaccurate impact results. Because of this, the no action alternative minimizes potential impacts and greatly reduces the mitigation responsibilities required under CEQA.
- Sites Project Water Rights and Potential Unforeseen/Undisclosed Impacts.
- Cumulative Impacts.
- Sites Reservoir Operating Procedures/Priorities Absent.
- Compliance with California Endangered Species Act (CESA).
- Tribal Consultation and Mitigation Absent.

- Hydropower Licensing.
- Environmental Baseline/Modeling.
- Bypass Flows and Diversion Rates.
- Reduced Delta Outflows and impacts on Delta Smelt and Other Important Bay-Delta Species.
- Delta and Longfin Smelt Impacts due to Old and Middle River Reverse Flows.
- Water Quality and Beneficial Use Impacts.
- Sacramento River Flow and Temperature Modeling.
- Sacramento River Temperature Effects.
- Impacts to Floodplain Habitat.
- Evaluation of Fishery Impacts Lacking.
- Water Quality
    - Toxic Metals.
    - Methylmercury.
    - Noxious Algal Blooms.
    - Salinity.
- Geomorphology.
- Entrainment Losses of Native Fish.
- Fish Screens.
- Impacts on Funks and Stone Corral creeks.
- Reservoir Fishery Impacts from Pumping Plant Operation:
- Recreation.
- Wildlife Mitigation Actions.
- Need for a Natural Community Conservation Plan (NCCP).
- Nesting Birds.
- Giant Garter Snake.
- Botanical Surveys. Information contained in the DEIS/EIR is insufficient to determine the impacts on botanical resources within the Sites Project area. Botanical surveys must be redone, data included in the DEIS/EIR are from the late 1990's and early 2000's, and must include all areas affected by the project. Accepted scientific protocols should be used to conduct these surveys.
    - Botanical Resources Mitigation.

Letters from Tribal Governments

Colusa Indian Community Council (January 4, 2018) #4

- Project will have a direct impact on the **Indian Trust Assets** of the CICC, Tribal Trust Lands and several Fee Simple Lands owned by the Tribe coated downstream

- Need to ensure **water availability** to meet Tribal water demands; Bureau of Reclamation could provide funding to the Tribe to address water supply impacts of the project

- Delevan Intake/Discharge Facility will lead to **increased erosion downstream** which could impact Tribal Water Diversion downstream.

- Impacts to **cultural resources** including burials within the reservoir footprint and the vicinity of the Sacramento River.

- Construction of the Delevan pipeline will require **traffic diversions** that will impact Tribal Fee Land and put Tribal **agricultural land** out of production.

Karuk Tribe (3/6/19) #139

- **Tribal Consultation and Mitigation** absent - no consultation outside of footprint area, need to conduct additional AB 52 consultation

- Need to 'honestly' evaluate **foreseeable impacts to Trinity River water temperature objectives** associated with project operations – revised Trinity River Division (TRD) water operations associated with Sites Projects violates 2000 Trinity Record of Decision (ROD)

- Need to analyze foreseeable impacts to the Trinity River associated with **Trinity Lake carryover storage –** analysis assumes minimum Trinity Reservoir carryover storage, without sufficient carryover storage would not achieve Trinity River temperature objectives

- Inaccurate **baseline associated with TRD** water operations – analysis did not consider use of Humboldt County's 50 TAF water contract included in the Trinity River Division Act

- Effective **mitigation for Trinity River/Lower Klamath impacts** needed

- Incomplete **cumulative impact assessment** pertaining to TRD operations – impact of carryover storage to meet **temperature objectives** during multi-year droughts; impact on **CVP power generation**

- Any adverse impacts on **fishery resources of the Karuk Tribe** need to be thoroughly evaluated and disclose