APPENDIX E
REPORT ON PUBLIC SCOPING FOR THE EIS/EIR ON MEETING FLOW OBJECTIVES FOR VAMP, 1999–2009

The Bureau of Reclamation (Reclamation) and the San Joaquin River Group Authority (Authority) distributed a Notice of Preparation of a Joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on supplying water to meet the flow objectives for the proposed Vernalis Adaptive Management Plan (VAMP) on November 25, 1997 to about 160 agencies and individuals. The notice announced three public scoping meetings for January 6–8, 1998, and requested that comments on the content of the EIS/EIR be submitted by January 16, 1998. This appendix summarizes the comments received in both oral and written form on the content of the EIS/EIR.

E.1 AGENCIES WHO COMMENTED

In addition to members of the Authority (districts and law firms representing districts), the following agencies sent representatives to the public scoping meetings and/or provided written comments (in italics):

State Agencies:
Central Regional Water Quality Control Board
Department of Water Resources, SWP Operations
Department of Food and Agriculture
State Water Resources Control Board

Local Agencies:
Contra Costa Water District
San Joaquin County
San Joaquin Valley Unified Air Pollution Control District
South Delta Water Agency
Stanislaus County (by Michael G. Heaton)
Stanislaus County Environmental Review Committee
Stanislaus County Department of Environmental Resources
Stanislaus County Planning Department
Stockton East Water District (by Herum, Crabtree, Dyer, Zolezzi & Terpstra, LLP)
Tuolumne Utilities District (by Michael G. Heaton)

In the following summary of comments, a comment received in writing by the same person giving the comment orally takes precedence over the oral comment. In other words, the comment received in writing is assumed to be a more accurate version of the same comment that is reported in the minutes. The comments are provided below in Section 2 as written in a letter or as close to what was stated (from the minutes) as possible with no editing that could affect the meaning or content.

E.2 SUMMARY OF COMMENTS

Many of the questions asked were informational about VAMP or Reclamation programs. These informational questions are addressed in the minutes of the meetings and are not summarized here. Comments included here are those that affect the content or scope of the EIS/EIR.

E.2.1 Project Description

1. What are the most likely sources of water? Can you pump groundwater or purchase water from further downstream?

2. Is the EIS/EIR going to cover both the water acquisition program and VAMP itself? Presumably VAMP is not subject to CEQA and NEPA.

3. When you are putting VAMP together and the flows, are you looking also at X2?

E.2.2 Alternatives to Proposed Project

1. The New Melones operation is part of the base flow and will be providing a large portion of the flow down the river. It is the flow for the lower Stanislaus River. We also must look at the water quality requirements.

2. Recirculation of water using water released from the San Luis Reservoir and/or the Delta-Mendota Canal.

3. Releases of water from all available sources in the San Joaquin River Basin.

4. The EIS/EIR must include a range of alternatives which would avoid impacts on environmental resources related to agriculture, even if this to some degree impairs achieving the goals of the project.

5. What alternatives are available to the project and whether or not multi-use of water can be achieved rather than single purpose uses.

E.2.3 General Environmental Impacts

1. What happens during the remainder of the year, after the spring pulse flows? What are the trade-offs?

2. The acquisition of environmental resources, such as water, and redirection of these resources to other uses constitutes a significant adverse impact on the existing environment, regardless of the new purpose or place of use.

3. CDFA supports relying on free market transactions with willing sellers rather than less voluntary approaches. However, the motives of sellers of environmental resources does not have any bearing on the requirements of CEQA to avoid, reduce, and mitigate significant adverse impacts on the environmental resources involved.

E.2.4 Specific Environmental Impacts

E.2.4.1 Water Resources (Supply/Quantity and Quality)

1. Impact on the Eastern San Joaquin Groundwater Basin from the acquisition of water on the San Joaquin river tributaries.

2. Impact on water supply availability to the Stockton East Water District from the New Melones Project.

3. What is the impact of VAMP on the long-term operations of New Melones Reservoir, and particularly, the impact of VAMP on the availability of Stanislaus River water for existing and reasonably foreseeable future Stanislaus River In-Basin needs? In other words, does the reallocation of Stanislaus River/New Melones water adversely impact the ability of local agencies such as TUD to develop future water supplies or impair the ability of local agencies to exercise their watershed, basin, or area of origin priorities? The analysis of this question would seem to depend on the relative priority of VAMP obligations as against Stanislaus River in-basin obligations.

4. To the extent applicable, there should be an analysis of the impact of reductions of use of surface water from the Stanislaus and Tuolumne rivers in Stanislaus County on groundwater usage in Stanislaus County. In other words, will the water acquisitions for VAMP be offset locally by increased groundwater pumping, and if so, what will be the impact on local groundwater resources?

5. How changes in flow schedules affect downstream water quality and quantity in the different year types.

6. How sales and transfers of water affect downstream water quality and quantity.

7. Water quality impacts in the Delta and upstream may be of interest. Modeling needs to be consistent with what the SWRCB requires.

8. We will have to analyze how VAMP may influence X2.

9. Impact on the New Melones Project's ability to meet water quality objectives at Vernalis including the impacts associated with a different release pattern/timing of releases caused by the acquisition of water on the tributaries.

10. The effects on south Delta water quality, quantity, and flow of changes in export pumping rates including the effects on the ISDP (Interim South Delta Program).

E.2.4.2 Fish and Wildlife

1. Impact of modified flows on fish and wildlife resources in the San Joaquin river basin.

E.2.4.3 Land Uses/Socioeconomic/Public Services

1. Decisions related to exports may have an economic impact. Final CEQA documentation must support two findings: (1) that such transfer will not injure any rightful user of water, and (2) that it will not have any harmful effect on fish and wildlife.

2. Impact on land uses in San Joaquin County including agricultural uses from the acquisition of water on the San Joaquin River tributaries.

3. To the extent that VAMP water acquisitions result in reductions in surface water usage in Stanislaus county which are not offset by increased groundwater pumping, there should be an analysis of "third party" impacts of such reductions in surface water use, particularly the impacts on public and social services demands, reduced tax revenues and related impacts.

4. To the extent there are unavoidable impacts on environmental resources related to agriculture, there must be measures to reduce or mitigate these impacts to insignificant levels.

5. The economic effects of items 5 and 6 in Section 2.4.1 above.

6. How sales and transfers of agricultural water supplies affect and/or contradict other public policies such as zoning and the Williamson Act.

E.2.4.4 Air Quality

1. Based on the information provided, it appears that this project will have a less-than-significant impact on the ambient air quality. However, if any construction or earth

moving activities are planned, this project would be subject to District Regulation VIII (Fugitive Dust Prohibitions).

E.2.4.5 Cumulative Impacts

1. What is the cumulative impact of VAMP on top of other transfer activities going on? Are we going to see more groundwater pumping?

2. There should be an analysis of the cumulative impacts of VAMP together with other water acquisition and water transfer projects on the San Joaquin system and particularly the Stanislaus River. The issue is what is the cumulative impact of the reallocation of surface water supplies for environmental purposes in the Delta on local agricultural production, economic development, groundwater resources and the local environment.

3. The cumulative effects on water quality and quantity of other ongoing and proposed projects.

E.2.4.6 Other Concerns

1. The legal prerequisites to flow changes and transfer of water.

2. The environmental documents would be inadequate if they do not examine from whom sale water is purchased. The effects of transfers may vary depending on what tributary they are made.

3. The document should include a complete description of the existing conditions (e.g., CVP effects on San Joaquin River and South Delta water quality and quantity). It should be made clear that current Bureau operations as well as those proposed in VAMP anticipate violations of the Bureau's New Melones permit requirements to maintain Vernalis water quality.

4. It was stated that this EIS/EIR is for the "acquisition" of water for the VAMP fish experiments and is not for the experiments themselves per se. Since it is unknown whether of not there will be a separate EIS/EIR for the actual VAMP fish experiments, it would seem necessary for this EIS/EIR to address, in detail, the possible impacts that the fish experiments may have on South Delta water users including the SWP and CVP.

5. The EIS/EIR must not only analyze the impacts associated with the above resource areas, but must also fully analyze the related subsidiary effects of that taking the projected action will have on the related resources.